



**DATE:** August 24, 2021

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **Notice of Intention to Vacate Public Street and Easements – Gamel Way**

### **RECOMMENDATION**

Adopt a Resolution of Intention of the City Council of the City of Mountain View to Vacate Public Street and Easements – Gamel Way, to be read in title only, further reading waived (Attachment 1 to the Council Report), and set a date for a public hearing to consider the vacation for September 28, 2021.

### **BACKGROUND**

On September 28, 2021, the City Council will consider a Planned Unit Development Permit and Development Review Permit to construct a four-story, 121-unit residential condominium building with underground parking, a 50% State Density Bonus with waivers from development standards, a Heritage Tree Removal Permit to remove 10 Heritage trees, and a Tentative Map to create 121 condominium lots and one common lot to replace 29 rental units on a 2.3-acre project site.

The applicant has requested the City vacate the existing public street, known as Gamel Way, including any easements thereon, to accommodate the project (see Figure 1). The public street was established in 1949 and 1963 per the recorded documents in Book 1813, Page 46, and Book 6345, Page 432. With the proposed development, the roadway and all public utilities in the public street are to be removed, and the street would no longer be needed. The 1970 Latham Street parcel's utility services from Gamel Way would be relocated by the developer, and new private easements would be dedicated.

Pursuant to Section 8320(b)(2) of the Streets and Highways Code, to allow for the possibility of Council approving the street vacation on September 28, 2021, Council must adopt a Resolution of Intention to vacate the public street and set a date for the public hearing to consider the vacation. The recommended action accomplishes this requirement but does not obligate Council to approve the vacation and sale of Gamel

Way or the proposed development. Council will continue to have full latitude to consider the proposed development and vacation of Gamel Way at its September 28, 2021 meeting.

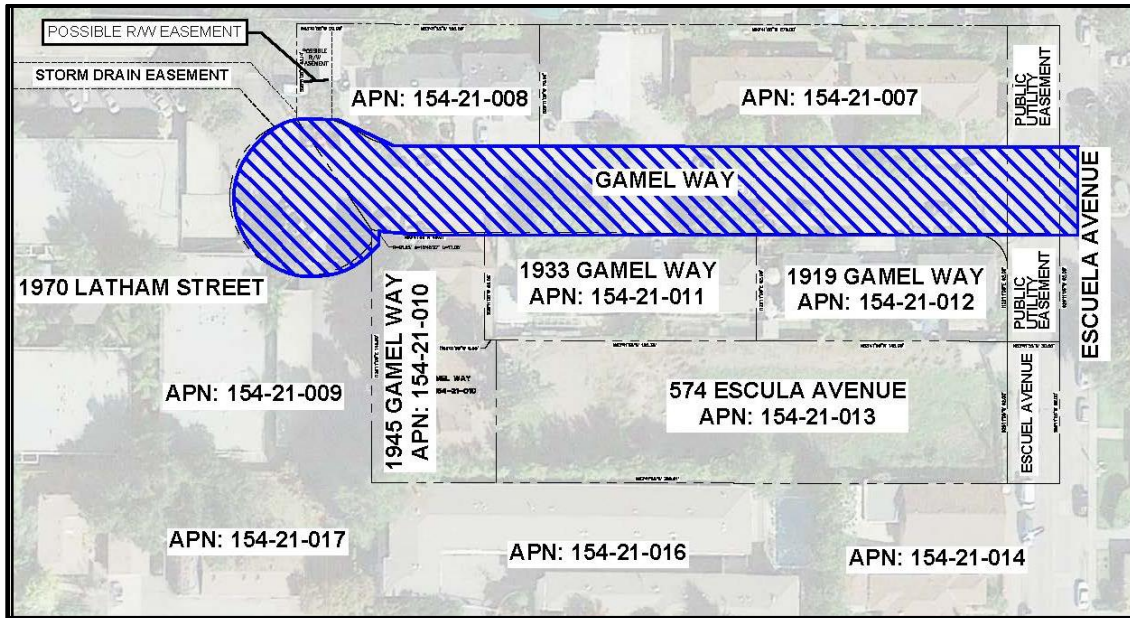


Figure 1: Existing Public Street

## ANALYSIS

The applicant has agreed to the following key terms for the City to vacate and sell Gamel Way should Council approve the project when it is presented to them on September 28, 2021:

- The purchase price of \$4.8 million will be paid when all existing buildings are demolished and the public street is no longer needed.
- The following relocation benefits will be provided to all tenants who received a Notice of Intent (NOI) dated on or after January 3, 2020, in addition to complying with the requirements of the Tenant Relocation Assistance Ordinance (TRAO):
  - Forty-two (42) months of rent subsidy for each qualifying tenant household (with a household income of up to 120% Area Median Income (AMI), plus \$5,000 as set forth in the TRA0) in the amount of the difference between a tenant's current monthly rent and the comparable market rent. (NOTE: This replaces the current TRA0 benefit of three months of rent.)

- The tenant has the first right of refusal to a newly constructed unit at an affordable price (up to 120% AMI). If tenant household earns above 120% AMI, first right of refusal is required, but the affordable price limit does not apply.
- The tenant has the right to occupy their current rental unit until six months prior to construction (applies to all income levels).
- Tenants who exercise the right of first refusal, as stated above, will be provided interim relocation at a comparable rent while the new units are being constructed. If the interim unit available is at a higher rent, a rent subsidy to cover the difference, up to the amount of the rent subsidy described above, will be provided.
- Alternatively, the tenant can choose not to rent the interim unit and only receive the rent differential described in the rent subsidy above. This rent subsidy will be provided for a time frame of either 42 months or the duration of the interim relocation until the tenant can move into the new unit in the development, whichever is less (applies to tenants up to 120% AMI plus \$5,000).

More details about the terms and conditions for the sale of Gamel Way will be provided at the September 28, 2021 Council meeting, at which time Council will be requested to authorize the City Manager to execute a Purchase and Sale Agreement.

### **FISCAL IMPACT**

There is no fiscal impact associated with the setting of the hearing date. The applicant has paid the necessary fees to the City to process the request.

### **ALTERNATIVES**

1. Determine not to move forward with the street vacation proceedings.
2. Designate an alternate date for the public hearing to consider adoption of a Resolution of Intention to vacate, with that date being not less than fifteen (15) days from the date of this Council meeting.

**PUBLIC NOTICING**

Agenda posting. In accordance with Sections 8322 and 8323 of the Streets and Highways Code, notices of the Resolution of Intention, if adopted, will be posted along the public street to be vacated and published in the newspaper.

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RG/TS/1/CAM  
926-08-24-21CR  
201293

Attachment: 1. Resolution

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APWD—Arango, PCE—Byrer, File (1919-1933 Gamel)