



PLANNING COMMISSION AGENDA REPORT

IX.2

MEETING DATE: FEBRUARY 12, 2007

ITEM NUMBER:

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

DATE: JANUARY 31, 2007

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

DESCRIPTION

The City of Costa Mesa proposes to vacate Alley No. 128, located between Tustin Avenue and Irvine Avenue just northeast of East 17th Street to the underlying fee title owners. Pursuant to Government Code Section 65402, the Costa Mesa Planning Commission must find the vacation of the alley to be in conformance with the 2000 General Plan.

RECOMMENDATION

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

REBECCA ROBBINS
Assistant Planner

R. MICHAEL ROBINSON, AICP
Asst. Dev. Svs. Director

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 Alley No. 128, to the underlying fee title owners at 12 adjacent properties. The alley is located between Tustin Avenue and Irvine Avenue just northeast of East 17th Street 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. 128, totaling 9,700 square feet is 20 feet wide and 485 feet long. Alley No. 128 has not been developed and currently does not serve any public street or highway purpose.
- Public utilities are preserved by an easement. There are existing public utilities (i.e. storm drain, 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. 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 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.

As a result of the vacation of Alley No. 128, the 9,700 square-foot area will revert back to the underlying fee title owners at the 12 adjacent properties.

CONCLUSION

The proposed vacation of Alley No. 128 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 12/21/06

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

File: 021207AlleyNo128	Date: 013007	Time: 2:00 p.m.
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ATTACHMENT 1

Planning Commission Resolution

RESOLUTION NO. PC-07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF ALLEY NO. 128 TO THE UNDERLYING FEE TITLE OWNERS OF THE 12 ADJACENT PROPERTIES 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 subject right-of-way (Alley No. 128) is located between Tustin Avenue and Irvine Avenue just northeast of East 17th Street 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 of the 12 adjacent properties to the southwest, and this vacation of right-of-way is consistent with the 2000 General Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of the land located at Alley No. 128 from the City of Costa Mesa to the underlying fee title owners of the 12 adjacent properties to the southwest is in conformance to the City of Costa Mesa 2000 General Plan.

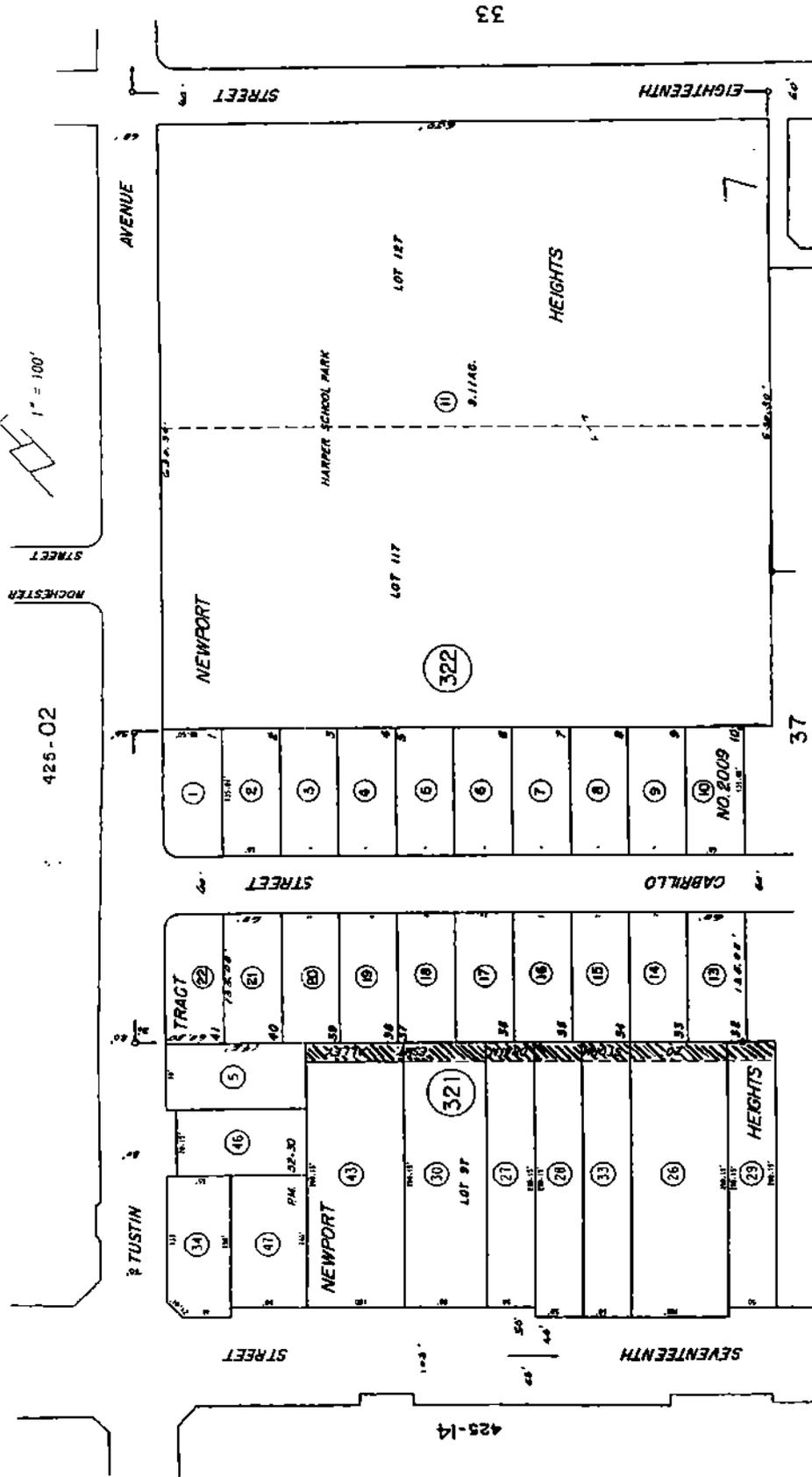
PASSED AND ADOPTED this 12th day of February, 2007

Chair, Costa Mesa
Planning Commission

AREA TO BE VACATED



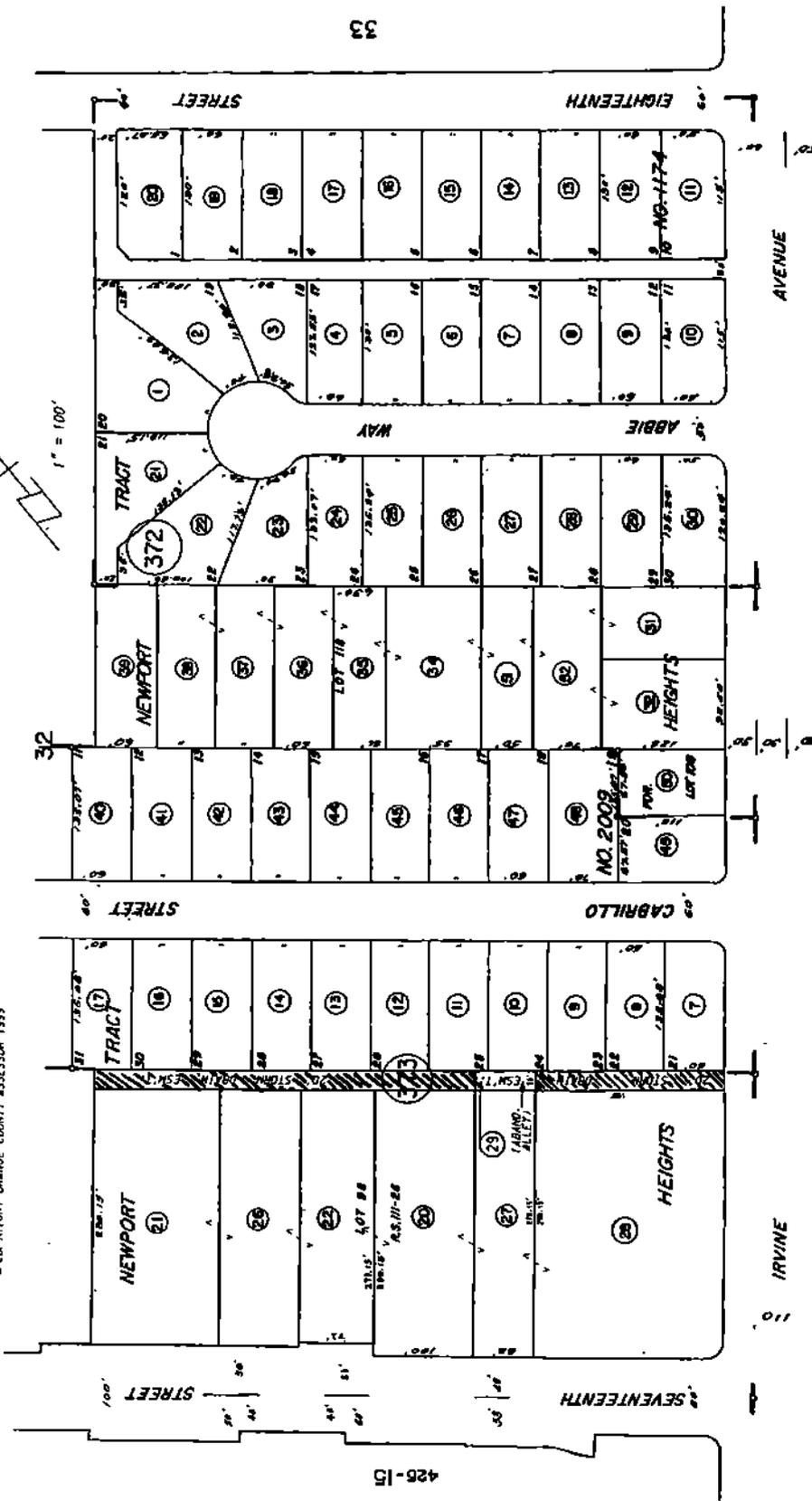
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MARCH 1951
NEWPORT HEIGHTS TR. NO. 2009
M.M. 4-83
M.M. 61-34
NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES
ASSESSOR'S MAP BOOK 117 PAGE 32 COUNTY OF ORANGE

= AREA TO BE VACATED

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MARTINER'S DR.

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

425-06

NEWPORT HEIGHTS TR. NO. 1174 TR. NO. 2009

MARCH 1951 WESTLIFT DRIVE

ASSESSOR'S MAP BOOK 117 PAGE 31 COUNTY OF ORANGE

ATTACHMENT 2

Correspondence from City Engineer dated 12/21/06

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

DEC 27 2006

RECEIVED
CITY OF COSTA MESA
DEPARTMENT OF PUBLIC SERVICES

TO: Mike Robinson, Planning & Redevelopment Manager
FROM:  Ernesto Munoz, City Engineer
DATE: December 21, 2006
SUBJECT: **Proposed Vacation of Alley No. 128 Excess Right-of-Way between Tustin Avenue and Irvine Boulevard**

Alley No. 128 is located between Tustin Avenue and Irvine Avenue just northeast of East 17th Street. The Alley is 20.00 feet wide and was created from individual right-of-way dedications by previous property owners circa 1957 and confirmed by City Resolutions 18 & 232.

In 1997, the City conducted a study to determine a course of action for the various unimproved alleys within the City. Staff recommendation for Alley No. 128, based on property owner survey data, was to vacate the City's interest in the easement and transfer title to the 12 adjacent property owners. City Council approved staff's recommendation.

Currently there is no evidence of an alley except for a storm drain system that still exists and services the 17th Street properties. The alley is not required for any ingress and egress purposes to private property and has become incorporated into the business parking areas of the adjacent properties (see Attachment 2). Along with said existing storm drain system, there are additional underground and overhead utilities that run the length of the alley. It is intended that Alley No. 128 be vacated and a public utility easement be retained over the subject area. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that Alley No. 128 is unnecessary for public street and highway purposes. Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. After the proposed vacation is approved and recorded, the subject vacated property will revert back to the 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 February 12, 2007. **Please submit a confirmation that this request has been received and scheduled.**

Thank you for your assistance on this project. Should you need additional information, please contact Brad Edwards, Engineering Technician, at extension 5066.

Attachment: Exhibit 1 - Proposed Vacation of Excess Right-of-way
Exhibit 2 - Aerial Picture

c: Fariba Fazeli, Senior Engineer
Brad Edwards, Engineering Technician III