



PUBLIC WORKS DEPARTMENT

Council Meeting Date: September 14, 2004

Staff Report # 04-191

Agenda Item # D5

CONSENT: Adoption of a Resolution of Intention to Abandon a Portion of Linfield Drive and Homewood Place Along the Properties Located at 110 and 175 Linfield Drive.

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution of Intention to abandon a portion of Linfield Drive and Homewood Place along the properties located at 110 and 175 Linfield Drive.

BACKGROUND

The City Council held a study session on August 27, 2002 to review a preliminary concept by Olive Hill Development to demolish two office buildings located at 110 and 175 Linfield Drive and construct a total of 57 residential units.

On January 16, 2003, Olive Hill Development teamed with Taylor Woodrow Homes and submitted a development application to the City for 59 residential units. The proposed project involves a request for the City to abandon portions of the Linfield Drive and Homewood Place right-of-way along the property frontages at 110 and 175 Linfield Drive.

On March 25, 2003, the City Council adopted a Resolution of Intention (Resolution No. 5437) to abandon a portion of Linfield Drive and Homewood Place along the properties located at 110 and 175 Linfield Drive.

Olive Hill Development had an agreement with the property owners of 110 and 175 Linfield Drive to develop the properties. Due to the length of time to obtain approvals for the project, the agreement had to be renegotiated in which Olive Hill Development is representing the interest of the 110 Linfield Drive property owner and the Transportation Property Company is representing the interest of the 175 Linfield Drive property owner. The two parties are working collaboratively to process the application request. On March 31, 2004 they submitted a new application. The applicants requested that the City abandon the same pieces of property along Linfield Drive and Homewood Place as submitted in January 2003.

ANALYSIS

The proposed abandonment will reduce Linfield Drive right-of-way from 80 feet to 37 feet and the paved roadway will be reduced from 60 feet to 36 feet. The Homewood Place right-of-way will be reduced from 50 feet to 37 feet and the paved roadway will remain unchanged except for relocating the on-street parking from the west side of the street to the east side.

A reduction of street right-of-way to a width of less than 40 feet requires an affirmative vote by four-fifths of the Council per California Streets and Highways Code Section 1805.

The applicant is requesting the street abandonment to maximize on-site land area used in calculating the Floor Area Ratio (FAR), reduce the street cross-section to a more suitable street for a residential neighborhood and to provide space for streetscape improvements. All of the proposed new street improvements and landscaping will be constructed by the applicant and maintained by the homeowners association created as part of this project. The project will create Public Utility Easements and Public Access Easements over the areas to be abandoned.

There is an existing 27-inch diameter storm drain line maintained by the City located in the area proposed to be abandoned along 110 Linfield Drive. The storm drain line drains the Linfield Oaks neighborhood. Staff has observed significant drainage problems in the Linfield Oaks neighborhood due to the location of trees installed adjacent to the storm drain line. The proposed project is planning to locate the front of five new residential houses within eight feet of the City's storm drain line. Staff is concerned about maintaining the storm drain system in the front of resident properties and within a public utility easement on private property and where landscaping, trees, sidewalks and irrigation will be located in close proximity. This will result in an increase to the City in the cost of maintaining the storm drain line. Staff will be recommending, that as a condition of the abandonment, that the applicant be required to relocate the storm drain line to the street in accordance with City standards.

The total area of abandonment requested is approximately 17,531 square feet, 10,604 square feet for 110 Linfield Drive and 6,927 square feet for 175 Linfield Drive.

Abandonment Procedure

This action first requires that Council adopt a Resolution of Intention to abandon a public right-of-way. The Resolution of Intention forwards the abandonment request to the Planning Commission for its consideration and recommendation on December 13, 2004 and sets the time and date for the Public Hearing. The Planning Commission will review the abandonment to determine if it is consistent with the City's General Plan. Then the Planning Commission will forward its recommendation to the City Council for approval of the abandonment at a Public Hearing set for February 15, 2005. The Engineering Division will mail a notice of proposed abandonment to all the utility agencies and affected jurisdictions indicating the date of the Public Hearing and post notices of the hearing in three conspicuous places. An affidavit of posting will then be filed with the City Clerk. After comment by the utility agencies and affected parties, the Planning Commission and City Council will review the proposed abandonment and if approved by City Council, a Resolution ordering the vacation and abandonment of a portion of Linfield Drive and Homewood Place will be recorded.

Adoption of the Resolution of Intention at this time starts the process for abandonment, but does not create any future obligation for the City Council to approve the abandonment or the proposed project.

IMPACT ON CITY RESOURCES

There is no fiscal impact associated with this action. If the abandonment is approved, the reduction of paved roadway will reduce the City's maintenance cost for Linfield Drive.

POLICY ISSUES

The abandonment of the public road will allow the applicant to increase the lot size and floor area for the project.

ENVIRONMENTAL REVIEW

The Resolution of Intent to Abandon is not considered a project because it starts the public review process and does not obligate the City to approve the abandonment request. Therefore, the Resolution of Intention to Abandon does not require environmental review in and of itself. An Environmental Impact Report (EIR) is being prepared for this project and the potential impacts of the requested abandonment are being studied as part of the EIR. The City Council will not be able to act on the actual abandonment request until the Council certifies the EIR.

Shaun Mao
Associate Engineer

Pat Stone
Supervising Engineer

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS: A. Resolution
B. Location Map
C. Exhibits

RESOLUTION NO. _____

**RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
TO ABANDON A PORTION OF LINFIELD DRIVE AND HOMEWOOD PLACE ALONG THE
PROPERTY LOCATED AT 110 AND 175 LINFIELD DRIVE**

WHEREAS, the City Council of the City of Menlo Park has considered the abandonment of a portion of Linfield Drive and Homewood Place along the property located at 110 and 175 Linfield Drive, as shown in Attachment "C" attached; and

WHEREAS, the Planning Commission will hold a public hearing on this subject on December 13, 2004, as required by law to notify property owners; and to find out whether the proposed abandonment is consistent with the City's General Plan; and

WHEREAS, the City Council will hold a Public Hearing on February 15, 2005 at approximately 7:00 p.m. as required by law determining whether improvements are planned in the immediate future to be made to said portion of Linfield Drive and Homewood Place and the recorded public utility easements and public access easements, over that area of the property affected, will retain the City's option relative to any utilities and street improvements within that area.

The property owner shall relocate the existing City storm drain lines on Linfield Drive from the abandoned area to the new City right-of-way.

NOW, THEREFORE, BE IT RESOLVED that a Resolution of Intention of the City Council of the City of Menlo Park, is hereby established, for the consideration of the above.

PASSED AND ADOPTED at a regular meeting of the Menlo Park City Council on the 14th of September 2004, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

I further certify that the foregoing copy is a true and correct copy of the original Council Resolution on file in the office of the City Clerk of the City of Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City this _____ day of _____, 2004.

Silvia Vonderlinden, City Clerk