



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: November 12, 2024

ITEM NUMBER:CC-3

SUBJECT: GENERAL PLAN CONFORMITY REPORT AND RESOLUTION FOR THE PROPOSED ABANDONMENT OF A STRIP OF UNIMPROVED PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO THE PROPERTY AT 174 EAST 19TH STREET

FROM: PLANNING DIVISION / DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION

BY: BILL RODRIGUES, PLANNING MANAGER

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RECOMMENDATION

1. Find that the Planning Commission General Plan Conformance reporting is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3); and
2. Adopt a Resolution that reports on General Plan conformance for the proposed City abandonment of a 10-foot deep by 50-foot-wide strip of unimproved public right-of-way located adjacent to 174 East 19th Street.

APPLICANT OR AUTHORIZED AGENT

The applicant and authorized agent is the City of Costa Mesa.

EXECUTIVE SUMMARY

The City received a request from the Hector Vega Cabrera, property owner, to abandon a 10-foot deep by 50-foot-wide portion of the public right-of-way located adjacent to his property at 174 East 19th Street. This 500 square foot of public right-of-way is currently unimproved and is developed with private front-yard fencing and landscaping.

The half-width of the public right-of-way for 19th Street between Fullerton Avenue and Orange Avenue is 30 feet. However, in front of the subject property, the half-width of 19th Street increase to a width of 40 feet. If the vacation request is ultimately approved by the City Council, the subject front property line would shift ten feet to the southwest. This would

position the front property line/right-of-way line just behind the back of sidewalk (i.e., the sidewalk will remain in the public right-of-way) in alignment with the other properties developed along this portion of 19th Street.

The requested street vacation was reviewed by Costa Mesa's Public Works Department, Engineering Division. The City Engineer determined that this 500 square-foot strip of land is not necessary for any public or utility purposes and is not needed for any motorist and/or non-motorist usage.

Pursuant to Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property), as part of a vacation process, the Costa Mesa Planning Commission must report on its conformity with the City's General Plan. Furthermore, findings of consistency regarding the vacation must be made under Section 8300 et. Seq. of the California Streets and Highways Code. After the Planning Commission's determination, the requested vacation will be presented to the City Council for final action.

The vacation of this strip of land will not adversely impact on the City's ability to continue providing infrastructure, roadway, or other utility services to the subject property or surrounding properties. Therefore, staff recommends that the Planning Commission find this action exempt from the California Environmental Quality Act and adopt a resolution finding that the proposed vacation is consistent with the City's General Plan.

BACKGROUND AND SETTING

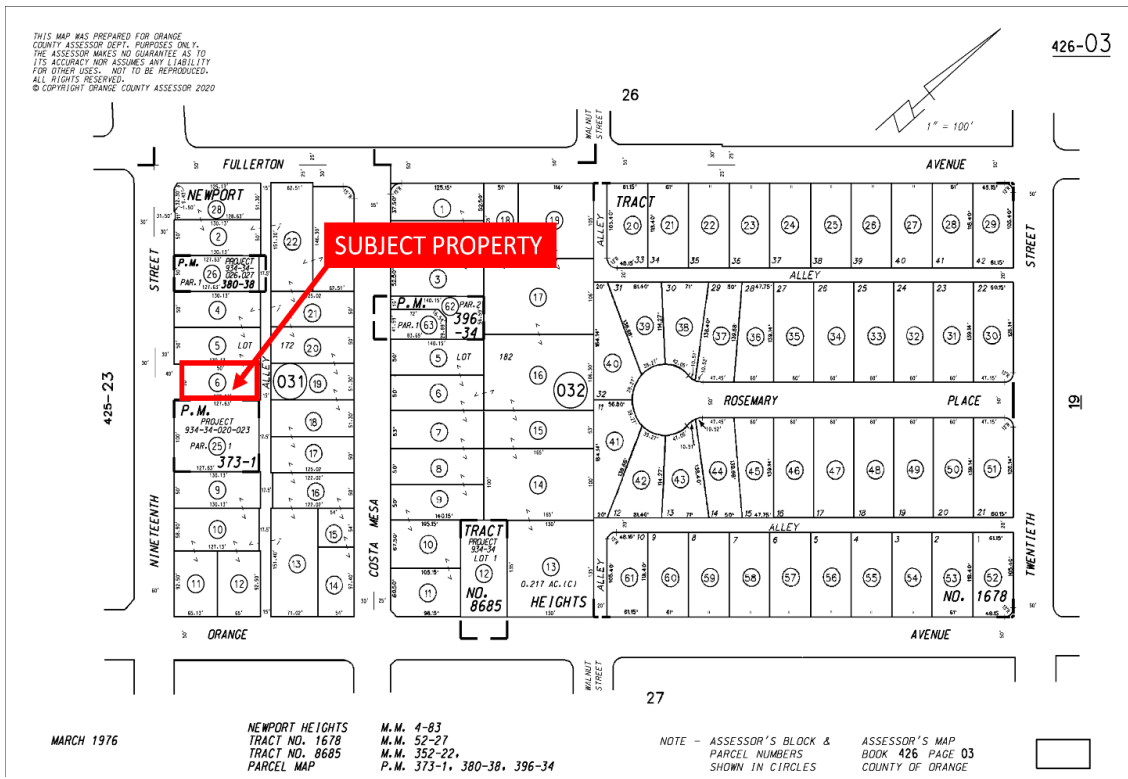
The subject property is a rectangularly-shaped interior lot that is approximately 6,007 square feet in area and is improved with a single-story residential unit originally constructed in 1944 (see Exhibit 1). The property is designated High Density Residential by the Land Use Element of the City's General Plan, and is zoned R2-HD, Multiple-Family Residential, High Density. The land use designation is intended to support the development of residential uses up to a density of 20 units per acre. The zoning district is consistent with and implements the General Plan designation. The property's zoning is intended to promote development of multi-family rental as well as ownership dwelling units on lots having a minimum area of 12,000 square feet. The surrounding area is designated, zoned, and developed similar to the subject.

The subject property consists of a portion of Lot 172 of the Newport Heights Tract, which was recorded in 1906. As Lot 172 was further subdivided through the years and land dedicated to the City for street purposes, small inconsistencies in the position of the front or rear property lines occurred. This resulted in a varied public right-of-way line along certain portions of East 19th Street and the rear alley (see Exhibit 2). However, this does not affect the alignment of the street and sidewalk, which have been developed to their full extent within the public right-of-way.

Exhibit 1 Site Plan



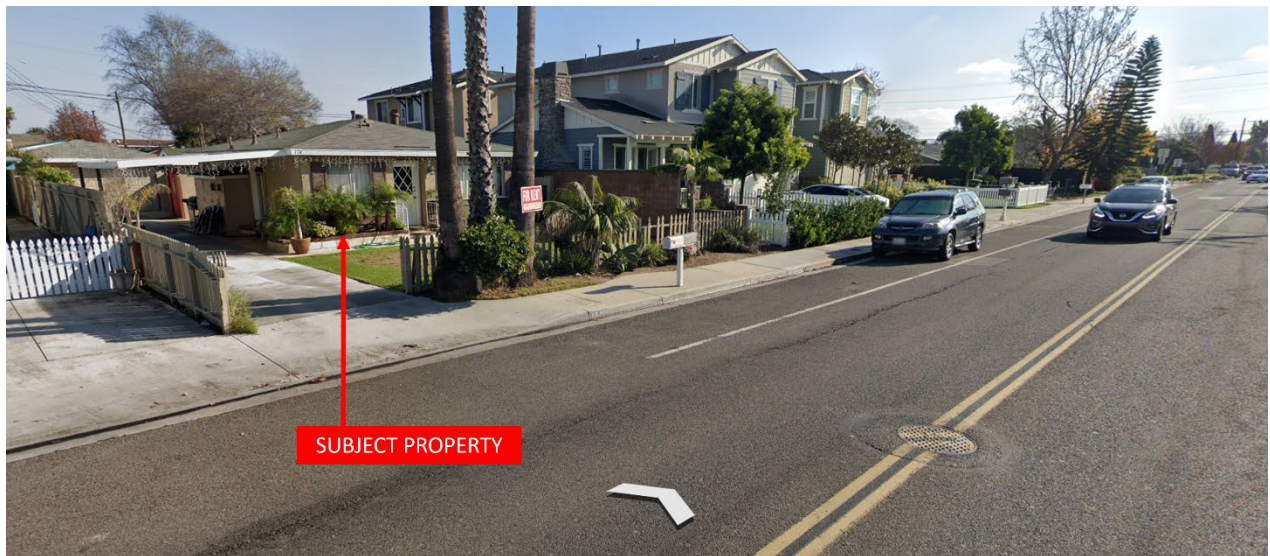
Exhibit 2 Assessor's Parcel Map



ANALYSIS

The request is to vacate a 10-foot deep by 50-foot-wide strip of land within the public right-of-way that is located adjacent to the property at 174 East 19th Street. While this dedication was originally intended for public street purposes, as the neighborhood developed and public improvements installed, this 500 square foot strip of land became unnecessary to support street, sidewalk and utility purposes. As it exists today, East 19th Street is a 60-foot-wide right-of-way that accommodates a 40-foot-wide, two-lane roadway with curbside parking and four-foot sidewalks on each side of the street. As permitted by right-of-way reversion authority, this strip of unimproved public right-of-way, has been integrated as part of the front-yard of the subject property (see Exhibit 4).

Exhibit 4 Street View



The project site and the immediately surrounding area are fully developed and include the full complement of infrastructure, roadway, and utility services to meet the needs of the nearby residential developments. The City's vacation of this strip of right-of-way land will not adversely affect existing or future development potential of the subject property or the surrounding area.

Government Code Section 65402 requires the City's planning agency (Planning Commission) to review and report to the City Council its determination whether the location, purpose, and extent of the proposed vacation is consistent with the General Plan. Additionally, the California Streets and Highways Code allows a local agency to vacate excess right-of-way that is determined not necessary for street and highway present or prospective purposes.

Costa Mesa's Public Works Department, Engineering Division has reviewed and supports the property owner's request. The Planning Commission's report as to General Plan conformity will be forwarded to the City Council, who is the final decision-making body. If the vacation is approved, there will be no physical changes to the subject property. Rather, the front property line will move 10 feet to the southwest, near the back of sidewalk, in

alignment with the edge of the public right-of-way for the properties beside the subject property.

GENERAL PLAN CONFORMANCE

Pursuant to Government Code Section 65402(a), “if a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof”. Below is an analysis for the Planning Commission’s consideration in regard to the abandonment/vacation of the subject property and Government Code Section 65402(a):

Excess right-of-way vacation conformance with General Plan in regard to “location”:

The excess right-of-way to be vacated is a 10 foot deep by 50-foot-wide strip of land located just behind the public sidewalk, adjacent to the property located at 174 East 19th Street. This strip of land is unnecessary for street, infrastructure, or utility purposes. The street is fully developed with roadway, street parking, curb and gutter, public sidewalk, and parkway and there is no present or prospective need to acquire future right-of-way to accommodate a street expansion. Additionally, 19th Street is a collector street per the General Plan and is currently designed to collector street standards. Roadways, infrastructure, and utilities necessary to serve the nearby residential developments are properly located within the existing public rights-of-way and not within this strip of land. As such, there is no need for the City to retain this portion of right-of-way and vacating this 500 square foot strip of land will have no effect on the City’s ability to provide or continue providing roads, sidewalks, infrastructure, or utilities to serve nearby residential development.

Excess right-of-way vacation conformance with General Plan in regard to “purpose”

The intended purpose of this 500 square foot strip of land was to retain space presumably for 19th Street to have an 80-foot section. However, as the area developed, 19th Street was constructed as a collector street requiring a 60-foot section. This resulted in excess right-of-way having been dedicated to the City adjacent to the property located at 174 East 19th Street than was required for all other nearby lots. Since the project site and the immediately surrounding area are fully developed and include the full complement of infrastructure, roadway, and utility services to meet the needs of the nearby residential developments, the City’s vacation of this strip of right-of-way land will not adversely affect existing or future development potential of the subject property or the surrounding area.

Excess right-of-way vacation conformance with General Plan in regard to “extent”:

The proposed right-of-way vacation affects a space that measures 10-feet deep by 50 feet wide and is approximately 500-square feet. For years, this unimproved right-of-way has

been included as part of subject property and developed with private front yard landscaping and fencing. While the City would be vacating this portion of the 19th Street right-of-way, its an area that has not been used by the City for roadway purposes and, therefore, will not adversely affect the City's ability to continue providing for roadway, infrastructure, and utilities in the area. If the vacation is ultimately approved by the City Council, the subject property will increase in extent by 500 square feet.

ENVIRONMENTAL DETERMINATION

Abandonment of this 10-foot by 50-foot, 500 square foot portion of the right-of-way was reviewed for compliance with the California Environmental Quality Act, 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 to abandon/vacate the City's easement right to install infrastructure will not have any effect on the environment as no physical changes are proposed or authorized with the abandonment. Therefore, it can be seen with certainty that there is no possibility of significant environmental effects, and the abandonment/vacation is not subject to CEQA.

ALTERNATIVES

Modify this report and/or find that the proposed abandonment is not in conformance with the General Plan. Pursuant to Government Code Section 65402, the Planning Commission must report upon general plan conformance. However, if the Planning Commission believes this agenda report is inaccurate and/or that the proposed right-of-way abandonment/vacation is inconsistent with the General Plan, the Planning Commission may so state in its resolution and provide facts in support thereof.

LEGAL REVIEW

This report and draft resolution has been approved as to form by the City Attorney's Office.

PUBLIC NOTICE

The project was not noticed in that pursuant to State and local provisions, public noticing is not required for the Planning Commission report on General Plan conformance.

CONCLUSION

This proposed right-of-way abandonment/vacation is consistent with the City's General Plan in regard to purpose, location and extent. Disposing of this small right-of-way area will not adversely impact the City's ability to provide necessary infrastructure to support existing and future development as the City's Public Works Department has determined that this excess right-of-way is not necessary for public right-of-way purposes. In addition, the Planning Commission's determination for General Plan Conformance is not subject to CEQA in that there is no possibility of significant environmental effects resulting from the abandonment/vacation.

NEXT STEPS

After the Planning Commission makes a determination of General Plan conformity, the City Council will consider whether or not to move forward with the proposed abandonment/vacation.