



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: FEBRUARY 23, 2015

ITEM NUMBER: CC-2

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
VACATION OF PORTION OF A RIGHT-OF-WAY ON FULLERTON AVENUE
ON THE PROPERTY LOCATED AT 155 FLOWER STREET**

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: JOSHUA MONTEMAYOR, PLANNING TECHNICIAN

DATE: FEBRUARY 9, 2014

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

DESCRIPTION

The City of Costa Mesa proposes to vacate a portion of a City right-of-way within the property limits of 155 Flower Street. The 8.7 feet of excess right-of-way portion at Fullerton Avenue to be vacated is adjacent to the property at 155 Flower Street. 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 Fullerton Avenue has been constructed with an existing 45 to 50-foot full-width right-of-way, there are no Master Plan of Highways' requirements to fulfill. The Planning Commission must also find that the right-of-way vacation will serve the public interest and is a public benefit.

RECOMMENDATION

Adopt attached resolution finding that the City right-of-way 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 right-of-way proposed to be vacated is a portion of Fullerton Avenue located within the property limits of 155 Flower Street. The right-of-way lies westerly of the subject property and runs parallel to Fullerton Avenue. The property at 155 Flower Street is zoned R2-HD (Multiple Family Residential, High Density) with a General Plan designation of High Density Residential. The surrounding properties are residential uses also zoned R2-HD. The portion of the right-of-way to be vacated at this location is 8.7 feet of Fullerton Avenue.

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 Plan. 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 of 155 Flower Partners, LLC (Homeowner), and in conjunction with preparation to build an approved single family detached residence, the Engineering Division is proposing to vacate a portion of Fullerton Avenue right-of-way at 155 Flower Street. The right-of-way to be vacated is 8.7 feet wide and was originally dedicated by 60 feet right-of-way granted to the City of Costa Mesa as a successor of interest from the County of Orange recorded May 13, 1926 in Book 649, 209 of Deeds. 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 the 8.7 feet of excess right-of-way to be vacated 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, as shown in Attachment 2 of the City Engineer Memorandum dated January 27, 2015.

Responses from the utility notifications showed that there are no utilities within the proposed right-of-way area to be vacated and therefore, a reservation for 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.

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. Responses from the utility notifications showed there are no utilities within the proposed right-of-way area to be vacated and therefore, a reservation for utility easement is not required. Additionally, it has been determined by review of the Engineering and Transportation Services Division that the proposed vacated right-of-way is not necessary for public street and highway purposes, and consequently not required for any motorist and/or non-motorist usage.
- 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. 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 proposed portion to be 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. Additionally, the proposed vacation and future dedication would be consistent with the existing improvements and the 51.3-foot full-width right-of-way would remain with a parkway width of 10 feet.

As a result of the vacation of the right-of-way, the subject vacated property will revert back to the owner of 1854 Fullerton Avenue, Mr. Schaumburg.

ENVIRONMENTAL DETERMINATION

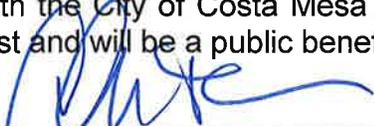
The vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the right-of-way to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern.

CONCLUSION

The proposed vacation of a portion of the 8.7 feet wide City right-of-way on the property of 155 Flower Street 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 Resolutions and Exhibit A
 2. Vicinity and Zoning Maps
 3. City Engineer Memorandum dated January 27, 2015

Distribution:

- Director of Economic & Development Services/Deputy CEO
- Assistant Development Services Director
- Senior Deputy City Attorney
- Public Services Director
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- Staff (6)
- File (2)

**ATTACHMENT 1:
DRAFT PLANNING COMMISSION RESOLUTION
& EXHIBIT A**

RESOLUTION NO. PC-15

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 RIGHT-OF-WAY ON THE PROPERTY OF 155 FLOWER STREET 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 right-of-way within the property limits of 155 Flower Street. The right-of-way to be vacated is was originally dedicated by 60 feet right-of-way granted to the City of Costa Mesa as a successor of interest from the County of Orange recorded May 13, 1926; and,

WHEREAS, the portion of the right-of-way 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 right-of-way 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 right-of-way 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 January 27, 2015); and,

WHEREAS, on February 23, 2015, the Costa Mesa Planning Commission review the proposed abandonment and findings;

BE IT RESOLVED, that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **APPROVES** the proposed vacation of the right-of-way with respect to the property described above.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of the right-of-way 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 23rd day of February 2015.

Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on February 23, 2015, by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Claire L. Flynn, Secretary
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 by 60 feet right-of-way granted to the City of Costa Mesa as a successor of interest from the County of Orange recorded on May 13, 1926, the proposed right-of-way vacation conforms with the General Plan.

Facts in Support of Findings: Originally, the 60 foot right-of-way on Fullerton Avenue was granted by the County of Orange to the City of Costa Mesa. Responses from the utility notifications showed that there are no underground utilities within the proposed right-of-way area to be vacated. Additionally, it has been determined by review of the Engineering and Transportation Services Division that the proposed vacated right-of-way is not necessary for public street and highway purposes, and consequently not required for any motorist and/or non-motorist usage.

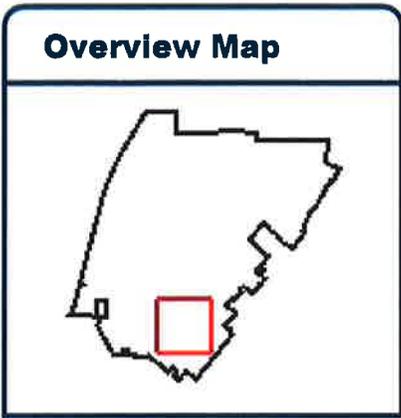
- B. The information presented substantially complies with the City of Costa Mesa 2000 General Plan Section 2.6 LU-2 in that:

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 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 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). The portion of the right-of-way 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.

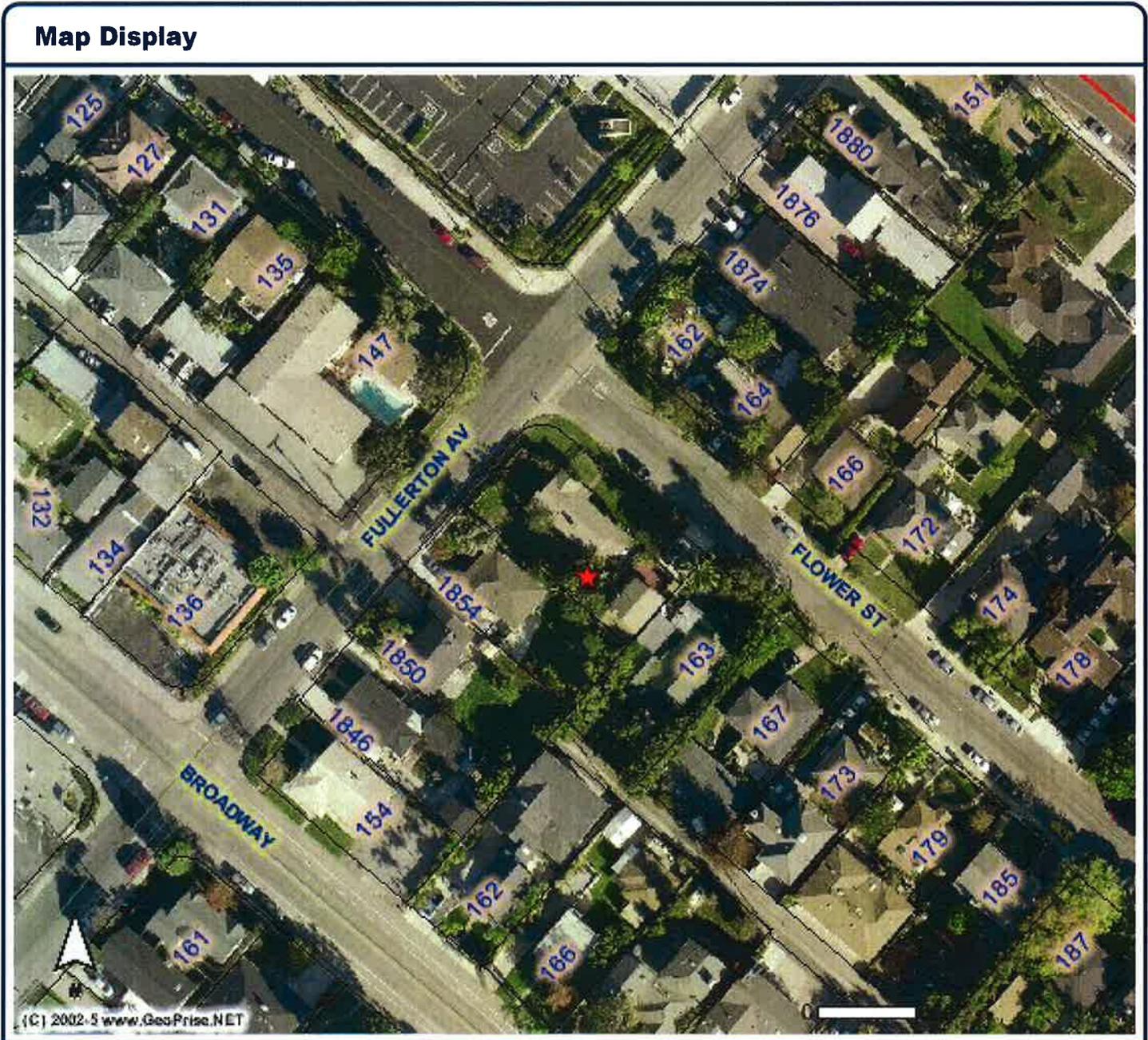
- C. The right-of-way vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the utility easement to be vacated is not located on a parcel of land in an area of statewide, regional, or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

**ATTACHMENT 2:
VICINITY AND ZONING MAPS**



Legend

Address Large	Address Points	Roads	Major Newport BLVD
	Freeway	Collector	Primary (cont)
		Freeway (cont)	





Legend

Address Large	Freeway	Newport BLVD Primary	Street Names
Address Points	Roads	SECONDARY	Street Centerlines
	Collector	Hydrology Channels	Parcel Lines
	Freeway (cont)		
	Major (cont)		



**ATTACHMENT 3:
CITY ENGINEER MEMORANDUM DATED
JANUARY 27, 2015**

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Claire Flynn, Assistant Development Services Director

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

DATE: January 27, 2015

SUBJECT: PROPOSED VACATION OF A PORTION OF FULLERTON AVENUE AT 155 FLOWER STREET

At the request of 155 Flower Partners, LLC (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 the property at 155 Flower Street (Attachment 1). In conjunction with the vacation of right-of-way, 155 Flower Partners, LLC are 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 23, 2015. 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 – Legal Description for Vacation of Excess Right-Of-Way
2 – Right-of-way Exhibit

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

EXHIBIT "A"
LEGAL DESCRIPTION FOR VACATION OF RIGHT OF WAY
APN 425-233-18

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 LOTS 5 AND 6 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 EASTERLY 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 SAID MAP OF TRACT NO. 377, SAID STRIP OF LAND BEING BOUNDED NORTHEASTERLY BY THE NORTHEASTERLY LINE OF SAID LOT 6 AND BOUNDED SOUTHWESTERLY BY THE WESTERLY LINE OF SAID LOT 5, SAID LINE ALSO BEING THE SOUTHERLY CURVED LINE AS DESCRIBED PER DEED OF RIGHT OF WAY TO THE CITY OF COSTA MESA, RECORDED DECEMBER 23, 1959 IN BOOK 5028, PAGE 479, OF OFFICIAL RECORDS.

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

PREPARED BY ME OR UNDER MY DIRECTION

NICHOLAS A. STREETER, P.L.S. 9067

ATTACHMENT #2



SCALE: 1"=20'

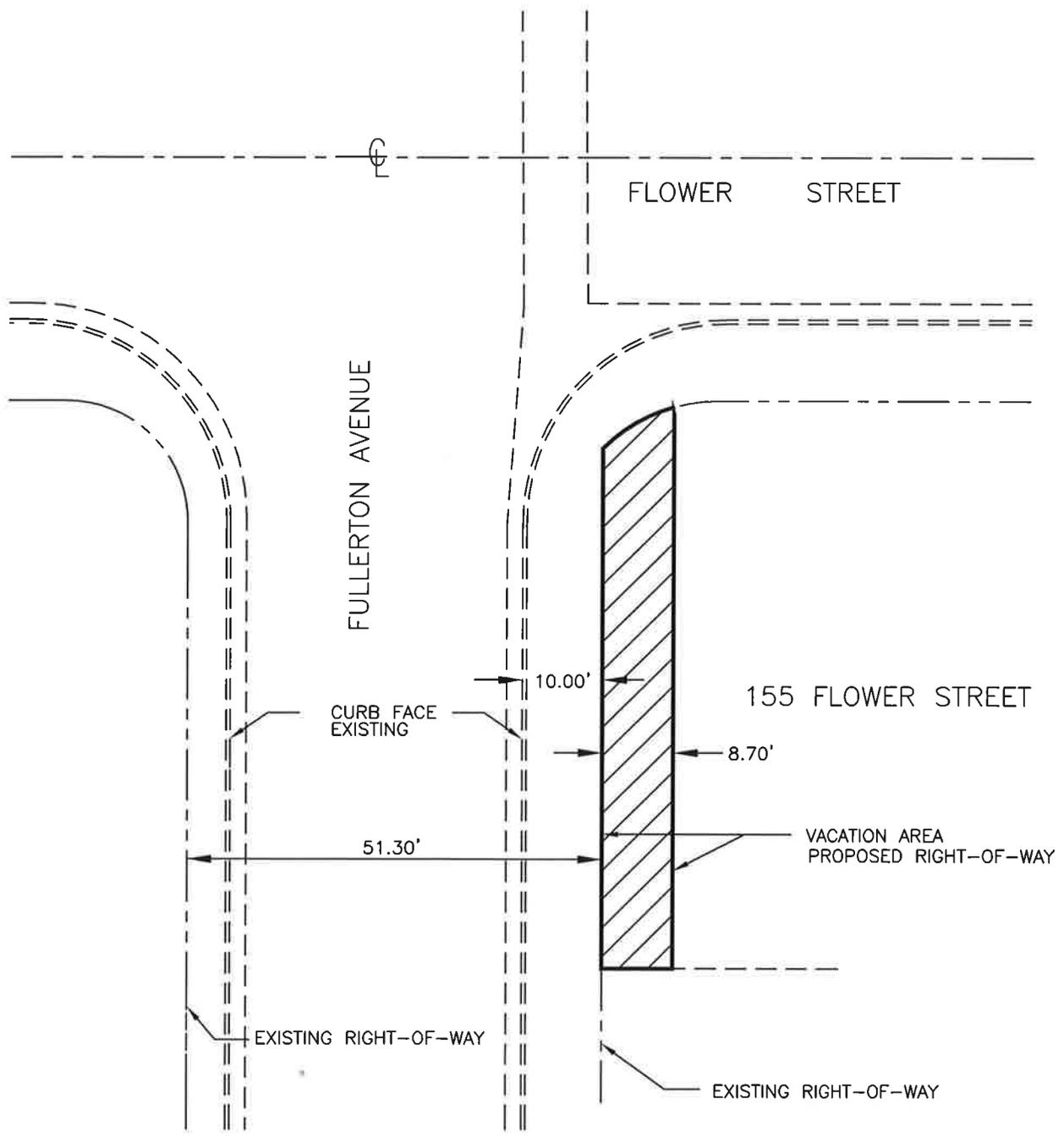
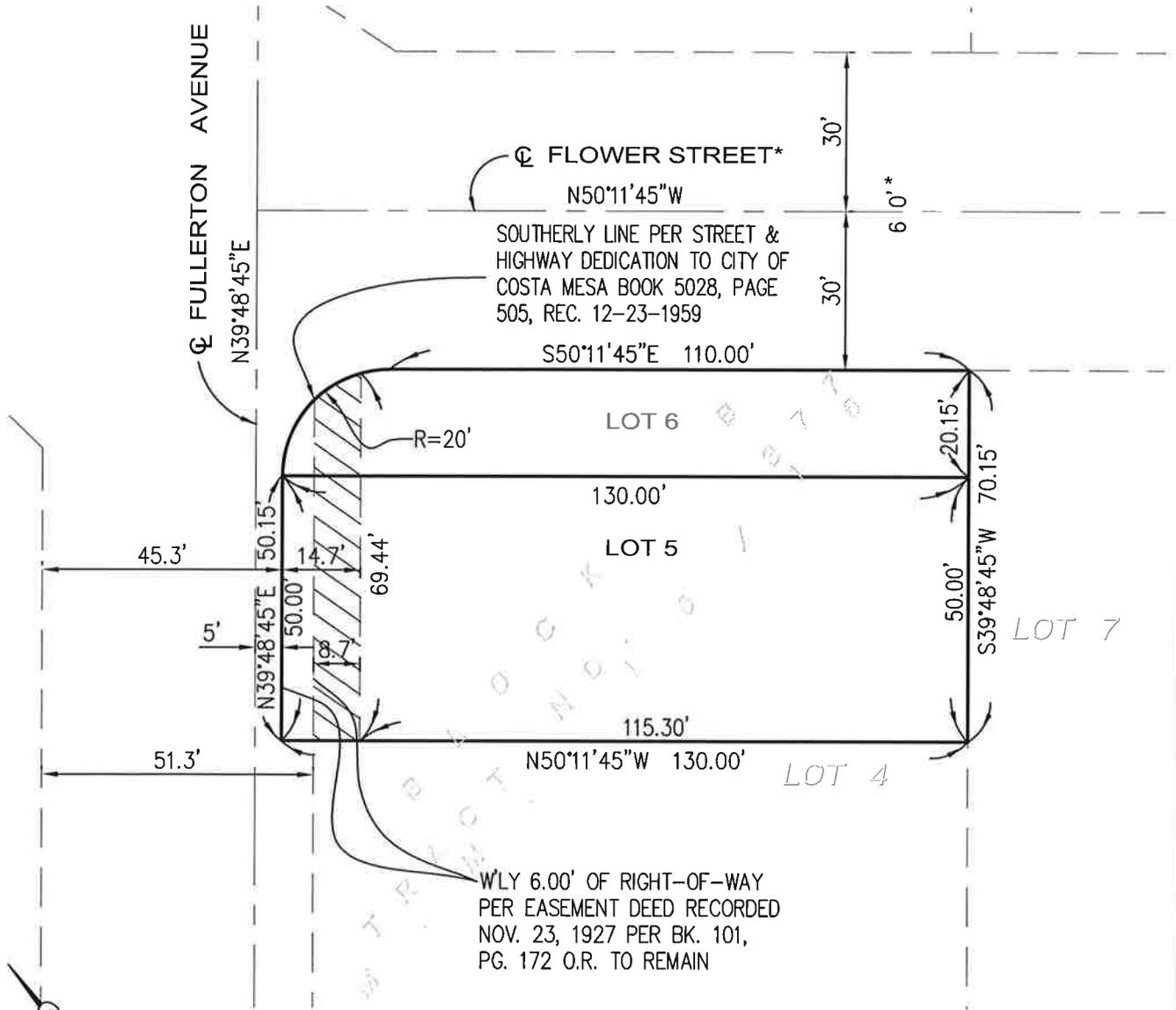


EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
VACATION OF RIGHT-OF-WAY

A.P.N. 425-233-18



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

* 60' RIGHT-OF-WAY GRANTED TO THE CITY
OF COSTA MESA AS SUCCESSOR OF
INTEREST FROM THE COUNTY OF ORANGE
RECORDED MAY 13, 1926 IN BOOK 649,
209 OF DEEDS.

SCALE: 1"=30'

JN: 14-2026

CITY OF COSTA MESA

A.P.N. 425-233-18
155 FLOWER STREET

DEED NO.:
SCALE: AS SHOWN

DRAWN BY: MN
DATE: 01/23/15

THIS IS NOT A SURVEY BUT IS COMPILED FROM EXISTING RECORDS