



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 12, 2023

ITEM NUMBER:CC-6

SUBJECT: GENERAL PLAN CONFORMITY FOR A PROPOSED UTILITY EASEMENT VACATION LOCATED AT 2156 MYRAN DRIVE (ASSESSOR'S PARCEL NUMBER 422-203-10)

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT: CAITLYN CURLEY
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RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b) (3); and
2. Find that the proposed utility easement vacation is in conformance with the City of Costa Mesa General Plan.

APPLICANT OR AUTHORIZED AGENT

The authorized agent is Dan Vy Ngoc Nguyen, for the property owner, the Dan Vy Ngoc Nguyen Revocable Living Trust.

PLANNING APPLICATION SUMMARY

Location:	2156 Myran Drive	Application Numbers:	NA
Request:	Finding of substantial conformance with the Costa Mesa General Plan to vacate a utility easement located at 2156 Myran Drive, in conjunction with a proposed subdivision and the construction of two new single-family homes, a portion of which will be constructed within the current easement.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	R2-MD (Multiple Family Residential, Median Density)	North:	R2-MD (Multiple-Family Residential, Medium Density)
General Plan:	Median Density Residential	South:	R2-MD (Multiple-Family Residential, Medium Density)
Lot Dimensions:	39 ft. x 132 ft.	East:	R2-MD (Multiple-Family Residential, Medium Density)
Lot Area:	5,158 sq. ft.	West:	R2-MD (Multiple-Family Residential, Medium Density)
Existing Development:	Vacant land		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed R2-MD Dev. Standard	Proposed/Provided
Building Height	27 ft.	25 ft. 1 ¼ in.
Setbacks:		
Front	20 ft.	20 ft.
Side (left/ right)	5 ft. / 5 ft.	5 ft. / 5 ft.
Rear	15 ft.	15 ft. 0¼ in.
Landscape Setback – front	20 ft.	20 ft.
Parking	4	4
Minimum Open Space	200 sq. ft.	1,858 sq. ft.
CEQA Status	Exempt per CEQA Guidelines Section 15061(b)(3) (General Rule)	
Final Action	Planning Commission	

BACKGROUND

The subject property is located on the northeast intersection of Myran Drive (a private street) and Victoria Street. The property is currently vacant; however, a design review and parcel map have been approved by the City to divide the subject property into two parcels for the construction of two single-family homes. As approved, one of the homes would be partially constructed in the vacated easement along Victoria Street. Pursuant to the City's Master Plan of Highways, Victoria Street is designated as a Secondary Arterial Street (68-foot width), and Myran Drive is designated as a Local Street (40-foot width). The property is zoned R2-MD (Multiple-Family Residential District, Medium Density) and has a General Plan Land Use Designation of Medium Density Residential.

ANALYSIS

The subject utility easement consists of the southerly 18 feet of the 2156 Myran Drive property. This 18 foot easement area was dedicated via a parcel map recorded on August 26, 1991 as part of a project to widen Victoria Street. The widening of Victoria Street and creation of a pedestrian path and green belt have been completed; however, did not utilize the entirety of the land dedication acquired by the City in 1991, resulting in the present surplus easement area. The approximate 40-foot wide parkway (that includes an existing sidewalk, bicycle path and landscape area) located along Victoria Street will not be impacted by the vacation of the subject easement, and is currently bifurcated from the subject easement area by an existing concrete block wall.

According to the Costa Mesa Engineering and Transportation Services Divisions, the subject 1,837-square-foot utility easement area is not necessary for the present or prospective public right-of-way and/or utility purposes. However, a six-foot wide utility easement is proposed to remain along the easterly side of the property as Southern California Edison maintains utilities within this easement.

GENERAL PLAN CONFORMANCE

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Property) requires the City's planning agency (Planning Commission) to review and report its determination whether the location, purpose and extent of the easement vacation is consistent with the City's General Plan. In this regard, the proposed vacation of utility easement area is in compliance with the following applicable General Plan goals:

- *Housing Element Goal No.1: Preserve and enhance the City's existing housing supply.*
- *Housing Element Goal No. 2: Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.*

In regards to the location, purpose and extent of the subject easement vacationing consistency with the City's General Plan, the location of the vacated easement is not needed for present or perspective public purposes, and the purpose and extent of the approximately 1,837-square-foot vacated easement will be used to facilitate further

housing opportunities in the City, as specifically consistent with the General Plan Housing Element.

ENVIRONMENTAL DETERMINATION

The vacation of the excess public right-of-way has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. CEQA Guidelines Section 15061(b)(3) (General Rule) states that when it can be seen with certainty that there is no possibility that an action will have a significant effect on the environment, that activity is not subject to CEQA. The evaluation of General Plan consistency for the subject easement vacationing will not have any effect on the environment. Therefore, it can be seen with certainty that there is no possibility of significant environmental effects for the easement vacation action subject to CEQA.

ALTERNATIVES

Pursuant to Government Code Section 65402, the Planning Commission must report upon General Plan conformance for the proposed utility easement vacationing. Other than adopting a General Plan Conformity resolution, there are no other viable alternatives that would comply with State law.

CONCLUSION

The utility easement area proposed to be vacated is not needed for present or prospective public right-of-way and/or utility purposes, and the easement area will be utilized for the development of a two-unit residential project, which is consistent with the aforementioned General Plan goals to enhance and facilitate the creation of housing opportunities in the City.