



Legislation Details (With Text)

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**Title:** RESOLUTION NO. 2020-8752 - ORDERING THE SUMMARY VACATION AND ABANDONMENT OF RIGHT-OF-WAY FOR PORTIONS OF RICHMAR AVENUE, MISSION ROAD, AND PLEASANT WAY (EL DORADO II, L.P.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Reso\_City Council ROW Vacation Richmar, Pleasant, Mission- El Dorado (ppp edits), 2. Resolution Exhibit A and B small, 3. Attachment 'A'- Vicinity Map Pleasant Way and Mission Road, 4. Attachment 'B'- Project Area Exhibit Richmar Pleasant Mission

Date	Ver.	Action By	Action	Result
5/12/2020	1	City Council		

**MEETING DATE:**

MAY 12, 2020

**SUBJECT:**

RESOLUTION NO. 2020-8752 - ORDERING THE SUMMARY VACATION AND ABANDONMENT OF RIGHT-OF-WAY FOR PORTIONS OF RICHMAR AVENUE, MISSION ROAD, AND PLEASANT WAY (EL DORADO II, L.P.)

**Recommendation**

ADOPT resolution ordering the summary vacation and abandonment of right-of-way for portions of the Richmar Avenue, Mission Road, and Pleasant Way located within previously approved Tentative Subdivision Map TPM18-0002.

**Board or Commission Action**

On March 2, 2020, Planning Commission considered Planning Activity 20-0001 and; recommended adoption of Categorical Exemption EX20-050 per CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations); and approved Resolution PC 20-4846 finding that the proposed vacation and abandonment of portions of Richmar Avenue is in conformance with the adopted General Plan.

Similarly, on May 4, 2020, Planning Commission considered Planning Activity PA 20-0005 and; recommended adoption of Categorical Exemption EX20-064 per CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations); and approved Resolution PC20-4869 finding that the proposed vacation and abandonment of portions of Mission Road and Pleasant Way is in conformance with the adopted General Plan.

**Relevant Council Strategic Theme**

Planning for the Future

Good Governance

## Relevant Department Goal

N/A

## Executive Summary

The El Dorado II project site is located west of Pleasant Way, between Mission Road and Richmar Avenue, as shown on the vicinity map (Attachment A). The previously approved Tentative Parcel Map (TPM 18-0002) proposes to subdivide 4.17 gross acres to create two parcels - one for the affordable housing complex and a second for the community open space. The applicant is currently processing the Final Map through the Engineering Division.

Applicant El Dorado II, L.P. requests vacation and abandonment of excess right-of-way fronting the project site on Richmar Avenue, Mission Road, and Pleasant Way. The attached Resolution 20-8752 orders the summary vacation and abandonment of the portions of Richmar Avenue, Mission Road, and Pleasant Way within TPM 18-0002.

## Discussion

On January 22, 2019, the City Council approved Tentative Parcel Map TPM18-0002, in conjunction with a Specific Plan Amendment (SP18-0006) and a Site Development Plan (SDP18-0002), for the construction of a mixed-use development consisting of 84 affordable apartment units, 1,990 square feet of commercial space, and an approximately ½ acre community open space area which will be used by the public.

### Richmar Avenue

Richmar Avenue along the northerly boundary of the project site was constructed within the right-of-way as dedicated per Document 042248 recorded on March 11, 1966. Additionally, right-of-way for Richmar Avenue through the project site was dedicated on Document 119388 recorded July 2, 1964. Document 1966-042248 specified that its dedication was subject to the relinquishment and abandonment of those portions of right-of-way granted in 1964 that were outside the new right-of-way limits. However, records do not indicate that the required vacation and relinquishment of the excess right-of-way was processed.

This portion of right-of-way within TPM 18-0002 is in excess and is not needed for public street purposes. With approval of the summary vacation, the right of way that will remain is consistent with the General Plan and with the alignment for Richmar Avenue as currently constructed. Vacation of the excess right-of-way will allow development of the site for the mixed-use project.

### Mission Road

Mission Road borders TPM 18-002 to the south. The project proposes to dedicate land for a right-of-way width of 82 feet along the property frontage to Mission Road. In addition, the project proposes vacation of an irregular portion of right-of-way for Mission Road dedicated January 11, 1984 as Document 84-010658. This portion of right-of-way within TPM 18-0002 is in excess and is not needed for public street purposes.

### Pleasant Way

Pleasant Way borders TPM 18-002 to the east. The project proposes to dedicate right-of-way along Pleasant Way, including for a 40' radius at the southwest quadrant of the intersection of Pleasant Way with Richmar Avenue. In addition, the project proposes vacation of the right-of-way at that intersection in excess of the

required 40' radius. This portion of right-of-way within TPM 18-0002 is in excess and is not needed for public street purposes.

California Streets and Highways Code (CSHC) Section 8330(a) states that the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation. Staff determined that the Richmar Avenue right-of-way proposed to be vacated and abandoned has been superseded by the ultimate alignment of Richmar Avenue; will not terminate an existing public service easement; and will not cut off all access to any person's property.

Further, CSHC Section 8334(a) provides that the legislative body of a local agency may summarily vacate an excess right-of-way or highway not required for street or highway purposes. Staff have determined that the rights of-way for Mission Road and Pleasant Way proposed to be vacated and abandoned are in excess and will not terminate existing public service easements.

In accordance with CSHC 8313 and Government Code Section 65402, the local planning agency is required to consider the proposed vacation action and to report on the conformity with the adopted general plan. On March 2 and May 4, 2020, Planning Commission approved Resolution PC20-4846 and PC20-4869, respectively, finding that the proposed summary vacations are in conformity with the adopted General Plan.

City Council Resolution 2020-8752 ordering the summary vacation and abandonment of right of way for portions of Richmar Avenue, Mission Road, and Pleasant Way is attached. The resolution further authorizes the City Manager to convey the vacated and abandoned portions to the adjoining property owners following recordation of the Resolution.

### **Environmental Review**

In accordance with the California Environmental Quality Act (CEQA), the proposed summary vacations are deemed categorically exempt pursuant to Section 15305 Class 5 (Minor Alterations in Land Use Limitations), in that this is a minor realignment of right-of-way.

### **Fiscal Impact**

There is no fiscal impact due to the adoption of this resolution.

### **Attachment(s)**

ADOPTING RESOLUTION 20-8752 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS ORDERING THE SUMMARY VACATION AND ABANDONMENT OF RIGHT-OF-WAY FOR PORTIONS OF RICHMAR AVENUE, MISSION ROAD, AND PLEASANT WAY LOCATED WITHIN PREVIOUSLY APPROVED TENTATIVE PARCEL MAP 18-0002 INCLUDING EXHIBIT A: STREET VACATION LEGAL DESCRIPTION AND EXHIBIT B: PLAT OF STREET VACATION

Attachment "A" Vicinity Map

Attachment "B" Right-of-Way Map Exhibit

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Reviewed by: Dahvia Lynch, Director of Development Services

Approved by: Jack Griffin, City Manager