

CONSIDERATION OF PROTESTS, CATEGORICAL EXEMPTION and PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to the vacation of the portion of northwesterly side of Bunker Hill Avenue from Cesar Chavez Avenue to its southwesterly terminus, VAC - E1401287 (Vacation).

Recommendations for Council action:

1. CONSIDER protests relative to the proposed Vacation.
2. FIND that the Vacation 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 September 6, 2017 City Engineer report, attached to the Council file:

A 2-foot wide portion of northwesterly side of Bunker Hill Avenue from Cesar Chavez Avenue to its southwesterly terminus

4. FIND that there is a public benefit to the Vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the street. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easements.
5. FIND that the Vacation 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 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 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 September 6, 2017 with the conditions contained therein.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$14,980 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 February 21, 2018, your Public Works and Gang Reduction Committee

considered the recommendations of the City Engineer as contained in its September 6, 2017 report. The City Engineer reports that the area sought to be vacated is the portion of northwesterly side of Bunker Hill Avenue from Cesar Chavez Avenue to its southwesterly terminus, (a map of the area is included as Exhibit B in the City Engineer report, attached to the Council file). The purpose of the vacation request is to correct the encroachment of the existing mixed use building that was developed per previous planning case DIR 2004-4379-SPR. 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>
BLUMENFIELD	YES
MARTINEZ	YES
RYU	YES
RODRIGUEZ	YES
BUSCAINO	ABSENT

ME:cr
3/14/18

-NOT OFFICIAL UNTIL COUNCIL ACTS-