



## **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: FEBRUARY 14, 2005

*U. 3.*  
ITEM NUMBER:

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION  
VACATION OF A PORTION OF TOWN CENTER DRIVE

DATE: FEBRUARY 4, 2005

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, PRINCIPAL PLANNER  
(714)754-5153

### DESCRIPTION

The Orange County Performing Arts Center is requesting the City vacate Town Center Drive between Park Center Drive and Avenue of the Arts.

### APPLICANT

Jerry Mandel, President of the Orange County Performing Arts Center, is the applicant.

### RECOMMENDATION

Adopt resolution finding that the proposed vacation of the subject right-of-way is in conformance with the City of Costa Mesa 2000 General Plan.

*W Bouwens-Killeen*  
WILLA BOUWENS-KILLEEN  
Principal Planner

*R. Michael Robinson*  
R. MICHAEL ROBINSON  
Asst. Development Services Director

### **BACKGROUND**

On February 5, 2001, City Council approved General Plan Amendment GP-00-02 which, in part, deleted a portion of Town Center Drive between Park Center Drive and Avenue of the Arts from the Master Plan of Highways.

On February 2, 2004, City Council approved the Town Center Drive Master Plan which gave conceptual approval to the vacation of this portion of Town Center Drive for use as a pedestrian-oriented public plaza linking the major arts venue within the South Coast Plaza Town Center Theatre Arts District. The applicant now requests the City formally vacate the public right-of-way.

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

### **ANALYSIS**

As conceptually approved under the master plan, the west end Town Center Drive (adjacent to Park Center Drive) will be converted to a private street to allow access to the drop-off/pick-up area in front of the two Orange County Performing Art Center venues, as well as to the parking structure behind the existing Performing Arts Center (600 Town Center Drive) and Center Tower (650 Town Center Drive). The east end of Town Center Drive (adjacent to Avenue of the Arts) will be improved and used as a pedestrian-oriented public plaza, consistent with the goals and intent of the South Coast Plaza Town Center Theater Arts District and emulating Lincoln Center in New York City and Los Angeles' Music Center.

The applicant is working with the City's Public Services Division to accommodate the public utilities existing within the right-of-way and to ensure that the design of the public and private street interface meets standard traffic safety and operational guidelines.

Vacation of the right-of-way will shift related maintenance and improvement costs from the City to the new private owner(s). The abandonment is consistent with General Plan goal LU-2 in that the vacation "will create . . . an aesthetically pleasing and functional environment and [will] minimize impacts on existing physical and social resources". The vacation is also consistent with GP-00-02 which deleted this portion of Town Center Drive from the Master Plan of Highways. Therefore, vacation of the right-of-way is consistent with the City's General Plan.

### **ENVIRONMENTAL DETERMINATION**

The impacts of the vacation of this portion of Town Center Drive were analyzed in Final Program Environmental Impact Report No. 1047. The final EIR was certified by City Council on February 5, 2001.

### **CONCLUSION**

The proposed vacation is consistent with the City of Costa Mesa 2000 General Plan. The vacation will allow the right-of-way to be improved as a pedestrian plaza as

approved under the Town Center Master Plan, consistent with the goals and intent of the South Coast Plaza Town Center Theater Arts District.

Attachments:      1. Vicinity Map  
                          2. Air Photo  
                          3. Planning Commission Resolution  
                          4. Exhibit "A" – Street vacation map  
                          5. Exhibit "B" – Draft condition of approval  
                          6. Correspondence from City Engineer dated 1.26.05

Distribution:      Deputy City Mgr.-Dev. Svs. Director  
                          Sr. Deputy City Attorney  
                          Public Services Director  
                          City Engineer  
                          Fire Protection Analyst  
                          Staff (4)  
                          File (2)

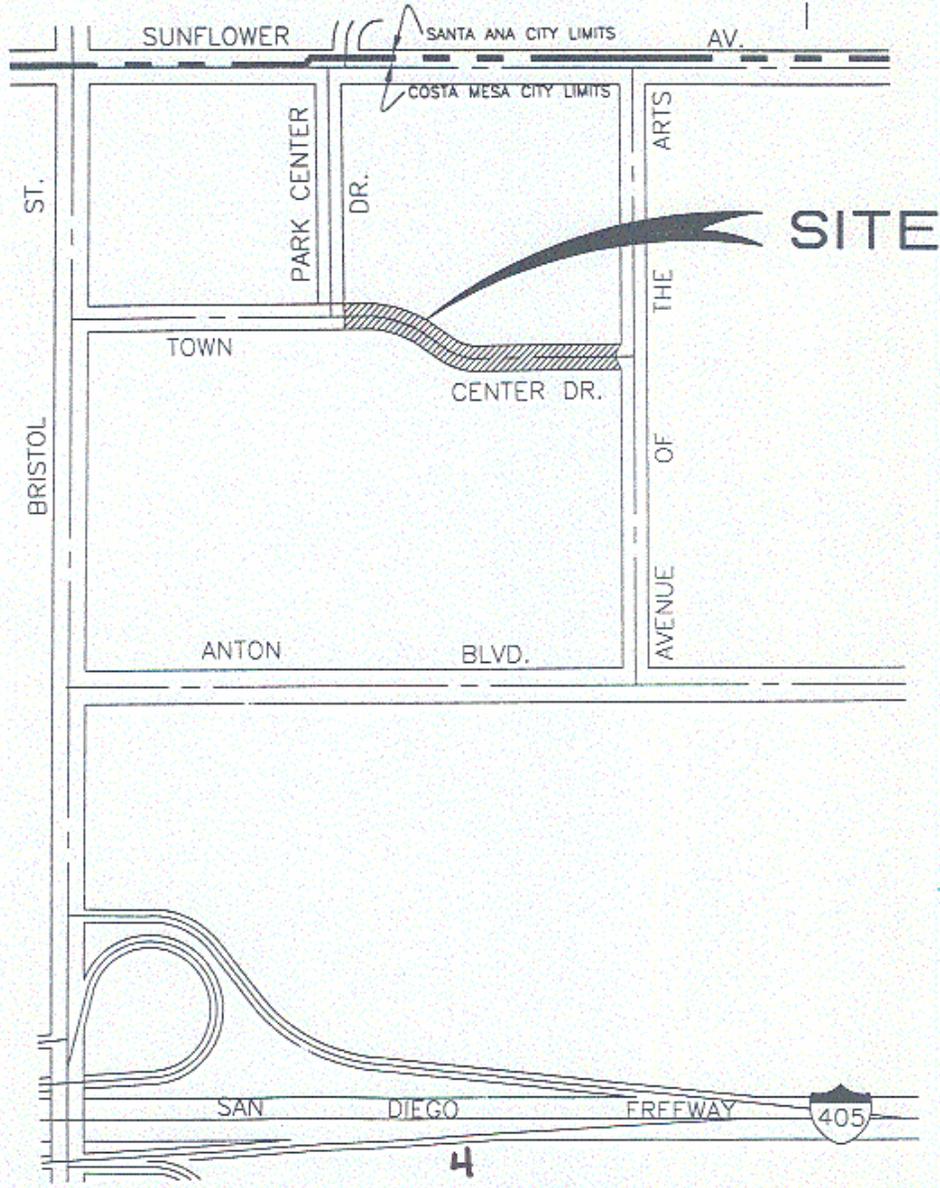
Jerry Mandel, President  
Orange County Performing Arts Center  
600 Town Center Drive  
Costa Mesa, CA 92626

Bob Fernandez  
CJ Segerstrom and Sons  
3315 Fairview Road  
Costa Mesa, CA 92626

File: 021405VacateTownCenter	Date: 020205	Time: 430p.m.
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# VICINITY MAP

SCALE: 1"=10'



# Town Center Drive Vacation



**Legend**

- Identified Features
- Selected Features
- Street Names
- Dwelling General
- General Plan Specific Land
- Ortho Photography
- Parcels

North arrow and locator map.

Powered By GeoBmart.net

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**RESOLUTION NO. PC-05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT VACATION OF A PORTION OF TOWN CENTER DRIVE IS IN CONFORMANCE THE 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 Council adopted General Plan Amendment GP-00-02 on February 5, 2001, which deleted the subject right-of-way, as shown in Exhibit "A", from the City's Master Plan of Highways;

WHEREAS, Jerry Mandel, on behalf of the Orange County Performing Arts Center, proposes the acquisition of the subject right-of-way from the City of Costa Mesa;

WHEREAS, on February 2, 2004, the City Council of the City of Costa Mesa approved the Town Center Drive Master Plan to allow the improvement of this portion of Town Center Drive as a private street and a pedestrian-oriented public plaza linking the major arts venues within the South Coast Plaza Town Center Theater Arts District; and

WHEREAS, the subject right-of-way does not serve any public street or highway purpose.

NOW, THEREFORE, BE IT RESOVED that the Planning Commission does hereby find that the Orange County Performing Arts Center's proposed acquisition of the subject right-of-way is in conformance to the City of Costa Mesa 2000 General Plan, subject to the condition of approval listed in Exhibit "B".

**PASSED AND ADOPTED this 14<sup>th</sup> day of February, 2005.**

\_\_\_\_\_  
Chair, Costa Mesa  
Planning Commission



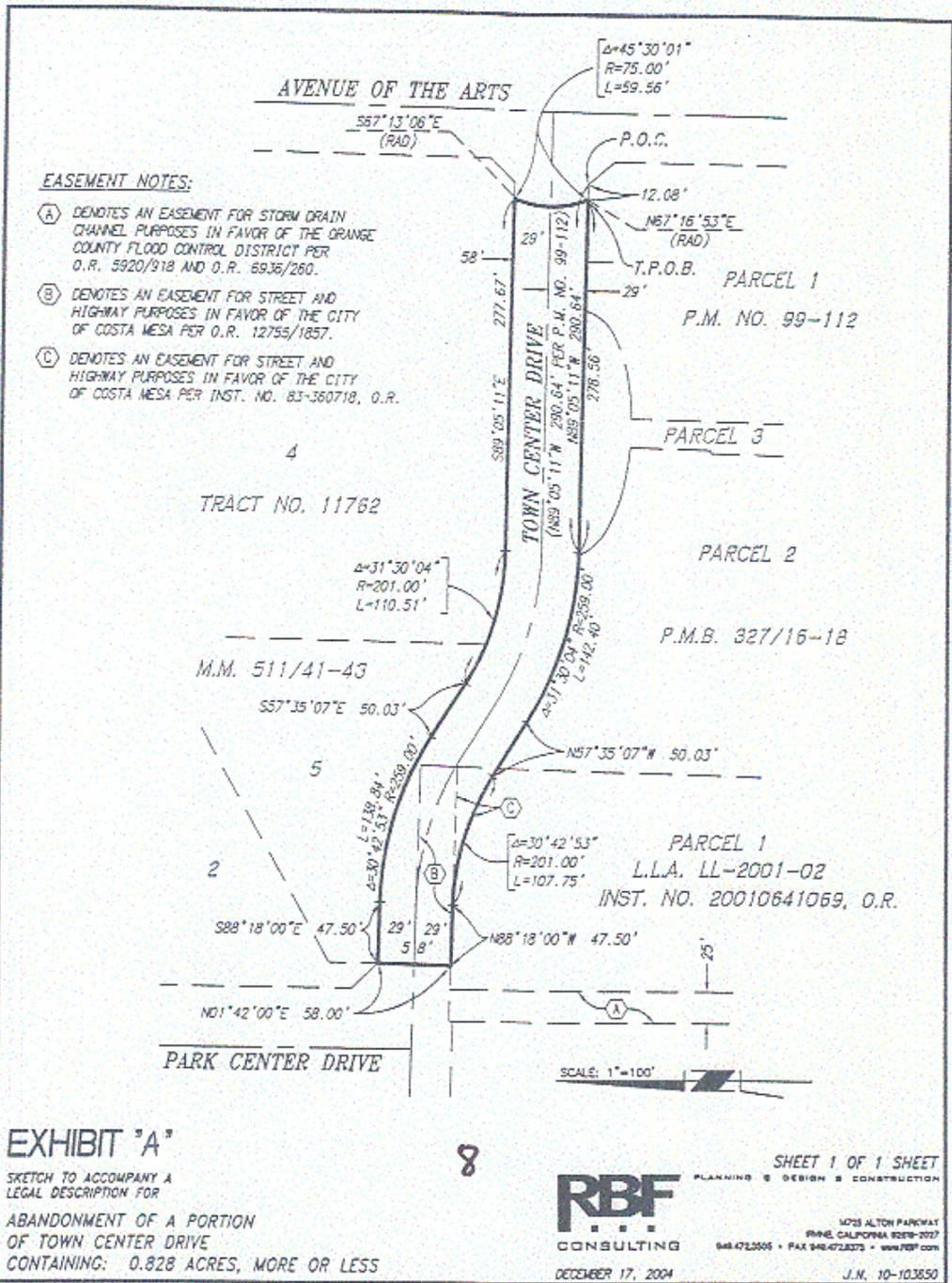


EXHIBIT "B"

CONDITIONS OF APPROVAL

- Ping. 1. Applicant shall process a minor conditional use permit to allow all involved parties (South Coast Repertory, Center Tower, and the two Orange County Performing Arts Center facilities) and their customers/attendees/ employees access to the drop-off/pick-up area in front of the Orange County Performing Arts Center facilities, as well as the parking structure behind 600 and 650 Town Center Drive. As a condition of approval, a recorded reciprocal ingress-egress easement incorporating all involved property owners will be required.

## 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 26, 2005  
SUBJECT: Proposed Vacation of Excess Right-of-Way

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At the request of Mr. Jerry E. Mandel, President of the Orange County Performing Arts Center, the Engineering Division is processing a request to vacate the Town Center Drive right-of-way between Park Center Drive and Avenue of the Arts.

This request is pursuant to discussions and recommendations contained in the Development Agreements for Segerstrom Town Center (DA-00-02) and the Segerstrom Center for the performing Arts (DA-00-03). Town Center Drive is not designated on the Master Plan of Highways and, therefore, is defined as a local street (58 feet wide).

The proposed abandonment area has been reviewed by the Engineering and Transportation Services Divisions and, based on the proposed development and land uses, would become unnecessary for public street and highway purposes. Due to the public utilities and drainage facilities located within the subject right-of-way, staff will recommend that a Public Utility and Drainage Easement be reserved over the proposed vacation area. Ingress and egress to the individual properties will be preserved through the recordation of agreements between the property owners. 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 provide a determination of consistency with the General Plan and present the vacation of this excess right-of-way to the Planning Commission meeting of March 21, 2005, or sooner if the schedule allows. **Please submit a confirmation that this request has been received and scheduled.**

Thank you for your assistance on this project. If any further information is required, please contact Brad Edwards, Engineering Technician, at extension 5015.

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

c: William Morris, Director of Public Services  
Peter Naghavi, Trans. Services Manager  
Dennis Johnson, Assistant Engineer  
Brad Edwards, Engineering Technician III