



City of Del Mar Staff Report



TO: Honorable Mayor and City Council Members

FROM: Kathleen A. Garcia, Planning and Community Development Director
Via Scott W. Huth, City Manager
Joseph Smith, AICP, Senior Planner

DATE: January 4, 2016

SUBJECT: A Resolution of Intention to Vacate an Unimproved Alley Easement
Located on the City Hall Site at 1050 Camino del Mar, in the City of Del
Mar, California (SV15-003)
Applicants/Petitioners: City of Del Mar

REQUESTED ACTION/RECOMMENDATION:

That the City Council adopt the proposed resolution (Attachment A), declaring its intent to vacate an unimproved, 20-foot wide, east-west alley located on the City Hall site (APNs 300-093-02 and 300-093-03) at 1050 Camino del Mar. The requested vacation is related to the City Hall/Town Hall Project. The unimproved alley easement has never been improved to provide a roadway pass-through connection from Stratford Court to Camino del Mar, is not considered for future street purposes, and has not been used for public access. As such, the mapped alley is considered as excess public right-of-way.

BACKGROUND:

This application is a request to vacate an unimproved, 20-foot wide alley easement that is located on the parcels comprising the City Hall site at 1050 Camino del Mar. The unimproved easement is mapped in an east-west alignment between Camino del Mar to the east and the improved portion of the alley located west and off-site of the City Hall parcels. The improved portion of the alley connects to Stratford Court to the west. An aerial photo of the area subject to the vacation request has been included as Attachment B. A survey plat depicting the subject right-of-way has been included as Attachment C.

The process for a right-of-way vacation is outlined in the Streets and Highways Code Section 8320. Pursuant to the Code, a vacation request involves a two-step process. The first step involves the initial review of the request and the adoption of a Resolution of Intention to Vacate the right-of-way. The second step would be a noticed public hearing and the adoption of a Resolution to Vacate the property.

City Council Action:

The primary finding to be addressed is whether the right-of-way is “unnecessary for present or prospective public use.” The vacation should be reviewed in the interest of safety, convenience, and public welfare, and not for the sole benefit of the abutting property owner. Additionally, all right-of-way vacations are to be reviewed for conformance with the Community Plan. The street vacation was reviewed by the City Public Works and Engineering Departments to determine the appropriateness of the right-of-way vacation. Neither Department objected to the partial vacation of the subject easement.

On September 9, 2015, the Planning Commission reviewed this application for Community Plan conformance and recommendation to the City Council. Upon review of the application materials, the Commission found that the unimproved alley easement has never been improved to provide a roadway pass-through connection from Stratford Court to Camino del Mar, is not considered for future street purposes, and has not been used for public access. As such, the mapped alley is considered as excess public right-of-way. Additionally, the Commission determined that the alley easement is not listed in the Community Plan for retention or open space acquisition and its proposed vacation would not be inconsistent with the goals, policies and objectives of the Community Plan. A resolution of the Planning Commission recommending City Council approval of SV15-003 has been included as Attachment D.

DISCUSSION/ANALYSIS:

In 1885, a subdivision map was recorded with County of San Diego that included the alley across the current City Hall site. This alley, like all highways, streets, roads, and alleys shown on the map, was dedicated to the County for public use as a public alleyway. Under State law, alleys that were dedicated on subdivision maps approved in that time period are equivalent to easements, rather than being in-fee property title transfers of the right-of-way area to the local jurisdiction. Therefore, when a jurisdiction or municipality conducts vacation proceedings and determines that excess or unused alley easements are no longer needed and have no future public use for such purposes, the land returns to the underlying property owner. In this case, the underlying property owner is the City.

The requested vacation area is a portion of an unimproved, 20-foot wide, east-west alley located on the City Hall site at 1050 Camino del Mar. If the alley vacation is ultimately approved, the underlying property would revert to the adjoining property owner which is the City of Del Mar. As a result, the vacated area would continue to be held by the City of Del Mar. Since the property is located in the Public Facilities (PF) Zone, the vacated area would affect the PF Zone development standards as DMMC §30.31.070 does not specify limitations on Floor Area (FAR), lot coverage, or lot size.

CORRESPONDENCE:

No items of correspondence have been received on this request. Staff reminds the City Council that the current request is for adoption of a resolution, as required by State Code, that would only initiate the formal hearing process regarding the request to vacate unused alley easement. The subject resolution in no way approves the relinquishment of public land or easements and the matter would be set for a public hearing at the January 19, 2016 City Council meeting.

RECOMMENDATION:

Staff recommends that the City Council adopt the proposed resolution (Attachment A), as recommended by the Planning Commission, and continue to the next step of the street vacation process, the public hearing. The public hearing would be scheduled for the City Council's January 19, 2016 meeting.

FISCAL IMPACT:

The City Hall project efforts to date, including design and EIR, are funded in the adopted FY 2015 - 2016 and 2016 – 2017 Operating and Capital Budget.

ENVIRONMENTAL REVIEW:

A Final Environmental Impact Report (EIR) for the project was prepared by RECON Environmental, Inc. (State Clearinghouse SCH#2015051067; reference City Environmental Assessment EA15-002) and made available to the public for review on December 16, 2015. Certification of the Final EIR and adoption of the Mitigation Monitoring and Reporting Program (MMRP) will be considered by the City Council on January 4, 2016.

A Draft EIR was distributed for a 45-day public review period from September 7, 2015 to October 22, 2015 and 15 comment letters were received. The comments were analyzed and responses to comments have been made available as part of the Final EIR. A Notice of Preparation (NOP) for the EIR was circulated for public review from May 21, 2015 through June 22, 2015, and a public scoping meeting was held on June 1, 2015. All components of the project have been analyzed within the EIR prepared for the project, including demolition, construction and operation of the proposed new City Hall/Town Hall; and proposed improvements; placement/removal, utility connects, and uses of temporary relocation facilities. A copy of the Final EIR can be viewed and downloaded at www.delmar.ca.us/cityhall.

ATTACHMENTS:

- Attachment A – Intent to Vacate Draft Resolution
- Attachment B – Location Map
- Attachment C – Survey Plat of Area to be Vacated
- Attachment D – Planning Commission Resolution

Attachment A - Proposed Resolution

RESOLUTION NO. 2016-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR DECLARING ITS INTENTION TO VACATE AN UNIMPROVED ALLEY EASEMENT LOCATED ON THE CITY HALL SITE AT 1050 CAMINO DEL MAR, IN THE CITY OF DEL MAR, CALIFORNIA

WHEREAS, the City of Del Mar (Applicant) requested the vacation of an unimproved, 20-foot wide, east-west alley located on the City Hall site (APNs 300-093-02 and 300-093-03) at 1050 Camino del Mar, in the City of Del Mar, California; and

WHEREAS, the vacation request is related to the City Hall/Town Hall Project; and

WHEREAS, the Planning Commission of the City of Del Mar reviewed the vacation request at its regular meeting of September 9, 2015 in accordance with the general vacation procedures contained in the Streets and Highways Code Section 8320, et seq. and determined that the vacation is consistent with the goals and policies of the Community Plan and recommended that the City Council consider and approve the request subject; and

WHEREAS, the City Council has reviewed the alley vacation request in accordance with the general vacation procedures contained in the Streets and Highways Code Section 8320, et seq; and

WHEREAS, the City Council of the City of Del Mar does hereby declare its intention to vacate the subject right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar as follows:

Section 1. That it is the intention of the City Council to vacate an unimproved, 20-foot wide, east-west alley located on the City Hall site (APNs 300-093-02 and 300-093-03) at 1050 Camino del Mar, and the City Council hereby sets a public hearing in accordance with the vacation procedures contained in California Streets and Highway Code Section 8300 et seq to be held on Tuesday, January 19, 2016 at 6:00 p.m. at the Del Mar Communications Center located at 240 Tenth Street. At this hearing, all interested parties may introduce evidence and testimony pertaining to the proposed alley vacation. At the conclusion of the hearing, the City Council shall determine, from all evidence submitted, whether or not the alley easement is unnecessary for present or prospective public use.

Section 2. The maps attached hereto as Exhibit "A" show the approximate area to be vacated and shall be on file in the office of the City Clerk located at 1050 Camino Del Mar, Del Mar, California.

Section 3. The City Clerk is hereby directed to publish notice of the above hearing in accordance with the provisions of Streets and Highways Code Section 8322.

Section 4. The City Clerk is hereby directed to post the notice of this vacation in accordance with the provisions of Streets and Highways Code Section 8323.

PASSED AND ADOPTED by the City Council of the City of Del Mar at a regular meeting held this 4th day of January, 2016.

SHERRYL PARKS, MAYOR
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ANDREW POTTER, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2016-_____, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 4th day of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrew Potter, Administrative Services Director/City Clerk
City of Del Mar

Attachment C - Draft Easement Vacation Plan

EXHIBIT "A"

LEGAL DESCRIPTION – ALLEY VACATION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1

THAT PORTION OF THE OPEN ALLEY LYING BETWEEN LOTS 1 TO 4 AND 9 TO 12 IN BLOCK 26 OF DEL MAR, IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 368, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 7, 1885.

THE ABOVE DESCRIBED PARCEL CONTAINS 4000 SQUARE FEET, MORE OR LESS. ALL AS SHOWN ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.


Daniel J. McCroskey, PLS 7098

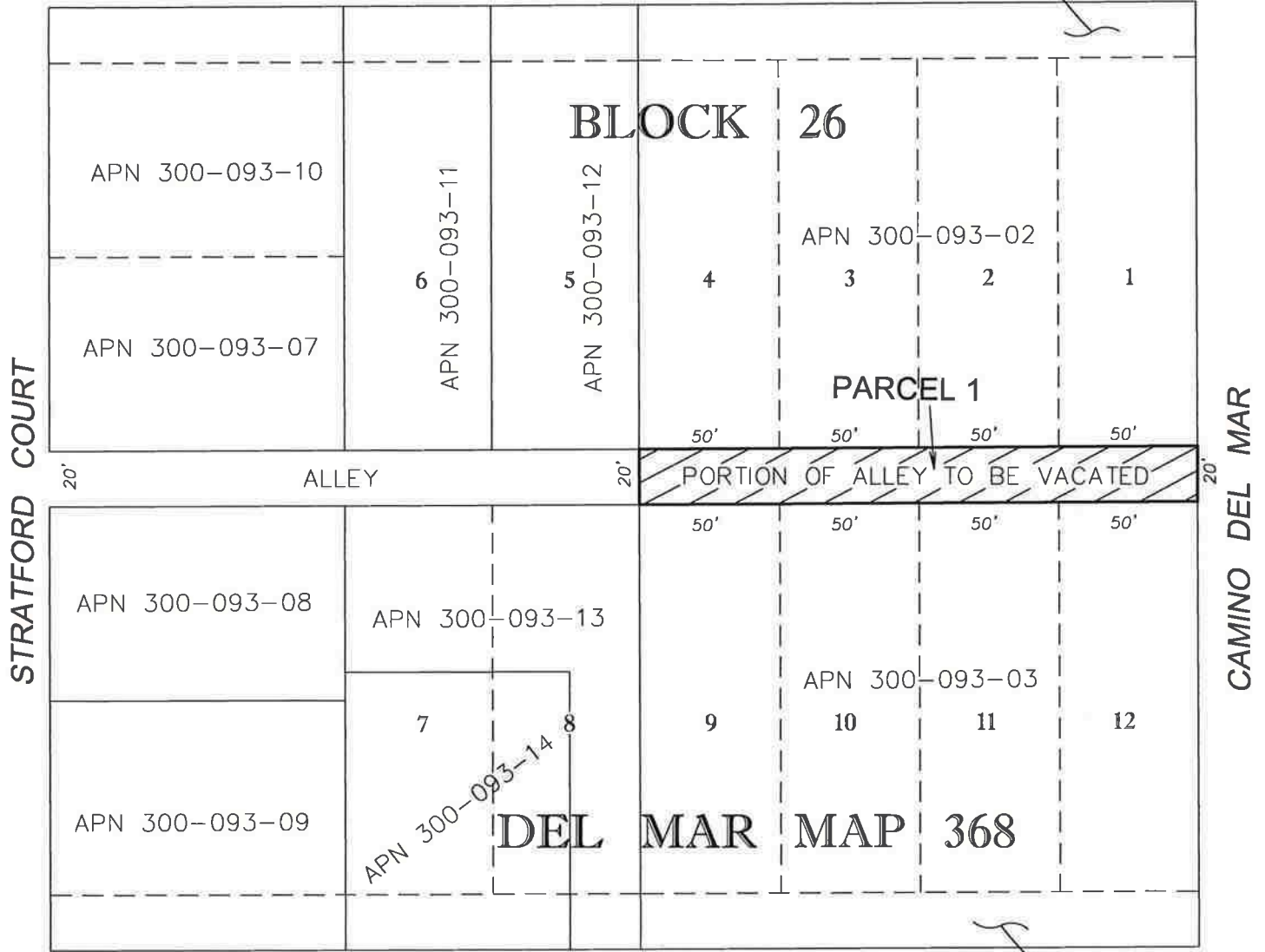

DATE



EXHIBIT "B"

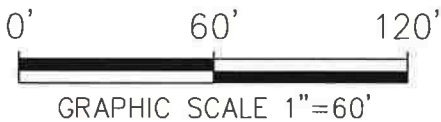
20' OF 11TH ST VACATED BY THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY APRIL 12, 1926

11TH STREET



10TH STREET

20' OF 10TH ST VACATED BY THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY APRIL 12, 1926



Daniel J. McCroskey 9/3/2015
 DANIEL J. McCROSKEY, PLS 7098 DATE
 TOWILL, INC.



TOWILL | Surveying, Mapping and GIS Services
 8799 Balboa Avenue, Suite 140
 San Diego, CA 92123
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ALLEY VACATION
 A PORTION OF BLOCK 26 OF MAP 368
 APN 300-093-02 & APN 300-093-03
 City of Del Mar
 County of San Diego State of California

Date: 08/31/2015
Drawn: AMB
Checked: D.J.M.
J.N.: 14616
Sheet 1 of 1

RESOLUTION NO. PC-2015-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DEL MAR RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ALLEY VACATION REQUEST (SV15-003), FILED BY THE CITY OF DEL MAR AS PART OF THE CITY HALL/TOWN HALL PROJECT TO VACATE AN UNIMPROVED 20-FOOT WIDE EAST-WEST ALLEY EASEMENT BETWEEN THE TWO PARCELS COMPRISING THE CITY HALL SITE AT 1050 CAMINO DEL MAR.

WHEREAS, the City of Del Mar (Applicant), as part of the City Hall/Town Hall Project currently under review as Design Review Board Permit DRB15-017 and Environmental Assessment EA15-002, requested to vacate an unimproved, 20-foot wide alley easement that is located between the two parcels comprising the City Hall site at 1050 Camino del Mar. The unimproved easement is mapped in an east-west alignment between Camino del Mar to the east and the improved portion of the alley located west and off-site of the City Hall parcels; and

WHEREAS, the Planning Commission has reviewed the right-of-way vacation request in accordance with the general vacation procedures contained in the Streets and Highways Code Section 8320, et seq; and

WHEREAS, the Planning Commission has reviewed the right-of-way vacation request for consistency with the goals and policies of the Community Plan; and

WHEREAS, evidence was submitted and considered to include without limitation:

- a. An application for an alley vacation, submitted by the Applicant on August 21, 2015;
- b. Written information submitted with the application;
- c. Oral testimony from Staff, the applicants, and the public;
- d. Staff report, dated September 9, 2015, which is incorporated by this reference as though fully set forth herein;
- e. Additional information submitted during the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Del Mar that: 1) the herein referenced, unimproved alley easement, in the interest of safety, convenience, and public welfare is unnecessary for present or prospective public use; 2) is considered excess public right-of-way; and 3) the vacation of the herein referenced portion of unused right-of-way would not be inconsistent with the goals and policies of the Del Mar Community Plan; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Commission of the City of Del Mar that right-of-way vacation request SV15-003 is recommended for consideration and approval by the City Council.

PASSED AND ADOPTED by the Planning Commission of the City of Del Mar, this 9th day of September 2015 by the following vote:

AYES: Chair Bakker and Commissioners McCay, Haviland,
Countryman

NOES: None

ABSENT: Commissioner Corcoran

ABSTAIN: None

***Adopted, pending signature**

TED BAKKER, Chair
Del Mar Planning Commission

ATTEST:

KATHLEEN A. GARCIA
Planning and Community Development Director