COUNCIL AGENDA: 10-31-06
ITEM: 2.8

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 10-11-06

Approved Deanna Santana

Date 10/13/06

COUNCIL DISTRICT: 6

SUBJECT: VACATION OF A PORTION OF PAULA STREET BETWEEN RACE STREET AND MERIDIAN WAY

RECOMMENDATION

Adoption of a resolution of intention to vacate a portion of Paula Street between Race Street and Meridian Way with reservation of a public service easement over the vacated area, and setting a public hearing on November 21, 2006 at 1:30 P.M.

OUTCOME

Adoption of this resolution will declare Council's intention to vacate the subject portion of Paula Street with reservation of a public service easement and emergency access easement over a portion of the vacated area, and set a public hearing for consideration of adoption of a resolution vacating the street.

BACKGROUND

Rockwell Homes has submitted an application for the vacation of Paula Street between Race Street and Meridian Way (map attached). This vacation is required to fulfill development conditions of Planned Development Zoning PDC 05-106, which proposes construction of 15 single family attached residences on .69 acres at 1088 Paula Street. The Paula Street right of way to be vacated will become a portion of the future development site.

The title report indicates that Paula Villas is the underlying fee owner for this property located at 1088 Paula Street.

This property is currently being processed for annexation from the County into the City by the Planning Department and is scheduled to be finalized on October 24, 2006. This vacation is timed to occur subsequent to the annexation going through.

ANALYSIS

Staff has determined that this portion of Paula Street between Race Street and Meridian Way is no longer needed as a public street.

All concerned utility companies have consented to the vacation with the reservation of a public service easement over the area to be vacated.

The actions required for the vacation of the subject right-of-way are:

October 31, 2006 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate the subject portion of Paula Street;

2. Sets a public hearing November 21, 2006 at 1:30 PM;

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 Public Hearing.

November 21, 2006 at 1:30 PM: Council conducts a public hearing to consider adoption of a resolution vacating the subject portion of Paula Street with reservation of a public service easement over the vacated area.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- ☐ **Criteria 1**: Requires Council action on the use of public funds equal to $1 million or greater. **(Required: Website Posting)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

While this action is below the $1 million threshold, it will be posted on the City's website for the October 31, 2006 Council agenda. In addition, the public was afforded the opportunity to

comment on proposed development and associated street vacation during the planning process. On October 25, 2006, the Planning Commission will hold a public hearing on the subject vacation and forward a recommendation to the City Council for approval of the vacation. All concerned utility companies have been contacted in writing and have no objection to this vacation on the condition that a public service easement is reserved over the area to be vacated.

COORDINATION

The vacation has been coordinated with the Departments of Planning, Building and Code Enforcement, Transportation, General Services, Parks, Recreation and Neighborhood Services, and the City Manager's Budget Office. Additionally, the vacation and required resolution have been reviewed by the City Attorney's Office. All appropriate public utility companies have consented to the proposed vacation on the condition that a public service easement is reserved over area to be vacated. Additionally, on October 25, 2006 the Planning Commission will recommend approval of the proposed vacation.

FISCAL/POLICY ALIGNMENT

This project is in alignment with the Mayor's Budget Strategy Expenditure Control Principle No. 4 in that it eliminates City maintenance obligations and liability.

COST SUMMARY/ IMPLICATIONS

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

CEQA

CEQA: Mitigated Negative Declaration, PDC05-106.

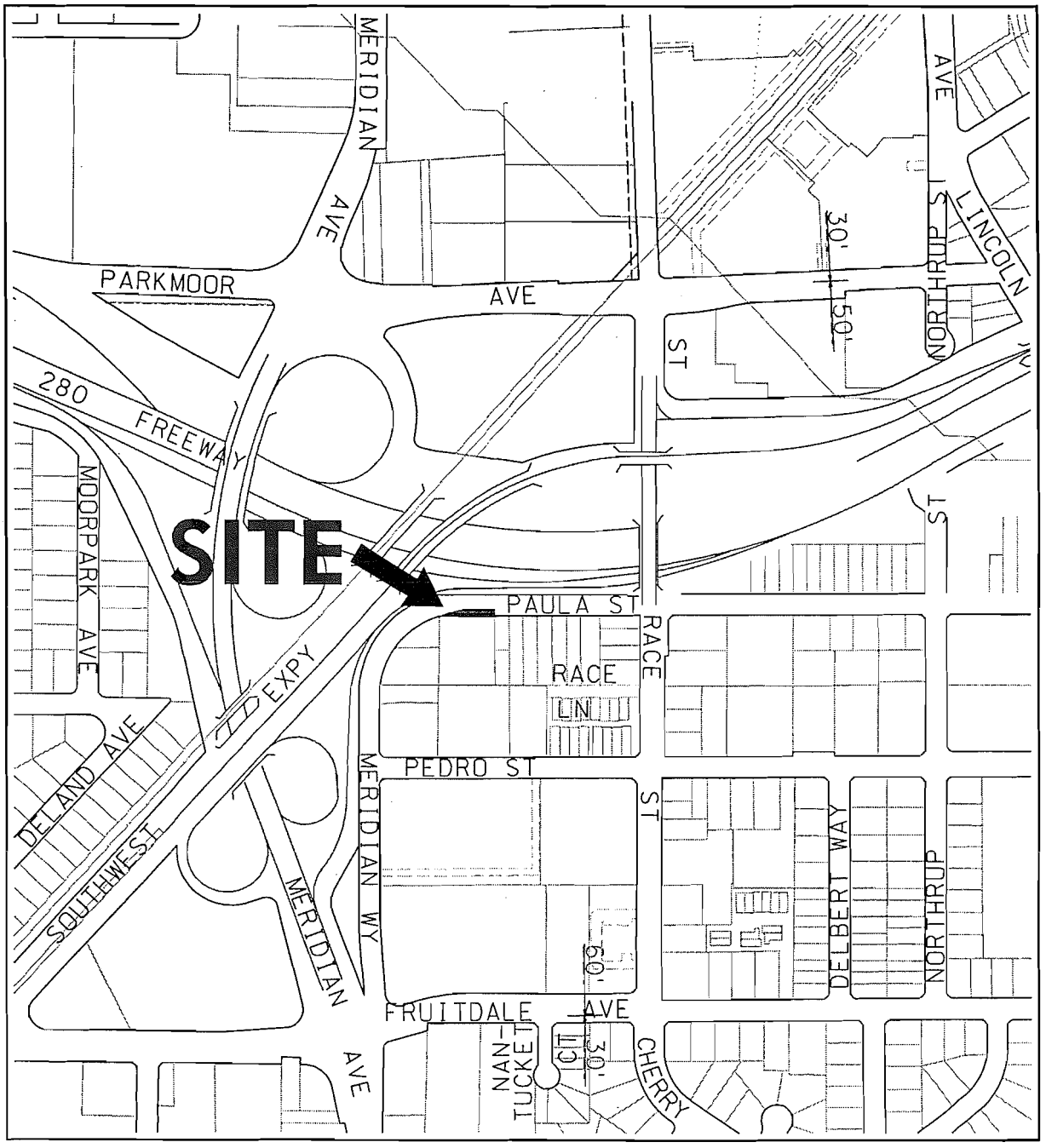
Katy Allen

KATY ALLEN
Director, Public Works Department

For questions please contact TIMM BORDEN, DEPUTY DIRECTOR, at 408-535-8300.

PD:WP:dcs
(092006CMfirst memo Paula St Vac)
Attachment

LOCATION MAP

SHOWING THAT PORTION OF PAULA STREET TO BE VACATED
1088 PAULA STREET

AREA TO BE VACATED