

**Resolution No. 2023-XXX N.C.S.
of the City of Petaluma, California**

**MAKING FINDINGS PURSUANT TO STREETS AND HIGHWAYS CODE SECTIONS 8300 ET. SEQ.
TO SUMMARILY VACATE 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.)**

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 (Alley); 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, on April 25, 2023, 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 recommended that City Council approve the summary vacation; 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, pursuant to the California Environmental Quality Act ("CEQA"), City staff determined that the Project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Staff found that there is no possible significant effect directly related to the summary vacation of a portion of the public alley easement as proposed, as the alleys have not been used in the past and there are no prospective uses for the easement; therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR Section 15061(b)(3)), and independently,

the Project is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (Minor Alterations in Land Use) and none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. The foregoing recitals are true and accurate and are incorporated into this Resolution as findings.
2. Finds that Pursuant to the California Environmental Quality Act (“CEQA”), City staff determined that the Project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Staff found that there is no possible significant effect directly related to the summary vacation of a portion of the public alley easement as proposed, as the alleys have not been used in the past and there are no prospective uses for the easement; therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR Section 15061(b)(3)), and independently, the Project is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (Minor Alterations in Land Use). None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.
3. Finds that the Alley:
 - a. Has been superseded by relocation.
 - b. 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.
 - c. Easement would not terminate a public service easement.
 - d. Has been impassable for vehicular travel for at least a period of five consecutive years.
 - e. Had had no public money expended for maintenance of the public alley during the previous five years.
 - f. Is not useful as a nonmotorized transportation facility.
 - g. Is an excess right-of-way not required for street or highway purposes.
 - h. Has no in-place public utility facilities that are in use and would be affected by the vacation of the public alley easement.
4. That the vacation of the public alley easement is made under Chapter 4 of the California Streets and Highways Code.
5. Based upon the findings made in Section 3 of this Resolution and the provisions of Section 8333 of the Streets and Highways Code, the City Council does hereby order that the public alley easement as shown on Exhibit A, is summarily abated.
6. The City Clerk shall cause a certified copy of this resolution, including Exhibit A, and attested under seal, to be recorded in the office of the County Recorder of Sonoma County and return one copy to the Planning Division of the Community Development Department and the Engineering Division of the Public Works Department for their respective files.
7. The public alley easement depicted and described in Exhibit A, will no longer constitute a public alley easement from and after the date of recordation of the document attached to this resolution.

Under the power and authority conferred upon this Council by the Charter of said City.

| | | |
|-------------------|--|--|
| REFERENCE: | I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 5 th day of June 2023, by the following vote: | Approved as to form: _____ City Attorney |
| AYES: | | |
| NOES: | | |
| ABSENT: | | |
| ABSTAIN: | | |
| ATTEST: | _____ City Clerk | _____ Mayor |