



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** SUMMARY VACATION OF  
PALMILLA DRIVE

**DATE:** 02-18-04

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Approved

Date

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Council District: 4

## **RECOMMENDATION**

Adoption of a resolution summarily vacating a portion of Palmilla Drive and the Public Service Easement (PSE) on both sides of Palmilla Drive between Rio Robles East and Descanso Drive CEQA: Final Environmental Impact Report for the Moitozo Ranch Residential Project, adopted December 15, 1998, Resolution No. 68667 and addenda hereto, PDC03-043.

## **BACKGROUND**

An application for the vacation of a portion of Palmilla Drive and the Public Service Easement (PSE) on both sides has been submitted by Carlson, Barbee, & Gibson, Inc., on behalf of property owner Irvine Community Development Company. This vacation is necessary to facilitate the construction of 441 attached multi-family units proposed under Planned Development Permit PD03-062.

## **ANALYSIS**

The subject portion of Pamilla Drive and PSE proposed for vacation were created when the North Park Parcel Map was recorded in 2002. Pamilla Drive was proposed to extend from Estancia Drive to Alicante Drive. However, under the current development proposal a parking garage will be constructed under the subject portion of Palmilla Drive, the adjacent residential units and recreation center. Upon vacation, this portion of Palmilla Drive will be narrower in width and serve as a private parking court when built. Staff has determined that the portion of this street within the Irvine Community Development Company property will not be needed for public street purposes and can be vacated without adverse effects. The adjacent streets will provide adequate capacity and circulation for vehicles and pedestrians. All utility companies having rights to the street and the subject PSE have provided written confirmation that they agree to this proposed vacation, and no utilities have been constructed in the PSE.

Current law provides for the summary vacation of a street that lies within property that is under one ownership and does not continue through such ownership. It also provides for the summary vacation of a PSE if the date of dedication is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not continuously used since that date. The proposed vacation of Palmilla Drive and PSE meets all of the requirements for summary vacation in California Streets and Highways Code sections 8330-8334.5.

Upon recordation of this vacation, the right-of-way and PSE will be removed from the subject property and no further action by the City will be required.

### **PUBLIC OUTREACH**

Not applicable.

### **COORDINATION**

The resolution and memo have been coordinated with the Planning, Building and Code Enforcement Department and the City Attorney's Office.

### **COST IMPLICATIONS**

Vacating the public right-of-way is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability in the public right-of-way.

### **CEQA**

Resolution No. 68667 and addenda hereto, PDC03-043.

KATY ALLEN  
Director, Public Works Department