



File #: 18-0707, Version: 1

REPORT TO COUNCIL

SUBJECT

Adopt a Resolution of Intention Ordering the Proposed Vacation of a Portion of Carl Road Westerly of Borregas Avenue and Set the Public Hearing Date for November 13, 2018

BACKGROUND

In August 2016, City Council adopted a Master Plan for the Sunnyvale Clean Water Program (SCWP) to guide improvements to the Water Pollution Control Plant (Plant) facilities and operations over the next 30 or more years. The Master Plan was developed to address several challenges facing the Plant today and into the future, as well as to support City policies. These challenges include: aging infrastructure; changes in regulatory requirements; and increases in population, flows and loads. The Master Plan identifies capital improvement projects, estimates costs, and recommends implementation approaches to achieve the planning objectives. The City has adopted a final program environmental impact report (PEIR) for the Master Plan in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

The proposed street vacation is associated with the Caribbean Drive Parking and Trail Access Enhancements Project, which is one of the first projects in the implementation of the SCWP. At present, the public uses Carl Road, which fronts the Plant, to access the San Francisco Bay Trail (Bay Trail). The Bay Trail is an over 400-mile regional park path system, including 3.45 miles in the City of Sunnyvale, linking 47 cities around the shoreline of the San Francisco Bay.

Since 2010, parking and a trailhead on the west side of the Plant along Carl Road have provided the public with access to a 2.4-mile segment (the "Moffett Connector") that connects the Sunnyvale Baylands to the Stevens Creek Trail. With the Caribbean Drive Parking and Trail Access Enhancements project, the City is looking to enhance the entrance of the Bay Trail by relocating it to Caribbean Drive for several reasons which include:

- Currently, due to space constraints along Carl Road, there is no opportunity for expanding the public parking to meet the demands of increased Bay Trail use.
- The current access point is in an area heavily trafficked with regular Plant deliveries which inconveniences both the public and Plant.
- The construction related to the SCWP as well as future changes with Plant site layout and circulation will increase the congestion in the area adding to current public and Plant inconveniences.

Vacating the Portion of Carl Road westerly of Borregas Avenue is one of the first steps in moving forward with the SCWP build out.

EXISTING POLICY

The vacation of streets, highways and public service easements is governed by Streets and Highways Code Section 8320 et seq.

ENVIRONMENTAL REVIEW

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061 (b) (3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

DISCUSSION

In 1896 a subdivision map entitled Map of the J.T. Murphy Subdivision No. 3, created Lots 78, 79 and 80, with Carl Road and Borregas Avenue being dedicated thereon to provide access to the Lots. As these streets were dedicated on the above-mentioned subdivision map, it has been determined through a title report, with the City owning properties adjacent to both sides of the proposed vacated streets, the underlying owner is the City.

The California Streets and Highway Code, Section 8320 et seq., provides for a general vacation procedure which facilitates the process of vacating a public street or easement. To use this procedure, certain findings must be made by the legislative body. With the City owning all parcels adjacent to the streets proposed to be vacated, it has been determined that the streets are no longer needed for public use and will help facilitate the construction of the new Water Pollution Control Plant project.

City departments, utility companies and other government entities were notified of the proposal and were given the opportunity to submit easement reservations for existing utilities in the proposed streets to be vacated and to report any comments or conflicts. The City received responses back from PG&E, AT&T, Frontier Communication, and XO Communications. The utilities had no issues with the street vacation.

The attached Resolution of Intention sets a public hearing for Tuesday, November 13, 2018 (Attachment 1). Upon approval, notice of the hearing will be published in the Sunnyvale Sun community newspaper for two successive weeks, and those portions of the area proposed to be vacated will be posted at least two weeks prior to the hearing. At the Public Hearing, a Resolution Ordering Vacation will be submitted for adoption, at which time, the findings will need to be made by the City Council that the proposed vacation of this portion of Carl Road Westerly of Borregas Avenue is no longer needed for the public right-of-way. The legal description and map depicting the general vicinity and showing the details of the proposed vacation are attached to the Resolution of Intention as Exhibit "A".

FISCAL IMPACT

None with this action as this vacation request is due to a City initiated project.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public

Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

City departments, utility companies and other government entities were notified of the proposed vacation and were given the opportunity to submit easement reservations and any comments or conflicts. Several responses were received, and all were favorable of the vacation.

RECOMMENDATION

Adopt the Resolution of Intention Ordering the Proposed Vacation of a Portion of Carl Road Westerly of Borregas Avenue and Set the Public Hearing Date for November 13, 2018.

Prepared by: Allison Boyer, Senior Engineer

Reviewed by: Jennifer Ng, Assistant Director of Public Works/City Engineer

Reviewed by: Chip Taylor, Director of Public Works

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Resolution of Intention