

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: MONET SHEIKHALI, CITY PLANNER
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: REQUEST FOR SUMMARY VACATION OF THREE (3) 25-FOOT
BY 3-FOOT UNUSED PUBLIC UTILITY EASEMENTS LOCATED
AT 2900 AND 2934 MCBRIDE LANE AND 1142 STATE FARM
DRIVE, ASSESSOR'S PARCEL NUMBERS 015-492-019, 015-
492-017, AND 015-492-006
FILE NO. VAC21-003

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve a Summary Vacation of three (3) 25-foot by 3-foot unused Public Utility Easements that conflict with existing buildings and serve no public utility infrastructure.

EXECUTIVE SUMMARY

The property owner seeks Council approval of a Summary Vacation of three (3) Public Utility Easements that were created in 1963 by the subdivision map "Santa Rosa Professional Park Subdivision No.1" (Attachment 3, 94 Maps 1-4). These easements are ineffectively located under three existing buildings operated with commercial/office uses, two of which are proposed to be remodeled for a new residential use. In addition, the existing easements do not serve any public utility infrastructure.

PROJECT BACKGROUND

The Subdivision Map was recorded on August 14, 1963, and it included three (3) Public Utility Easements. The current buildings were constructed, and the easements were ignored. Since the approval of the map in 1963, those easements have never been used for public utility purposes.

In September 2019, an application (PRJ19-038) for Design Review and Density Bonus was submitted to convert two existing commercial buildings into 14-unit multifamily units, which included one very low-income affordable unit on site. The project was

approved by the Zoning Administrator on September 3, 2020. The abandonment of all public easements that conflict with any portion of this project was one of the conditions of approval from the Engineering Division.

In December 2020, a Lot Line Adjustment application (LLA20-011) was submitted to merge two parcels 015-492-019 and 015-492-017 into one parcel and to adjust the property line between parcels 015-492-017 and 015-492-006 to provide 5-foot distance from the existing building located on parcels 015-492-019 and 015-492-017. The Lot Line Adjustment application was approved by the Engineering Division on July 19, 2021.

On April 7, 2021, Paul Bartholow from Brelje & Race Consulting Engineers, the applicant representative, submitted an application for a Summary Vacation for three (3) Public Utility Easements.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

Vacation procedures are established by the 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.

The proposed public service easement vacations may be acted upon because the easements have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation (Section 8333 (a)) in that the easements have not been utilized since 1963 when the Final Map was approved and the buildings were constructed. The easements have been determined to be excess by the easement holder (Section 8333(c)) in that Planning Staff has received correspondence from AT&T and PG&E confirming that these easements are not needed or determined to be excess by these easement holders, and there are no other public facilities located within the easements. .

FISCAL IMPACT

Approval of the requested Summary Vacations would not have an impact on the City's General Fund.

ENVIRONMENTAL IMPACT

This action is categorically exempt from the California Environmental Quality Act (CEQA) because it meets the description of Minor Alterations in Land Use Limitations, pursuant to CEQA Guideline 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 hearing notice is required for the proposed Summary Vacations. This item was noticed on the Agenda for the November 9, 2021, meeting.

ISSUES

City staff has no unresolved issues with the project.

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Location Map
- Attachment 3 – 94 Maps 1-4
- Attachment 4 – Exhibit A Legal Description for Vacation of Public Utility Easement
- Attachment 5 – Exhibit B Plat to Accompany Legal Description
- Resolution
- Exhibit A – Legal Description for Vacation of Public Utility Easement
- Exhibit B – Plat to Accompany Legal Description

CONTACT

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