



PUBLIC WORKS DEPARTMENT

Council Meeting Date: June 16, 2015

Staff Report #: 15-104

PUBLIC HEARING: **Adopt a Resolution to Abandon Public Right-of-Way, Sidewalk Easements, and Public Utility Easements Within the Mid-Peninsula Housing Project at 1221-1275 Willow Road**

RECOMMENDATION

Staff recommends that the City Council in connection with the Mid-Peninsula Housing Project at 1221-1275 Willow Road:

- 1) Adopt a resolution (Attachment A) to abandon Public Right-of-Way, Sidewalk Easements, and Public Utility Easements adjacent to the property at 1221-1275 Willow Road,
- 2) Authorize the City Manager to approve a Purchase and Sales agreement (Attachment B) for the fee transfer portion of the frontage road.

POLICY ISSUES

The City is legally required to go through a three step process to abandon right-of-way and easements. This item is before the City Council for the final step, which is a Public Hearing regarding the abandonment.

BACKGROUND

On May 5, 2015, the City Council adopted a Resolution of Intention (No. 6263) to abandon public right-of-way, sidewalk easements (SE), and public utility easements (PUE) adjacent to the property at 1221-1275 Willow Road, setting a date for a public hearing by City Council (June 16, 2015) and referring the matter to the Planning Commission for a recommendation on General Plan consistency.

On May 18, 2015, the Planning Commission reviewed the proposed abandonment and determined that it was consistent with the City's General Plan. A detailed history of the proposed abandonment was provided in the May 18, 2015 Planning Commission staff report (Attachment C). The Planning Commission recommended to the City Council that the public right-of-way, SEs, and PUEs adjacent to the property at 1221-1275 Willow Road be abandoned as proposed (Attachment D).

Mid-Peninsula Housing will be applying for State tax credit (Round II) on July 1st. As part of the application, approval of the frontage road abandonment and a Purchase and Sales agreement is required.

ANALYSIS

The Applicant's project as proposed is dependent on the right-of-way and PUEs being abandoned, and the existing SE and PUE no longer make sense in their current configurations given the new site plan. The proposed abandonment addresses specific concerns regarding site access, pedestrian and vehicular circulation, and safety. The abandonment would formalize the existing circulation and parking on site, which is currently located in the public right-of-way, and more clearly delineate what is public versus private property.

Within the portion of the roadway to be vacated, a new 30' public utility easement is being proposed to allow the existing public utilities to remain in place. In addition, a new 20' by 4' PUE will be established to allow the City of East Palo Alto access to its water line. All of the utility companies with an interest in the PUE have been notified. No objections to the proposed abandonments have been received.

Purchase and Sales Agreement

The portion of frontage road that is perpendicular to Willow Road is to be transferred to the Mid-Peninsula Housing Project, Sequoia Belle Haven (formerly Menlo Gateway), via Fee Transfer. It is 27.46' wide by 140.06' in length and is located directly adjacent to the southern (left) property line of the subject site. The transfer of property for the below market fee of one dollar (\$1.00) is part of the City's overall contribution to the project.

Abandonment Procedure

Should the City Council consider the abandonment favorably, a Resolution ordering the vacation and abandonment of the public right-of-way, SEs, and PUEs will be recorded.

IMPACT ON CITY RESOURCES

The fee for staff time to review and process the abandonment has been waived by the City Council in accordance with provision 16.98.050 (Fee Waivers) of the Affordable Housing Overlay (AHO), and will be considered as part of the City's overall contribution to the project.

ENVIRONMENTAL REVIEW

The proposed abandonment is Categorically Exempt under Class 5, minor alterations in land use, of the current State of California Environmental Quality Act (CEQA) Guidelines.

PUBLIC NOTICE

Public notification was achieved by publishing a legal notice in The Daily News, a local newspaper, on May 29th and June 5th, 2015; and posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

- A. Resolution of Abandonment
- B. Purchase and Sale Agreement
- C. May 18, 2015 Planning Commission Staff Report
- D. Planning Commission Resolution

Report prepared by:

Theresa Avedian
Senior Civil Engineer

Report reviewed by:

Ruben Nino
Assistant Public Works Director

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RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK FOR THE VACATION AND ABANDONMENT OF PUBLIC RIGHT OF WAY, SIDEWALK EASEMENTS, AND PUBLIC UTILITY EASEMENTS WITHIN THE PROPERTY AT 1221-1275 WILLOW ROAD

WHEREAS, on May 5, 2015, the City Council of the City of Menlo Park adopted Council Resolution No. 6263 declaring the intention of said City Council to abandon the Public Right of Way, Sidewalk Easements, and Public Utility Easements within the property at 1221-1275 Willow Road in the City of Menlo Park; and

WHEREAS, the Planning Commission of the City of Menlo Park held a Public Hearing on this subject on May 18, 2015, to consider the aforementioned proposed abandonment and has reported to the City Council that said proposed abandonment conforms with the City's General Plan and has recommended that it be abandoned as proposed; and

WHEREAS, a Public Hearing was held before the City Council of the City of Menlo Park regarding the foregoing matter on June 16, 2015; and

WHEREAS, notice of said Public Hearing was duly made by publication, mailing, and posting as required by law, and proof thereof is on file with the City Clerk of the City of Menlo Park; and

WHEREAS, no protests were filed with or received by said City Council; and

WHEREAS, the City Council finds that the public convenience and necessity require that utility easements be reserved within the area to be vacated.

IT APPEARING to the City Council of the City of Menlo Park that the Public Right of Way, Sidewalk Easements, and Public Utility Easements should be abandoned for the reason that they are no longer needed and it would allow the Applicant to proceed with the construction of the multi-family affordable housing project proposed for the site, and that public convenience, necessity, and the best interests of the citizens of Menlo Park will be served by such abandonment.

NOW, THEREFORE, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore,

BE IT AND IT IS HEREBY RESOLVED by the City of Menlo Park

- A) that said City Council does hereby abandon, to the full extent permitted by law, the Public Right of Way, Sidewalk Easements, and Public Utility Easements within the property at 1221-1275 Willow Road, described on

the legal plats, Exhibit B, attached hereto and by the legal description of said public utility easement on file in the Engineering Division, and said Exhibits and legal descriptions are incorporated herein and made a part hereof; and

- B) that this Resolution shall not be recorded until the property owners of 1221-1275 Willow Road submit verification of adequate financing to complete the Sequoia Belle Haven project for which the Property is being abandoned; and property owners shall submit a complete building permit application package to the City of Menlo Park.
- C) that said abandonment is consistent with the General Plan; and
- D) that said abandonment is exempt under current California Environmental Quality Act Guidelines.

I, PAMELA I. AGUILAR, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the sixteenth day of June, 2015 by the following votes:

AYES:

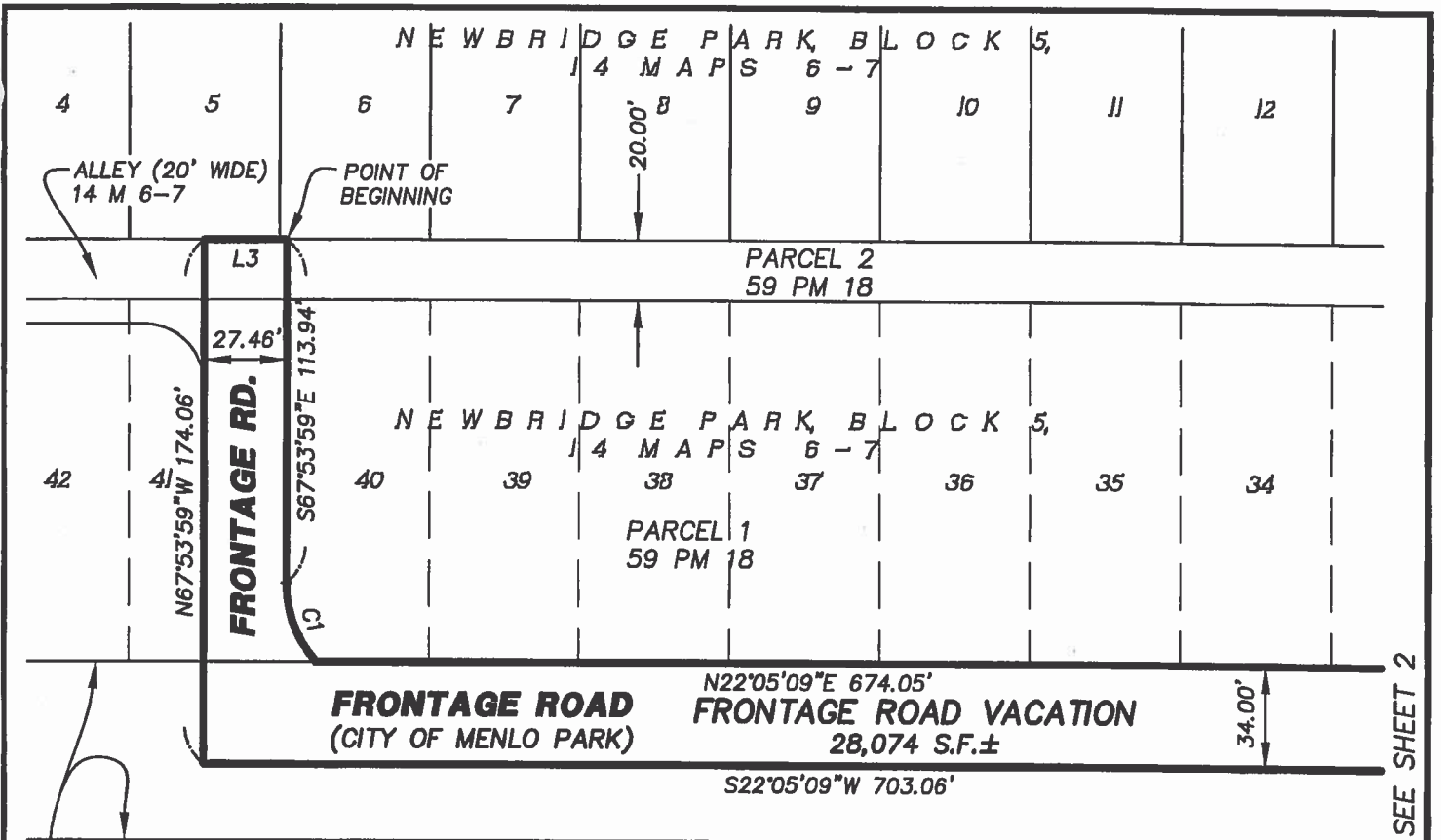
NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Menlo Park on this sixteenth day of June, 2015.

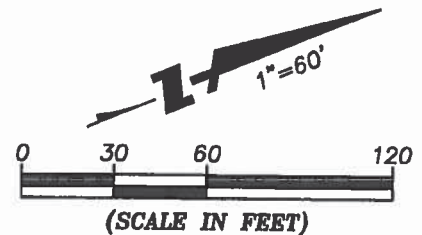
Pamela I. Aguilar
City Clerk



RELINQUISHMENT OF HIGHWAY
RIGHT-OF-WAY IN THE CITY OF
MENLO PARK, DOC. NO. 94101801

← TO NEWBRIDGE STREET

WILLOW ROAD
(STATE ROUTE 114)
WIDTH VARIES

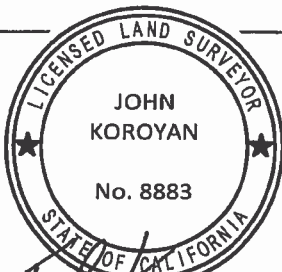


LINE TABLE

LINE	BEARING	LENGTH
L3	N22°04'55"E	27.46'

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	40.00'	40°46'23"	28.46'



John Koroyan

**ALBERNI
STREET**

LOCATION: MENLO PARK, SAN MATEO COUNTY, CALIFORNIA

K:\Sur13\136051 Menlo Gateway\DWG\Plats\Frontage Road Vacation.dwg

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION



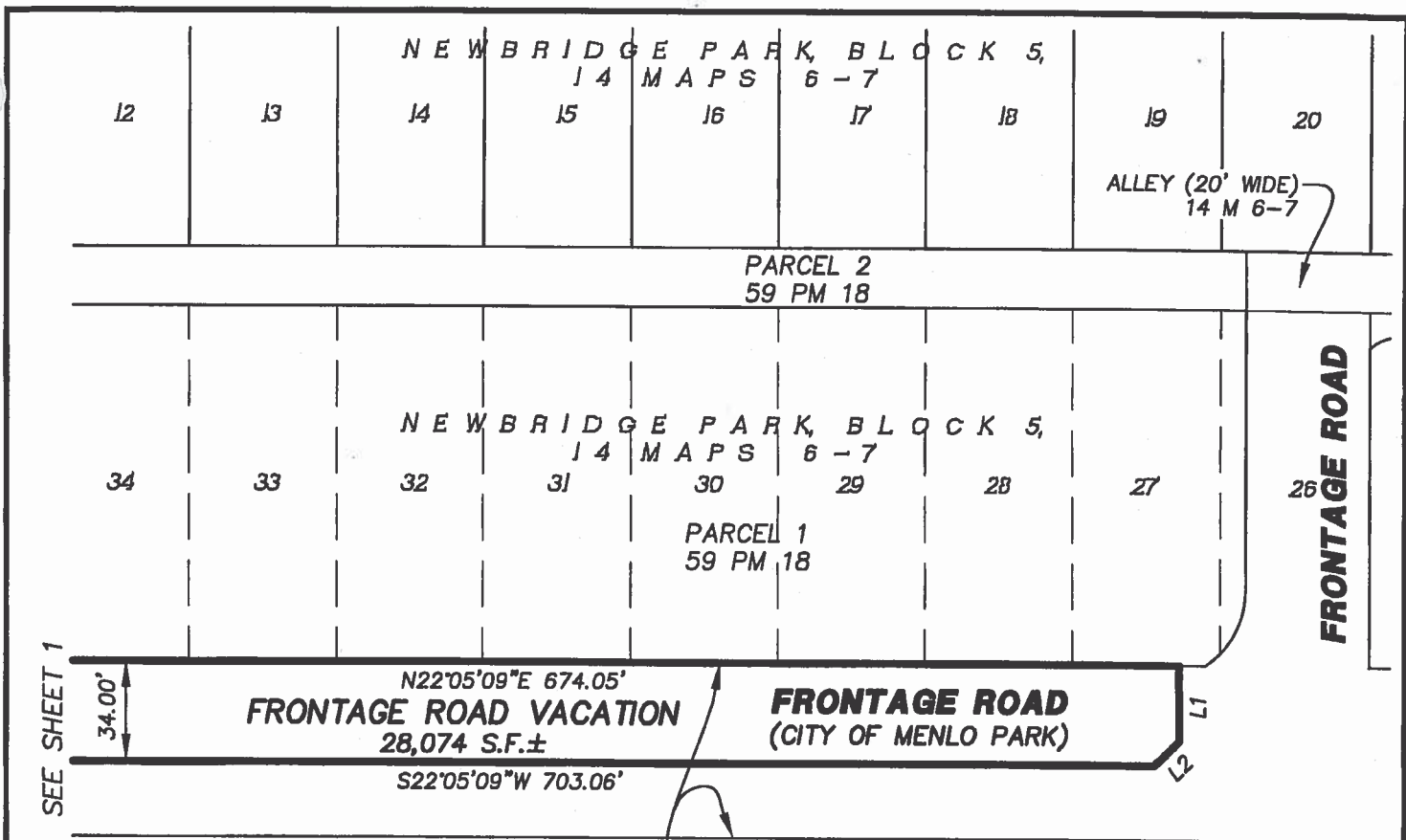
1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

Subject FRONTAGE ROAD VACATION

Job No. 20136051

By JG Date 06-03-15 Chkd. JVK

SHEET 1 OF 2

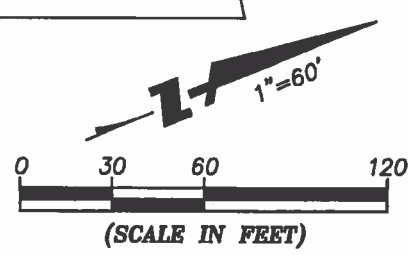


SEE SHEET 1

RELINQUISHMENT OF HIGHWAY
RIGHT-OF-WAY IN THE CITY OF
MENLO PARK, DOC. NO. 94101801

WILLOW ROAD
(STATE ROUTE 114)
WIDTH VARIES

TO IVY DRIVE →



LINE TABLE		
LINE	BEARING	LENGTH
L1	S67°52'28\"E	25.85'
L2	S22°54'51\"E	11.53'

**O'BRIAN
DRIVE**

LOCATION: MENLO PARK, SAN MATEO COUNTY, CALIFORNIA
K: \Sur13\136051 Menlo Gateway\DWG\Plats\Frontage Road Vacation.dwg

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION



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SUITE 650
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Subject FRONTAGE ROAD VACATION
Job No. 20136051
By JG Date 06-03-15 Chkd. JVK
SHEET 2 OF 2

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement (the “Agreement”) is made as of June ____, 2015, by and between the City of Menlo Park, a California Municipal Corporation (the “Seller”) and Sequoia Belle Haven, L.P., a California limited partnership (the “Buyer”), with reference to the following facts and purposes.

RECITALS

- A. The Seller is the owner of the real property as described in Exhibit A (the “Property”).
- B. Buyer desires to purchase from Seller and Seller desires to sell the Property to the Buyer.

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, the Buyer and the Seller (the “Parties”) agree as follows:

1. Purchase and Sale of the Property.

Subject to the terms and conditions set forth below, Seller agrees to sell the Property to the Buyer.

2. Purchase Price.

The purchase price for the Property will be One Dollar (\$1.00).

3. Opening Escrow.

Prior to Closing (as defined below), the Parties will establish an escrow (“Escrow”) with Old Republic Title Company (“Escrow Holder”).

4. Escrow and Closing.

(a) The date for Closing will be established through the mutual agreement of the Parties, but in no event will the date of Closing be later than December 31, 2016. This Agreement will terminate and be of no further force and effect if the Closing has not occurred on or before December 31, 2016.

(b) Subject to satisfaction of the contingencies hereinafter described, Escrow Holder will close this Escrow (the “Closing”) by recording one or more grant deeds and other

documents required to be recorded and by disbursing the funds and documents in accordance with the joint escrow instructions of Buyer and Seller.

(c) The Closing is contingent on the following: (1) Buyer shall submit verification of adequate financing to complete the Sequoia Belle Haven project for which the Property is being purchased; and (2) Buyer shall submit a complete building permit application package to the City of Menlo Park.

5. Costs of Escrow.

All costs of Escrow will be paid by Buyer.

6. Indemnification. Buyer agrees to indemnify, defend and hold Seller and its officers, employees and agents harmless from and against any and all claims, demands, liabilities, losses, costs, and expenses, including, without limitation, attorneys' fees and costs of litigation, which arise out of or in connection with this Agreement; provided, however, that this indemnification shall not extend to any claim arising solely from the Seller's negligence or negligent failure to perform its obligations under this Agreement.

7. Conveyance by Deed.

At the Closing, the Seller will convey title to the Property from the Seller to the Buyer by a grant deed in a form approved by the Buyer and deliver possession of the Property to Buyer.

8. Property Taxes and Assessments.

Property taxes, assessments, utilities and all other charges related to the Property will be prorated between the Seller and the Buyer as of the date of closing. Such prorations will be made on the basis of a 365-day year.

9. "As Is".

Buyer is purchasing the Property "as is" and Seller makes no representations as to the condition of the Property or its suitability for the purpose for which Buyer is acquiring the Property.

10. No Brokers.

Each party represents to the other that it has not had any contact or dealings regarding the Property, or any communication in connection with the subject matter of this transaction, through any real estate broker or other person who can claim a right to a commission or finder's fee. If any broker or finder makes a claim for a commission or finder's fee based upon a contact, dealings, or communications, the party through whom the broker or finder makes this claim will indemnify the other party, defend with counsel of the indemnified party's choice, and hold the indemnified party harmless from all expense, loss, damage and claims, including the indemnified party's attorneys' fees, if necessary, arising out of the broker's or finder's claim.

11. Notices.

Unless otherwise provided herein, any notice, tender or delivery to be given pursuant to this Agreement by either party may be accomplished by personal delivery in writing or by first class certified mail, return receipt requested. Any notice by such mailing will be deemed received four (4) days after the date of mailing. Mailed notices will be addressed as set forth below, but each party may change its address by written notice in accordance with this Section 11.

To Buyer: c/o MidPen Housing Corporation
303 Vintage Park Drive, Suite 250
Foster City, CA 94404

To the Seller: City of Menlo Park
Attn: _____
701 Laurel Street
Menlo Park, CA 94025

12. Assignment.

The Buyer will have no right, power, or authority to assign this Agreement or any portion hereof or to delegate any duties or obligations arising hereunder, either voluntarily, involuntarily or by operation of law, except for an assignment to MidPen Housing Corporation or an affiliate thereof, to which Seller's consent shall not be unreasonably withheld.

13. General Provisions.

(a) Headings. The title and headings of the various sections hereof are intended for means of reference and are not intended to place any construction on the provisions hereof.

(b) Invalidity. If any provision of this Agreement will be invalid or unenforceable the remaining provisions will not be affected thereby, and every provision hereof will be valid and enforceable to the fullest extent permitted by law.

(c) Attorneys' Fees. In the event of any litigation between the Parties hereto to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to all costs and expenses, including reasonable attorneys' fees incurred by the prevailing party, all of which may be included as part of the judgment rendered in such litigation.

(d) Entire Agreement. The terms of this Agreement are intended by the Parties as a final expression of their agreement and may not be contradicted by evidence of any prior or contemporaneous agreement. The Parties further intend that this Agreement constitute the exclusive statement of its terms and that no extrinsic evidence whatsoever may be introduced in any judicial proceedings involving this Agreement. No provision of this Agreement may be amended except by an agreement in writing signed by the Parties hereto or their respective successors in interest. This Agreement will be governed by and construed in accordance with the laws of the State of California.

(e) Successors. This Agreement will be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the Parties hereto.

(f) Time of the Essence. Time is of the essence in this Agreement.

(g) Cooperation of Parties. The Seller and the Buyer will, during the Escrow period, execute any and all documents reasonably necessary or appropriate to close the purchase and sale pursuant to the terms of this Agreement.

[Remainder of page left intentionally blank.]

IN WITNESS WHEREOF, the Parties have executed this Agreement on or as of the date first above written.

SELLER:

City of Menlo Park

By: _____

Its: _____

Approved as to form:

BUYER:

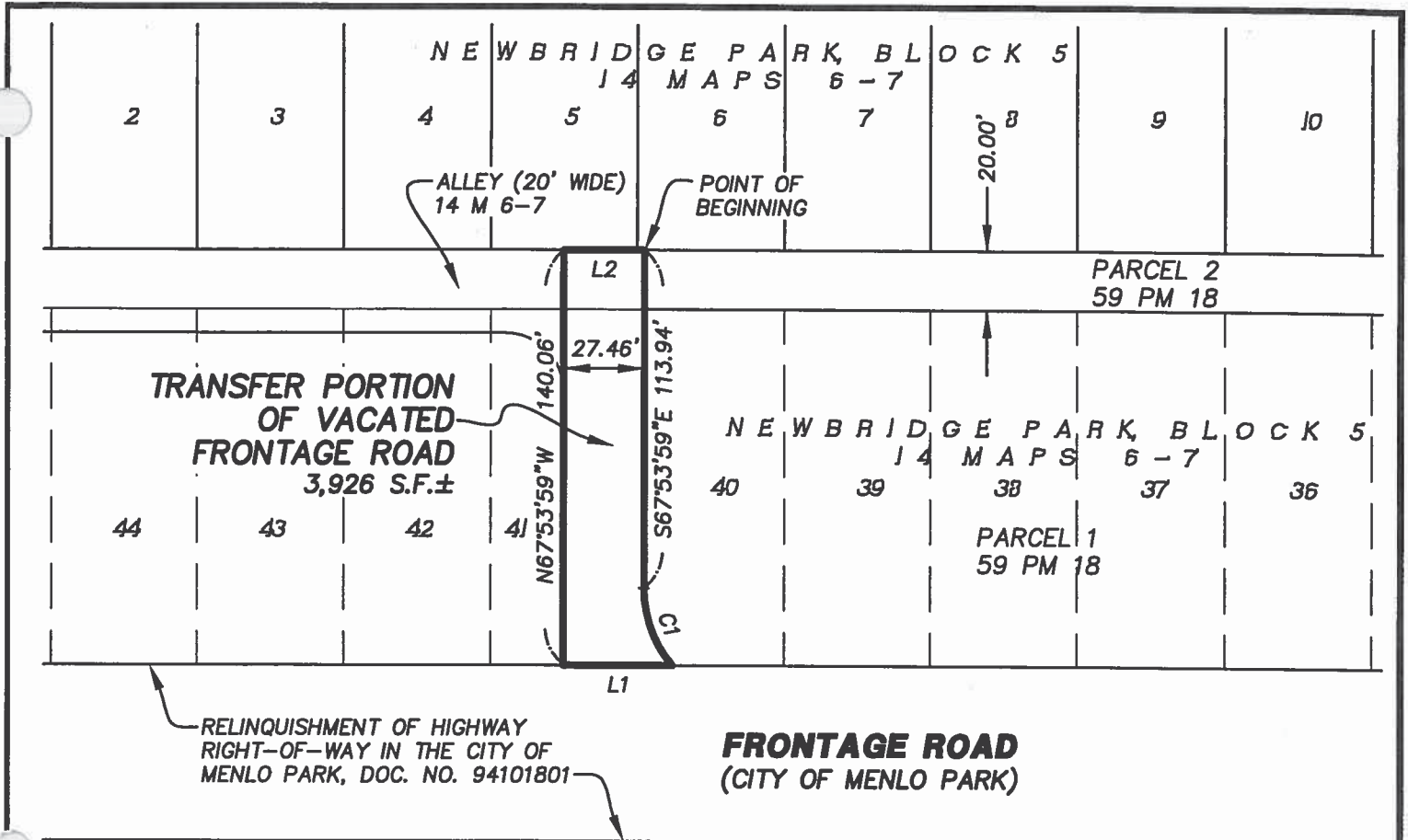
Sequoia Belle Haven, L.P.,
a California limited partnership

By: Sequoia Belle Haven LLC,
a California limited liability company,
its general partner

By: Mid-Peninsula The Farm, Inc.,
a California nonprofit public benefit corporation,
its sole member/manager

By: _____
Jan Lindenthal,
Assistant Secretary

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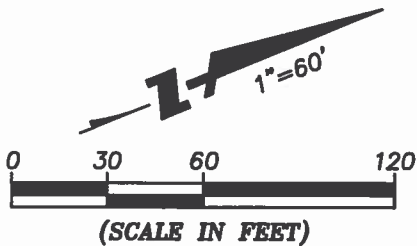


RELINQUISHMENT OF HIGHWAY
RIGHT-OF-WAY IN THE CITY OF
MENLO PARK, DOC. NO. 94101801

FRONTAGE ROAD
(CITY OF MENLO PARK)

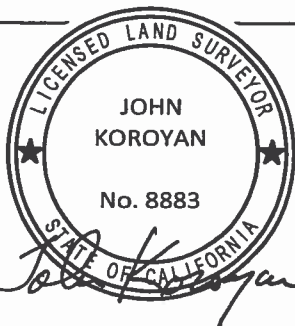
← TO NEWBRIDGE STREET

TO IVY DRIVE →



WILLOW ROAD
(STATE ROUTE 114)
WIDTH VARIES

LINE TABLE		
LINE	BEARING	LENGTH
L1	S22°05'09"W	37.17'
L2	N22°04'55"E	27.46'



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	40.00'	40°46'23"	28.46'

**ALBERNI
STREET**

LOCATION: MENLO PARK, SAN MATEO COUNTY, CALIFORNIA

K: \Sur13\136051 Menlo Gateway\DWG\Plats\Frontage Road Transfer.dwg

PLAT TO ACCOMPANY LEGAL DESCRIPTION



1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

Subject TRANSFER PORTION
OF VACATED FRONTAGE ROAD
Job No. 20136051
By JG Date 03-23-15 Chkd. JVK
SHEET 1 OF 1

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PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION
MEETING OF MAY 18, 2015
AGENDA ITEM D4

LOCATION: 1221-1275 Willow Road

APPLICANT: MidPen Housing

OWNER: Menlo Gateway Inc.
(an entity of MidPen Housing)

APPLICATION: Planning Commission Review for Consistency with the General Plan Related to the Proposed Abandonment of Right-of-Way, Sidewalk Easement, and Public Utility Easements

PROPOSAL

The applicant has applied for the abandonment and vacation of public right-of-way along Willow Road and a swath of land perpendicular to the alley access from Newbridge Street, and multiple public utility easements (PUE) located at 1221-1275 Willow Road. The proposed abandonment of the right-of-way and easements is necessary to facilitate the development of a new 90-unit affordable, senior residential development.

ANALYSIS

Site Location

The subject site is located mid-block between Newbridge Street and Ivy Drive in the Belle Haven neighborhood at 1221-1275 Willow Road. The site is surrounded by a commercial vacant lot to the north, a mix of single-family residential and commercial uses in the City of East Palo Alto as well as a mix of commercial, institutional, office and research and development in the City of Menlo Park's M-2 zoning district across the street on the east side of Willow Road, a neighborhood market to the south at the corner of Newbridge Street, and R-1-U zoned single-family residential uses to the west.

The site was recently rezoned R-4-S (AHO) (High Density Residential, Special with the Affordable Housing Overlay) in 2013 when it was identified as a housing opportunity

site as part of the Housing Element process. The 2.7-acre site was formerly zoned R-3 (Apartment) and contains 48 apartment units within multiple one-story buildings.

At the May 18, 2015 meeting, the Planning Commission will also be conducting a study session on the proposed residential development as part of the R-4-S compliance review process. The study session will provide an opportunity for members of the Commission and public to provide feedback on the proposal's compliance with the R-4-S development regulations and design standards. There is no formal action by the Planning Commission on the R-4-S compliance review. Following the study session and review of the comments received, the Community Development Director will make a determination the proposed residential development's compliance with the R-4-S zoning district requirements. The proposed development has been designed with the intent that the right-of-way and PUEs would be abandoned.

Previous Right-of-Way Abandonments

The subject site is located between two properties where right-of-way along Willow Road has already been abandoned. The first property is located at the corner of Willow Road and Newbridge Street. The City abandoned a portion of the right-of-way in 2001. The proposed abandonment discussed below would match the same right-of-way alignment. The second property on the 1200 block of Willow Road with a right-of-way abandonment is located at the corner of Willow Road and Ivy Drive. In 2004, the City abandoned all of the right-of-way up to the curb line of Willow Road, a greater abandonment than proposed at the subject property.

Project Description

The applicant, also the current property owner, wishes to comprehensively redevelop the site with a new 90-unit senior residential complex. MidPen proposes to redevelop the site to address both physical and functional needs, and this represents the first step of a process to revitalize the entire Menlo Gateway Apartments (also located on the 1300 block of Willow Road). The proposed right-of-way and PUE abandonment addresses specific concerns regarding site access, pedestrian and vehicular circulation, and safety. The abandonment would formalize the existing circulation and parking at site, which is currently located in the public right-of-way, and more clearly delineate what is public versus private property. Overall, the proposed project would increase the supply of affordable housing in Menlo Park given the scarcity and high cost of available land. All of the units, except one for the manager's unit, will be deed restricted for extremely low and low-income residents for a period of not less than 55 years. The City Council, in September 2014, adopted a resolution to authorize a loan for up to \$3.2 to assist with the development of the proposed project.

From the existing curb at Willow Road to the existing property line at 1221-1275 Willow Road, there is an additional 59 feet, 3 inches of public right-of-way. This area currently contains a median and a frontage road with a parking lot used by residents of MidPen's apartments. A decorative block wall with metal railing, mostly covered with plantings, is

located in the median and separates Willow Road from the frontage road. The frontage road is only accessible via the alleyways from Newbridge Street or Ivy Drive.

To facilitate the proposed 90-unit affordable senior development, the applicant is proposing to abandon two different portions of right-of-way. The first section is a partial vacation of a frontage road along Willow Road. The applicant proposes to vacate 34 feet of right-of-way, leaving 25 feet, 3 inches of right-of-way adjacent to the roadway curb on Willow Road. The width of the proposed abandonment was a compromise between the City and the applicant, and allows MidPen to achieve on-site circulation and parking while allowing the City to maintain flexibility for future improvements to Willow Road. The proposed right-of-way abandonment would align with the adjacent right-of-way of the property to the south of the site in front of the market. The second proposed right-of-way abandonment is located perpendicular to the alley entrance from Newbridge Street and the frontage road. The area of land is approximately 37 feet by 93 feet, and is located directly adjacent to the southern (left) property line of the subject site. In addition to the right-of-way abandonment, the applicant is seeking to abandon several PUEs on the property as well as a public sidewalk easement.

The property contains a PUE along the rear of the property line, which is proposed to remain. In conjunction with the abandonment, the applicant is proposing to establish a new 30-foot PUE for the entire width of the property and a smaller 20-foot by 20-foot PUE for a portion of the frontage road that connects between the alleyway and the existing PUE at the rear of the property. The proposed 30-foot PUE would begin four feet back from the front property line. Within this four-foot deep area, the applicant will also establish a new 20-foot wide PUE, approximately one-third into the property from Newbridge Street, for the benefit of the City of East Palo Alto who maintains a water line in this area. The proposed fence along the front property line will need to be coordinated with the location of the PUEs so the two do not conflict.

A summary of the location, type and size of the easements proposed to be abandoned is shown in the table below and a comprehensive exhibit of the right-of way and PUEs are shown in Attachment B.

Right-of-Way and Easement Location	Abandonment Type	Size
Portion of frontage road located perpendicular to alley entrance from Newbridge Street	ROW	37.11' x 93.94'
Portion of frontage road located between the existing front property line and Willow Road	ROW	34' x 720.11'
Along the existing front property line for a depth of 8 feet	PUE and Sidewalk Easement	8' x 683.09'

Right-of-Way and Easement Location	Abandonment Type	Size
Portion of private property along the front property line near the intersection of the two frontage roads at the lower left corner of the site	PUE	10' x 10'
Portion of private property along the front property line, approximately 200 feet north lower left corner of the site	PUE	5' x 10'

All of the utility companies with an interest in the PUEs have been notified. All of the companies, except for Comcast who has yet to respond, have no objections to the proposed abandonments, subject to certain criteria noted below. Pacific Gas and Electric (PG&E) has indicated that they are presently operating and maintaining utility facilities within the frontage road area to be abandoned. Therefore, PG&E is requesting a permanent easement to benefit PG&E to allow access to the site to construct, operate, repair and/or to conduct other operations of their facilities. The applicant's proposed 30-foot PUE along the property frontage should address this issue. In addition, PG&E has indicated that they are also operating and maintaining utility facilities within the smaller PUEs within the existing property boundaries. After all of the facilities are removed, PG&E would not have any objection to the abandoning of the easements. The City of East Palo Alto also contains water facilities within the proposed abandonment area. Therefore, a new 20-foot by 4-foot PUE to benefit the City of East Palo will be established.

Abandonment Procedure

The three step process for abandonment of the right-of-way and PUEs is as follows:

- 1) The City Council considers adopting a Resolution of Intention to Abandon the Easement, sets dates for the Public Hearings and refers it to the Planning Commission.
- 2) The Planning Commission considers the proposed abandonment for consistency with the General Plan. The Planning Commission's recommendation and input, if any, received from utilities and/or affected parties is submitted to City Council (included in the staff report to Council) for the Public Hearing.
- 3) A Public Hearing is set where the City Council will consider the Planning Commission's recommendation and adopts a Resolution Ordering the Abandonment of the PUE and EAE.

The City Council reviewed and approved a Resolution of Intention to abandon the easements at its May 5, 2015 meeting. The resolution established the Planning Commission public hearing date for May 18, 2015 and the final City Council hearing date for June 16, 2015.

The purpose of the Planning Commission review is to determine whether the proposed abandonment is consistent with the General Plan, as discussed in more detail in the

following section. The Planning Commission's determination is forwarded to the City Council for consideration. Prior to the City Council's public hearing, staff will post at least three notices regarding the proposed abandonment in conspicuous places on the subject property. At the June 16, 2015 meeting, the Council will consider the Commission's recommendation, as well as other comments from the public, prior to taking final action on the request.

General Plan Consistency

The Land Use and Circulation Elements of the General Plan does not contain specific goals or policies that directly address the proposed right-of-way and PUE abandonment. The proposed abandonments also would not appear to conflict with existing General Plan philosophy, which generally promotes orderly development, the maintenance of the City's economic vitality and fiscal health, the protection of people and property from exposure to health and safety hazards, and the minimization of adverse impacts of development to the City's public facilities and services. The City is currently undergoing an update of the City's Land Use Element of the General Plan. Future plans for the larger M-2 Area and Willow Road have not yet been determined, but the proposed right-of-way abandonment would still provide flexibility for public improvements for the remaining 25 feet of right-of-way adjacent to the existing curb of Willow Road. The proposed abandonment is consistent with the right-of-way on the adjacent property to the south.

As noted earlier, the City has contacted the affected utility agencies about the proposed abandonments, and there have been no objections to the proposal since alternate easements have been established for PG&E and the City of East Palo Alto. The removal of the sidewalk easement on private property would be replaced with a new sidewalk located in the public right-of-way. The proposed abandonment of the easements would not negatively impact other properties, and would allow for the comprehensive redevelopment of the site with a 90-unit, affordable senior development. Staff believes the proposal is consistent with the General Plan.

Action on this item is in the form of a recommendation to the City Council. The Planning Commission's recommendation is submitted to the Council in the form of a resolution, included as Attachment C.

Correspondence

Staff has not received any correspondence regarding the proposal.

Conclusion

The proposed abandonments would not conflict with the General Plan land use and circulation goals and policies. The proposed abandonments would not negatively impact other properties and would benefit the subject site by allowing redevelopment of underutilized land. Easements for specific utilities have been created and coordinated with the respective agencies, and there have been no objections to abandon the right-of-way and PUEs. Staff recommends that the Planning Commission find that the proposed right-of-way and PUE abandonments are consistent with the General Plan.

ENVIRONMENTAL REVIEW

The proposed plan line abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

1. Make a finding that the proposed abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt Resolution No. 2015-01 determining that abandonment of the public utility easements and emergency access easement on 1221-1275 Hamilton Avenue is consistent with the General Plan (Attachment C).

Report prepared by:

Deanna Chow
Senior Planner

Report reviewed by:

Justin Murphy
Assistant Community Development Director

PUBLIC NOTICE & APPEAL PERIOD

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject properties. Planning Commission action will be in the form of a recommendation to the City Council.

ATTACHMENTS

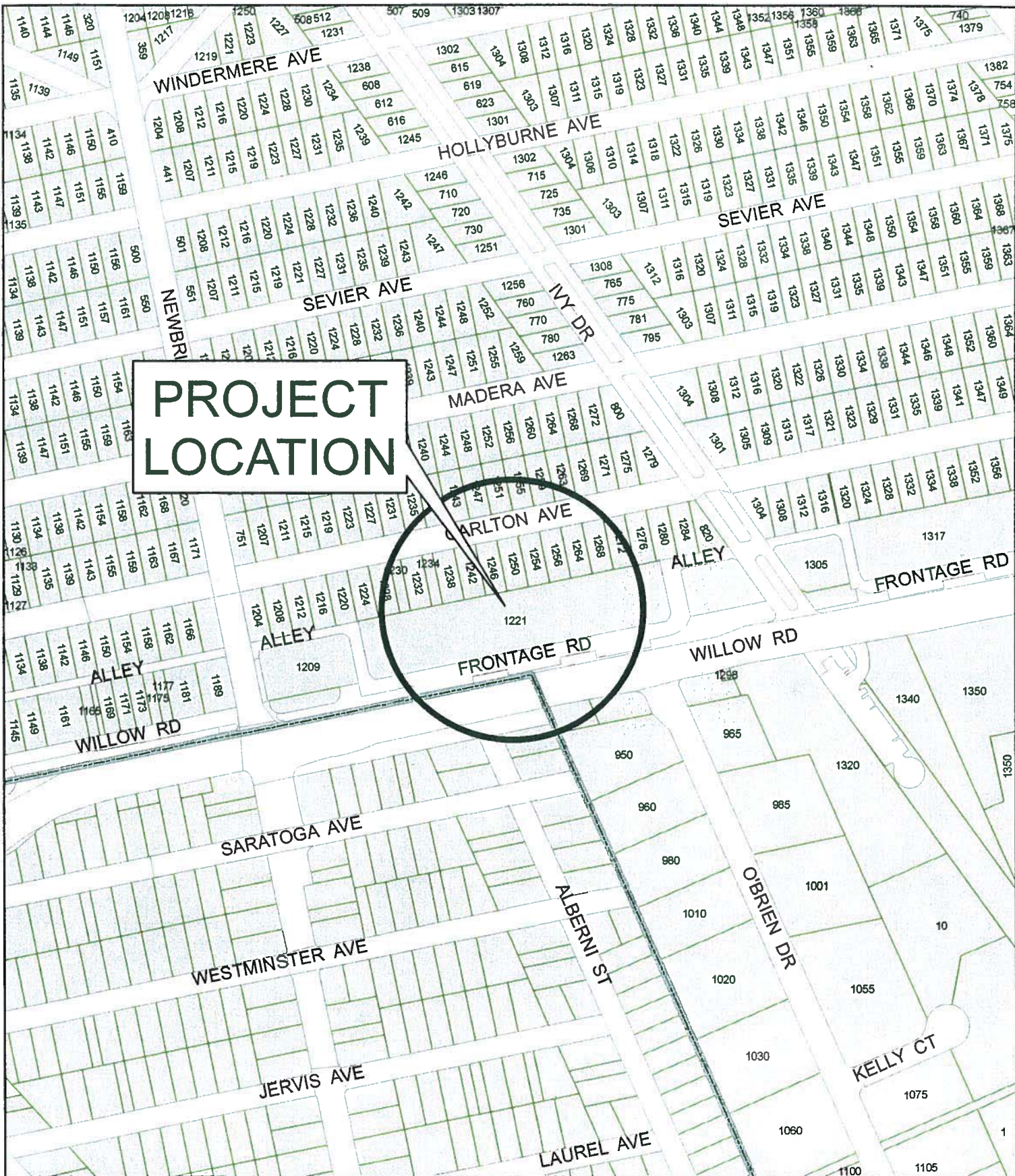
- A. Location Map
- B. Exhibit of Proposed Abandonment Areas
- C. Draft Resolution of the Planning Commission of the City of Menlo Park Determining that Abandonment of the Public-Right-Way and Public Utility Easements on 1221-1275 Willow Road is Consistent with the General Plan

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Public Works Department.

EXHIBITS TO BE PROVIDED AT MEETING

None

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**PROJECT
LOCATION**



CITY OF MENLO PARK
 LOCATION MAP
 1221 WILLOW ROAD



DRAFT RESOLUTION NO. 2015-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK DETERMINING THAT ABANDONMENT OF THE RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS ON 1221-1275 WILLOW ROAD IS CONSISTENT WITH THE GENERAL PLAN

WHEREAS, the Planning Commission of the City of Menlo Park has considered the abandonment of right-of-way and public utility easements at 1221-1275 Willow Road as required for the development of a 90-unit, affordable senior residential development located in the R-4-S (AHO) zoning district; and

WHEREAS, the Planning Commission has held a public meeting on this subject on May 18, 2015, as required by law, having provided public notification by publishing a legal notice in the local newspaper and notification of property owners and occupants within a 300-foot radius of the subject property;

WHEREAS, the Planning Commission of the City of Menlo Park has determined that said abandonments are consistent with the General Plan in that alternate easements for specific utility companies have been provided and there has been no objections to the abandonment proposal; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park hereby recommends that the proposed right-of-way and public utility easements at 1221-1275 Willow Road, as shown in attached Exhibit, to be abandoned as proposed.

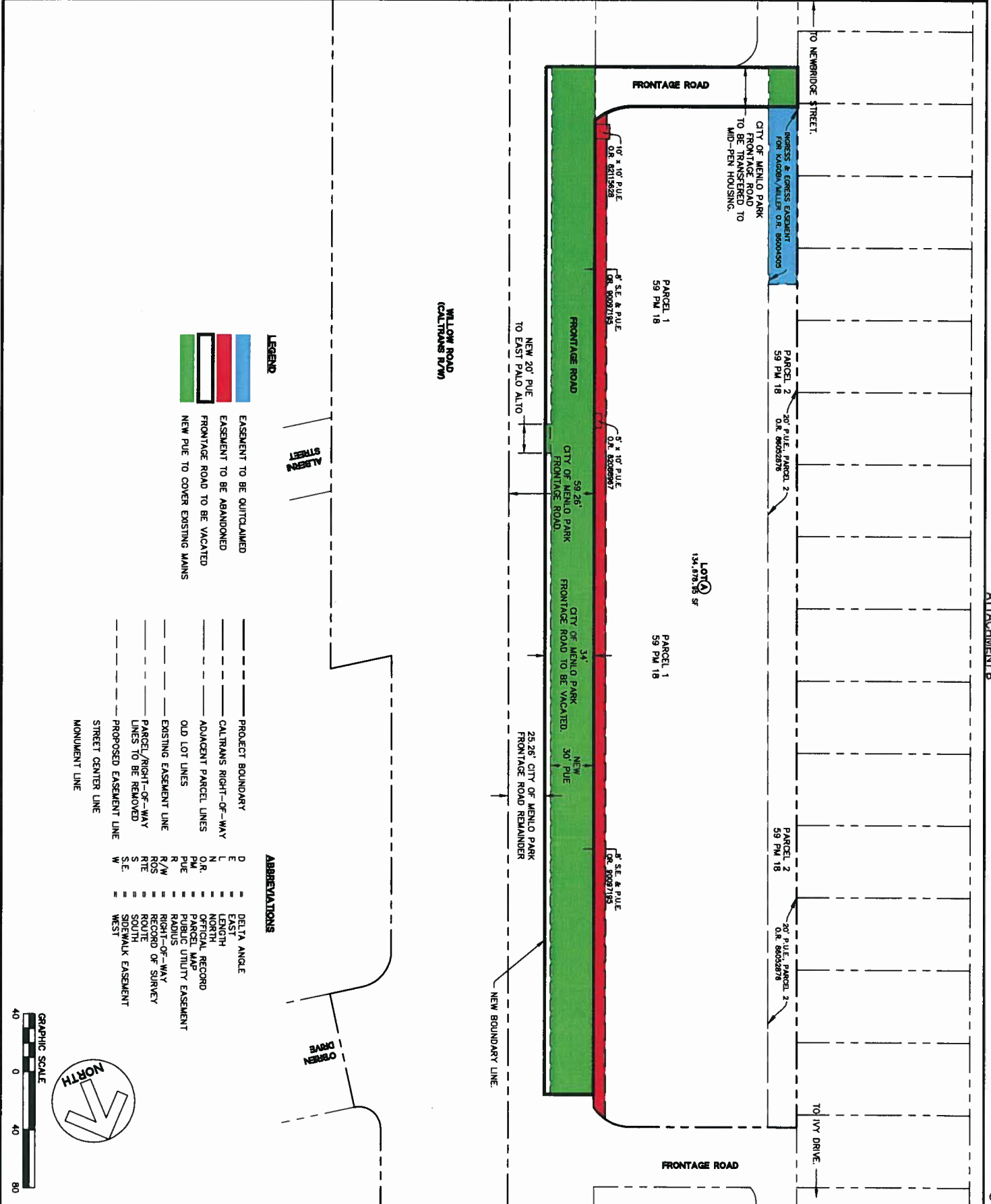
I, Arlinda Heineck, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted by a majority of the total voting members of the Planning Commission of the City of Menlo Park at a meeting held by said Commission on the 18th day of May, 2015, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSTAIN:	Commissioners:
ABSENT:	Commissioners:

I further certify that the foregoing copy is a true and correct copy of the original of said resolution on file in the office of the Community Development Department, City Hall, Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City this ___ day of May, 2015.

Arlinda Heineck
Community Development Director
City of Menlo Park



LEGEND

- EASEMENT TO BE OUTCLAIMED
- EASEMENT TO BE ABANDONED
- FRONTAGE ROAD TO BE VACATED
- NEW PUE TO COVER EXISTING MAINS

ABBREVIATIONS

- PROJECT BOUNDARY
- CALTRANS RIGHT-OF-WAY
- ADJACENT PARCEL LINES
- OLD LOT LINES
- EXISTING EASEMENT LINE
- PARCEL/RIGHT-OF-WAY LINES TO BE REMOVED
- PROPOSED EASEMENT LINE
- STREET CENTER LINE
- MONUMENT LINE



FRONTAGE ROAD VACATION EXHIBIT
MIDPEN GATEWAY SENIOR HOUSING
 1221 WILLOW ROAD
 MENLO PARK SAN MATEO CALIFORNIA

BKF
 ENGINEERS / SURVEYORS / PLANNERS
 1650 TECHNOLOGY DRIVE
 SUITE 650
 SAN JOSE, CA 95110
 408-467-9100
 408-467-9199 (FAX)

Date:	No.	Revisions
04.30.15		
Scale: 1" = 30'		
Design: FCG		
Drawn: FCG		
Approved: JN		
Job No: 20136051		

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RESOLUTION NO. 2015-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK DETERMINING THAT ABANDONMENT OF THE RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS ON 1221-1275 WILLOW ROAD IS CONSISTENT WITH THE GENERAL PLAN

WHEREAS, the Planning Commission of the City of Menlo Park has considered the abandonment of right-of-way and public utility easements at 1221-1275 Willow Road as required for the development of a 90-unit, affordable senior residential development located in the R-4-S (AHO) zoning district; and

WHEREAS, the Planning Commission has held a public meeting on this subject on May 18, 2015, as required by law, having provided public notification by publishing a legal notice in the local newspaper and notification of property owners and occupants within a 300-foot radius of the subject property;

WHEREAS, the Planning Commission of the City of Menlo Park has determined that said abandonments are consistent with the General Plan in that alternate easements for specific utility companies have been provided and there has been no objections to the abandonment proposal; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park hereby recommends that the proposed right-of-way and public utility easements at 1221-1275 Willow Road, as shown in attached Exhibit, to be abandoned as proposed.

I, Arlinda Heineck, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted by a majority of the total voting members of the Planning Commission of the City of Menlo Park at a meeting held by said Commission on the 18th day of May, 2015, by the following vote:

AYES:	Commissioners: Combs, Goodhue, Kadvany, Kahle, Onken, Strehl
NOES:	Commissioners: None
ABSTAIN:	Commissioners: None
ABSENT:	Commissioners: Ferrick

I further certify that the foregoing copy is a true and correct copy of the original of said resolution on file in the office of the Community Development Department, City Hall, Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City this 18th day of May, 2015.

Arlinda Heineck
Community Development Director
City of Menlo Park

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