

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

**DATE:** November 4, 2015

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a request by the San Mateo County Real Property Division (Real Property) to determine if San Mateo County Public Works' proposed vacation of a public utility easement in the unincorporated area of Burlingame conforms to the County General Plan.

County File Number: PLN 2015-00476

**PROPOSAL**

The County Real Property Division is requesting, pursuant to Government Code Section 65402, determination of whether vacation of a 10-foot sewer easement on private property in unincorporated Burlingame conforms to the County General Plan. The easement is not used, and is not maintained by the County.

**RECOMMENDATION**

That the Planning Commission find, by making the findings listed in Attachment A, that the proposed vacation conforms to the applicable policies of the County General Plan.

**BACKGROUND**

Report Prepared By: William Gibson, Project Planner, Telephone 650/363-1816

Applicant: San Mateo County Real Property Division

Owner: Willam J. Gilmartin Jr. Trust

Location: 175 Glen Aulin Lane, unincorporated Burlingame

APN: 027-241-210

Size: 32,000 square feet

Existing Zoning: R-1/S-9

General Plan Designation: Medium Low Density Residential

Sphere-of-Influence: Burlingame

Existing Land Use: Single-family Residential

Water Supply: Burlingame Municipal Water District

Sewage Disposal: Burlingame Hills Sewer District

Flood Zone: Zone X, FEMA Panel 06081C0134E

Environmental Evaluation: General Plan Conformity analysis is not a project, per California Environmental Quality Act (CEQA) Guidelines Section 15378

Setting: The area of the subject property is characterized by low-intensity single-family development, with well-developed suburban tree cover.

## **DISCUSSION**

### **A. KEY ISSUES**

1. As required by Government Code Section 65402, the San Mateo County Real Property Division, in response to a request from the owner of the subject property, has requested an analysis of whether vacation of the County's 10-foot sewer easement crossing APN 027-241-210 conforms to the County General Plan.

The easement is no longer in use and the sanitary sewer line that was once within the easement area has been abandoned. The easement and disused line are unnecessary for any future use of the property or other properties nearby. The County does not use, and has no plans to use or maintain, the sewer line or easement.

General Plan policy 12.23, 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, including Glen Aulin, Summit, and Tulip Lanes, provide access to all adjacent parcels, and the existing easement was never intended to provide such access. Similarly, 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 utility easement, and does not and cannot confer any present or future rights of public access or passage of any kind across the underlying private property, via motorized, non-motorized, or any other means of conveyance.

The proposed easement vacation will cause ownership of the easement to revert to the owner of the surrounding 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 12.23, the proposed vacation does not contradict any other policies of the County's General Plan.

B. ALTERNATIVES

The alternative to vacation of the easement is for the County to retain the easement.

C. ENVIRONMENTAL REVIEW

Analysis of conformity of the vacation of the easement is not a project under the California Environmental Quality Act, and requires no review.

D. REVIEWING AGENCIES

Real Property Division  
County Counsel

**ATTACHMENTS**

- A. Recommended Findings
- B. Map of Parcel and Easement

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2015-00476      Hearing Date: November 4, 2015

Prepared By: William Gibson  
Project Planner

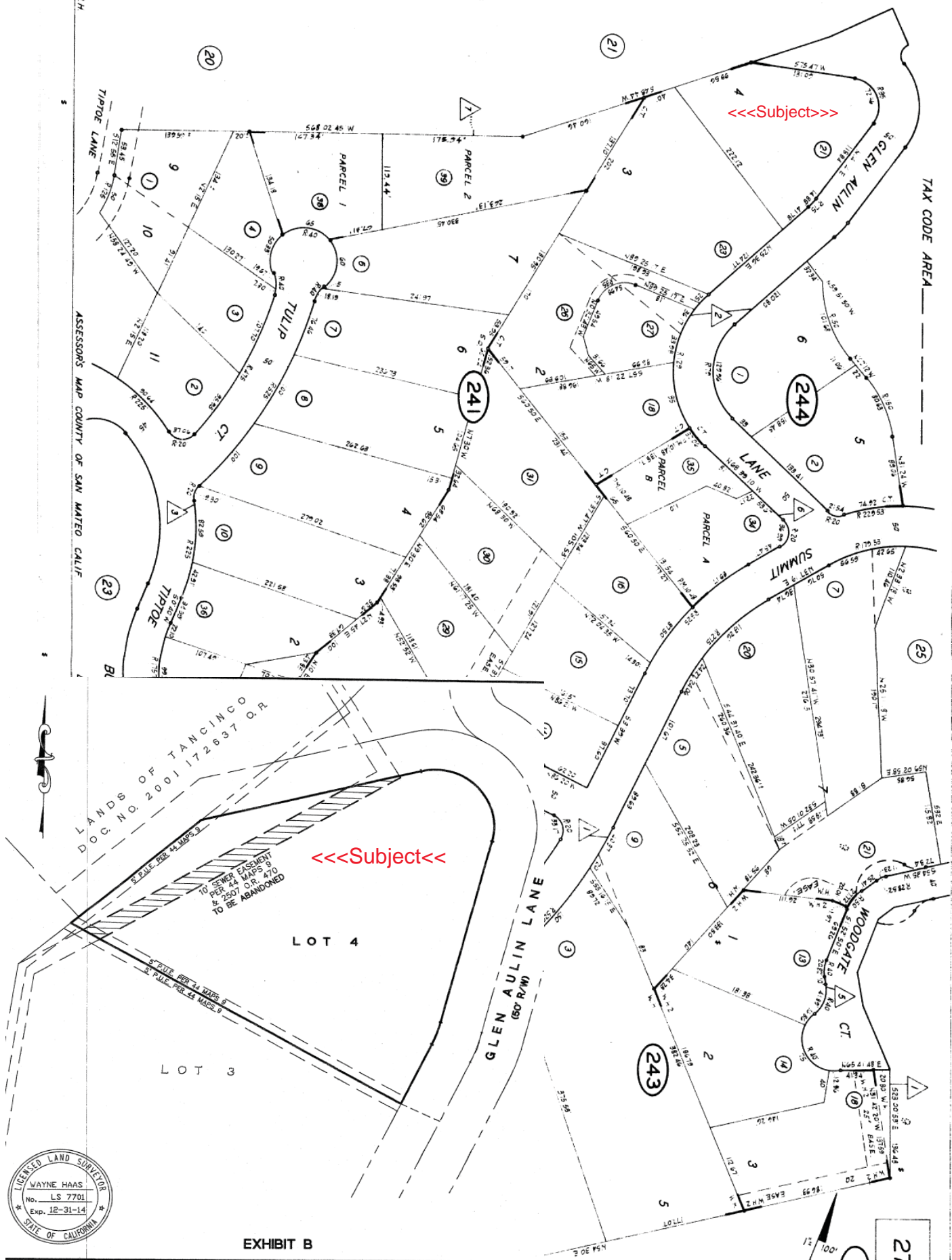
For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Find and determine that the proposed vacation of the sewer easement crossing 175 Glen Aulin Way, APN 027-241-210, in unincorporated Burlingame, as shown on the attached map, conforms to General Plan Policy 12.23, and is consistent with all other policies of the County General Plan.

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# ATTACHMENT B



TAX CODE AREA

<<<Subject<<

LOT 4

LOT 3



EXHIBIT B

**B & H SURVEYING, INC.** 901 WALTERMIRE ST., BELMONT, CA 94002 (650) 637-1590  
 TITLE: PARTIAL ABANDONMENT OF 10' SANITARY SEWER EASEMENT  
 CITY: UNINCORPORATED COUNTY: SAN MATEO COUNTY CALIFORNIA  
 SURV: SCALE: 1" = 40' FOR: 175 GLEN AULIN LANE JOB NO. 6319-13  
 LAT: DATE: 5/13/14 BURLINGAME, CA DWG NO. 6319-EX-B

27-24

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