

CONSIDERATION OF PROTESTS, CATEGORICAL EXEMPTION and PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to the vacation of the Gayley Avenue and Lindbrook Drive Vacation District (Subsurface Vacation) (VAC-E1401209).

Recommendations for Council action:

1. CONSIDER protests relative to the proposed vacation of the Gayley Avenue and Lindbrook Drive Vacation District.
2. FIND that the vacation of the Gayley Avenue and Lindbrook Drive Vacation District 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 B of the March 15, 2013 City Engineer report, attached to the Council file:

The northeasterly 10 feet of Gayley Avenue, lying between 8 feet and 28 feet below the finished street surface, and the northerly 2.5 feet of Lindbrook Drive, lying between 8 feet and 28 feet below the finished street surface

4. FIND that there is a public benefit to the vacation of the Gayley Avenue and Lindbrook Drive Vacation District. Upon vacation of the district, 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 Gayley Avenue and Lindbrook Drive Vacation District 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 Gayley Avenue and Lindbrook Drive Vacation District 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 Gayley Avenue and Lindbrook Drive Vacation District 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 March 15, 2013 with the conditions contained therein.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$10,700 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 the meeting held on May 6, 2015, your Public Works and Gang Reduction Committee considered the recommendations of the City Engineer as contained in its March 15, 2013 report. The City Engineer reports that the area sought to be vacated is the Gayley Avenue and Lindbrook Drive Vacation District (a map of the area is included as Exhibit B in the March 15, 2013 City Engineer report, attached to the Council file). The purpose of the subsurface vacation request is to accommodate for the construction of a subterranean garage structure for a mixed use development. This vacation procedure is being processed under procedures established by Council on March 5, 2002 as detailed in Council file No. 01-1459. After having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as contained in said City Engineer report as detailed 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-**