

**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 utility easement, extending east-west at the terminus of Oak Park Way in unincorporated Emerald Lake Hills, conforms to the County General Plan.

County File Number: PLN 2016-00484

PROPOSAL

The County Real Property Division requests, pursuant to Government Code Section 65402, a determination of whether vacation of an unused 10-foot-wide utility easement, extending east-west between two (2) assessor's parcels located at 508 Oak Park Way (terminus) in unincorporated Emerald Lake Hills, conforms to the County General Plan. The utility easement was used by AT&T for a pole, guy-wire and overhead wires, which have been removed and undergrounded. (See Attachment B.)

RECOMMENDATION

That the Planning Commission find, 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, Planning Services Manager, 650/363-1865

Appellant: Not Applicable

Applicant: San Mateo County Real Property Division

Owner: Ron Grove

Location: 508 Oak Park Way, San Mateo County unincorporated Emerald Lake Hills

APNs: 068-151-180 and 068-151-190 (see Attachment A)

Size: 0.43 Acres

Existing Zoning: RH/DR

General Plan Designation: Medium Density Residential

Sphere-of-Influence: Menlo Park

Existing Land Use: Parcel is undeveloped and surrounded by residential structures.

Water Supply: Redwood City

Sewage Disposal: Redwood City

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 a vacant lot, surrounded by single family homes. The site is at the terminus of Oak Park Way, and is covered with ruderal vegetation and some small trees.

DISCUSSION

A. KEY ISSUES

1. The San Mateo County Real Property Division, in response to a petition from ten (10) freeholders, submitted pursuant to Streets and Highways Code Section 8321(a), has requested an analysis 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 and storm water utility easement, granted to the County in 1927 as a multi-purpose utility easement. Although the County initially rejected the dedication, in 1983, the Board of Supervisors accepted the dedication in anticipation of using it for sewer construction. The County subsequently constructed sanitary sewer lines within the road right-of-way, obviating the need for this easement for conveying sewer or storm waters.

The County Real Property Division consulted with all potential utility service providers who may have an interest in future use of the easement, including the San Mateo County Department of Public Works, PG&E, AT&T, San Mateo County Department of Parks and Recreation, Woodside Fire Protection District, City of Redwood City, and San Mateo C/CAG, and received responses from the San Mateo County Department of Public Works, PG&E, and AT&T, all confirming that they had no future need of the easement.

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 Oak Park Way and Sunset Way, provides 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 to 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 find 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.

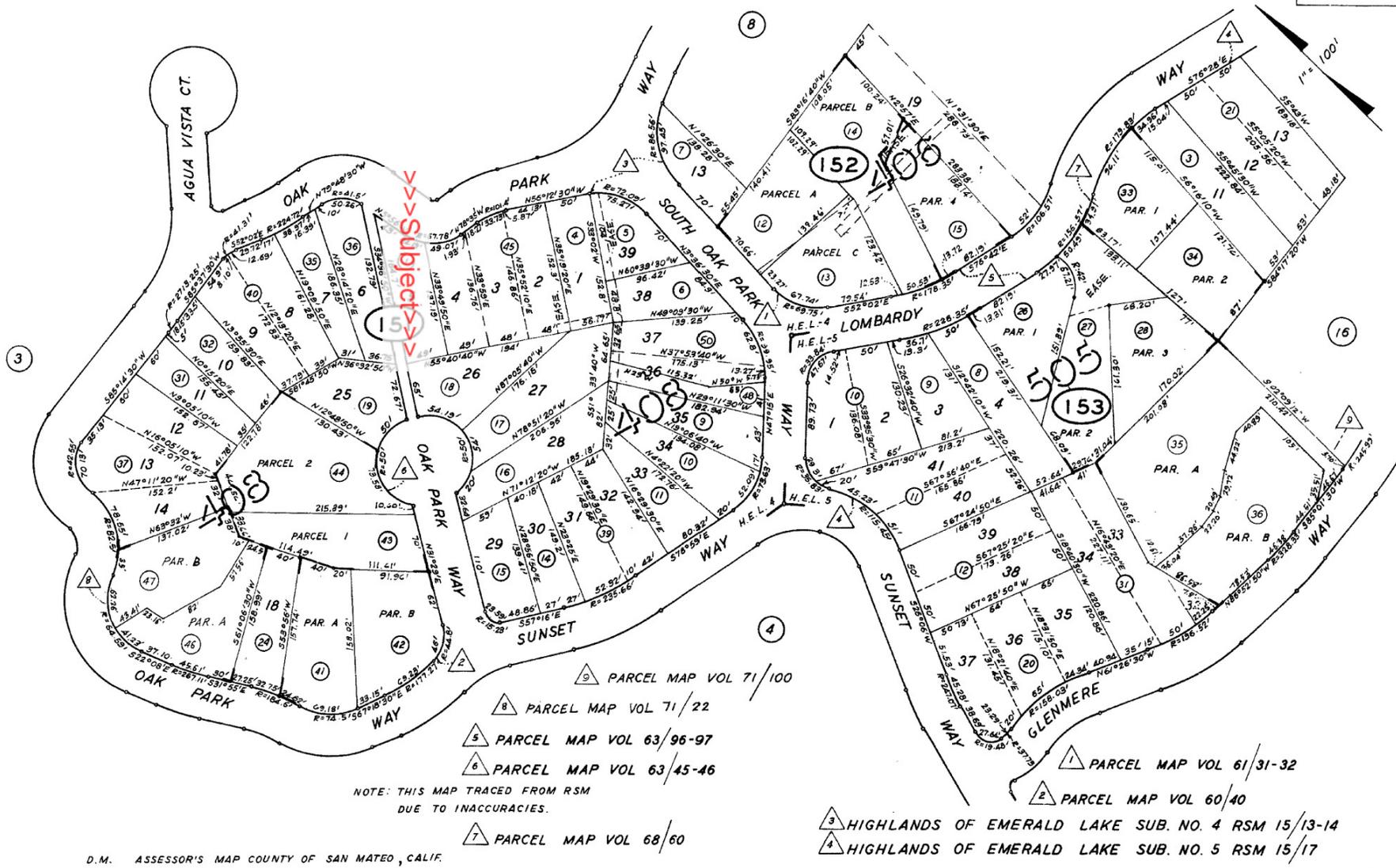
D. REVIEWING AGENCIES

Real Property Division
County Counsel
Public Works

ATTACHMENTS

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

JEL:aow - JELAA0644_WAU.DOCX



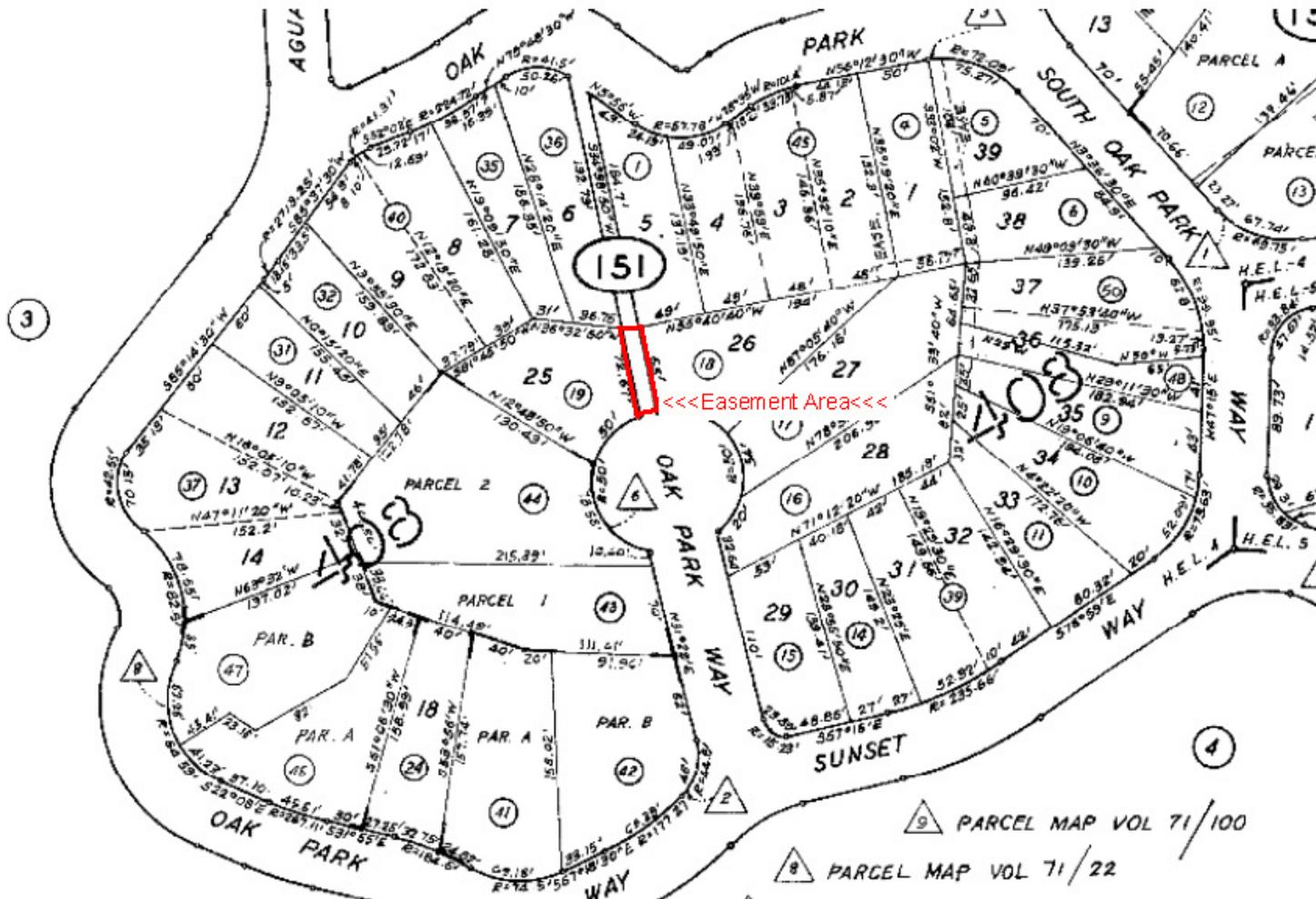
San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

Map of Oak Park Way 10' Sanitary and Storm
Water Sewer Easement - Proposed Vacation



San Mateo County Planning Commission Meeting

Owner/Applicant:

Attachment:

File Numbers: