

# **Resolution No. 2023-XX**

## **City of Petaluma Planning Division**

### **Resolution of the Planning Commission Making a General Plan Conformity Determination and Additional Findings Pursuant to Streets and Highways Code Sections 8300 et. seq. with Respect to the Vacation of a Portion of an Unused Public Alley Easement Located Between Fair and Sheldon Streets, north of English Street, on Assessor Parcel Numbers APN 008-023-011 (407 Fair St.), 008-023-019 (408 Sheldon St.), 008-023-012 (413 Fair St.), 008-023-013 (417 Fair St.), 008-023-005 (416 Sheldon St.), and 008-023-006 (418 Sheldon St.), and Recommending that the City Council Adopt a Resolution Granting a Summary Vacation of a Portion of the Unused Public Alley Easement**

**WHEREAS**, property owners of 407, 413, and 417 Fair Street and 408, 416, and 418 Sheldon Street have requested that the City summarily vacate a portion of an unused public alley easement located between Fair and Sheldon Streets, north of English Street, on Assessor Parcel Numbers 008-023-011, 008-023-019, 008-023-012, 008-023-013, 008-023-005 and 008-023-006 as shown on the Easement Vacation Legal Descriptions attached hereto as Exhibit A; and

**WHEREAS**, Government Code section 65402(a) regulates government disposition of real property, mandating that prior to disposing of property, a jurisdiction's Planning Commission report on the conformity of that action with the jurisdiction's General Plan; and

**WHEREAS**, the vacation of a portion of the public alley easement does not conflict with the Motor Vehicle Circulation or Bicycle and Pedestrian Circulation sections of the City's General Plan; and

**WHEREAS**, the purpose of the vacation is to remove the unused public alley easement from certain parcels to facilitate future development of the parcels; and

**WHEREAS**, the additional property square footage that would be made available for development due to the proposed vacation of a portion of the public alley easement can be used for the construction of accessory dwelling units that would support implementation of the City's General Plan Housing Element; and

**WHEREAS**, vacating the unused public alley easement as proposed can support the implementation of the City's General Plan Economic Health and Sustainability section, as the City will no longer be responsible for the maintenance or potentially liable for incidents that occur in this portion of the alley; and

**WHEREAS**, the Alley proposed to be summarily abated is excess and not needed for street purposes; and

**WHEREAS**, the Alley, for a period of five consecutive years, has been impassable for vehicular travel; and

**WHEREAS**, no public money was expended for maintenance of the Alley for five years; and

**WHEREAS**, the Planning Commission of the City of Petaluma held a duly noticed public meeting at which time all interested parties were given full opportunity to be heard and to be present; and

**WHEREAS**, the Planning Commission of the City of Petaluma has reviewed the proposed vacation and has determined that the vacation conforms to the General Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Petaluma hereby finds that, based on substantial evidence in the record, that:

1. The foregoing recitals are true and accurate and are incorporated into this Resolution as findings.
2. That the portion of the public alley easement proposed for vacation shown in Exhibit A attached hereto is in general conformance with the City's General Plan because:
  - a. It does not conflict with the Motor Vehicle Circulation or Bicycle and Pedestrian Circulation sections of the City's General Plan; and
  - b. The additional property square footage that would be made available for development due to the proposed vacation of a portion of the public alley easement can be used for the construction of accessory dwelling units that would support implementation of the City's General Plan Housing Element; and
  - c. The City's Economic Health and Sustainability section of the City's General Plan would be implemented as the City will no longer be responsible for the maintenance or potentially liable for incidents that occur in this portion of the Alley.
3. That the Alley has been superseded by relocation.
4. That the vacation of a portion of the public alley easement would not cut off all access to any person's property in that access to all subject properties is provided from Fair or Sheldon Streets, which are public streets maintained by the City.
5. That the vacation of the public alley easement would not terminate a public service easement.
6. That the public alley easement has been impassable for vehicular travel for at least a period of five consecutive years.
7. That no public money was expended for maintenance of the public alley during the previous five years.
8. That the public alley is not useful as a nonmotorized transportation facility.
9. That the public alley is an excess right-of-way not required for street or highway purposes.
10. That there are no in-place public utility facilities that are in use and would be affected by the vacation of the public alley easement.
11. That the vacation of the public alley easement is made under Chapter 4 of the California Streets and Highways Code.