



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 14, 2005

U.2.
ITEM NUMBER:

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION-CITY OF COSTA MESA'S VACATION
OF AN EXCESS RIGHT-OF-WAY TO THE UNDERLYING FEE TITLE OWNERS.

DATE: FEBRUARY 7, 2005

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
714-754-5609

DESCRIPTION

The City of Costa Mesa Engineering Division proposes to vacate an excess right-of-way, Alley No. 61, located west of Orange Avenue, north of East 15th to the underlying fee title owners. Pursuant to Government Code Section 65402, the Costa Mesa Planning Commission must find the use of the property to be in conformance with the 2000 General Plan.

RECOMMENDATION

Adopt attached resolution finding that the proposed vacation and use of the subject property is in conformance with the City of Costa Mesa 2000 General Plan.


REBECCA ROBBINS
Assistant Planner


R. MICHAEL ROBINSON, AICP
Assistant Development Services Director

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ANALYSIS

Government Code Section 65402 prohibits the City from acquiring, using, or disposing of property within an incorporated city until the Planning Commission can review the proposed vacation or use for conformity with the General Plan.

The proposed transaction requested by the Engineering Division involves the vacation of an excess right-of-way, Alley No. 61, to the underlying fee title owners (adjacent property owners). The subject property is located at Orange Avenue (east), and Fifteenth Street (south), as shown in Exhibit "A" of the attached resolution.

Staff has found the proposal in compliance with the 2000 General Plan for the following reasons:

- Alley serves no public street or highway purpose. There are no public improvements currently constructed within the alley. Alley No. 61 (20 feet wide, approx. 737 feet long) was created in conjunction with Subdivision Tract No. 427 in 1923. This portion of Alley No. 61 was never constructed. This results in a total of approx. 14,742 sq. ft. excess right-of-way that does not serve any public street or highway purpose.
- Future public utilities are preserved by an easement. There are existing public utilities (sewer, electricity, telephone, and cable) located within the right-of-way area. The City will reserve a public utility easement, pursuant to Section 8330 of the Street and Highways Code, to preserve the rights of these utilities within this area. In addition, this right-of-way is not required for any ingress and egress purposes by a public agency to a private property.
- Proposed action conforms to General Plan Goal LU-2. As described in the Land Use Element, it is the City's goal to create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical and social resources. Given that the proposed action will not result in any adverse impacts to public utilities or the transportation network, the proposed vacation is in conformance with the General Plan.
- Proposed action conforms to General Plan Goal SAF-1. The intent of General Plan Goal SAF-1 is to protect citizens and property from injury, damage, or destruction from hydrologic and climatic episodes. The proposed activity is consistent with the General Plan.

As a result of the vacation of Alley No. 61 the remaining easement will be divided back to the adjacent commercial and residential properties. The precise division will be resolved in March 2005.

CONCLUSION

The proposed vacation and use of the right-of-way, Alley No. 61, is in conformance with the City of Costa Mesa 2000 General Plan. The Planning Commission's adoption of a General Plan conformity resolution is in compliance with State law.

Attachments: 1. Planning Commission Resolution
 Exhibit "A" – Project Location
 2. Correspondence from City Engineer dated 1/12/05

cc: Deputy City Manager - Dev. Svcs. Director.
 Assistant Development Services Director
 Assistant City Attorney
 Transportation Services Manager
 City Engineer
 Staff (4)
 File (2)

RESOLUTION NO. PC-05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF A PORTION OF ALLEY NO. 61 TO THE UNDERLYING FEE TITLE OWNERS 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;

WHEREAS, the California Government Code 65402, provides in part that a local agency shall not acquire, 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;

WHEREAS, the City of Costa Mesa 2000 General Plan indicates that the subject right-of-way (Alley No. 61) is located at Orange Avenue (east), and Fifteenth Street (south), as shown in Exhibit "A";

WHEREAS, the City of Costa Mesa Engineering Division proposes the vacation of excess right-of-way to the underlying fee title owners and is allowed in the 2000 General Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of the land located along Alley No. 61 from the City of Costa Mesa to the underlying fee title owners is in conformance to the City of Costa Mesa 2000 General Plan.

PASSED AND ADOPTED this 14th day of February, 2005

Chair, Costa Mesa
Planning Commission

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Mike Robinson, Assistant Dev. Svs. Director
FROM:  Ernesto Munoz, City Engineer
DATE:  January 12, 2005
SUBJECT: Proposed Vacation of Excess Right-of-Way Alley No. 61

The Engineering Division is processing a request to vacate excess right-of-way, Alley No. 61, west of Orange Avenue, north of Fifteenth Street:

Alley No. 61 (20.00 feet wide) was created on the Subdivision Tract No. 427 in 1923. This portion of Alley No. 61 was never constructed.

The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that subject right-of-way is unnecessary for public alley purposes pursuant to Section 8323 of the Streets and Highways Code. This right-of-way is not required for any ingress and egress purposes to private property. There are existing public utilities (sewer, electricity, telephone, and cable) located within the easement area. The City has been requested to reserve a public utility easement to preserve the rights of these utilities within this area; until such time that they can be relocated. The City can reserve a public utility easement pursuant to Section 8330 of the Streets and Highways Code. Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. If the proposed vacation is approved and recorded, the subject property will revert back to the underlying fee title owners.

It is requested that the Planning Division provided a determination of consistency with the General Plan pursuant to Government Code Section 65402. Thank you for your assistance on this project. Any information or assistance required for this project may be obtained from APA Engineering at 949-770-4429.

Attachment: Exhibit of Proposed Vacation of Excess Right-of-Way