



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 10, 2015

ITEM NUMBER: CC-4

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
PROPOSED VACATION OF A PORTION OF A LANDSCAPE EASEMENT AT 580
ANTON BOULEVARD**

FROM: DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

DATE: AUGUST 7, 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 a portion of a landscape easement within the property limits of 580 Anton Boulevard. The proposed vacated landscape easement is located at the corner of Anton Boulevard and Avenue of the Arts. The request is proposed in conjunction with the development of a midrise apartment building (currently in building plan check).

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 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 project site at 580 Anton Boulevard is currently developed with The Lakes Pavilions comprised of 7,709 square feet of retail and 13,640 square feet of sit-down restaurants, for a total of 21,349 commercial square feet. The Wyndham Hotel (approved for redevelopment under PA-06-75 and VT-17172) is located to the north, the Marriott Hotel to the east, and the 3400 Avenue of the Arts Apartments to the north/northeast. The property is zoned PDR-HD (Planned Development Residential-High Density) and has a General Plan Designation of High Density Residential. The property is also located in the North Costa Mesa Specific Plan area.

On September 9, 2013, the Planning Commission approved a final master plan (PA-13-19) for development of the 580 Anton project, an upscale, luxury midrise apartment community. The approved final master plan involved the following: (a) Demolition of 21,349 sq. ft. of The Lakes Pavilions Retail Center; (b) Construction of a maximum 250-unit midrise residential apartment building consisting of seven stories above grade and one subterranean level. The five story, type III, fully sprinklered residential building is over a three level parking garage (one parking level below grade). The building is proposed at a height of 87 feet. It includes 438 parking spaces with additional ancillary retail and amenity spaces; (c) Variance from parking requirements [minimum 450 required; 438 spaces proposed]; and (d) Variance from the open space perimeter setback requirement for the corner of the building at Avenue of the Arts and Anton Boulevard (20 foot setback required; 10-11 foot setback proposed).

PA-13-19 superseded a previously-approved master plan for a 26-story high-rise residential project consisting of twin towers (April 2008). However, the final tract map (Tract No. 17017) for the property was originally recorded in 2007 for the previously-approved master plan. Consequently, the tract map and easements were based on the previous building site design, and it did not reflect the variance granted for the corner of the building at Avenue of the Arts and Anton Boulevard (20 foot setback required; 10-11 foot setback proposed).

On January 26, 2015, the Planning Commission approved a two-year time extension for PA-13-19. The extension was requested to ensure building permits for the development could be obtained prior to the expiration of the entitlement.

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, Legacy Partners, and in conjunction with approved final master plan PA-13-19, the Engineering Division is proposing to vacate a portion of the landscape easement at 580 Anton Boulevard. The proposed easement to be vacated is located at the corner of Anton Boulevard and Avenue of the Arts and is approximately 131 square feet in area.

As noted above, the landscape easement was originally dedicated to the City in 2007 under Tract Map No. 17017 and it was based on a previous building site design. The site design was later revised and superseded by PA-13-19, approved by the Planning Commission on September 9, 2013. PA-13-19 included a variance granted for encroachment of the corner building elevation into the perimeter open space setback at Anton Boulevard/Avenue of the Arts (20 feet required, 10 to 11-foot setback approved). The Planning Commission found that the variance was justified for the following reasons: (a) The project was reduced in height from 26-stories to 7-stories, which presented challenges to site planning a 250-unit project while preserving the open space perimeter setback requirement; (b) No balconies or significant architectural features cantilever into the setback area; (c) The encroachment was only isolated to the corner of the property and the full 20-foot setback was maintained along the public streets for the remainder of the building; (d) and Encroachments into the perimeter setback requirements have been approved in a similar manner for 1901 Newport Boulevard in the PDC zone. The variance for the building corner encroachment was reviewed by the Transportation Division to ensure the project would not impede visibility.

Tract Map No. 17017 was not revised to reflect this variance granted by the Planning Commission. Consequently, the Engineering Division, at the request of the property owner, is proposing to vacate a portion of the 20-foot landscape easement at the corner of Anton Boulevard and Avenue of the Arts. The remaining easement would be 10-11 feet wide. Currently there are public improvements within the subject easement area. However, as part of the development of the midrise residential building (currently in plan check), the property owner would construct curb, gutter, sidewalk, landscaping and other public improvements in all easement areas.

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. The Engineering Division reviewed the building corner encroachment during the processing of the approved final master plan (PA-13-19) to ensure the setbacks would allow for the construction of public improvements, including curb, gutter, sidewalk, and landscaping. Even with the proposed vacated landscape easement, substantial landscaping remains within the 20-foot wide landscape easements along Anton

Boulevard and Avenue of the Arts. Additionally, the approved midrise residential building was designed with various architectural enhancements and high-quality materials at the building corner to account for the reduced setback.

- 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. The building corner encroachment was previously reviewed by the Engineering and Transportation Divisions to ensure the proposed action will not result in any adverse impacts to public utilities or the transportation network. Accordingly, 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 Division determined the landscape easement to be vacated is not necessary for present or future 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 landscape 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 landscape 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 landscape easement vacation, within the property limits of 580 Anton Boulevard, 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

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)

ATTACHMENT 1

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 LANDSCAPE EASEMENT WITHIN THE PROPERTY LOCATED AT 580 ANTON BOULEVARD 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, a landscape easement on the property at 580 Anton Boulevard was originally dedicated to the City of Costa Mesa under Tract Map No. 17017; and

WHEREAS, the City of Costa Mesa proposes to vacate a portion of the landscape easement, approximately 131 square feet in area, at the corner of Anton Boulevard and Avenue of the Arts, within the property limits of 580 Anton Boulevard, as shown in Exhibit B; and,

WHEREAS, the landscape easement being vacated has been found by the Engineering Division to not be necessary for present and future 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 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 August 10, 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 portion of a landscape easement within the property located at 580 Anton Boulevard 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

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 August 10, 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.

Facts in Support of Findings: The Engineering Division reviewed the building corner encroachment during the processing of the approved final master plan (PA-13-19) to ensure the setbacks would allow for the construction of public improvements, including curb, gutter, sidewalk, and landscaping. Even with the proposed vacated landscape easement, substantial landscaping remains within the 20-foot wide landscape easements along Anton Boulevard and Avenue of the Arts. Additionally, the approved midrise residential building was designed with various architectural enhancements and high-quality materials at the building corner to account for the reduced setback.

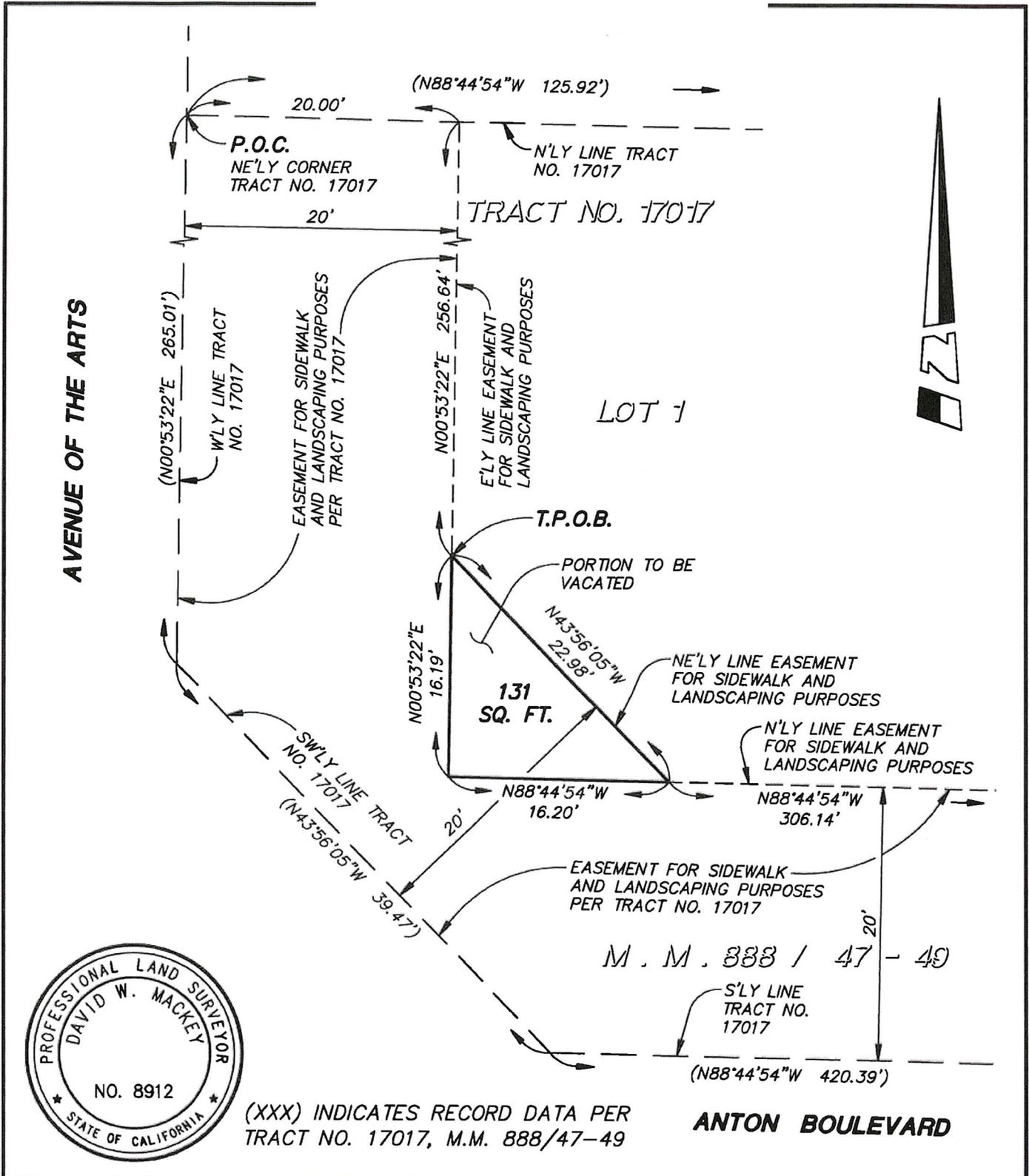
- B. The information presented substantially complies with the City of Costa Mesa 2000 General Plan Section 2.6 LU-2 in that:

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 building corner encroachment was previously reviewed by the Engineering and Transportation Divisions to ensure the proposed action will not result in any adverse impacts to public utilities or the transportation network. Accordingly, the proposed vacation is in conformance with the General Plan. Furthermore, the Engineering Division determined the landscape easement to be vacated is not necessary for present or future 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 landscape easement serves the public interest and is a public benefit.

- 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 landscape easement to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern.

EXHIBIT B



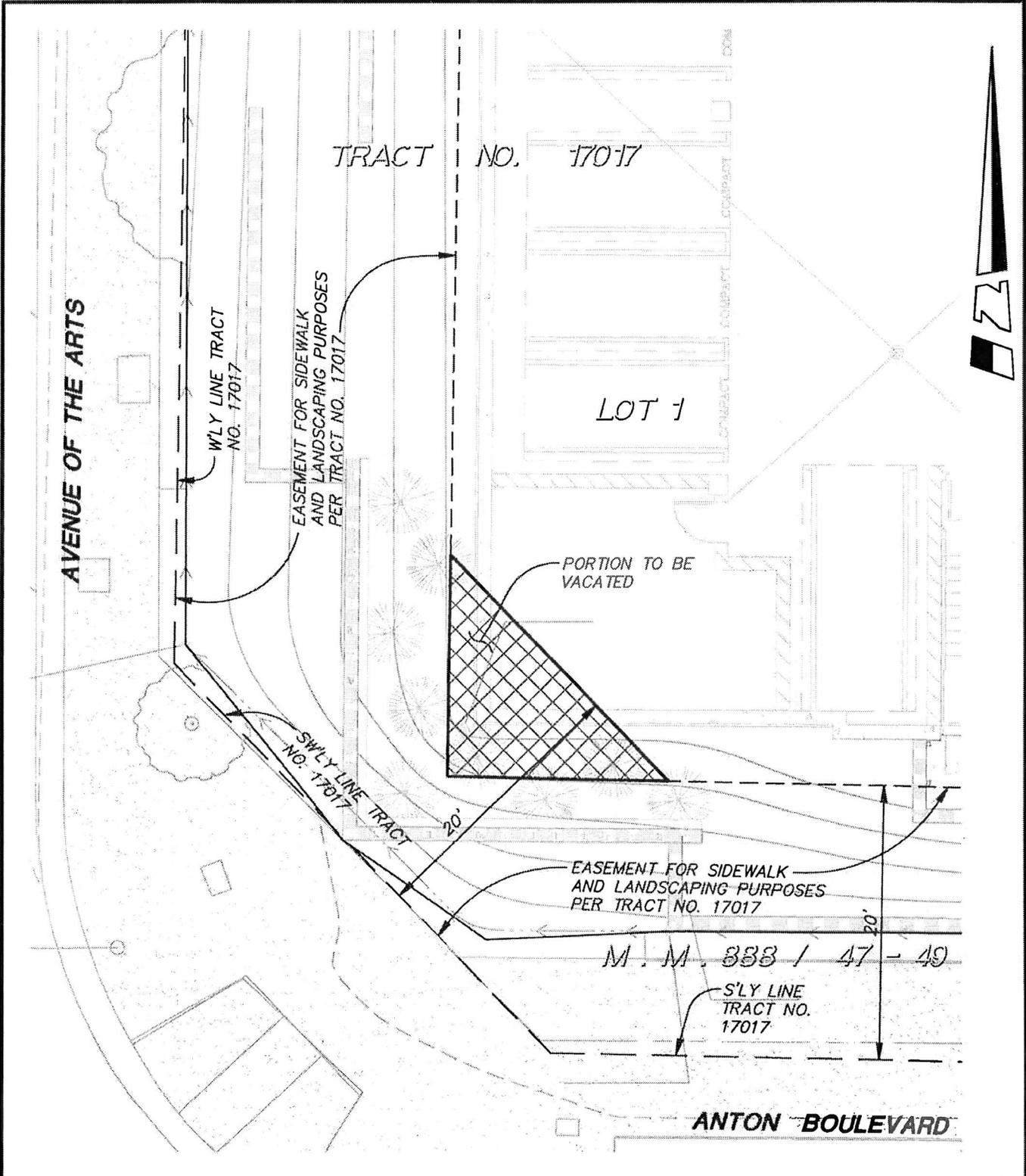
(XXX) INDICATES RECORD DATA PER TRACT NO. 17017, M.M. 888/47-49

HUITT-ZOLLARS
 Huitt-Zollars, Inc. Irvine
 2603 Main Street, Suite 400, Irvine, CA 92614
 Phone (949) 988-5815 Fax (949) 988-5820

APPROVED BY
David W. Mackey 8-6-15

SKETCH TO ACCOMPANY
 A LEGAL DESCRIPTION
EXHIBIT 'B'
**VACATION OF EASEMENT
 FOR SIDEWALK AND
 LANDSCAPING PURPOSES**

SCALE	1"=10'
DRAWN BY	DWM
CHECKED BY	JJL
DATE	8/6/2015
JOB NO.	R301409.02



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SITE PLAN 580 ANTON BOULEVARD VACATION OF EASEMENT FOR SIDEWALK AND LANDSCAPING PURPOSES

SCALE	1"=10'
DRAWN BY	DWM
CHECKED BY	JJL
DATE	8/6/2015
JOB NO.	R301409.02

CITY OF COSTA MESA

CC-4

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Claire Flynn, Development Services Director

FROM: Fariba Fazeli, City Engineer

DATE: August 7, 2015

SUBJECT: Proposed Vacation of a Portion of Sidewalk and Landscape Easement at 580 Anton Boulevard

A request was received by the Engineering Division from Legacy Partners, property owners of "580 Anton Boulevard" to vacate a corner portion of a 20 foot wide City sidewalk and landscape easement located at the Northeast corner of Avenue of the Arts and Anton Boulevard (see Attachment 1). The easement was dedicated to the public for sidewalk and landscape purposes per Tract Map No 170172 recorded April 20, 2007 in the office of the County Recorder in Book 888, Pages 47-49 M.M. The easement was recorded in conjunction with the project's original conditions of approval to accommodate a meandering sidewalk buffered from the street by landscaping. The property is located within the North Costa Mesa Specific Plan area; however, there are no policies related to the depth of the landscape easement. The applicant proposes to reduce the easement to accommodate a planned Building corner. The Requested corner area to be vacated is approximately 16 feet by 16 feet. Approval of the easement reduction is consistent with the approved 250-unit apartment project on this site.

Currently, there are no utilities within this portion of the Landscape easement area and therefore, a reservation for a utility easement is not required.

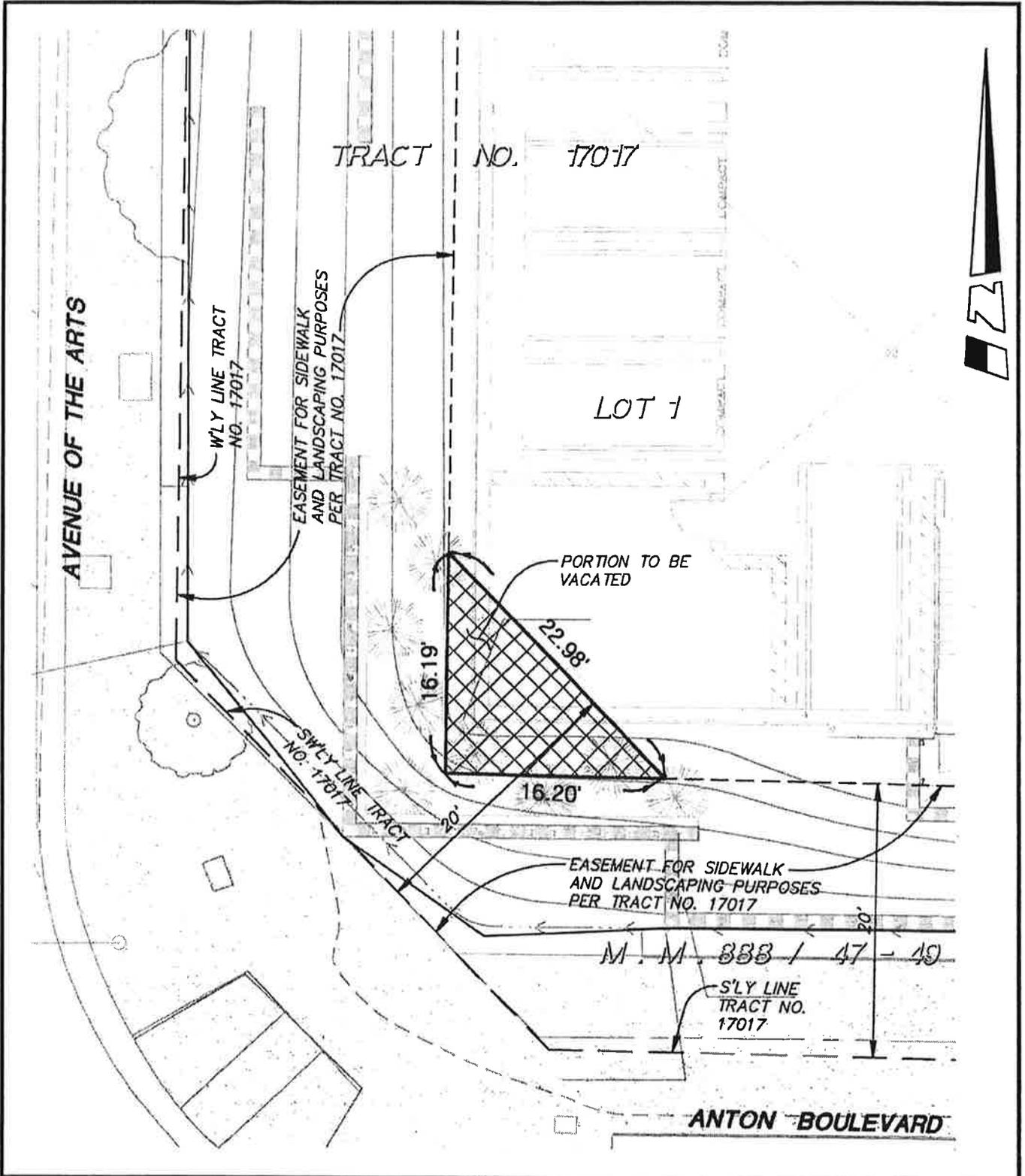
The excess landscape easement has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that this portion of the easement is not necessary for public landscaping or street and highway purposes and consequently is not required for any motorist and/or non-motorist 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 Legacy Partners

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 - Proposed Vacation of Landscape Easement



AVENUE OF THE ARTS

TRACT NO. 17017

LOT 1

WLY LINE TRACT NO. 17017

EASEMENT FOR SIDEWALK AND LANDSCAPING PURPOSES PER TRACT NO. 17017

PORTION TO BE VACATED

16.19'

22.98'

16.20'

SWLY LINE TRACT NO. 17017

EASEMENT FOR SIDEWALK AND LANDSCAPING PURPOSES PER TRACT NO. 17017

M. M. 888 / 47 - 49

S'LY LINE TRACT NO. 17017

ANTON BOULEVARD



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SITE PLAN
580 ANTON BOULEVARD
VACATION OF EASEMENT
FOR SIDEWALK AND
LANDSCAPING PURPOSES

SCALE	1"=10'
DRAWN BY	DWM
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DATE	8/6/2015
JOB NO.	R301409.02

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