

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE:	December 2, 2019
SUBJECT:	Resolution 19-4830 Recommending City Council Order the Summary Vacation of Right-of-Way for Portions of Echo Lane and Myrtle Avenue
CASE NUMBER:	PA 19-0005
APN:	N/A

Recommendation

1. APPROVE Resolution PC 19-4830 recommending City Council order the summary vacation of right-of-way for portions of Echo Lane and Myrtle Avenue within Tentative Subdivision Map 16-003.

Introduction

Tentative Subdivision Map 16-003, located west of S. Twin Oaks Valley Road and south of the future alignment of Discovery Street, is for the subdivision of 38.990 acres of land into 4 lots with up to 220 condominium dwelling units. A vicinity map is included as Attachment A. TSM 16-003 was recommended by Planning Commission for approval on February 5, 2018 and approved by City Council on March 13, 2018 as City Council Resolution 2018-8471. The attached Resolution PC 19-4830 will formalize a recommendation to City Council to vacate the portions of Echo Lane and Myrtle Avenue shown on approved TSM 16-003 to be vacated.

Discussion

The proposed street vacations along portions of Echo Lane and Myrtle Avenue are depicted on the aerial exhibit included in Attachment B. The rights-of-way were established in 1895 on Map 806 for Rancho Los Vallecitos de San Marcos and via documents recorded in 1968 and 1970. These rights-of-way are inconsistent with the current General Plan and with the planned alignment for Discovery Street.

Attachment C shows an overview of the remaining portion of Echo Lane north of realigned Discovery Street, and former Discovery Street, which are anticipated to be included in a subsequent vacation request for Tentative Subdivision Map 16-001.

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8330(a) states that the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation. Further, CSHC Section 8334 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way proposed to be vacated have been superseded by the relocation of Discovery Street; will not terminate an existing public service easement; and will not cut off all access any person's property.

In accordance with Streets and Highways Code Section 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. After reviewing the limits of the proposed right-of-way vacations, the road infrastructure as existing and as proposed per Tentative Subdivision Map 16-003, and the General Plan, staff concluded that public roads are not needed along the Myrtle Avenue and Echo Lane rights-of-way to be vacated.

Resolution PC 19-4830 recommending City Council order the summary vacation of right-of-way for portions of Echo Lane and Myrtle Avenue is provided as Attachment 1.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA) as per Section 15378 of the CEQA Guidelines because there is no potential to result in a physical change in the environment and as per Section 15061(b)(3) because it can be seen with certainty that there is no possibility it would have a significant effect on the environment.

Attachments:

1. RESOLUTION PC 19-4830 RECOMMENDING CITY COUNCIL ORDER THE SUMMARY VACATION OF RIGHT-OF-WAY FOR PORTIONS OF ECHO LANE AND MYRTLE AVENUE.

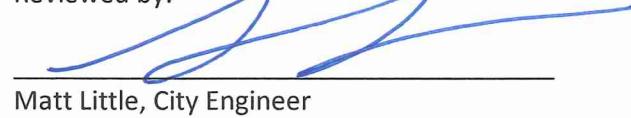
- A. Vicinity Map
- B. Aerial Exhibit
- C. Discovery Area Vacation Overview Exhibit

Prepared by:



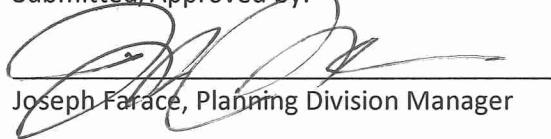
Stephanie Kellar, Principal Civil Engineer

Reviewed by:



Matt Little, City Engineer

Submitted/Approved by:



Joseph Farace, Planning Division Manager



City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

ATTACHMENT 1

RESOLUTION PC 19-4830

**RECOMMENDING CITY COUNCIL ORDER THE SUMMARY VACATION OF RIGHT-OF-WAY FOR PORTIONS
OF ECHO LANE AND MYRTLE AVENUE**

RESOLUTION PC 19-4830

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SAN MARCOS RECOMMENDING THAT THE CITY
COUNCIL ORDER THE SUMMARY VACATION OF PUBLIC
STREET RIGHT-OF-WAY FOR PORTIONS OF ECHO LANE
AND MYRTLE AVENUE

PA19-0005
Discovery SL, LLC

WHEREAS, on March 13, 2018, City Council approved City Council Resolution 2018-8471 for Tentative Subdivision Map TSM 16-003, which proposes the vacation of portions of public right-of-way for Echo Lane and Myrtle Avenue; and

WHEREAS, the rights-of-way for Echo Lane and Myrtle Avenue were dedicated in 1895 on Map 806 for Rancho Los Vallecitos de San Marcos; on February 26, 1968 as File No. 32003; and on June 26, 1970 as File No. 111928; all recorder in the County Recorder's Office of San Diego County; and

WHEREAS, Streets and Highways Code section 8330(a) expressly permits the legislative body of a local agency to summarily vacate a street or highway that has been superseded by relocation; and City staff has determined that the portion of right-of-way to be vacated has been superseded by the realignment of Discovery Street; will not terminate an existing public service easement; and will not cut off all access to any person's property; and

WHEREAS, vacation of the portions of the public street right-of-way as proposed would remove the encumbrances from the title, thereby allowing the affected property owner to improve said portions of the property; and

WHEREAS, City staff has determined that those portions of real property that are the subject of the vacation have not been used for public highway purposes for at least five consecutive years immediately preceding the date of this Resolution, and it is not reasonably foreseeable that such property would be used for future public highway purposes; and

WHEREAS, on December 2, 2019, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request;

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby recommends that the City Council order the summary vacation of this public street right-of-way, as described and shown on the attached Exhibits

A and B, incorporated by reference and made a part of this Resolution as though fully set forth herein.

C. The Planning Commission's decision is based on the following findings and determinations:

1. The proposed right-of-way vacations are consistent with the City's General Plan.
2. The proposed right-of-way vacations comply with the objectives of the adopted City-wide Land Use Policy Plan.
3. The affected right-of-way is hereby determined to be excess and not required for street or highway purposes, and there are no public service easements within the affected area.
4. The proposed right-of-way vacations will not be detrimental to the public health, safety, morals, and welfare.
5. All requirements of CEQA have been met.

D. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 2nd day of December, 2019 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Kevin Norris, Chairman

ATTEST:

Gina Henderson, Senior Office Specialist

Exhibit(s):

Exhibit A – Street Vacation Legal Description (Portions of Echo Lane and Myrtle Avenue)

Exhibit B – Plat of Summary Street Vacations (Portions of Echo Lane and Myrtle Avenue)

EXHIBIT "A"
STREET VACATION
LEGAL DESCRIPTION

PARCEL "B"

THOSE PORTIONS OF LOTS 1 AND 2 IN BLOCK 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895 TOGETHER WITH THOSE PORTIONS OF THE UNNAMED STREETS VACATED AND CLOSED TO PUBLIC USE BY ORDER OF THE BOARD OF SUPERVISORS ADJOINING SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS PARCELS 2 AND 5 OF THAT CERTAIN EASEMENT FOR PUBLIC HIGHWAY RECORDED FEBRUARY 26, 1968 AS FILE/PAGE NO. 32003, LYING SOUTHERLY OF THE EASTERLY CONTINUATION OF THAT CERTAIN 1349.00 FOOT RADIUS CURVE SHOWN AND DESCRIBED AS "C4" PER PARCEL C OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 31, 2018 AS DOC. NO. 2018-0455997, OF OFFICIAL RECORDS.


DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.


11/20/19
P.L.S. 8553



PARCEL "C"

A 66.00 FOOT WIDE STRIP OF LAND BEING THE UNNAMED STREET (MYRTLE AVENUE) ADJOINING LOTS 8, 9 AND 10 IN BLOCK 63 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895 ON THE SOUTHEAST IN SAID RANCHO LOS VALLECITOS DE SAN MARCOS LYING 33.00 FEET ON EACH SIDE OF THE CENTER LINE OF SAID UNNAMED STREET (MYRTLE AVENUE).


DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

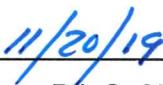

P.L.S. 8553



PARCEL "D"

THE UNNAMED STREET (ECHO LANE) LYING BETWEEN BLOCKS 63 AND 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895, LYING SOUTHERLY OF THE EASTERLY CONTINUATION OF THAT CERTAIN 1349.00 FOOT RADIUS CURVE SHOWN AND DESCRIBED AS "C4" PER PARCEL C OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 31, 2018 AS DOC. NO. 2018-0455997, OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THE HEREINABOVE DESCRIBED PARCEL OF LAND THE EASTERLY AND WESTERLY 13.00 FEET AS PREVIOUSLY VACATED AND CLOSED TO PUBLIC USE ON JANUARY 17, 1927 BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY, A CERTIFIED COPY OF WHICH SAID ORDER WAS RECORDED JANUARY 22, 1927 IN BOOK 1315, PAGE 107, OF DEEDS.

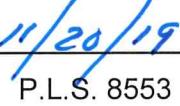
 
DOUGLAS B. STROUP P.L.S. 8553
HUNSAKER & ASSOCIATES SAN DIEGO, INC.



PARCEL "G"

THOSE PORTIONS OF LOTS 1 AND 2 IN BLOCK 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895 TOGETHER WITH THAT PORTION OF THE UNNAMED STREET VACATED AND CLOSED TO PUBLIC USE BY ORDER OF THE BOARD OF SUPERVISORS ADJOINING SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS PARCEL 1962-C OF THAT CERTAIN EASEMENT FOR PUBLIC HIGHWAY RECORDED JUNE 26, 1970 AS FILE/PAGE NO. 111928, OF OFFICIAL RECORDS.

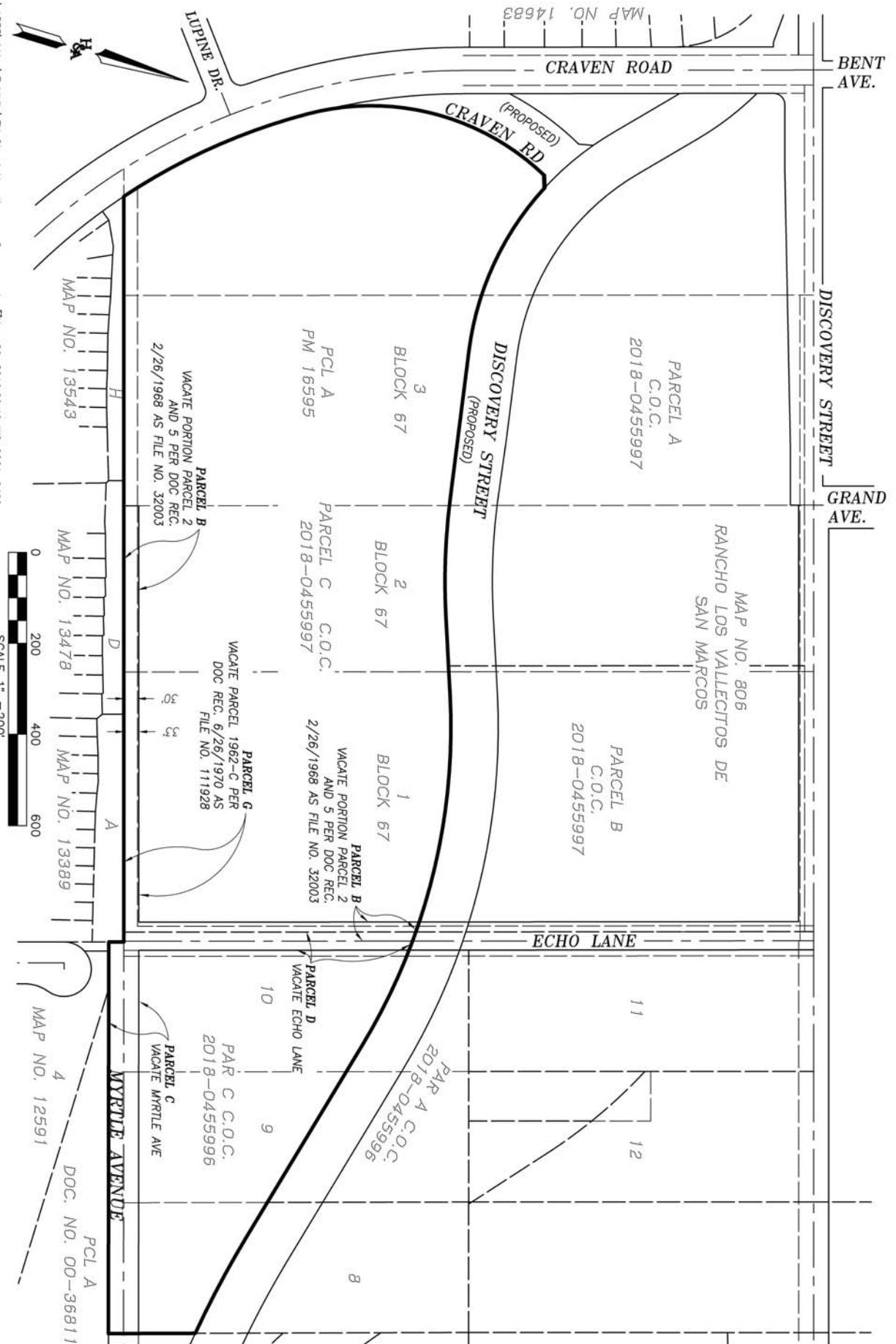

DOUGLAS B. STROUP


P.L.S. 8553

HUNSAKER & ASSOCIATES SAN DIEGO, INC.



R:\1533\&Map\Exhibits\EX Street Vacations - Summary.dwg [Nov-20-2019:09:49 WO 0061-0499]



SUMMARY STREET VACATIONS
DISCOVERY SOUTH
SAN MARCOS, CALIFORNIA

DATE:

SCALE:

SCALE:

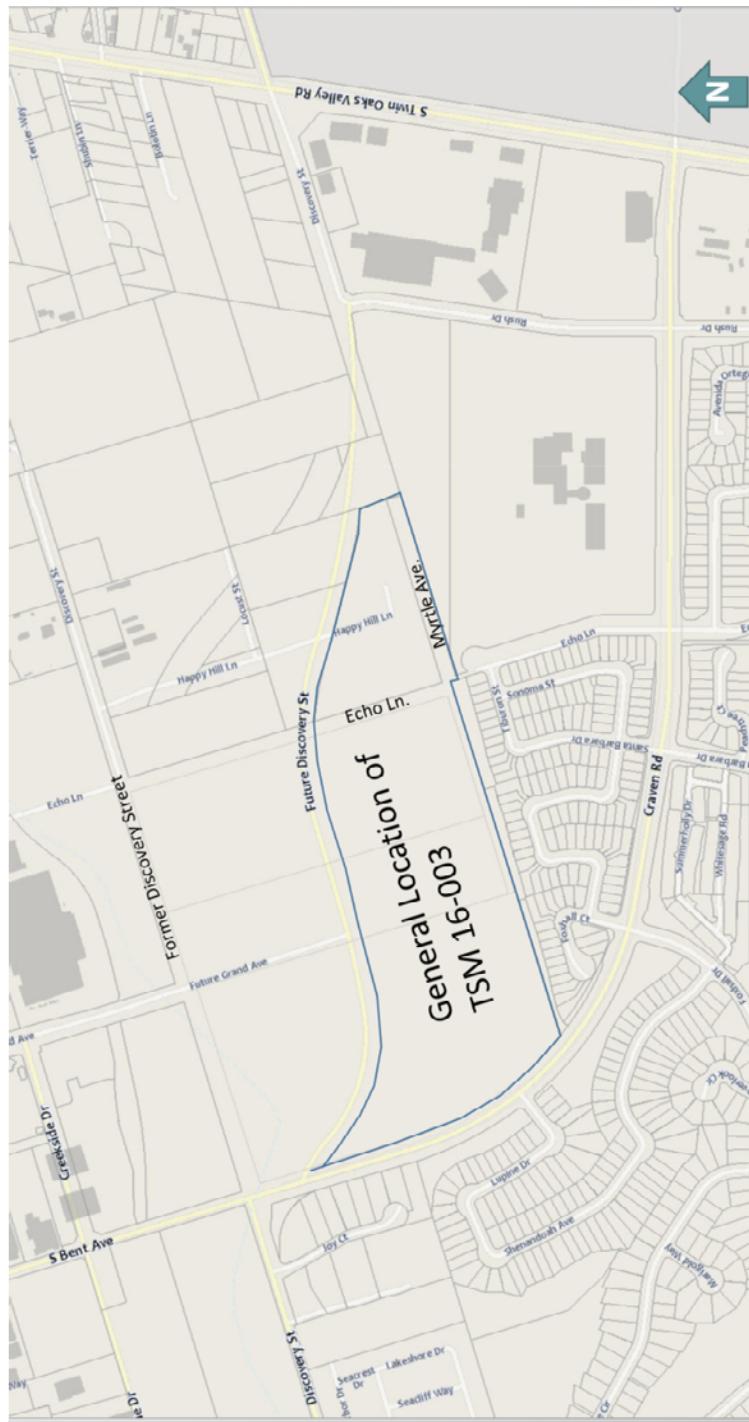
DRAWN

The logo for H&A, consisting of the letters H and A in a stylized, serif font, with a ampersand between them.

HUNSAKER
& ASSOCIATES
SAN DIEGO, INC.
1000 5th Street (858)558-4500
A 92121

ATTACHMENT A

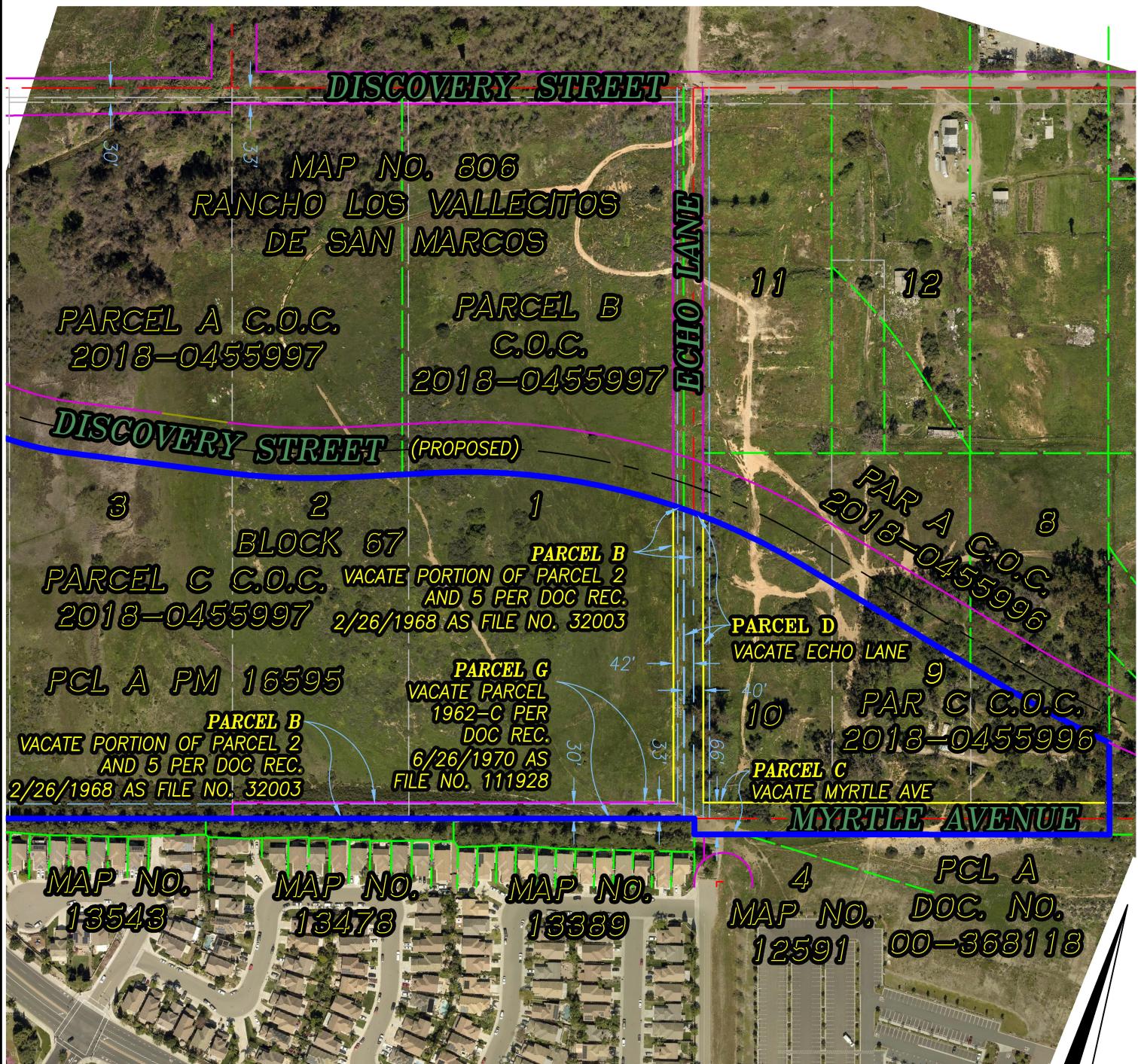
Vicinity Map





City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

ATTACHMENT B
Aerial Exhibit



R:\1533\&Map\Exhibits\EX Street Vacations-Discovery-South 8 x 11.dwg[]Nov-20-2019 W.O. 0061-0499



HUNSAKER
& ASSOCIATES
SAN DIEGO, INC.

9707 Waples Street (858)558-4500
San Diego, CA 92121

SUMMARY STREET VACATIONS
DISCOVERY VILLAGE SOUTH
CITY OF SAN MARCOS



City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

ATTACHMENT C
Discovery Area Vacation Overview Exhibit

