

TO: PLANNING COMMISSION
FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STREET ABANDONMENT 15-001 (ST. ROSE CATHOLIC CHURCH)
CONTINUED FROM FEBRUARY 23, 2016 PLANNING COMMISSION AGENDA
DATE: JUNE 14, 2016

Needs: For the Planning Commission to make the following recommendations to the City Council regarding abandonment (vacation) of a fragment of right-of-way of Tucker Avenue from Trigo Lane to 108 feet east of Trigo Lane:

- a. Find that the abandonment of the fragment of right-of-way of Tucker Avenue east of Trigo Lane is consistent with the General Plan;
- b. Consider approval of the proposed abandonment.

Facts:

1. The applicant, St. Rose Catholic Church, owns parcels on each side of the right-of-way proposed for abandonment, as well as the property to the east of the right-of-way.
2. Don Benson, project representative has indicated that the Church has no immediate plans for use of the abandoned area, but St. Rose would like to prevent the area from being used as a parking and student drop off area.
3. The fragment of right-of-way proposed for abandonment is indicated on the attached Exhibit, Attachment 2.
4. The right of way is not shown in the General Plan for future circulation purposes.
5. Section 65402(a) of the Government Code provides that "...no street shall be vacated or abandoned, ... if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such... street vacation or abandonment... have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof."

Analysis
and

Conclusion: Changes since Planning Commission Hearing on February 23rd:

The abandonment request was presented to the Planning Commission on February 23, 2016. At the meeting numerous questions and concerns were raised by the neighbors related to the intended use of the area, using the area as a parking lot, and concern about use of the area as a student drop of area. Additionally, concerns were raised with the current practice of the area being used by the trash company to access the trash bins.

Since the planning commission hearing, staff met with Father Roberto and Don Benson. They indicated it was not the intent to use the area for parking or as a student drop off area, and the church would like to prevent these activities on Trigo also. St. Rose has revised the abandonment exhibit to show the installation of curb, gutter, and sidewalk for the abandonment frontage that would extend across the abandonment area and tie into the existing curb, gutter, and sidewalk on Trigo Lane (see attached exhibit, Attachment 2). The new improvements would prevent vehicles, including the trash truck from accessing the abandonment area. Additionally, the plan shows the installation of a masonry trash enclosure adjacent the administration building that would be accessed from the Creston Road parking lot side.

General Plan Consistency

The fragment of right-of-way proposed for abandonment serves no current or future purpose for public streets.

Abandonment

Section 8334 of the State Streets and Highways Code provides that the City Council may “summarily” vacate a right-of-way of a street not required for street purposes and/or a portion of a street that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

The proposed abandonment complies with all of the above terms.

Utilities

There are no City water or sewer facilities affected by the proposed abandonment. However, the area proposed for abandonment is occupied by wire utilities including PG&E and AT&T. Additionally the area accepts surface drainage from the neighboring streets. Therefore, the area proposed for abandonment must be retained as a Public Utility and Drainage Easement.

Policy

Reference: City of Paso Robles Municipal Code; California Government and Streets and Highways Codes.

Fiscal

Impact: None identified.

Options:

That the Planning Commission make the following recommendations to the City Council regarding the proposed abandonment:

- a. That the City Council adopt the attached resolution approving the abandonment of the fragment of right-of-way of Tucker Avenue east of Trigo Lane;
- b. Amend, the above option.
- c. Refer back to staff for additional analysis.
- d. Recommend denial of Street Abandonment 15-001.

Prepared by: John Falkenstien, City Engineer
Darren Nash, Associate Planner

Attachments:

1. Location Map
2. Abandonment Exhibit
3. Draft Resolution – A, Recommending that the City Council Approve Street Vacation

Marlbank Pl
Creston Rd

Area of Abandonment



Attachment 1
Location Map
SA 15-001
(Tucker St. Abandonment)

Attachment 3

Draft Resolution - A

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES
RECOMMENDING THAT THE CITY COUNCIL APPROVE
VACATING A PORTION OF UNUSED RIGHT-OF-WAY OF TUCKER AVENUE

WHEREAS, Tucker Avenue, east of Trigo Lane is bordered by properties owned by the Diocese of Monterey on both sides and at its eastern terminus; and

WHEREAS, said portion of Tucker Avenue, used exclusively by the Diocese of Monterey, is not specifically shown in the Circulation Element of the General Plan; and

WHEREAS, Section 65402(a) of the Government Code provides that "...no street shall be vacated or abandoned, ... if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such... street vacation or abandonment... has been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof"; and

WHEREAS, the Planning Commission finds consistent with the Land Use and Circulation Elements of the General Plan, that the Tucker Avenue right-of-way east of Trigo Lane is an excess right-of-way not required for existing or future street purposes; and

WHEREAS, the Tucker Avenue right-of-way east of Trigo Lane lies within property of one ownership and does not continue through such ownership or end touching property of another; and

WHEREAS, pursuant to Streets and Highways Code 8334, this portion of street right-of-way may be considered for summary vacation; and

Now Therefore, based on the staff report, staff presentation and having heard all evidence offered by any person interested in the proposed vacation, the Planning Commission recommends that the City Council of the City of El Paso de Robles make the necessary findings that the portion of street right-of-way described in Exhibits "A" and "B" attached to this Resolution, is unnecessary for present or prospective public use, and take the necessary steps to approve the summary vacation, subject to the installation of public improvements as shown on Exhibit "C".

PASSED AND ADOPTED THIS 14th day of June 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

BOB ROLLINS, CHAIRMAN

ATTEST:

WARREN FRACE, PLANNING COMMISSION SECRETARY

Exhibits:

A – Legal Description

B – Street Abandonment Exhibit

C – Proposed Improvement Exhibit

EXHIBIT A
LEGAL DESCRIPTION

That portion of Tucker Avenue, a sixty (60) foot wide road in Tract 68, in the City of Paso Robles, County of San Luis Obispo, State of California, according to the map filed in Book 5 of Maps at page 87, in the office of the County Recorder of said County, described as follows:

Commencing at the most easterly centerline intersection of Tucker Avenue and Trigo Lane of said map as evidenced by a spike as shown on the Record of Survey filed in Book 9 of Licensed Surveys at page 12, Records of said County; thence South 50°30'00" East, along the centerline of said Tucker Avenue, 25.00 feet to the **true point of beginning**;

1. Thence N 28° 32' 30" E 63.45 feet to a point on a non-tangent curve concave northeasterly having a radius of 45.00 feet, a radial line to said point bears N66°34'00"W;
2. Thence southerly along the arc of said curve through a central angle of 73°36'00", an arc distance of 57.81 feet;
3. Thence parallel with said centerline of said Tucker Avenue, South 50°30'00" East, 24.90 feet to the southerly most corner of Lot 2 of Block 9 of said Tract 68;
4. Thence South 02°28'47" East, along the easterly end of said Tucker Avenue and the easterly line of Said Tract 68, a distance of 80.72 feet to the easterly most corner of Lot 1 of Block 6 of said Tract 68;
5. Thence parallel with said centerline of said Tucker Avenue, North 50°30'00" West, along the northeasterly line of said Lot 1 a distance of 90.00 feet to the beginning of a tangent curve concave southerly having a radius of 20.00 feet;
6. Thence northwesterly along the arc of said curve through a central angle of 90°00'00", an arc distance of 31.42 feet; to a point on the southeasterly right-of-way line of Trigo Lane (50 foot wide -25 foot half width) of said Tract 68;
7. Thence parallel with said centerline of said Trigo Lane, North 39°30'00" East, 50.00 feet to the **true point of beginning**.

The above described land, containing 5,420 square feet, more or less, is graphically shown on Exhibit "B" attached hereto and made a part hereof.

END DESCRIPTION

SURVEYOR'S STATEMENT

This legal description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



Wm. E. Touchon, P.L.S. 4845

November 13, 2015

Date



Exhibit "B"

R1= 5-MB-87

TUCKER
AVENUE

TRIGO LANE

25'
25'

30'
30'

FD. SPIKE

POINT OF COMMENCEMENT

POINT OF BEGINNING

N 39°30'00" E 50.00' [R1]

N 23°06'00" E 85.00' [R1]

N 23°06'00" E 29.10' [R1]

N 39°30'00" E 50.00'

N 28°32'30" E 63.45'

N 65°30'00" W
RADIAL

R=20.00'
Δ=90°00'00" [R1]
L=51.42'

30' 30'

N 50°30'00" W 108.00' [R1]

R=45.00'
Δ=73°36'00" L=57.81' [R1]

LOT 2
BLOCK 9
TRACT 68
5-MB-87

LOT 1
BLOCK 6
TRACT 68
5-MB-87

N 50°30'00" W 90.00' [R1]

STREET ABANDONMENT
AREA = 5,420 SQ.FT.

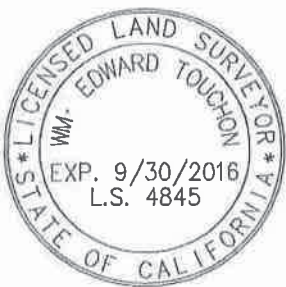
TRACT BOUNDARY

PARCEL A
24-PM-22

40.36' [R1]
S 02°29'14" E 80.72' [R1]
40.36' [R1]

20' 10' 0' 20'

SCALE: 1" = 20 FT.



Wm. E. Touchon 11-13-2015
WM. E. TOUCHON L.S. 4845 DATE
(LICENSE EXPIRES 09/30/2016)

TWIN CITIES SURVEYING INC.
TEMPLETON, CALIFORNIA
JN 00000

