



Legislation Text

File #: 2022-0949, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Gary O'Connor, (707) 565-4448

Vote Requirement: Majority

Supervisorial District(s): First

Title:

1:45 PM - Right-of-Way vacation for a portion of Old Maple Avenue; RWV21-0003

Recommended Action:

After close of public hearing, adopt a resolution (1) ordering right-of-way vacation for a portion of Old Maple Avenue as shown on the map entitled "Record of Survey" filed for record in Book 810 of Maps at Page 27, Official Records, Sonoma County Records; and (2) reserving a public utility easement from the right-of-way vacation. (First District)

Executive Summary:

Permit Sonoma has received a petition from Springs Investors Group, LP to vacate a portion of Old Maple Avenue road right-of-way. The right-of-way vacation and public utility easement reservation for a portion of Old Maple Avenue is related to an approved use permit for the Verano Hotel and Housing project where Springs Investors Group, LP (the adjacent property owner) will develop a hotel and an affordable rental apartment complex. Some of the proposed improvements are located within the Old Maple Avenue road-right-of-way. A portion of Old Maple Avenue road right-of-way needs to be vacated before the owner can construct the improvements. The proposed improvements in the right-of-way to be vacated include parking stalls, drainage, driveway, pathway, picnic table, and bench. The right-of-way vacation includes a public utility easement reservation. Approval of the resolution will authorize the right-of-way vacation and public utility easement reservation.

Discussion:

On September 14, 2021, the County Board of Supervisors adopted a Mitigated Negative Declaration and approval of a general plan amendment for the Verano Hotel and Housing Project (Project). The Project includes a three-story 120-room hotel with a café/bar on the roof deck and a swimming pool for guests, 72-unit affordable multi-family housing (apartment complex), and a private parking lot, landscaped parklet with amenities (picnic tables, benches and pathways), Central Sonoma Valley Trail improvements, and Verano Avenue road improvements. The Project site is bordered by Old Maple Avenue, Verano Avenue, Maxwell Farms Regional Park, and the existing Central Sonoma Valley Trail. The approved Project site plan shows improvements located within the Old Maple Avenue public right-of-way, Verano Avenue public right-of-way, and Maxwell Farms Regional Park (County owned property). Springs Investors Group, LP needs to obtain property rights before constructing the improvements that would benefit the Project.

Old Maple Avenue is a County road right-of-way, adjacent to property owned by Springs Investors Group, LP.

Springs Investors Group, LP has requested the County to vacate the adjacent cited portion of Old Maple Avenue right-of-way as part of the Verano Hotel and Housing Project. Exhibits A and B respectively, are general and specific location maps of the Vacation Petition Area.

County survey staff reviewed public records and the materials submitted on behalf of the petitioners to determine the nature of the County's interest in the right-of-way easement requested to be vacated, as shown recorded in Book 810 page 27, Official Records, Sonoma County Records (Vacation Petition Area). Staff verified that the County has a public right-of-way interest in the Vacation Petition Area.

By vacating the Old Maple Avenue road right-of-way, the land ownership would revert back to the grantor. The engineering consultant (Adobe Engineering), hired by Springs Investors Group, has researched and concluded that the northern section of Old Maple Avenue (from the road center line north) would revert to Springs Investors Group and the southern section of Old Maple Avenue (from the road center line south) would revert to the County.

The Old Maple Avenue road right-of-way vacation will include the reservation of a public utility easement (Resolution Exhibits C and D). A utility easement is needed for the installation and operation of utilities such as sewer. The Sonoma Valley County Sanitation District will be providing sewer service to the Verano Hotel and Housing project.

This Right-of-Way Vacation is part of the Project and the Project has already completed its California Environmental Quality Act review and determination as adopted by your Board in September 2021 by Resolution No.: 21-0378.

Right of Way Vacation Analysis

The County Transportation and Public Works Department believes the subject public road right of way can be summarily vacated pursuant to the following findings:

- 1) Find that a portion of the public right of way street known as Old Maple Avenue for a period of five consecutive years, has not been used as a public road and has been impassable for vehicular travel, and therefore may be vacated pursuant to Section 8331(a) of the California Streets and Highways Codes.
- 2) Find that no public money was expended for maintenance on the street during such period and therefore may be vacated pursuant to Section 8331(b) of the California Streets and Highways Codes.

Staff concludes that the Board may make all of the required findings to approve the Vacation Petition. Vacation Petition Area has not been used as a public right-of-way for decades. The requested vacation is consistent with the General Plan, it is not part of a street grid, does not connect to arterial streets, and is not near schools. The attached resolution along with its Exhibits A through D will authorize the right-of-way vacation and public utility easement reservation and be recorded with the County Recorder's office.

Strategic Plan:

Not Applicable

Prior Board Actions:

09/14/2021: The Board adopted Resolution No. 21-0378 adopting a Mitigated Negative Declaration and approving a general plan amendment for the Verano Hotel and Housing Project.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Attachment 1: Exhibit A

Attachment 2: Exhibit B

Attachment 3: Board Resolution

Attachment 4: Resolution Exhibit A

Attachment 5: Resolution Exhibit B

Attachment 6: Resolution Exhibit C

Attachment 7: Resolution Exhibit D

Attachment 8: Staff PowerPoint

Related Items "On File" with the Clerk of the Board:

Not Applicable