



DATE: April 11, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Vacating Right-of-Way of Valley Street East of 4th Street to C Street Pursuant to the Provisions of California Streets and Highways Code Sections 8320 et. seq.

RECOMMENDATION

That Council conducts a public hearing, considers comments received before or at the hearing, and adopts a resolution (Attachment II) making findings and vacating the right-of-way of Valley Street east of 4th Street to C Street, pursuant to the provisions of California Streets and Highways Code Sections 8320 et seq.

SUMMARY

The Valley Street right-of-way east of 4th Street to C Street is less than 117 feet long and 3,500 square feet in area. This portion of the Valley Street right-of-way has not been used for vehicular travel for an extended period (more than 15 years). Vehicular and pedestrian travel along Valley Street has been rerouted to 4th Street and C Street to improve traffic safety. This traffic diversion is consistent with the City's General Plan. Approximately 12.5 feet of the street right-of-way to be vacated, at its most north-easterly triangular tip fronts the lot at 1421 C Street and has been used for access to the driveway to the lot. This property (less than 100 square feet) will be offered to the owner of the lot at 1421 C Street by staff with the condition that it be merged with the existing lot for single family residential and RS zoning, consistent with the lot's current land use and zoning designation.

Except for a small area fronting the lot at 1421 C Street, the right-of-way proposed to be vacated is neither necessary for access to any fronting property, nor useful for street purposes or as a non-motorized transportation facility. Engineering Division staff's recent inquiries have indicated that no public utility is located within the portion of the Valley Street right-of-way to be vacated except for a street drain inlet and a short length drainpipe. This drainage system will need to be relocated after the street right-of-way is vacated and the property is quit-claimed by the City for merger with adjoining parcel for single family residential land use in a RS Zone.

BACKGROUND

Council may initiate a proceeding under its own initiative as per section 8320 of the California Streets and Highways Code. The notice inviting public comments before or at the time, place and date of the Council Public Hearing were posted on March 16, 2023 and March 31, 2023, published in compliance with the provisions of Sections 8322 and 8323 of the State Streets and Highways Code. The notice included a description of the public street right-of-way to be vacated and a plan showing its location.

Council may adopt a resolution vacating the street right-of-way based on the evidence offered by persons and Staff at the public hearing and after finding that the public street right-of-way described in the notice of hearing is unnecessary for present or prospective public use. The resolution of vacation includes the findings that the right-of-way vacation of Valley Street, east of 4th Street to C Street, is consistent with the City's General Plan, not used for more than 15 years and is exempt from the provisions of the Surplus Land Act. The resolution also instructs the City Clerk to file it in public records of the County Clerk of Alameda County with proper certification.

The City Clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgement in the office of the Alameda County Recorder's Office.

DISCUSSION

The City's General Plan does not prescribe any present or prospective use of the street right-of-way proposed for vacation. It is therefore not necessary to seek recommendations from the City's Planning Commission. Some entities authorized by the California Public Utilities Commission to locate their public service facilities within public street rights-of-way have reported to the City's Public Works staff that their public service facilities are not located within the limits of the street right-of-way to be vacated. Any request by a public service agency submitted to the staff before the noticed public hearing date and time for retaining a portion of the street right-of-way or an easement within the public street right-of-way to be vacated for its present or future use will be presented to the Council at the public hearing.

ENVIRONMENTAL REVIEW

The proposed street right-of-way vacation is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities).

ECONOMIC AND FISCAL IMPACT

The owner of the property adjacent to the public street right-of-way to be vacated is interested in acquiring property underlying the current street right-of-way at prevailing market rate. City staff will explore the possible sale of this property after the street right-of-way is vacated.

SUSTAINABILITY FEATURES

After vacation of the street right-of-way, the underlying property can be offered for use consistent with the City's zoning and land use regulations.

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Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager