



DATE: February 23, 2021

CATEGORY: Public Hearing

DEPT.: Public Works

TITLE: **Vacation of Public Service Easement at 939 West El Camino Real**

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Ordering the Vacation of a Public Service Easement at 939 West El Camino Real, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

On December 17, 1979, the City was granted a 10' underground utility easement over a portion of the subject property (see Figure 1). Existing Pacific Gas and Electricity (PG&E) utilities are located within the easement and serve the existing buildings proposed for redevelopment at this location.



Figure 1: Existing Easement

On August 12, 2020, the Zoning Administrator conditionally approved a Provisional Use Permit, Planned Community Permit, Development Review Permit, and Heritage Tree Removal Permit (Application No. PL-2019-219), and the Subdivision Committee approved a Preliminary Parcel Map (Application No. PL-2019-220) by the applicant, John D'Ambrosio, to construct a three-story, mixed-use development with a senior memory-care facility above ground-floor retail and restaurant uses at 855-1023 West El Camino Real (see Figure 2). The conditions of approval for the development anticipated vacating all existing easements that are or will no longer be needed, including the existing underground utility easement, and the applicant requested the City vacate the existing public service easement to accommodate the project.

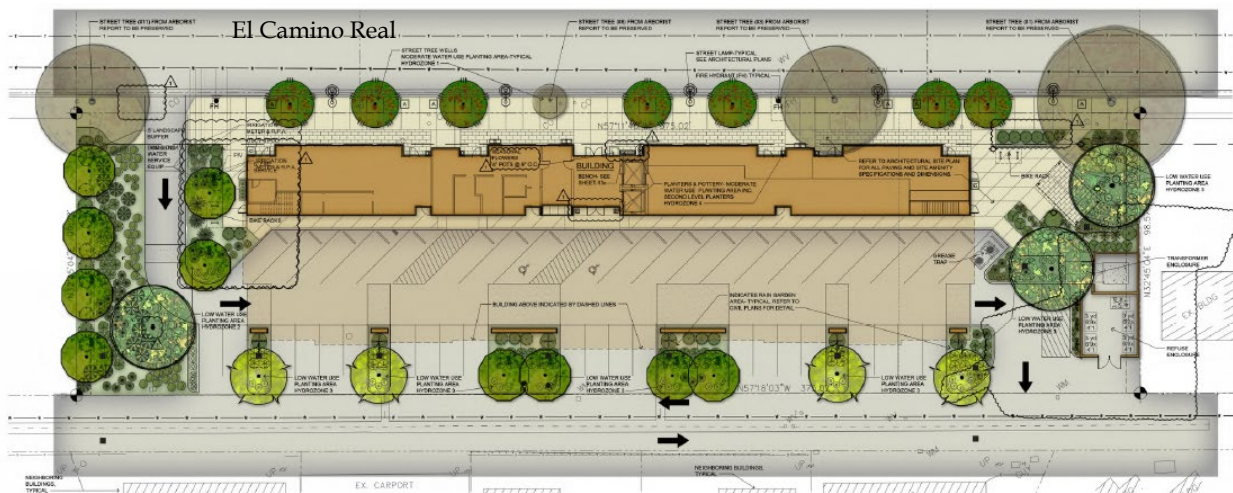


Figure 2: Planned Development

On January 26, 2021, the City Council adopted a Resolution of Intention (Resolution No. 18535, Series 2021) to vacate a public service easement at 939 West El Camino Real and set February 23, 2021 as the date for a public hearing for the easement vacation. The purpose of the public hearing is to hear all persons interested in or objecting to the proposed easement vacation.

ANALYSIS

Staff has reviewed the vacation request and confirmed that no City facilities are located within the easement. The existing PG&E utilities located within the easement will be removed with the project and the new development will be served with services from West El Camino Real. A new 11' public utility easement will be dedicated along the project's West El Camino Real frontage; therefore, the existing easement is no longer needed. PG&E, AT&T, and Comcast have no objections to vacating the easement. In accordance with the Streets and Highways Code, if the City wishes to give up rights in easement dedicated to the City, they are to be vacated and all property rights

returned to the underlying property owner. If the recommended vacation is approved, the vacation documents will be recorded in conjunction with the subdivision map for the proposed development.

FISCAL IMPACT

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 the easements will provide the development additional space for construction and increase the value of the development. Staff also considers how the easements were created and their intended use.

Staff is recommending vacating this easement without compensation for three reasons: (1) the easement was dedicated to the City and not purchased by the City; (2) the easement was intended as a general benefit to all public utility providers and was not granted to the City for the City's exclusive use; and (3) the developer will dedicate a new public utility easement along the project frontage. If these easements had been acquired by the City after paying market value (rather than being dedicated at no cost) and/or if the easements were exclusively for the benefit of the City, staff would recommend compensation for relinquishing the easement, but neither of these conditions apply in this case.

ALTERNATIVES

1. Decline to vacate the easement 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 area to be vacated and published in the newspaper.

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JC/DWG/6/CAM
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Attachment: 1. Resolution

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