



**CITY OF HAYWARD**  
**AGENDA REPORT**

Planning Commission  
Meeting Date 12/02/04  
Agenda Item 2

**TO:** Planning Commission  
**FROM:** Norman Payne, Survey Engineer  
**SUBJECT:** Conveyance of Surplus Real Property, Parcel No. 122, at Orchard Avenue and Whitman Street, to the Adjoining Property Owner.

**RECOMMENDATION:**

It is recommended that the Planning Commission:

1. Find that sale is categorically exempt from CEQA;
2. Find that the conveyance is not in conflict with the General Plan.

**DISCUSSION:**

The City-owned parcel is located on Orchard Avenue at Whitman Street. It was acquired in 1979 from the Bay Area Rapid Transit District for road realignment performed in connection with construction of the BART system. The property is located in the City and is an irregular lot containing 2,218± square feet. It is heavily encumbered with public utility, sewer, and water easements, and no structures can be built over this parcel.

The Streets and Highways Code authorizes the conveyance of surplus right-of-way parcels, which are not buildable properties, to the adjoining owner at the discretion of the City. The adjoining owner is interested in purchasing the parcel and negotiations for the sale are underway.

Conveyance of this property will eliminate the City's obligation to maintain it and associated City liability. Water, sewer, storm, and public utility easements will be retained on the entire parcel. All access rights to Orchard Avenue will be relinquished to the City. A condition of purchase will be that the parcel will be merged with the buyer's parcel so that the nonconforming parcel will be eliminated and return the property back onto the tax rolls.

General Plan

The General Plan Map designates this parcel as "Residential Medium Density." The parcel is located within the "Jackson Triangle" neighborhood plan and is zoned "Medium Density

Residential". The consolidation of the surplus property with the adjacent parcel would provide an opportunity to ultimately develop the parcel with three dwelling units, which is consistent with the General Plan. It should be pointed out, however that there are already two dwelling units on this parcel, and they are sited in such a way that it would not be possible to add a third unit without deconstructing one or both of them.

Environmental Review

Sale of surplus real property is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15312, "Surplus Government Property Sales;" thus, no environmental action is required.

Prepared by:



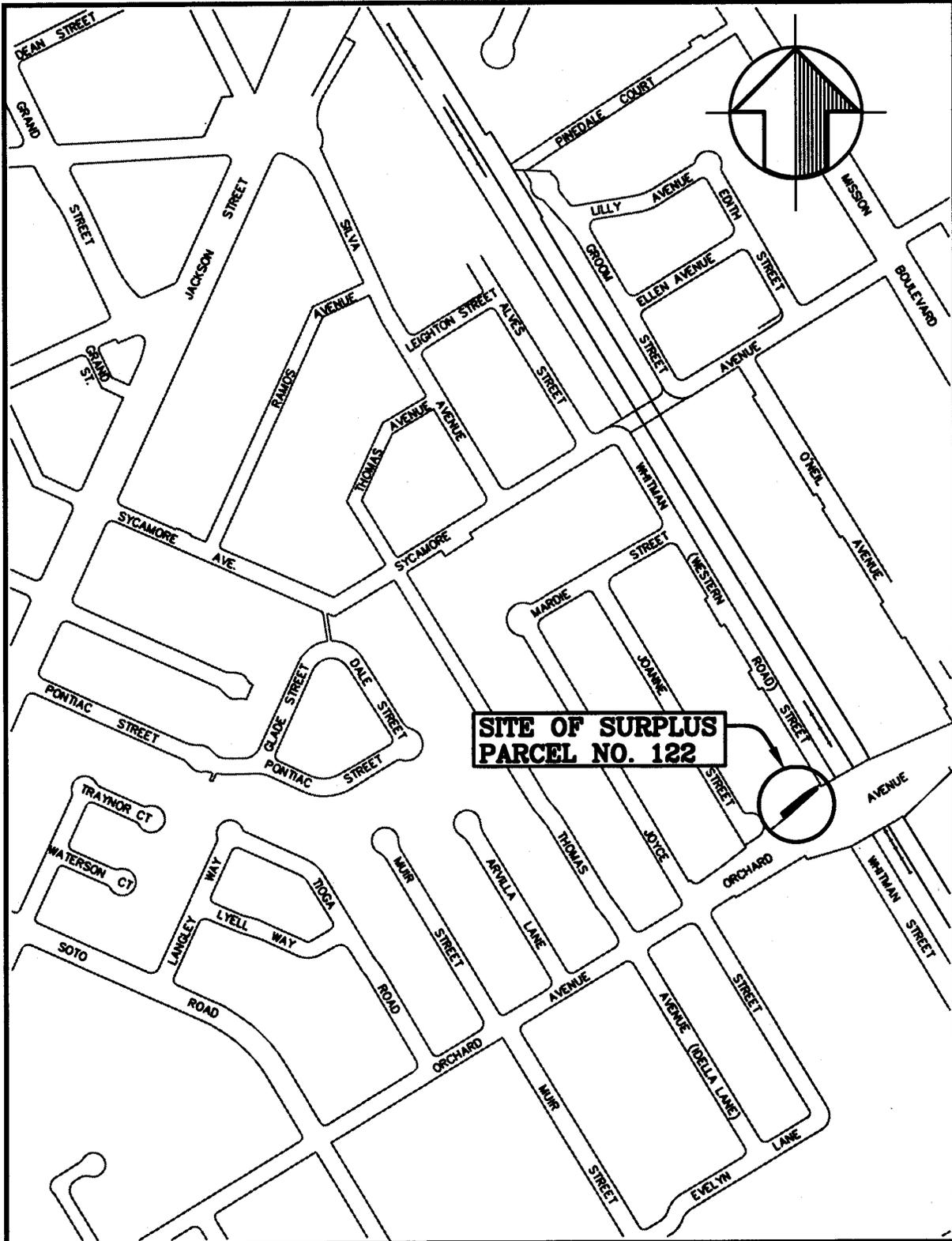
Norman Payne  
Survey Engineer

Recommended by:



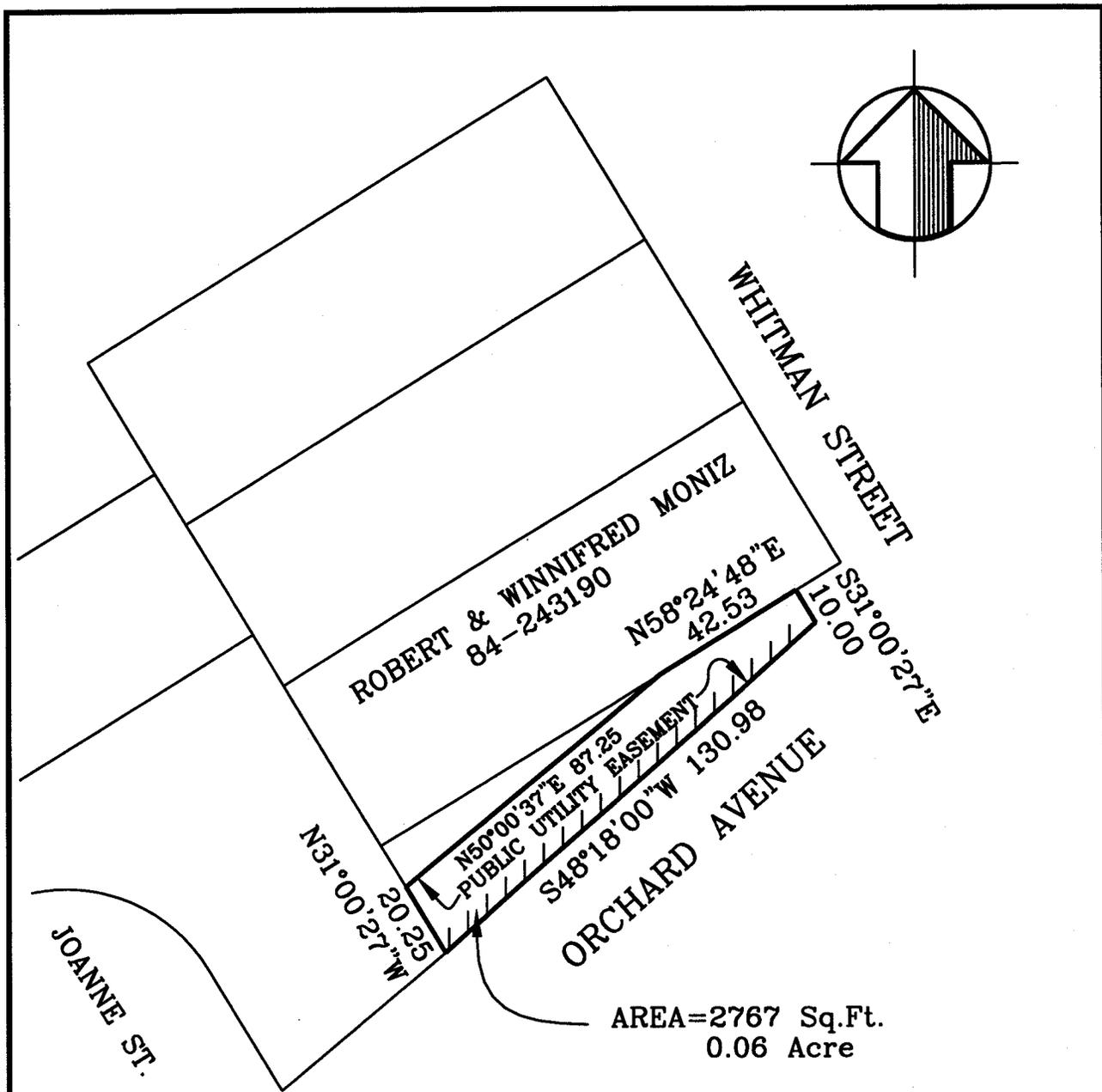
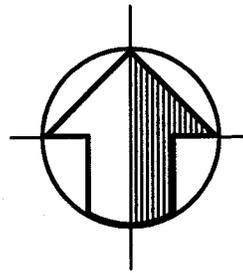
Dyana Anderly, AICP  
Planning Manager

Attachments: Vicinity Map  
Plat Map  
Aerial



**SITE OF SURPLUS  
PARCEL NO. 122**

CITY OF HAYWARD ENGINEERING DIVISION			VICINITY MAP SURPLUS PARCEL NO. 122	DWG. NO. 04051
REV	DATE	BY		FILED
				SHT. 1 of 1
		CITY ENGINEER	DR. PUBLIC WORKS	



 = RELINQUISHMENT OF ACCESS RIGHTS

*Norman Payne*



NORMAN PAYNE  
L.S. 4388  
LICENSE EXPIRES 9/30/05

CITY OF HAYWARD ENGINEERING DIVISION		
DRAWN BY:	JNP	DATE 11-02-04
CHECKED BY:	JNP	SCALE: 1"=40'
APPD. BY:		APPROVED
REV	DATE	BY
		CITY ENGINEER
		DIR. PUBLIC WORKS

SURPLUS  
PARCEL NO. 122  
APN 444-39-(114-9)

DWG. NO.	04047
FILED	
SHT.	1 of 1