



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING MAY 19, 2004
Agenda Item #5

Request: A request from the Public Works Department for the Planning Commission to conclude the proposed abandonment of a mid-block alley in the community of East Nicolaus is consistent with the General Plan; located between the streets of Sutter, Yuba, Willow and Palm Streets, East Nicolaus.

Planner: Lisa Wilson, Senior Planner

Staff Recommendation

Staff believes the request to abandon the mid-block alley of Block 3 conforms to the General Plan and recommends the Planning Commission make a finding of the proposal's consistency with the General Plan.

Project Description

The Public Works Department is proposing to abandon a mid-block alleyway in the community of East Nicolaus, specifically that portion bound by the streets of Sutter, Yuba, Willow and Palm Streets. This alley is not improved or maintained and there is no evidence the alley has ever been used. Alleyways to the west and north, Blocks 8 and 9, were abandoned by the Board of Supervisors in August 2002.

Previous Actions/Policy

The Planning Commission, when required by State law, has historically reviewed requests by the Public Works Department to abandon public rights-of-way and make determinations as to a proposal's consistency with the General Plan.

Analysis

California Government Code Section 65402 requires the Planning Commission to determine if a proposal to abandon a public right-of-way is in conformance with the General Plan and report the Commission's finding of conformance to the Board of Supervisors who will then take final action on the proposal.

A review of the Circulation Element of the General Plan does not identify the alley to be abandoned as necessary for circulation or access. General Plan Policies 2.A-1 through 2.A-13 specify the County's policies regarding roadways and vehicular circulation (Attachment B). Policies discuss how the County wishes to obtain adequate rights-of-way for future roadways and maintaining a minimum level of service for existing roads.

The alley to be abandoned does not provide access to the adjacent parcels. The parcels are accessed from Palm, Willow and Yuba Streets. As a result, access to existing parcels will not be affected by this request; therefore, staff believes the proposal conforms with the above policies.

In addition, Policies 2.C-1 and 2.C-2 relate to establishing bicycle routes in the County. There is no master bicycle path/pedestrian path plan for the community of East Nicolaus which could be affected by this proposal. Therefore, the proposal is in conformance with those policies.

Based upon the above analysis, staff believes the request to abandon the mid-block alley of Block 3, East Nicolaus conforms to the General Plan and staff recommends the Planning Commission make a finding of the proposal's consistency with the General Plan.

Environmental Analysis

The abandonment of an unused public right-of-way which does not contain a public road does not meet the definition of a "project" as defined in Section 15378 of the CEQA Guidelines. CEQA defines a project as a whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This project will not result in either a direct or indirect physical change in the environment.

Findings

CEQA

Based upon information contained in this staff report and/or testimony received at the public hearing, the Planning Commission recommends the following finding:

The abandonment of an unused public right-of-way which does not contain a public road does not meet the definition of a "project" as defined in Section 15378 of the CEQA Guidelines.

General Plan

Based upon information contained in this staff report and/or testimony received at the public hearing, the Planning Commission recommends the following finding:

The proposed abandonment of the mid-block alley of Block 3, East Nicolaus, is consistent with the applicable policies of the Sutter County General Plan.

Recommended Action

Should the Planning Commission agree with staff's recommendation, the following motion would be appropriate:

“The Planning Commission finds the proposed abandonment is consistent with the applicable policies of the General Plan, subject to the findings contained within this report.”

Attachments

- A. Study Sketch
- B. General Plan Policies
- C. Public Works request to abandon

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