



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MARCH 23, 2015

ITEM NUMBER: CC-3

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION FOR DISPOSAL OF REAL PROPERTY ALONG CHARLE STREET, COUNTY ASSESSOR'S PARCEL NO. 422-091-06

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

Red Mountain Retail Group (RMRG) currently co-owns real property, known as County Assessor's Parcel No. (AP No.) 422-091-06, with the City of Costa Mesa. RMRG is requesting to purchase the City's co-owned portion of the property, which has been determined to be of no practical use for the City. The 675 square-foot property is approximately 5 feet wide and 150 feet long, and is located adjacent to Charle Street. Pursuant to Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property), the Costa Mesa Planning Commission must find that no real property shall be disposed of without a finding being made that such disposal be in conformance with the City's 2000 General Plan. Furthermore, being that Charle Street 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 real property disposal will serve the public interest and is a public benefit.

RECOMMENDATION

Adopt attached resolution finding that the real property disposal 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 City co-owned real property proposed to be disposed and sold to RMRG includes a 675 square-foot parcel measuring approximately 5 feet wide and 150 feet long. The property lies westerly of the property currently owned by RMRG (AP No. 422-091-07), and runs along Charle Street (see Attachment 3). The property was considered a potential portion of right-of-way, and therefore is not currently zoned. The adjacent property to the east, or AP No. 422-091-07, is zoned PDC (Planned Development Commercial) with a General Plan designation of General Commercial. The zoning for other surrounding properties include R2-HD (Multiple-Family Residential District) zone to the west, and C2 (General Commercial Business District) zone to the north and south.

ANALYSIS

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires that real property cannot be disposed without a finding being made that such disposal 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 disposal or use for conformity with the General Plan.

The Engineering Division is processing a request from RMRG to purchase the fifty percent stake the City currently co-owns with RMRG. In 1982, the City acquired fifty percent of AP No. 422-091-06 with the possible intent of a street dedication. Per the Master Plan of Highways, this portion of Charle Street is designated as a Standard Collector within an ultimate width of 60 feet. The subject property is located outside the 60-foot portion of the right-of-way, and therefore the City has determined there is no need for this additional sliver of land.

The co-owned property has been reviewed by Engineering and Transportation Services Division and determined to be of no practical use for the City. The property is no longer necessary for future Charle Street right-of-way improvements, and there are no public improvements or utilities currently constructed within the subject property. Therefore, it is recommended the City continue to process the City's sale of the property and be forwarded to the City Council for approval.

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

- Proposed disposal 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 review by the Engineering and Transportation Services Divisions, there are no public improvements or utilities currently constructed within the subject property, 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 City co-owned property is no longer necessary for Charle Street right-of-way improvements.

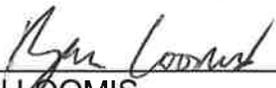
- Proposed vacation conforms to General Plan Goal LU-2. As described in the Land Use Element, it is the City's goal to create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical resources. Given that the proposed action will not result in any adverse impacts to public utilities or the transportation network, the proposed disposal 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 property to be disposed by the City has been determined by the Engineering and Transportation Services Divisions to be of no practical use for the City. As such, the disposal of property serves the public interest and is a public benefit since the property is unnecessary for present or future public use. Additionally, the disposed property would be consistent with the existing improvements, as Charle Street is already an existing 60-foot full-width right-of-way.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

The proposed disposal of real property, known as parcel 422-091-06, 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



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 February 26, 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 DISPOSAL OF CO-OWNED REAL PROPERTY (AP No. 422-091-06) 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 dispose real property co-owned by the City. In 1982, the City acquired fifty percent of County Assessor's Parcel No. 422-091-06 with the possible intent of a street dedication; and,

WHEREAS, the co-owned real property being disposed of has been found by the Engineering and Transportation Services Division to be of no practical use for the City, and as such, the disposal of the property serves the public interest and is a public benefit since the property is no longer necessary for future Charle Street right-of-way improvements; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the disposal 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 real property to be disposed 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 Attachment 3 (City Engineer's memo dated February 26, 2015); and,

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed disposal of real property is 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 City of Costa Mesa acquired fifty percent of subject property in 1982 with the possible intent of street dedication, the proposed disposal of real property conforms with the General Plan.

Facts in Support of Findings: Originally, the City of Costa Mesa acquired fifty percent of subject property in 1982 with the possible intent of street dedication. Per the Engineering and Transportation Division, there are no public improvements or utilities within the proposed real property to be disposed. Additionally, it has been determined by review of the Engineering and Transportation Services Division that the proposed disposal of real property is not necessary for the Charle Street right-of-way improvements, and therefore determined to be of no practical use for the City.

- 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 disposal 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 Charle Street 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 5 feet of excess potential right-of-way at this location. The proposed disposal 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 for Charle Street (Attachment 3). The real property being disposed of has no public improvements and has been found by the Engineering and Transportation Services Divisions to be of no practical use for the City. As such, the disposal serves the public interest and is a public benefit since the disposed property is unnecessary for present or future public use.

- C. The disposal of real property by the City is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus

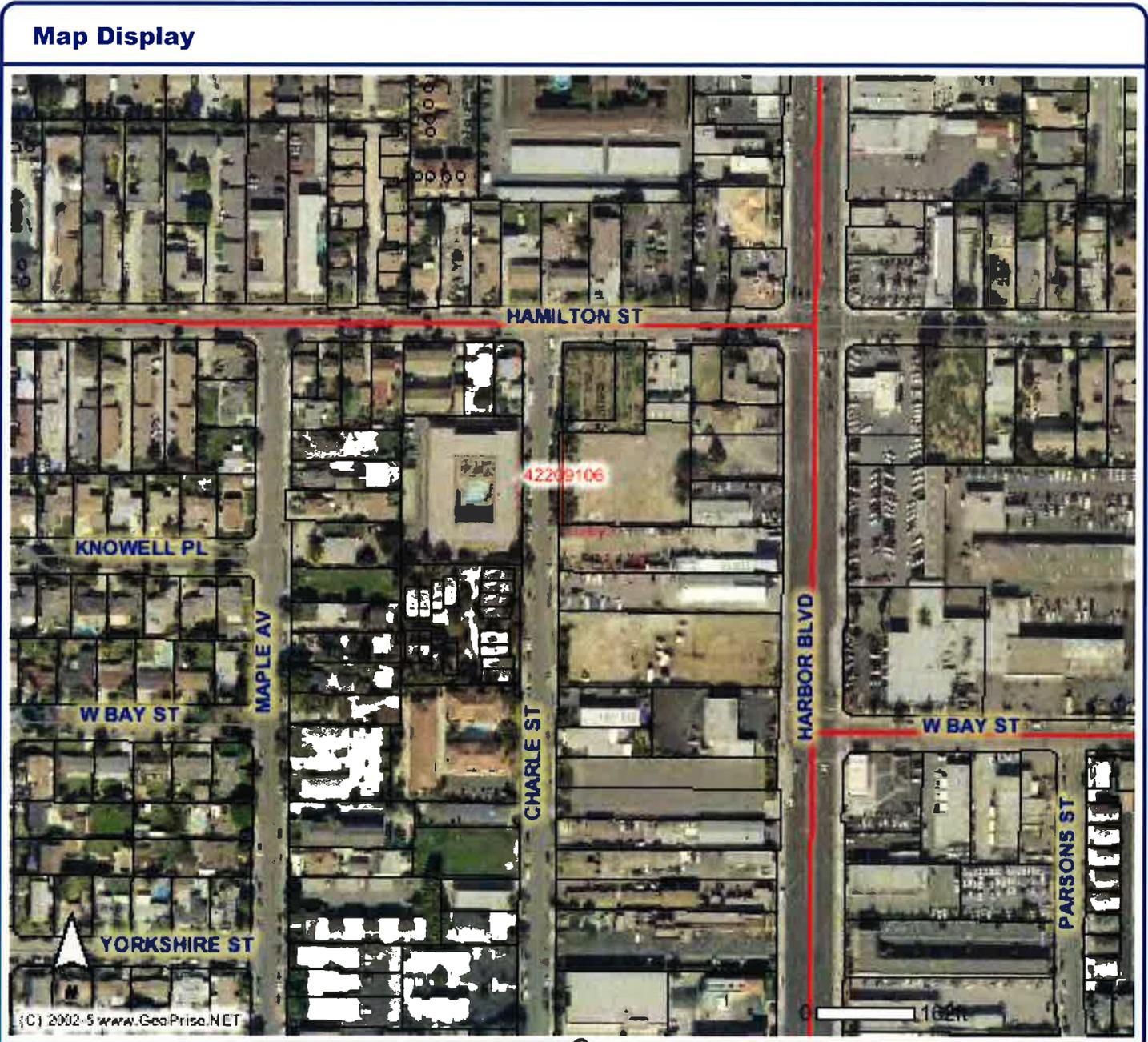
Government Property Sales, because the real property to be disposed of is not located on a parcel of land in an area of statewide, regional, or area wide concern.

**ATTACHMENT 2:
VICINITY AND ZONING MAPS**



Legend

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





Legend

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



**ATTACHMENT 3:
CITY ENGINEER MEMORANDUM DATED
FEBRUARY 26, 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: February 26, 2015

SUBJECT: Sale of co-owned City property with Red Mountain Retail Group (RMRG) adjacent to Charle Street

The Engineering Division is processing a request from Red Mountain Retail Group (RMRG) to purchase a property that the City co-owns with them (See Attachment 1). The property is approximately 5 feet wide and 150 feet long with a total of 675 square foot area. (See Attachment 1). RMRG currently owns the lot adjacent to the above mentioned co-owned property, to the east (See Attachment 1).

In 1982, the City acquired fifty percent of this parcel of land with the possible intent of a street dedication. However, per the Master Plan of Highways, this portion of Charle Street is designated as a Standard Collector with an ultimate width of 60 feet, hence, there is no need for this additional sliver of land.

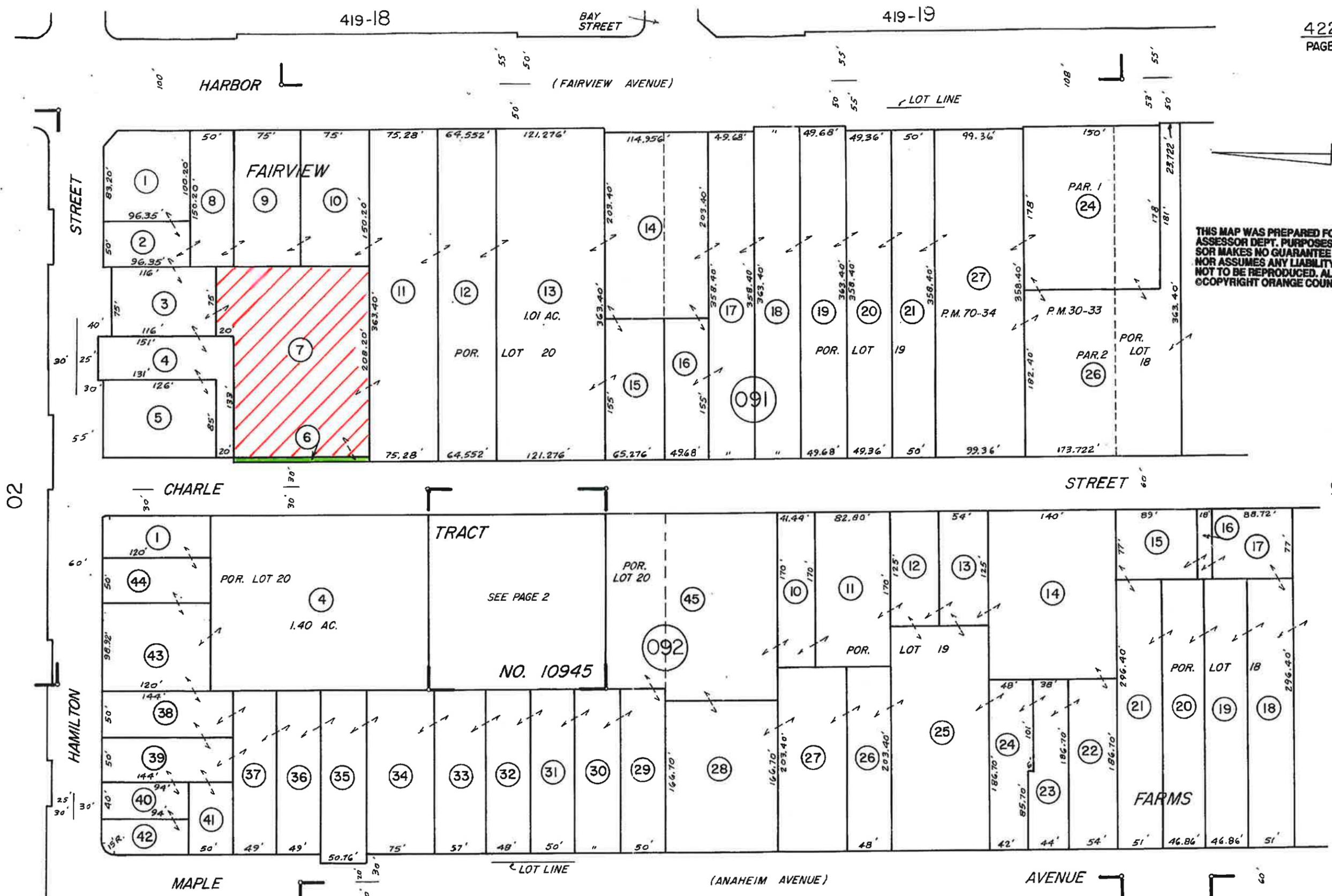
This City co-owned property has been reviewed by the Engineering and Transportation Services Divisions and determined to be of no practical use for the City. The City co-owned parcel is no longer necessary for the Charle Street right-of-way improvements, and there are no public improvements currently constructed within the subject property. Therefore, it is recommended the request to purchase this City co-owned property continue to be processed and forwarded to the City Council for approval.

It is requested that the Planning Division provide a determination of consistency with the General Plan per Government code 65402 and present the sale of this City co-owned property to the Planning Commission meeting of March 23, 2015. Please submit a confirmation that this request has been received and scheduled.

Thank you for your assistance on this project. Any information or assistance required for this project may be obtained from Brad Edwards, Engineering Technician, at extension 5066.

Attachment 1: Exhibit of City co-owned Parcel

c: Brad Edwards, Engineering Technician III



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-  = CITY CO-OWNED PROPERTY
-  = RED MOUNTAIN RETAIL GROUP OWNED PROPERTY

MARCH 1978

KNOWELL PLACE
FAIRVIEW FARMS
TRACT NO. 10945
PARCEL MAP

M.M. 8-71
M.M. 476-15,16
P.M. 30-33

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

ASSESSOR'S MAP
BOOK 422 PAGE 09
COUNTY OF ORANGE

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