

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

DATE: January 10, 2018

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's proposed vacation of a public utility right of way easement located on the perimeter of 511 Entrada Way in Menlo Oaks (unincorporated Menlo Park) conforms to the San Mateo County General Plan.

County File Number: PLN 2017-00524
(San Mateo County Real Property Division)

PROPOSAL

The County Real Property Division is requesting, pursuant to Government Code Section 65402, determination of whether vacation of an unused public utility rights of way easement that surrounds a privately-owned parcel at 511 Entrada Way in Menlo Oaks, 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 finding listed in Attachment A, that the proposed vacation conforms to the applicable policies of the County General Plan.

BACKGROUND

Report Prepared By: James A. Castañeda, AICP, Project Planner, 650/363-1853

Applicant: San Mateo County Real Property Division

Owner: Mark Brodeur and Mary Abusief

Location: 511 Entrada Way, Menlo Park

APN: 062-171-340

Size: Approximately 19,200 square feet

Existing Zoning: R-1/S-100

General Plan Designation: Low Density Residential

Sphere-of-Influence: Portola Valley

Existing Land Use: Single-Family Residential

Water Supply: California Water Service

Sewage Disposal: West Bay Sanitary District

Flood Zone: Zone X, FEMA Panel 06081C0402E

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 public right-of-way easement on Parcel 062-171-340 conforms to the County General Plan.

The easement was, as far as can be determined, initially created as a public utility easement to serve the subject site. It has been determined that the easement is no longer needed and is unnecessary for any future use of the subject property or other properties nearby. The easement is not used or maintained by the County, and the County has no intent to use it in the future.

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, and adjacent public rights-of-way provide access and utilities to all adjacent parcels. The abandonment of the easement (which include a 10-foot easement in the rear property line, and five-foot on the front and side property lines) would provide the property owner the ability to utilize the additional square footage for residential use subject the development standards in the R-1/S-100 Zoning District.

The vacation of the easement would entirely extinguish the County's easement rights, and the former easement area would revert to whatever underlying property rights pertain to the area. 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 to be regulated by these designations. In addition to conformity with General Plan Policy 12.23, the proposed vacation does not conflict with any other policies of the County's General Plan.

B. ALTERNATIVES

The alternative to the staff recommendation is to find that the vacation does not conform to the General Plan.

C. ENVIRONMENTAL REVIEW

Analysis of conformity of the vacation of the easement with the General Plan is not a project under the California Environmental Quality Act, per CEQA Guidelines Section 15378, and requires no environmental review.

D. REVIEWING AGENCIES

Real Property Division
County Counsel

ATTACHMENTS

- A. Recommended Finding
- B. Project Location Map
- C. Map of Parcel and Easement

JEL:JAC:aow – JACBB0755_WAU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

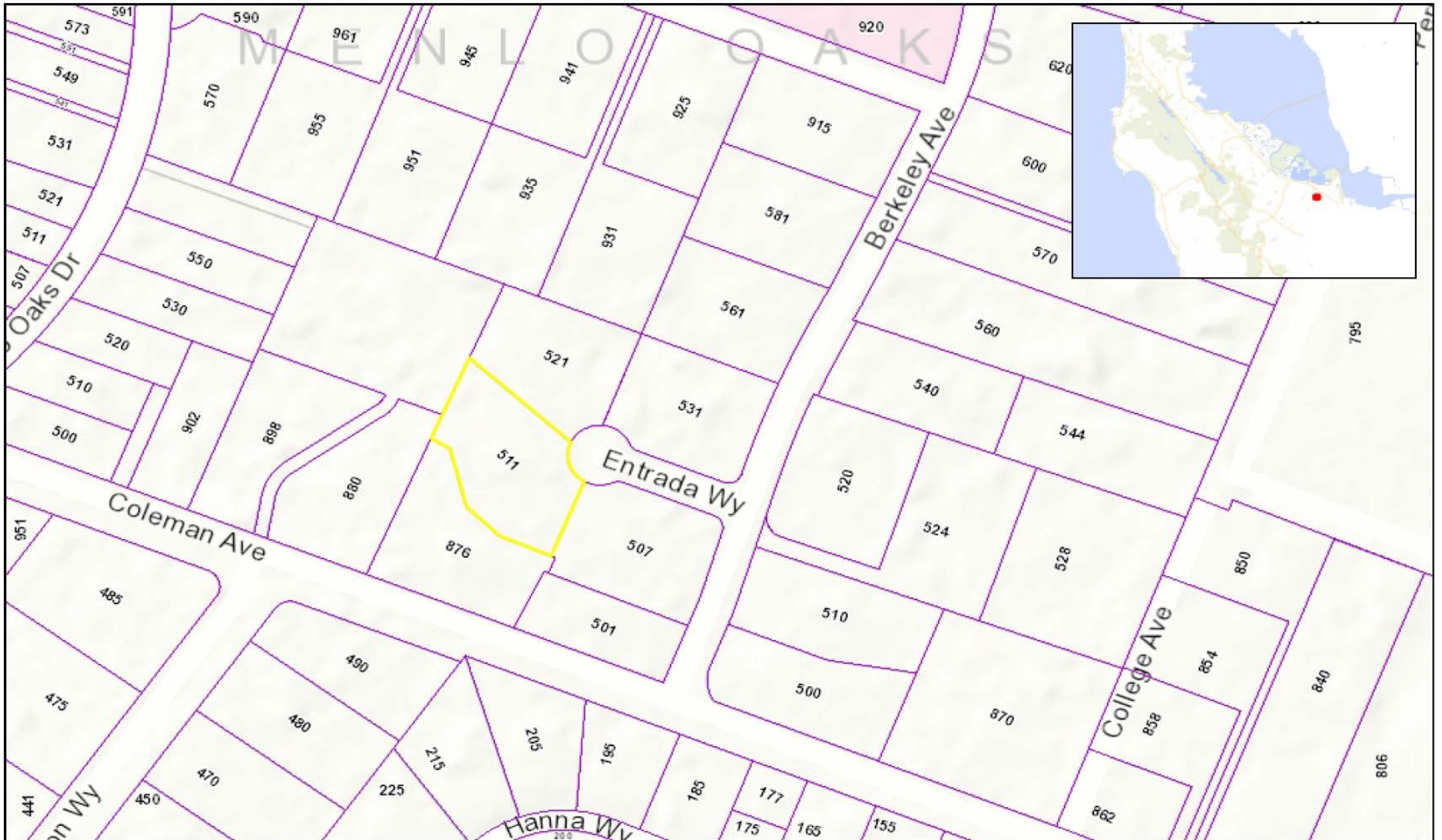
Permit or Project File Number: PLN 2017-00524 Hearing Date: January 10, 2018

Prepared By: James A. Castañeda, AICP For Adoption By: Planning Commission
Project Planner

RECOMMENDED FINDING

The Planning Commission hereby finds and determines that the proposed vacation of the public utility right-of-way easement located on the perimeter of 511 Entrada Way in Menlo Oaks, APN 062-171-340, in Menlo Oaks (unincorporated Menlo Oaks), 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.

JEL:JAC:aow – JACBB0755_WAU.DOCX



WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Latitude Geographics Group Ltd.

1: 2,256 

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

San Mateo County Planning Commission Meeting

Owner/Applicant: _____ Attachment: _____
 File Numbers: _____

I, C.L. Blacker, hereby certify that I am a Civil Engineer of the State of California; that this map consisting of one sheet, correctly represents a survey made by me in April 1940; that all of the monuments shown thereon, consisting of 1 1/2" iron pipe, actually exist and that their positions are correctly shown.

C.L. Blacker
Registered Civil Engineer No. 446

The bearings of Coleman Avenue and original lot lines, recorded in Map Book 7, page 27, were taken as basis of bearings shown upon this map.

All distances and dimensions are shown in feet and decimals thereof.

The border (---) indicates the boundaries of the land subdivided by this map.

We hereby certify that we are the owners of or have some right, title or interest in and to the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the making of said map and subdivision as shown within the border lines and hereby dedicate to public use the street shown upon said map within said subdivision.

We also hereby dedicate for public use easements for public utilities under, on or over these certain strips of land lying between the rear lines and/or sidelines of lots and the lines each designated as "public utility easement line", as shown on said map, within said subdivision; such strips of land to be kept open and free from buildings and structures of any kind.

Harriet L. Smith
Harriet L. Smith

State of California,
County of San Mateo -- ss

On this 19th day of August, 1940, before me, Wilbur H. Dossee, a Notary Public in and for said County of San Mateo, State of California, residing therein, duly commissioned and sworn, personally appeared D.L. Smith and Harriet L. Smith, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Wilbur H. Dossee
Notary Public in and for the County of San Mateo,
State of California.

I hereby certify that there are no liens for unpaid state, county, municipal or local taxes or special assessments collected as taxes against the land included in the within subdivision or against any part thereof except taxes which are not yet payable and which it is hereby estimated will not exceed the sum of \$80.00 for the year 1940-1941; and that said land is not nor is any part thereof subject to any special assessments which have not been paid in full.

Dated Aug. 7th 1940
Shoreline
Auditor of the County of San Mateo.

By _____, Deputy

I hereby certify that a certified check in the amount of \$80.00 has been deposited with said Board as security for the payment of taxes and special assessments collected as taxes on land shown on the map of Tract No. 526

John Augustus
County Clerk and Official Clerk of the
Board of Supervisors of the County of
San Mateo, State of California.

By _____, Deputy

I hereby certify that all special assessments of which I am in charge to which the land included in the within subdivision or any part thereof is subject and which may be paid in full have been paid in full.

I also hereby certify that the map of this subdivision conforms to the requirements of law and to the action on the tentative map thereof taken by the Planning Commission of the County of San Mateo on May 17, 1940.

M.A. Grant
County Engineer of the County of San Mateo.
Dated Aug 16th 1940

It is ordered that the map of Tract No. 526 be and the same is hereby approved; that the certified check filed in the office of this Board as security for the payment of taxes and special assessments collected as taxes be and the same is hereby approved in the sum of \$80.00, which is hereby fixed as the required amount of said certified check; that all streets, lanes, alleys, roads and other parcels of land shown upon said map and therein offered for dedication be and the same are hereby accepted for the purposes for which same are offered for dedication; and that the easements shown upon said map and therein offered for dedication for Public Utilities be and the same are hereby accepted as such. The Clerk of this Board is directed to endorse upon the face of said map a copy of this order authenticated by the seal of the Board of Supervisors.

I hereby certify that the foregoing order was adopted by the Board of Supervisors at a meeting of said Board held Aug 20-1940

John Augustus
County Clerk and Official Clerk of the
Board of Supervisors of the County of
San Mateo, State of California.

By _____, Deputy

FILE NO. 96801D.
Accepted for record and recorded in Book 23 of Maps, Page 1 in the office of the County Recorder of the County of San Mateo this 20th day of August, 1940, at 4:47 P.M.

John A. Quinn
County Recorder of the County of
San Mateo, State of California.



Scale: 50 ft. to 1 inch

George H. Irving is the owner of certain reversionary interests under conditions contained in Deeds recorded in Book 238 of Deeds at page 179 and in Book 268 of Deeds at page 268, San Mateo County Records; such interests, by reason of changed conditions, long disuse or laches, appear to be no longer of practical use or value and his signature is impossible to obtain as he, or his heirs or assigns, can not after due diligence be located.

Harriet L. Smith
Harriet L. Smith

Pacific Gas & Electric Co., a corporation, owner of a 5 foot easement, shown herein and designated "PG & E Easement" hereby consents to the making and filing of this map.
Pacific Gas & Electric Co.
By _____
By _____

State of California
City & County of San Francisco -- ss
On this 30th day of August, 1940, before me Frank Porter, a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared R.M. Donning and J.D. Rosie

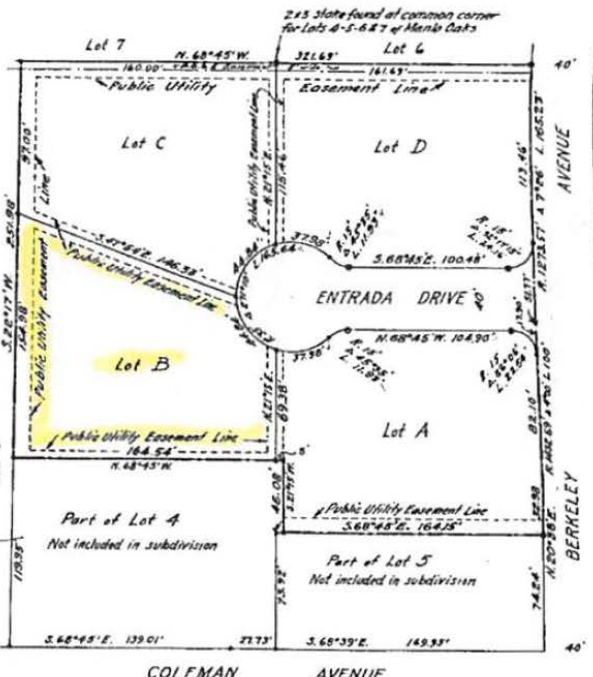
known to me to be the Vice President and General Manager and Assistant Secretary respectively, of Pacific Gas & Electric Co., the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named, and they acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Frank Porter
Notary Public in and for the City and County of San Francisco, State of California.

MAP OF MESTA SUBDIVISION

IN THE COUNTY OF SAN MATEO, CALIFORNIA
BEING A RE-SUBDIVISION OF PARTS OF
LOTS 4 AND 5 IN BLOCK 6 OF
SUBDIVISION OF MENLO OAKS
AS RECORDED IN MAP BOOK 7, PAGE 27
SAN MATEO COUNTY RECORDS
TRACT No. 526
SURVEYED BY C. L. BLACKER
REGISTERED ENGINEER No. 446



NOTE:
• Indicates 1 1/2" x 30" Iron Pipe Monuments set on true tangent points and at Tract Corners as shown.
• Indicating 2 1/2" stakes set flush with ground at Lot corners