

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Lynn Goldberg, Planning & Building Director
DATE: March 1, 2016
SUBJECT: Partial Vacations of Fir and Washington Streets Rights-of-Way (SV 2015-1)

APPROVAL FOR FORWARDING:

Michael Kirn

Michael T. Kirn, Interim City Manager

1 **ISSUE:** Consideration of the vacation of a half-width section of Fir Street, and a section
 2 of Washington Street

3 **RECOMMENDATION:** Adopt a resolution declaring the Council's intent to consider the
 4 vacations and set the matter for a public hearing on April 5, 2016

5 **BACKGROUND:** The City of Calistoga recently purchased the vacant property at 611
 6 Washington Street in order to develop 30 apartments for low-income seniors.

7 A sliver of surplus right-of-way fronting the project site was created by the realignment
 8 of Washington Street a number of years ago. Additionally, a 30-foot wide section of Fir
 9 Street that runs along the property's northwestern boundary is a "paper" street that was
 10 created by the 1871 T.W. Morgan Map. Neither of these rights-of-way are required for
 11 public purposes and need to be abandoned (vacated) and incorporated into the property
 12 to facilitate its development.

13 Calistoga Municipal Code 12.04.020(A) declares all paper streets to be public streets.
 14 State law requires jurisdictions to abandon publicly-owned right-of-ways that will not
 15 foreseeably be used for roadway purposes.

16 The process for street vacations is defined in Section 8300, et seq. of the California
 17 Streets and Highway Code and Calistoga Municipal Code 16.16.220. A street vacation
 18 is a legislative act, and, therefore, final action rests with the City Council. The Planning
 19 Commission reviews each street vacation request for impacts on citywide circulation,
 20 conformance with the General Plan Circulation Element and land uses.

21 Upon receipt of a recommendation from the Commission, the Council preliminarily
22 determines whether or not the existing right-of-way is necessary for roadway purposes
23 and/or if a portion of the existing right-of-way needs to be reserved for public utilities,
24 storm drains, sanitary sewer lines, water lines, etc. In addition to City reviewing the
25 need to reserve easements, the Council also determines whether or not the right-of-way
26 or parts thereof are useful as a non-motorized transportation facility.

27 Subsequent to this preliminary review, the Council adopts a resolution declaring the
28 intention to vacate the street or portions thereof. Upon adoption of the resolution, the
29 City will post a notice declaring this intent on the property and advertise the date of the
30 scheduled public hearing. Following the public hearing, the Council takes action on the
31 street vacation with the adoption of a resolution, which is recorded in the Office of the
32 County Recorder.

33 **DISCUSSION:** On January 13, 2016, the Planning Commission held a public hearing
34 on the proposed street vacations and determined that the construction and use of Fir
35 Street and the sliver of Washington Street along the project frontage are not included in
36 the modifications and improvements to Calistoga's street network called for by the
37 General Plan's Circulation Element. Furthermore, Action A1.1-2 of the Element calls for
38 the City to cooperate with landowners to eliminate unnecessary "paper streets."
39 Therefore, the Commission determined that abandonment of these rights-of-way would
40 be consistent with the General Plan.

41 Additionally, no portions of these rights-of-way need to be reserved for public utilities.

42 **ENVIRONMENTAL REVIEW:** The proposed rights-of-way vacations are exempt from
43 the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the
44 CEQA Guidelines, the "general rule" exemption, because it can be seen with certainty
45 that there is no possibility that the actions in question may have a significant effect on
46 the environment.

47 **FISCAL IMPACT:** The proposed vacations will allow the development of the subject
48 property with an apartment project, which will have a positive fiscal impact for the City.

ATTACHMENTS

1. Draft resolution
2. Rights-of-way vacations exhibit
3. Planning Commission Resolution No. 2016-4

RESOLUTION 2016-XXX

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3 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA DECLARING**
4 **ITS INTENT TO CONDUCT A PUBLIC HEARING ON THE VACATION OF PORTIONS**
5 **OF FIR AND WASHINGTON STREETS RIGHTS-OF-WAY (SV 2015-1)**
6

7 **WHEREAS**, the property at 611 Washington Street (APN 011-260-027) includes a
8 section of Fir Street and a small portion of Washington Street that are not needed for the
9 city's street network; and

10 **WHEREAS**, the City of Calistoga desires to vacate these rights-of-way in order to
11 facilitate the development of the property; and

12 **WHEREAS**, this action is not subject to the California Environmental Quality Act
13 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with
14 certainty that there is no possibility that the proposed vacations may have a significant
15 effect on the environment; and

16 **WHEREAS**, after a public meeting on January 13, 2016 at which the Planning
17 Commission considered the public record, including the written and oral staff reports, and
18 testimony presented during the meeting, the Commission found that:

- 19 1. A sliver of surplus right-of-way fronting the project site was created by the
20 realignment of Washington Street a number of years ago and is not required for
21 public purposes.
- 22 2. A 30-foot wide section of Fir Street along the property's northwestern boundary
23 is a "paper" street that was created by the T.W. Morgan Street Map in the 19th
24 century and is not needed for the city's street network.
- 25 3. The construction and use of Fir Street and the sliver of Washington Street along
26 the project frontage are not included in the modifications and improvements to
27 Calistoga's street network called for by the General Plan's Circulation Element.
- 28 4. Circulation Element Action A1.1-2 calls for the City to eliminate unnecessary
29 "paper streets;" and

30 **WHEREAS**, no portions of these rights-of-way need to be reserved for public utility
31 purposes.

32 **NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of
33 Calistoga hereby finds and determines that portions of Fir and Washington Streets as
34 described in Exhibits A and B attached to this resolution are unnecessary for future street
35 purposes and declares its intent to consider their vacation.

36 **NOW THEREFORE BE IT FURTHER RESOLVED**, that a public hearing will be held
37 at the regularly-scheduled City Council meeting of April 1, 2016 for hearing all persons
38 interested in or objecting to the proposed vacations.
39

40 **PASSED AND ADOPTED** by the City Council of the City of Calistoga at a regular
41 meeting held this **1st day of March 2016** by the following vote:

42
43 **AYES:**
44 **NOES:**
45 **ABSTAIN:**
46 **ABSENT:**

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CHRIS CANNING, Mayor

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51 **ATTEST:**

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KATHY FLAMSON, City Clerk

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