



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 22-614

**Meeting Date:** 4/25/2022

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**TITLE:**

**GENERAL PLAN CONFORMITY RESOLUTION FOR THE ORANGE COUNTY FLOOD CONTROL DISTRICT EASEMENT AT 3190 PULLMAN STREET**

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

**PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER**

**CONTACT INFORMATION: CHRIS YEAGER, 714.754.4883;  
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**RECOMMENDATION:**

Adopt a resolution finding that the proposed acquisition by the Orange County Flood Control District of an easement at 3190 Pullman Street is in conformance with the City of Costa Mesa's General Plan.

**APPLICANT OR AUTHORIZED AGENT:**

The applicant/authorized agent is Raymond J. Rivera, Senior Land Surveyor within Right of Way Services for the County of Orange.

**BACKGROUND:**

The property at 3190 Pullman Street is zoned MP (Industrial Park) with a General Plan land use designation of Industrial Park. The properties to the west, south, and east of the project site are also zoned MP and have a General Plan land use designation of Industrial Park. The State Route 55 and Interstate 405 intersection is located to the north of the project site. In addition, the property is adjacent to a flood control channel to the north.

**DESCRIPTION:**

The Orange County Flood Control District (OCFCD) is in the process of acquiring an easement 0.301-acre in area from Life Storage LP over land located at 3190 Pullman Street, Costa Mesa (Assessor's Parcels 427-212-01 and 427-212-02). The purpose of the easement is to provide utility access to the OCFCD's Airport Storm Channel from Pullman Street. Currently, in order to access the flood control channel, OCFCD must obtain permission from the Life Storage LP property owner before passing through the property. The easement would remove the requirement to gain permission to access the flood control channel.

The OCFCD has indicated that after obtaining the easement, future physical alterations to the property will be limited to fencing, an access gate and gravel/paving along the easement to enable

flood control channel access. Staff has informed OCFCD that any physical alterations to the property will require City approval. The proposed easement will not affect the previously approved Minor Conditional Use Permit, ZA-19-09, that allowed for the construction of the existing 78,406-square-foot mini-warehouse space.

Pursuant to Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property), the Costa Mesa Planning Commission is being asked to find the easement acquisition to be in conformance with the City's General Plan.

### **ANALYSIS:**

Prior to obtaining the access easement, Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires the City's planning agency (Planning Commission) to review actions related to acquiring, using, or disposing of land for public purposes within the City of Costa Mesa. Specifically, the Planning Commission must consider if the acquisition of the easement is in conformance with the General Plan in regards to location, purpose and extent.

**Location:** The subject easement is situated on property located within the Airport Industrial District which is directly adjacent to a flood control channel. Various General Plan policies call for the prioritization of industrial uses within the Airport Industrial District and maintenance of public infrastructure (*Policy LU 6.3 and Policy S1.11*). The acquisition of an easement to access the flood control channel would have no effect on the ability of the property to be used for industrial uses, and would enable the flood control channel to be maintained and properly serve the community.

**Purpose:** The purpose of the easement is to allow for access to the flood control channel. The easement would enable the OCFCD to provide better access and respond to the channel in the event of emergency, and would enable maintenance to continue as needed to ensure the viability of the channel. Various General Plan Policies call for the enhancement and maintenance of infrastructure including flood control systems. (*Objective LU-5A, Policy S1.11*)

**Extent:** The access easement totals 0.301-acre of land over private property at 3190 Pullman Street. The easement is proposed to be located between the currently developed Life Storage LP facility and the Red Hill Avenue overpass of the 55 Freeway. The access easement will enhance the City's effort of meeting various General Plan policies that encourage the prioritization of industrial uses and maintenance of public infrastructure. (*Objective LU-5A, Policy LU 6.3, Policy S1.11*)

### ***Public Services Review:***

The City Engineer has reviewed the easement acquisition request and noted that they do not object to the easement because it will be located on private property (Attachment 2).

### **GENERAL PLAN CONFORMANCE:**

The property has a General Plan designation of Industrial Park. The following evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan.

**Objective LU-5A:** *Ensure availability of adequate community facilities and provision of the highest level of public services possible, taking into consideration budgetary constraints and effects on the surrounding area.*

**Consistency:** The access easement would not affect the surrounding properties' ability

to provide high quality industrial uses. The easement would allow for maintenance of the flood control channel, a valuable resource of the community to reduce flooding.

**Policy LU-6.3:** *Continue to prioritize commercial and industrial park use of properties north of I-405 and within the Airport Industrial District.*

**Consistency:** The property is located within the Airport Industrial District and contains a storage unit use. The ability of the property to support existing and future industrial uses would not be affected by the acquisition of the OCFCD access easement.

**Policy S-1.11:** *Improve and maintain local storm drainage infrastructure in a manner that reduces flood hazards.*

**Consistency:** As described in the Safety Element, it is the City's goal to improve and maintain local storm drain infrastructure to reduce flooding hazards and related issues. The access easement will allow OCFCD to provide maintenance and ensure storm channel functionality.

### **JUSTIFICATIONS FOR APPROVAL:**

The Government Code of the State of California, Section 65402, provides in part that a local agency shall not acquire by dedication or otherwise for street, square, park or other public purposes until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan. As indicated above, the determination that the proposal is in compliance with the City's General Plan can be made.

### **ENVIRONMENTAL DETERMINATION:**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule), in that it can be seen with certainty that there is no possibility that the proposed easement acquisition will have a significant effect on the environment.

### **ALTERNATIVES:**

If the Planning Commission believes the proposed access easement is inconsistent with the General Plan, the item will be returned to the requesting agency with notification of the Planning Commission's action.

### **LEGAL REVIEW:**

The draft Resolution has been approved as to form by the City Attorney's Office.

### **PUBLIC NOTICE:**

Pursuant to Table 13-29(c) of the Costa Mesa Municipal Code, public notice is not required for a General Plan Conformity Finding.

### **CONCLUSION:**

Staff recommends the Planning Commission adopt a resolution finding that the acquisition of the

access easement for OCFCD, on the property located at 3190 Pullman Street, is in conformance with the City of Costa Mesa General Plan.