



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
Prepared by Joseph Smith, AICP, Senior Planner

DATE: February 16, 2016

SUBJECT: Adoption of a Resolution 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 conduct a public hearing and adopt the proposed resolution (Attachment A) 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. Staff is recommending the vacation be subject to a condition that a utility easement be prepared for SDG&E facilities near the west property line.

EXECUTIVE SUMMARY:

Staff is requesting that the City Council adopt the proposed resolution 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 subject request is related to the City Hall/Town Hall/Plaza Project where, on January 19, 2016, the City Council approved the entitlements for the project by way of Resolution 2016-08. As part of the resolution, Special Condition SV-3 required that the subject alley easement be vacated prior to the issuance of building permits.

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.

City Council Action:

Staff has determined 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.

BACKGROUND:

The process for a right-of-way vacation is outlined in the Streets and Highways Code (SHC) 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 (the action requested at this meeting).

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.

This application is a request to vacate 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.

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.

On January 4, 2016, the City Council adopted Resolution 2016-03, declaring its intention to conduct the required proceedings for vacation of the subject public right-of-way (Attachment E). As required by the SHC, the adopted resolution set the vacation request for a noticed public hearing no less than fifteen days after the Council’s initiation of the vacation proceedings, to be held on February 16, 2016.

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 of Del Mar.

A portion of the alley easement includes existing utility facilities near the west property line that will remain onsite as part of the City Hall Project, including SDG&E, AT&T, and Time Warner Cable. As such, staff is recommending the vacation be subject to a condition that a utility easement be prepared for affected utilities to maintain their associated facilities including poles, wire, guy wires, and boxes, within the vacated area. However, since the location of the facilities may be adjusted during the construction drawing phase of the City Hall Project, an easement cannot be prepared at this time. Once the final location is coordinated with the utility providers, a utility easement would be prepared and subject to future action by the City Council prior to any recordation. The condition is included in the proposed resolution (Attachment A).

CORRESPONDENCE: No correspondence has been received on this item.

RECOMMENDATION: Staff recommends that the City Council adopt the proposed resolution.

FISCAL IMPACT: Components of the City Hall/Town Hall/Plaza Project are funded in the adopted FY 2015 - 2016 and 2016 - 2017 Operating and Capital Budget.

ENVIRONMENTAL REVIEW: On January 4, 2016, a Final Environmental Impact Report (EIR) was certified by resolution of the City Council for the City Hall/Town Hall/Plaza Project (State Clearinghouse SCH#2015051067; reference City Environmental Assessment EA15-002), pursuant to the regulations of the California Environmental Quality Act (CEQA).

ATTACHMENTS:

- Attachment A – Proposed Resolution to Vacate
- Attachment B – Location Map
- Attachment C – Legal Description and Survey Plat of Area to be Vacated
- Attachment D – Planning Commission Resolution
- Attachment E – Council Resolution 2016-03 (Intent to Vacate)

Attachment A – Draft Resolution

RESOLUTION NO. 2016-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR
DECLARING 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/Plaza 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, on January 4, 2016, the City Council of the City of Del Mar reviewed the right-of-way vacation request in accordance with the general vacation procedures contained in the Streets and Highways Code Section 8320 and adopted Resolution 2016-03 to declare its intention to vacate the subject right-of-way. The City Council set the request for a public hearing on Tuesday, February 16, 2016 at 6:00 p.m. at the Del Mar Communications Center located at 240 Tenth Street; and

WHEREAS, on January 19, 2016, the City Council approved the entitlements for the City Hall/Town Hall/Plaza Project by way of Resolution 2016-08, which included as a special condition (SV-3) that the subject alley easement be vacated prior to the issuance of Building Permits; and

WHEREAS, on January 4, 2016, a Final Environmental Impact Report (EIR) was certified by resolution of the City Council for the City Hall/Town Hall/Plaza Project (State Clearinghouse SCH#2015051067; reference City Environmental Assessment EA15-002), pursuant to the regulations of the California Environmental Quality Act (CEQA); and

WHEREAS, on February 16, 2016, the City Council of the City of Del Mar conducted a public hearing for the requested vacation of public right-of-way, which was duly noticed, and at which time all persons desiring to be heard were heard; and

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

- a. Plans submitted by the Applicant.
- b. Written information submitted with the Application.
- c. Oral testimony from Staff, the applicant, and the public.

- d. Staff report, dated February 16, 2016, which was incorporated by this reference as though fully set forth herein.
- e. Additional information submitted during the hearing; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that the portion of the unimproved alley easement is unnecessary for present or prospective public use; and

BE IT FURTHER RESOLVED by the City Council of the City of Del Mar does hereby vacate the subject portion of the unimproved alley easement as described and depicted in Attachment C to the referenced staff report, subject to the following condition:

SV-1 [Recordation of a Utility Easement for Affected Utility Providers]

Prior to issue of building permits for the City Hall/Town Hall/Plaza Project, approved by City Council Resolution 2016-08 on January 19, 2016, the City shall record a utility easement for the area of affected utility providers in order to reserve a right of access upon, over, under and across the vacated area to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of: 1) poles, wires, cables and appurtenances for transmission and distribution; 2) underground facilities and appurtenances for transmission and distribution; 3) pipelines and appurtenances for any and all purposes; and 4) communication facilities, overhead and/or underground and appurtenances.

PASSED AND ADOPTED by the City Council of the City of Del Mar at a regular meeting held this 16th day of February, 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, Connie Smith-Ball, Deputy 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 16th day of February, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Connie Smith-Ball, Deputy City Clerk
City of Del Mar

Attachment B - Location Map



Unimproved 20' wide alley

City Hall

City Hall

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

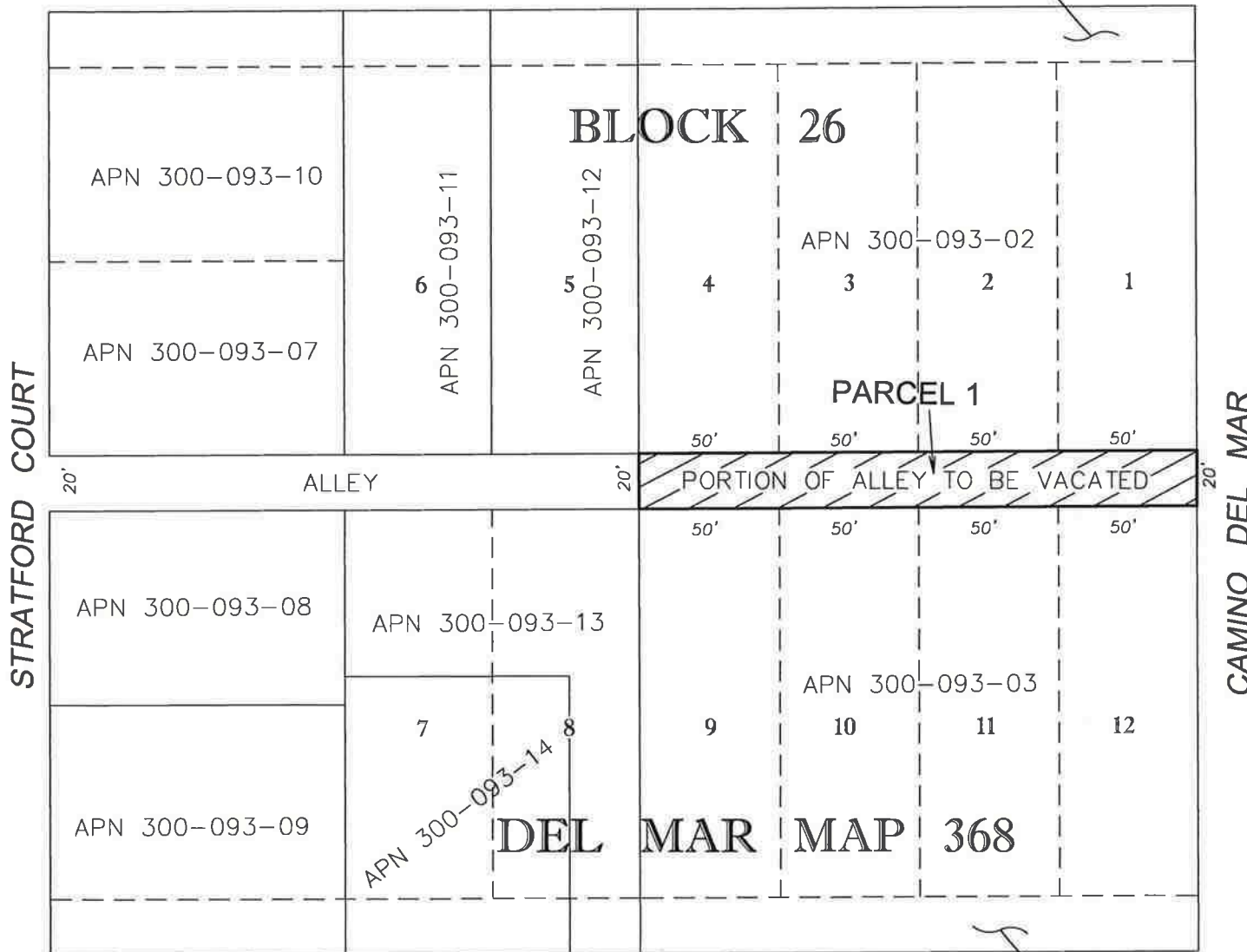

DATE



EXHIBIT "B"

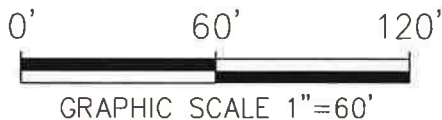
20' OF 11TH ST VACATED BY THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY APRIL 12, 1926

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
 858.384.0088 / Fax 858.571.2030

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

RESOLUTION NO. 2016-03

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 Monday, February 1, 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.

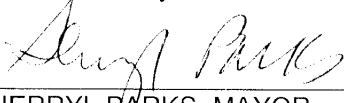
Section 2. The maps attached hereto as Exhibit "A" show the approximate area to be vacated and shall be on file in the office of the City Clerk located at 1050 Camino Del Mar, Del Mar, California.

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.

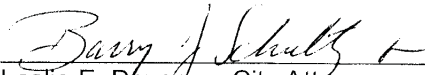
RESOLUTION NO. 2016-
Page 2 of 2

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. 2016-03, 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: Mayor Parks, Deputy Mayor Sinnott, Council Members Corti, Mosier and Worden

NOES: None

ABSENT: None

ABSTAIN: None


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



Exhibit A to Resolution 2016-03