



# **PLANNING COMMISSION AGENDA REPORT**

VI. 1

MEETING DATE: JANUARY 26, 2009

ITEM NUMBER:

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION FOR PROPOSED VACATION OF  
EXCESS PUBLIC RIGHT-OF-WAY  
NORTH SIDE OF WILSON STREET AT MODJESKA CIRCLE**

**DATE: JANUARY 15, 2009**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611**

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## **PROJECT DESCRIPTION**

The Engineering Division is proposing to vacate excess public right-of-way for several properties located on the north side of Wilson Street at Modjeska Circle.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution.

Handwritten signature of Mel Lee in black ink.

MEL LEE, AICP  
Senior Planner

Handwritten signature of Kimberly Brandt in black ink.

KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## **ANALYSIS**

The portion of Wilson Street to be vacated is generally located on the north side of Wilson Street, between Canyon Drive and Republic Avenue. The public right-of-way immediately abuts the following properties that front on Modjeska Circle: \*979, 983, 987, 991, 995, and 999 Modjeska Circle (Attachment 3).

At the request of the owners of the above properties on Modjeska Circle, the Engineering Division is proposing to vacate 12 feet of excess right-of-way at the rear of each property.

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires that right-of-way or other real property cannot be vacated or abandoned without a finding being made that such vacation or abandonment conforms to the General Plan.

Wilson Street was designated as a six-lane Primary Highway (106 feet in width) on an earlier version of the City's Master Plan of Highways. However, under the current Master Plan of Highways, this portion of Wilson Street was downgraded to a Two-Lane Collector (60 feet in width). According to the information provided in the Engineering Division memo dated December 4, 2008 (Attachment 2), the affected excess right-of-way has been determined to be unnecessary for public streets and highway purposes.

## **ENVIRONMENTAL DETERMINATION**

This request is exempt from the provisions of the California Environmental Quality Act, under Class 12, Surplus Government Property Sales.

## **CONCLUSION**

The proposed vacation of excess public right-of-way conforms to the City's 2000 General Plan.

- Attachments:
1. Draft Planning Commission Resolution and Exhibits
  2. Engineering Division Memo Dated December 4, 2008
  3. Site Photo

cc:

- Deputy City Manager - Dev. Svs. Director
- Deputy City Attorney
- City Engineer
- Fire Protection Analyst
- Staff (4)
- File (2)

File: 012609ExcessPublicROW	Date: 010809	Time: 8:45 a.m.
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# ATTACHMENT 1

## RESOLUTION NO. PC-09-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE PROPOSED VACATION OF EXCESS PUBLIC RIGHT-OF-WAY AT THE NORTH SIDE OF WILSON STREET AT MODJESKA CIRCLE CONFORMS TO THE GENERAL PLAN

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the Costa Mesa City Council adopted the City of Costa Mesa 2000 General Plan on January 22, 2002; and,

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not acquire or lease real property nor abandon or dispose of any real property, nor construct a public building or structure in any county or city, until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto; and,

WHEREAS, the City of Costa Mesa proposes to abandon a portion of the excess public right-of-way at the north side of Wilson Street at Modjeska Circle, more particularly described on attached Exhibits "1" and "2"; and,

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

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby finds that the proposed abandonment of excess public right-of-way is in conformity with the adopted General Plan.

**PASSED AND ADOPTED this 26th day of January, 2009.**

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Donn Hall Chair,  
Costa Mesa Planning Commission

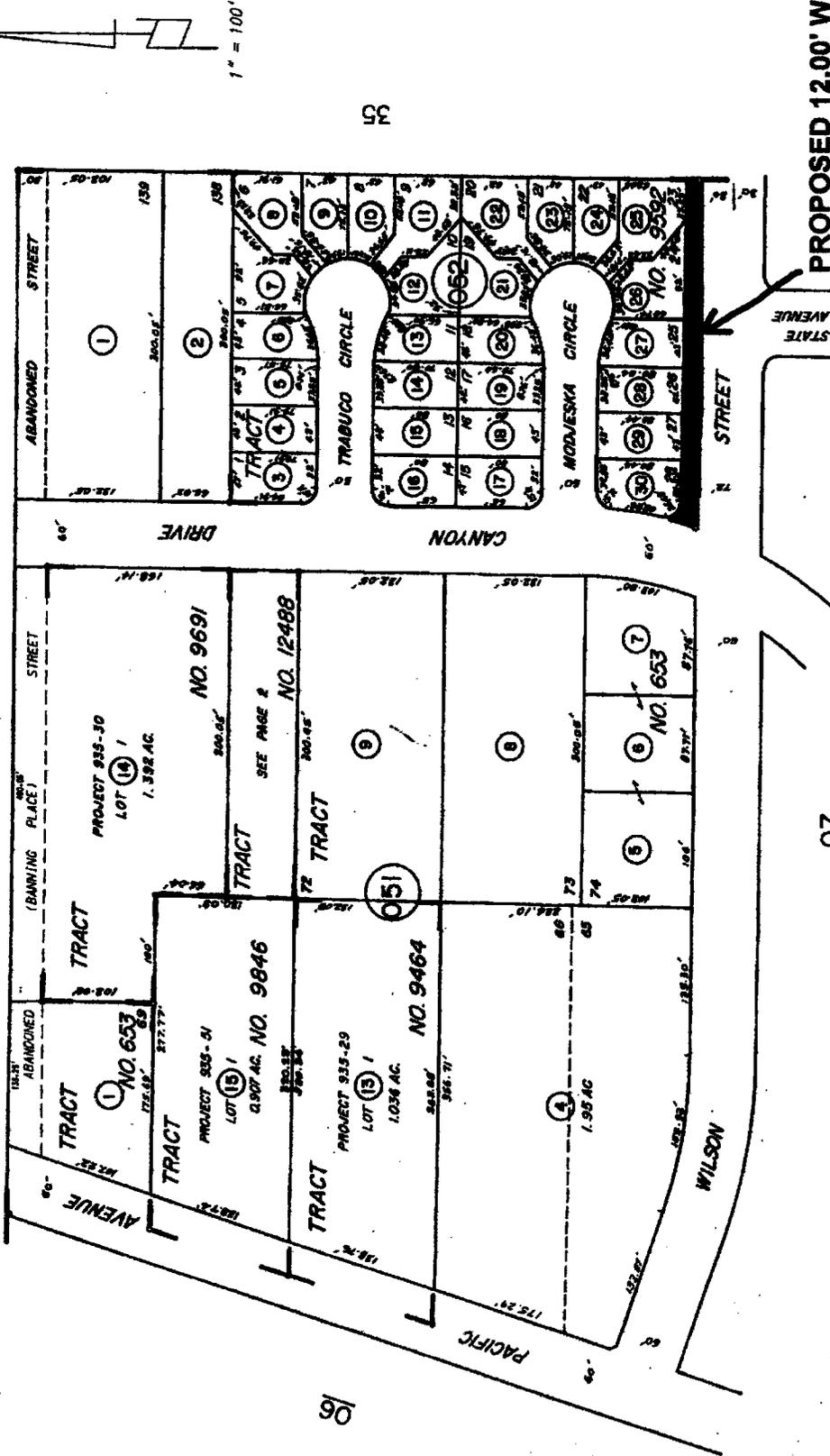


# EXHIBIT 1

42205-00  
422-05  
PAGE 1 OF 2

420-01 = PROPOSED RIGHT-OF-WAY VACATION AREA

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. © COPYRIGHT ORANGE COUNTY ASSESSOR 2000



PROPOSED 12.00' WIDE  
RIGHT-OF-WAY VACATION  
AREA



ASSESSOR'S MAP  
BOOK 422 PAGE 05  
COUNTY OF ORANGE

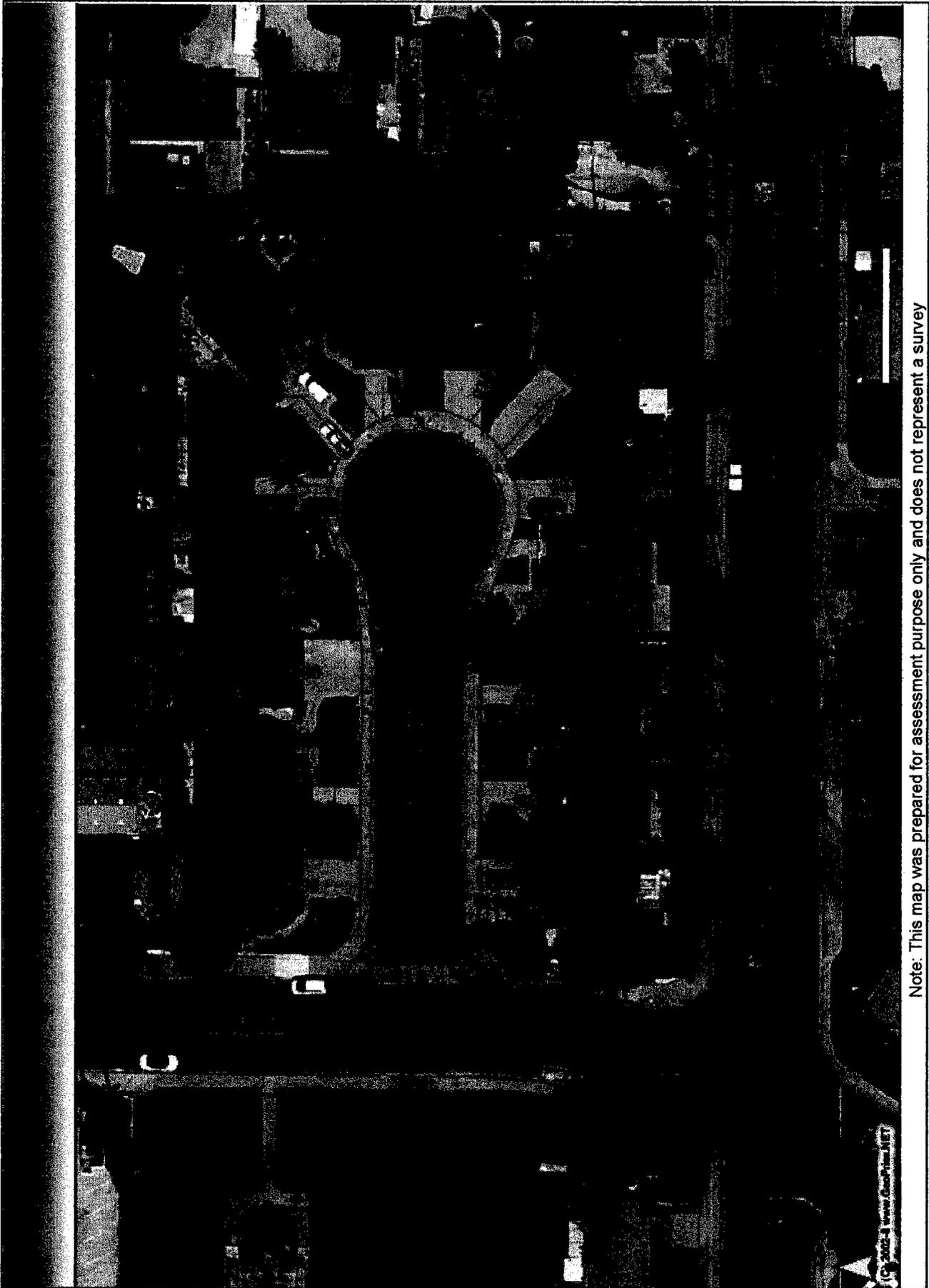
NOTE - ASSESSOR'S BLOCK &  
PARCEL NUMBERS  
SHOWN IN CIRCLES

M.M. 19-42  
M.M. 400-49,50  
M.M. 402-22,23,24  
M.M. 416-43,44,45  
M.M. 430-23,30  
M.M. 502-41,46

TRACT NO. 653  
TRACT NO. 9691  
TRACT NO. 9846  
TRACT NO. 9464  
TRACT NO. 9846  
TRACT NO. 12488

MARCH 1978

# EXHIBIT 2



Note: This map was prepared for assessment purpose only and does not represent a survey.

 = PROPOSED RIGHT-OF-WAY VACATION AREA

# ATTACHMENT 2

## 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:** December 4, 2008

**SUBJECT: PROPOSED VACATION OF A PORTION OF WILSON STREET  
AT MODJESKA CIRCLE**

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At the request of Mrs. Nikki D. Yocham, the Engineering Division is proceeding with the vacation of a portion of Wilson Street right-of-way. Mrs. Yocham is representing five other adjacent property owners in alliance for the requested vacation of right-of-way. The subject portion of Wilson Street is adjacent to their properties at 979, 983, 987, 991, 995 and 999 Modjeska Circle (see attached exhibit 1 & 2).

Wilson Street was designated on a much earlier version of the Master Plan of Highways as a six-lane Primary Highway with a 106-foot full-width right-of-way. However, per the current Master Plan of Highways, Wilson Street from Placentia Avenue to Pacific Avenue has been downgraded to a two-lane collector designation of 60 feet. Per the Transportation Services Division, the remainder of Wilson 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 12 feet of excess right-of-way at this location. The proposed vacation would comply with the current standard Collector classification and be consistent with the existing improvements and the 60-foot full-width right-of-way and half-width of 30 feet on the subject side.

Currently, there are no overhead power lines utilities located within this portion of the public right-of-way. However, there is an existing City 5' X 2' box storm drain servicing runoff from Modjeska Circle to Wilson Street and a City Storm Drain easement reservation would be required. The City storm drain easement would affect two of the five adjacent properties. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that this portion of Wilson 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 owners of 979, 983, 987, 991, 995 and 999 Modjeska Circle.

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 January 26, 2009. 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 & 2 - Proposed Vacation of Excess Right-Of-Way

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

**ATTACHMENT 3**



**PUBLIC RIGHT-OF-WAY  
NORTH SIDE OF WILSON STREET  
LOOKING EAST FROM CANYON DRIVE**