

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

DATE: April 12, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a request by the County's Real Property Services Division to determine if the proposed vacation of an unused sewer easement, crossing 790 12th Avenue, APN 055-183-150 in North Fair Oaks, conforms to the County General Plan.

County File Number: PLN 2017-00096

PROPOSAL

Consideration of a request by the County's Real Property Services Division, pursuant to Government Code Section 65402, to determine if the proposed vacation of an unused public service (sewer) easement, crossing 790 12th Avenue, APN 055-183-150 in North Fair Oaks, conforms to the County General Plan. The easement contains no public utilities, and is not maintained by the County.

RECOMMENDATION

That the Planning Commission Find that the proposed vacation of the public service (sewer) easement crossing 790 12th Avenue, unincorporated North Fair Oaks, APN 055-183-150, conforms to General Plan policy 12.17, Vacation of County Streets and Easements, and does not conflict with any other policies of the County General Plan.

BACKGROUND

Report Prepared By: William Gibson, Project Planner, 650/363-1816

Applicant: San Mateo County Real Property Services Division

Owner: Caplan, Robert M.

Location: 790 12th Avenue, North Fair Oaks

APN: 055-183-150

Size: 0.16 acres

Existing Zoning: R-1/S-73

General Plan Designation: Single-Family Residential

Sphere-of-Influence: Redwood City

Existing Land Use: The parcel contains a single-family residence

Water Supply: California Water Service Company (Bear Gulch)

Sewage Disposal: Fair Oaks Sewer Maintenance District

Flood Zone: Zone X (Area of Minimal Flooding), Firm Panel 06081C0308E; effective date October 16, 2012.

Environmental Evaluation: A request for General Plan Conformity analysis is not a project under the California Environmental Quality Act (CEQA), and is not subject to environmental evaluation.

Setting: The property is located in urbanized unincorporated North Fair Oaks, surrounded primarily by single-family residential uses, and is also adjacent to the Edison Road light industrial areas to the north.

DISCUSSION

A. KEY ISSUES

1. Project Description

The County Division of Real Property, acting on an application from the subject property owner, has requested a determination of whether the requested vacation of an existing, unused public service easement, crossing 790 12th Avenue in unincorporated North Fair Oaks, conforms to the County General Plan. The easement, which was originally reserved specifically and exclusively for the potential installation and maintenance of sewer facilities, has never been used. It contains no public service utilities, and has never been maintained by the County. The County Department of Public Works has determined that the easement is not needed for its dedicated purpose, that adequate sewer infrastructure has been installed in other locations, and the easement will never be needed for this purpose.

2. Reason for General Plan Conformity Determination

Per California Government Code Section 65402, prior to the abandonment or vacation of a public right-of-way, street, road, or easement, the County

must request a determination of the vacation's consistency with the adopted General Plan.

3. Analysis

General Plan policy 12.17, 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 provide access to all parcels, and the existing easement was never 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 solely a public utility easement, and does not and cannot confer any present or future rights of public access or passage of any kind across the underlying private property, via motorized, non-motorized, or any other means of conveyance. As noted above, the County Department of Public Works has determined that there is no current or potential future need for the easement's use for public service utilities.

The proposed easement vacation will cause full ownership of the easement to revert to the owner of the subject parcel. The existing General Plan land use designation for the former easement areas, 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 12.17, the proposed vacation does not conflict with any other policies of the County's General Plan.

B. ALTERNATIVES

The alternative to a finding of conformity with the General Plan is for the Planning Commission to find that the proposed vacation does not conform to the policies of the County General Plan.

C. ENVIRONMENTAL REVIEW

A request for General Plan Conformity analysis is not a project under the California Environmental Quality Act (CEQA), and is not subject to environmental evaluation. Any future development proposed on the property would need to address relevant CEQA requirements.

D. REVIEWING AGENCIES

Real Property Services Division
County Counsel

ATTACHMENTS

- A. Recommended Findings
- B. Vicinity Map
- C. Site Map

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2017-00096 Hearing Date: April 12, 2017

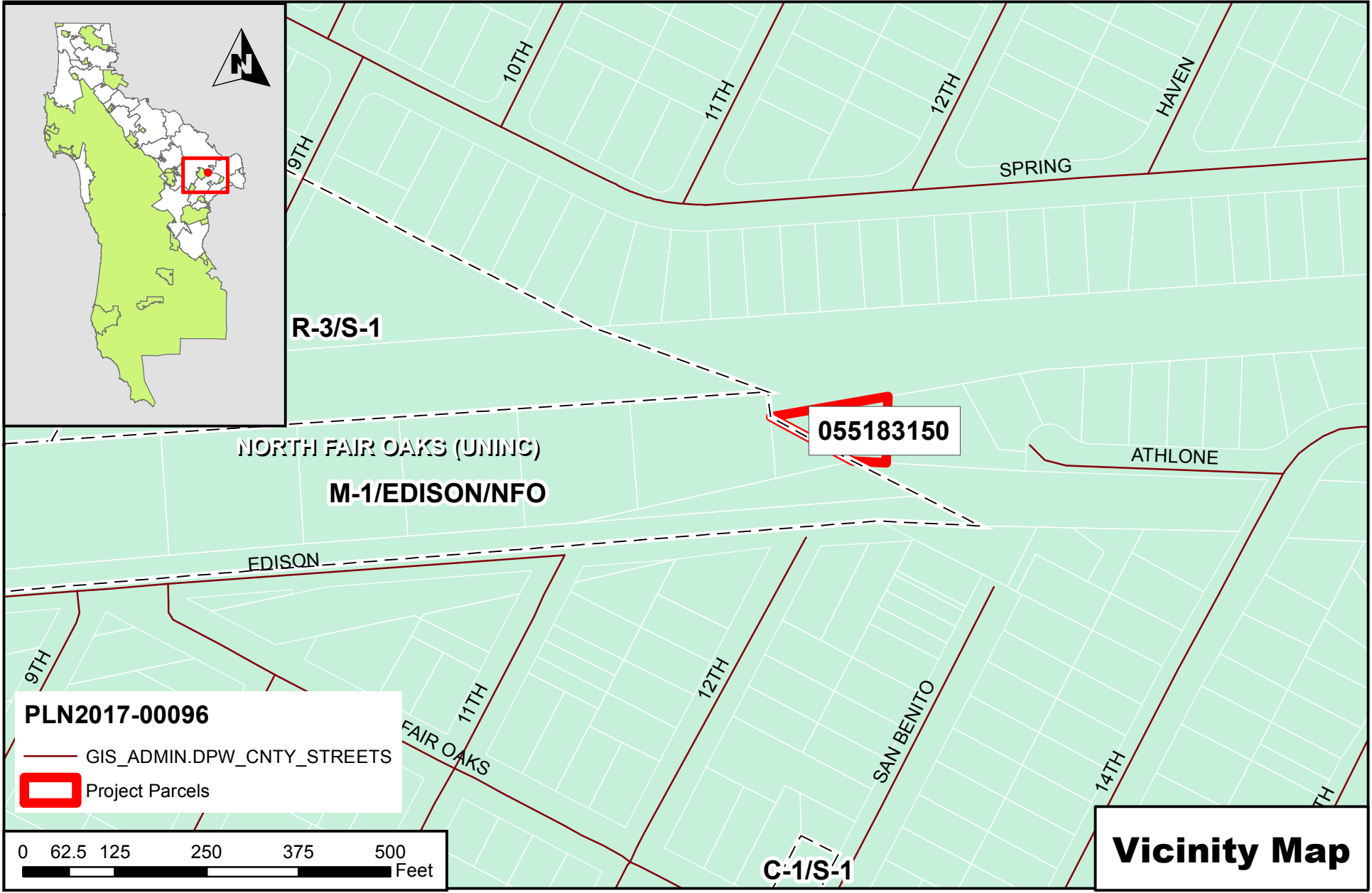
Prepared By: William Gibson
 Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING

Find that the proposed vacation of the public service (sewer) easement crossing 790 12th Avenue, unincorporated North Fair Oaks, APN 055-183-150, conforms to General Plan policy 12.17, Vacation of County Streets and Easements, and does not conflict with any other policies of the County General Plan.

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ATTACHMENT B

ATTACHMENT C

LEGEND

PROPERTY LINE
AC PAVE
SDM
TM

PROPERTY USE
ASPHALT CONCRETE PAVEMENT
SANITARY SEWER MAINLINE
TOP OF SILL
FOURCE

LOT AREA:
- 6456 SQ. FT. ±
- 0.149 ACRES ±

