

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: PATRICK STREETER, SENIOR PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT  
SUBJECT: REQUEST TO SUMMARILY VACATE 1014 SQUARE FEET OF  
PUBLIC RIGHT-OF-WAY ON MELITA ROAD AND REQUEST  
FOR A DETERMINATION OF SURPLUS PROPERTY AND  
DISPOSITION OF SURPLUS PROPERTY FOR A 683 SQUARE  
FOOT PARCEL AND A 986 SQUARE FOOT PARCEL NEAR THE  
PROPERTY LOCATED AT 5850 MELITA ROAD – FILE NO.  
VAC16-001

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 public right-of-way easement (RoW) and make determinations and dispositions of surplus property to clear title on historic encroachments of the existing Melita Station building and to create a clear path of travel for proposed pedestrian improvements along Montgomery Drive.

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EXECUTIVE SUMMARY

Episcopal Senior Communities (ESC), which owns the property at 5850 Melita Road, also known as the Melita Station Inn (the Inn), has applied for a summary vacation of a public right-of-way easement (RoW) as well as a determination and disposition of surplus property for an area of approximately 1,700 square feet adjacent to the Melita Station Inn parcel and other vacant property owned by ESC. The purpose of the request is to clear title for portions of the building that have historically encroached onto City property and RoW. Additionally, the application involves a request for determination of surplus property for a triangular 986 square foot segment of the parcel containing Montgomery Drive. Disposition of this parcel through quitclaim to the applicant would accommodate improvements proposed to Montgomery Drive that would, in addition to linking the applicant's adjacent properties, provide a public benefit by facilitating new connections to the pedestrian network in the area. Because it lies beneath an existing structure, the Melita Road surplus parcel has not served a public

purpose in several years. Both of the parcels proposed for determination of surplus property have been determined by City staff to be undevelopable.

## BACKGROUND

### 1. Project Description

The project proposes disposition of three distinct parcels that are currently under City control but are providing no public benefit. The purpose of this request would be to clear title and maintain access to existing Episcopal Senior Communities (ESC) property and to accommodate construction of pedestrian improvements along Melita Road and Montgomery Drive. The project involves one request for vacation of public easement right-of-way and two requests for determination of surplus property with associated disposition to the adjacent property owner.

#### *Melita Road Vacation*

The project includes one request for vacation of public easement right-of-way for 1,014 square feet of Melita Road that lies beyond the existing curb and gutter and beneath portions of the existing Melita Station Inn building. Records indicate that the Inn was constructed in 1924. Melita Road was recorded in 1881 as a 50-foot wide “public road and highway.” Despite the 50-foot right-of-way, improvements (pavement and curb) are limited to approximately 30 feet across. When half the road right-of-way, 25 feet, is measured from the street centerline, a portion of the RoW lies beneath the Inn building and beneath the landscaping and pedestrian pathway in front of the Inn.

#### *Surplus Property in Melita Station Inn Side Yard*

Directly adjacent on the south to the Inn property, an irregular parcel, owned by the City, hosts the intersection of Melita Road and Montgomery Drive. A portion of this parcel, Assessor’s Parcel Number (APN) 031-101-033, lies outside of the curb and beneath landscaping and a deck belonging to the Melita Station Inn. The applicant requests that the Council declare this 683 square foot portion of the parcel, which has historically operated as the side yard to the Inn, to be surplus property.

#### *Surplus Property in Driveway*

Approximately 500 feet west of the Inn, a driveway provides access to two parcels owned by ESC. Within this driveway, a triangle, measuring 986 square feet, is mapped as part of Montgomery Drive. As with the side yard case above, this segment of Montgomery Drive is contained within a City-owned parcel, APN 031-080-033, and is not functioning as City right-of-way. Disposition of this triangular property to the adjacent property owner would eliminate the irregularly shaped frontage line for the properties along this segment of Montgomery Drive.

*Pedestrian Pathway*

As a public benefit to result from the conveyance to ESC of the surplus property and right-of-way described above, ESC proposes to construct a pedestrian pathway, including crosswalks across Melita Road, that would link properties on the eastern side of Melita Road with the existing pedestrian facilities adjacent to the Spring Lake Village development at 5555 Montgomery Drive. Staff is proposing that the development of this path be a condition to Council Resolution approving vacation of right-of-way and the declaration and disposition of surplus property.

2. Surrounding Land Uses

Each of the properties requested to be declared surplus are bound by Montgomery Drive to the south and the Santa Rosa Creek diversion and Annadel Park beyond. The triangular driveway parcel borders three residential parcels: Spring Lake Village Continuing Care Retirement Community, a single-family home, and a vacant residential lot. Each of the three parcels are owned by ESC. The other requested surplus property is bordered by the intersection of Melita Road and Montgomery Drive and is directly adjacent to the Melita Station Inn building, which is proposed to provide short-term accommodations to visitors of Spring Lake Village. The Melita Road vacation parcel lies along Melita Road between the Melita Station Inn building on the southwest and single-family residential development to the northeast.

3. Existing Land Use – Project Site

As described above, the triangular property is paved and operating as a driveway, the property at the intersection of Melita Road and Montgomery Drive has a deck and landscaping and is operating as the side yard to the Melita Station Inn building, and the vacation parcel is developed with a portion of the Inn building as well as landscaping and a pedestrian path.

4. Project History

In 2014, Episcopal Senior Communities engaged the City of Santa Rosa in discussion of the proposed pedestrian pathway described above and the vacation of public right-of-way and declaration of surplus property proposed to accommodate the pathway.

On January 27, 2016, formal applications for vacation and declarations of surplus were submitted to Planning and Economic Development.

On April 22, 2016, a letter detailing project issues and comments was sent to the applicant.

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On August 22, 2016, a response to project issues was received by staff and the project was deemed complete.

#### PRIOR CITY COUNCIL REVIEW

Not applicable to the proposed project.

#### 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 8331 of the Code, the City may summarily vacate public right-of-way if it has been impassable for five consecutive years and no public money has been expended for its maintenance during that period. The Melita Road right-of-way in question has historically been a component of the Melita Station Inn site, with landscaping, a pathway, and a portion of the building. There are no plans in the General Plan or the Capital Improvement Program to utilize the requested vacation parcel and any future widening of Melita Road would be inconsistent with existing development. Based on these findings, it is staff's determination that a summary vacation of right-of-way is the appropriate procedure by which to address this portion of the application.

The City has an existing policy regarding the declaration and disposition of surplus land; Council Policy Number 000-10, ESTABLISHING A POLICY FOR SALE OF SURPLUS LAND, which provides that lands that are not developable and adjacent to only one landowner, may be disposed of through a process of negotiation, "provided the purchase price is reasonable in relation to the appraised value." In addition, state law sets forth certain requirements for surplus land unless it may be found exempt. In this case, the two surplus parcels are less than a combined total of 5,000 square feet and are adjacent only to one landowner (though separate adjacent parcels), and thus pursuant to California Government Code Section 54221, are exempt from the state law notice and offer requirements. Both properties make up irregular portions of the City-owned lots that are outside of the established Montgomery Drive right-of-way. Neither parcel would be developable on its own and City staff can identify no benefit to the City in maintaining ownership. By transferring the proposed surplus parcels to Episcopal Senior Communities, the owner of the adjacent lots, and merging the property into said adjacent lots, the City would benefit through creation of additional taxable real property and the facilitation of the construction of a pedestrian pathway along Montgomery Drive and across Melita. Staff has determined that the cost and value of this proposed path exceed the combined value of the two surplus parcels. For these reasons, staff supports a determination of surplus property and disposition of these parcels to ESC, the adjacent property owner.

#### FISCAL IMPACT

Approval of this action would convert underutilized City right-of-way and roadway

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property to taxable real property and result in the construction of a public pedestrian pathway, with no additional cost to the City.

ENVIRONMENTAL IMPACT

Although ESC is engaged in other development projects within the vicinity of the proposed project, this Council action and the proposed pedestrian path would be separate and independent of any other projects, which would require an independent analysis under CEQA. As such, this action is categorically exempt from the California Environmental Quality Act (CEQA) because it involves a minor alteration in land use limitations, pursuant to CEQA Guidelines section 15305.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable to this project.

NOTIFICATION

On February 23, 2016, a Notice of Application was mailed to nearby property owners. To date no comments related to this project have been received by City staff.

This pending action was posted to the April 18, 2017, Council agenda.

ISSUES

The City has no unresolved issues with the project as proposed.

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Location Map
- Attachment 3 – Project Proposal
- Attachment 4 – Proposed pedestrian path
- Attachment 5 – Letter from Barbara J. Schussman, dated December 8, 2014
- Resolution – Summary Vacation, Declaration of Surplus Property, Disposition of Surplus Property/Exhibits

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