

CITY OF SAND CITY

RESOLUTION SC 20-10, 2020

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY  
ACTING AS THE SAND CITY PLANNING AGENCY HEREBY MAKING A  
DETERMINATION THAT VACATING CERTAIN RIGHT-OF-WAY SECTIONS  
OF LINCOLN AVENUE AND BEACH WAY IS CONSISTENT WITH THE  
SAND CITY GENERAL PLAN (2002 ED.)**

**WHEREAS**, while the City of Sand City (the “City”) does not have a planning agency or commission, the City Council, as the City’s legislative body, shall then carry out the functions of the City’s Planning Agency in accordance with California Government Code §65100; and

**WHEREAS**, on June 5, 2018, the City approved a Vesting Tentative Map (the “VTM”) for the South of Tioga development project (the “Project”) proposed by DBO Development #30 (the “Developer”), to merge existing lots and abandon existing public rights-of-way that, with City approval of a Final Map, creates six new parcels (Parcels H1, H1A, H2, H2A, R1, and R2) and dedicates new public rights-of-way; and

**WHEREAS**, California Government Code §65402(a) and California Street and Highway Code §8313 requires the City Council, acting as the City’s Planning Agency, to make an initial determination as to whether a proposed street vacation is consistent with the City’s current General Plan (2002 edition) (the “General Plan”); and

**WHEREAS**, the General Plan’s Implementation Program 2.6.a states that the Sand City “...*Redevelopment Agency should work with a master developer in order to redevelop the South of Tioga area in a cohesive manner...*”, and though the Sand City Redevelopment Agency (the “Agency”) was dissolved by the State in 2013, that Agency, in accordance with Program 2.6.a, had previously entered into an exclusive negotiation agreement with the Developer to redevelop the South of Tioga district as a cohesive development project; and

**WHEREAS**, the General Plan’s discussion regarding the South of Tioga planning district states that “*the district contains a number of ‘paper streets’ which may not provide the best circulation and access through the area*”, whereby the Project’s realigned East Avenue and proposed new street (“Morgan’s Way”) through the site will provide improved public pedestrian and vehicle access and circulation compared to the entire existing street pattern, including those segments of Lincoln Avenue and Beach Way, that are to be abandoned within the South of Tioga district; and

**WHEREAS**, the General Plan Land Use Element’s discussion regarding the South of Tioga district, states that “*the area should be required to occur as a single integrated project...*” where “...*Consolidation of property ownership is also encouraged*”, where the approved VTM for the Project consolidates small lots and parcels within the Project area, partially through the vacating of existing rights of-way, into fewer, larger, and more cohesive and

marketable development pads that can appropriately accommodate the types of land uses necessary to physically and economically rehabilitate the area and promote much needed and mandated housing; and

**WHEREAS**, the City of Sand City, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. § 15000-15387) (collectively, "CEQA"), completed and certified the Final Environmental Impact Report ("Final EIR" or "EIR") State Clearinghouse No. 2017061066 for the South of Tioga Project finding that the South of Tioga Project's environmental impacts, including the vacating those rights-of-way within the Project area, were adequately evaluated; and therefore, no further environmental review for vacating those streets is required or necessary; and

**WHEREAS**, the overall South of Tioga development and VTM identified parcel configuration provide a cohesive development design with consolidated properties and two new streets that provide improved public access and circulation than the existing public rights-of-way; and therefore, the abandonment of existing rights-of-way within the South of Tioga Area, including segments of Beach Way and Lincoln Avenue, are consistent with the City's General Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City, acting as the City's Planning Agency, does hereby make the determination that vacating those sections of Lincoln Avenue and Beach Way within the South of Tioga project area are consistent with the City's General Plan (2002 ed.) and that those right-of-way segments are unnecessary for present or prospective public use with implementation of the South of Tioga Project.

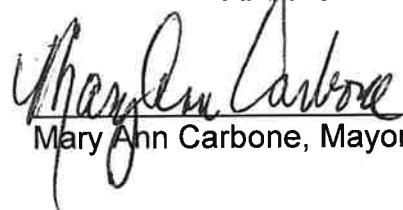
**PASSED AND ADOPTED**, by the City Council of the City of Sand City, acting as the City's Planning Commission, this 4<sup>th</sup> day of February, 2020 by the following vote:

AYES: Council Member Blackwelder, Hawthorne, Sofer, Carbone  
NOES: None  
ABSENT: None  
ABSTAIN: Council Member Cruz

ATTEST:

  
\_\_\_\_\_  
Linda K. Scholink, City Clerk

APPROVED:

  
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Mary Ann Carbone, Mayor