



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 22, 2015

ITEM NUMBER:

CC-2

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
PROPOSED VACATION OF A STREET AND HIGHWAY EASEMENT AT 970 W. 16TH
STREET**

FROM: DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

DATE: JUNE 12, 2015

**FOR FURTHER INFORMATION CONTACT: STEPHANIE ROXAS, AICP, ASSOCIATE PLANNER
(714) 754-5667, stephanie.roxas@costamesaca.gov**

DESCRIPTION

The City of Costa Mesa Engineering Division proposes to vacate excess right-of-way within the property limits of 970 W. 16th Street. This excess right-of-way was originally dedicated to the City as street and highway easement in 1960. The request is proposed in conjunction with a live/work and residential property currently under construction, referred to as the "Lighthouse."

Pursuant to Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property), the Costa Mesa Planning Commission must find that actions related to acquiring, using, or disposing public property are in conformance with the City's 2000 General Plan. The Planning Commission must also find that the proposed action will serve the public interest and is a public benefit.

RECOMMENDATION

Adopt a resolution (Attachment 1) finding that the street and highway 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 subject site has a base zone of MG (General Industrial) and a General Plan land use designation of Light Industrial. Additionally, the site is located within the Mesa West Bluffs Urban Plan. The site is bounded by Playport Mobile Home Park to the northeast, industrial uses to the east, the City of Newport Beach Utility Yard to the south, and a storage yard (within the City of Newport Beach) to the west.

On November 10, 2014, the Planning Commission approved Planning Application PA-14-06 and Vesting Tentative Tract Map VT-17747 for an 89-unit live/work and residential development at 1620-1644 Whittier Avenue within the Mesa West Bluffs Urban Plan area. The project involved construction of 89 three-story, single-family homes (49 residential units and 40 live/work units) on a 5.7-acre property with a deviation from building separation requirements.

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 review the proposed action for conformity with the General Plan and find that the action is anticipated to serve the public interest and will be a public benefit.

At the request of the property owner, Taylor Morrison, and in conjunction with approved Tentative Tract Map No. 17747, the Engineering Division is proposing to vacate the street easement along 970 W. 16th Street. The proposed easement is approximately 360 feet long and 25 feet wide, and it would be located along the southeasterly property line.

As detailed in City Engineer's memorandum dated May 27, 2015 (Attachment 2), the excess right-of-way was originally dedicated to the City as a street and highway easement in 1960. The intent of the right-of-way dedication was to connect West 19th Street to Newhall Street. This portion of right-of-way was never constructed and has remained unusable for the past 55 years. The Engineering and Transportation Division have reviewed the proposed vacation of the street easement and determined the subject easement is not necessary and, therefore, is not required for any motorist and/or non-motorist usage. The easement has never been presented on the Master Plan of Highways as a designated public right-of-way, does not have any public improvements constructed on the easement, or contain any utilities.

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

- The 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 street easement and therefore, a reservation for utility easement is not required. Additionally, the proposed vacated easement is not necessary for any motorist and/or non-motorist usage.
- The 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.
- The proposed action is anticipated to serve the public interest and is anticipated to be a public benefit. The Engineering and Transportation Divisions determined the street and highway easement is unnecessary for present or future public use. The City may be subject to additional maintenance costs and liabilities associated with having an ownership interest in the subject easement. Consequently, vacating the unnecessary street and highway easement serves the public interest and is a public benefit.

ENVIRONMENTAL DETERMINATION

The proposed vacation of excess right-of-way 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 street easement to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern.

CONCLUSION

Staff recommends the Planning Commission adopt a resolution (Attachment 1) finding that the street and highway easement vacation, within the property limits of 970 W. 16th Street, is in conformance with the City of Costa Mesa 2000 General Plan, will serve the public interest, and is a public benefit.

Should staff receive the Planning Commission's concurrence, the Engineering Division would continue to process the proposed vacation and forward the proposal to the City Council.



 STEPHANIE ROXAS, AICP
 Associate Planner



 CLAIRE FLYNN, AICP
 Assistant Development Services Director

- Attachments: 1. Draft Planning Commission Resolution and Exhibits
2. City Engineer Memorandum dated May 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
Brad Edwards, Engineering Technician
File (2)

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 STREET AND HIGHWAY EASEMENT WITHIN THE PROPERTY LOCATED AT 970 W. 16TH STREET IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN, 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 southeasterly portion of the property at 970 W. 16th Street was originally dedicated to the City of Costa Mesa as a street and highway easement by Easement Deed No. 19903 in Book 5086, Page 412 recorded on February 4, 1960 in the County of Orange Records Office; and

WHEREAS, the City of Costa Mesa proposes to vacate the street and highway easement within the property limits of 970 W. 16th Street, as shown in Exhibit B; and,

WHEREAS, the street and highway easement being vacated has been found by the Engineering and Transportation Divisions to not be necessary for any motorist or non-motorist usage, and as such, the vacation serves the public interest and is a public benefit as it eliminates any maintenance costs and liabilities imposed on the City associated with the easement; 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, on June 22, 2015, the Costa Mesa Planning Commission reviewed the proposed vacated easement and findings;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission does hereby find the proposed vacation of a street and highway easement within the property located at 970 W. 16th Street to be in conformance with the City of Costa Mesa 2000 General Plan, will serve the public interest, and is a public benefit.

PASSED AND ADOPTED this 22nd day of June 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.

Facts in Support of Findings: 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 Engineering Division determined there are no utilities within the proposed vacated street easement and, therefore, a reservation for utility easement is not required. Additionally, the Engineering and Transportation Divisions determined the proposed vacated street easement is not necessary for any motorist and/or non-motorist usage, and accordingly, the proposed action will not result in any adverse impacts to the City's transportation network.

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

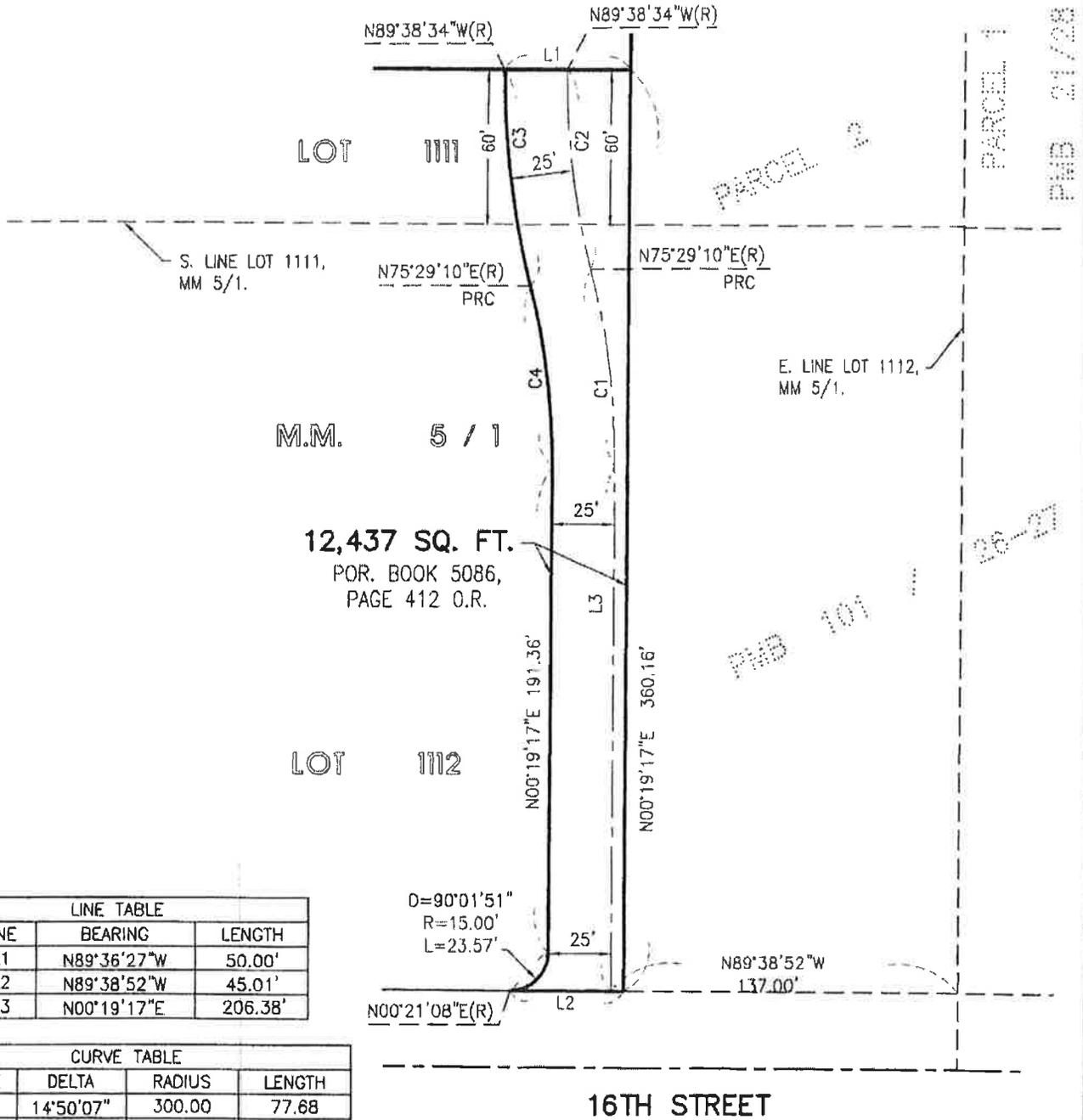
Finding: As described in the Land Use Element, it is the City's goal to create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical resources.

Facts in Support of Findings: The Engineering and Transportation Divisions determined the street and highway easement is unnecessary for present or future public use. The City may be subject to additional maintenance costs and liabilities associated with having an ownership interest in the subject easement. Consequently, vacating the unnecessary street and highway easement serves the public interest and is a public benefit.

- C. The street and highway 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.

EXHIBIT B

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



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°36'27"W	50.00'
L2	N89°38'52"W	45.01'
L3	N00°19'17"E	206.38'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	14°50'07"	300.00	77.68
C2	14°52'16"	300.00	77.87
C3	14°52'26"	325.00	84.37
C4	14°50'07"	275.00	71.20

CITY OF COSTA MESA

PROJECT		TITLE	
C&V CONSULTING, INC. CIVIL ENGINEERING LAND PLANNING AND SURVEYING 2756 BURBANK FOOTHILL RANCH, CALIFORNIA 92610 PHONE (949) 916-3800 FAX (949) 916-3805		REFERENCE	DATE
		J.N.	SCALE
		TWHX-030	5/2/15 1"=60'
			SHEET NO. 1 OF 1

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

ATTACHMENT 2

TO: Claire Flynn, Assistant Development Services Director
FROM: Fariba Fazeli, City Engineer FF
DATE: May 27, 2015
SUBJECT: Proposed Vacation of Excess Right-Of-Way at 970 West 16th Street

At the request of Taylor Morrison (Property owner), the Engineering Division is preparing to proceed with the vacation of excess right-of-way within the property located at 970 W. 16th Street (see Attachments). This request is in conjunction with the approved Tentative Tract Map No. 17747. The excess right-of-way is within the southeasterly portion of the property and was originally dedicated to the City as a street and highway easement, Easement Deed No. 19903 in Book 5086, Page 412 recorded in February 4, 1960 in the County of Orange Recorders Office.

It appears that the intent of this dedication of right-of-way was to at some point connect West 16th Street to Newhall Street which is located adjacent to the northeast portion of the development. This portion of right-of way was never constructed and has remained unusable for the past 55 years. At no time has it been presented on the Master Plan of Highways as a designated public right-of way. There appears to be no public improvements currently constructed within the subject excess right-of-way. Currently, there are no utilities within this portion of the street easement and therefore, a reservation for a utility easement is not required.

The proposed vacation of the street easement has been reviewed by the Engineering and Transportation Divisions and it has been determined that the Street and Highway easement is not necessary 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 970 W. 16th Street, Taylor Morrison.

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 June 22, 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: Legal Description of Portion of right-of-way and Location Map

c: Brad Edwards Engineering Technician III



970 16TH Street

EXHIBIT A
LEGAL DESCRIPTION
PORTION OF RIGHT-OF-WAY VACATION

THAT PORTION OF LOTS 1111 AND 1112 IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA PER THE NEWPORT MESA TRACT, FILED IN BOOK 5 PAGE 1 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITH A STRIP OF LAND 50.00 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 16TH STREET, (60.00 FEET WIDE), DISTANT WESTERLY THEREON 137.00 FEET FROM THE EASTERLY LINE OF SAID LOT 1112:

THENCE NORTHERLY, PARALLEL WITH SAID EASTERLY LINE, NORTH 00°19'17" EAST, A DISTANCE OF 206.38 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE A DISTANCE OF 77.68 FEET THROUGH A CENTRAL ANGLE OF 14°50'07" TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 300.00 FEET;

THENCE NORTHERLY ALONG SAID REVERSE CURVE A DISTANCE OF 77.87 FEET THROUGH A CENTRAL ANGLE OF 14°52'16" TO A POINT IN A LINE 60.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 1111.

THE INTERSECTION OF THE EASTERLY AND WESTERLY LINES OF THE ABOVE DESCRIBED 50.00-FOOT STRIP OF LAND WITH THE SAID NORTHERLY LINE OF 16TH STREET SHALL BE ROUNDED WITH A TANGENT CURVE HAVING A RADIUS OF 15.00 FEET.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN PARCEL 2 PER MAP FILED IN BOOK 101, PAGES 26 & 27, OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 12,437 SQUARE FEET, MORE OR LESS.

MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RIGHT-OF-WAY AND EASEMENTS OF RECORD, IF ANY.

PREPARED BY OR UNDER THE DIRECTION OF:

E. L. Reynolds

EDWARD L. REYNOLDS LS 7725
 LICENSE EXPIRES 12/31/15

DATE 5/2/15

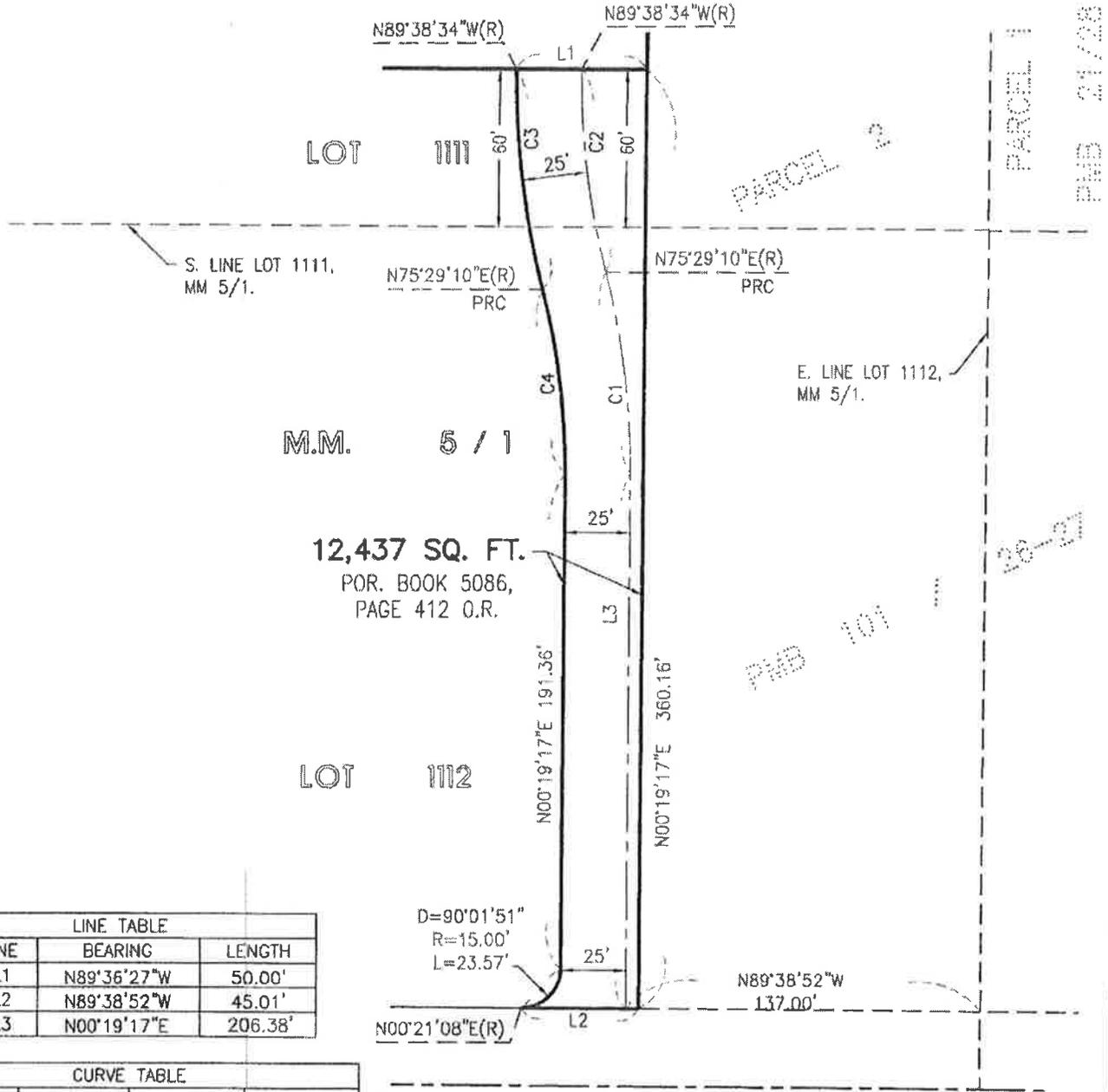


CITY OF COSTA MESA

<p>PROJECT</p> <p>C&V CONSULTING, INC. <small>CIVIL ENGINEERING LAND PLANNING AND SURVEYING</small></p> <p>27156 BURBANK FOOTHILL RANCH, CALIFORNIA 92610</p> <p>PHONE (949) 916-3800 FAX (949) 916-3805</p>	<p>TITLE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">REFERENCE</td> <td style="width: 33%;">DATE</td> <td style="width: 34%;">SHEET NO.</td> </tr> <tr> <td></td> <td style="text-align: center;">5/2/15</td> <td></td> </tr> <tr> <td>J.N.</td> <td>SCALE</td> <td></td> </tr> <tr> <td style="text-align: center;">TWHX-030</td> <td style="text-align: center;">NONE</td> <td style="text-align: center;">1 of 1</td> </tr> </table>	REFERENCE	DATE	SHEET NO.		5/2/15		J.N.	SCALE		TWHX-030	NONE	1 of 1
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TWHX-030	NONE	1 of 1											

EXHIBIT B

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



M.M. 5 / 1

12,437 SQ. FT.
POR. BOOK 5086,
PAGE 412 O.R.

LINE TABLE		
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L2	N89°38'52"W	45.01'
L3	N00°19'17"E	206.38'

D=90°01'51"
R=15.00'
L=23.57'

CURVE TABLE			
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C2	14°52'16"	300.00	77.87
C3	14°52'26"	325.00	84.37
C4	14°50'07"	275.00	71.20

16TH STREET

CITY OF COSTA MESA

PROJECT		TITLE	
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