

**RESOLUTION NO. 2023-13**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA FINDING THAT ABANDONMENT NO. 2023-01 TO VACATE OF A PORTION OF A PUBLIC RIGHT-OF-WAY EASEMENT ADJACENT TO 2398 NORTH FLOWER STREET IS IN CONFORMANCE WITH THE CITY OF SANTA ANA 2022-2045 GENERAL PLAN

WHEREAS, California Streets and Highways Code Section 8300 *et seq.* authorizes the City of Santa Ana to vacate all or any portion of any street or highway within its boundaries and under its jurisdiction to terminate the public's right to use such street; and

WHEREAS, pursuant to California Government Code section 65402(a), street vacations must first be submitted to and reported upon by the Planning Commission for conformance with the General Plan; and

WHEREAS, the portion of Public right of way (alley) was dedicated to the City in 1931 on Tract Map No. 754 as a 10-foot by 120-foot long street easement; and

WHEREAS, this easement is improved with concrete pavement and a cross gutter through the center and maintained by the City of Santa Ana; and

WHEREAS, the westerly 10-foot by 15-foot section of the portion of alley will remain as public easement so the property at 2379 North Flower Street may continue to have access to their driveway; and

WHEREAS, the easterly 10-foot by 5-foot section of the portion of alley will remain as public easement so there is sufficient space for vehicles to turn-out when exiting through the easterly half of the entire alley; and

WHEREAS, the City desires to vacate its interest in the 10-foot by 100-foot portion of alley, as shown on Exhibit A ("Vacation Area"); and

WHEREAS, the Vacation Area is located directly adjacent to and south of 2383 North Flower Street, which is owned by Colin Donnelly and Caroline La and is designated as Low Density Residential (LR-7); and

WHEREAS, the Vacation Area is also located immediately adjacent to property 2379 North Flower Street, which is owned by Alan Newton and Cheryl Newton; and

WHEREAS, there are no issues with vacating the Vacation Area presently or in the future, as determined by the City's Public Works Agency; and

WHEREAS, the Santa Ana City Council adopted the City of Santa Ana 2022-2045 General Plan (General Plan) on April 19, 2022; and

WHEREAS, by separate City Council action and following a finding of conformity with the City's General Plan by the Planning Commission, the City desires to vacate the Vacation Area; and

WHEREAS, in accordance with Section 15378 of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, this action is not a project and is therefore exempt from further CEQA review. The action will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment. As a result, Environmental Review No. 2023-27 will be filed for this action; and

WHEREAS, on June 12, 2023, the Santa Ana Planning Commission reviewed Abandonment No. 2023-01 and General Plan conformance findings.

**NOW THEREFORE, BE IS RESOLVED** that the Planning Commission of the City of Santa Ana does hereby finds that Abandonment No. 2023-01 to vacate the Vacation Area, as shown on **Exhibit A**, is in conformance with the City's 2022-2045 General Plan, serves the public interest, and is a public benefit. The decision is based upon the Request for Planning Commission Action dated June 12, 2023, and exhibits attached thereto, and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 12 day of June, 2023.

AYES: Commissioners: CARL BENNINGER, MANUEL ESCAMILLA, CHRIS LEO, BAO PHAM, ISURI RAMOS, ALAN WOO (6)

NOES: Commissioners:

ABSENT: Commissioners: JENNIFER OLIVA (1)

ABSTENTIONS: Commissioners:

  
Bao Pham Chairperson

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By:   
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Jose Montoya Assistant City Attorney

### **CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2023-13 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on June 12, 2023.

Date: 6/12/2023

*Nuvia Ocampo*

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Recording Secretary  
City of Santa Ana