

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: KRISTINAE TOOMIANS, SENIOR PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT  
SUBJECT: REQUEST FOR SUMMARY VACATION OF AN  
APPROXIMATELY 1,700-SQUARE-FOOT PUBLIC SERVICE  
EASEMENT ALONG THE WEST PROPERTY LINE OF A  
PROPERTY AT 2220 MERCURY WAY, LOCATED ON THE  
SOUTH SIDE OF MERCURY WAY, APPROXIMATELY 100-FEET  
WEST OF APOLLO WAY. APN 035-490-032 – FILE NO. VAC18-  
002

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve a summary vacation of a 1,700-square-foot public service easement, located along the west property line of a property at 2220 Mercury Way.

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EXECUTIVE SUMMARY

Ronald Neulinger, the property owner of 2220 Mercury Way, seeks Council approval of a summary vacation of an approximately 1,700-square-foot public service easement. The 10-foot wide public service easement is located along the span of the west property line, and it has not been used for public utility purposes for more than 5 consecutive years.

PROPERTY HISTORY

A 10-foot wide public service easement was recorded on February 6, 1963 along the span of the west property line of 2220 Mercury Way. The easement has never been used for public utility purposes. The applicant provided a certified underground exploration report of the public service easement, which determined that there are currently no utilities present in the existing easement.

On May 3, 2018, the Zoning Administrator approved plans for an approximately 3,200-square-foot craft spirits distillery on the subject property. The approved plans include the vacation of this easement. The applicant indicated that he plans to sell the subject property with the approved entitlement, and that the removal of public service easement will allow for the orderly development of the subject property. The removal of the public service easement is required to enable a future property owner to develop the subject property as approved.

## BACKGROUND

### 1. Project Description

The project involves a request for a summery vacation of a 1,700-square-foot public service easement that spans the west property line of a property at 2220 Mercury Way.

The applicant has provided to the City a "Subsurface Investigation Report" prepared by Pacific Coast Locators, Inc. of La Crescent, CA, dated January 17, 2018. The Report concluded that no utilities are located within the Public Utility easement (PUE) along the westerly property line of Lot 10, the subject public service easement.

On May 3, 2018, the Zoning Administrator approved plans for an approximately 3,200-square-foot craft spirits distillery. The applicant indicated that he plans to sell the subject property with the approved entitlement, and that the removal of subject public service easement will allow for orderly development of the subject property. The removal of the public service easement is required to enable a future property owner to develop the property as approved. The approved plans include the vacation of this easement.

### 2. Surrounding Land Uses

North: Developed Kaiser medical offices, and other general office uses

South: Vacant

East: Developed - Retail

West: Kaiser medical office and parking lot

The subject property is located within a mostly undeveloped island, bounded by Mercury Way, Apollo Way, and Corporate Center Parkway, in southwest Santa Rosa. The areas directly north and west are developed with Kaiser medical office buildings, as well as other general business tenants. There is a wholesale/retail business developed to the west. The area to the immediate south is a vacant, undeveloped field. The general area is developed as a business park with a mixture of larger buildings, with mostly industrial and office uses.

3. Existing Land Use – Project Site

The subject property is currently a vacant field but has approval from the Zoning Administrator to construct a 3,200-square-foot craft spirits distillery (File No. DR17-071). The public service easement proposed for vacation has never been used for public utility purposes.

4. Project History

A 10-foot wide public service easement was recorded on February 6, 1963 along the span of the west property line of 2220 Mercury Way. The easement has never been used for public utility purposes. The applicant provided a certified underground exploration report of the public service easement, which determined that there are currently no utilities present in the existing easement.

On May 3, 2018, the Zoning Administrator approved plans for an approximately 3,200-square-foot craft spirits distillery. The approved plans include the vacation of this easement. The removal of the public service easement is required to enable a future property owner to develop the property as approved.

PRIOR CITY COUNCIL REVIEW

None.

ANALYSIS

Vacation procedures are established by the California Public Streets, Highways, and Service Easements Vacation Law, which is implemented through the California Streets and Highways Code (Code). Pursuant to Section 8333 of the Code, the City may summarily vacate public service easements if the easement has not been used for more than five consecutive years, the easement has been determined to be excess and there are no other public facilities located within the easement. This public service easement meets each of these requirements.

ANALYSIS

1. General Plan

The General Plan land use designation for the subject site is Business Park, which allows and envisions visually attractive centers for businesses which do not generate nuisances (noise, clutter, noxious emissions, etc.). This designation accommodates campus-like environments for corporate headquarters, research and development facilities, offices, light manufacturing and assembly, industrial processing, general service, incubator-research facilities, testing, repairing, packaging, publishing and printing, and research and development facilities.

The proposed public service easement vacation will encourage orderly development of the subject property, which would be consistent with the General Plan. The approved plans for the distillery include the vacation of this easement. As discussed, the City has never used the public service easement for public services.

## 2. Zoning

The subject site is zoned BP – Business Park, which is applied to areas appropriate for planned, visually attractive centers for business that do not generate nuisances (noise, clutter, noxious emissions, etc.). This zone accommodates campus-like environments for corporate headquarters, research and development facilities, offices, light manufacturing and assembly, industrial processing, general service, incubator-research facilities, testing, repairing, packaging, and printing and publishing.

Vacating the public service easement will allow for orderly development of the site. The approved plans for the distillery include the vacation of this easement.

## FISCAL IMPACT

The existing public service easement was never used by the City for public utility purposes since it was recorded in 1963. Removal of the easement will aid in the orderly development of the subject property.

## ENVIRONMENTAL IMPACT

The vacation of the subject public service easement is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, minor alterations in land use limitations.

## BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable for this project.

## NOTIFICATION

No public notice is required for the proposed right-of-way vacation.

## ISSUES

The City has no unresolved issues with the proposed project.

## ATTACHMENTS

- Attachment 1 -- Disclosure Form
- Attachment 2 – Location and Neighborhood Context Map

- Attachment 3 – Engineering Development Services Memo
- Attachment 4 – Resolution for DR17-071 (Seasonal Spirits)
- Resolution – Summary Right-Of-Way Vacation
- Exhibits A – Right-Of-Way Vacation
- Exhibit B – Plat to Accompany Description

CONTACT

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