

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: SUSIE MURRAY, SENIOR PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
SUBJECT: REQUEST FOR SUMMARY VACATION OF ONE STORM DRAIN  
EASEMENT THAT BISECTS THE PROPERTY LOCATED AT  
5173 HIGHWAY 12, ASSESSOR'S PARCEL NO. 183-410-060  
(FILE NO. VAC22-001)

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution: 1) approve a summary vacation of the storm drain easement that bisects the property at 5173 Highway 12, to allow the development of Mahonia Glen, a 99-unit, affordable housing project; and 2) delegate the authority to the City Engineer to execute a quitclaim deed and/or any other documents necessary to effectuate the summary vacation.

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EXECUTIVE SUMMARY

The applicant seeks approval of a summary vacation of the storm drain easement (SDE) that bisects 5173 Highway 12. Site drainage has been designed to allow the development of Mahonia Glen, a 99-unit affordable housing project, and the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. In addition, no other public utilities are located within the easement.

BACKGROUND

Mahonia Glen is an approved project that involves the redevelopment of the former Prickett's Nursery site at 5173 Hwy 12. This affordable housing project was approved in June 2020 pursuant to Senate Bill 35, which mandates a streamlined, ministerial review process for projects which would typically require discretionary design review. The multi-structure housing complex will include 99 residential units, 98 of which will be deed-restricted as affordable housing and one of which will be reserved for an onsite manager. The campus will also have a community building, outdoor common areas,

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trash and storage areas and parking. MidPen Housing is the applicant and operator of the housing development.

On April 20, 2022, Planning and Economic Development received an application seeking a summary vacation of the subject easement. Vacating the easement is necessary for the construction of the Mahonia Glen housing project because no structures are allowed within storm drain easements.

### PRIOR CITY COUNCIL REVIEW

Not applicable.

### ANALYSIS

Vacation procedures are established by State law. Pursuant to Streets and Highways Code Section 8333, the City may summarily vacate a public service easement in any of the following cases:

- (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
- (b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.
- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

Pursuant to Section 8333(a), the City may summarily vacate the subject storm drain easement because the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. No public utilities are located within the SDE. The subject easement also included provisions allowing utility companies to utilize the easement area. The City has received written verification from all listed utility companies referenced in the easement releasing interest in the Easement area.

### FISCAL IMPACT

Approval of the requested summary vacation will not have an impact on the General Fund.

### ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) in that on June 29, 2020, the Mahonia Glen project was found in compliance with the CEQA pursuant to Senate Bill 35, which allowed a ministerial, streamlined process, rendering it

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exempt from CEQA. The requested summary vacation falls within the scope of the approved project and, therefore, no environmental review is required.

In addition, this action is categorically exempt from CEQA because it meets the description of Minor Alterations in Land Use Limitations, pursuant to CEQA Guidelines Section 15305. Specially, the project does not result in any changes to land use or density and the project site has an average slope of less than 20 percent.

### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

### NOTIFICATION

No public notice is required for the summary vacation of the proposed public service easement. This item was noticed on the Agenda for the July 26, 2022, Council meeting.

### ATTACHMENTS

- Attachment 1 - Disclosure Form
- Attachment 2 - Location Map
- Attachment 3 - Project Proposal Statement and Required Exhibits
- Attachment 4 - Mahonia Glen Approval Letter, dated June 29, 2020
- Resolution/Exhibit A

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