



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 10, 2015

ITEM NUMBER: CC-2

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
PROPOSED VACATION OF A PORTION OF THE W. 19TH STREET RIGHT-OF-WAY,
ADJACENT TO 752 W. 19TH STREET**

FROM: DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

DATE: JULY 31, 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 on W. 19th Street, adjacent to the property at 752 W. 19th Street. The right-of-way vacation is being requested by the property owner of 752 W. 19th Street, SGRE W19th Investors LLC, to facilitate potential development of five live/work units. The preliminary plans were reviewed by City Council in 2014; however, development plans have not been submitted to the City for planning review.

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 excess W. 19th Street 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 subject site is a corner lot located at the northwest intersection of Wallace Avenue and West 19th Street. The site has a base zone of C1 (Local Business) and a General Plan land use designation of General Commercial (GC). Additionally, the site is located within the 19th West Urban Plan. The site abuts an apartment complex to the north and office/commercial uses to the west and east.

On June 17, 2014, the City Council reviewed an Urban Master Plan Screening Request for a 5-unit live/work development located at 752 and 756 W. 19th Street. A formal development application for this project has not been submitted to the City.

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, SGRE W19th Investors LLC, the Engineering Division is proposing to vacate a portion of the W. 19th Street right-of-way. The adjacent commercial parcel at 756 W. 19th Street has a different right-of-way line closer to the curb face. Consequently, the front property lines between these two parcels are not consistent. The requested right-of-way vacation would bring the property line of the subject site in line with the parcel at 756 W. 19th Street.

As detailed in City Engineer's memorandum dated July 2, 2015 (Attachment 2), West 19th Street is currently designated on the Master Plan of Highways as a primary street (80 feet wide). At this location West 19th Street, has a full right-of-way width of 106 feet, with an excess of 12.5 feet of right-of-way at the subject property. Even with the vacation request, the remaining W. 19th Street would provide for an 8.5-foot parkway. A corner cut-off would remain as required by City Public Improvement Standard No. 214. The Engineering Division states that there are no public utilities or public improvements currently constructed within the subject excess right-of-way. The existing sidewalk, curb, and gutter locations would remain.

The Engineering and Transportation Division have reviewed the request and determined the right-of-way to be vacated is not necessary for public street and highway purposes, and, therefore, the right-of-way is not required for any motorist and/or non-motorist usage.

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. Even with the requested vacation, the remaining right-of-way on West 19th Street would provide for an 8.5-foot parkway and 93.5-foot full width right-of-way, consistent with the City's Master Plan of Highways. The Engineering and Transportation Services Divisions state there are no utilities or public improvements constructed within the subject excess right-of-way, and, therefore, a reservation for utility easement is not required. Additionally, the proposed vacated right-of-way 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. Furthermore, the right-of-way vacation would create consistency in the property line boundaries of the commercial parcels at 752 and 756 W. 19th Street.
- 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 excess right-of-way 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 right-of-way. Consequently, vacating the unnecessary right-of-way 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 W. 19th Street 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

Staff recommends the Planning Commission adopt a resolution (Attachment 1) finding that vacation of the excess right-of-way along W. 19th Street, adjacent to the property located at 752 W. 19th 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 July 30, 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 PORTION OF THE W. 19TH STREET RIGHT-OF-WAY, ADJACENT TO THE PROPERTY AT 752 W. 19TH 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;

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;

WHEREAS, the City of Costa Mesa proposes to vacate a portion of the W. 19th Street right-of-way, adjacent to the property at 752 W. 19th Street, as shown in Exhibit B;

WHEREAS, the excess right-of-way being vacated has been found by the Engineering and Transportation Divisions to not be necessary for any present or future motorist and non-motorist use, 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 excess right-of-way area;

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;

WHEREAS, on August 10, 2015, the Costa Mesa Planning Commission reviewed the proposed vacated excess W. 19th Street right-of-way 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 portion of the W. 19th Street right-of-way, adjacent to the property located at 752 W. 19th 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 10th day of August 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: Even with the requested vacation, the remaining right-of-way on W. 19th Street would provide for an 8.5-foot parkway and 93.5-foot full width right-of-way, consistent with the City's Master Plan of Highways. The Engineering and Transportation Services Divisions state there are no utilities or public improvements constructed within the subject excess right-of-way, and, therefore, a reservation for utility easement is not required. Additionally, the proposed vacated right-of-way is not necessary 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.

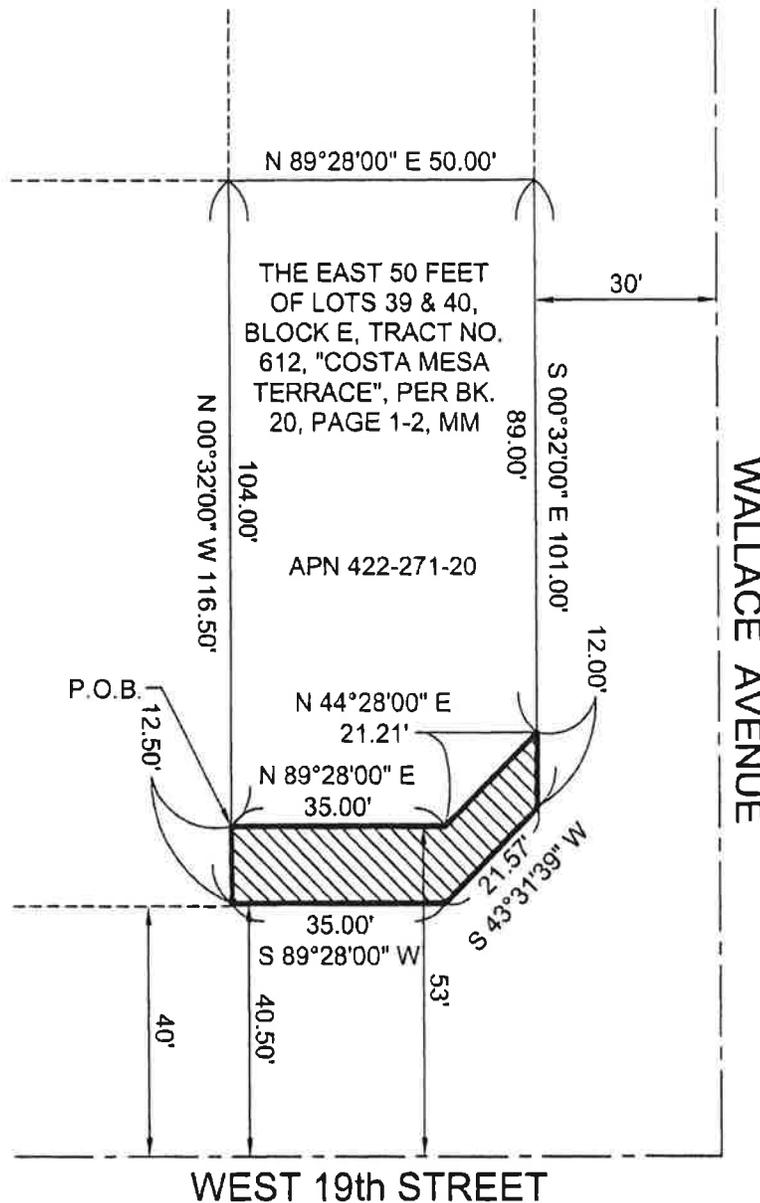
Facts in Support of Findings: The proposed right-of-way vacation would create consistency in the property line boundaries of the commercial parcels at 752 and 756 W. 19th Street, and it would not result in any adverse impacts to public utilities or the transportation network. The Engineering and Transportation Divisions determined the excess right-of-way 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 right-of-way. Consequently, vacating the unnecessary right-of-way serves the public interest and is a public benefit.

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

EXHIBIT B ROAD VACATION



SCALE: 1"=30'



INDICATES VACATION AREA (621.25 SQ. FT.)

THIS PLAT WAS PREPARED BY ME

DAVID B. WARREN, LS 8244
EXPIRES 12/31/2015

7/27/15
DATE



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 *FF*

DATE: July 30, 2015

SUBJECT: PROPOSED VACATION OF EXCESS RIGHT-OF-WAY AT 752 WEST 19TH STREET

REC'D JUL 31

The Engineering Division is preparing to proceed with the vacation of a portion of West 19th Street right-of-way. This portion of West 19th Street is adjacent to the property at 752 West 19th Street (Attachment 1). This vacation of right-of-way is being requested by the property owner, SGRE W19th Investors LLC in conjunction with a proposed development for a 5-unit live/work development.

West 19th Street is currently designated on the Master Plan of Highways as a primary street (80 feet wide). At this location, 19th Street has a full right-of-way width of 106 feet with an excess of 12.5 feet of right-of-way at the subject location. The request to vacate 12.50 feet would allow for an existing 8.50 foot parkway and a 93.5 foot full width right-of-way (Attachment 2). A corner cut-off would remain as required per City public improvement Standard No. 214. There appears to be no public improvements currently constructed within the subject excess right-of-way. The existing sidewalk, curb and gutter locations would remain with the completion of the right-of-way vacation along with future development improvements by the owner. Current City Standards for walls, fences, and landscaping will ensure that a clear line of sight is maintained at the northwest corner of Wallace Avenue and W. 19th Street.

There are currently 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 excess of right-of-way 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 752 West 19th Street, SGRE W19th Investors LLC.

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 August 10, 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 – Map & Proposed Vacation Area Exhibits
2 – Proposed Vacation Right-Of-Way Exhibit

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

752 WEST 19TH STREET



Note: This map was prepared for assessment purpose only and does not represent a survey

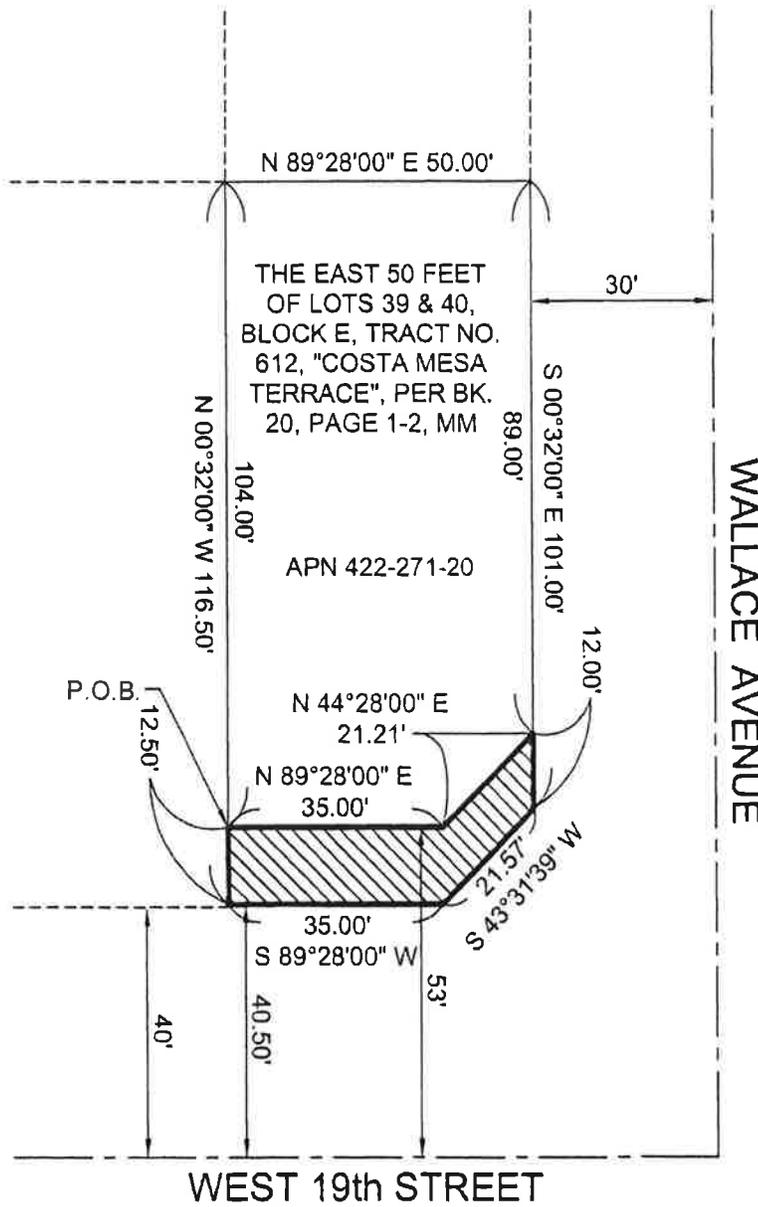
Done

752 West 19th Street



- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY

EXHIBIT B ROAD VACATION



 INDICATES VACATION AREA (621.25 SQ. FT.)

THIS PLAT WAS PREPARED BY ME



DAVID B. WARREN, LS 8244
EXPIRES 12/31/2015

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DATE

