

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE: March 2, 2020
SUBJECT: El Dorado II, LP. Proposed Summary Vacation of Right-of-Way for a Portion of Richmar Avenue
CASE NUMBER: PA20-0001
APN's: 220-100-08-00, 220-100-09-00, 220-100-10-00, 220-100-12-00, 220-100-14-00, 220-100-29-00, 220-100-56-00, 220-100-59-00, 220-100-62-00, 220-100-63-00, 220-100-64-00, 220-100-66-00, and 220-100-67-00.

Recommendation

ADOPT or APPROVE the following, in the order set forth below:

1. ADOPTION of Categorical Exemption EX20-050 per CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations);
2. APPROVE Resolution PC 20-4846 (Planning Activity 20-0001) for the summary vacation of right-of-way for the portion of Richmar Avenue located within the previously approved Tentative Subdivision Map (TPM18-0002).

Background

On January 22, 2019, the City Council approved Tentative Parcel Map (TPM18-0002), in conjunction with Specific Plan Amendment (SP18-0006) and 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. The 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 will 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.

The attached Resolution PC 20-4846 recommends that City Council approve the summary vacation and abandonment of the portion of Richmar Avenue within TPM 18-0002.

Discussion

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.

As shown in Attachment B, 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.

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(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 proposed to be vacated have 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.

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 TPM 18-0002, and the General Plan, staff concluded that a public road is not needed along the portion of the Richmar Avenue right-of-way to be vacated.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), the proposed summary vacation is deemed Categorical Exempt (EX20-050) pursuant to Section 15305 Class 5 (Minor Alterations in Land Use Limitations), in that this is a minor realignment of right-of-way.

Attachment(s):

Adopting Resolution:


1. Resolution PC 20-4846 (Planning Activity 20-0001) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A SUMMARY VACATION OF RIGHT-OF-WAY FOR THE PORTION OF RICHMAR AVENUE LOCATED WITHIN PREVIOUSLY APPROVED TENTATIVE PARCEL MAP 18-0002 INCLUDING EXHIBIT A: STREET VACATION LEGAL DESCRIPTION AND EXHIBIT B: PLAT OF SUMMARY STREET VACATION

- A. Vicinity Map
- B. Project Reference Map

Prepared by:


Stephanie Kellar, Principal Civil Engineer

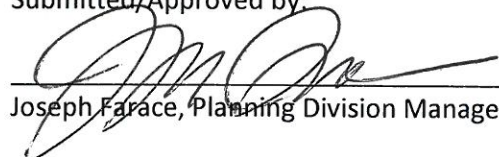
Reviewed by:


Matt Little, City Engineer

Reviewed by:


Dahvia Lynch, Development Service Director

Submitted/Approved by:


Joseph Farace, Planning Division Manager

RESOLUTION PC 20-4846

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING CITY COUNCIL APPROVAL OF A SUMMARY VACATION OF RIGHT-OF-WAY FOR THE PORTION OF RICHMAR AVENUE LOCATED WITHIN PREVIOUSLY APPROVED TENTATIVE PARCEL MAP (TPM18-0002)

PA20-0001
El Dorado II, LP

WHEREAS, on February 4, 2020, the City received a request from El Dorado II, LP, in association with previously approved Tentative Parcel Map (TPM18-0002), for the vacation and abandonment of right-of-way for the portion of Richmar Avenue within the 4.17-acre project site for a mixed-use development, located on the west side of Pleasant Way, between Mission Road and Richmar Avenue, in the Richland Neighborhood, more particularly described as;

Lot 2, Block 50 of 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.

Assessor's Parcel Numbers: 220-100-08-00, 220-100-09-00, 220-100-10-00, 220-100-12-00, 220-100-14-00, 220-100-29-00, 220-100-56-00, 220-100-59-00, 220-100-62-00, 220-100-63-00, 220-100-64-00, 220-100-66-00, and 220-100-67-00.

WHEREAS, on January 22, 2019, the City Council approved Tentative Parcel Map (TPM18-0002), in conjunction with Specific Plan Amendment (SP18-0006) and Site Development Plan (SDP18-0002), at a duly advertised public hearing held in the manner prescribed by law; and

WHEREAS, the portion of right-of-way for Richmar Avenue within TPM 18-0002 was dedicated on Document 1964-119388 recorded on July 2, 1964; and

WHEREAS, said portion of right-of-way for Richmar Avenue within TPM 18-0002 was superseded by the subsequent dedication reflected on Document 1966-042248, recorded on March 11, 1966; and

WHEREAS, Document 1966-042248 stipulated that the dedication of right-of-way contained therein was subject to the vacation or relinquishment of all portions of that easement granted by the deed recorded on July 2, 1964 as Document 1964-119388 existing beyond the limits of the superseding easement described in Document 1966-042248; 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 Richmar Avenue; 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, at a regularly-scheduled and duly noticed meeting held on March 2, 2020, the Planning Commission did consider the proposed summary vacation of street right-of-way; and

WHEREAS, the Planning Commission did review and consider a Categorical Exemption (EX20-050) pursuant to the California Environmental Quality Act (CEQA) Section 15305, Class 5 (Minor Alterations in Land Use Limitations) with respect to such proposed summary vacation.

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 approve 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 vacation is consistent with the City's General Plan.
 - 2. The proposed right-of-way vacation complies 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 vacation will not be detrimental to the public health, safety, and welfare.

5. All requirements of CEQA have been met, in that the proposed project is Categorically Exempt from environmental review pursuant to CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations) in that this is a minor realignment of right-of-way.
- D. The proposed right-of-way vacation is Categorically Exempt (EX20-050) from environmental review pursuant to Section 15305, Class 5 (Minor Alterations in Land Use Limitations).
- E. 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 March, 2020 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 (Portion of Richmar Avenue)

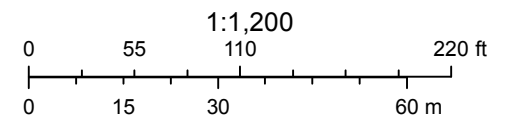
Exhibit B – Plat of Summary Street Vacations (Portion of Richmar Avenue)

ATTACHMENT A
Vicinity Map

Attachment 'A': Richmar Avenue Vacation Vicinity Map



January 31, 2020



City of San Marcos GIS
USGS, SanGIS, EagleView, City of San Marcos



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

ATTACHMENT B
Project Reference Map

Attachment 'B'

Project Reference Map

Portion of Richmar Avenue within TPM 18-0002 to be Vacated

