

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: September 25, 2019

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a request by San Mateo County's Real Property Services Division to determine, pursuant to California Government Code Section 65402, if the County's proposed vacation of an unused sanitary sewer easement on private property at 55 Winding Way, in unincorporated San Carlos, conforms to the County's General Plan.

County File Number: PLN 2019-00359

PROPOSAL

Consideration of a request by San Mateo County's Real Property Services Division to determine, pursuant to California Government Code Section 65402, if the County's proposed vacation of an unused sanitary sewer (utility) easement located on private property at 55 Winding Way, in unincorporated San Carlos, conforms to the County's General Plan.

RECOMMENDATION

That the Planning Commission find that San Mateo County's Real Property Services Division's proposed vacation of an unused sanitary sewer (utility) easement located on private property at 55 Winding Way, in unincorporated San Carlos, conforms to the County's General Plan.

BACKGROUND

Report Prepared By: William Gibson

Applicant: San Mateo County Real Property Services Division

Owners: Richard Wilson Tr.

Location: Unincorporated San Carlos

APN: 049-142-530

Size: 5,280 sq. ft.

Existing Zoning: R-1/S-71/DR

General Plan Designation: Medium-Density Residential

Existing Land Use: The parcel contains a single-family home.

Flood Zone: X (Area of Minimal Flooding)

Environmental Evaluation: A determination that the proposed vacation conforms to the County General Plan is exempt from environmental review under the “common sense exemption” that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). Any future action on the subject property would be subject to applicable CEQA requirements.

Setting: The parcel is in unincorporated San Carlos, in an area developed with single-family and lower-density multifamily development.

DISCUSSION

A. KEY ISSUES

1. Project Description

The County’s Real Property Services Division is proposing that the County vacate an existing, unused sanitary sewer easement crossing the privately-owned property at 55 Winding Way, unincorporated San Carlos. The easement is not in use, and has not been in use, and there is no plan to locate sewer facilities within the easement.

Per California Government Code Section 65402, prior to the acquisition or disposition of any real property, including vacation of easements, the County must assess the proposed disposition’s conformity with the County’s General Plan.

2. Analysis

General Plan Policy 12.17, Vacation of County Streets and Easements, states:

“In reviewing requests for sale, vacation, or abandonment of County streets, rights-of-way, or easements, consider the following: (a) whether access is available to existing parcels and developed areas adjacent to the subject area, or possible future development based on adopted area plans; (b) whether the area to be vacated is not required for public transit use based on adopted plans; and (c) whether the area to be vacated is not suitable for non-motorized use.”

The proposed vacation conforms to all of these considerations. The area is fully developed, adjacent public rights-of-way provide access to all parcels,

and necessary sanitary sewer facilities already cross the parcel in an area not located within the existing easement. The easement is not required for transit, because adjacent rights-of-way provide sufficient access, and the easement is not suitable for transit use. The easement is also entirely unsuitable for non-motorized use, because the easement is solely a public utility easement, and does not and cannot confer present or future rights of public access or passage across the underlying private property via motorized, non-motorized, or any other means of conveyance. As noted above, the County has determined that there is no need for the easement's use for public service utilities.

The proposed easement vacation would cause ownership of the easement to revert to the owner of the subject parcel. The existing General Plan land use designation for the former easement area, as well as the existing zoning, would persist, and all development would continue be regulated by these designations. In addition to conformity with General Plan Policy 12.17, the proposed vacation does not conflict with any other policies of the County's General Plan.

B. ALTERNATIVES

The alternative to a finding of conformity with the General Plan is that the Planning Commission to find that the proposed project does not conform to the policies of the County General Plan.

C. ENVIRONMENTAL REVIEW

A determination that the proposed acquisition of property conforms to the County General Plan is exempt from environmental review under the "common sense exemption" that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). Any future action on the subject property would be subject to applicable CEQA requirements.

D. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Action
- B. Location and Site Map

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County of San Mateo
Planning and Building Department

RECOMMENDED ACTION

Permit or Project File Number: PLN 2019-00359 Hearing Date: September 25, 2019

Prepared By: William Gibson
Project Planner

For Adoption By: Planning Commission

RECOMMENDED ACTION

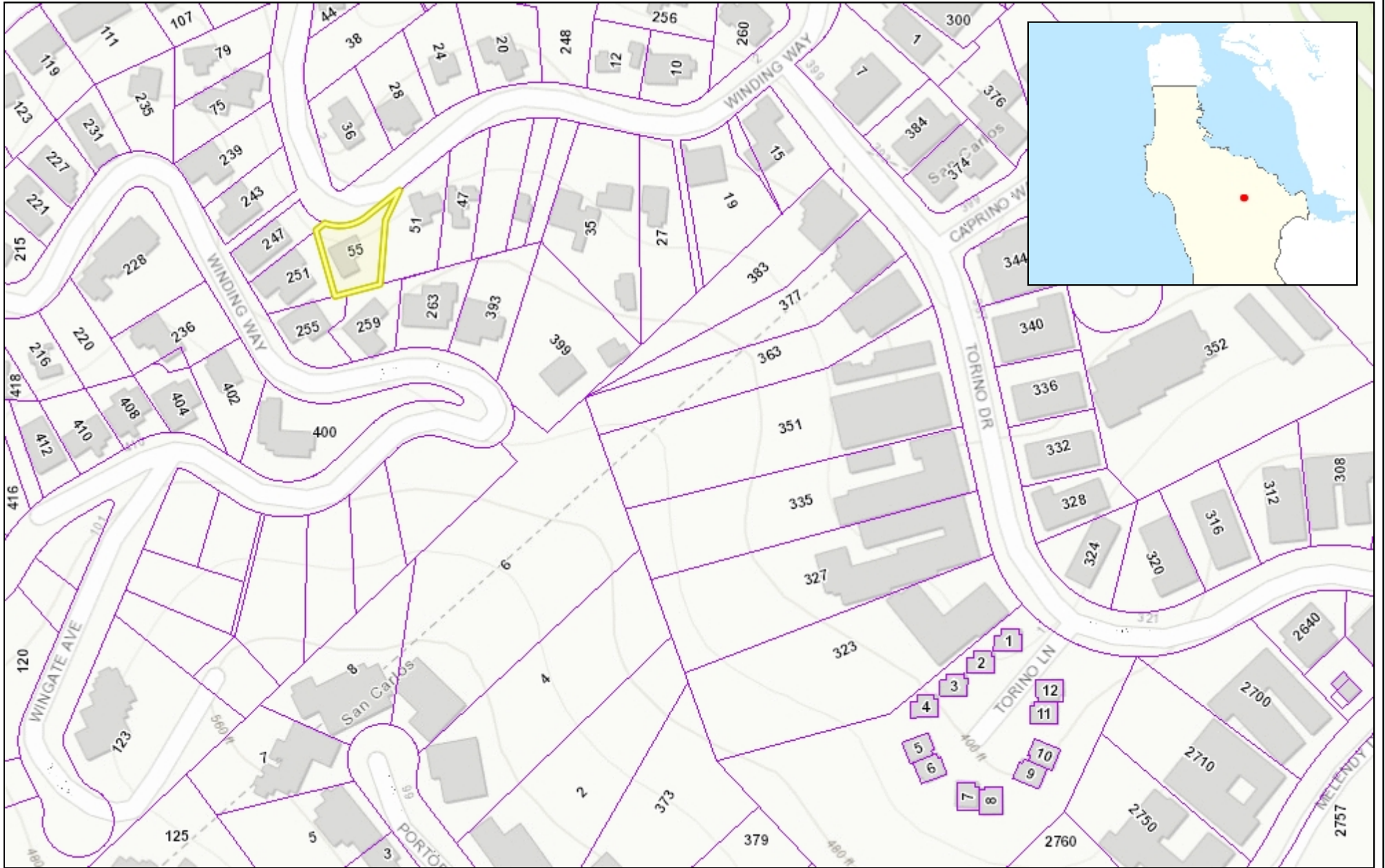
That the Planning Commission find that San Mateo County's Real Property Services Division's proposed vacation of an unused sanitary sewer (utility) easement located on private property at 55 Winding Way, in unincorporated San Carlos, conforms to the County's General Plan.

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County of San Mateo - Planning and Building Department

ATTACHMENT B



0.07 0 0.04 0.07 Miles

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