



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Public Hearing and Adopt a Resolution Ordering the 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 Public Utility Easements Therein

BACKGROUND

On January 23, 2018, Council approved the Resolution Declaring its Intention to Vacate 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 Public Utility Easements Therein and set the Public Hearing date for February 27, 2018 (RTC No. 17-0774).

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 and flow to the plant. 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 over 400-miles in length linking 47 cities around the shoreline of the San Francisco Bay. A total of 3.45 miles of the Bay Trail lie within the City of Sunnyvale.

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 of the Bay Trail (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:

- Due to space constraints along Carl Road, there is no opportunity for expanding the public parking, that mostly falls within the right-of-way of Carl Road, 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 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 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 Highways Code section 8320 et seq., provides for a general vacation procedure that facilitates the process of vacating a public street or easement. Moreover, California Streets and Highways Code section 8316 authorizes multiple streets to be vacated in the same proceeding. To use these procedures, 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. Should Council approve the road vacations, the vacations would then be recorded at the Santa Clara County Recorder's office to be formalized. In this instance, City staff will delay recordation of the Carl Road vacation until the Caribbean Drive improvements are completed. The improvements include expanded parking for the users of the Bay Trail and appropriate facilities to ensure the safety of bicyclists and pedestrians. By delaying the recordation, the public access to the Bay Trail will never be restricted.

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 Adopting Findings of Fact, Ordering the 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 Public Utility Easements Therein is submitted for adoption (Attachment 1).

Findings are 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 Ordering the Vacation as Exhibit "A". A map of the AT&T utility easement areas is attached to the Resolution Ordering the Vacation as Exhibit "B".

FISCAL IMPACT

No fiscal impact.

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.

A public meeting was held on September 19, 2017 to share information about the Caribbean Drive Parking and Trail Access Enhancements project. City staff posted flyers and mailed postcards for notification of the meeting. Additionally, agencies with a special interest in the project and/or Bay Trail were called and emailed individually prior to the meeting. Approximately 20 people attended the meeting from the public and other various interested agencies in addition to City staff.

On October 18, 2017, City staff hosted pop-up trailside events from 7:00 to 9:00 am, 11:00 am to 1:00 pm, and 4:00 to 6:00 p.m. to further discuss the project with actual trail users and provide project factsheets. A total of 61 people visited the trailside event and the overall response was positive.

Emails were sent to all interested agencies and public, and the meeting attendees on October 20, 2017 to share the outcome of the public meetings and outreach and to provide a brief project update. On January 12, 2018, notification was provided to update the stakeholders on the upcoming Council Meeting for a Notice of Intent to Vacate Carl Road on January 23, 2018. Five people responded to this outreach. Three respondents requested additional updates to the Caribbean Drive project which City staff provided. The remaining two respondents expressed concern with future development in the region.

On January 23, 2018, Council approved the Resolution Declaring its Intention to Vacate 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 Public Utility Easements Therein and set the Public Hearing date for February 27, 2018 (RTC No. 17-0774). In accordance with the Streets and Highway Code procedure for street vacations: City staff posted signs for the "Notice of Public Hearing" onsite at the three road vacation locations a minimum of two weeks prior to the hearing date and the Resolution of Intention was published in the Sun on February 16, 2018 and February 23, 2018.

ALTERNATIVES

1. Adopt the Resolution Ordering the 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 Public Utility Easements Therein; and authorize the City Clerk to record a certified copy of the Resolution to the Santa Clara County Recorder's office (Attachment 1 to the report).
2. Do not Adopt the Resolution Ordering the 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 Reserve Public Utility Easements Therein; and do not authorize the City Clerk to record a certified copy of the Resolution to the Santa Clara County Recorder's office.
3. Take other action as Council deems appropriate.

RECOMMENDATION

Alternative 1: Adopt the Resolution Ordering the 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 Public Utility Easements Therein; and authorize the City Clerk to record a certified copy of the Resolution to the Santa Clara County Recorder's office.

Prepared by: Allie Hood, Senior Engineer

Reviewed by: Jennifer Ng, Interim Assistant Director, Public works

Reviewed by: Wayne Tanda, Interim Director of Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENT

1. Resolution of Vacation