



# **PLANNING COMMISSION**

## **AGENDA REPORT**

MEETING DATE: OCTOBER 27, 2014

ITEM NUMBER: CC-2

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION  
VACATION OF PORTION OF A UTILITY EASEMENT ON PACIFIC AVENUE  
ON THE PROPERTY LOCATED AT 2294 PACIFIC AVENUE**

**FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: JOSHUA MONTEMAYOR, PLANNING TECHNICIAN**

**DATE: OCTOBER 16, 2014**

**FOR FURTHER INFORMATION CONTACT: JOSHUA MONTEMAYOR (714) 754-5608  
joshua.montemayor@costamesaca.gov**

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### **DESCRIPTION**

The City of Costa Mesa proposes to vacate a portion of a City utility easement within the property limits of 2294 Pacific Avenue. The utility easement was originally dedicated by a reservation from the right-of-way vacation of Banning Place. Pursuant to Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property), the Costa Mesa Planning Commission must find that right-of-way or other real property cannot be vacated or abandoned without a finding being made that such vacation or abandonment to be in conformance with the City's 2000 General Plan. Furthermore, being that Banning Place was a vacated street, there are no Master Plan of Highways' requirements to fulfill. The Planning Commission must also find that the utility easement vacation will serve the public interest and is a public benefit.

### **RECOMMENDATION**

Adopt attached resolution finding that the City utility easement vacation is in conformance with the City of Costa Mesa 2000 General Plan, will serve the public interest, and is a public benefit.

## **BACKGROUND**

### ***Site Location/Environs***

The portion of the City utility easement proposed to be vacated is located within the property limits of 2294 Pacific Avenue, a portion of Banning Place, lying northerly of the property and lies parallel to Fairview Regional Park. The portion of the utility easement to be vacated is approximately 3,522 square feet, of the vacated Banning Place.

## **ANALYSIS**

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 2000 General. In actions related to acquiring, using,, or disposing of other real 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 by the property owner at 2294 Pacific Avenue, and in conjunction with Tract Map number 17705 and Planning Application PA-13-35, the Engineering Division is proposing to vacate a portion of a utility easement on Pacific Avenue at 2294 Pacific Avenue. The utility easement to be vacated is 30 feet wide and was originally dedicated by a reservation from the right-of-way vacation of Banning Place. Responses from the utility notifications showed that there are no underground utilities within the proposed easement area to be vacated. However, SCE would like to have 5 feet of the existing utility easement remain. SCE has overhead cross arms encroaching from the adjacent property to the north and would like to maintain 5 feet of accessibility on the subject property. Therefore, 25 feet of the 30 foot wide utility easement would be vacated, as shown in in Attachments 1 and in 2 in the City Engineer's Memorandum.

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

- *Proposed vacation conforms to General Plan Goal LU-1D.* As described in the Land Use Element, it is the City's goal to ensure consideration of utility system capacities in land use planning and development processes. The utility easement was originally dedicated by a reservation from the right-of-way of Banning Place. Responses from the utility notifications showed that there are no underground utilities within the proposed easement area to be vacated. However, Southern California Edison (SCE) would like to have 5 feet of the existing easement remain to accommodate for overhead cross arms encroaching from the adjacent property to the north, and would like to maintain accessibility on the subject property.
- *Proposed vacation 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. Additionally, 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 is anticipated to serve the public interest and is anticipated to be a public benefit. The portion of vacated Banning Place has been found by the Engineering and Transportation Services Divisions not to be useful as a non-motorized transportation facility. As such, the vacation serves the public interest and is a public benefit since the vacated street area is unnecessary for present or future public use.

As a result of the vacation of the utility easement, the subject property will revert back to the owner of 2294 Pacific Avenue.

### **ENVIRONMENTAL DETERMINATION**

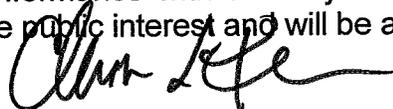
The vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the utility easement to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern.

### **CONCLUSION**

The proposed vacation of a portion of the 30 foot wide City utility easement on the property of 2294 Pacific Avenue is in conformance with the City of Costa Mesa 2000 General Plan and is anticipated to serve the public interest and will be a public benefit



JOSHUA MONTEMAYOR  
Planning Technician



CLAIRE FLYNN, AICP  
Assistant Development Services Director

- Attachments: 1. Draft Planning Commission Resolution  
2. City Engineer Memorandum dated October 8, 2014

Distribution      Assistant Chief Executive Officer  
Director of Economic & Development / Deputy CEO  
Deputy City Attorney  
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 CITY OF COSTA MESA'S VACATION OF A PORTION OF UTILITY EASEMENT ON THE PROPEORTY OF 2294 PACIFIC AVENUE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN AND WILL SERVE THE PUBLIC INTEREST AND IS A PUBLIC BENEFIT.**

**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 vacate a portion of a City utility easement within the property limits of 2294 Pacific Avenue. The utility easement was originally dedicated by a reservation from the right-of-way of Banning Place.

WHEREAS, the portion of the utility easement being vacated has been found by the Engineering and Transportation Services Division not to be useful as a non-motorized transportation facility, and as such, the vacation serves the public interest and is a public benefit since the vacated utility easement is unnecessary for present or future public use; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the utility easement to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern; and,

WHEREAS, the subject property is shown in Exhibit A (City Engineer's memo dated October 8, 2014); and,

WHEREAS, on October 27, 2014, the Costa Mesa Planning Commission review the proposed abandonment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of the utility easement in conformance with the City of Costa Mesa 2000 General Plan and serves the public interest and is a public benefit.

**PASSED AND ADOPTED this 27th day of October, 2014.**

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Jim Fitzpatrick, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS (APPROVE)

- A. The information presented substantially complies with the City of Costa Mesa 2000 General Plan Section 2.6 (Obj.) LU-1D in that:

**Finding:** The project complies with the City of Costa Mesa 2000 General Plan and meets the purpose and intent to insure consideration of utility system capacities in land use planning and development processes. Given the project area was originally dedicated within an existing right-of-way vacation of Banning Place, the proposed utility easement vacation conforms with the General Plan.

**Facts in Support of Findings:** Originally, the 30 foot utility easement was dedicated by a reservation from the right-of-way of Banning Place and responses from the utility notifications showed that there are no underground utilities within the proposed easement area to be vacated. However, Southern California Edison (SCE) would like to reserve 5 feet of the existing City easement remain to accommodate for overhead cross arms encroaching from the adjacent property to the north, and would like to maintain accessibility on the subject property. Therefore, 25 feet of the 30 foot easement would be vacated.

- B. The information presented substantially complies with the City of Costa Mesa 2000 General Plan Section 2.6 LU-2 in that:

**Finding:** 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. Additionally, 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.

**Facts in Support of Findings:** There are no Master Plan of Highways' requirements to fulfill because Banning Place was a vacated street. The portion of the utility easement being vacated has been found by the Engineering and Transportation Services Divisions not to be useful as a non-motorized transportation facility. As such, the vacation serves the public interest and is a public benefit since the vacated street area is unnecessary for present or future public use.

- C. The utility easement vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the utility easement to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern.

# CITY OF COSTA MESA

ATTACHMENT 2

Department of Public Services / Engineering

## INTER OFFICE MEMORANDUM

**TO:** Claire Flynn, Assistant Development Services Director  
**FROM:** Fariba Fazeli, City Engineer F.F.  
**DATE:** October 8, 2014  
**SUBJECT: PROPOSED VACATION OF A PORTION OF UTILITY EASEMENT AT 2294 PACIFIC AVENUE**

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The Engineering Division has received a request for the vacation of a portion of a 30 foot wide utility easement at 2294 Pacific Avenue (see Attachment 1). The utility easement is within the property limits of 2294 Pacific Avenue. This easement vacation is being requested by the property owner in conjunction with Tract Map no. 17705 (PA13-35). The utility easement was originally dedicated by a reservation from the right-of-way vacation of Banning Place. Responses from the utility notifications showed that there are no underground utilities within the proposed easement area to be vacated. However Southern California Edison (SCE) would like to have 5.00 feet of the existing utility easement remain. SCE has overhead cross arms encroaching from the adjacent property to the north and would like to maintain 5 feet of accessibility on the subject property, therefore, 25 feet of the 30 foot wide utility easement would be vacated. Being that Banning Place was a vacated street, there are no Master Plan of Highways' requirements to fulfill.

The proposed easement vacation area has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that this portion of the utility easement is not necessary for public or utility 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 utility easement vacation is approved and recorded, the subject vacated easement will revert back to the owner of 2294 Pacific Avenue.

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, 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.

Attachment: 1 - Proposed Vacation of a portion of utility easement

c: Brad Edwards, Engineering Technician III

EXHIBIT 'A'

Easement Vacation Legal Description

That portion of Banning Place lying northerly of Lot 69 of Tract No. 653, Fairview Highlands, in the City of Costa Mesa, County of Orange, State of California, as shown on a map thereof recorded in Book 19, page 42, of Miscellaneous Maps on file in the Office of the County Recorder of said county, described as follows:

Beginning at the northwest corner of said Lot 69, thence North 18°12'30" East 26.27 feet along the northerly prolongation of the westerly line of said Lot 69 to a line which is parallel with and 5.00 feet southerly of the northerly right-of-way line of Banning Place, 30.00 feet wide, as shown on said map, said right-of-way being also the northerly line of said Tract No. 653;

Thence South 89°39'38" East 136.86 feet along said parallel line to the northerly prolongation of the westerly line of the easterly 100.00 feet of said Lot 69;

Thence South 0°21'03" West 25.00 feet along said last mentioned northerly prolongation to the southerly right-of-way line of Banning Place as shown on said map, being also the northerly line of said Lot 69;

Thence North 89°39'38" West 144.91 feet along the northerly line of said Lot 69 to the northwest corner of Lot 69 and the Point of Beginning (P.O.B.).

Containing 3,522 square feet, more or less.

Attached and made a part hereof is Exhibit 'B'.

Prepared by:  
Robin B. Hamers & Associates, Inc.  
234 E. 17<sup>th</sup> Street, Suite 205  
Costa Mesa, CA 92627

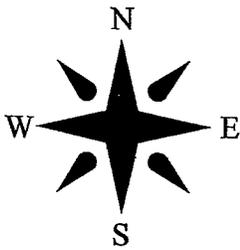
RBH  
Robin B. Hamers, RCE 31720

10/5/14  
Date



**EXHIBIT 'B'**

PLAT  
SCALE: 1"=40'



FAIRVIEW REGIONAL PARK

N'LY LINE TRACT 653

BANNING PLACE (VACATED)

589° 39' 38"E 136.86'

5.00'

5.00'

30'

PACIFIC AVENUE

N18° 12' 30"E  
26.27'

N89° 39' 38"W 144.91'

P.O.B.

N'LY LINE LOT 69

POR. LOT 69

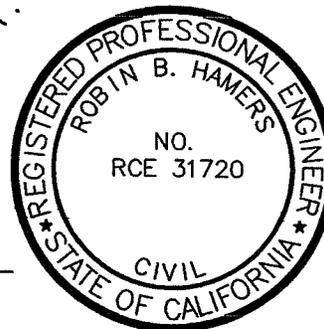
W'LY LINE OF E'LY  
100' OF LOT 69

500° 21' 03"W  
25.00'

TRACT NO. 9691

PREPARED BY:  
ROBIN B. HAMERS & ASSOCIATES, INC.  
234 E. 17TH STREET, SUITE 205  
COSTA MESA, CA 92627

TRACT NO. 653  
FAIRVIEW HIGHLANDS  
M.M. 19/42



*RBH*  
ROBIN B. HAMERS, RCE 21720

10/5/14  
DATE

THE BEARINGS SHOWN HEREON ARE BASED UPON THE BEARING BETWEEN O.C.S. HORIZONTAL CONTROL STATION GPS NO. 6201 AND STATION GPS NO. 6197R2 BEING NORTH 72°41'29" EAST, PER RECORDS ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR.

**CITY OF COSTA MESA**

**PUBLIC UTILITY  
EASEMENT VACATION**

DRAWN BY: MLB

DATE: 10/2/14