



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: June 13, 2016

ITEM NUMBER: CC-2

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
PROPOSED VACATION OF EXCESS RIGHT-OF-WAY AT 671-673 W. 17TH STREET AT
TWO (2) LOCATIONS: W. 17TH STREET AND SUPERIOR AVENUE**

DATE: JUNE 6, 2016

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**FOR FURTHER INFORMATION CONTACT: PRIYA MACWAN, PLANNING INTERN
(714) 754-5276**

PM

DESCRIPTION

West Port Properties Inc. (property owner) is proposing to vacate excess right-of-way at 671-673 West 17th Street at two locations, W. 17th Street and Superior Avenue, in the MG (General Industrial) zone Light Industrial land use designation from the City of Costa Mesa.

Pursuant to Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property), the Costa Mesa Planning Commission must find the vacation of this property to be in conformance with the 2000 General Plan. Furthermore, findings of consistency regarding the vacation must be made under Section 8300 et seq. of the California Streets and Highways Code. 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 2) finding that the proposed vacation of the subject right-of-way is in conformance with the City of Costa Mesa 2000 General Plan and the California Streets and Highways Code. Additionally, the resolution finds that the street vacation will serve the public interest and is a public benefit.

BACKGROUND

Site Location/Environs

The property owner West Port Properties Inc. has proposed the vacation of excess right-of-way for two locations at 671-673 W. 17th Street. The subject property is located at the northwest corner of West 17th Street and Pomona Avenue. A vicinity map is attached (Attachment 1).

The MG zone is intended for a variety of industrial areas which contain a wide range of light and general industrial activities. Development standards and the approval of conditional uses shall be aimed toward eliminating possible hazards to adjoining properties, especially in those areas where residential uses are in the vicinity. Surrounding properties to the north, south, east and west are also in the MG zone.

ANALYSIS

Government Code Section 65402 requires the Planning Commission to review and approve certain actions related to City property. Actions related to acquiring, using, or disposing of public property within the City of Costa Mesa require the Planning Commission to review the proposed use for conformity with the General Plan. Additionally, Section 8334 of the California Streets and Highways Code allows a local agency to vacate an excess right-of-way not required for street or highway purposes.

GENERAL PLAN CONFORMANCE

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

- Subject right-of-way serves no public street or highway purpose. The subject segments on West 17th Street and Superior Avenue currently have two through lanes in each direction and a median (two-way) turn lane which can be accommodated within a 72 feet wide right-of-way. The available right-of-way. The available right-of-way at 671-673 W. 17th Street along W. 17th Street is 95 feet and along Superior Avenue is 98 feet. Hence, a 23-foot wide right of way can be vacated at these locations without compromising the function of both street segments
- Proposed action 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 and social resources. Given that the proposed action will not result in any adverse impacts to public utilities or the transportation network, it 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 vacation of the street easement has been reviewed by the Engineering and Transportation Services 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 property will revert back to the owner of 671-673 W. 17th Street, West Port Properties Inc.

CONCLUSION

The proposal of West Port Properties Inc. to vacate excess right-of-way at 671-673 West 17th Street from the City of Costa Mesa is in conformance with the City of Costa Mesa 2000 General Plan. The Planning Commission's adoption of a General Plan conformity resolution is in compliance with State law.

Attachments: 1. Vicinity Map
 2. Planning Commission Resolution
 Exhibit "A"
 3. Correspondence from City Engineer dated 05/18/2016

cc: 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)



N
SCALE: NONE

LEGEND

- PROPOSED STREET EASEMENT VACATION AREA
- EXISTING RIGHT OF WAY/PROPERTY LINE

R/W VACATION
TRACT 17800
671 W. 17TH ST
CITY OF COSTA MESA

C&V
CONSULTING, INC.
 CIVIL ENGINEERING
 LAND PLANNING & SURVEYING

6 ORCHARD, SUITE 200
 LAKE FOREST, CA 92630
 T. 949.916.3800
 F. 949.916.3805
 CVC-INC.NET

RESOLUTION NO. PC-16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE VACATION OF EXCESS RIGHT-OF-WAY BY WEST PORT PROPERTIES AT 671-673 W. 17TH STREET IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa 2000 General Plan was adopted on January 22, 2002; and,

WHEREAS, the California Government Code 65402, provides in part that a local agency shall not vacate, use, or dispose of any real property until the use of the property has been reported upon as to conformity with the applicable General Plan; and,

WHEREAS, The California Streets and Highways Code, Chapter 4, Section 8334(a) allows a local agency to summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes. The proposed right-of-way vacation has been reviewed by the Engineering and Transportation Services Divisions, and based on the existing land use and freeway configuration, it is no longer required for public street and highway purposes.

WHEREAS, the City of Costa Mesa 2000 General Plan indicates that the subject right-of-way is located at the northwest corner of West 17th Street and Pomona Avenue, and as shown in Exhibit "A",

WHEREAS, West Port Properties Inc. proposes the vacation of the subject right-of-way from the City of Costa Mesa; and,

WHEREAS, the property at 671-673 W. 17th Street abutting the subject right-of-way will revert back to the owner of 671-673 W. 17th Street and is designated as Light Industrial by the 2000 General Plan; and,

WHEREAS, the portion of the right-of-way being vacated has been found by the Engineering and Transportation Services Division not to be useful as a non-motorized transportation facility, and as such, the vacation serves the public interest and is a public benefit since the vacated right-of-way is unnecessary for present or future public use; 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 Attachment 3 (City Engineer's memo dated May 18, 2016); and,

WHEREAS, on June 13, 2016, the Costa Mesa Planning Commission review the proposed abandonment and findings;

BE IT RESOLVED, that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **APPROVES** the proposed vacation of the right-of-way with respect to the property described above.

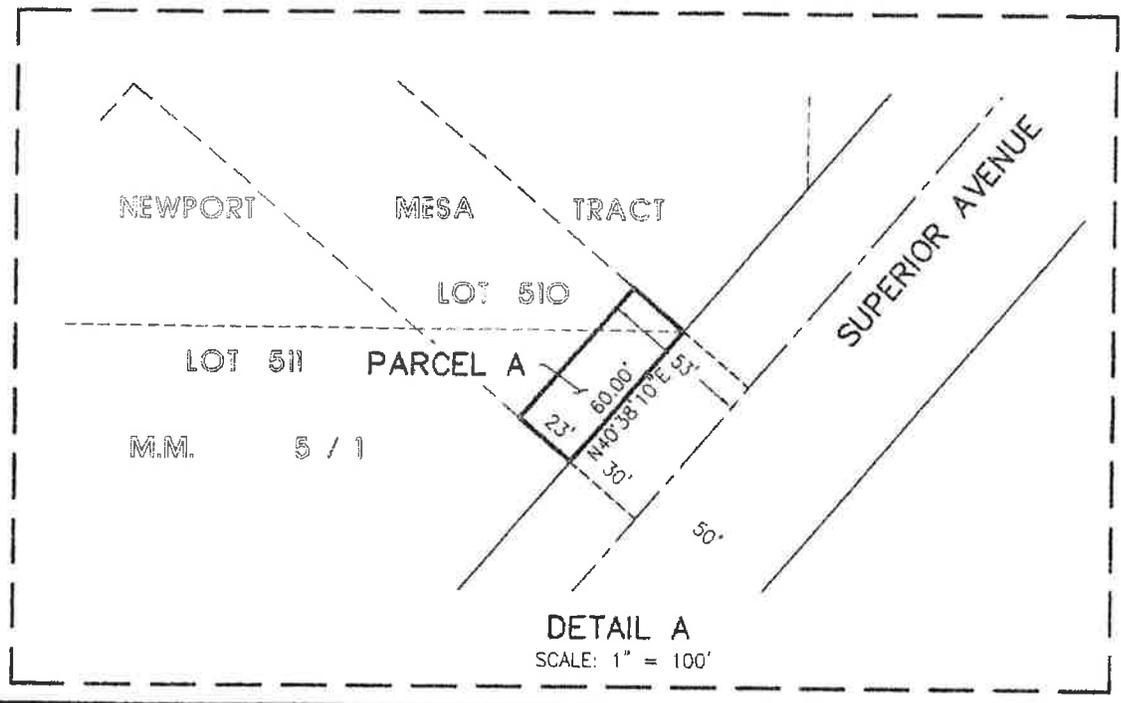
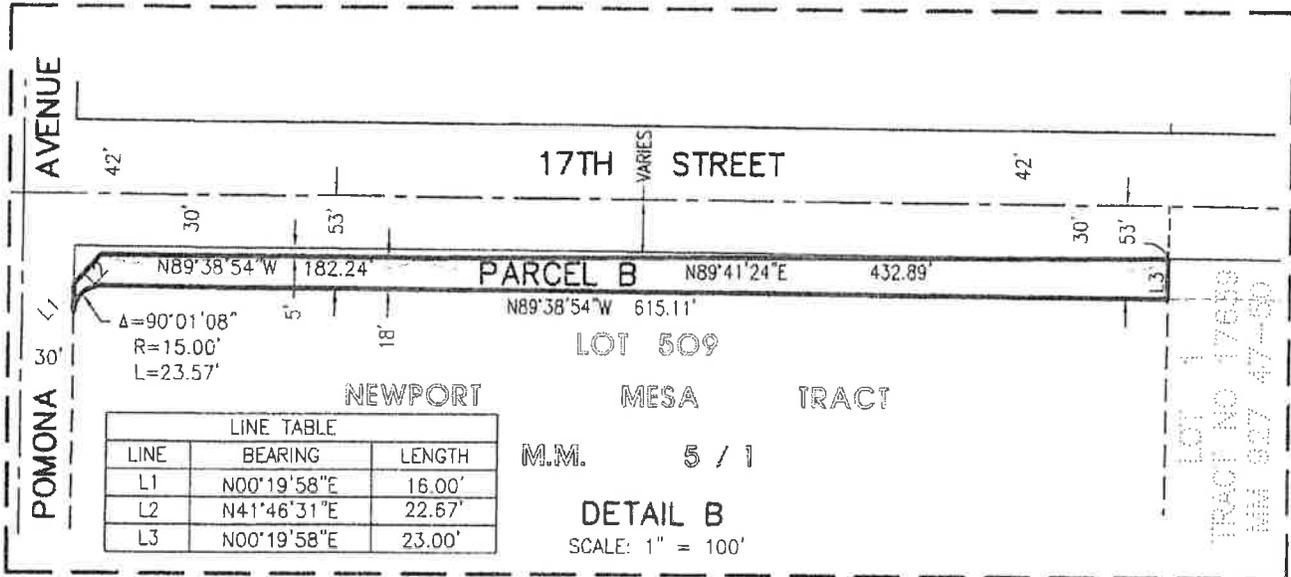
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of the subject right-of-way by West Port Properties Inc. is in conformance to the City of Costa Mesa 2000 General Plan and the California Streets and Highways Code. Furthermore, the Planning Commission finds the street vacation serves the public interest and is a public benefit.

PASSED AND ADOPTED this 13th day of June, 2016.

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

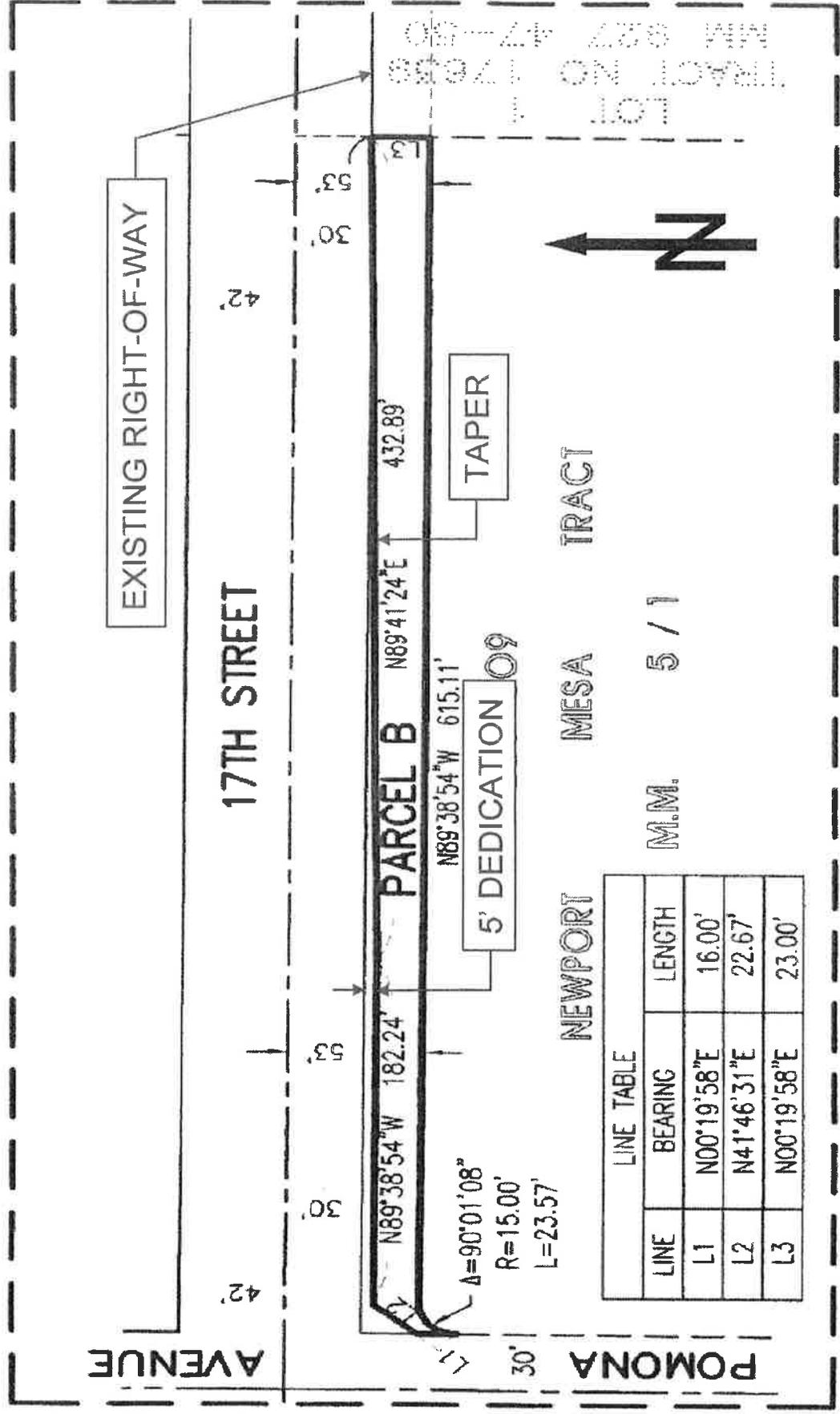
EXHIBIT A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 PORTION OF 17 STREET & SUPERIOR AVENUE RIGHT-OF-WAY VACATION



CITY OF COSTA MESA

PROJECT WESTGATE GATEWAY		TITLE STREET ABANDONMENT	
C&V CONSULTING, INC. CIVIL ENGINEERING LAND PLANNING AND SURVEYING		REFERENCE	DATE 2/17/16
6 ORCHARD LAKE FOREST, CALIFORNIA 92630		PHONE (949) 916-3800 FAX (949) 916-3805	SHEET NO. 1 of 1
		J.N. WEST-001	SCALE AS SHOWN



PARCEL "B" - PROPOSED RIGHT-OF-WAY VACATION AREA

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Claire Flynn, Assistant Development Services Director

FROM: Bart Mejia, Acting City Engineer *BM*

DATE: May 18, 2016

SUBJECT: Proposed Vacation of Excess Right-of-Way at 671-673 W. 17th Street at two (2) Locations: W. 17th Street and Superior Avenue

At the request of West Port Properties Inc., (property owner), the Engineering Division has reviewed the vacation of excess right-of-way for two locations at 671-673 W. 17th Street. This request is in conjunction with the approved Tentative Tract Map No. 17800. The two excess right-of-way locations are along 17th Street and a small portion along Superior Avenue (see attachment 1).

The subject segments on West 17th Street and Superior Avenue currently have two through lanes in each direction and a median (two-way) turn lane which can be accommodated within a 72 feet wide right-of-way. The available right-of-way at 671-673 W. 17th Street along W. 17th Street is 95 feet and along Superior Avenue is 98 feet. Hence, a 23-foot wide right-of-way can be vacated at these locations without compromising the function of both street segments.

As part of the conditions for the Tract Map No. 17800, the property owner is re-dedicating a 5-foot portion of the northerly property for a better transition. This 5-foot dedication will run parallel with the center line of West 17th Street then taper to connect to the existing right-of-way to the east (see attachment 2).

It should also be noted that the proposed development project at 671-673 W. 17th Street was reviewed and approved based on the adopted Mater Plan of Bikeways which does not propose any bicycle facilities along the subject segments of W. 17th Street and Superior Avenue. As such, there is no nexus for requiring additional right-of-way for bicycle facilities along these street segments. Hence, the excess right-of-way at the above mentioned two locations can be vacated.

The proposed vacation of the street easement has been reviewed by the Engineering and Transportation Services 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 671-673 W. 17th Street, West Port Properties Inc.

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 13, 2016. Please submit a confirmation that this request has been received and scheduled.

Further information about this project may be obtained from Brad Edwards, Engineering Technician, at extension 5066.

Attachments: 1. Proposed vacation of excess right-of-way (2 pages)
2. Exhibit of 5-foot dedication

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