



**DATE:** March 28, 2017

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **Summary Vacation of Public Easements at 400 San Antonio Road**

### **RECOMMENDATION**

Adopt a Resolution Ordering the Summary Vacation of Public Easements at 400 San Antonio Road, to be read in title only, further reading waived (Attachment 1 to the Council report).

### **BACKGROUND**

On September 27, 2016, the City Council conditionally approved a Planned Community Permit and Development Review Permit for a 583-apartment unit development with 11,171 square feet of ground-floor commercial space over two levels of underground parking at 400 San Antonio Road. The conditions of approval for the development (Application No. 337-15-PCZA) include vacating all existing easements that are or will no longer be needed, including the existing 5' underground public utility easement and 10' public service easement along portions of San Antonio Road. The development will dedicate a 7' public utility easement along San Antonio Road that covers substantially the same area as the easements proposed to be vacated.

### **ANALYSIS**

The proposed vacations and the dedications required for the development will serve the City's needs in the postdevelopment condition of the property. Private utility companies (PG&E, AT&T, and Comcast) have no objections to the proposed vacation.

In accordance with the Streets and Highways Code, if the City wishes to give up rights in a utility easement dedicated to the City over property that the City does not own, the easement is to be vacated, and all property rights returned to the underlying property owner. If the easement is determined to be in excess of the City's need, a summary vacation may be ordered by the City. Staff recommends a summary vacation of the easements dedicated in the documents 550 M 29-30, 9973 O.R. 530, and 9973 O.R. 535 as

described in Exhibits A and B to the resolution (Attachment 1) to be ordered by the City Council.

**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 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, there is no value to the relinquishment of the easement rights on the property since the dedications to the City cover substantially the same area as the easements proposed to be vacated.

**ALTERNATIVES**

1. Retain the easements and do not approve the vacation.
2. Provide other direction.

**PUBLIC NOTICING** – Agenda posting.

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QB/TS/7/CAM/917-03-28-17CR-E

Attachment: 1. Resolution

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