



**DATE:** February 23, 2016

**CATEGORY:** Public Hearing

**DEPT.:** Public Works

**TITLE:** **Vacation of Public Easements on Pacific Drive and Adjacent Parking Area**

### **RECOMMENDATION**

Adopt a Resolution Ordering the Vacation of Public Easements on Pacific Drive and Adjacent Parking Area, to be read in title only, further reading waived (Attachment 1 to the Council report).

### **BACKGROUND**

On November 6, 1985, the City was granted a public service easement over a small portion of the subject property. The storm drain that once occupied the easement has since been relocated and the easement is no longer needed.

On April 16, 1997, the City was granted a parking, access, and public utility easement over portions of the subject property that include the eastern terminus of Pacific Drive and parking lot. Access and utility use is still needed and this easement is to be replaced by a public street easement and a public access easement.

On October 28, 2014, the City Council approved a Planned Community Permit for 16 small-lot, single-family homes and a Heritage Tree Removal Permit for the removal of two Heritage trees at 400 Pacific Drive (previously known as the Antenna Farm). The Subdivision Conditions for the development (Application No. 040-13-TM) include vacating all existing easements that are or will no longer be needed, including the existing public parking, access, and public utility easement, and the existing public service easement. The development will be dedicating a 48' public street easement for Pacific Drive and dedicating a public access easement over the adjacent parking area.

On January 26, 2016, the City Council adopted a Resolution of Intention (Resolution No. 18021, Series 2016) to vacate public easements on Pacific Drive and the adjacent parking area and set February 23, 2016 as the date for a public hearing on the vacation. The

purpose of the public hearing is to hear all persons interested in or objecting to the proposed vacation.

## ANALYSIS

The proposed vacations, in conjunction with the dedications required for the development, serve to clean up the easements to reflect the current requirements and uses of these areas. The easements recommended for vacation are located over two areas:

1. The eastern terminus of Pacific Drive.
2. A parking lot adjacent to both Pacific Drive and the Santa Clara Valley Transportation Authority's (VTA) Whisman Light Rail Station.

A parking, access, and public utility easement encumbers both areas, and a public service easement encumbers a small portion of the parking lot. As part of the 400 Pacific Drive development conditions, the applicant is required to dedicate to the City a public street easement over the terminus of Pacific Drive consistent with the City's development requirements. For the adjacent parking lot, as only public access is needed, a public access easement will be dedicated allowing continued use by the public. Prior to the recordation of the final map for the 400 Pacific Drive development, the applicant will be transferring the adjacent parking lot to the VTA with the City's easements in place. The parking lot has been and will continue to be used by transit users of the Whisman Light Rail Station.

Staff has reviewed the vacation request and has confirmed that these easements are not serving their intended purposes and/or are not consistent with current City requirements. As the proposed dedications will maintain public vehicle access on and from Pacific Drive through the parking lot to Whisman Station Road and public access to Chetwood Park, staff does not foresee a future use for these easements by the City. If the recommended vacations are approved, the vacation documents will be recorded in conjunction with the subdivision map for the proposed development to ensure public access is maintained. Figures 1 and 2 show the easements proposed for vacation and dedication.



Figure 1 – Existing Easements Proposed to be Vacated

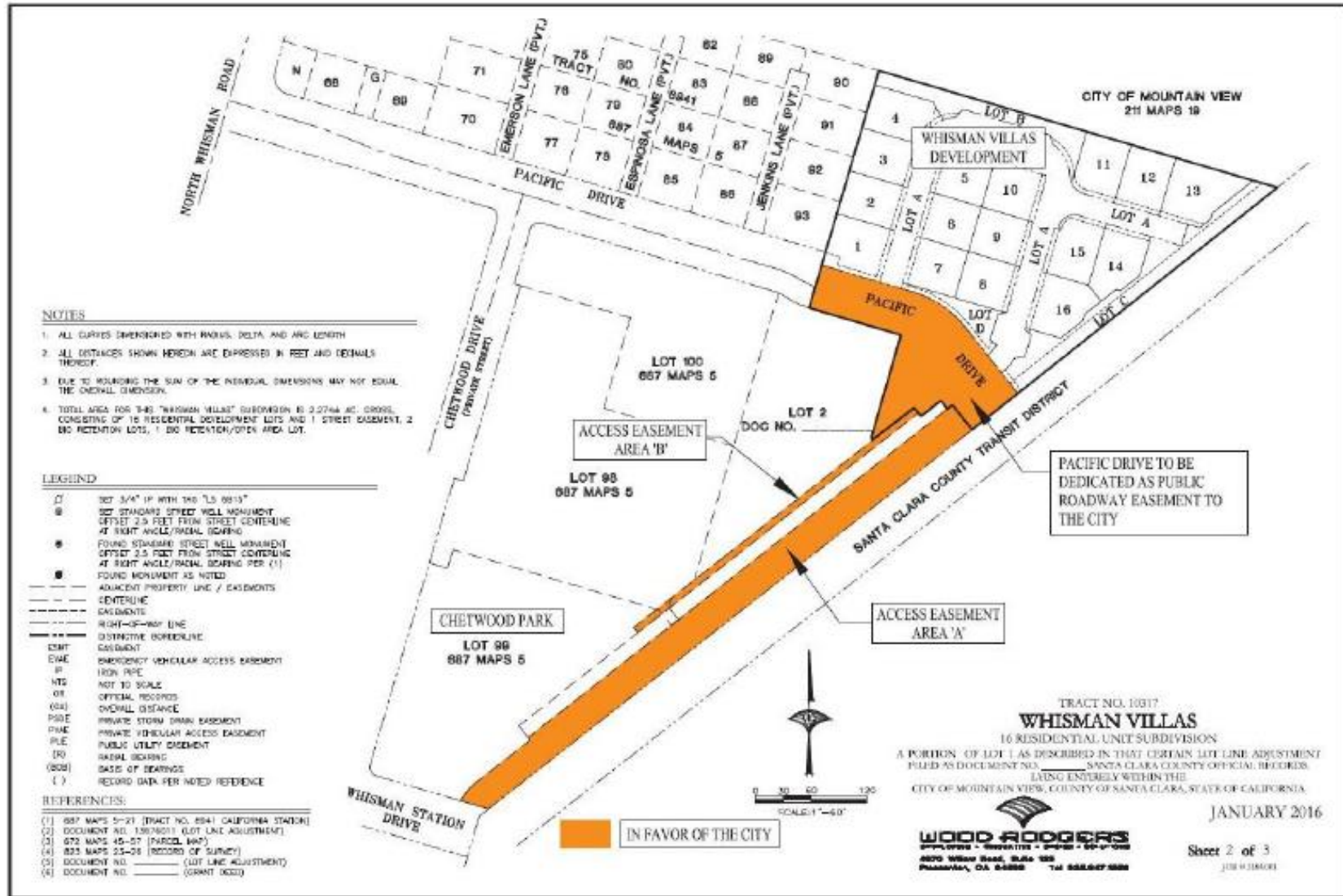


Figure 2 – Easements Proposed to be Dedicated

When the City plans to vacate easements as part of a private development process, staff evaluates whether there is any value contributed to the developer by the vacation. In some cases, vacating an easement will provide additional space for development and, for example, allow the developer to build additional residential units and increase the value of the development. In this case, the parking access and public service easements proposed to be vacated will be replaced by different easements being dedicated over substantially the same areas, so there is no additional development potential and no value added to the development. Staff therefore recommends that no compensation be sought from the developer for the vacated easements.

### **FISCAL IMPACT**

Staff believes there is no value to the relinquishment of the easement rights. The dedications to the City cover substantially the same area as the easements proposed to be vacated. The subdivision conditions include required dedications to the City for the 48' public street for Pacific Drive and public access over the existing parking area and walkway to maintain current public use.

### **ALTERNATIVES**

1. Decline to vacate the easements by taking no action.
2. Provide other direction.

**PUBLIC NOTICING**

Agenda posting. In accordance with Sections 8322 and 8323 of the Streets and Highways Code, notices of the proposed vacation were posted along the easement areas to be vacated and published in the newspaper.

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EA/TS/7/CAM  
932-02-23-16CR-E

Attachment: 1. Resolution

cc: SummerHill Homes, 777 South California Avenue, Palo Alto, CA 94304

ZA, APWD – Solomon, PCE – Arango, SP – Williams, File (400 Pacific Drive – Whisman Villas), SC/T, Chron