



# PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION  
MEETING OF AUGUST 18, 2014  
AGENDA ITEM D2

**LOCATION:** 721-851 Hamilton Avenue (777 Hamilton Avenue)  
**APPLICANT:** Greenheart Land Company LLC  
**OWNER:** Bayfront Investments LLC

**APPLICATION:** Planning Commission Review for Consistency with the General Plan Related to the Proposed Abandonment of Existing Public Utility Easements and Emergency Access Easement

## PROPOSAL

The applicant has applied for the abandonment and vacation of multiple public utility easements (PUE) and an emergency access easement (EAE) within the 6.5-acre site located at 721-851 Hamilton Avenue. The proposed abandonment of the easements is necessary to facilitate the development of a new 195-unit multi-family residential development.

## ANALYSIS

### Site Location

The subject site is located in the Belle Haven neighborhood, and surrounded by the rail corridor to the north with the Facebook West Campus (under construction) immediately adjacent on the other side of the railroad corridor, a commercial shopping center with the new Neighborhood Service Center to the east, single-family, R-1-U zoned residential properties across Hamilton Avenue to the south, and an apartment, a church, and small lot single-family residential, zoned R-4-S, R-3 and R-3-X, respectively, to the west.

The site was recently rezoned R-4-S (High Density Residential, Special) in 2013 when it was identified as a housing opportunity site as part of the Housing Element process. The 6.5-acre site was formerly zoned light industrial (M-1 Light Industrial) and owned by multiple property owners. One entity has now acquired all of the former M-1 parcels and on May 12, 2014, the City approved a lot merger to combine all 21 individual parcels into one legal lot. Demolition of the existing buildings is underway.

On May 19, 2014, the Planning Commission conducted a study session on the proposed residential development as part of the R-4-S compliance review process. This meeting providing an opportunity for members of the Commission and public to provide feedback on the proposal's compliance with the R-4-S development regulations and design standards. On June 11, 2014, the Community Development Director determined that the proposed residential development was in compliance with the R-4-S zoning district requirements. The proposed development has been designed with the intent that the PUEs and EAEs would be abandoned. The grading and drainage plan for the site is currently being reviewed as part of the building permit process.

Previous Right-of-Way Abandonments

In 1986, the City approved the abandonment of Hollyburne Avenue and Sevier Avenue within the subject site, and reserved a PUE over each abandoned street segment. The abandonment was recorded in 2000, after the City Council approved the abandonment of the remaining portion of Sevier Avenue in 1999 and the adjacent property owners recorded a mutual agreement dedicating the PUE and EAE over the entire abandoned portion of Sevier Avenue. Also in 2000, the City approved the abandonment of Windermere Avenue within the subject site, and similarly, reserved a PUE over the abandoned street segment. A PUE generally provides the rights to construct, maintain, operate, replace and renew public utilities such as sanitary sewer lines, electrical lines and gas lines that are located within the easement, and as such, should be free of obstructions.

Project Description

The applicant is proposing to abandon all of the exiting PUEs and EAE on the property as they are no longer necessary given the proposed comprehensive redevelopment of the entire site. The property contains other private setback easements that the applicant is currently in the process of removing, but these are not subject to the abandonment process required for the PUEs and EAE, which are public easements. The removal of these private easements, however, is also necessary prior to issuance of a permit for any buildings on the site.

A summary of the location, type and size of the easements proposed to be abandoned is shown in the table below and the plats depicting the PUEs and EAE are shown in Attachment B. A comprehensive exhibit of the PUEs and EAE are shown as Attachment D.

<b>Easement Location</b>	<b>Abandonment Type</b>	<b>Size (sf)</b>
Portion of Windermere Avenue that was abandoned and vacated (25-foot width)	PUE	6,101 sf

Easement Location	Abandonment Type	Size (sf)
Portion of Hollyburne Avenue that was abandoned and vacated (50-foot width)	PUE	12,199 sf
Portion of Sevier Avenue that was abandoned and vacated (50-foot width) and extending easterly approximately 155 feet, with a depth of approximately 45 feet	PUE and EAE	18,395 sf
Along the northerly property line from the abandoned portion of Windermere Avenue to approximately 100 feet east of the existing PUE extension from the abandoned portion of Sevier Avenue, with a depth of six feet	PUE	3,720 sf

Although there are multiple PUEs throughout the property, two of the PUEs (50 feet in width) are centrally located and span the entire depth of the subject site. The easements create a fragmented property, which are a constraint for constructing a cohesive development since no structures can be located within the easement areas.

All of the utility companies with an interest in the PUEs have been notified. Most of the utility companies have no facilities within the PUEs. Each agency has provided a letter indicating that they have no objections to the proposed abandonments. However, Pacific Gas and Electric (PG&E) and West Bay Sanitary District (WBSD) requested alternate easements. PG&E has an existing high pressure gas line in the former Sevier Avenue segment that serves the Facebook West Campus and the TE Connectivity property (formerly known as Tyco Electronics). Therefore, the applicant has provided a 30-foot wide replacement easement exclusively to PG&E for continued use of this gas line. As part of the Facebook West Campus approval, however, this high pressure gas line will be disconnected and the applicant intends to work with PG&E to have the easement removed at a later date. Regardless, the applicant's proposed residential development has taken the easement into consideration and the easement area is used for open space and outdoor amenities and at-grade parking. Attachment C is the site plan for the proposed residential development.

In addition, the applicant has also granted an exclusive easement to the West Bay Sanitary District (WBSD) for potential future extension of their sewer line in the former Windermere Avenue segment at the western edge of the subject site. With these replacement easements in place, both PG&E and WBSD have no objections to the full PUE abandonments.

Staff and the applicant have coordinated with the Menlo Park Police Department (MPPD) and the Menlo Park Fire Protection District (MPFPD) on the proposed EAE. Both agencies do not object to the removal as other arrangements have been made to ensure that emergency services are accessible to the site. As the project continues to

move forward, the applicant will work with the PD to ensure that they have the proper access codes to gain entrance into to the site in order to respond to service calls. The MPFPD has conceptually approved the site and circulation plan of the proposed development using the existing streets and internal roadway to access the site. The applicant will also work with MPFPD on the specific tool to ensure appropriate emergency vehicle access to the site.

### Abandonment Procedure

The three step process for abandonment of the PUEs and EAE is as follows:

- 1) The City Council considers adopting a Resolution of Intention to Abandon the Easement, sets dates for the Public Hearings and refers it to the Planning Commission.
- 2) The Planning Commission considers the proposed abandonment for consistency with the General Plan. The Planning Commission's recommendation and input, if any, received from utilities and/or affected parties is submitted to City Council (included in the staff report to Council) for the Public Hearing.
- 3) A Public Hearing is set where the City Council will consider the Planning Commission's recommendation and adopts a Resolution Ordering the Abandonment of the PUE and EAE.

The City Council reviewed and approved a Resolution of Intention to abandon the easements at its July 15, 2014 meeting. The resolution established the Planning Commission public hearing date for August 18, 2014 and the final City Council hearing date for September 23, 2014.

The purpose of the Planning Commission review is to determine whether the proposed abandonment is consistent with the General Plan, as discussed in more detail in the following section. The Planning Commission's determination is forwarded to the City Council for consideration. Prior to the City Council's public hearing, staff will post at least three notices regarding the proposed abandonment in conspicuous places on the subject property. At the September 23, 2014 meeting, the Council will consider the Commission's recommendation, as well as other comments from the public, prior to taking final action on the request.

### General Plan Consistency

The Land Use and Circulation Elements of the General Plan does not contain specific goals or policies that directly address the proposed PUE and EAE abandonment. The proposed abandonments also would not appear to conflict with existing General Plan philosophy, which generally promotes orderly development, the maintenance of the City's economic vitality and fiscal health, the protection of people and property from exposure to health and safety hazards, and the minimization of adverse impacts of development to the City's public facilities and services. As noted earlier, the City has contacted the affected utility agencies and emergency service providers about the proposed abandonments, and there have been no objections to the proposal since

alternate easements have been established for PG&E and WBSD. In addition, the applicant has worked with interested agencies in creating comparable alternative easements where there has been interest in preserving access through the site for utilities. The proposed abandonment of the easements would not negatively impact other properties, and would allow for the comprehensive redevelopment of the site, which was previously reviewed by the Planning Commission at the R-4-S compliance

review study session on May 19, 2014. Staff believes the proposal is consistent with the General Plan.

Action on this item is in the form of a recommendation to the City Council. The Planning Commission's recommendation is submitted to the Council in the form of a resolution, included as Attachment C.

### Correspondence

Staff has not received any correspondence regarding the proposal.

### Conclusion

The proposed abandonments would not conflict with the General Plan land use and circulation goals and policies. The proposed abandonments would not negatively impact other properties and would benefit the subject site by allowing redevelopment of underutilized land. Easements for specific utilities and emergency access have been created and coordinated with the respective agencies, and there have been no objections to abandon the PUEs and EAE. Staff recommends that the Planning Commission find that the proposed PUE and EAE abandonments are consistent with the General Plan.

## **ENVIRONMENTAL REVIEW**

The proposed plan line abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.

## **RECOMMENDATION**

1. Make a finding that the proposed abandonment is categorically exempt under Class 5 (Section 15305, "Minor Alterations in Land Use Limitations") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Adopt Resolution No. 2014-02 determining that abandonment of the public utility easements and emergency access easement on 721-851 Hamilton Avenue is consistent with the General Plan (Attachment C).

Report prepared by:  
*Deanna Chow*  
*Senior Planner*

Report reviewed by:  
*Justin Murphy*  
*Development Services Manager*

## **PUBLIC NOTICE & APPEAL PERIOD**

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail of owners and occupants within a 300-foot radius of the subject properties. Planning Commission action will be in the form of a recommendation to the City Council.

## **ATTACHMENTS**

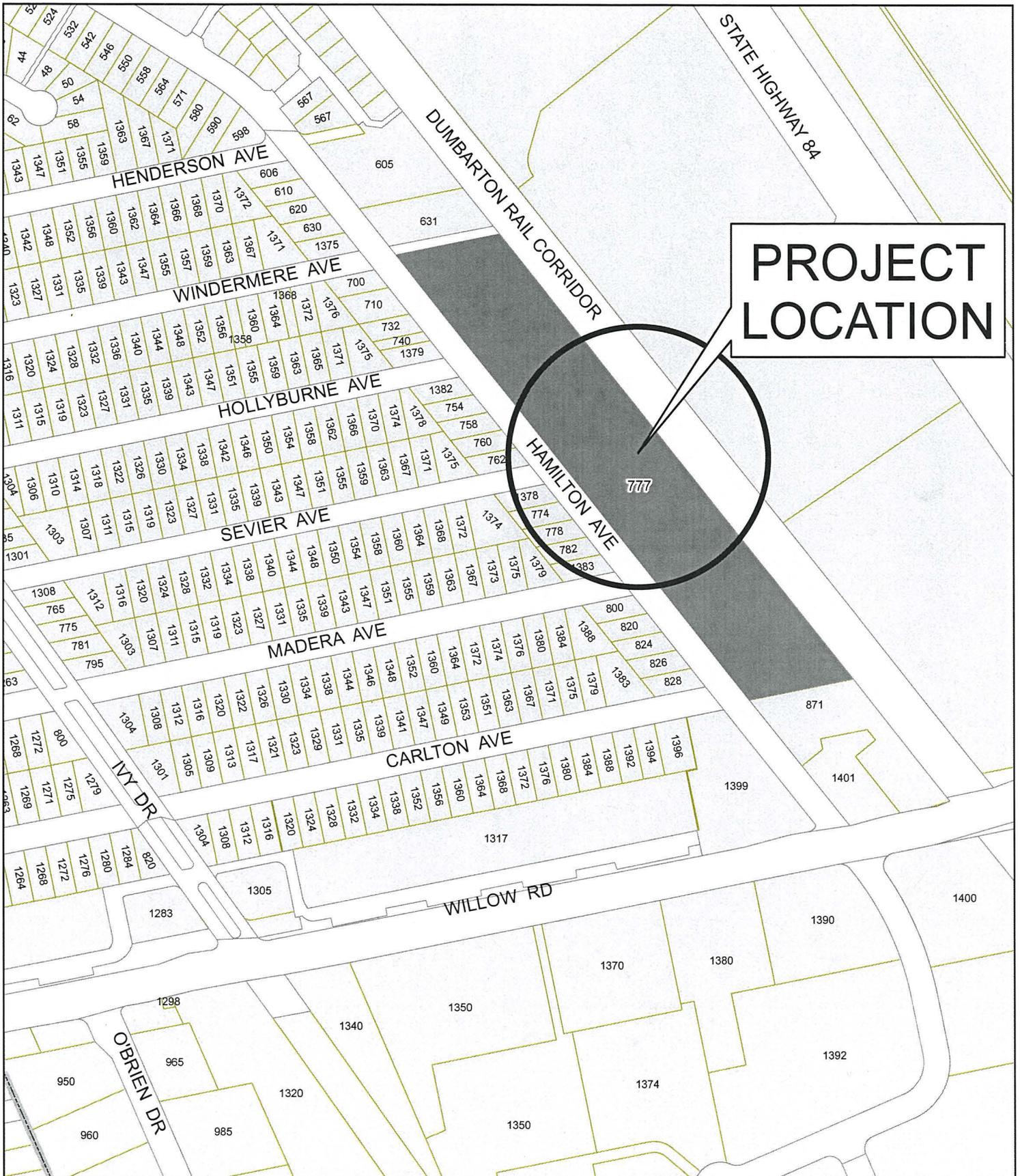
- A. Location Map
- B. Plats of Proposed Abandonment Areas
- C. Site Plan of Proposed Residential Development
- D. Draft Resolution of the Planning Commission of the City of Menlo Park Determining that Abandonment of the Public Utility Easements and Emergency Access Easement on 721-851 Hamilton Avenue is Consistent with the General Plan

**Note:** Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Public Works Department.

## **EXHIBITS TO BE PROVIDED AT MEETING**

None

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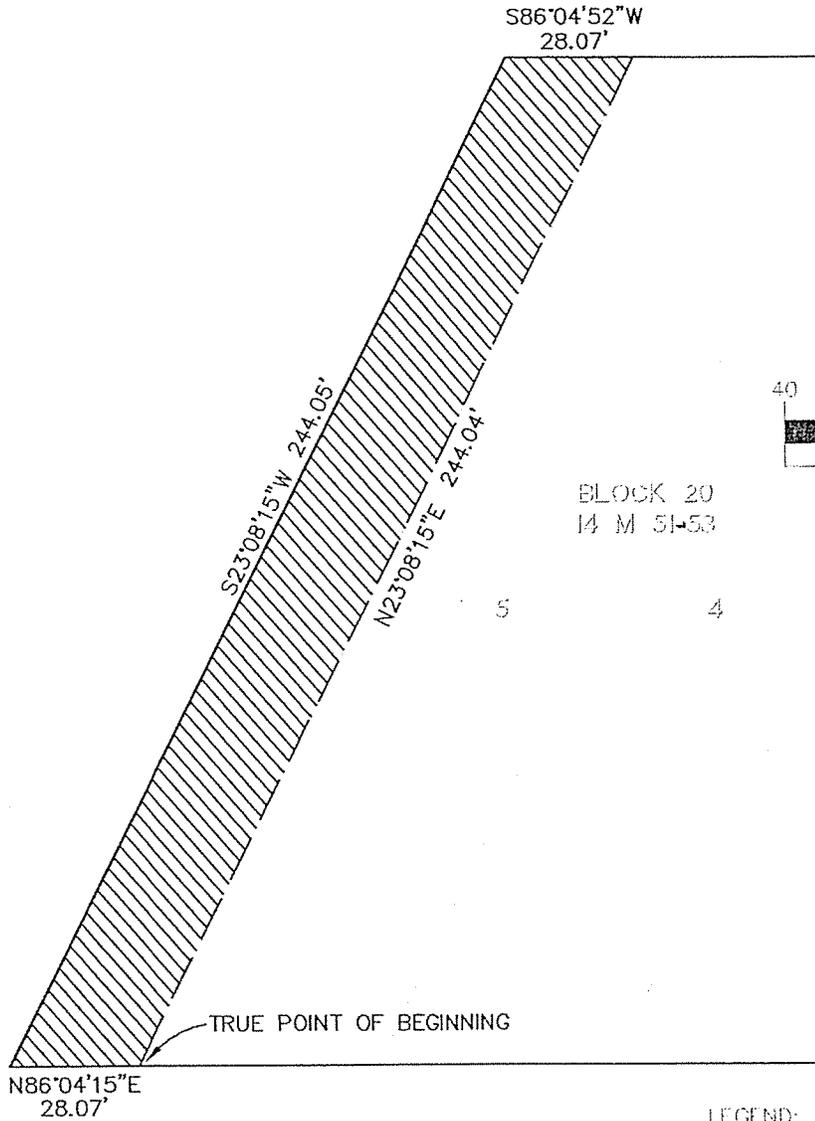


# EXHIBIT "B"

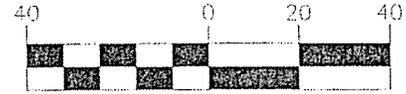
SOUTHERN PACIFIC TRANSPORTATION COMPANY - DUMBARTON CUTOFF

BLOCK 31  
14 M 51-53

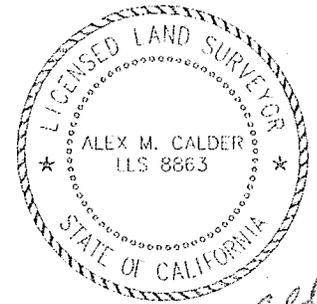
BLOCK 20  
14 M 51-53



GRAPHIC SCALE



1 inch = 40 ft.



*Plot cont. cell  
1/6/2014*

LEGEND:

EASEMENTS TO BE ABANDONED

HAMILTON AVENUE

WINDERMERE  
AVENUE

### BASIS OF BEARINGS

THE BEARING N86°04'15"E BETWEEN THE FOUND MONUMENTS ON HAMILTON AVENUE AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON AUGUST 8, 2011 IN VOLUME 36 OF LLS MAPS AT PAGES 25 THROUGH 30, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.



255 SHORELINE DR  
SUITE 200  
REDWOOD CITY, CA 94065  
650-482-6300  
650-482-6399 (FAX)

31

Subject EASEMENT TO BE ABANDONED  
PLAT TO ACCOMPANY LEGAL DESCRIPTION  
Job No. 20120225-13  
By DES Date 01/03/14 Chkd. AMC  
SHEET 1 OF 1

# EXHIBIT "B"

SOUTHERN PACIFIC TRANSPORTATION COMPANY - DUMBARTON CUTOFF  
 S86°04'52"W 56.14'

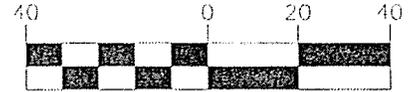


BLOCK 20  
 14 M 51-53

2

1

GRAPHIC SCALE



1 inch = 40 ft.

S23°08'15"W 243.99'

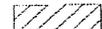
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BLOCK 19  
 14 M 51-53

5

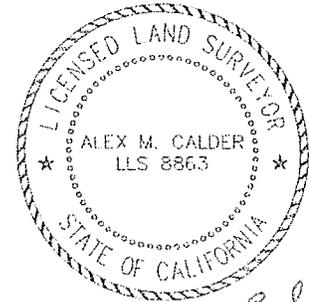
4

LEGEND:

 EASEMENTS TO BE ABANDONED

TRUE POINT OF BEGINNING

N86°04'15"E 56.15'



*Alex M. Calder*  
 1/6/2014

HOLLYBURN  
 AVENUE

HAMILTON AVENUE

BASIS OF BEARINGS

THE BEARING N86°04'15"E BETWEEN THE FOUND MONUMENTS ON HAMILTON AVENUE AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON AUGUST 8, 2011 IN VOLUME 36 OF LLS MAPS AT PAGES 25 THROUGH 30, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.



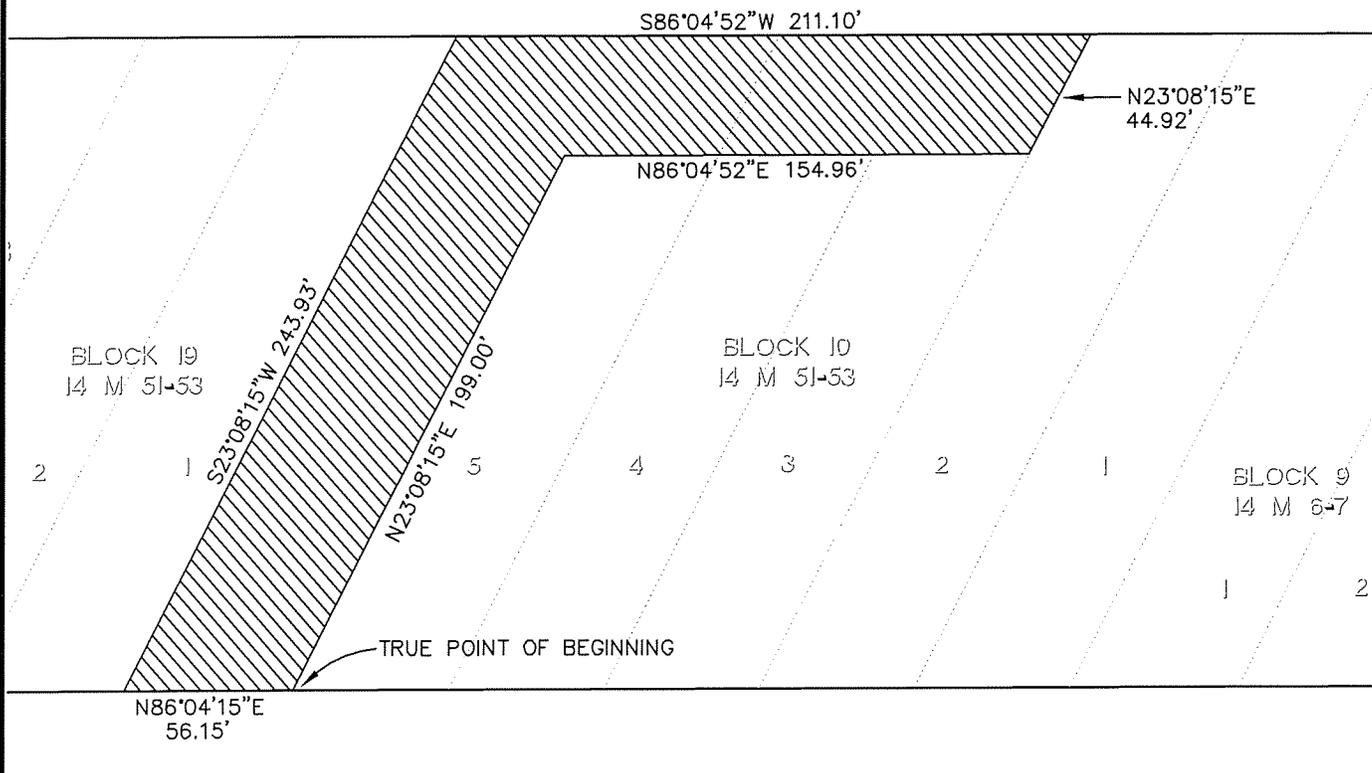
255 SHORELINE DR  
 SUITE 200  
 REDWOOD CITY, CA 94065  
 650-482-6300  
 650-482-6399 (FAX)

Subject EASEMENT TO BE ABANDONED  
PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 Job No. 20120225-13  
 By DES Date 01/03/14 Chkd. AMC  
 SHEET 1 OF 1

B2

# EXHIBIT "B"

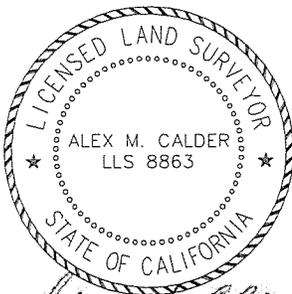
SOUTHERN PACIFIC TRANSPORTATION COMPANY - DUMBARTON CUTOFF



SEVIER AVENUE

HAMILTON AVENUE

MADERA AVENUE



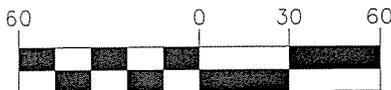
*Alex M. Calder*

**LEGEND:**



PUBLIC UTILITY EASEMENT (PUE) AND EMERGENCY ACCESS EASEMENT (EAE) TO BE ABANDONED

**GRAPHIC SCALE**



1 inch = 60 ft.

**BASIS OF BEARINGS**

THE BEARING  $N86^{\circ}04'15''E$  BETWEEN THE FOUND MONUMENTS ON HAMILTON AVENUE AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON AUGUST 8, 2011 IN VOLUME 36 OF LLS MAPS AT PAGES 25 THROUGH 30, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

PLOTTED BY: 5011

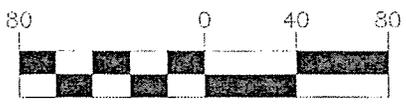
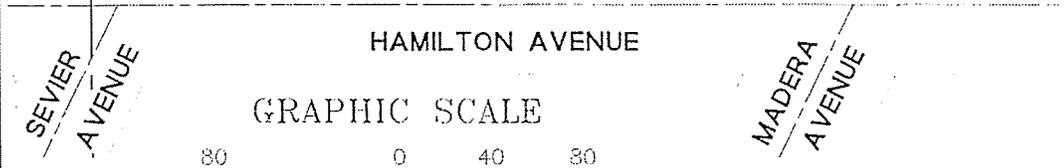
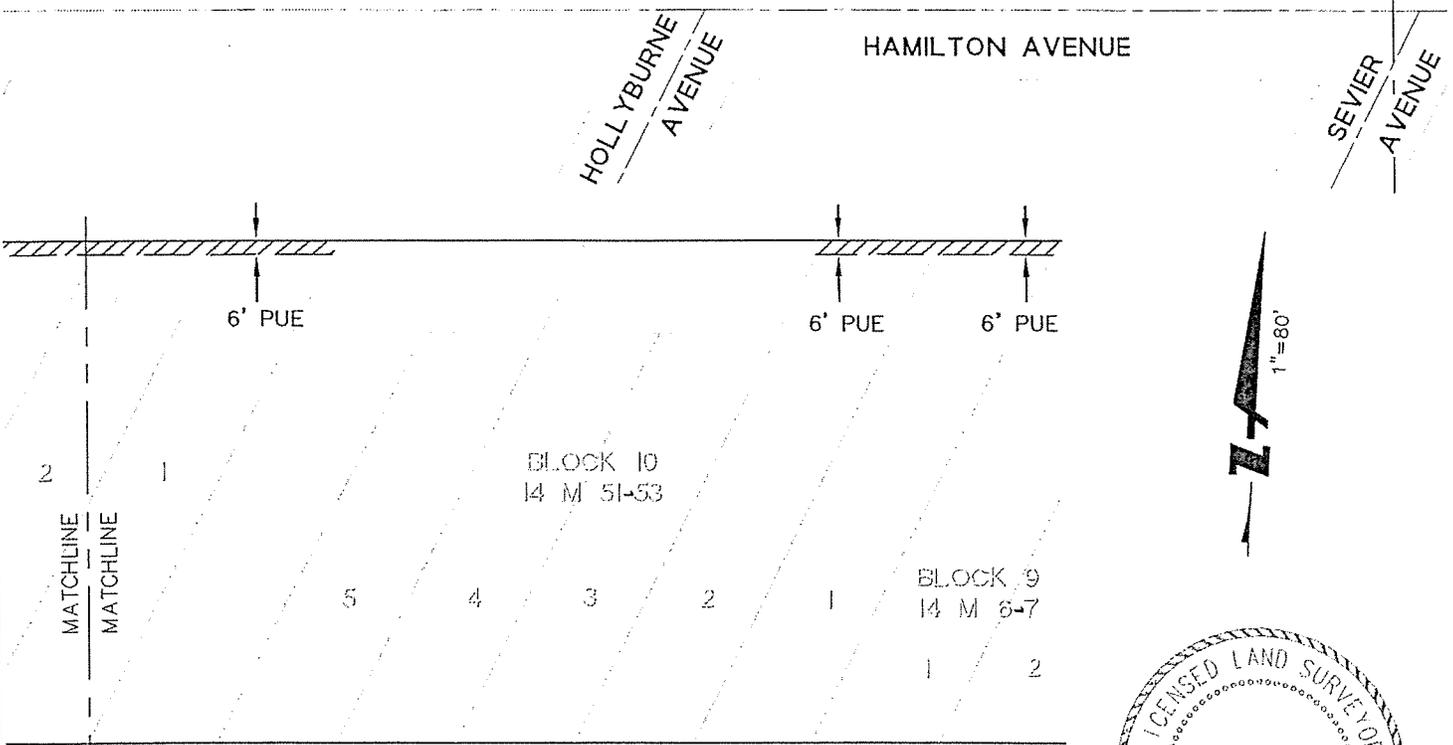
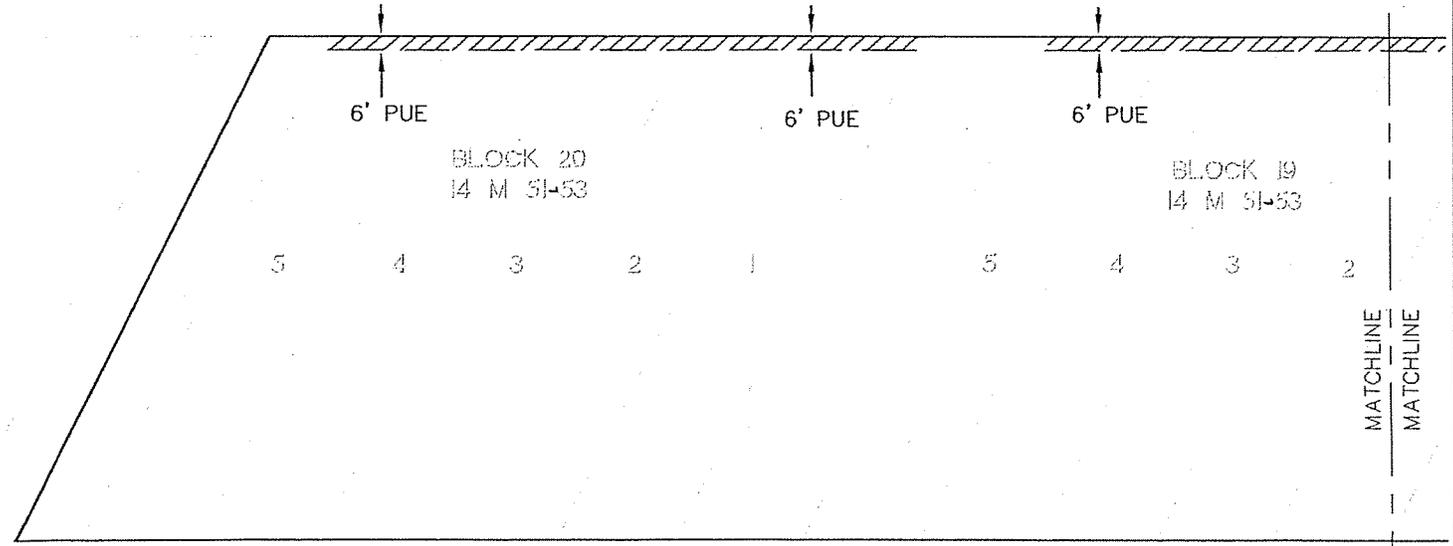


255 SHORELINE DR  
SUITE 200  
REDWOOD CITY, CA 94065  
650-482-6300  
650-482-6399 (FAX)

Subject PUE AND EAE TO BE ABANDONED  
 PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 Job No. 20120225-13  
 By DES Date 06/25/14 Chkd. AMC  
 SHEET 1 OF 1

133

# EXHIBIT "B"



1 inch = 80 ft.



**LEGEND:**

 EASEMENTS TO BE ABANDONED



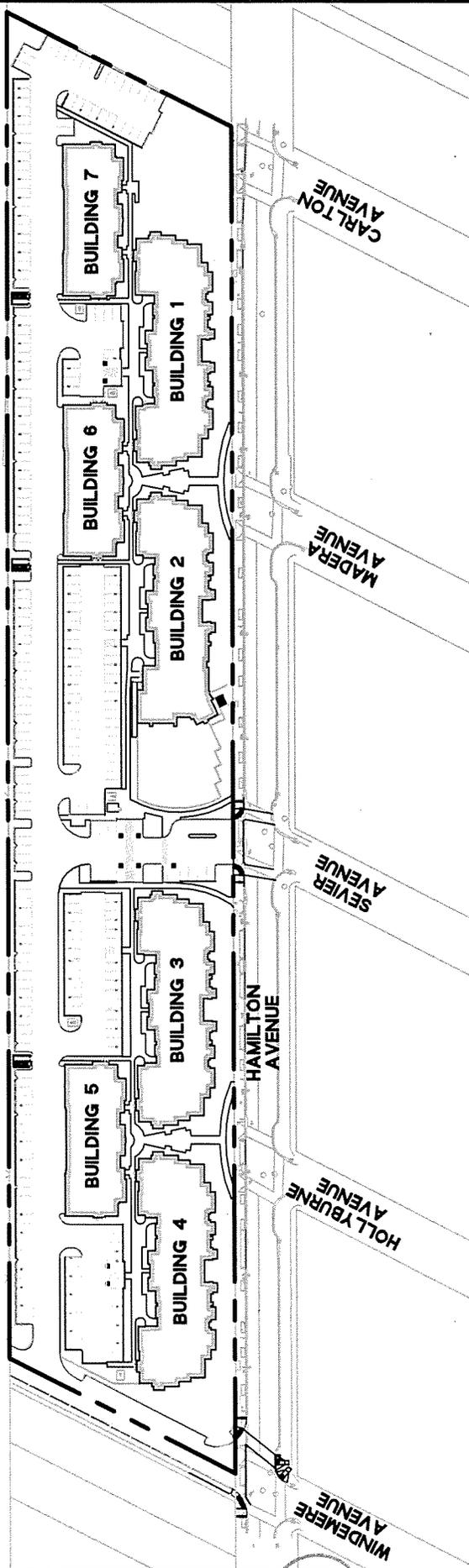
255 SHORELINE DR  
 SUITE 200  
 REDWOOD CITY, CA 94065  
 650-482-6300  
 650-482-6399 (FAX)

Subject EASEMENTS TO BE ABANDONED  
 PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 Job No. 20120225-13  
 By DES Date 12/19/13 Chkd. AMC  
 SHEET 1 OF 1

**B4**

PLECTED BY:

DUMBARTON RAILWAY



C1

# 777 HAMILTON AVENUE SITE PLAN

255 SHORELINE DRIVE SUITE 200  
REDWOOD CITY, CA 94065  
650/482-6300  
650/482-6399 (FAX)



ENGINEERS / SURVEYORS / PLANNERS

Drawn  
Job No. 20120225

Checked  
Date 06/24/2014

Approved  
Sheet 1

of 1

**DRAFT RESOLUTION NO. 2014-02**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO  
PARK DETERMINING THAT ABANDONMENT OF THE PUBLIC UTILITY  
EASEMENTS AND EMERGENCY ACCESS EASEMENT ON 721-851 HAMILTON  
AVENUE IS CONSISTENT WITH THE GENERAL PLAN**

WHEREAS, the Planning Commission of the City of Menlo Park has considered the abandonment of public utility easements and emergency access easement at 721-851 Hamilton Avenue as required for the development of a 195-unit multi-family residential development located in the R-4-S zoning district; and

WHEREAS, the Planning Commission has held a public meeting on this subject on August 18, 2014, as required by law, having provided public notification by publishing a legal notice in the local newspaper and notification of property owners and occupants within a 300-foot radius of the subject property;

WHEREAS, the Planning Commission of the City of Menlo Park has determined that said abandonments are consistent with the General Plan in that alternate easements for specific utility companies have been provided, access to the site for emergency service providers would be coordinated, and there has been no objections to the abandonment proposal; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menlo Park hereby recommends that the public utility easements and emergency access easement of 721-851 Hamilton Avenue, as shown in attached Exhibit, to be abandoned as proposed.

I, Arlinda Heineck, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted by a majority of the total voting members of the Planning Commission of the City of Menlo Park at a meeting held by said Commission on the 18th day of August, 2014, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSTAIN:	Commissioners:
ABSENT:	Commissioners:

I further certify that the foregoing copy is a true and correct copy of the original of said resolution on file in the office of the Community Development Department, City Hall, Menlo Park, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City this \_\_ day of August, 2014.

\_\_\_\_\_  
Arlinda Heineck  
Community Development Director  
City of Menlo Park

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