



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1302

Meeting Date: 8/1/2023

TITLE:

VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT AT 1940 WALLACE AVENUE

DEPARTMENT: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

PRESENTED BY: RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR

CONTACT INFORMATION: SEUNG YANG, P.E., CITY ENGINEER, (714) 754-5633

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt Resolution 2023-xx to vacate a portion of a City public utility easement at 1940 Wallace Avenue.
2. Authorize the execution of the Quitclaim Deed by the Mayor and the City Clerk.

ENVIRONMENTAL DETERMINATION:

The proposed action is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment. Even if considered a project, it would be categorically exempt under Class 1, section 15301 (Existing Facilities), Class 3, section 15307 (New Construction or Conversion of Small Structures) and/or Class 32, section 15332 (Infill Development).

BACKGROUND:

At the request of the property owner at 1940 Wallace Avenue, Public Works staff has reviewed the vacating of a portion of a City public utility easement.

The aforementioned easement was dedicated as twenty (20) foot wide for public utility purposes, as reserved in the document recorded on December 11, 1984, as Instrument No. 84-513164, of Official Records.

The applicant is requesting the vacating of fourteen (14) feet of the existing twenty (20) foot wide City public utility easement, located at the rear of the subject property near Sterling Avenue, in order to construct a new detached accessory dwelling unit (ADU). Six (6) feet of this existing easement will remain for public utility purposes (Attachment 3).

On June 12, 2023, a report was presented to the Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution No. PC-2023-18, (Attachment 4) which found that the proposed vacation of a portion of this City public utility easement is consistent with the City's General Plan.

ANALYSIS:

The City's Engineering Division reviewed and determined that the proposed 14-foot wide public utility easement requested for vacation is not necessary for utility purposes. The remaining 6-feet of this easement will adequately serve the needs for public utility purposes, particularly for Southern California Edison (SCE).

The purpose and extent of the subject easement vacation is consistent with the City's General Plan. The vacated easement is not needed for present or prospective public purposes, and the purpose and extent of the approximate 889 square-foot vacated easement will be used to construct a new accessory dwelling unit (ADU).

After the proposed vacation is approved and recorded, the subject vacated property will revert to the adjacent property at 1940 Wallace Avenue (the underlying fee owner).

In order for the vacated area to be properly transferred, staff is requesting the approval and execution of the quitclaim deed (Attachment 2).

The aforementioned actions conform to Section 892 of the California Streets and Highways Code since the City has determined that the proposed vacation of this easement is not useful as a non-motorized transportation facility. In addition, public utility companies, including Southern California Edison, have all determined that this proposed easement vacation is acceptable.

ALTERNATIVES:

The City may choose not to vacate a portion of the public utility easement, but staff does not recommend this action because this will cause the City to continue to be responsible for its maintenance and safety, whereas it can be used for dwelling purposes to further facilitate housing opportunities in the City.

FISCAL REVIEW:

There is no fiscal impact to the FY 2023-24 Public Works operating budget.

LEGAL REVIEW:

The City Attorney's Office has reviewed this agenda report and the Resolution and approves them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

Diversify, stabilize and increase housing to reflect community needs.

CONCLUSION:

Staff recommends the City Council:

1. Adopt Resolution 2023-xx for the vacation of a portion of a City public utility easement at 1940 Wallace Avenue (Attachment 1).
2. Authorize the execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).