



PLANNING COMMISSION AGENDA REPORT

VI.1

MEETING DATE: NOVEMBER 13, 2007

ITEM NUMBER:

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION- CITY OF COSTA MESA'S VACATION OF EXCESS RIGHT-OF-WAY LOCATED AT 523 HAMILTON STREET

DATE: OCTOBER 29, 2007

**FOR FURTHER INFORMATION CONTACT: LISA DUSI, PLANNING INTERN
(714) 754-5245**

DESCRIPTION

The City of Costa Mesa is proposing to vacate excess street right-of-way at 523 Hamilton Street. Pursuant to State Government Code Section 65402, the Planning Commission must find the vacation of this property to be in conformance with the 2000 General Plan.

RECOMMENDATION

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

Handwritten signature of Lisa Dusi in cursive.

LISA DUSI
Planning Intern

Handwritten signature of Kimberly Brandt in cursive.

KIMBERLY BRANDT, AICP
Assistant Development Svs. Director

ANALYSIS

Pursuant to State Government Code Section 65402 the City cannot vacate public right-of-way until the Planning Commission determines the proposed action conforms with the General Plan.

Under the direction of City Council, staff is preparing for negotiations related to the sale of a City-owned corner parcel located at 523 Hamilton Street, which is currently used as a community garden. Prior to the sale, staff is processing the vacation of excess street right-of-way along the Charle Street frontage.

The Costa Mesa 2000 General Plan currently identifies this 672 square foot parcel as General Commercial.

Staff has found the proposed vacation of excess street right-of-way adjacent to 523 Hamilton Street in compliance with the 2000 General Plan for the following reasons:

- Subject right-of-way serves no public street or highway purpose. Charle Street is adjacent to this City-owned parcel and is not designated on the Master Plan of Highways; therefore, it is defined as a local street (60-feet wide). Currently, the half width of Charle Street is 35-feet wide, having five feet of excess right-of-way (see Exhibit A). The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions, and is determined to be unnecessary for public street and highway purposes pursuant to Section 8323 of the Streets and Highway Codes. In conjunction with the vacation of excess right-of-way, there will be a dedication of right-of-way corner cutoff for traffic visibility and circulation purposes (see Exhibit A).
- Future public utilities are not planned. There may be existing public utilities located within the proposed vacated area, but there are no plans to use this property for future public utilities. Until the Engineering Division receives confirmation from all utility companies, the City will include a reservation for a public utility easement, pursuant to Section 8330 of the Street and Highways Code.
- 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 surrounding land uses, public utilities or the transportation network, it is in conformance with the General Plan.

CONCLUSION

The City of Costa Mesa's proposal to vacate excess right-of-way at 523 Hamilton Street 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" – Street Vacation Map/Parcel Map
 2. Vicinity Map
 3. Correspondence from City Engineer dated 10/18/2007

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

File: 111307GPC523Hamilton	Date: 110707	Time: 1:00 p.m.
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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 EXCESS STREET RIGHT-OF-WAY ON CHARLE STREET ABUTTING 523 HAMILTON 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;

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 found in conformance with the applicable General Plan;

WHEREAS, the subject excess street right-of-way is located on Charle Street abutting 523 Hamilton Street;

WHEREAS, the property at 523 Hamilton Street abutting the subject right-of-way is identified as General Commercial by the 2000 General Plan;

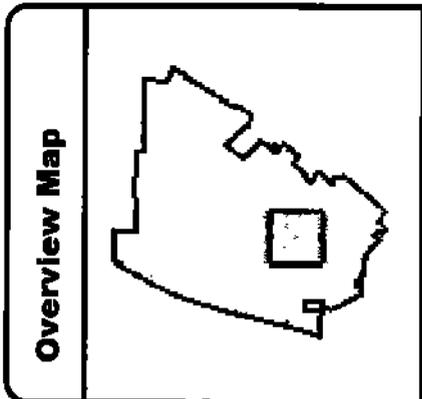
WHEREAS, the subject excess street right-of-way does not serve any public street or highway purpose;

WHEREAS, the City will include a reservation for a public utility easement pursuant to Section 8330 of the Street and Highways Code until confirmation from all utilities regarding no planned uses is received;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the City of Costa Mesa's proposed vacation of the excess street right-of-way is in conformance to the City of Costa Mesa 2000 General Plan.

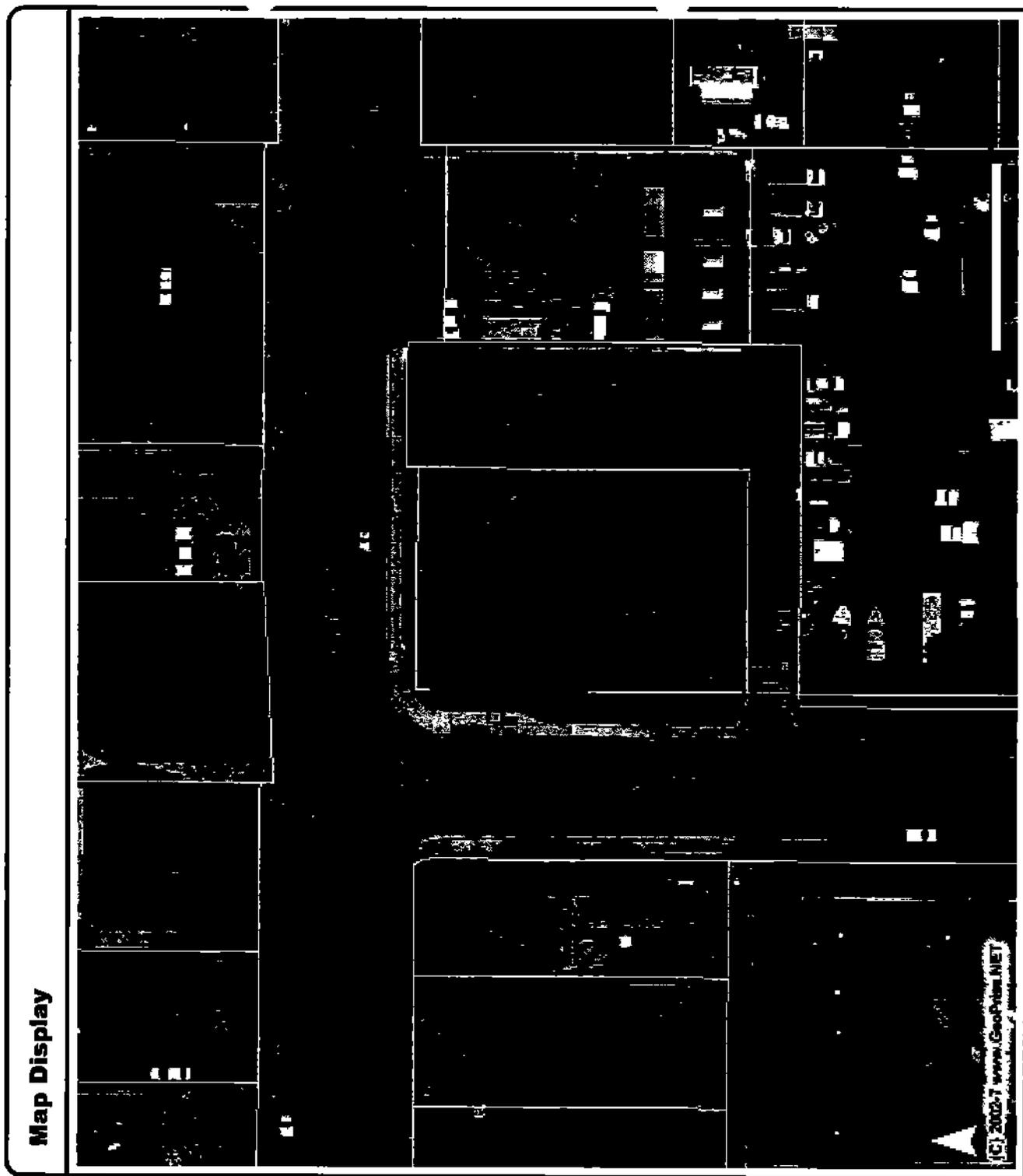
PASSED AND ADOPTED this 13th day of November, 2007

Donn Hall, Chair
Costa Mesa Planning Commission



Legend

Address Range	Primary
Address points	SECONDARY
Freeway	Waterway Lines
Roads	Hydrology
Collector Freeway	Channels
Major	Street Names
Newport (BLVD) (cont)	



VICINITY MAP ATTACHMENT 2

CITY OF COSTA MESA
Department of Public Services / Engineering
INTER OFFICE MEMORANDUM

RECEIVED
CITY OF COSTA MESA
OCT 17 2007

TO: Kimberly Brandt, Assistant Dev. Services Director
FROM:  Ernesto Munoz, City Engineer
DATE: October 18, 2007
SUBJECT: **Vacation of Surplus Right-of-Way at 523 Hamilton Street**

Under the direction of City Council, the Engineering Division is preparing for negotiations for the sale of a City-owned parcel located at 523 Hamilton Street. In anticipation of the property sale, the Engineering Division is processing the subject vacation of excess right-of-way to enhance the City property. Subsequent to the sale, the City property will be merged with the buyer's adjacent property and become part of a planned development that will enhance the existing condition of the area.

Charle Street is adjacent to this City-owned parcel and is not designated on the Master Plan of Highways; therefore, it is defined as a local street (60-feet wide). Currently, the half width of Charle Street is 35-feet wide, having five feet of excess right-of-way (see Attachment). The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions, and determined to be unnecessary for public street and highway purposes pursuant to Section 8323 of the Streets and Highways Code. In conjunction with the vacation of excess right-of-way, there will be a dedication of right-of-way for a corner cutoff per a Transportation Services Division request (see Attachment).

There may be existing public utilities located within the proposed vacated area. Until the Engineering Division receives confirmation from all utility companies, the City will include a reservation for 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 owner, the City of Costa Mesa.

It is requested that the Planning Division provide a determination of consistency with the General Plan pursuant to Government Code Section 65402 and present the vacation of this excess right-of-way to the Planning Commission meeting of November 13, 2007, 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 5066.

Attachment: Proposed Vacation of Excess Right-of-Way, Corner Cutoff Dedication

c: William Morris, Director of Public Services
Peter Naghavi, Transportation Services Manager
Fariba Fazeli, Senior Engineer
Dennis Johnson, Assistant Engineer
Brad Edwards, Engineering Technician III

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