



PLANNING COMMISSION

AGENDA REPORT

VI. 4

MEETING DATE: MARCH 14, 2011

ITEM NUMBER:

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
VACATION OF EXCESS PUBLIC RIGHT-OF-WAY
766 SAINT CLAIR STREET**

DATE: MARCH 3, 2011

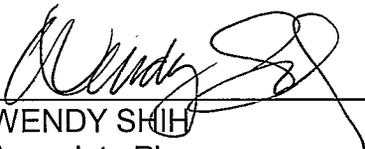
**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136
WSHIH@CI.COSTA-MESA.CA.US**

DESCRIPTION

The City of Costa Mesa proposes to vacate a portion of the Saint Clair Street public right-of-way to the underlying fee title owners at 766 Saint Clair Street. Pursuant to Government Code Section 65402, the Costa Mesa Planning Commission must find the vacation of right-of-way to be in conformance with the City's 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



KHANH NGUYEN
Asst. Development Services Director

ANALYSIS

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires that the Planning Commission review and approve certain actions related to City property. Actions related to acquiring, using, or disposing of property within the City of Costa Mesa the Planning Commission must make required findings that the proposed vacation or use for conformity with the General Plan.

At the request of Mark Kaplan, property owner of 766 Saint Clair Street, the Engineering Division is preparing to vacate a portion of Saint Clair Street public right-of-way adjacent to his property. The property is located at the end of the cul-de-sac adjacent to the Corona Del Mar 73 Freeway, as shown in Attachments 1 and 2 of the attached resolution.

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

- *This portion of the right-of-way serves no public street or highway purpose.* The area is surplus right-of-way from the Corona Del Mar 73 Freeway expansion and transformation of Saint Clair Street into a cul-de-sac in 1974. 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.
- *Proposed action conforms to General Plan Goal CIR-1.* As described in the Circulation Element, it is the City's goal to provide for a balanced, uncongested, safe, and energy-efficient transportation system. Given that this portion of the public right-of-way serves no public street or highway purpose, the proposed action will not impact the City's transportation system 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 Saint Clair Street is in conformance with the City of Costa Mesa 2000 General Plan.

Attachment: 1. Draft Planning Commission Resolution

Distribution: Development Services Director
Deputy City Attorney
City Engineer
Transportation Svs. Mgr.
Staff (4)
File (2)

File: 031411ROWVac766SaintClair	Date: 022411	Time: 9:15 a.m.
---------------------------------	--------------	-----------------

RESOLUTION NO. PC-11-

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 SAINT CLAIR STREET TO THE UNDERLYING FEE TITLE OWNERS OF 766 SAINT CLAIR 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, requires the City of Costa Mesa shall not acquire, use, or dispose of any real property until the use of the property has been found in conformance with the City's General Plan;

WHEREAS, the proposed right-of-way vacation has been reviewed by the Engineering and Transportation Services Divisions, and based on the existing land use and freeway configuration, it is no longer required for public street and highway purposes.

WHEREAS, the subject right-of-way adjacent to 766 Saint Clair Street is shown in Exhibit "A" (City Engineer's memo dated February 9, 2011);

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 in conformance to the City of Costa Mesa 2000 General Plan.

PASSED AND ADOPTED this 14th day of March 2011.

COLIN MCCARTHY
Chair, Costa Mesa Planning Commission

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Kimberly Brandt, Development Services Director

FROM:  Ernesto Muñoz, City Engineer

DATE: February 9, 2011

SUBJECT: PROPOSED VACATION OF A PORTION OF SAINT CLAIR STREET AT 766 SAINT CLAIR STREET

At the request of Mr. Mark Kaplan, the Engineering Division is preparing to proceed with the vacation of a portion of Saint Clair Street right-of-way. The proposed vacation is adjacent to Mr. Kaplan's property at 766 Saint Clair Street (see attached exhibit 1).

The proposed vacation area is surplus right-of-way from the Corona Del Mar 73 freeway expansion back in 1974. Together with the freeway construction, Saint Clair Street was transformed into a cul-de-sac street which produced the surplus right-of-way.

The proposed right-of-way vacation has been reviewed by the Engineering and Transportation Services Divisions, and based on the existing land use and freeway configuration, it is no longer required for public street and highway purposes.

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 Saint Clair 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 766 Saint Clair Street, Mr. Kaplan.

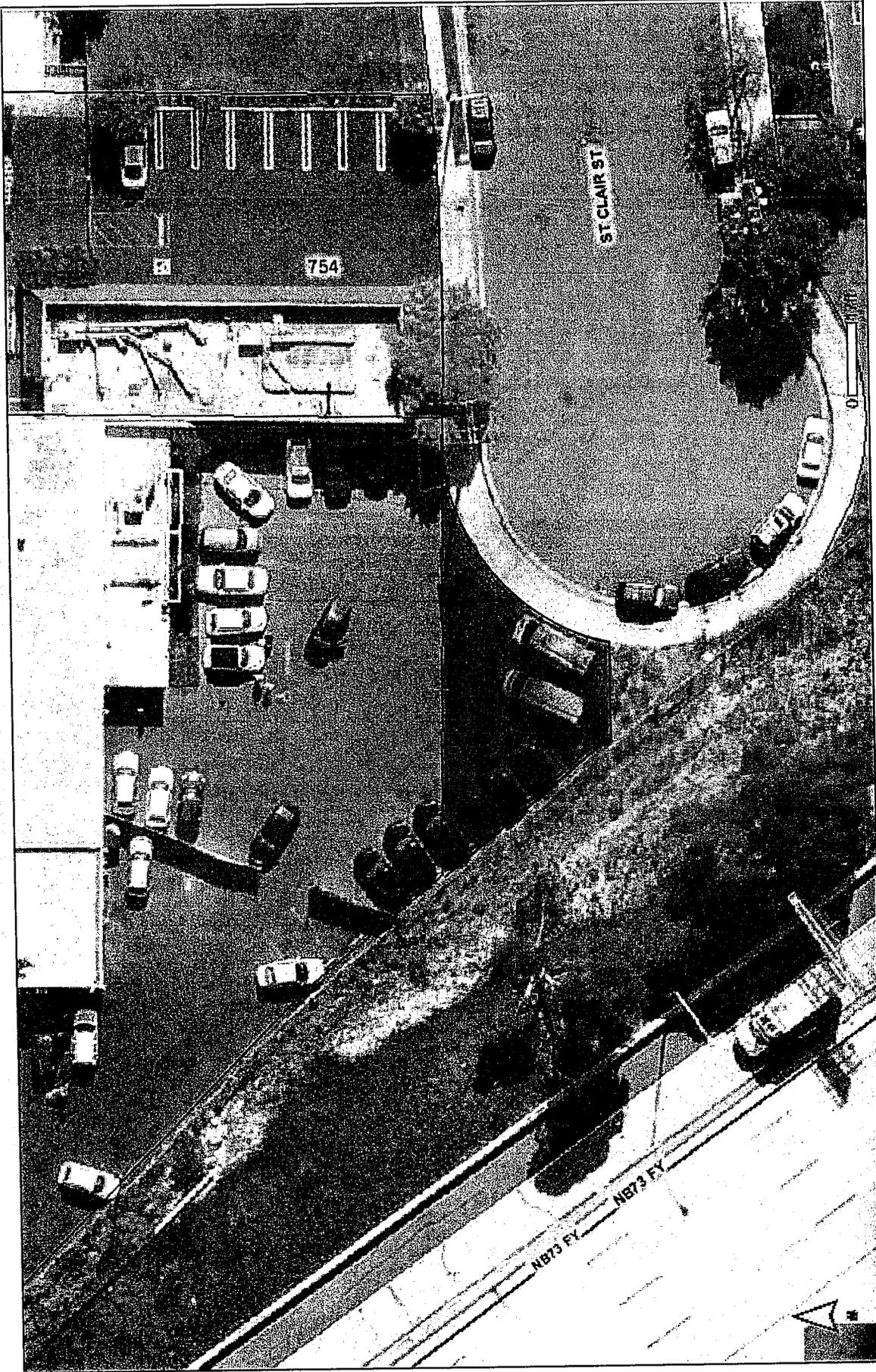
It is requested that the Planning Division provide a determination of consistency with the General Plan and present the vacation of this excess right-of-way to the Planning Commission meeting of March 14, 2011. Please submit a confirmation that this request has been received and scheduled.

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

Attachment: Exhibits 1-3 - Proposed Vacation of Excess Right-Of-Way

- c: Peter Naghavi, Director, Public Services Department
- Raja Sethuraman, Transportation Services Manager
- Fariba Fazeli, Senior Engineer
- Brad Edwards, Engineering Technician III

766 Saint Clair Right-of-Way Vacation



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



= PROPOSED AREA TO BE VACATED

ATTACHMENT 2

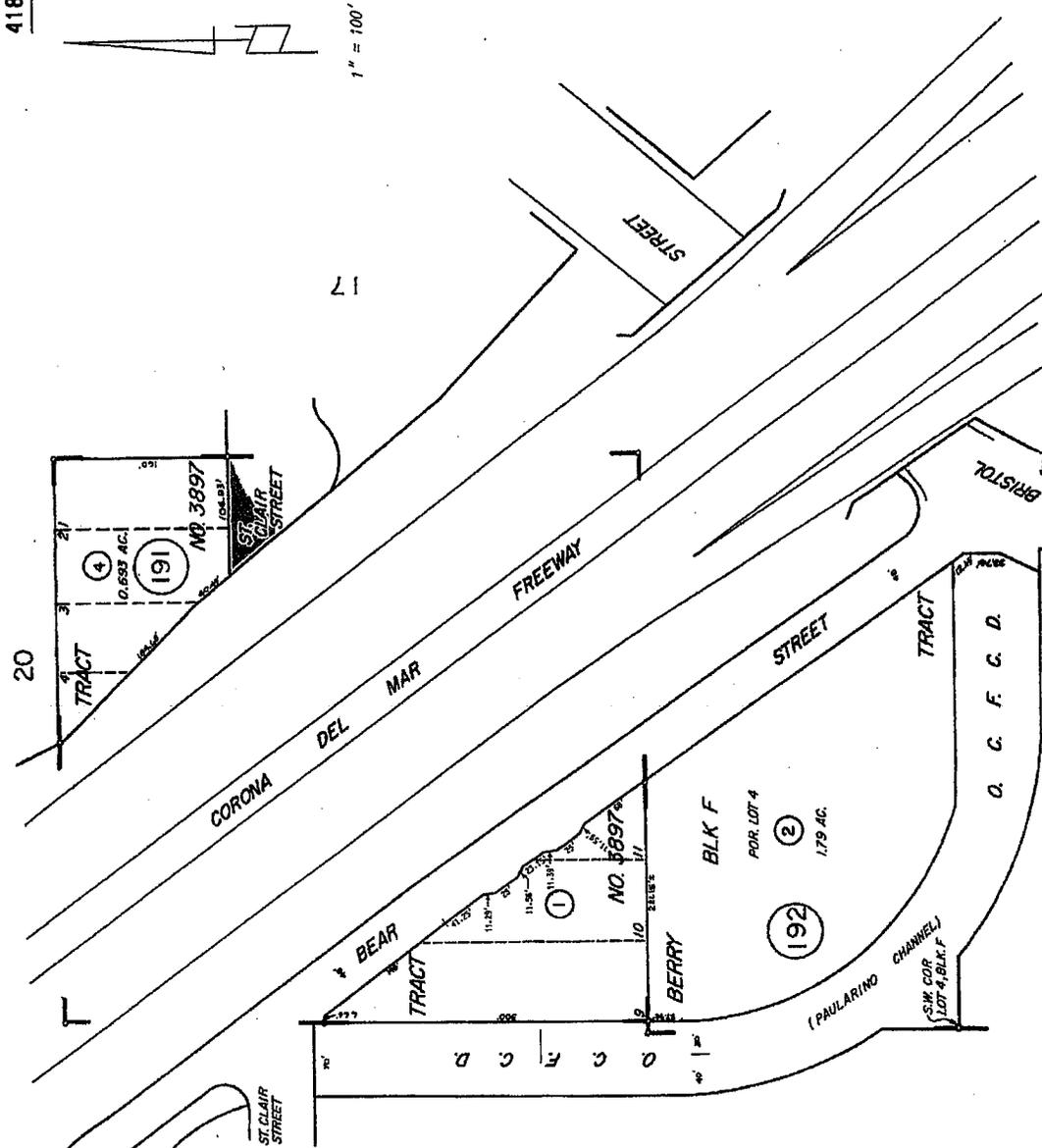
418-19

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR'S OFFICE FOR PURPOSES ONLY. COUNTY ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 1999



= PROPOSED AREA TO BE VACATED

141-54



BERRY TRACT L.A. 2-161
TRACT NO. 3697 MM138-5,5

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



MARCH 1983

8

EXHIBIT "A"

SHEET 1 OF 2

**"LEGAL DESCRIPTION"
OF VACATION OF A PORTION OF
ST. CLAIRE STREET - CITY OF COSTA MESA**

THAT PORTION OF ST. CLAIRE STREET, DEDICATED TO THE CITY OF COSTA MESA PER TRACT NO. 3897, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 138 PAGES 5 AND 6 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF LOT 2 OF SAID TRACT NO. 3897, NORTH 01°00'19" EAST A DISTANCE OF 31.39 FEET FROM THE SOUTHWESTERLY CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE NORTHEASTERLY CALTRANS RIGHT-OF-WAY, BEING THE "73" FREEWAY; THENCE SOUTH 38°09'26" EAST ALONG LAST MENTIONED RIGHT-OF-WAY A DISTANCE OF 40.49 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2, BEING DISTANT SOUTH 88°59'27" EAST 25.57 FEET FROM THE SOUTHWESTERLY CORNER THEREOF, SAID LAST MENTIONED POINT ALSO BEING THE "TRUE POINT OF BEGINNING"; THENCE SOUTH 88°59'27" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 2 AND THE SOUTHERLY LINE OF LOT 1 OF SAID TRACT NO. 3897 A DISTANCE OF 105.60 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE BEING A POINT OF CUSP CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 50.00 FEET AND TO WHICH A RADIAL LINE BEARS NORTH 01°00'33" EAST AND ALSO BEING A POINT ON THE EXISTING NORTHERLY RIGHT-OF-WAY OF ST. CLAIRE STREET; THENCE SOUTHWESTERLY A DISTANCE OF 68.47 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°27'52" TO THE INTERSECTION OF THE CENTERLINE OF ST. CLAIRE STREET AND SAID CALTRANS RIGHT-OF-WAY; THENCE NORTH 88°59'27" WEST ALONG THE EXTENSION OF SAID CENTERLINE AND ALONG SAID CALTRANS RIGHT-OF-WAY A DISTANCE OF 23.84 FEET TO AN ANGLE POINT IN LAST MENTIONED RIGHT-OF-WAY; THENCE NORTH 38°19'08" WEST CONTINUING ALONG LAST MENTIONED RIGHT-OF-WAY A DISTANCE OF 51.71 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING THEREFROM AN EASEMENT FOR INGRESS AND EGRESS FOR THE PURPOSE OF MAINTAINING OR REPLACING ANY EXISTING UTILITIES WITHIN THE ABOVE DESCRIBED AREA.

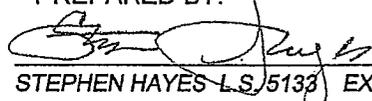
THE ABOVE DESCRIBED VACATION CONTAINING AN AREA OF 2,102 SQUARE FEET.

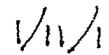
SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DOCUMENT CONSISTING OF TWO PAGES, (EXHIBITS "A" AND "B") WAS PREPARED BY ME OR UNDER MY SUPERVISION.



PREPARED BY:


STEPHEN HAYES L.S. 5133 EXPIRES 6-30-11


DATE

9



12 SEMBRADO - RANCHO SANTA MARGARITA - CA. 92688
TEL: (949) 459-8989 - FAX (949) 709-3040

EXHIBIT "B"

SHEET 2 OF 2

MAP TO ACCOMPANY LEGAL DESCRIPTION OF VACATION OF A PORTION OF "ST. CLAIRE STREET"

LEGEND



AREA TO BE "VACATED"

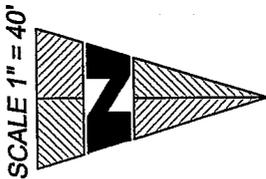


CALTRANS RIGHT-OF-WAY
NO ACCESS

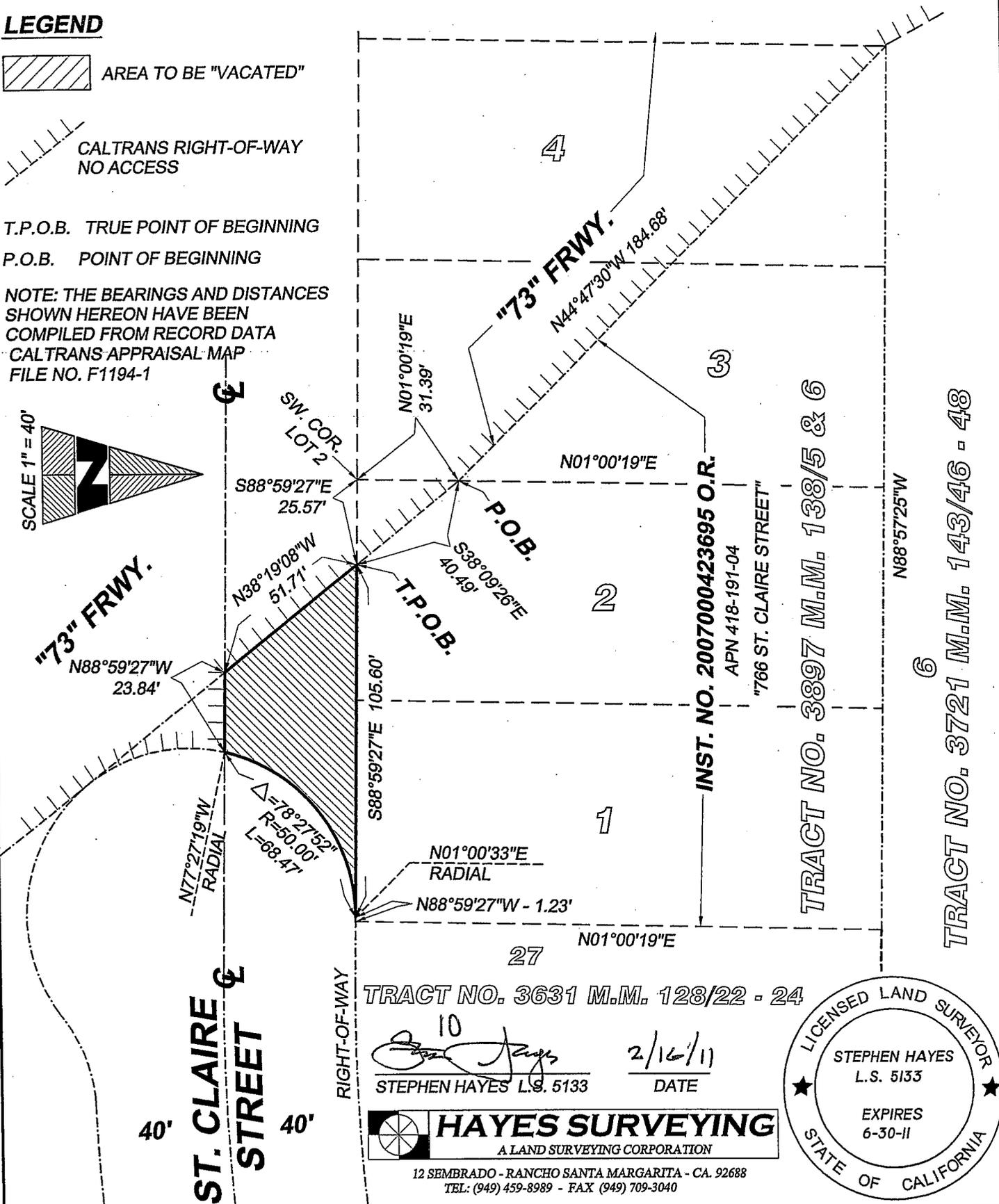
T.P.O.B. TRUE POINT OF BEGINNING

P.O.B. POINT OF BEGINNING

NOTE: THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN COMPILED FROM RECORD DATA CALTRANS APPRAISAL MAP FILE NO. F1194-1



SCALE 1" = 40'



ST. CLAIRE & STREET

TRACT NO. 3631 M.M. 128/22 - 24

Stephen Hayes
STEPHEN HAYES L.S. 5133
DATE 2/16/11

HAYES SURVEYING
A LAND SURVEYING CORPORATION

12 SEMBRADO - RANCHO SANTA MARGARITA - CA. 92688
TEL: (949) 459-8989 - FAX (949) 709-3040

