



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of February 11, 2020

**TO:** The Mayor and Members of the City Council

**SUBMITTED BY:** Holly Smyth, AICP, Planning Director

**SUBJECT:** Notice of Intent to vacate a portion of “excess” right-of-way along San Pablo Avenue abutting the Hilltown project site, Assessor Parcel No. 404-040-064-2, requested by Santa Clara Valley Housing Group

### **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 along San Pablo abutting the Hilltown Project site and setting a public hearing for March 24, 2020, utilizing the process outlined in the Streets and Highways Code Section 8300, *et seq.*, and Government Code Section 65402.

### **FISCAL IMPACT OF RECOMMENDATION:**

There is no fiscal impact as this is part of the Hilltown Project entitlements paid by deposit account and purchase and sales agreement.

### **DISCUSSION:**

As part of the Hilltown project entitlement process, and consistent with the Hilltown Development Agreement, an excess portion of San Pablo Avenue is proposed for abandonment along the entire frontage so that the new City right-of-way would be 10 feet from the current face of curb to allow for a meandering sidewalk when the project is built. The proposed abandonment includes three separate areas totally approximately 1.13 acres of public right-of-way along San Pablo Avenue. These vacated areas would be added to the project site concurrent with the recordation of a Final Map to accommodate stormwater bio-retention filter overflow structures, landscape, and grading, while leaving room for the applicant to construct a new meandering pedestrian sidewalk. The approximate length of the vacated area is 1,867± LF, and the width of the vacated areas ranges from 0 to 60± feet. The existing utilities are proposed to be relocated as part of the Hilltown project and will be placed in new easement areas. According to the Public Works Director the excess area is not necessary to be retained by the City because the total right-of-way

width can be met without this area. Areas proposed to be vacated are described in Exhibit A and shown in Exhibit B of the draft resolution attached to this staff report.

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 attached. The draft Resolution, if adopted, would set the public hearing for March 24, 2020. If on March 24, the Council finds from all evidence submitted that the rights-of-way described in the notice of hearing are unnecessary for present or prospective public use, the Council may take action to adopt a resolution conditionally vacating the rights-of-way.

Per Government Code Section 65402, prior to the public hearing by City Council, the Planning Commission must find that the proposed right-of-way vacation conforms with the General Plan. It is anticipated that the Commission will consider a Resolution of conformity at its March 2, 2020 meeting, prior to City Council action on vacation of surplus right-of-way.

#### **ATTACHMENTS:**

Attachment 1 – Resolution with Exhibit A & B