



PUBLIC WORKS DEPARTMENT

Council Meeting Date: September 14, 2004

Staff Report # 04-189

Agenda Item # D4

CONSENT: Adoption of a Resolution of Intention to Abandon Derry Lane, Garwood Way Plan Line and an Existing City Storm Drain Easement and Not Abandon the Plan Line for Oak Grove Avenue

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution of Intention to abandon Derry Lane, Garwood Way Plan Line and an existing City storm drain easement and not abandon the plan line for Oak Grove Avenue.

BACKGROUND

On February 26, 2004, the applicant, O'Brien at Derry Lane LLC, submitted to the City a development application for a Derry Lane mixed use project, a proposed commercial/residential development project located at 580 Oak Grove Avenue.

The project site is bounded by Oak Grove Avenue to the south and Caltrain railroad to the east. El Camino Real is approximately 100 feet to the west of the site and Garwood Way is adjacent to the northeast corner of the property. There is an eight-foot wide plan line on Oak Grove Avenue and a 60-foot wide plan line on Garwood Way along the east side of the property.

The site is approximately 3.5 acres in area and is currently composed of a mixture of retail, service and automobile storage uses on eight privately owned parcels, as well as Derry Lane, a public street right-of-way. Derry Lane provides primary access to the existing interior parcels included within the project site. The eight existing parcels and Derry Lane are proposed to be merged to create one parcel to accommodate the proposed project.

With the development application, the applicant is requesting the City to abandon the following areas: Derry Lane, Oak Grove Avenue Plan Line, Garwood Way Plan Line and an existing storm drain easement within the project area.

ANALYSIS

Derry Lane

The applicant is requesting the City to abandon Derry Lane. The existing 40-foot wide Derry Lane right-of-way is entirely encompassed within the project boundaries. The applicant has proposed to merge all the lots into one parcel in order to maximize the use of all the parcels. Derry Lane will not be needed for access to the proposed project. The proposed project will be accessed off Garwood Way at the northeast corner and Oak Grove Avenue on the south side.

Brix restaurant is located on the westerly side of the project. Brix restaurant has access from both El Camino Real and Derry Lane. El Camino Real is the main access with Derry Lane the secondary access. Staff will send a letter to Brix restaurant informing them of the public meeting on the proposed abandonment. Comments from Brix restaurant will be considered during the public hearing process.

There are existing utilities within the Derry Lane right-of-way. The proposed project will be required to maintain sanitary sewer and utility services to the adjoining properties, Brix Restaurant and Chevron Station, which currently have utility services from Derry Lane. The applicant is proposing to relocate the existing utilities in Derry Lane to the western edge of the property and create a new public utility easement for these utilities (see Attachment D).

The area for the proposed abandonment of Derry Lane is approximately 18,340 square feet.

Oak Grove Avenue Plan Line

On September 12, 1972, the City Council adopted a resolution (resolution no. 2531) establishing plan lines for Oak Grove Avenue between University Drive and the Southern Pacific Railroad tracks. The established plan line between University Drive and El Camino Real is 16 feet wide on the north side of Oak Grove Avenue. The plan lines between El Camino Real and the Southern Pacific Railroad tracks are eight feet wide on both the north and south sides of Oak Grove Avenue.

Plan lines function as an effective means of protecting the future right-of-way of a planned street widening; which, in this case, includes widening Oak Grove Avenue from 66 feet to approximately 82 feet between University Drive and the Southern Pacific Railroad tracks.

Based on this established plan line, the City has routinely requested that the applicants of development projects dedicate property up to the plan line to the City for public use. Examples of Oak Grove Avenue dedications associated with development projects that were approved by Council include:

1. An Oak Grove Building project located at 724-726 Oak Grove Avenue in 1984;
2. A two unit condominium project located at 704-706 Oak Grove Avenue in 1994;
3. An Oak Grove Condominiums project located at 848-850 Oak Grove Avenue in 2001; and
4. The Menlo Square subdivision project located at 1145-1195 Merrill Street in 2002.

The applicant is requesting the City to abandon the Oak Grove Avenue Plan Line to allow a larger pedestrian plaza area adjacent to the proposed commercial/retail uses of the project. The area for the proposed abandonment of Oak Grove Avenue Plan Line is approximately 2,903 square feet.

The Council has been discussing the possibility of a grade separation at the railroad tracks on Oak Grove Avenue, which is adjacent to the project site. Options for creating this separation could result in Oak Grove being depressed below grade at the railroad

tracks and tapering back to existing grade on either side of the tracks. Detailed plans have not been developed for the grade separation, but a grade separation such as this may need the additional right-of-way that the dedication from the plan line will provide.

Staff believes that in order to maintain the options for future street improvements, the Oak Grove Plan Line should be dedicated to the City for public use and not be abandoned.

Garwood Way Plan Line

On April 23, 1974, the City Council adopted Resolution No. 2708 establishing plan lines for Garwood Way between Oak Grove Avenue and the southerly end of existing Garwood Way. The established plan line is 60 feet wide and encompasses approximately 30,845 square feet.

As indicated in the resolution, the plan lines are required as an effective means of protecting the future right-of-way of the extension of Garwood Way. The applicant is requesting the City to abandon the Garwood Way Plan Line and replace it with a private drive aisle and parking area, with access to Oak Grove Avenue and connection to the existing termination of Garwood Way. A Public Access Easement and a Public Sidewalk Access Easement would be created in the abandoned plan line area (see Attachment D).

The railroad right-of-way in the vicinity of the project is 60 feet wide (between Oak Grove Ave. and Glenwood Ave.). This section of the Caltrain right-of-way is the narrowest in Menlo Park. Other sections of the Caltrain right-of-way vary from 80 feet to 100 feet. Staff will send the notice of the proposed abandonment to Caltrain staff to get their input for consideration in the abandonment request. Based upon input from Caltrain and other agencies, the proposed abandonment of the full Garwood Plan line may need to be modified.

If right-of-way were needed by Caltrain, all the parking along one side of the Garwood plan line would likely be removed from the project proposal. As part of the environmental document for the project, the traffic consultant will consider what affect the taking of parking along the Garwood plan line would have on the project. This issue will be addressed when the Planning Commission and City Council consider the project at future meetings.

The existing 40-foot wide City and County of San Francisco water line easement is located on the westerly side of the Garwood Plan Line and is to remain.

The Existing City Storm Drain Easement

The applicant is requesting the City to abandon the existing City storm drain easement in the project site. The existing 20-foot wide storm drain easement in the project site was dedicated to the City in 1997. This easement is being used for the connection of the storm drain system from Derry Lane to the system on Oak Grove Avenue. The proposed project will incorporate a new storm drain system and remove the existing system. Since the existing storm drain system will be removed, it is appropriate that the existing storm drain easement be abandoned.

The area for the proposed abandonment of the existing storm sewer easement is approximately 1,652 square feet.

Abandonment Procedure

This action first requires that Council adopt a Resolution of Intention to abandon a public road, plan line and easement. The Resolution of Intention forwards the abandonment request to the Planning Commission for its consideration and recommendation on December 6, 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. The Planning Commission will forward its recommendation to the City Council on the abandonment proposal at a public hearing set for February 8, 2005. Staff 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 Derry Lane, Garwood Way Plan Line and an existing City Storm Drain Easement 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.

IMPACT ON CITY RESOURCES

There will be a minor reduction in maintenance costs associated with not maintaining Derry Lane.

POLICY ISSUES

The abandonment of the public road will allow the applicant to increase the lot size when it calculates the Floor Area Ratio and residential density (dwelling units per acre) for the proposed project.

ENVIRONMENTAL REVIEW

The Resolution of Intention 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. Map of Requested Abandonment's
- D. Proposed New Easements

RESOLUTION NO. _____

**RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
TO ABANDON DERRY LANE, GARWOOD WAY PLAN LINE AND AN EXISTING CITY
STORM DRAIN EASEMENT**

WHEREAS, the City Council of the City of Menlo Park has considered the abandonment of Derry Lane, Garwood Way Plan Line and an existing City storm drain easement as shown in Attachment "C" attached; and

WHEREAS, the Planning Commission will hold a public hearing on this subject on December 6, 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 8, 2005 at approximately 7:00 p.m. as required by law determining whether 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,

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:

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

Silvia Vonderlinden, City Clerk