

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: November 30, 2016

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Petition to Vacate an Unused Public Easement submitted by the San Mateo County Real Property Division (Real Property) to determine if the proposed vacation of a 10-foot-wide sanitary sewer easement, extending north-south on the parcel located at 2513 Alpine Road in unincorporated Weekend Acres, conforms to the County General Plan.

County File Number: PLN 2016-00474

PROPOSAL

The County Real Property Division requests, pursuant to Government Code Section 65402, that the Planning Commission report upon whether vacation of an unused 10-foot-wide sanitary sewer easement, extending north-south on the parcel located at 2513 Alpine Road in unincorporated Weekend Acres, conforms to the County General Plan. The sewer easement is unused, and has been superseded by a nearby sewer easement improved with a sanitary sewer line serving this and other nearby properties (see Attachment C).

RECOMMENDATION

That the Planning Commission report, by making the finding listed in Attachment A, that the proposed vacation conforms to the applicable policies of the County General Plan.

BACKGROUND

Report Prepared By: Joseph LaClair

Appellant: N/A

Applicant: San Mateo County Real Property Division

Owner: Paul L. Gillis

Location: 2513 Alpine Road, San Mateo County unincorporated Weekend Acres

APN: 074-303-060 (see Attachment B)

Size: 0.33 acres

Existing Zoning: R-1/S-75

General Plan Designation: Medium Density Residential

Sphere-of-Influence: Menlo Park

Existing Land Use: Parcel is developed with three residential structures, and it adjoins San Franciscquito Creek at the rear.

Water Supply: Menlo Park Water District

Sewage Disposal: West Bay Sanitary District

Flood Zone: None

Environmental Evaluation: General Plan Conformity analysis is not a project, per California Environmental Quality Act (CEQA) Guidelines Section 15378.

Setting: The area of the subject property is developed with medium density residential uses. The site is wooded with mature riparian trees, and lies across the road from Stanford Lands that are wooded near Alpine Road, adjoining nearby open grasslands.

DISCUSSION

A. KEY ISSUES

1. In response to a petition from five freeholders submitted pursuant to Streets and Highways Code Section 8321(a), the San Mateo County Real Property Division has requested a report as required by Government Code Section 65402, of whether vacation of the County's public right-of-way conforms to the County General Plan.

The right-of-way is a sanitary sewer easement, granted to the County in 1959 for the purpose of "construction, reconstruction, installation, maintenance repair, renewal and operation of a sanitary sewer line..." The County subsequently constructed a sanitary sewer line within a different 10-foot-wide easement approximately 5 to 15 feet west of the easement that is the subject of this request for vacation.

General Plan Policy 12.23, Vacation of County Streets and Easements, states:

"In reviewing requests for sale, vacation, or abandonment of County streets, rights-of-way, or easements, consider the following:

a. whether access is available to existing parcels and developed areas adjacent to the subject area, or possible future development based on adopted area plans; b. whether the area to be vacated is not required for public transit use based on adopted plans; and c. whether the area to be vacated is not suitable for non-motorized use.”

The proposed vacation conforms to all of these considerations. The area is fully developed; adjacent public rights-of-way, including Alpine Road, Homer Lane and Wildwood Lane provide access to all adjacent parcels; and the existing easement was never needed or intended to provide such access. Similarly, the easement is not required for transit, because adjacent rights-of-way provide sufficient access, and the easement is not suitable for transit use. The easement is also entirely unsuitable for non-motorized use, because the easement is discontinuous, does not connect to public rights-of-way and does not and cannot confer any present or future rights of public access or passage of any kind, via motorized, non-motorized, or any other means of conveyance.

The proposed easement vacation area will likely be conveyed to the property owner. The existing General Plan land use designation for the right-of-way area, as well as the existing zoning, would persist, and all development would continue be regulated by these designations. In addition to conformity with General Plan Policy 12.23, the proposed vacation does not contradict any other applicable policies of the County’s General Plan.

The requirement that the disposition of a public property, such as a public right-of-way, be examined for its conformity with the adopted General Plan is articulated in California Government Code Section 65402(a). Generally speaking, that section requires the planning agency (in this case, the Planning Commission) to “report as to conformity with said adopted general plan or part thereof” prior to the disposition of the property. Here, the analysis supports the recommendation of staff that the abandonment of the public’s interest in the use and enjoyment of the easement, which is the entire scope of the project, is in conformity with the General Plan.

B. ALTERNATIVES

The Planning Commission could report that the proposed vacation does not conform to the policies of the County General Plan.

C. ENVIRONMENTAL REVIEW

Analysis of conformity of the vacation of the easement is not a project under the California Environmental Quality Act, and requires no review.

D. REVIEWING AGENCIES

Real Property Division
County Counsel
Public Works

ATTACHMENTS

- A. Recommended Finding
- B. Map of Parcel
- C. Map of Easement

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2016-00474 Hearing Date: November 30, 2016

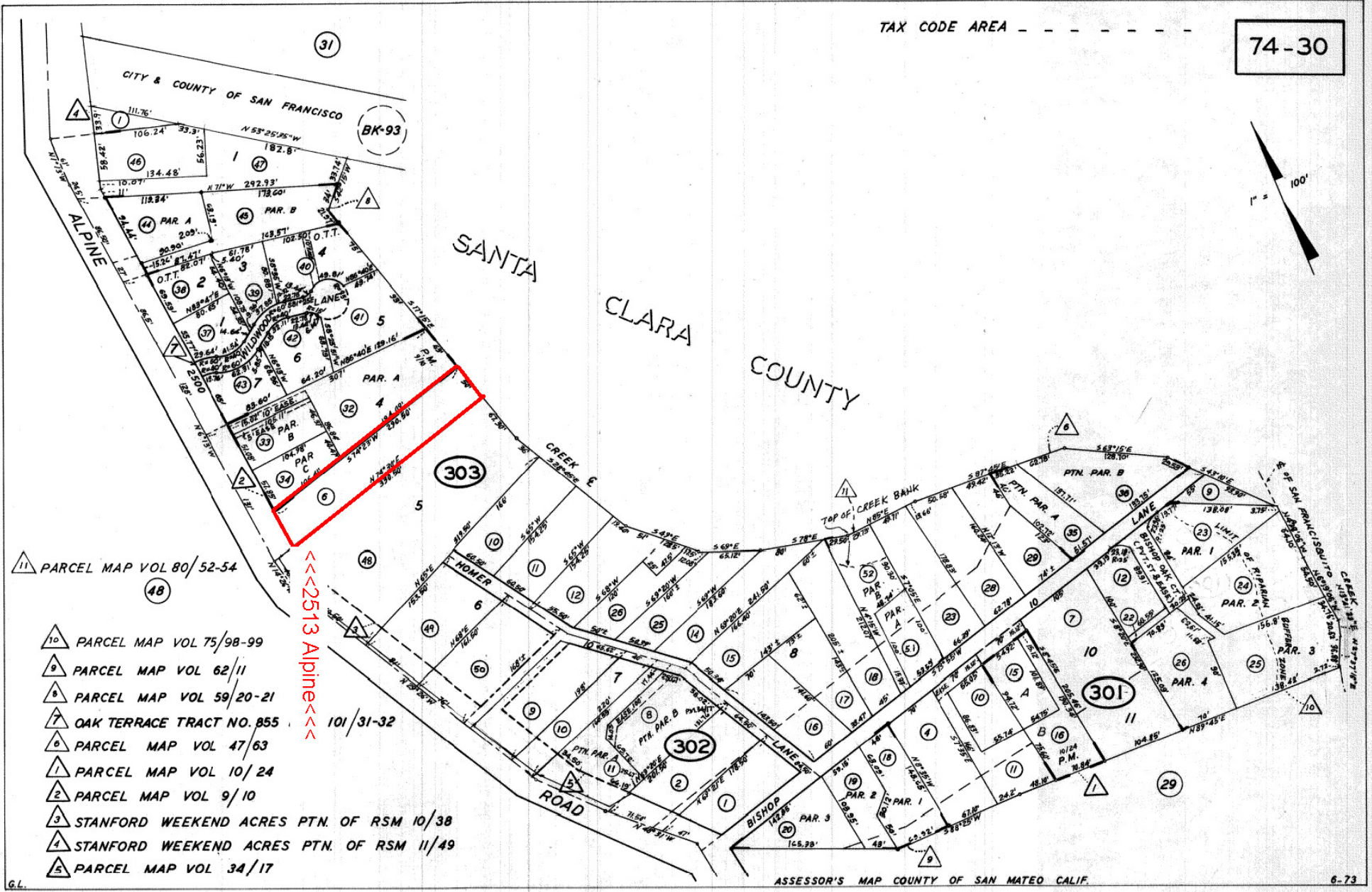
Prepared By: Joseph LaClair

For Adoption By: Planning Commission

RECOMMENDED FINDING

Find and report that the proposed vacation of the Unused Public Right-of-Way (sanitary sewer easement), a 10-foot-wide, unused sanitary sewer easement extending north-south on the property, parallel to Alpine Road, in the unincorporated area of Weekend Acres (Menlo Park), conforms to the County General Plan as shown on the attached map, conforms to General Plan Policy 12.23, and is consistent with all other policies of the County General Plan.

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11 PARCEL MAP VOL 80/52-54

10 PARCEL MAP VOL 75/98-99

9 PARCEL MAP VOL 62/11

8 PARCEL MAP VOL 59/20-21

7 OAK TERRACE TRACT NO. 855 101/31-32

6 PARCEL MAP VOL 47/63

1 PARCEL MAP VOL 10/24

2 PARCEL MAP VOL 9/10

3 STANFORD WEEKEND ACRES PTN. OF RSM 10/38

4 STANFORD WEEKEND ACRES PTN. OF RSM 11/49

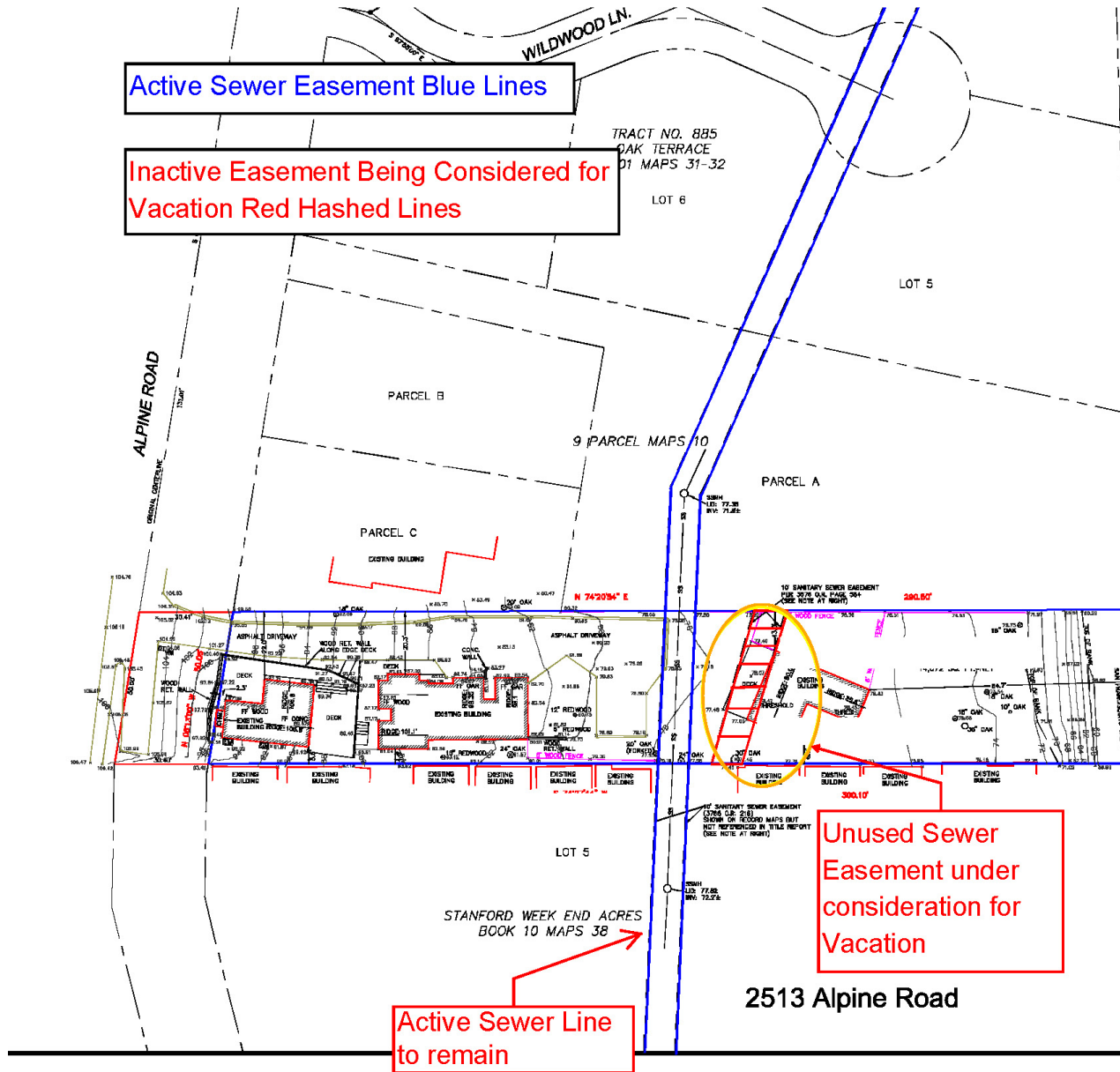
5 PARCEL MAP VOL 34/17

San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers: