



City Council Staff Report

From: City Manager

Report Type: ACTION ITEMS

Lead Department: Administrative Services

Meeting Date: January 22, 2024

Report #:2312-2470

TITLE

Adoption of a Resolution and Approving an Easement Relocation Agreement Relocating and Vacating a 25 Foot Public Service Easement at the Castilleja School at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street), Assessor Parcel Numbers 124-12-033 & 124-12-034; CEQA status – categorically exempt.

RECOMMENDATION

Staff recommends that Council:

1. Approve and authorize the City Manager or designee to execute the Easement Relocation Agreement relocating a public service easement on the Castilleja School located at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street); and
2. Adopt a resolution summarily vacating a public service easement on the Castilleja School located at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street) after the relocated easement has been recorded.

ANALYSIS

On April 20, 1992, the City Council introduced and passed a resolution ordering the vacation of a street easement on a portion of Melville Avenue between Bryant and Emerson Streets, while reserving a 25-foot easement benefitting the City for underground and overhead public utilities purposes.¹ This Public Utility Easement (“PUE”) is associated with the property owned by the Castilleja School Foundation (“Castilleja”).² The property’s Assessor Parcel Numbers are 124-12-033 & 124-12-034 and is commonly known as 1310 Bryant Street, but a Preliminary Report prepared by Chicago Title Company, dated November 1, 2023, and referenced as Order No. 60605270-606-TEO-JM, identifies the property address for Assessor Parcel Number 124-12-033

¹ General Vacation, Resolution No. 7086, recorded as Recording Number 11386298, Book M218, Page 0593 of Official Records of Santa Clara County.

² <https://www.cityofpaloalto.org/City-Hall/Hot-Topics/Castilleja-School>

as 1263 Emerson Street and a separate Preliminary Report dated November 9, 2023, and referenced as Order No. 60604321-606-TEO-JM, identifies the property address for Assessor Parcel Number 124-12-034 as 220 Embarcadero Road. This item was originally scheduled on August 14, 2023. To maintain clear visibility on items related to the Castilleja School development, the item was reagendaized to the December 18, 2023 agenda and revised with a clearer title to reference the school by name and the commonly known address, in addition to the addresses and parcel numbers found in title reports. Staff also notified individuals that requested to be notified of actions related to the school. At the December 18, 2023 meeting, Mayor Kou, Council Member Burt, and Council Member Lauing requested to pull Agenda Item Number 11. The item is now again reagendaized, but as an action item.

On June 6, 2022, the City Council approved Castilleja's applications for Architectural Review with Parking Adjustment, Conditional Use Permit, and Variance, and made several findings, determination and declarations.³ In connection with those applications, the City Council made it a Condition of Approval that Castilleja relocate the existing 25-foot PUE to be within the boundaries of the driveway that is proposed near the Emerson Street and Melville Avenue intersection. Castilleja has agreed to relocate the existing 25-foot public utility easement. To relocate the easement, the City will execute an Easement Relocation Agreement creating a 25-foot PUE within the proposed new driveway and adopt a resolution to vacate the existing easement in accordance with Section 8333 of the California Streets and Highways Code.

STAKEHOLDER ENGAGEMENT

This item has been coordinated with Jorgenson, Sigel, McClure & Flegel, LLP, legal counsel to Castilleja School. Planning staff will notify individuals that have previously provided emails to receive notice related to the school's Council-approved planning entitlement project.

FISCAL/RESOURCE IMPACT

The property owner paid the summary easement vacation fee in FY 2023, which amounts to \$1,842, as set forth in the FY 2023 Municipal Fee Schedule.

ENVIRONMENTAL REVIEW

Council action to relocate the public service easement is within the scope of the Environmental Impact Report prepared for the Castilleja School Project and adopted by the Council on June 6, 2022 (SCH #2017012052).

ATTACHMENTS

Attachment A: Summary Vacation Resolution & Easement Relocation Agreement - Castilleja School at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street)

APPROVED BY: Kiely Nose, Assistant City Manager

³ <https://www.cityofpaloalto.org/files/f65eb77d-4d17-41a6-8158-44f1df3b649f/Casti-Signed-ROLUA-and-Exhibit.pdf>