



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and Adopt a Resolution for the Summary Vacation of an Existing Public Service and Utility Easement at 1646 Centre Pointe Drive
Category:	Public Hearings-Community Development
Meeting Date:	9/3/2019
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	<ol style="list-style-type: none"> 1. Conduct a public hearing and move to close it, following any comments; and 2. Adopt a resolution for the summary vacation of an existing Public Service and Utility Easement

Background:

On May 3, 2016, the City Council conditionally approved Site Development Permit (SD15-0012), Conditional Use Permit (UP15-0016) and Vesting Tentative Map (MT15-0011) to allow for the development of two mixed use buildings consisting of 694 dwelling units with 36,500 square feet of commercial space located at 1646 Centre Pointe Drive, within the Transit Area Specific Plan (TASP) area.

Analysis:

Project conditions require that a portion of an existing Public Service and Utility Easement (PSUE) no longer used be vacated to accommodate the new building. As shown on Exhibits A and B, 1,969 square feet of PSUE is recommended to be vacated.

Pursuant to California Streets and Highways Code Sections 8333, the City Council may summarily vacate a public service and utility easement that has been superseded by relocation and no other public facilities are located within the easement. All utilities located within the existing Public Service and Utility Easement have been relocated.

Pursuant to California Streets and Highways Code Sections 8335, once the Resolution of Summary Vacation including Exhibits A and B is adopted by the City Council and recorded with the County of Santa Clara Recorder's Office, the existing easements will be vacated and no longer exist.

Policy Alternative(s):

Alternative 1:

Not approve resolution for the summary vacation of an existing PSUE.

Pros: None

Cons: The project would not be in compliance with project conditions of approval and the proposed structure would be in conflict with the existing PSUE.

Reason not recommended: To allow the development to move forward, staff recommends adopting a resolution to summarily vacate the portion of existing PSUE that is no longer required for public use.

Fiscal Impact:

None

California Environmental Quality Act:

This project is included within the area evaluated as part of the TASP Environmental Impact Report, SCH#2006032091, which was certified by the City Council on June 3, 2008. On May 3, 2016, the City Council found that the project is categorically exempt from further environmental review pursuant to Section 15168(c)(2) of CEQA.

Recommendation:

1. Conduct a public hearing and move to close it, following any comments; and
2. Adopt a resolution for the summary vacation of an existing Public Service and Utility Easement

Attachment(s):

Attachment: Resolution with Exhibits