



Item No: 1  
Meeting Date: 2/26/2013

**To:** Planning Commission

**Date:** 2/20/2013

**Authorized By:** Ron Munekawa, Chief of Planning

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**Subject:** PA 13-007, Delaware Street Easement Vacation 2090 S. Delaware St, (APN: 035-320-450).

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## RECOMMENDATION

That the Planning Commission recommend approval of the project by making the following motion:

Adopt Planning Commission Resolution No. 2013-\_\_\_\_, as required by Government Code section 65402, finding that the proposed street vacation at 2090 S. Delaware Street conforms to the General Plan.

## BACKGROUND

The project site is an easement in the public right of way along the west side of S. Delaware Street adjacent to 2090 S. Delaware Street. The easement is approximately 20 feet wide and 150 feet long, see Attachment A. The site is zoned Transit Oriented Development (TOD).

The 2090 S. Delaware Street Apartments project's Mitigated Negative Declaration, Site Plan and Architectural Review, Vesting Tentative Map and Site Development Permit were approved by the Planning Commission as PA 11-087, on June 29, 2012. At the time of the approval, the County of San Mateo held a 20-foot roadway easement along the property's S. Delaware Street frontage. The project was approved with the provision that the County of San Mateo quitclaim the easement to the property owners. Subsequently, the County of San Mateo quitclaimed the easement to the City of San Mateo, with the intent that the City would quitclaim the easement to the property owners. The acceptance and vacation of the roadway easement will be heard by the City Council. The Planning Commission will be making a recommendation to the City Council with respect to this finding. The attached Resolution documents the project's consistency with the General Plan.

The former Police Station site and the gas station site to the north have already quitclaimed the roadway easement to the underlying property owners. Therefore, due to the adjacent existing developments, the remaining 20-foot roadway easement would not be suitable for roadway use. The adjacent roadway has existing Class II bike lanes and the project will provide pedestrian access easements to widen the sidewalks.

## **PROJECT STATUS**

The applicant has been issued a demolition permit to remove the existing structures on the site. The plans for the building permits are under review.

## **FINDING OF COMPLIANCE**

The project conforms to the following Circulation goal of the General Plan:

**GOAL 1:** Design and regulate use of city streets according to their classification and intended function as shown in Figure C-1.

The proposed easement vacation within the roadway adjacent to the approved PA11-087, 2090 Delaware Street Apartments project is consistent with the General Plan in that the area of the easement is within the South Delaware Street right-of-way, which is designated as a “Collector” roadway type in the Circulation Element of the City of San Mateo General Plan. The project will result in a change of ownership of the easement but will not result in a change in the roadway designation or result in any physical changes that would alter the roadway capacity as a Collector street.

## **ENVIRONMENTAL REVIEW**

In accordance with CEQA Guidelines section 15061(b)(3), the project is not subject to CEQA as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment in that the right of way exists, the roadway improvements within the easement exist, and there will be no physical changes as a result of the project.

## **ATTACHMENTS**

- A. Planning Resolution No. 2013-\_\_\_\_
- B. Plan View of Proposed Easement Vacation

## **CC:**

Gabrielle Whelan, Assistant City Attorney  
Shawn Mason, City Attorney  
Lisa Grote, Community Development Director  
Ronald Munekawa, Chief of Planning  
Larry Patterson, Public Works Director  
Susanna Chan, City Engineer