RESOLUTION NO. PC-16-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE VACATION OF EXCESS RIGHT-OF-WAY BY WEST PORT PROPERTIES AT 671-673 W. 17TH STREET IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa 2000 General Plan was adopted on January 22, 2002; and,

WHEREAS, the California Government Code 65402, provides in part that a local agency shall not vacate, use, or dispose of any real property until the use of the property has been reported upon as to conformity with the applicable General Plan; and,

WHEREAS, The California Streets and Highways Code, Chapter 4, Section 8334(a) allows a local agency to summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes. The proposed right-of-way vacation has been reviewed by the Engineering and Transportation Services Divisions, and based on the existing land use and freeway configuration, it is no longer required for public street and highway purposes.

WHEREAS, the City of Costa Mesa 2000 General Plan indicates that the subject right-of-way is located at the northwest corner of West 17th Street and Pomona Avenue, and as shown in Exhibit "A",

WHEREAS, West Port Properties Inc. proposes the vacation of the subject right-of-way from the City of Costa Mesa; and,

WHEREAS, the property at 671-673 W. 17th Street abutting the subject right-of-way will revert back to the owner of 671-673 W. 17th Street and is designated as Light Industrial by the 2000 General Plan; and,

WHEREAS, the portion of the right-of-way being vacated has been found by the Engineering and Transportation Services Division not to be useful as a non-motorized transportation facility, and as such, the vacation serves the public interest and is a public benefit since the vacated right-of-way is unnecessary for present or future public use; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the right-of-way to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern; and,

WHEREAS, the subject property is shown in Attachment 3 (City Engineer's memo dated May 18, 2016); and,

WHEREAS, on June 13, 2016, the Costa Mesa Planning Commission review the proposed abandonment and findings;

BE IT RESOLVED, that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **APPROVES** the proposed vacation of the right-of-way with respect to the property described above.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of the subject right-of-way by West Port Properties Inc. is in conformance to the City of Costa Mesa 2000 General Plan and the California Streets and Highways Code. Furthermore, the Planning Commission finds the street vacation serves the public interest and is a public benefit.

PASSED AND ADOPTED this 13th day of June, 2016.

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 13, 2016, by the following votes:

AYES: Dickson, Mathews, McCarthy, Sesler, Andranian

NOES: None

ABSENT: None

ABSTAIN: None

Claire L. Flynn, Secretary
Costa Mesa Planning Commission