



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 24, 2014

ITEM NUMBER: CC-2

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION FOR PROPOSED VACATION OF A
PORTION OF PUBLIC RIGHT-OF-WAY
1854 FULLERTON AVENUE**

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

DATE: FEBRUARY 13, 2014

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov**

DESCRIPTION

The Engineering Division is proposing to vacate a portion of the public right-of-way for a portion of Fullerton Avenue at 1854 Fullerton Avenue.

RECOMMENDATION

Approve by adoption of Planning Commission resolution.

ANALYSIS

At the request of the property owner, the Engineering Division is proposing to vacate a portion of the public right-of-way for a portion of Fullerton Avenue at 1854 Fullerton Avenue.

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.

Fullerton Avenue is designated as a two lane collector on the current City's Master Plan of Highways. According to the information provided in the Engineering Division memo dated February 12, 2014 attached, the affected right-of-way has been determined to be unnecessary for public streets and highway purposes.

ENVIRONMENTAL DETERMINATION

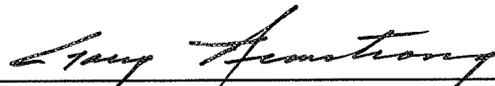
This request is exempt from the provisions of the California Environmental Quality Act, under Class 12, Surplus Government Property Sales.

CONCLUSION

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



MEL LEE, AICP
Senior Planner



GARY ARMSTRONG, AICP
Economic and Development Services Director/
Deputy CEO

- Attachments: 1. Draft Planning Commission Resolution
2. Engineering Division Memo Dated February 12, 2014

- cc: Director of Economic & Development / Deputy CEO
Sr. Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

RESOLUTION NO. PC-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE PROPOSED VACATION OF A PORTION OF THE PUBLIC RIGHT-OF-WAY OF FULLERTON AVENUE AT 1854 FULLERTON AVENUE 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 public right-of-way of Fullerton Avenue at 1854 Fullerton Avenue, more particularly described on the attached exhibit; 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 24th day of February, 2014.

Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Gary Armstrong, AICP Economic and Development Services
Director

FROM: Fariba Fazeli, City Engineer *F.F.*

DATE: February 12, 2014

**SUBJECT: PROPOSED VACATION OF A PORTION OF FULLERTON
AVENUE AT 1854 FULLERTON AVENUE**

At the request of Mr. Nicholas F. Schaumburg (Homeowner), the Engineering Division is preparing to proceed with the vacation of a portion of Fullerton Avenue right-of-way. This portion of Fullerton Avenue is adjacent to Mr. Schaumburg's property at 1854 Fullerton Street (Attachment 1). In conjunction with the vacation of right-of-way, Mr. Schaumburg is preparing to build an approved single family detached residence.

Per the current City's Master Plan of Highways, Fullerton Street is designated as a two-lane collector. Per the Transportation Services Division, the remainder of Fullerton Avenue has been constructed to fulfill the Master Plan of Highways' capacity requirement within an existing 45 to 50-foot full-width right-of-way. This results in 8.7 feet of excess right-of-way at this location. The proposed vacation and future dedication would comply with the current standard Primary classification and be consistent with the existing improvements and a 51.3-foot full-width right-of-way would remain with a parkway width of 10 feet on the subject side (Attachment 2).

Currently, there are no utilities 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 and it has been determined that this portion of Fullerton Avenue is not necessary for public street and highway purposes and consequently is not required for any motorist and/or non-motorist usage. It is therefore, recommended that 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 1854 Fullerton Avenue, Mr. Schaumburg.

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 24, 2014. 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.

Attachments: 1 - Proposed Vacation of Excess Right-Of-Way
2 - Site Plan Exhibit

c: Raja Sethuraman, Transportation Services Manager
Brad Edwards, Engineering Technician III

DEED NO. 3805

EXHIBIT "A"
LEGAL DESCRIPTION FOR VACATION OF RIGHT OF WAY
A.P.N. 425-233-19

THE LAND REFERRED TO HEREIN IS SITUATED IN THE CITY OF COSTA MESA,
COUNTY OF ORANGE, STATE OF CALIFORNIA.

BEING A PORTION OF A PUBLIC HIGHWAY PER DEED OF RIGHT OF WAY TO THE
CITY OF COSTA MESA RECORDED NOVEMBER 23, 1927, IN BOOK 101, PAGE 172, OF
OFFICIAL RECORDS. SAID LAND LYING WITHIN A PORTION OF LOT 4 OF BLOCK
"B" OF TRACT NO. 377, RECORDED IN BOOK 16, PAGE 16 OF MISCELLANEOUS
MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

THE SOUTHEASTERLY 8.70 FEET OF THE 14.70 FEET, LYING ADJACENT TO AND
SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF FULLERTON
AVENUE, AS SHOWN ON A MAP OF TRACT NO. 377, SAID STRIP OF LAND BEING
BOUNDED NORTHEASTERLY BY THE NORTHEASTERLY LINE OF SAID LOT 4, AND
BOUNDED SOUTHWESTERLY BY THE SOUTHWESTERLY LINE OF SAID LOT 4.

SEE EXHIBIT "B" ATTACHED HERETO, BY THIS REFERENCE MADE A PART OF.

PREPARED BY ME OR UNDER MY DIRECTION

Loren K. Toomey
LOREN K. TOOMEY, P.L.S. 4459

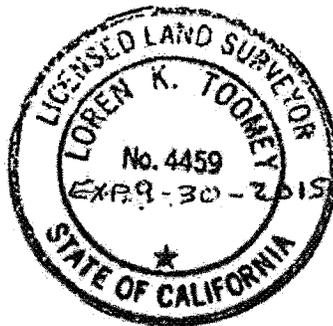
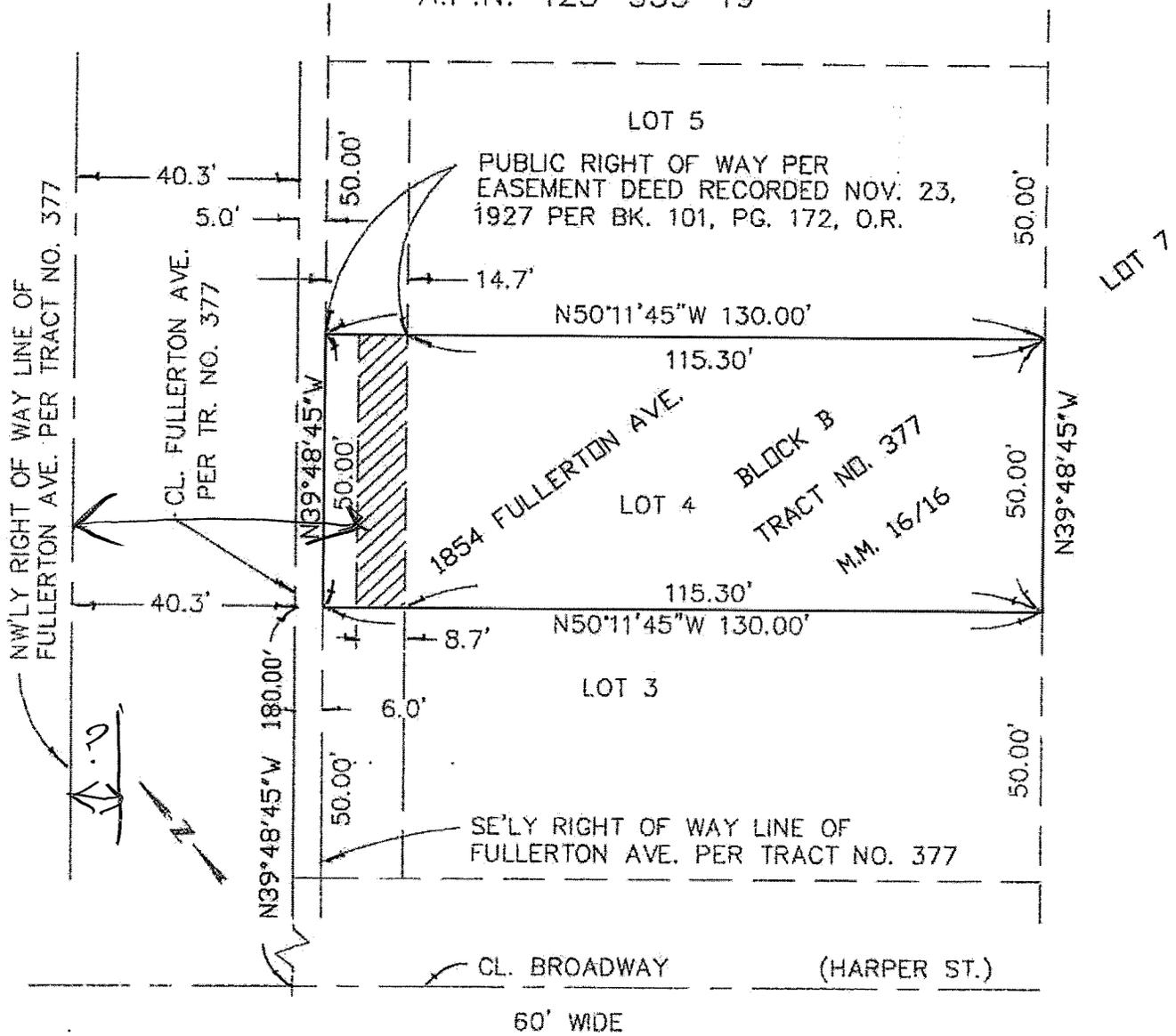
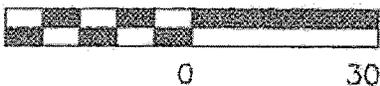


EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
 VACATION OF RIGHT OF WAY
 A.P.N. 425-333-19



SCALE 1"=30'



8.70 FEET OF EXISTING RIGHT OF WAY RECORDED NOV. 23, 1927 PER BK. 101, PG. 172, O.R. TO BE VACATED.

CITY OF COSTA MESA

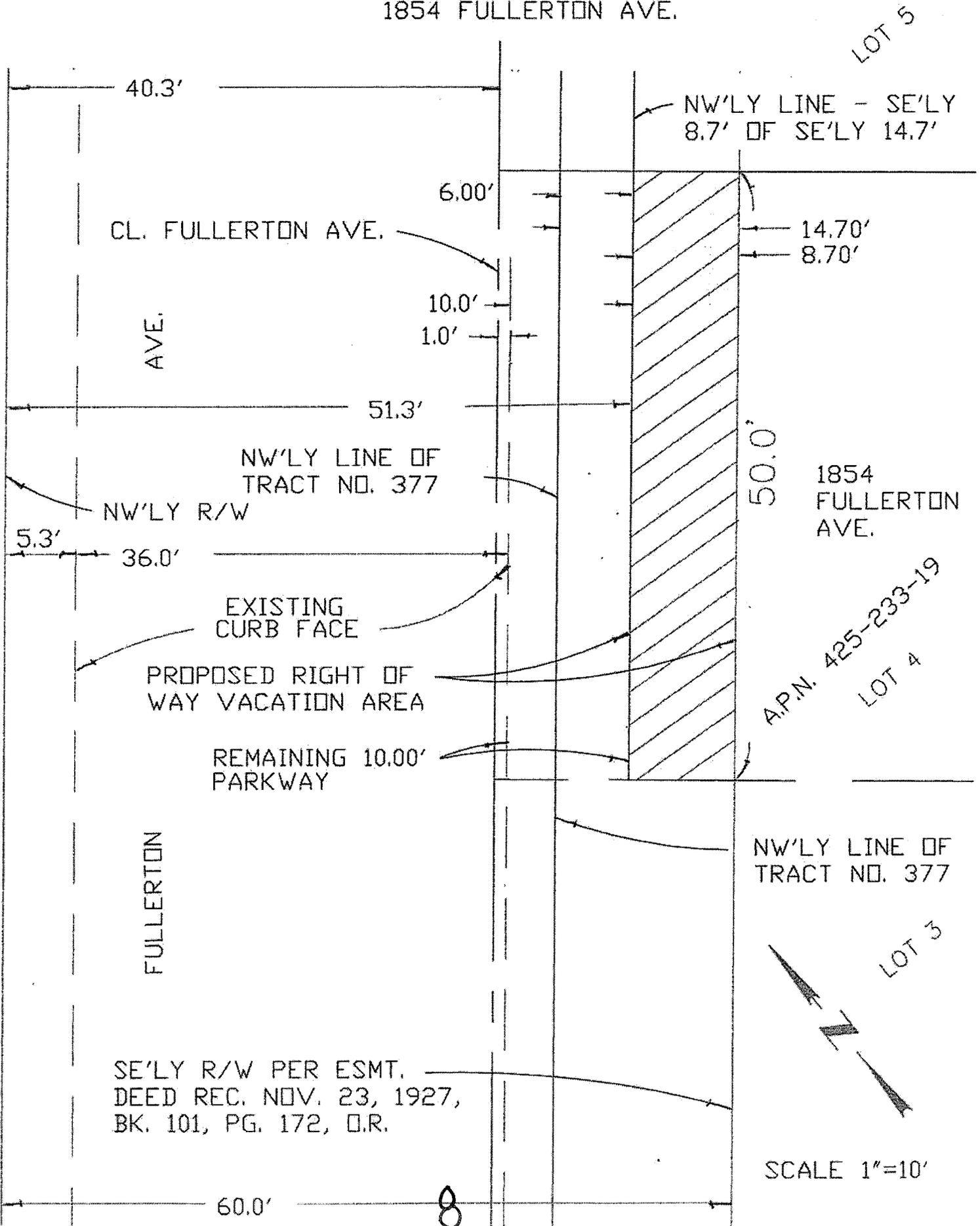
A.P.N. 425-233-19
 1854 FULLERTON AVE.

DEED NO. 3805
 SCALE: AS SHOWN

DRAWN BY: LKT
 DATE: DEC. 5, 2013

THIS IS NOT A SURVEY BUT IS COMPILED FROM EXISTING RECORDS

ATTACHMENT #2
 VACATION OF RIGHT OF WAY
 1854 FULLERTON AVE.



LOT 5

NW'LY LINE - SE'LY
 8.7' OF SE'LY 14.7'

CL. FULLERTON AVE.

6.00'

14.70'
 8.70'

AVE.

10.0'
 1.0'

51.3'

NW'LY LINE OF
 TRACT NO. 377

50.0'

1854
 FULLERTON
 AVE.

NW'LY R/W

5.3'

36.0'

EXISTING
 CURB FACE

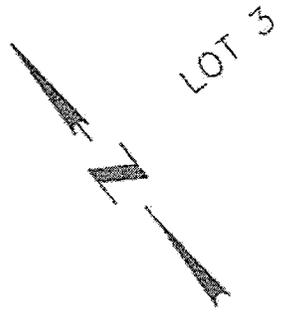
PROPOSED RIGHT OF
 WAY VACATION AREA

A.P.N. 425-233-19
 LOT 4

REMAINING 10.00'
 PARKWAY

NW'LY LINE OF
 TRACT NO. 377

FULLERTON



SE'LY R/W PER ESMT.
 DEED REC. NOV. 23, 1927,
 BK. 101, PG. 172, D.R.

SCALE 1"=10'

60.0'

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