



## MEMORANDUM

**TO:** City Council

**FROM:** Brian Pedrotti, Community Development Director

**BY:** Robin Dickerson, PE, City Engineer  
John Benedetti, Associate Engineer

**SUBJECT:** Consider a Resolution Ordering the Summary Vacation of Public Right of Way and the Reservation of a Public Sewer Easement for the Creekside Project: Final Map 3086 by DB&M Properties, LLC; Amended PUD 18-001 & VTTM 04-004

**DATE:** June 28, 2022

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### **SUMMARY OF ACTION:**

Ordering the summary vacation and reservation of a public sewer easement for the Creekside project (Amended Planned Unit Development (APUD) 18-001; Final Tract Map 3086 Vesting Tentative Tract Map (VTTM) 04-004), is required for the map to be recorded and the improvements to be built, maintaining an easement over an existing sewer line.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

There are no financial impacts associated with this action. The estimated value of the future public improvements, which the Creekside Tract project applicant is responsible for, is \$1.16 million. The anticipated timeframe for construction and installation of these improvements is within the next two years. Following the two-year time period, the City takes on the maintenance of the public improvements. The maintenance costs associated with this new sewer line/service will be added to the City infrastructure maintenance program.

### **RECOMMENDATION:**

Adopt a Resolution ordering the summary vacation of public right of way on Le Point Street and Crown Terrace and reserving a public sewer easement on Crown Terrace for the Creekside project (Amended Planned Unit Development (APUD) 18-001; Final Tract Map 3086 Vesting Tentative Tract Map (VTTM) 04-004).

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#### **BACKGROUND:**

The project site is located near the east end of the Village and is bounded by East Branch Street, Crown Hill, Crown Terrace, Le Point Street and Tally Ho Creek. The property is roughly two (2) acres in size, is generally flat and is mostly located within the 100-year floodplain, except for the eastern portion where it slopes up dramatically to Crown Terrace. Surrounding the site is residential development to the north and east, and commercial development to the south and west. The site is currently used for the storage and transportation of water, chemicals and fertilizers.

The City Council approved Vesting Tentative Tract Map 04-004 and Planned Unit Development 04-001 on September 25, 2007 (the “Creekside Center”) (Attachment 3). This approval was the culmination of six years of plan redesign and refinement to be sensitive to the historic Loomis residence and the grain warehouse (originally proposed for demolition). Project approval included reconfiguring twenty-three (23) parcels into nineteen (19) parcels, and constructing a mixed-use development consisting of sixteen (16) residential buildings with 24 dwelling units total in a detached townhouse configuration and a 12,937 square foot retail/office building at the corner of Crown Terrace and Crown Hill, while maintaining the historic Loomis structures.

On February 19, 2019, the Planning Commission adopted Resolution 19-2317 (Attachment 4) approving APUD 18-001 by removing the 8 duplexes and adding 4 quadplexes, which added sixteen (16) additional units to Phase 3 of the project and re-ordered the phasing of phases 2 and 4 of the project. A total of 40 dwelling units are proposed.

#### **ANALYSIS OF ISSUES:**

During review of the final map, it was determined that a portion of public right of way along Le Point Street exists that will need to be vacated (given to the developer) in order to allow for the construction of the approved project as proposed. The vacation documents have been reviewed by one of the City’s third-party survey firms and the City Attorney, and the documents have been determined to be technically correct. The documents related to the partial vacation of the easement (Attachment 2) will be recorded simultaneously with the final map for the tract.

In addition to vacating a portion of right of way along Le Point Street, staff also identified that a sewer easement would need to be reserved (i.e., kept by the City for an existing sewer line) along Crown Terrace to facilitate the existing public sewer line.

Streets and Highways Code section 8330 et seq. provides for the vacation of streets and highways and excess right of way of a street or highway not required for street or highway purposes. The right of way in question is not needed for street purposes, is consistent with the General Plan and except for the existing sewer line, there are no other utilities or

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public improvements located within the portion to be vacated along Crown Terrace and Le Point Street. Section 8340 of the Street and Highway Code provides for a reservation of public utility easements within vacated streets and highways. Adoption of the Resolution will provide for the vacation of excess right of way on Le Point Street and Crown Terrace, and the reservation of the public sewer easement will cover the portion of the existing sewer line outside the public right of way within the vacated area on Crown Terrace.

**ALTERNATIVES:**

1. Adopt a Resolution summarily vacating portions of public right of way and reserving a public sewer easement;
2. Do not adopt a Resolution summarily vacating portions of public right of way and reserving a public sewer easement; or
3. Provide other direction to staff.

**ADVANTAGES:**

Vacating excess right of way and reserving a public sewer easement will allow the developer to construct the project improvements as proposed and approved.

**DISADVANTAGES:**

No disadvantages have been identified.

**ENVIRONMENTAL REVIEW:**

In compliance with the California Environmental Quality Act, The City Council certified an Environmental Impact Report (EIR) for the original Creekside Center project, when all existing structures were proposed for demolition. To date, three (3) addendums to the EIR have been completed for modifications made to the project since original approval, including the approved project. An Addendum to the Final Environmental Impact Report (State Clearinghouse No. 2001091085) was prepared to evaluate whether the proposed project would result in any new or substantial significant effects or require any new mitigation measures not identified in the EIR. The conclusion of the Addendum is that the proposed project amendment would not result in a measurable increase in environmental impacts over what was previously analyzed in the EIR, nor would they substantially reduce or change the conclusions in the previous EIR.

Summary vacation of an easement is categorically exempt from the requirements of the California Environmental Quality Action pursuant to Title 11 California Code of Regulations Section 15305.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

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Attachments:

1. Proposed Resolution
2. Final Tract Map
3. September 25, 2007 Staff Report and Attachments
4. Planning Commission Resolution 19-2137