



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
July 16, 2024

TOPIC: Summary Vacation and Exempt Surplus Property

AGENDA TITLE

Adopt Resolution to Summarily Vacate a Portion of Bristol Street - Abandonment 23-02 and Adopt Resolution Declaring Property as Exempt Surplus

RECOMMENDED ACTION

1. Adopt a resolution to summarily vacate excess Bristol Street right-of-way formerly portions of 1601 and 1607 North Bristol Street; Abandonment 23-02.

RESOLUTION NO. 2024-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA SUMMARILY VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY ADJACENT TO 1601 AND 1607 NORTH BRISTOL STREET (ABANDONMENT NO. 2023-02) [includes determination that the vacation of the Vacation Area is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to section 15378 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it will have a significant impact of the environment.]

2. Adopt a resolution declaring City-owned property as exempt surplus land and directing the City Manager or designee to comply with the requirements of Government Code §54220 et seq. for the sale and transfer of ownership accordingly.

RESOLUTION NO. 2024-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING PROPERTY NEAR 1601 AND 1607 NORTH BRISTOL AS EXEMPT SURPLUS LAND AND DIRECTING THE CITY MANAGER TO FOLLOW THE PROCEDURES SET FORTH IN THE SURPLUS LAND ACT, CALIFORNIA GOVERNMENT CODE SECTION 54220, ET SEQ., AS AMENDED, FOR THEIR DISPOSITION [includes determination that the sale of the property as surplus is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 (Surplus Government Property Sales).]

GOVERNMENT CODE §84308 APPLIES: Yes

DISCUSSION

The Public Works Agency oversees all street vacation and abandonments throughout City boundaries. Bristol Center Properties, LLC has applied to vacate a 392 square-foot portion of Bristol Street right-of-way with the intention of purchasing the land from the City and incorporating it into a restaurant development site. The conveyance requires a series of actions beginning with the two recommended actions.

Background

During the course of the Bristol Street Improvement Project, the Public Works Agency acquired properties along the Bristol Street corridor. The City purchased properties at 1601 North Bristol Street (APN 405-252-21) and 1607 North Bristol (APN 405-252-22) to accommodate the Bristol Street Improvements from Washington Street to 17th Street using Orange County Transportation Authority (OCTA) funding appropriated for this project. A portion of this property (Exhibit 1) remains unused and unneeded following project construction, and can be made available for purposes of exchange or sale.

On November 12, 2019, the City designated portions of 1601 and 1607 North Bristol Street as public street right of way (Exhibit 2) through the recordation of a grant deed.

On December 21, 2021, the City Council approved the sale of remnants of 1601 and 1607 North Bristol Street (Exhibit 2) to Southwest Properties Group. The sale from the City to Southwest Properties Group and a subsequent property transfer to Bristol Center Properties, LLC were recorded on May 19, 2022. The disposition of the Remnant Portion was conducted in accordance with the California Surplus Lands Act (SLA), Government Code (GC) §54220 et seq.

In 2023, Bristol Center Properties, LLC. submitted applications to the City to develop the Remnant Portion with a drive-through coffee restaurant. Subsequently, during the Site Plan review process for the development project, staff determined that a 392 square-foot portion (Exhibit 2) of Bristol Street right of way, is situated outside the limits of the street improvements (Exhibit 3). Staff determined that the right of way could potentially be vacated and incorporated into the private property site to facilitate a more efficient development.

Street Vacation

A title report supplied by the applicant identified the City of Santa Ana as fee owner of the Vacation Portion. Because the subject portion of property is designated as street right of way owned in fee by the City of Santa Ana, it must be vacated in order to be later conveyed to Bristol Center Properties, LLC.

On April 8, 2024, the City of Santa Ana Planning Commission adopted a Resolution 2024-06 (Exhibit 4) finding that Abandonment 23-02 is in conformance with the City of Santa Ana 2022-2045 General Plan. At this segment, the improved width of Bristol Street

varies from 128 feet to 140 feet, which is consistent with the General Plan Mobility Element.

This abandonment is being processed as a summary vacation because the area has never been, nor is it planned to be, improved for public street purposes. City staff recommends the action because the excess area offers no present or prospective use to the City. There are no visible utilities in the area, however an easement for any potential existing utilities will be reserved in the resolution of vacation.

Exempt Surplus Land

The subject 392 square-foot property identified as the Vacation Portion will be disposed of in accordance with the SLA, as amended this year. The property meets the SLA definition of “exempt surplus land” under size and proximity allowances of GC 54221(f)(1)(B), and under former street right of way allowances of GC 54221 (f)(1)(E). staff is requesting City Council to adopt a resolution declaring the property as exempt surplus land (Exhibit 5).

After adoption of the resolution, staff will continue to comply with requirements of the SLA, including providing the California Department of Housing and Community Development with a copy of the resolution at least 30 days prior to the disposition of the property. After completion of the prescribed time period, the City may negotiate with the applicant for the sale of the property. The vacated parcel will be merged with the larger adjacent parcel as a condition of the purchase and sale agreement which will be presented to City Council for approval at a future meeting.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act, the proposed abandonment is exempt from further review per section 15305. Categorical Exemption will be filed for this abandonment.

FISCAL IMPACT

There is no fiscal impact associated with these actions. The staff report for any subsequent approval of a purchase and sale agreement will include a request for approval appropriation adjustment to recognize funds received.

EXHIBIT(S)

1. Location Map
2. Street Right of Way-Remnant-Vacation Area Map
3. Street Level View of Vacation Area
4. Planning Commission Resolution
5. Abandonment Resolution
6. Exempt Surplus Property Resolution

Submitted By: Nabil Saba, P.E., Executive Director – Public Works Agency

Approved By: Alvaro Nuñez, Acting City Manager