



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: August 28, 2018

Approved

D-DSL

Date

8/28/18

COUNCIL DISTRICT: 3

**SUBJECT: SUMMARY VACATION OF THE WESTERLY HALF STREET OF
TERRAINE STREET NORTHERLY TERMINUS**

RECOMMENDATION

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of the westerly half street of Terraine Street northerly terminus ("Subject Portion");
- (b) Summarily vacating the Subject Portion which has been determined to be excess right-of-way not required for street purposes; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

OUTCOME

Upon recordation of the resolution of vacation, the Subject Portion will be abandoned as a public street and no longer constitute part of Terraine Street.

BACKGROUND

Consistent with the Brandenburg Mixed-Use Project / North San Pedro Housing Sites Final Environmental Impact Report and Addendum (Resolution 72170), the City adopted a resolution approving a Conditional Use Permit (CP11-034) on December 14, 2011, to allow 135 affordable apartments ("Project") on a 0.73 gross acre site at 201 Bassett Street (Assessor's Parcel No. 259-

23-016, 259-23-027, and 259-51-008). The project site is bounded by the Union Pacific Railroad line to the north, a segment of Terraine Street to the east, Bassett Street to the south, and State Route 87 to the west. Affordable housing developer, First Community Housing (“Applicant”), will design and construct the 100% affordable apartments consisting of 118 studios, 16 one-bedroom apartments, and one two-bedroom unrestricted manager’s apartment.

The Subject Portion is proposed to be included with the Project. In order to accomplish the land use plan, as approved under CP11-034, the street vacation of the Subject Portion requires further discretionary approval by the City Council.

ANALYSIS

Pursuant to Streets and Highways Code Sections 8334 and 8334.5, a street right-of-way may be summarily vacated if the City Council determines that it is excess and not required for street purposes and there are no in-place public utility facilities in use that would be affected by the vacation.

Staff has reviewed the vacation application and determined that the Subject Portion is excess right-of-way and not required for street purposes. Presently, the Subject Portion is unpaved and inaccessible by vehicle due to the curb, gutter, and sidewalk improvements along Bassett Street. The Subject Portion is not being used for street purposes. In compliance with Section 892 of the Streets and Highways Code, staff has also determined that the Subject Portion is not useful as a nonmotorized transportation facility as these uses (i.e. sidewalks, bike lanes, etc.) are already available along the bordering streets which are more suitable for such transportation uses. Aside from a City storm drain inlet, which will be removed as part of the Project, the Subject Portion does not contain any in-place public utility facilities per written correspondence from various public utility companies. The City storm drain inlet will be unnecessary since stormwater runoff within the Subject Portion will be captured by the onsite storm drain system.

According to the preliminary title report by First American Title Insurance Company, the Applicant holds the underlying fee ownership to the Subject Portion.

The easterly half of Terraine Street northerly terminus is not included with this vacation as it is outside the proposed Project limits. However, it will require vacation in order to effectuate Special Use Permit (SP17-023) related to the redevelopment of 199 Bassett Street, located east of the Project. Approved by the City on November 15, 2017, SP17-023 allows the demolition of two vacant warehouse buildings and the construction of an 18-story residential tower to include 302 residential units with four levels of underground parking and ten commercial condominiums totaling approximately 9,300 square feet of ground floor commercial uses.

EVALUATION AND FOLLOW-UP

If Council adopts the resolution vacating the Subject Portion, no further action by the Council will be required.

PUBLIC OUTREACH

The public was given the opportunity to comment on the proposed development and site plan with the inclusion of the proposed vacation area as part of the Planning permit review and approval process.

All concerned utility companies have been contacted in writing and have no objection to the proposed vacation and have not requested a reservation of a public service easement as there are no facilities in the Subject Portion.

This memorandum will be posted to the City's website for the September 11, 2018, City Council agenda.

COORDINATION

The vacation has been coordinated with the Department Planning, Building and Code Enforcement, Department of Transportation, Office of Economic Development, Police Department, Fire Department, and the City Manager's Budget Office. Additionally, the vacation and resolution have been reviewed by the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

The Planning Commission approved the development project and site plan, which includes the proposed vacation area.

COST SUMMARY/IMPLICATIONS

The Public Works Department collected cost-recovery fees on June 19, 2018, for Fiscal Year 2017-2018, of \$ 4,291.00 to process the subject vacation. These fees were received to support the Public Works Development Fee Program.

HONORABLE MAYOR AND CITY COUNCIL

August 28, 2018

Subject: Summary Vacation of the Westerly Half Street of Terraine Street Northerly Terminus

Page 4

CEQA

North San Pedro Apartments Project Initial Study / Addendum to the Final Environmental Impact Report and Environmental Impact Report for the Brandenburg Mixed Use Project / North San Pedro Housing Sites, Resolution No. 72170 (CP11-034 / GPT03-03-01).

/s/

MATT CANO

Director of Public Works

For questions please contact Matthew Loesch, Acting Deputy Director, at (408) 975-7381.

Attachment: Location Map