TO:    HONORABLE CITY COUNCIL

FROM:    CITY MANAGER    DEPARTMENT: ADMINISTRATIVE SERVICES

DATE:    JANUARY 22, 2008    CMR: 124:08

SUBJECT: ADOPTION OF A RESOLUTION SUMMARILY VACATING A PORTION OF THE ABANDONED EMBARCADERO ROAD RIGHT-OF-WAY AND RESERVING A PUBLIC UTILITIES EASEMENT ADJACENT TO THE TOWN & COUNTRY VILLAGE SHOPPING CENTER, 855 EL CAMINO REAL

RECOMMENDATION
Staff recommends that Council adopt the attached resolution summarily vacating a portion of the abandoned Embarcadero Road right-of-way and reserving a public utilities easement along Embarcadero Road adjacent to the Town & Country Village Shopping Center, 855 El Camino Real.

DISCUSSION
In conjunction with a redevelopment project for the Town and Country Village shopping center, the owner/developer has requested that the City vacate a segment of the abandoned 37-foot right-of-way for the former Embarcadero road (see plat map attached to Resolution). This right-of-way is no longer used or needed for street purposes. The vacated right-of-way will be used to provide additional parking and vehicular circulation for new development on the site, including a new grocery store. The City will retain a portion of the right-of-way for pedestrian and bicycle use and will retain a utility easement over the entire right-of-way. In exchange for the use of the vacated right-of-way, totaling about 9,000 square feet, the owner/developer will: 1) construct a bike/pedestrian path on the remaining segment of the abandoned right-of-way; and 2) install a new traffic signal at the intersection of the shopping center main driveway and Embarcadero Road. In addition, the developer has included a number of bicycle and pedestrian improvements into the project: new railing along both sidewalks on Embarcadero in the vicinity of the signalized pedestrian crossing; re-landscaping of the planted area behind the sidewalk along Embarcadero Road to provide a wider flat walking surface for pedestrians; and enlargement of the island for pedestrian storage area on the shopping center side of the signalized pedestrian crosswalk on Embarcadero Road. The bike/pedestrian path will provide a connection to the bike path extending along the west side of the Caltrain right of way, which is adjacent to the easterly boundary of the shopping center. The traffic signal will mitigate traffic impacts of the new development on the site and improve traffic flow at the intersection. The redevelopment project for the shopping center was recommended for approval by the Architectural Review Board on December 20, 2007.
The attached Resolution will vacate a portion of the City’s abandoned right-of-way (see plat map attached to Resolution). This right-of-way is no longer needed for street purposes; however, it does contain utility facilities. Therefore, the Resolution also reserves an easement for utilities. Staff has notified the City Utilities, Public Works and Planning departments of the proposal to vacate the right-of-way, and all concur with the vacation subject to the reservation of a utility easement. The portion of the right-of-way to be vacated is not necessary for any present or future use, except for utilities facilities, and therefore it may be summarily vacated, subject to the reservation of a PUE in accordance with Section 8334 of the California Streets and Highways Code.

**RESOURCE IMPACT**
The owner/developer’s cost to install the bike/pedestrian path and the traffic signal is estimated at a minimum of $366,000. In exchange for the 9,000 square feet of right-of-way to be vacated, the $366,000 cost amounts to $40.00 per square foot. This is a fair value for use of the vacated right-of-way, especially considering the City will reserve an easement for utilities beneath the entire right of way to be vacated.

**POLICY IMPLICATIONS**
The recommendation does not represent any change to City policies. The Planning Department has determined that the vacation of a portion of the public right-of-way and the reservation of a public utility easement is in conformity with the Palo Alto Comprehensive Plan.

**ENVIRONMENTAL REVIEW**
The proposed summary vacation of the portion of the street right-of-way is categorically exempt from the review under the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations.

PREPARED BY: WILLIAM FELLMAN
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DEPARTMENT HEAD APPROVAL: LALO PEREZ
Director, Administrative Services

CITY MANAGER APPROVAL: EMILY HARRISON
Assistant City Manager

**ATTACHMENTS**
Attachment A: Summary Vacation Resolution
cc: Ellis Partners, LLC