



COUNCIL AGENDA: 09-13-05  
ITEM: 2.10

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** 2103 EMORY STREET LIGHT  
AND AIR EASEMENT VACATION

**DATE:** 08-24-05

Approved

Date

9/6/05

Council District: 6

## RECOMMENDATION

Adoption of a resolution of intention to vacate a portion of the Light and Air Easement that lies within Lot 23 of Tract No. 703, located at 2103 Emory Street, and setting a public hearing on October 4, 2005 at 1:30 p.m.

CEQA: Exempt, File No. 3-16872.

## BACKGROUND

Mr. Darrel Stambaugh, the property owner, submitted an application for the vacation of a portion of the Light and Air Easement at 2103 Emory Street. This vacation is necessary to facilitate the construction of a home expansion in the side yard.

## ANALYSIS

The Light and Air Easement originated with the recordation of Tract Map 703 in 1953. The purpose of the easement was to serve as a building restriction or building setback area. The current zoning setback for this area is 12.5 feet. The Planning Department is in support of vacating this easement which currently is more restrictive than the underlying zoning. The property owner wishes to expand his house and extend into the easement area. Currently, the Light and Air Easement prohibits the construction of any structures within the easement area. Although the proposed vacation will have no effect on the rights of the utility companies, the applicant has contacted all the utility companies, and they have no objections to the vacation.

Upon vacation and recordation, the parcel will become unencumbered by this portion of the easement, and no further action by staff would be required.

The action required for the vacation of the subject portion of the easement is:

September 13, 2005 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate a portion of a Light and Air Easement;
2. Sets a public hearing for October 4, 2005 at 1:30 p.m.;
3. Directs the City Clerk to file the vacation map and advertise said public hearing; and
4. Directs the Director of Public Works to post the site with a Notice of Vacation.

October 4, 2005 at 1:30 p.m.: Council conducts a public hearing and considers a resolution of vacation, which vacates a portion of the subject Light and Air Easement that lies within Lot 23 of Tract 703, located at 2103 Emory Street.

### **OUTCOME**

Council adopts a resolution of intention to vacate a portion of a Light and Air Easement, sets a public hearing for October 4, 2005 at 1:30 p.m., directs the City Clerk to file the vacation map and advertise a public hearing, and directs the Director of Public Works to post the site with a Notice of Vacation.

### **PUBLIC OUTREACH**

On August 10, 2005, the Planning Commission held a public hearing on the subject vacation and decided to forward a recommendation to the City Council for approval of this easement vacation. In addition, all concerned utility companies have been contacted in writing and have no objection to this vacation.

### **COORDINATION**

The required resolution and memorandum have been coordinated with the Department of Planning, Building, and Code Enforcement, the City Manager's Budget Office and the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

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**COST IMPLICATIONS**

The Public Works Department collected cost-recovery fees to process this easement vacation.

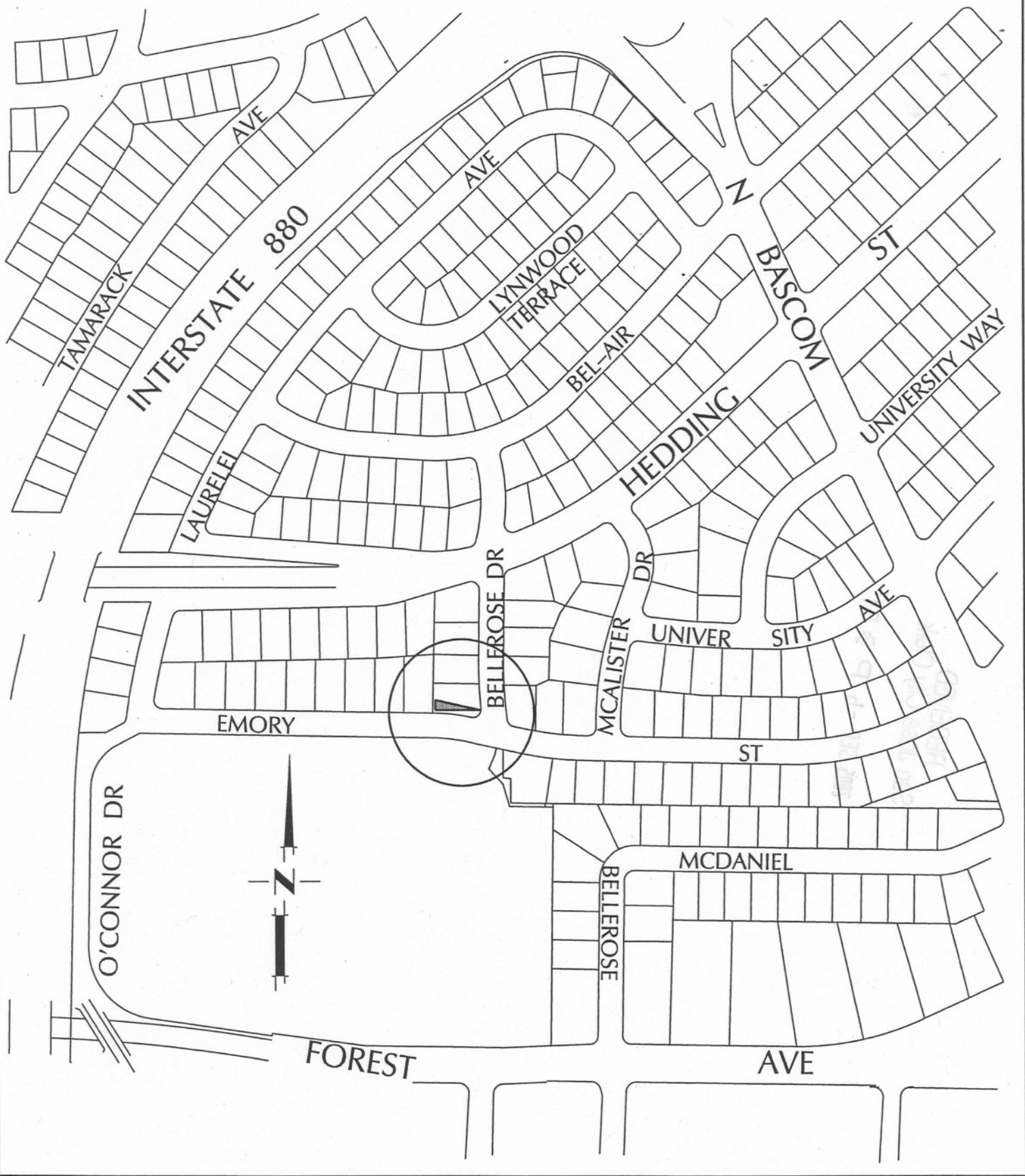
**CEQA**

Not a project.



**KATY ALLEN**  
Director, Public Works Department

KA:rd:gj  
Attachment  
3-16872 Emory 1st CC Memo.doc



**EXHIBIT A  
LOCATION MAP**

SHOWING THAT PORTION OF LIGHT AND AIR EASEMENT  
AT 2103 EMORY STREET



AREA TO BE VACATED