

OTO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: MISC. 09-001, DETERMINATION OF CONSISTENCY WITH THE GENERAL PLAN FOR A PROPOSED DECLARATION OF SURPLUS PROPERTY FOR PROPERTY LOCATED AT THE NORTH TERMINUS OF 38TH STREET.

DATE: FEBRUARY 24, 2009

Needs: For the Planning Commission to report to the City Council that the subject declaration of property as surplus would be consistent with the General Plan.

- Facts:**
1. The subject property is located at the northern terminus of 38th Street, between Vine and Oak Street, and adjacent to the U.S. Highway 101, as shown in Attachment 1.
 2. The City Council vacated this property for public access, and retained easements for public utilities on May 3, 2005.
 3. The underlying fee title was purchased by the State in 1953. The State declared the property surplus property and sold it to the City for a nominal fee of \$535 which is the same price the State purchased the property for in 1953.
 4. The City has no use for this property and therefore could offer it to the public as surplus.
 5. Section 65402 of the California Government Code (Planning Zoning and Development Laws) provides for the Planning Commission to report on proposals for the City to acquire or dispose of property.
 6. Consistent with Section 65402 of the Government Code, it does not appear that the declaring this property as surplus to allow disposing of the property would be in conflict with the City's General Plan.

Analysis and

Conclusion: The General Plan, Circulation Element includes Goals, Policies and Action Items that provide guidance and direction for future circulation improvements in the City. Action Item 1 identifies potential circulation improvements for the City to pursue. This property and improvements to circulation in the vicinity are not identified or associated with any improvements on the list. Therefore, it would not conflict with the City of Paso Robles General Plan to declare this property as surplus property, and to allow the City to dispose of it.

If the property is declared to be surplus property, and after an appraisal has been prepared, the City would be required to offer it for sale (at the appraised value) to various entities such as the affordable housing agency (Housing Authority), then for use as parks and recreation purposes, the school district, etc., and if none of those entities are interested in purchasing it, the property may then be offered for sale to the public. The adjacent property owner to the west of this property has been in discussions with the City

on developing a housing project. This property owner may be interested in purchasing the property, should no other entities purchase it, to add to his existing property holdings for future development purposes.

No environmental impacts are identified with the proposed declaration of surplus property.

Policy

Reference: California Environmental Quality Act, City of Paso Robles General Plan, 2003, California Government Code

Fiscal

Impact: The determination of consistency for declaration of surplus property will not result in fiscal impacts.

Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to consider the following options:

- a. Approve the attached Resolution which would report to the City Council that the declaration of surplus property would be consistent with the General Plan.
- b. Amend, modify, or reject the foregoing option.

Prepared By: Susan DeCarli, AICP, Planning Mgr.

Attachments:

- 1. Property Location Maps
- 2. California Government Code, Section 65402
- 3. Resolution Reporting on Consistency with the General Plan
- 5. Newspaper and Mail Notices

City Limit

30'
30'

Road Abandonment Exhibit

Villa Lots Rd.

Vine Street

width varies

N03°39'46"W 73.34'

Lot 6

383 OR 401

U.S. 101

38 th Street

City Limit

Lot 5

306 OR 485

N 86°10'00" E

N 86°10'00" E 143.11'

Lot 4

Block 209

330 OR 424

36.67'

36.67'

Lot 3

Block 2

Tract 62

1018 OR 176

Lot 10

149.45' M

Lot 2

N5°42'59"W

Oak Street

U.S. 101



1" = 40'

Lot 1

N35°17'01"E 40.00'

The basis of bearings for this survey is between the found monuments along the North line of Tract 62 and noted as N 86°10'00" E.

The Boundary lines shown are based on a Boundary Survey.

Field survey performed April 2004.

Exhibit A Attachment
To Resolution No. 05-090
To Ordinance No. _____
Page 1 of 1

Prepared by Mark Lewis
L.S. 6631 exp. 12-31-2005
4-24-2005

sooner than six months following that adoption.

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted

to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

65403. (a) Each special district, each unified, elementary, and high school district, and each agency created by a joint powers agreement pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that constructs or maintains public facilities essential to the growth and maintenance of an urban population may prepare a five-year capital improvement program. This section shall not preclude, limit, or govern any other method of capital improvement planning and shall not apply to any district or agency unless it specifically determines to implement this section. As used in this section, "public facilities" means any of the following:

- (1) Public buildings, including schools and related facilities.
- (2) Facilities for the storage, treatment, and distribution of nonagricultural water.
- (3) Facilities for the collection, treatment, reclamation, and disposal of sewage.
- (4) Facilities for the collection and disposal of storm waters and for flood control purposes.
- (5) Facilities for the generation of electricity and the distribution of gas and electricity.
- (6) Transportation and transit facilities, including, but not limited to, streets, roads, harbors, ports, airports, and related facilities.
- (7) Parks and recreation facilities. However, this section shall not apply to a special district which constructs or maintains parks

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES
REPORTING TO THE CITY COUNCIL
ON CONSISTENCY WITH THE GENERAL PLAN
FOR THE DECLARATION OF SURPLUS PROPERTY
LOCATED AT THE NORTHERN TERMINUS OF 38TH STREET (DD 9962-01-01)**

WHEREAS, the City of Paso Robles proposes to declare surplus property located at the northern end of 38th Street between Vine and Oak Streets and adjacent to U.S. Highway 101 to allow for future disposal of said property; and

WHEREAS, Section 65402 of the Government Code provides that the Planning Commission must be requested to report on whether or not a proposed declaration of surplus property would be in conflict with the City's General Plan; and

WHEREAS, on February 24, 2009 the Planning Commission considered the subject property in relation to the City's General Plan; and

WHEREAS, based on evaluation of the property proposed to be declared as surplus property, and the City's General Plan, this property is not identified to be needed for any City project or purpose, and this property would not appear to be in conflict with the City's General Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Paso Robles, based on its independent judgment, does hereby report to the City Council that this declaration of surplus property located at the northern end of 38th Street between Vine and Oak Streets and adjacent to U.S. Highway 101 would be consistent with the City's General Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Paso Robles this 24th day of February, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIRMAN CHARLES TREATCH

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

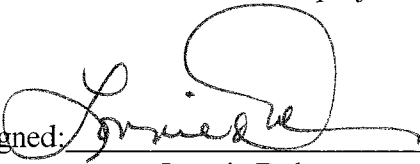
Newspaper: Tribune

Date of Publication: February 11, 2009

Hearing Date: February 24, 2009
(Planning Commission)

Project: General Plan consistency finding for proposed declaration of surplus property relinquished by CalTrans to the City of Paso Robles @ 38th Street between Vine and Oak Streets)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

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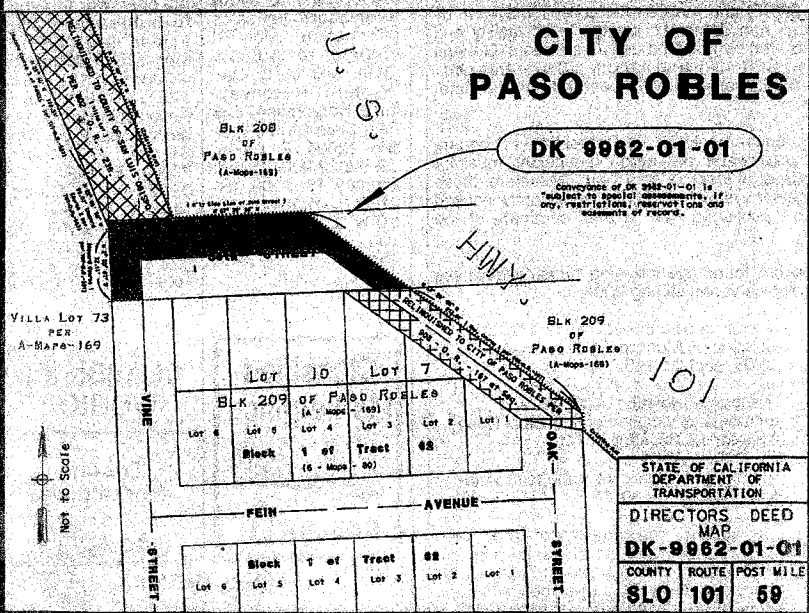
CITY OF PASO ROBLES
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, February 24, 2009, at 7:30 p.m. in the Conference Center/City Council Chambers (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. The Planning Commission will consider making a General Plan consistency finding for a proposed declaration of surplus property which was relinquished by the Department of Transportation (Caltrans) to the City of Paso Robles for the following property:

CITY OF PASO ROBLES

DK 9962-01-01

Conveyance of DK 9962-01-01 is subject to special assessments, if any, restrictions, reserves and encumbrances of record.



The property is located at the northern terminus of 38th Street between Vine and Oak Streets, and adjacent to US Highway 101, identified as DK 009962-01-01, as shown on the attached map.

This activity is exempt from the California Environmental Quality Act, per Section 15061(b)(3). Written comments on the Staff Report may be mailed to the Community Development Department, City Hall, 1000 Spring Street, Paso Robles, CA 93446, provided that comments are received prior to the time of public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this project, please contact either Susan DeCarli, City Planner or John Falkenstien, City Engineer at (805) 237-3970.

If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meeting described herein.

Susan DeCarli, AICP
City Planner
February 11, 2009

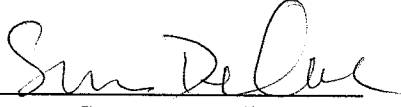
6797379

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Susan DeCarli, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Misc. 09-001 on this 12th day of February 2009.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Susan DeCarli