



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of April 23, 2019

TO: The Mayor and Members of the City Council

SUBMITTED BY: Holly Smyth, AICP Planning Director

SUBJECT: Notice of Intent to Vacate Excess public right-of-way within the southerly portions of Linus Pauling Drive

RECOMMENDED ACTION:

Adopt a Resolution of the City Council of the City of Hercules declaring a Notice of Intent to Vacate Excess right-of-way within the southerly portions of Linus Pauling Drive abutting the Bayfront Block R and setting a public hearing for May 14, 2019.

FISCAL IMPACT OF RECOMMENDATION:

There is no fiscal impact as the developer Ledcor will be funding the processing of the vacation, mapping, and per their Development Agreement is responsible for any modifications to the street and the cost of utilities relocation.

DISCUSSION:

The area of right-of-way considered for vacation is located just short of the dead end of Linus Pauling Drive adjacent to Block R of the Bayfront project north of John Muir Parkway (shown on Exhibit A to the Resolution). The Implementing Development Agreement for the Hercules Bayfront Project, Exhibit L, Condition #11, relates to modifications to Linus Pauling Drive and states if the potential extension of the street to connect as a public street to the Bayfront project area were not feasible on adjacent property (currently owned by Bio-Rad in the North Shore Business Park) that the owner or successors would be responsible for constructing an emergency vehicle access (EVA) between Linus Pauling and the Bayfront project as shown on their approved Vesting Tentative Map, with any utility relocations and roadway improvements being the responsibility of the owner.

This work would also involve the abandonment of the non-connecting portion of Linus Pauling Drive. Additionally, when the Design Review Permit for Blocks Q&R were approved by the Planning Commission and then further modified by the City Council, condition #6 required carrying

April 23, 2019

out the various work components around the partial Linus Pauling Abandonment to be complete before certificates of occupancy would be issued on Blocks Q&R of the project with the developer paying all related costs. Now that Blocks Q&R are under construction it is appropriate to carry out the partial abandonment process.

The proposed abandonment area contains approximately .306 acres between both halves of the street, generally described as follows:

- a. Approximately .016 acres along the northerly half of Linus Pauling Drive adjacent to Assessor Parcel No. (APN) 404-181-012 owned by Bio-Rad Laboratories Inc. – Noted as Parcel C on Exhibit A
- b. Approximately .029 acres along the south-easterly side of Linus Pauling Drive adjacent to Assessor Parcels Nos. (APN) 404-183-005-2 owned by Hercules Real Est LTD Partnership (aka Pacific Biolabs, Inc business) -Noted as Parcel D on Exhibit A

Based on the City's updated Circulation Element of the General Plan and other project approvals, Exhibit A to the Resolution shows the existing excess right-of-way to be vacated.. Some existing utilities are located in portions of the proposed vacation area, and approvals are in the process of being completed with the utility companies to relocate the utilities adjacent to Blocks Q&R now being constructed by Ledcor. Therefore, the proposed vacation would be conditioned to provide adequate assurance and easements for any relocation of utilities.

The procedure for vacating excess right-of way is established in California Streets & Highways Code Section 8300 *et. seq.* It requires the City Council to set a public hearing approximately 15 days in advance, publish a Notice of Intent twice in a newspaper of general circulation, and post the area that is proposed to be vacated. A draft Resolution with a location map showing the areas proposed to be vacated is contained in Attachment 1. The draft Resolution, if adopted, would set the public hearing for May 14, 2019. If on May 14th, the Council finds from all evidence submitted that the rights-of-way described in the notice of hearing is unnecessary for present or prospective public use, the Council may take action to adopt a resolution vacating the excess right-of-way.

Per Government Code Section Section 65402, prior to the public hearing by City Council, the Planning Commission must find that the proposed right-of-way vacation is in conformance with the General Plan. It is anticipated that the Commission will consider a Resolution of conformity at its May 6, 2019 meeting, prior to City Council action on vacation of the excess right-of-way.

ATTACHMENTS:

Attachment 1 – Resolution with Exhibit

April 23, 2019