



## MEMORANDUM

**TO:** City Council

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

**BY:** Patrick Holub, Associate Planner  
Natalie Riddering, Planning and Engineering Permit Technician

**SUBJECT:** Consideration of the Summary Vacation of a Public Utility Easement  
Located at 1180 Linda Drive

**DATE:** August 22, 2023

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### **SUMMARY OF ACTION:**

Approval of the summary vacation of an unneeded or “excess” public utility easement (PUE) at 1180 Linda Drive, pursuant to California Streets and Highways Code Section 8330. Staff has received non-objection letters from those holding public utility/easement interests in the subject property, pursuant to Streets and Highways Code Section 8334.5.

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

There is no financial impact in vacating the easement.

### **RECOMMENDATION:**

Adopt a Resolution summarily vacating a public utility easement at 1180 Linda Drive pursuant to Streets and Highways Code Section 8330 *et seq.*

### **BACKGROUND:**

Residential Tract Map 202 was recorded on May 31, 1961. As part of the tract map, ten-foot (10') PUEs were created at the rear of each of the 15 lots that make up this subdivision (Attachment 2).

### **ANALYSIS OF ISSUES:**

On May 22, 2023, the property owner at 1180 Linda Drive requested that the PUE be modified and that the 10-foot easement, located at the rear of 1180 Linda Drive, be vacated to allow the construction of an accessory dwelling unit (ADU).

During the City’s review of the request, it was determined that the easement is no longer needed for the City’s purposes. California Streets and Highways Code Section 8330 et

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seq. authorizes the City to summarily vacate an excess public utility easement if it is not required.

Specifically, section 8333 provides that the City Council may summarily vacate a public service easement in any of the below situations:

- a. The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
- b. The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.
- c. The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

Here, the City is summarily vacating a 5 foot portion of the total 10 feet of the easement area, as AT&T (who received notice pursuant to the Streets and Highways Code) informed the City that it still needs 5 of the 10 total feet for utility purposes. Because a 5-foot portion of the PUE has been determined to be excess by the easement holders, and there are no other public facilities located within the easement area, the requirements of the Streets and Highways Code are satisfied and the City may vacate a portion of the PUE.

Non-objection letters to the proposed easement vacation were received from the following utilities: Charter Communications, Southern California Gas Company, PG&E, and AT&T (Attachment 3). A legal description and plat of the existing property as well as a legal description and plat of the property after the vacation are included as Attachment 4.

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

1. Adopt a Resolution summarily vacating a public utility easement at 1180 Linda Drive pursuant to Streets and Highways Code Section 8330 *et seq.*;
2. Do not adopt the Resolution to vacate the public utility easement; or
3. Provide other direction to staff.

**ADVANTAGES:**

By vacating the easement, the owner of the parcel would be able to utilize this portion of the property to construct an ADU.

**DISADVANTAGES:**

None identified.

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**ENVIRONMENTAL REVIEW:**

The proposed summary vacation of a portion of the PUE will not have an environmental impact and is therefore not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (no possibility that the activity may have a significant effect on the environment). City staff will prepare and file a Notice of Exemption following adoption of the proposed Resolution.

**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.

**Attachments:**

1. Proposed Resolution
2. Tract Map 202
3. Non-objection Letters
4. Legal Description and Plat of PUE to be vacated