



PLANNING COMMISSION

AGENDA REPORT

VI.1

MEETING DATE: OCTOBER 27, 2008

ITEM NUMBER:

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
VACATION OF EXCESS RIGHT-OF-WAY
419 EAST 19TH STREET**

DATE: OCTOBER 16, 2008

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

DESCRIPTION

The City of Costa Mesa proposes to vacate a portion of East 19th Street right-of-way to the underlying fee title owners at 419 East 19th Street. Pursuant to Government Code Section 65402, the Costa Mesa Planning Commission must find the vacation of the right-of-way to be in conformance with the 2000 General Plan.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Asst. Development Services Director

ANALYSIS

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) 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.

At the request of the property owners, the Engineering Division is preparing to vacate a portion of East 19th Street right-of-way adjacent to 419 East 19th Street. The property is the fifth lot east of Tustin Avenue, on the south side of East 19th Street, as shown in Attachment 2 of the attached resolution. Vacation of the remaining portion of East 19th Street to Tustin Avenue may be processed upon request of the adjacent property owners.

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

- *This portion of the right-of-way serves no public street or highway purpose.* Per the current Master Plan of Highways, this portion of East 19th Street has been downgraded to a two-lane collector of 60 feet from a six-lane primary highway of 100 feet, resulting in 20 feet of excess right-of-way. There are no public improvements constructed within this portion of the right-of-way. The existing right-of-way has not been developed and does not serve any public street or highway purpose.
- *There are no public utilities.* There are no public utilities (i.e. storm drain, sewer, electricity, telephone, or cable) located within the right-of-way area and therefore, a reservation for a utility easement is not required.
- *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 the right-of-way, the area will revert back to the underlying fee title owners at the adjacent property.

ENVIRONMENTAL DETERMINATION

The street vacation is exempt from the provisions of the California Environmental Quality Act under Section 15312 for Surplus Government Property Sales.

CONCLUSION

The proposed vacation of a portion of East 19th Street is in conformance with the City of Costa Mesa 2000 General Plan.

Attachments: 1. Planning Commission Resolution
 2. Correspondence from City Engineer dated October 1, 2008

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

File: 102708419E19ROWVac	Date: 101608	Time: 10:45 a.m.
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ATTACHMENT 1

Planning Commission Resolution

RESOLUTION NO. PC-08-

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 EAST 19TH STREET TO THE UNDERLYING FEE TITLE OWNERS OF 419 EAST 19TH 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 reported upon as to conformity with the applicable General Plan;

WHEREAS, the subject right-of-way is adjacent to 419 East 19th Street as shown in Exhibit "A";

WHEREAS, the Costa Mesa Planning Commission has reviewed the proposed abandonment.

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

PASSED AND ADOPTED this 27th day of October 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

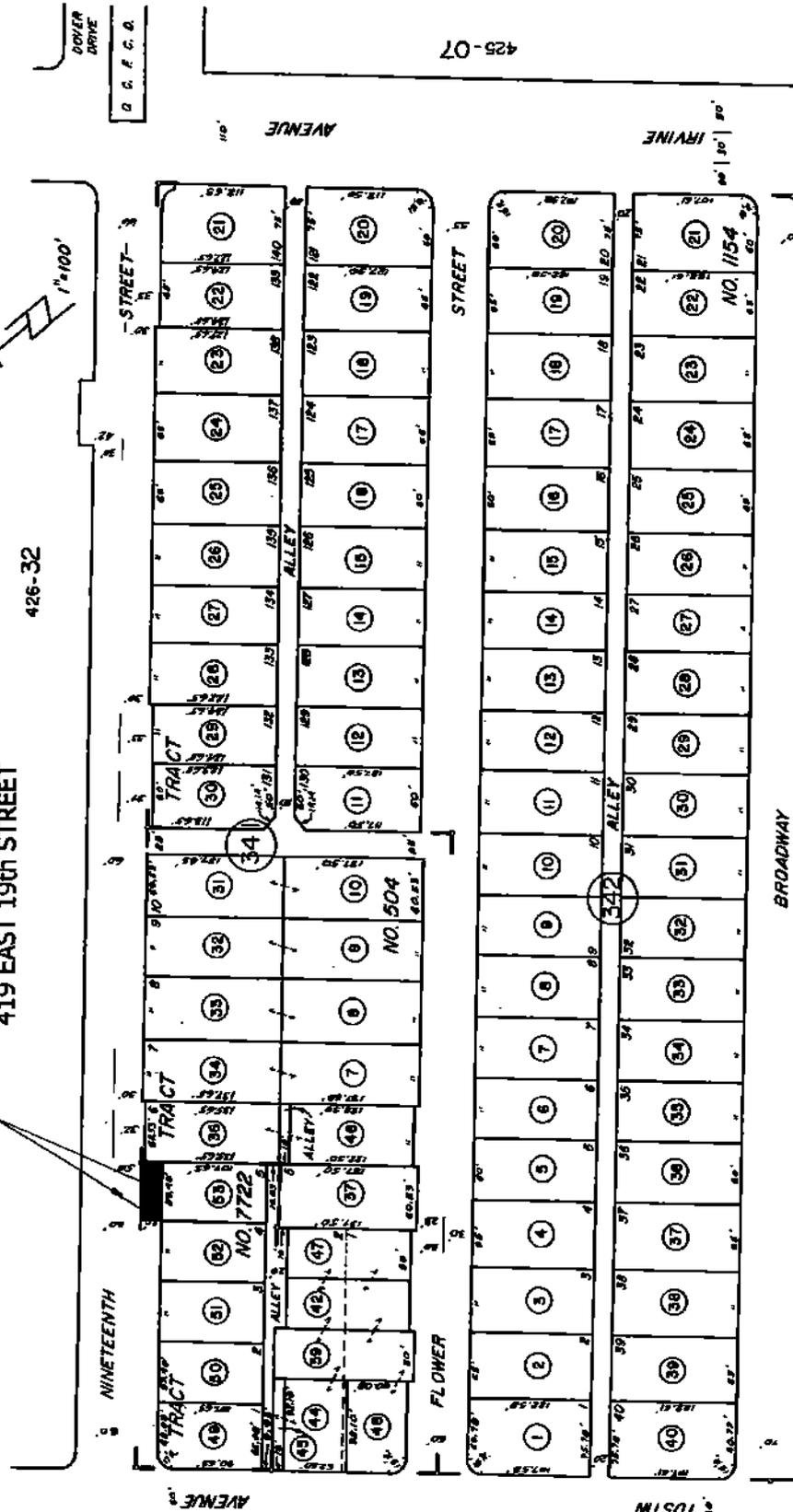
■ = PROPOSED VACATION AREA

EXHIBIT "A"

117-34

PROPOSED RIGHT-OF-WAY VACATION
419 EAST 19th STREET

426-32



MARCH 1951

TRACT NO. 504
TRACT NO. 1154
TRACT NO. 7722

M.M. 17-51
M.M. 37-11,12
M.M. 299-20,21

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

ASSESSOR'S MAP
BOOK 117 PAGE 34
COUNTY OF ORANGE

6

425-07

D. C. F. C. O.
DOVER DRIVE

STREET-3

NINETEENTH

AVENUE

AVENUE

IRVINE

STREET 3

FLOWER

TUSTIN

BROADWAY

33

29

ATTACHMENT 2

Correspondence from City Engineer dated October 1, 2008

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Kimberly Brandt, Assistant Development Services Director

FROM:  Ernesto Muñoz, City Engineer

DATE:  October 1, 2008

**SUBJECT: PROPOSED VACATION OF A PORTION OF EAST 19th STREET
AT 419 EAST 19th STREET**

At the request of Mrs. Jenay Llewellyn Houck, the Engineering Division is preparing to proceed with the vacation of a portion of East 19th Street right-of-way. This portion of 19th Street is adjacent to Mrs. Houck's property at 419 East 19th Street (see attached exhibit 1).

East 19th Street was designated on a much earlier version of the Master Plan of Highways as a six-lane Primary Highway with a 100-foot full-width right-of-way. However, per the current Master Plan of Highways, East 19th Street from City limits to Newport Boulevard has been downgraded to a two-lane collector designation of 60 feet. Per the Transportation Services Division, the remainder of East 19th Street has been constructed to fulfill the Master Plan of Highways' capacity requirement within an existing 60-foot full-width right-of-way. This results in 20 feet of excess right-of-way at this location. The proposed vacation would comply with the current standard Primary classification and be consistent with the existing improvements and the 60-foot full-width right-of-way and half-width of 30 feet on subject side.

Currently, there are no overhead power lines or underground utilities located within this portion of the public right-of-way and therefore, a reservation for a utility easement is not required. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions who have determined that this portion of East 19th Street is not necessary 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 owner of 419 East 19th Street, Mrs. Houck.

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 October 27, 2008. Please submit a confirmation that this request has been received and scheduled.

Information or assistance required for this project may be obtained from Brad Edwards, Engineering Technician, at extension 5066.

Attachment: Exhibit 1 - Proposed Vacation of Excess Right-Of-Way

c: Fariba Fazeli, Senior Engineer
Raja Sethuraman, Transportation Services Manager
Brad Edwards, Engineering Technician III

