



Board Report

File #: PC 24-062, Version: 1

BRADLEY ALLEY AND STREET VACATION/ABANDONMENT

Conduct a public hearing to consider and adopt a resolution providing a report to the Board of Supervisors on the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, and finding that the proposed abandonment or vacation is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portions Bradley Road.

Project Location: Community of Bradley, South County Area Plan

Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per Sections 15301; and 15304 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission conduct a public hearing to consider and adopt a resolution providing a report to the Board of Supervisors on the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, which recommends that said road and alley portions be vacated based upon the findings set forth below:

1. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 involve existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) - existing highways and streets; and 15304 - minor public alterations in the condition of the land; and, there are no exceptions under Section 15300.2; and
2. Find and report to the Board of Supervisors that the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

The attached draft resolution includes a report to the Board of Supervisors with findings and evidence for consideration by the Planning Commission (Exhibit A).

Staff recommends approval of said resolution and report subject to a reservation of rights by the County pursuant to SHC Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

SUMMARY:

As part of the Bradley Branch Library Project proposed to be constructed in the northwest portion of Block 5 of the Community of Bradley, the Department of Public Works, Facilities and Parks (PWFP) determined that of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 are unnecessary for present or prospective public use as public roads, streets, or alleys. Ross Street and the alleys within Blocks 5 and 12 have never been open or used as a public street or alley, with certain portions being used as lands of the Bradley School for many decades. Bradley Road was widened by approximately 20 feet in 1939 when it was a state highway in 1939, said state highway was relinquished to the County in 1966. The proposed action would vacate the portion of Bradley Road in Block 5 and the westerly half of Block 6 that was granted to the State in 1939.

The proposed abandonment or vacation would, in part, provide additional land available for use by the Bradley Branch Library Project. It would also officially abandon or vacate streets or alleys that have never been open to or used as public streets or alleys.

SHC Section 8313 requires that the Board of Supervisors consider the County General Plan and follow the procedure prescribed in California Government Code Section 65402, whereby the Planning Commission, as the County planning agency, reports to the Board regarding any proposed abandonment or vacation of public right-of-way as to conformity with the Monterey County General Plan, and the South County Area Plan, a part of the 2010 General Plan.

DISCUSSION:

PWFP has initiated this road abandonment or vacation action for the purpose of providing additional land to benefit the proposed Bradley Branch Library Project and to remove unused or excess road right-of way from the County Road System. PWFP Staff have determined that of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 are unnecessary for present or prospective public use as public roads, streets, or alleys.

Pursuant to SHC Section 8320, a legislative body may initiate a vacation procedure under the following circumstances.

8320.

(a) The legislative body of a local agency may initiate a proceeding under this chapter in either of the following ways:

(1) On its own initiative, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(2) Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(b) The notices required by this chapter shall contain both of the following:

(1) A description of the street, highway, or public service easement proposed to be vacated and a reference to a map or plan, that shows the portion or area to be vacated and includes a statement that the vacation proceeding is conducted under this chapter. In the case of a street or highway, the description shall include its general location, its lawful or official name or the name by which it is commonly known, and the extent to which it is to be vacated. In the case of a public service easement, the description shall identify it with common certainty. The map or plan showing the location of the street, highway, or public easement proposed to be vacated is sufficient compliance with this paragraph.

(2) The date, hour, and place for hearing all persons interested in the proposed vacation. The date shall not be less than 15 days after the initiation of proceedings.

(Amended by Stats. 1998, Ch. 876, Sec. 20. Effective January 1, 1999.)

Therefore, pursuant to SHC Section 8320(a)(1), SHC Section 8313 and California Government Code Section 65402, PWWP staff recommends that the Planning Commission provide a report to the Board which recommends that said portion of the streets, roads, and alleys of the Community of Bradley be vacated based upon the findings set forth below:

1. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) - existing highways and streets; and 15304 - minor public alterations in the condition of the land; and, there are no exceptions under Section 15300.2; and
2. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

As provided in SHC Section 8340, the County will reserve, and except from this abandonment or vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road. No private rights of access shall be affected by this road abandonment or vacation action.

Department of Housing and Community Development (HCD) staff has reviewed the Road Commissioner's request for abandonment or vacation for conformity with the applicable policies contained within the Monterey

County General Plan and the South County Area Plan. HCD staff has prepared a memo indicating the petition for abandonment or vacation is in conformance with all General and Area Plan policies (Exhibit B).

OTHER AGENCY INVOLVEMENT:

The request for abandonment or vacation was referred to the Bradley School Districts, AT&T and PG&E. Comments from these public agencies and utilities have been incorporated into the draft resolution which includes a report to the Board of Supervisors with findings and evidence for consideration by the Planning Commission (Exhibit B).

FINANCING:

This proposed action was initiated by PWFP for the purpose of providing additional land to benefit the proposed Bradley Branch Library Project and to remove unused or excess road right-of way from the County Road System. This potentially reduces the cost of land acquisition and eliminates potential road maintenance costs and liability within the subject area. There will be no reduction of Highway Users Tax Account (HUTA) revenue since no road within the County Road System will be reduced in length.

Prepared by: Michael K. Goetz, PLS, County Surveyor, Ext. 4940

Reviewed by: Lindsay Lerable, Assistant Director of Public Works, Facilities, and Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution and Report to Board of Supervisors

Exhibit B - HCD Consistency Memo with Vicinity Map

cc: Front Counter Copy; Planning Commission (10); Tony Lombardo (Anthony Lombardo & Associates); Craig Spencer, HCD Director; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Bradley Road Abandonment File