

CONSIDERATION OF PROTESTS, CATEGORICAL EXEMPTION and PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to the vacation of the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof (re-application) (VAC-E1400895R).

Recommendations for Council action:

1. CONSIDER PROTESTS relative to the proposed vacation of the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof.
2. FIND that the vacation of the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
3. FIND that the street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of way indicated below and shown colored blue on Exhibit A of the December 11, 2014 City Engineer report, attached to the Council file:
 - a. Lookout Mountain Avenue (portion of northerly and northeasterly side) from Oakstone Way to approximately 122.4 feet westerly thereof.
 - b. Oakstone Way (portion of westerly half) from its southerly terminus to approximately 100 feet northerly thereof.
4. FIND that there is a public benefit to the vacation of the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.
5. FIND that the vacation of the alley northerly of the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof is in substantial conformance with the purposes, intent and provisions of the General Plan, in conformance with Section 556 of the City Charter.
6. FIND that the vacation of the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof is not necessary for non-motorized transportation facilities, in conformance with Section 892 of the California Streets and Highways Code.
7. FIND that the vacation of the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof is not necessary for present or prospective public use, in conformance with Section 8324 of the California Streets and Highways Code.
8. ADOPT the City Engineer's report dated December 11, 2014 with the conditions contained therein with the modification to delete Condition No. 8, which requires that that street lighting facilities be installed as may be required by the Bureau of Street Lighting.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$16,500.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code will be required of the petitioner. Maintenance of the public easement by City forces will be eliminated.

Community Impact Statement: None submitted.

SUMMARY

At its regular meeting held on February 4, 2015, the Public Works and Gang Reduction Committee considered the recommendations of the City Engineer as contained in its December 11, 2014 report. The City Engineer reports that the area sought to be vacated is the northerly portion of Lookout Mountain Avenue from Oakstone Way to 122.4 feet westerly thereof (a map of the area is included as Exhibit B in the December 11, 2014 City Engineer report, attached to the Council file). The purpose of the vacation request is to consolidate the vacation area with the petitioner's property for a portion of the existing garage, gate, and entrance bridge. This vacation procedure is being processed under procedures established by Council on March 5, 2002 as detailed in Council file No. 01-1459.

Bureau of Engineering staff gave an overview of the item. During testimony of the matter, Council District 4 staff requested to delete Condition No. 8 of the City Engineer's report. After having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as amended in the recommendations above. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE



| <u>MEMBER</u> | <u>VOTE</u> |
|---------------|-------------|
| BUSCAINO: | YES |
| PRICE: | YES |
| CEDILLO: | YES |

ME

-NOT OFFICIAL UNTIL COUNCIL ACTS-