

# STAFF REPORT

## PLANNING COMMISSION MEETING

**MEETING DATE:** May 4, 2020  
**SUBJECT:** El Dorado II, LP. Proposed Summary Vacation of Right-of-Way for Portions of Mission Road and Pleasant Way within Tentative Parcel Map TPM 18-002  
**CASE NUMBER:** PA20-0005  
**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. ADOPT Categorical Exemption EX20-064 per CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations);
2. APPROVE Resolution PC 20-4869 (Planning Activity 20-0005) for the summary vacation of right-of-way for portions of Mission Road and Pleasant Way located within the previously approved Tentative Parcel 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 20-4869 recommends that City Council approve the summary vacation and abandonment of portions of Mission Road and Pleasant Way within TPM 18-0002.

### Discussion

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.

Pleasant Way borders TPM 18-002 to the east. The project proposes to dedicate right-of-way along Pleasant Way, including 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.

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 alignments for Mission Road and Pleasant Way. 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 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 are in excess and will not terminate an existing public service easement.

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 public roads are not needed along the subject portions of Mission Road and Pleasant Way.

Following Planning Commission action, the proposed vacation and abandonment of the excess right-of-way to the adjoining property can be considered by City Council.

#### **Environmental Review**

In accordance with the California Environmental Quality Act (CEQA), the proposed summary vacation is deemed Categorical Exempt (EX20-064) pursuant to Section 15305 Class 5 (Minor Alterations in Land Use Limitations), in that this is a minor realignment of right-of-way.

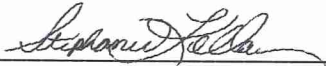
#### **Attachment(s):**

##### **Adopting Resolution:**

1. Resolution PC 20-4869 (Planning Activity 20-0005) - 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 PORTIONS OF MISSION ROAD AND PLEASANT WAY WITHIN PREVIOUSLY APPROVED TENTATIVE PARCEL MAP 18-0002 INCLUDING EXHIBIT A: STREET VACATION LEGAL DESCRIPTION AND EXHIBIT B: PLAT OF STREET VACATION

- A. Vicinity Map
- B. Project Reference Map

Prepared by:



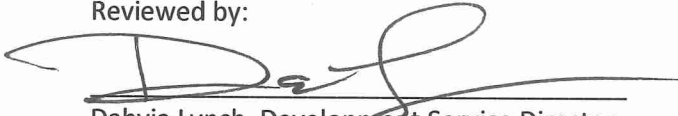
Stephanie Kellar, Principal Civil Engineer

Reviewed by:



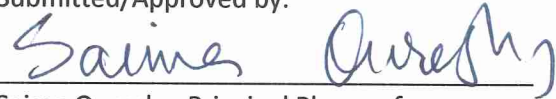
Matt Little, City Engineer

Reviewed by:



Dahvia Lynch, Development Service Director

Submitted/Approved by:



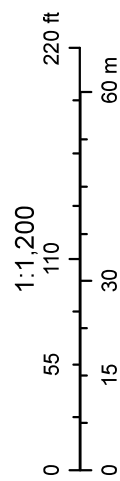
Saima Qureshy, Principal Planner for  
Joseph Farace, Planning Division Manager



# ATTACHMENT 'A': EL DORADO II VICINITY MAP



January 31, 2020



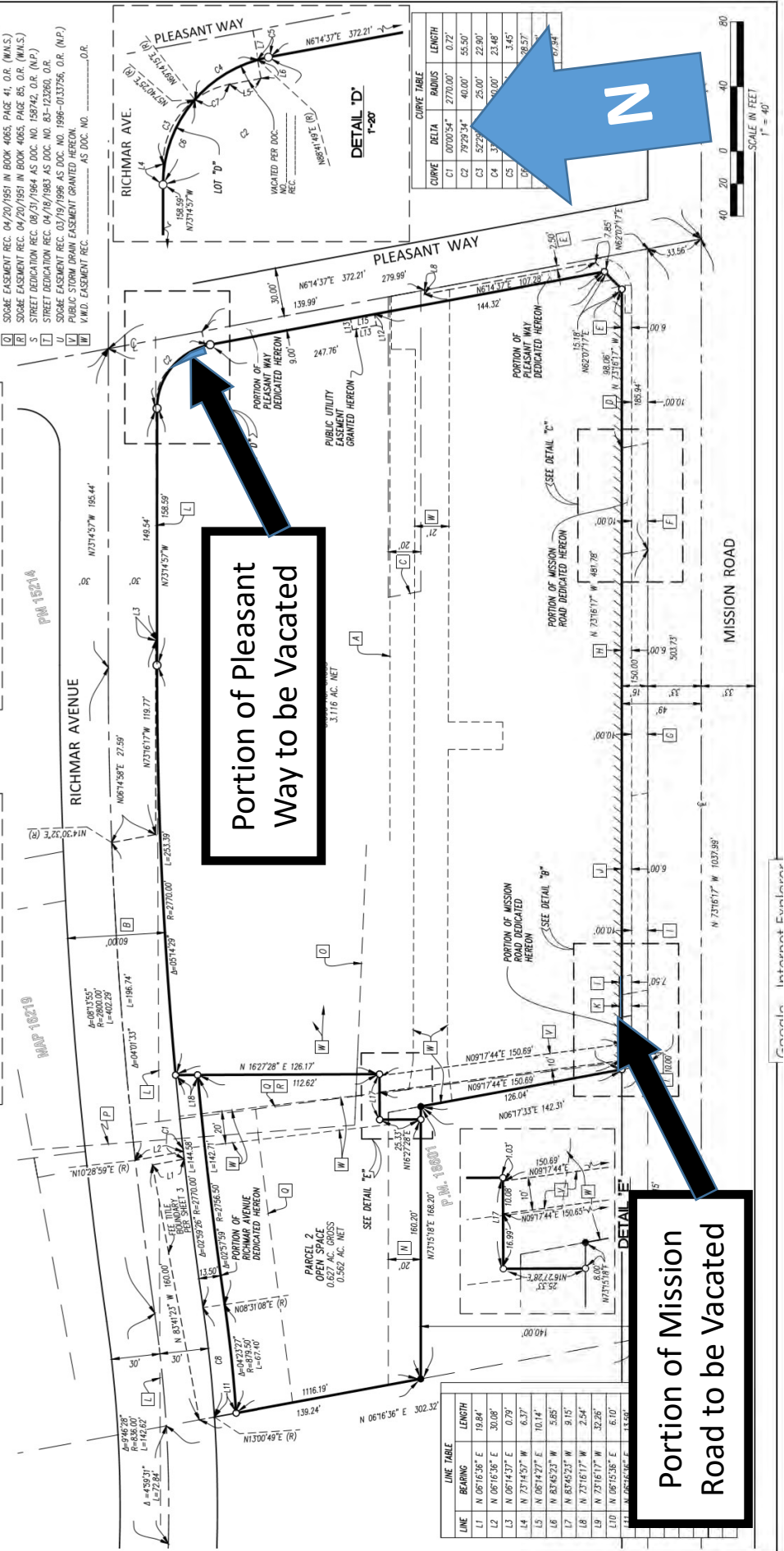
City of San Marcos GIS  
USGS, SanGIS, EagleView, City of San Marcos



IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA  
CITY OF SAN MARCOS PARCEL MAP 18-0002  
FOR SUBDIVISION PURPOSES

**EASEMENT NOTES:**

Plan view of the intersection of Richmar Avenue and Southern R-O-W Line. The diagram shows a horizontal road (Richmar Avenue) intersecting a vertical road (Southern R-O-W Line). Key data points include stationing (e.g., N2741.57' W 195.44', N2741.17' W 119.77'), bearings, distances, and curve information (e.g., R=800.00', L=402.28'). A detail 'A' is indicated on the right side of the intersection.



RESOLUTION PC 20-4869

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING CITY COUNCIL APPROVAL OF THE VACATION OF RIGHT-OF-WAY FOR PORTIONS OF MISSION ROAD AND PLEASANT WAY LOCATED WITHIN PREVIOUSLY APPROVED TENTATIVE PARCEL MAP (TPM18-0002)

PA20-0005  
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 street right-of-way for portions of Mission Road and Pleasant Way within the 4.17-acre project site proposed 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 right-of-way for the affected portion of Mission Road was dedicated by Document 1984-010658 recorded on January 11, 1984; and

WHEREAS, right-of-way for the affected portion of Pleasant Way was dedicated by Document 2017-0146329 recorded on April 4, 2017; and

WHEREAS, California Streets and Highways Code (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, and staff have determined that the rights-of-way proposed to be vacated are in excess and will not terminate an existing public service easement; 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, on at a regularly-scheduled and duly noticed meeting held on May 4, 2020, the Planning Commission did consider the proposed summary vacation of street right-of-way; and and

WHEREAS, the Planning Commission did review and consider a Categorical Exemption (EX20-064) 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 (EX20-064) 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 4<sup>th</sup> day of May, 2020 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman

ATTEST:

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Gina Henderson, Senior Office Specialist

**Exhibit(s):**

Exhibit A – Street Vacation Legal Descriptions

Exhibit B – Plats of Street Vacations



**EXHIBIT "A"**

**LEGAL DESCRIPTION  
STREET VACATION – PORTION OF MISSION ROAD**

THAT PORTION OF THE EASTERLY HALF OF LOT 2 IN 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, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWESTERLY CORNER OF THE EASTERLY ONE HALF OF SAID LOT 2, THENCE, ALONG THE SOUTHERLY LINE OF SAID LOT 2, NORTH 73°16'17" WEST 122.04 FEET TO THE SOUTHWESTERLY CORNER OF THE EASEMENT DESCRIBED IN DEED RECORDED APRIL 11, 1983 AS DOC. 83-114437 AND THE SOUTHEASTERLY CORNER OF THE EASEMENT DESCRIBED IN DEED RECORDED JANUARY 11, 1984 AS DOC. 84-010658; THENCE, ALONG THE WESTERLY AND EASTERLY LINES RESPECTIVELY OF SAID EASEMENTS, NORTH 06°15'36" EAST 16.27 FEET TO A POINT ON A LINE PARALLEL WITH AND 49.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, OF THE CENTERLINE OF MISSION ROAD AND THE **TRUE POINT OF BEGINNING**.

**THENCE**, PARALLEL WITH THE CENTERLINE OF SAID MISSION ROAD, NORTH 73°16'17" WEST 13.50 FEET;

**THENCE**, NORTH 06°15'36" WEST 1.53 FEET;

**THENCE**, ALONG THE NORTHERLY LINE OF SAID EASEMENTS, SOUTH 73°16'17" EAST 25.00 FEET;

**THENCE**, SOUTH 06°15'36" EAST 1.53 FEET TO A POINT ON SAID LINE, PARALLEL WITH AND 49.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, OF THE CENTERLINE OF MISSION ROAD;

**THENCE**, NORTH 73°16'17" WEST 11.50 FEET TO THE **TRUE POINT OF BEGINNING**;

CONTAINING 37.5 SQ. FT., MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF, BY THIS REFERENCE.

PREPARED BY:

*Deyan Pantich* 3/13/20  
DEYAN PANTICH, PLS



**EXHIBIT "A"**

**LEGAL DESCRIPTION  
STREET VACATION – PORTION OF PLEASANT WAY**

THAT PORTION OF THE EASTERLY HALF OF LOT 2 IN 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, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEASTERLY CORNER OF SAID LOT 2, THENCE, ALONG THE EASTERLY LINE OF SAID LOT 2, NORTH 06°14'37" EAST 279.99 FEET TO THE NORTHEASTERLY CORNER OF THE LAND DESCRIBED IN DEED RECORDED APRIL 03, 2017 AS DOC. NO. 2017-0146329 (RECORD NORTH 05°34'30" EAST PER SAID DEED); THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LAND NORTH 83°45'23" WEST 9.15 FEET (RECORD NORTH 84°25'30" WEST) TO THE **TRUE POINT OF BEGINNING**.

**THENCE**, CONTINUING ALONG SAID NORTHERLY BOUNDARY, NORTH 83°45'23" WEST 5.85 FEET (RECORD NORTH 84°25'30" WEST);

**THENCE**, NORTH 06°14'37" EAST 10.14 FEET (RECORD NORTH 05°34'30" EAST 10.00 FEET) TO THE BEGINNING OF A 25 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY;

**THENCE**, NORTHWESTERLY ALONG SAID 25 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 27°00'22" AN ARC LENGTH OF 11.78 FEET TO A POINT OF CUSP WITH A 40 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, RADIAL LINES TO SAID CUSP BEAR NORTH 69°14'15" EAST (25 FOOT RADIUS CURVE) AND NORTH 57°40'25" EAST (40 FOOT RADIUS CURVE) ;

**THENCE**, SOUTHEASTERLY ALONG SAID 40 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 33°37'45" AN ARC LENGTH OF 23.48 FEET TO THE **TRUE POINT OF BEGINNING**;

CONTAINING 70.2 SQ. FT., MORE OR LESS.

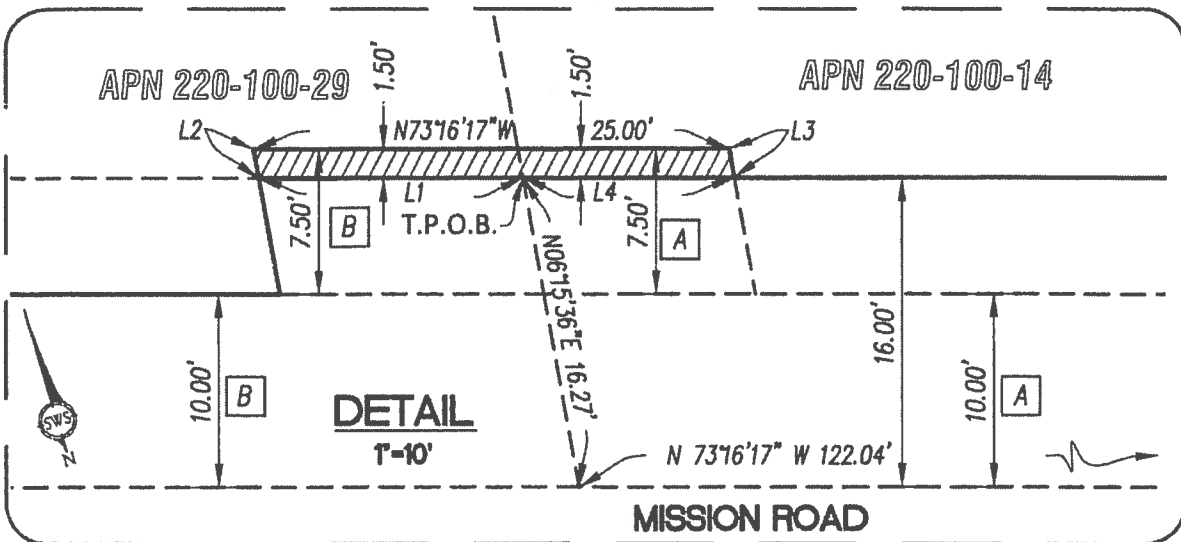
SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF, BY THIS REFERENCE.

PREPARED BY:

*Deyan Pantich* 3/13/20  
DEYAN PANTICH, PLS



# EXHIBIT 'B'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 73°16'17" W	13.50'
L2	N 06°15'36" W	1.53'
L3	S 06°15'36" E	1.53'
L4	N 73°16'17" W	11.50'

## LEGEND

STREET VACATION  
± 37.5 S.F.

P.O.C. POINT OF COMMENCEMENT

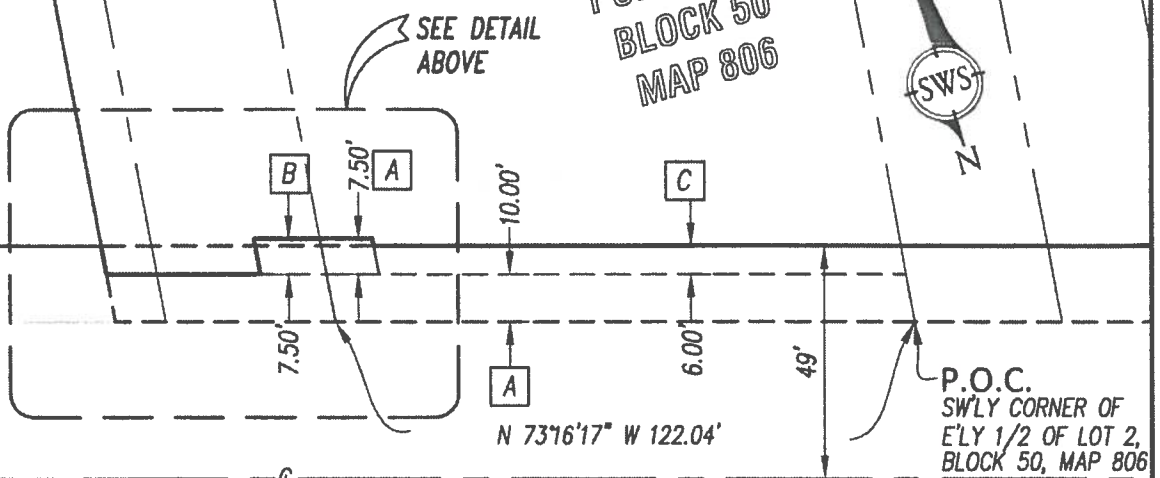
T.P.O.B. TRUE POINT OF BEGINNING

APN 220-100-29

APN 220-100-14

P.M. 18601

POR. LOT 2  
BLOCK 50  
MAP 806



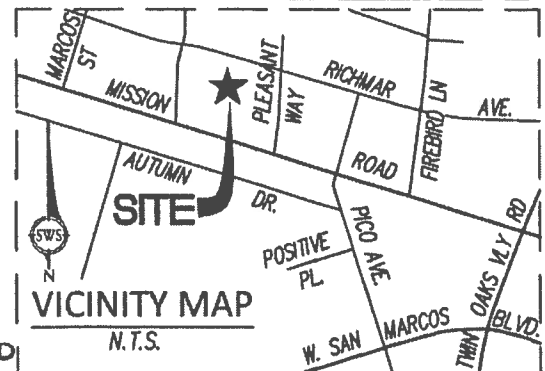
## EASEMENT NOTES:

- [A] STREET DEDICATION REC. 04/11/1983 AS DOC. NO. 83-114437, O.R.
- [B] STREET DEDICATION REC. 01/11/1984 AS DOC. NO. 84-010658, O.R.
- [C] STREET DEDICATION REC. 03/25/2002 AS DOC. NO. 2002-024823, O.R.

## BASIS OF BEARINGS

THE CENTERLINE OF MISSION ROAD PER PM 18601,  
I.E. N 73°16'17" W.

MISSION ROAD



# EXHIBIT 'B'

RICHMAR AVE.

N73°14'57"W 149.54'

SEE DETAIL  
BELOW



3/13/20



PLEASANT WAY

N6°14'37"E 372.21'  
(N05°34'30"E)

279.99'

2.50'

30'

33.56'

T.P.O.B.

PROPOSED  
RIGHT-OF-WAY

9'

POR. LOT 2  
BLOCK 50  
MAP 806

APN 220-100-59

DEDICATED PER DOC.  
NO. 2002-0252347  
REC. 03/26/2002..

## LEGEND

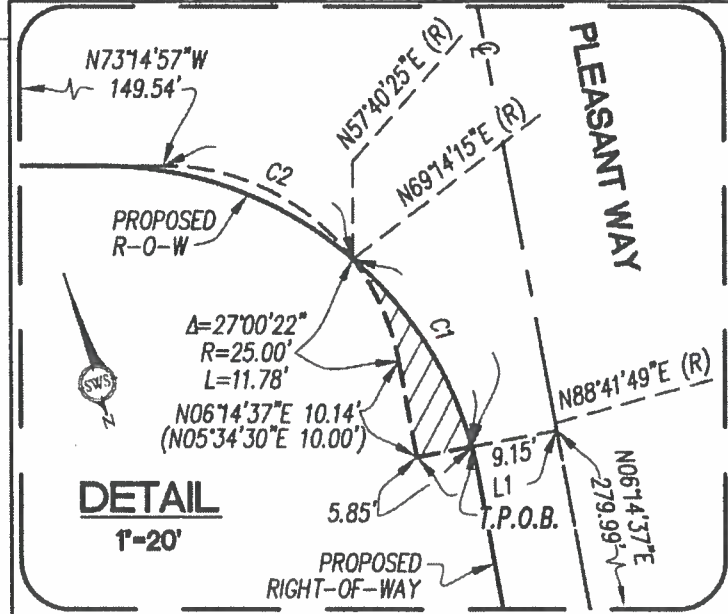
- STREET VACATION  
± 70.2 S.F.
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- ( ) RECORD DATA PER DEED  
REC. 4/3/17 AS DOC.  
2017-0146329, O.R.

## VICINITY MAP

N.T.S.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 83°45'23" W (N 84°25'30" W)	21.00'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	33°37'45"	40.00'	23.48'
C2	52°29'12"	25.00'	22.90'



## DETAIL

1"=20'

## BASIS OF BEARINGS

THE CENTERLINE OF MISSION ROAD PER PM 18601,  
I.E. N 73°16'17" W.

MISSION ROAD

P.O.C.  
SE CORNER LOT 2,  
BLOCK 50, MAP 806