



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 11-13-06

Approved

Date

11/15/06

COUNCIL DISTRICT: 3
SNI AREA: Washington

SUBJECT: VACATION OF A PORTION OF A PUBLIC ALLEYWAY BETWEEN ALMADEN AVENUE AND VINE STREET FROM EDWARDS AVENUE TO OAK STREET

RECOMMENDATION

Conduct a public hearing and adopt a resolution to vacate a portion of a public alleyway between Almaden Avenue and Vine Street from Edwards Avenue to Oak Street.

OUTCOME

Council adopts a resolution to vacate a portion of a public alleyway between Almaden Avenue and Vine Street from Edwards Avenue to Oak Street.

BACKGROUND

The Washington area is bounded by State Route 87 to the west, Interstate 280 to the north, South First Street/Monterey Road to the east and the Southern Pacific Railroad tracks south of Bellevue Avenue to the south. This area has one of the highest concentrations of alleyways in the City, with 11 public alleyways. The alleyways are a source of continual problems for the community, including gang and drug activity, loitering, illegal dumping and graffiti.

In spring of 1997, the City developed a City-wide strategy for coordinating and delivering services to neighborhoods that need special or additional assistance. The Washington area was identified as a community with critical needs and thus, the Washington Neighborhood Revitalization Plan (the "Plan") and the Strong Neighborhoods Initiative (SNI) Update of the Plan were created and approved by Council in 1998 and 2002, respectively. Together, these two documents provide a blueprint for improving the quality of life in the Washington neighborhood. As part of the Plan update process, the Washington community developed a "Top Ten" list of priorities. One of the priorities is to address the alleyways in the area, whether it is through closure or physical improvements. The Plan identifies the entire subject alleyway for closure. A

majority (13 out of 14) of the adjoining properties do not rely on the alleyway for access to parking areas or garages, except for one property. By proposing to vacate only a portion of the alleyway, this one property owner will continue to have access.

The Redevelopment Agency (the "Agency") has been working with the community to vacate and close alleyways identified in the Plan. The Agency submitted an application on behalf of the property owners to vacate a portion of the public alleyway between Almaden Avenue and Vine Street from Edwards Avenue to Oak Street (map attached).

On November 14, 2006, the City Council adopted a resolution, which declared the Council's intention to vacate a portion of a public alleyway between Almaden Avenue and Vine Street from Edwards Avenue to Oak Street. The resolution approved a map showing the subject right-of-way to be vacated, set the public hearing for December 5, 2006, at 1:30 p.m. and directed the Director of Public Works to post the site with a Notice of Vacation.

ANALYSIS

Staff has determined that the subject portion of the alleyway between Almaden Avenue and Vine Street from Edwards Avenue to Oak Street is no longer and will not be needed in the future for public use. Public services, such as trash, postal service, emergency services, etc., will continue to be provided via the surrounding public streets. The public streets will also provide access to the properties.

A title report issued by North American Title Company, dated March 27, 2006, indicates that the adjoining property owners hold fee title to the alleyway. The adjoining property owners within the subject portion have consented to the vacation. Additionally, the property owners have entered into separate agreements with the Agency to release and terminate their private ingress/egress easements along the public alleyway. The Agency will work with the property owners to permanently close the subject portion of the alleyway once it has been vacated. All concerned utility companies have consented to the vacation.

No new information regarding this vacation has been received since the November 14, 2006 Council meeting.

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 does not meet the \$1 million threshold in Criteria 1, this memorandum will be posted on the City's website for the December 5, 2006 Council Agenda. The public was afforded the opportunity to comment on the proposed public alleyway vacation and closure during the development of the Washington Neighborhood Revitalization Plan from October 1997 through August 1998. Monthly public meetings with residents, property owners, representatives of community organizations and other interested citizens were conducted by an Advisory Group to discuss issues facing the community. On October 25, 2006, the Planning Commission held a public hearing on the subject vacation and forwarded a recommendation to the City Council for approval of the vacation. Additionally, as directed at the November 14, 2006 Council hearing, staff has posted the site with a Notice of Vacation and the City Clerk has advertised this public hearing.

COORDINATION

The vacation has been coordinated with the Department of Planning, Building and Code Enforcement, Transportation, Police and Fire, the City Manager's Budget Office and the Redevelopment Agency. The vacation and required resolution have been reviewed by the City Attorney's Office. All appropriate property owners and public utility companies have consented to the proposed vacation, and the Planning Commission has recommended approval of the vacation.

COST SUMMARY/IMPLICATIONS

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

BUDGET REFERENCE

Not applicable.

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Page 4

CEQA

CEQA: Exempt.



KATY ALLEN

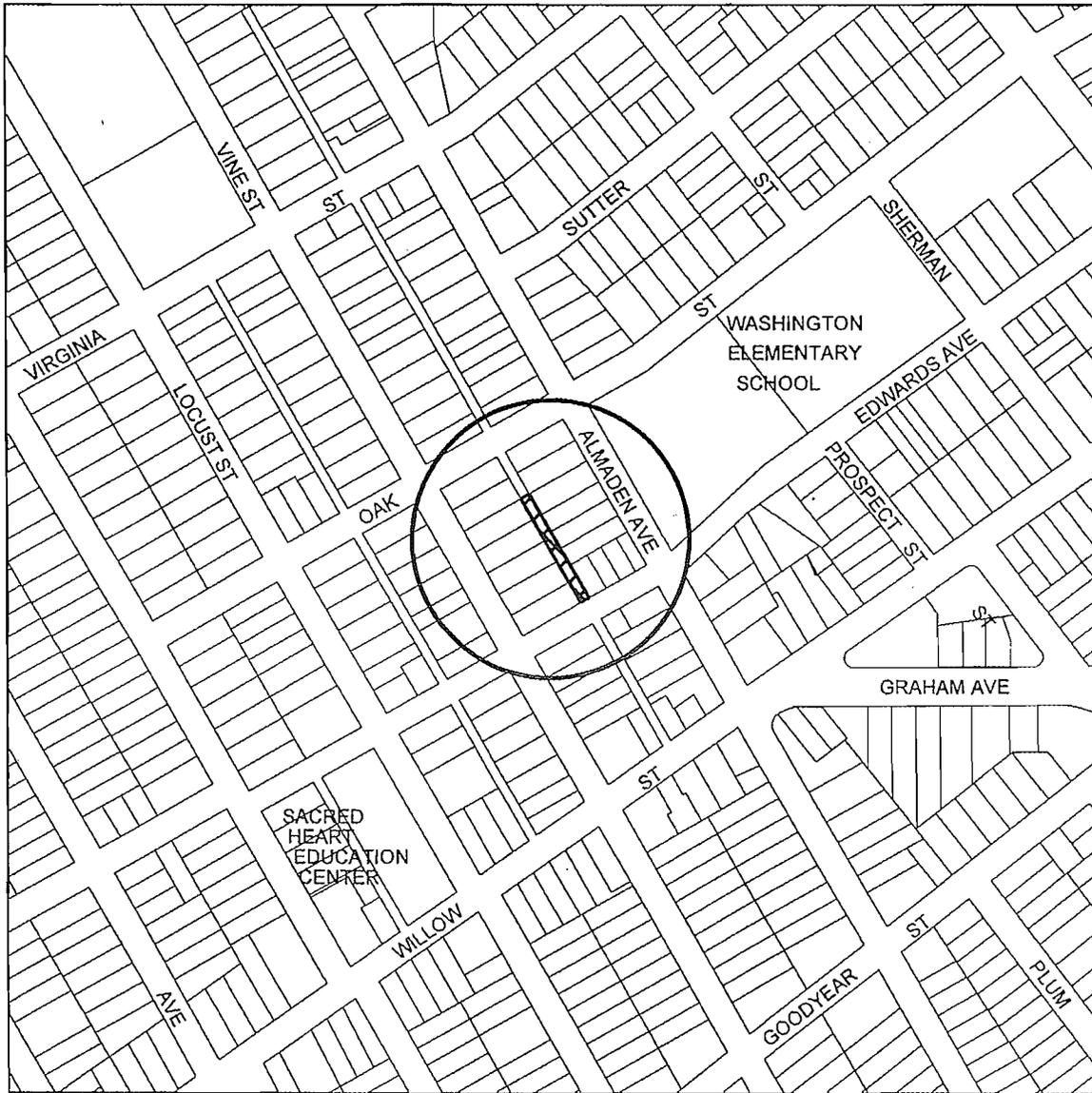
Director, Public Works Department

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

PD:RD:dcs
Attachment

LOCATION MAP

SHOWING A PORTION OF A PUBLIC ALLEYWAY TO BE VACATED



AREA TO BE VACATED

