

RESOLUTION NO. 60-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA AUTHORIZING THE VACATION OF A PORTION OF HOTEL WAY

WHEREAS, the City of Pacifica, pursuant to Streets and Highways Code Section 8300 et seq., is authorized to vacate public streets and rights-of-ways; and

WHEREAS, the City received a request to vacate a portion of the Hotel Way right-of-way located between Pacific Avenue and Brighton Road in the West Sharp Park neighborhood, more particularly described in Exhibit A attached hereto and shown in Exhibit B attached hereto (Hotel Way ROW); and

WHEREAS, the Hotel Way ROW is a strip of unimproved land approximately 221 feet long and 20 feet wide which runs along the side and rear of five residential properties, which in or around 1908 was offered for dedication as a public right-of-way but never accepted as such, and has been used as private rather than public right-of-way; and

WHEREAS, Hotel Way ROW is not required for public street or right-of-way purposes or any other public purpose; and

WHEREAS, granting the vacation request will confirm that the Hotel Way ROW is privately owned and not a public street or right-of-way; and

WHEREAS, because the City does not own the land underlying Hotel Way in fee simple and the City never accepted the dedicated right-of-way, disposition of the land is not subject to the Surplus Land Act (SLA) per Government Code section 54221(b)(1); and

WHEREAS, the State Housing and Community Development Public Lands Team (HCD) has confirmed to the City that vacation of Hotel Way is not subject to the SLA.

WHEREAS, the vacation is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Common Sense Exemption) and the categorical exemptions of Sections 15301 and 15305 (Class 1/Existing Facilities Exemption and Class 5/Minor Alterations in Land Use Limitations Exemption, respectively), including without limitation that vacation merely confirms that the Hotel Way ROW is not a public street, does not change development potential, and does not create any possibility of a significant effect on the environment, and because none of the exceptions of Section 15300.2 to the Class 1 and Class 5 Categorical Exemptions applies.

WHEREAS, the vacation of the Hotel Way ROW has been reviewed by appropriate City departments and other public agencies; and

WHEREAS, the City Council did on August 22, 2022, adopt its Resolution No. 54-2022 to vacate the Hotel Way ROW more particularly described in said Resolution of Intention; and

WHEREAS, a Notice of Public Hearing to consider the vacation of the Hotel Way ROW was published for at least two successive weeks prior to the September 12, 2022, public hearing in a newspaper that is published in the City of Pacifica and is designated for the

publication of notices and was posted at least two weeks before the hearing along the Hotel Way ROW to be vacated, pursuant to Streets and Highways Code Section 8300 et seq; and

WHEREAS, on September 12, 2022, the City held a hearing on the vacation of the Hotel Way ROW and heard evidence and testimony from all persons interested; and

WHEREAS, the City Council finds that the public interest will be served by extinguishing its interest, to the extent the City has any, in the Hotel Way ROW.

NOW THEREFORE, the City Council of the City of Pacifica does resolve as follows:

1. The City Council hereby finds that the vacation of Hotel Way ROW is exempt from California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines (Common Sense Exemption) and the categorical exemptions of Sections 15301 and 15305 (Class 1/Existing Facilities Exemption and Class 5/Minor Alterations in Land Use Limitations Exemption, respectively), including without limitation that vacation merely confirms that the Hotel Way ROW is not a public street, will not change development potential, and will not create any possibility of a significant effect on the environment, and because none of the exceptions of Section 15300.2 to the Class 1 and Class 5 Categorical Exemptions applies. The Council further finds on the basis of the whole record before it that there is no substantial evidence that the vacation of Hotel Way ROW will have a significant effect on the environment.
2. The City Council finds that the Hotel Way ROW had never been accepted as a City right-of-way or street, and is not a City right-of-way or street; however, to the extent the Hotel ROW had been accepted as a City right-of-way or street and served as such, the City Council further finds as follows:
 - 2.1. Vacation of the Hotel Way ROW is in conformity with the General Plan; and
 - 2.2. The Hotel Way ROW is unnecessary for present or prospective road use or purpose as a City right-of-way or street.
3. To the extent the Hotel ROW was accepted as a City right-of-way or street and served as such, the City Council hereby vacates the Hotel Way ROW, as more particularly described in Exhibits A and B, pursuant to Sections 8330 through 8336 of the California Streets and Highways Code (Summary Vacation), at Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code.
4. The City Council hereby directs the City Planner to file a CEQA Notice of Exemption with the County Clerk of San Mateo County within five working days after passage of this resolution.
5. The City Council hereby authorizes the City Clerk to record a certified copy of this resolution, attested by the City Clerk under seal, with the San Mateo County recorder's office at no cost to the city pursuant to Streets and Highways Code section 8336.
6. To the extent the Hotel ROW had been accepted as a City right-of-way or street and served as such, from and after the date this resolution is recorded, it no longer constitutes City right-of-way or street.

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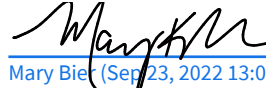
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of September 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: n/a.

ABSTAIN, Councilmembers: n/a.



Mary Bier (Sep 23, 2022 13:07 PDT)

Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED ABANDONMENT

ALL OF HOTEL WAY, 20 FEET WIDE, WITHIN BLOCK 8 OF "SUBDIVISION NO. 2 BRIGHTON BEACH" IN THE CITY OF PACIFICA, COUNTY OF SAN MATEO, STATE OF CALIFORNIA AS PER MAP FILED MARCH 18, 1908 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY IN BOOK 6 OF MAPS, PAGE 4, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF BRIGHTON ROAD AND THE WESTERLY LINE OF HOTEL WAY; THENCE ALONG SAID LINE NORTH 221.03 FEET TO THE SOUTHERLY CURVE OF PACIFICA AVENUE; THENCE ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 477.00 FEET (WHOSE CENTER BEARS NORTH 1°12'51" EAST) THROUGH AN ARC OF 2°24'09" 20.00 FEET TO THE EASTERLY LINE OF HOTEL WAY; THENCE ALONG SAID LINE SOUTH 221.05 FEET TO THE NORTHERLY LINE OF BRIGHTON ROAD; THENCE ALONG SAID LINE NORTH 89°56'09" EAST 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,419 +/- SQUARE FEET

END OF DESCRIPTION

EXHIBIT B

PACIFIC

AVENUE (50 ft. wide)

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CONTAINING 4,419+/- SQUARE FEET

END OF DESCRIPTION

APN 016-302-010

APN 016-302-020

APN 016-303-070

APN 016-303-080

12

11

10

9

8

7

LOT CLOSURE CALCULATION

Checking Bearing-Distance Traverses at 14:08 on 26 Sep 2020

1) Map Traverse Results [1 - 1]
Leg Count 4
Total Distance 482.0799

Coordinate Misclosure
N -0.0021 Dist 0.0021
E -0.0001 Brng S 3°00'31"W
Relative precision 1 : 228120

Bearing	Distance	To Point	Start or Curve Code
North	221.0300	2	BC
N 1°12'51"E	477.0000	3	CC
S 1°11'18"E	477.0000	4	EC
South	221.0500	5	
N89°56'09"W	20.0000	1	

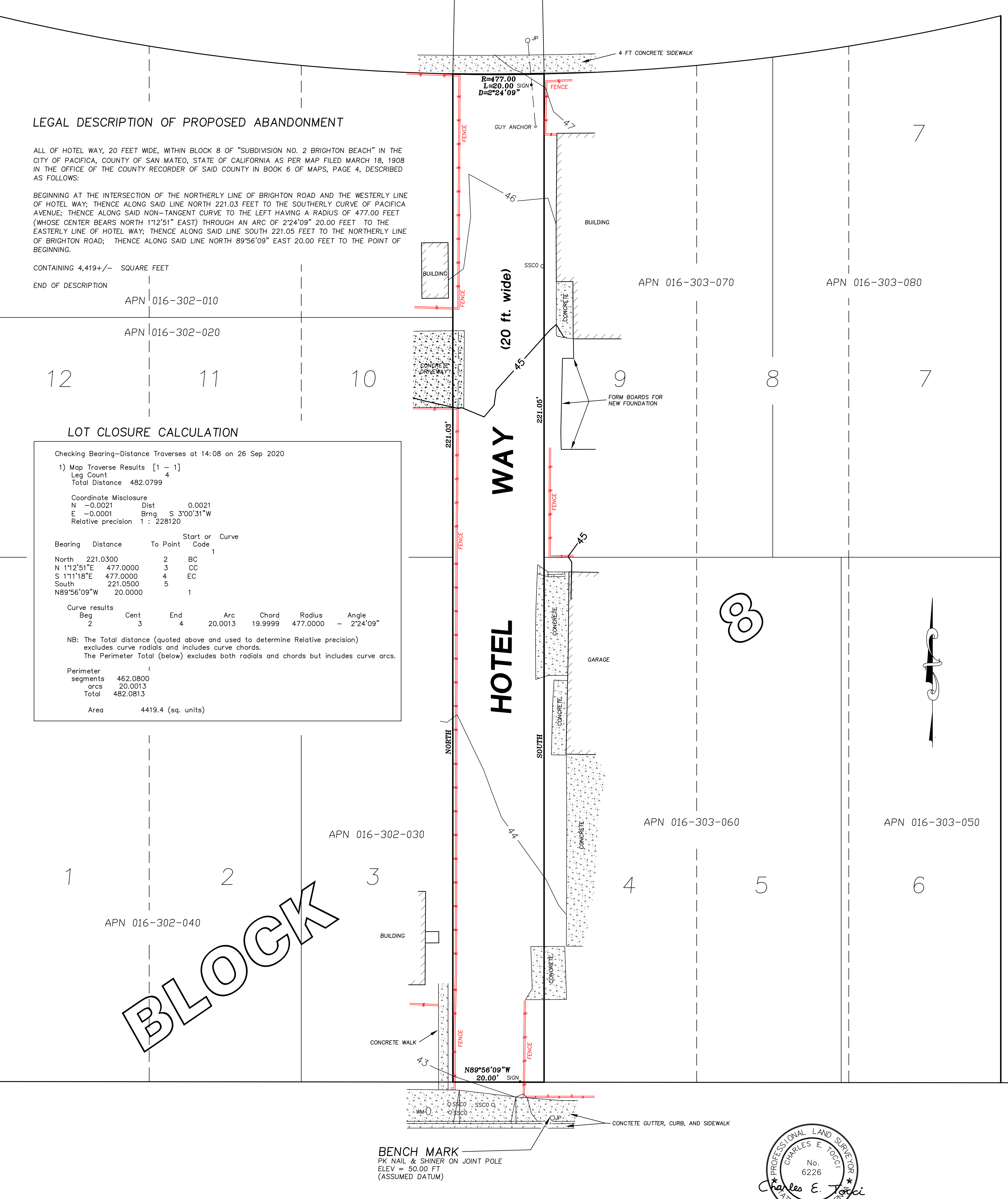
Curve results	Beg	Cent	End	Arc	Chord	Radius	Angle
	2	3	4	20.0013	19.9999	477.0000	- 2°24'09"

NB: The Total distance (quoted above and used to determine Relative precision) excludes curve radials and includes curve chords.
The Perimeter Total (below) excludes both radials and chords but includes curve arcs.

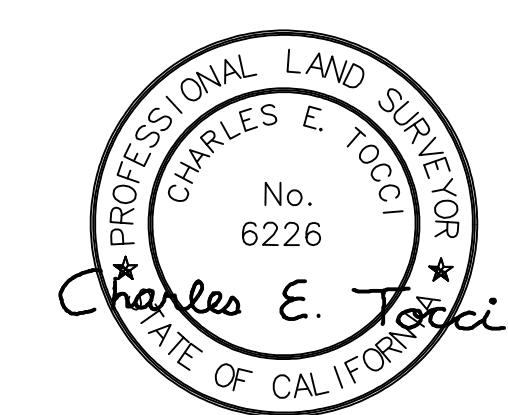
Perimeter segments	Total
462.0800	462.0813
20.0013	482.0813
Area	4419.4 (sq. units)

BLOCK

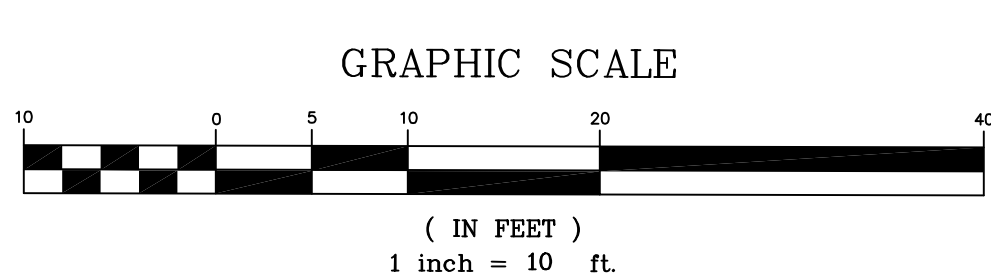
HOTEL WAY (20 ft. wide)



BENCH MARK
PK NAIL & SHINER ON JOINT POLE
ELEV = 50.00 FT
(ASSUMED DATUM)



BRIGHTON ROAD (50 ft. wide)



NOTES:
1) DISTANCES ARE IN DECIMAL FEET
2) UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN
JP = JOINT POLE
SSCO = SEWER CLEAN OUT
WM = WATER METER

JOB NAME: 200902 (Ref S116) PROPOSED ABANDONMENT OF HOTEL WAY In Block 8, 6 Maps 4 filed March 18, 1908	DRAWN BY: CT SCALE: 1"=10' DATE: September 16, 2020	CHECKED BY: CT
City of Pacifica San Mateo County, California	DWG NUMBER 200106-4	SHEET 1 OF 1
EXHIBIT MAP		










For Signature: ResolutionNo60-2022_VacationOfPortionOfHotelWay_wExhibitsA-B

Final Audit Report

2022-09-23

Created:	2022-09-20
By:	Sarah Coffey (scoffey@pacifica.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAABqgCmuN1Z549GlrOGIQtB-R0oCeEwIY

"For Signature: ResolutionNo60-2022_VacationOfPortionOfHotelWay_wExhibitsA-B" History

-  Document created by Sarah Coffey (scoffey@pacifica.gov)
2022-09-20 - 4:29:29 PM GMT
-  Document emailed to mbier@pacifica.gov for signature
2022-09-20 - 4:30:40 PM GMT
-  Email viewed by mbier@pacifica.gov
2022-09-23 - 8:07:04 PM GMT
-  Signer mbier@pacifica.gov entered name at signing as Mary Bier
2022-09-23 - 8:07:26 PM GMT
-  Document e-signed by Mary Bier (mbier@pacifica.gov)
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-  Document e-signed by Sarah Coffey (scoffey@pacifica.gov)
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-  Agreement completed.
2022-09-23 - 8:14:45 PM GMT