



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MARCH 23, 2015

ITEM NUMBER: CC-2

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION FOR THE VACATION OF A LANDSCAPE EASEMENT ON YUKON AVENUE FOR THE PROPERTY LOCATED AT THE CORNER OF YUKON AVENUE AND KLONDIKE AVENUE AT 3081 KLONDIKE AVENUE

DATE: MARCH 11, 2015

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: RYAN LOOMIS, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: RYAN LOOMIS (714) 754-5608
ryan.loomis@costamesaca.gov

DESCRIPTION

The City of Costa Mesa proposes to vacate a City landscape easement within the property limits of 3081 Klondike Avenue. The 10-foot wide landscape easement lies along Yukon Avenue, which forms the southern boundary of the property at 3081 Klondike Avenue. 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 Yukon Avenue has been constructed with an existing 60-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 landscape 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 proposed City landscape easement to be vacated is located within the property limits of 3081 Klondike Avenue. The 10-foot wide easement lies within the westerly portion of the subject property, parallel to Yukon Avenue. Mature landscaping currently exists on the easement. The property at 3081 Klondike Avenue is zoned R1 (Single Family Residential District) with a General Plan designation of Low Density Residential. The surrounding properties are residential uses also zoned R1.

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 Ms. Gabriella Oseguera (Homeowner), the Engineering Division is preparing to proceed with the vacation of the 10-foot wide City landscape easement at 3081 Klondike Avenue. The landscape easement was originally dedicated to the City by Tract Map No. 10513. Yukon Avenue is currently designated on the Master Plan of Highways as a Collector street (60 feet wide). At this location, Yukon Avenue currently has a full right-of-way width of 60 feet. The proposed vacation would comply with the current standard primary classification and be consistent with the existing improvements, and a 60-foot full-width right-of-way would remain, as shown in Attachment 3. In addition, the excess landscape easement has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that this portion of Yukon Avenue is not necessary for public landscaping or street and highway purposes and consequently is not required for any motorist and/or non-motorist usage.

Per the Transportation Division, there are no utilities within the landscape easement and therefore, a reservation for utility easement is not required. However, the Transportation Division is requiring a sight restriction due to the constrained line of sight for motorists on Klondike Avenue approaching the Yukon Avenue intersection. The 10-foot wide vacated easement area shall be kept clear of any objects that impede visibility. Therefore, a restriction will be included in the final vacation document of keeping the entire proposed vacated easement area clear of any landscape, vegetation, and objects that are taller than 30 inches.

It is therefore recommended that the proposed vacation continue to be processed and forwarded to City Council for approval. After the proposed vacation is approved and recorded, the vacated property will revert back to the owner of 3081 Klondike Avenue (Ms. Gabriella Oseguera).

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. Per the Engineering and Transportation Services Divisions, there are no utilities within the proposed vacated landscape easement 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 landscape easement is not necessary for public landscaping or 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 to be unnecessary 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 would be consistent with the existing improvements, and the 60-foot full-width right-of-way would remain with an existing sidewalk, curb and gutter.

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 the 10-foot wide City landscape easement located on the property at 3081 Klondike 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. It is therefore recommended that the proposed vacation continue to be processed and forwarded to City Council for approval. Once approved and recorded, the vacated

property will revert back to the owner of 3081 Klondike Avenue (Ms. Gabriella Oseguera).



RYAN LOOMIS
Associate Planner



CLAIRE FLYNN, AICP
Assistant Development Services Director

- Attachments:
1. Draft Planning Commission Resolution
 2. Vicinity and Zoning Maps
 3. City Engineer Memorandum dated March 6, 2015

Distribution:

- Assistant Chief Executive Officer
- Director of Economic & Development / Deputy CEO
- Deputy City Attorney
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- 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 CITY LANDSCAPE EASEMENT ON THE PROPERTY OF 3081 KLONDIKE 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 City landscape easement within the property limits of 3081 Klondike Avenue. The landscape easement to be vacated was originally dedicated to the City by Tract Map No. 10513; and,

WHEREAS, the landscape easement being vacated has been found by the Engineering and Transportation Services Division to not be necessary for public landscaping or street and highway purposes, and consequently is not required for any motorist and/or non-motorist usage, and as such, the vacation serves the public interest and is a public benefit since the vacated landscape easement is unnecessary for present or future public use; and,

WHEREAS, the Engineering and Transportation Services Division is requiring a sight restriction due to the constrained line of site for motorists on Klondike Avenue approaching Yukon intersection. The 10-foot wide proposed vacated easement area shall be kept clear of any objects that impede visibility. Therefore, a restriction will be

included in the final vacation document of keeping the entire proposed vacated easement clear of any landscape, vegetation, and objects taller than 30 inches; 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 March 6, 2015); and,

WHEREAS, on March 23, 2015, the Costa Mesa Planning Commission reviewed the proposed abandonment.

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 March 2015.

Robert L. Dickson, 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 to the City of Costa Mesa by Tract Map No. 10513, the proposed landscape easement vacation conforms with the General Plan.

Facts in Support of Findings: Originally, the 10-foot wide landscape easement was dedicated to the City by Tract Map No. 10513. 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 landscape easement is not necessary for public landscaping or 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.

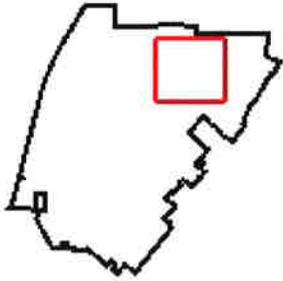
Facts in Support of Findings: There are no Master Plan of Highways' requirements to fulfill because the remainder of Yukon Avenue has been constructed to fulfill the Master Plan of Highways' capacity requirement within an existing 60-foot full-width right-of-way. This results in 10 feet of excess landscape easement at this location. The proposed vacation would comply with current standard primary classification and be consistent with the existing improvements, and a 60-foot full-width right-of-way would remain along with an existing sidewalk, curb and gutter (Attachment 3). The landscape 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 landscape easement area is unnecessary for present or future public use.

- C. The landscape 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.

**ATTACHMENT 2:
VICINITY AND ZONING MAPS**

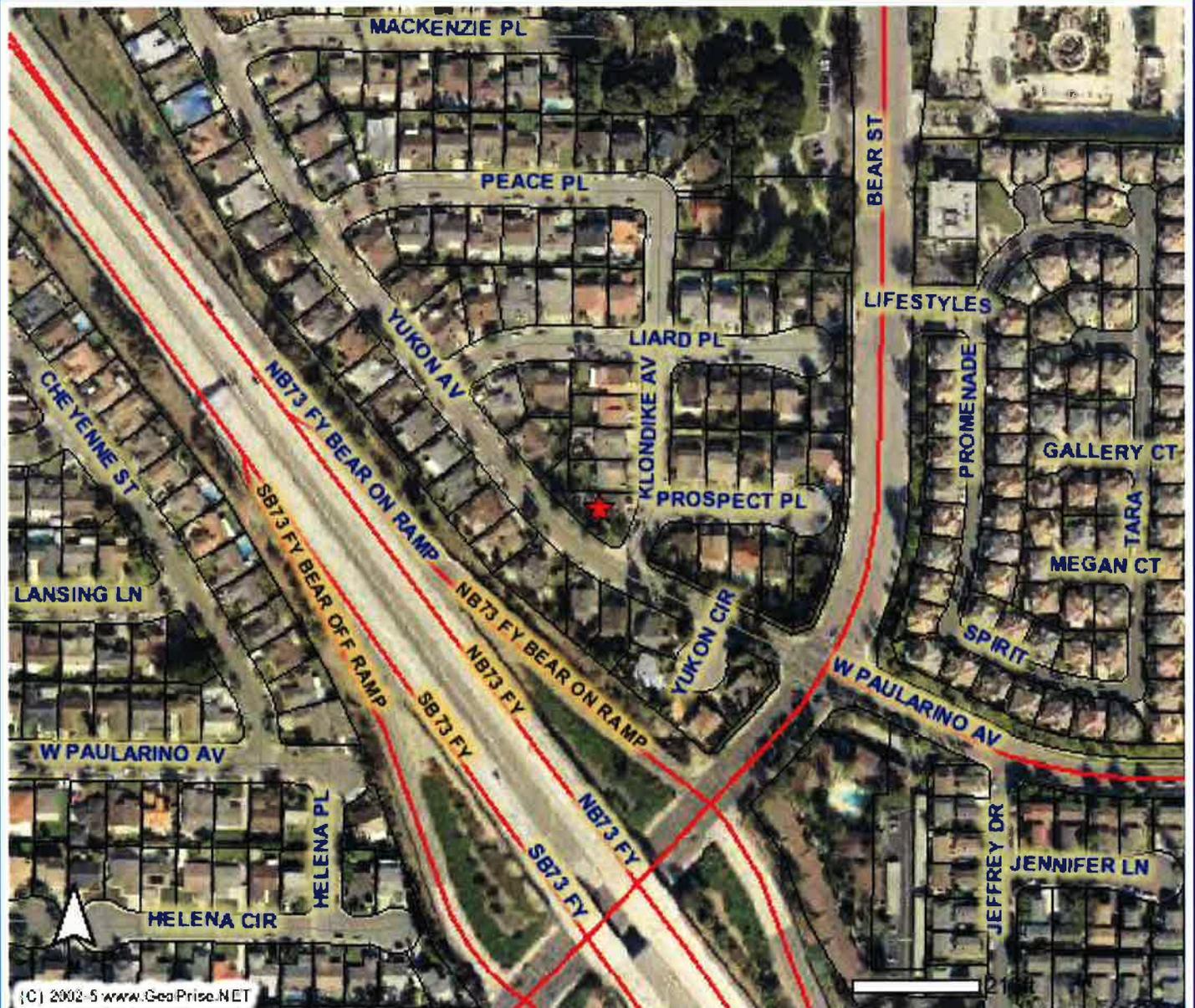
Overview Map



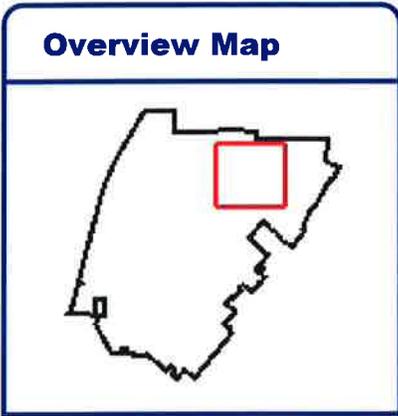
Legend

- | | | | |
|----------------|--------------------------|--------------------|------------------------------|
| Address Points | Roads | Major Newport BLVD | SECONDARY Hydrology Channels |
| Freeway | Collector Freeway (cont) | Primary (cont) | |

Map Display

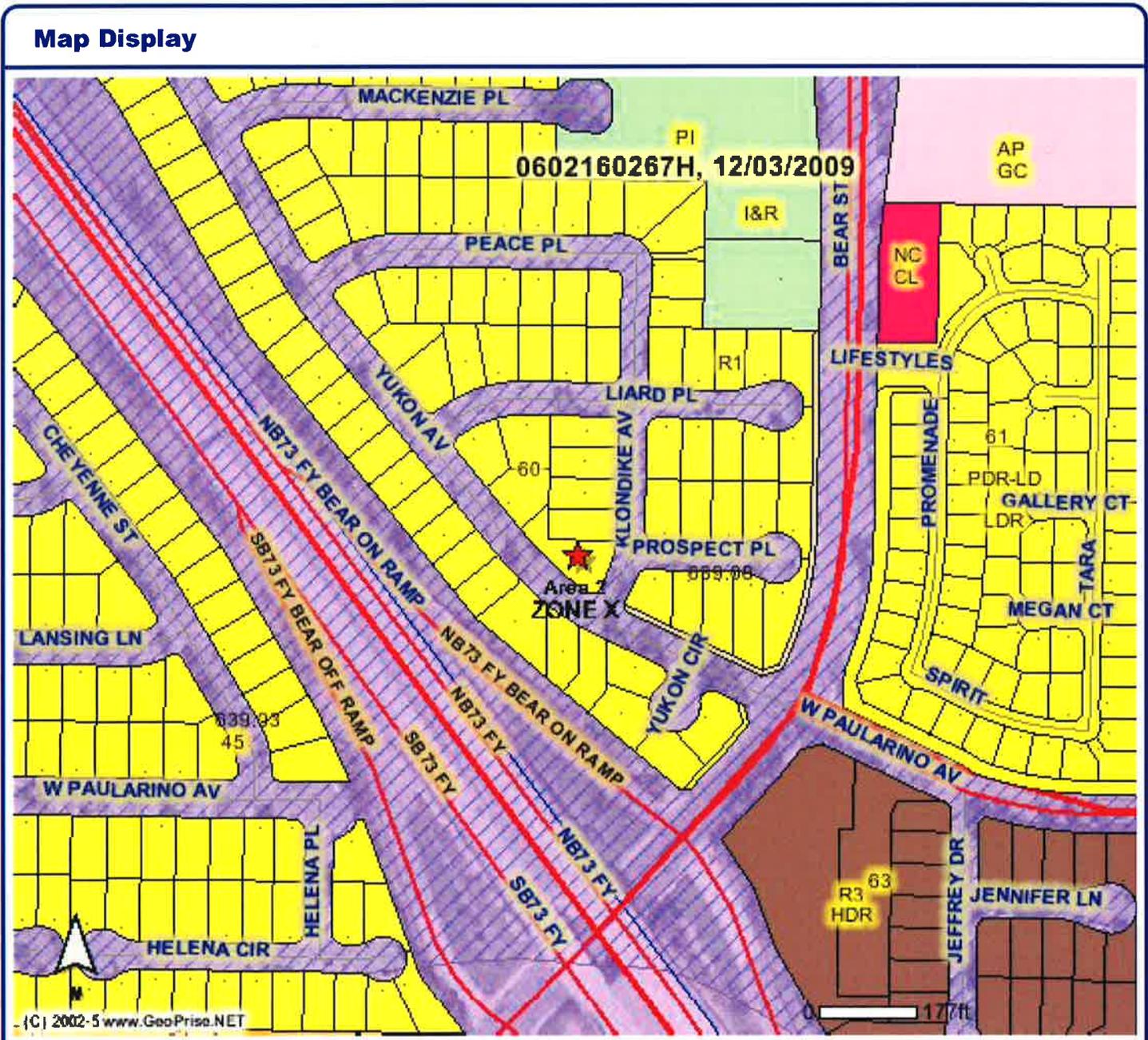


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Legend

Address Points	Newport BLVD	Parcel Lines	C1-S
Freeway Roads	Primary SECONDARY Hydrology Channels	City Boundary	C2
Collector Freeway Major (cont)	Street Names Street Centerlines	Water Ways Zoning	CL
		AP C1 (cont)	I&R
			I&R-S
			MG
			MP
			P
			PDC (cont)



**ATTACHMENT 3:
CITY ENGINEER MEMORANDUM DATED
MARCH 6, 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 *FF*

DATE: March 6, 2015

SUBJECT: Proposed Vacation of Landscape Easement at 3081 Klondike Avenue

At the request of Ms. Gabriella Oseguera (Homeowner), the Engineering Division is preparing to proceed with the vacation of 10' wide City landscape easement adjacent to the property at 3081 Klondike Avenue (Attachment 1). The landscape easement is adjacent to the Yukon Avenue side of the property and was originally dedicated to the City by Tract Map No. 10513.

Yukon Avenue is currently designated on the Master Plan of Highways as a Collector street (60 feet wide). At this location, Yukon Avenue has a full right-of-way width of 60 feet with an additional 10 feet of the landscape easement. The request to vacate 10.00 feet would allow for a remaining required 60.00 foot right-of-way. There are no public improvements currently constructed within the subject easement area. The existing sidewalk, curb and gutter locations would remain with the completion of the easement vacation.

Currently, there are no utilities within this portion of the Landscape easement and therefore, a reservation for a utility easement is not required. However, the Transportation Division is requiring a sight restriction due to the constrained line of sight for motorists on Klondike Avenue approaching Yukon intersection. It is important that the 10-foot wide proposed vacated easement area be kept clear of any objects that impede visibility. Therefore, a restriction will be included in the final vacation document of keeping the entire proposed vacated easement area clear of any landscape, vegetation, and objects that are taller than 30 inches.

The excess landscape easement has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that this portion of Yukon Avenue is not necessary for public landscaping or 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 3081 Klondike Avenue, Ms. Gabriella.

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 April 13, 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 - Proposed Vacation of Landscape Easement

c: Brad Edwards Engineering Technician III

Proposed Vacation of Landscape Easement
@
3081 Klondike Ave. (Yukon Ave. side)



City Landscape easement area per Tract No. 10513
Proposed area to be vacated

