



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance Adding Chapter 18.50 to Title 18 (Subdivisions) of the Sunnyvale Municipal Code to Designate the Director of Public Works to Summarily Vacate Any Public Service Easement by Administrative Resolution of Vacation; Adopt a Resolution to Establish a Fee for Filing the Request for Summary Vacation; and Find CEQA Exemption per Guideline 15061(b)(3).

BACKGROUND

In 2015, the State Legislature passed SB 184, amending Streets and Highways Code Section 8335 *et. seq.*, which governs the vacation of streets, highways, or public service easements, and authorized the legislative body of a local agency to delegate authority to summarily vacate a public service easement to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps. The City Council previously delegated authority to the Director of Public Works to approve final maps pursuant to Sunnyvale Municipal Code (SMC) Chapter 18.20 (Ord. 3074-16).

Until the recent amendment of the Streets and Highways Code, the City Council was required to summarily vacate public service easements. Under the new legislation, the City Council may designate any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps to summarily vacate a public service easement.

EXISTING POLICY

Council Policy Chapter 7 *Planning and Management*

Policy 7.3.1 *Legislative Management - Goals and Policies*

Policy 7.3B.3 Prepare and update ordinances to reflect current community issues and concerns in compliance with State and federal laws.

ENVIRONMENTAL REVIEW

Designating the Public Works Director as the approval authority and amending the subdivision ordinance does not require environmental review because it can be seen with certainty that there is no possibility that these activities will have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3)).

DISCUSSION

As part of the development process of privately owned parcels without a tract or parcel map, title reports will show all easements encumbering a particular property. This may include public service easements that are no longer being utilized or simply not needed for City services. Public service easements would include parking, ingress and egress, emergency access, light and air access, landscaping, open space, storm water treatment measure, sidewalks and pathways, and the

construction, operation and maintenance of utilities. Public service easements do not include the vacation of public rights-of-way.

In an effort to provide a more streamlined process for development projects that require the removal of certain public service easements over their property, staff is proposing an ordinance to be adopted to add Chapter 18.50 to SMC (Attachment 1). This will delegate authority to the Director of Public Works to administratively approve the summary vacation of public service easements pursuant to SB 184. This will include the preparation of an administrative resolution to vacate the public service easement reviewed by the City Attorney's Office and certified by the City Clerk to allow recordation with the County Recorder's Office.

Council delegated authority to the Director of Public Works to approve final maps under SMC Chapter 18.20. This proposed process is similar in that it will reduce staff time and expedite the development process. The Director will approve the summary vacation only after notifying all entities having any right, title, or interest in the public service easement and confirming that the public service easement is no longer needed for its intended purpose.

Currently, there is no adopted fee for the review and processing of the summary vacation of a public service easement. Accordingly, the proposed fee for filing a request for a summary vacation of a public service easement is \$1,000 in fiscal year 2016/17 as set forth in the attached fee resolution. This fee will be required at the time the summary vacation request is submitted to staff.

FISCAL IMPACT

There is no fiscal impact. Staff time will be funded by the required processing fee.

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.

RECOMMENDATION

Introduce an ordinance adding Chapter 18.50 to Title 18 (Subdivisions) of the Sunnyvale Municipal Code to designate the Director of Public Works Authority to Summarily Vacate Any Public Service Easement by Administrative Resolution of Vacation; Adopt a Resolution to Establish a Fee for Filing the Request for Summary Vacation; and find a CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3).

Prepared by: Ryan Sandoval, City Property Administrator

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Timothy J. Kirby, Director, Finance

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Draft Ordinance
2. Fee Resolution