

REPORT TO COUNCIL

SUBJECT

Adopt a Resolution of Intention Ordering the Proposed Vacation of a Portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive and Reserving an AT&T Utility Easement, and Set the Public Hearing Date for February 27, 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.

One of the three proposed street vacations (Portion of Carl Road Westerly of Borregas Avenue) is associated with the Caribbean Drive Parking and Trail Access Enhancements Projects, 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 located 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 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.

The additional two proposed vacations (a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive) were added to the Caribbean Drive Parking and Trail Access Enhancements design contract as both are no longer used by the public and were not vacated previously. Notably, the Portion of Borregas Avenue Northerly of Carl Road is located within the Plant fence line and has not been accessed by the public for decades. Additionally, the Portion of Crossman Avenue Northerly of Caribbean Drive is no longer an active street and has since been covered by a closed landfill.

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. In 1969, the map entitled Map of the Crossman Subdivision No. 2, dedicated Crossman Avenue providing access to the adjacent lots. As these streets were dedicated on the above mentioned subdivision maps, 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. In order 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. Frontier and XO had no issues with the street vacations. AT&T submitted a request to reserve a utility easement for some existing facilities in Borregas Avenue and the eastern portion of Crossman Avenue measured 25 feet north from Caribbean Drive and this will be reserved in the Resolution as required by law. PG&E submitted a response regarding existing facilities in Borregas Avenue and Crossman Avenue; however, there are already existing easements in place that cover these facilities so no further action is required.

The attached Resolution of Intention sets a public hearing for Tuesday, February 27, 2018

(Attachment 1). Upon approval, notice of the hearing will be published in the Sun for two successive weeks, and those portions of the areas 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 Public Works Director that the proposed vacation of this portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive are no longer needed for the public right-of-way and that the public convenience and necessity requires the reservation of the AT&T utility easement. The legal descriptions and maps depicting the general vicinity and showing the details of the proposed vacation are attached to the Resolution of Intention as Exhibit "A". A map of the AT&T utility easement areas are attached to the Resolution of Intention as Exhibit "B".

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. There were requests to reserve a utility easement from AT&T, which will need to be reserved as required by law.

RECOMMENDATION

Adopt the Resolution of Intention Ordering the Proposed Vacation of a Portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive and Reserving an AT&T Utility Easement, and Set the Public Hearing Date for February 27, 2018.

Prepared by: Arnold Chu, Senior Engineer

Reviewed by: Craig Mobeck, Interim Director of Public Works

Approved by: Kent Steffens, Interim City Manager

ATTACHMENTS

1. Resolution of Intention