



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: JUNE 12, 2023

ITEM NUMBER:CC-5

**SUBJECT: GENERAL PLAN CONFORMITY FOR THE PROPOSED VACATION OF AN UTILITY EASEMENT LOCATED AT 1940 WALLACE AVENUE (ASSESSOR'S PARCEL NUMBER 422-203-10)**

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

**PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER**

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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 Jason Richart, for the property owner, TN Apartments, LLC.

## PLANNING APPLICATION SUMMARY

Location:	1940 Wallace Avenue	Application Numbers:	NA
Request:	Finding of substantial conformance with the Costa Mesa General Plan to vacate a utility easement at the rear of the property at 1940 Wallace Avenue, as part of the construction of a new, detached accessory dwelling unit within the current easement.		

### **SUBJECT PROPERTY:**

### **SURROUNDING PROPERTY:**

Zone:	R2-HD (Multiple Family Residential, High Density)	North:	R2-HD (Multiple-Family Residential, High Density)
General Plan:	High Density Residential	South:	R2-HD(Multiple-Family Residential, High Density)
Lot Dimensions:	64.5 ft. x 288 ft.	East:	R2-HD(Multiple-Family Residential, High Density)
Lot Area:	18,576 sq. ft.	West:	R3(Multiple-Family Residential)
Existing Development:	Multifamily apartment complex		

## DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed R2-HD Dev. Standard	Proposed/Provided*
Building Height	27 ft.	22 ft.
Setbacks:		
Front	20 ft.	63 ft.
Side (left/ right)	5 ft. / 5 ft.	10 ft. / 5 ft.
Rear	15 ft.	67 ft.
Landscape Setback – front	20 ft.	20 ft.
Parking	28	19
Minimum Open Space	40%	40.32%
*Per Building Permit No. 43944-45		
CEQA Status	Exempt per CEQA Guidelines Section 15061(b)(3) (General Rule)	
Final Action	Planning Commission	

## **BACKGROUND**

The subject property is located on the eastern side of Wallace Avenue, between West 19<sup>th</sup> Street and West 20<sup>th</sup> Street. The property is developed with a two-story, ten-unit multifamily building and a detached, one-story accessory dwelling unit at the rear of the property, and a surface parking lot with driveway access from Wallace Avenue. Pursuant to the City's Master Plan of Highways, Wallace Avenue and Sterling Avenue are both designated as Local Streets (40-foot width). The property is zoned R2-HD (Multiple-Family Residential District, High Density) and has a General Plan Land Use Designation of High Density Residential. The applicant is requesting the vacationing of a 14-foot portion of an existing utility easement located at the rear of the subject property near Sterling Avenue, in conjunction with the construction of a new, detached accessory dwelling unit.

## **ANALYSIS**

The subject easement consists of the rear, easterly 20 feet of the 1940 Wallace Avenue property, located adjacent to Sterling Avenue. The purpose of the easement is for underground and overhead public utilities.

Southern California Edison maintains overhead utilities and power poles along Sterling Avenue, and therefore a six-foot portion of the easement is to remain. The proposed vacation would only apply to the remaining 14 feet of the easement (approximately 889 square feet). According to the Costa Mesa Engineering and Transportation Services Divisions, the subject 889 square-foot utility easement area is not necessary for the present or prospective public right-of-way and/or utility purposes.

## **GENERAL PLAN CONFORMANCE**

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real 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 and policies:

- *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.*
- *Housing Element Program 3E: Promote the development of accessory dwelling units (ADUs).*

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 approximate 889 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 vacationing of the surplus utility easement has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental review 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 vacationing of a utility easement will not have any effect on the environment. Therefore, it can be seen with certainty that there is no possibility of significant environmental effects from the proposed utility easement vacation.

### **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 subject utility easement area 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 new ADU, which is consistent with the aforementioned General Plan provisions to enhance and facilitate the creation of housing opportunities in the City, including ADUs.