



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Hayden Beckman, Assistant Planner **HB**
DATE: June 10, 2014

SUBJECT: GENERAL PLAN CONFORMANCE NO. 14-002 (BOLSA CHICA STREET EASEMENT VACATION)

**APPLICANT/
PROPERTY**

OWNER: Public Works Dept., City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

LOCATION: East side of Bolsa Chica Street, south of Warner Avenue.

STATEMENT OF ISSUE:

- ♦ General Plan Conformance No. 14-002 request:
 - To determine if the vacation of an existing right of way easement is in conformance with the goals, objectives, and policies of the General Plan.
- ♦ Staff's Recommendation: Approve General Plan Conformance No. 14-002 based upon the following:
 - Conforms to the goals, objectives, and policies of the General Plan.

RECOMMENDATION:

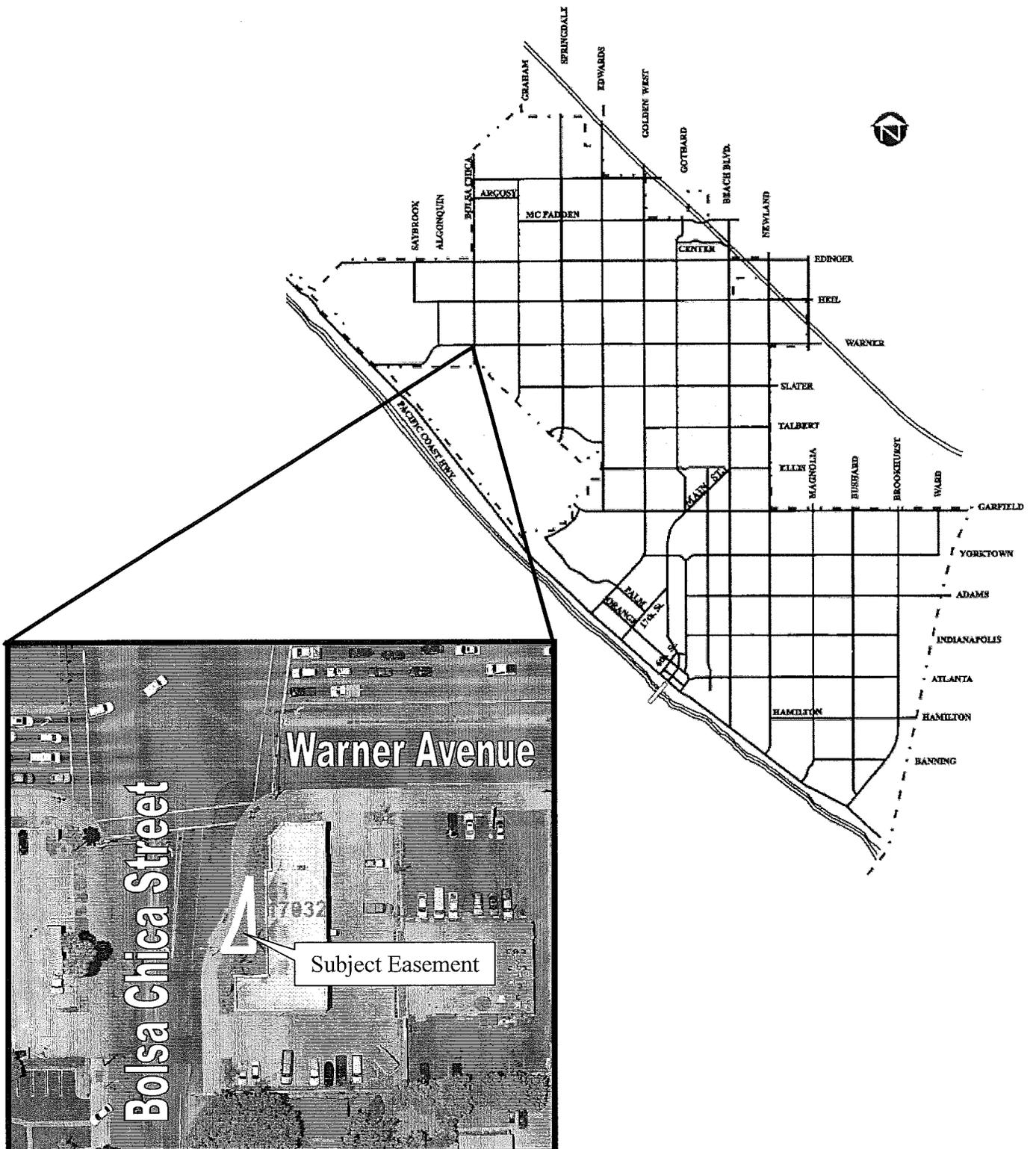
Motion to:

“Adopt Resolution No. 1677, approving General Plan Conformance No. 14-002 with findings (Attachment Nos. 1 and 2).”

ALTERNATIVE ACTION:

The Planning Commission may take an alternative action such as:

1. “Deny General Plan Conformance No. 14-002 with findings for denial.”
2. “Continue General Plan Conformance No. 14-002 and direct staff accordingly.”



VICINITY MAP
GENERAL PLAN CONFORMANCE NO. 14-002
(BOLSA CHICA STREET EASEMENT VACATION)

PROJECT PROPOSAL:

General Plan Conformance No. 14-002 represents a request, pursuant to Section 65402 of the California Government Code, by the City of Huntington Beach Public Works Department to determine if the proposed vacation of an approximately 348 square foot triangular portion of a right-of-way easement adjacent to a commercial parcel is in conformance with the goals, objectives, and policies of the General Plan.

The subject right-of-way easement is along the western property line of a commercial parcel located at the southeast corner of Bolsa Chica Street at Warner Avenue. The area to be vacated measures approximately 348 square feet and is currently a landscaped portion of the street side setback area for an existing vehicle tire service business. The Public Works Department has determined that the subject easement area is no longer required for right-of-way purposes at the intersection, since the necessary right of way improvement requirements have been constructed by the adjacent commercial property owner.

Background:

The existing right of way improvements adjacent to the easement including a pedestrian sidewalk, curb, and landscaping along Bolsa Chica Street were conditions of approval for Conditional Use Permit No. 2009-014, which allowed the construction of the existing vehicle tire service center building. The City required that frontage improvements along the east side of Bolsa Chica Street were to include a right turn lane. The development project was completed in 2011 and no further construction activities are necessary within or adjacent to the subject easement area.

ISSUES:

Subject Property and Surrounding Land Use, Zoning and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	ROW (Right of Way)	ROW	Landscaped Setback Area
North (across Warner Avenue), East and West (across Bolsa Chica Street) of Subject Property:	CG (Commercial General)	CG	Commercial
South of Subject Property	RM (Residential Medium Density)	RM	Multi-Family Residential

General Plan Conformance:

Vacating an approximately 348 square foot right of way easement conforms to the following goals and policies of the General Plan:

A. Land Use Element

LU Goal 2: Ensure that development is adequately served by transportation infrastructure, utility

infrastructure, and public services.

Since adequate curb, gutter, and sidewalk improvements have been constructed to provide an enhanced vehicular and pedestrian access path along the east side of Bolsa Chica Street, the easement is not necessary to support existing or future public use. Upon vacation, the fee title for the area will revert back to the adjacent commercial property owner.

B. Circulation Element

CE Goal 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

CE Policy 2.4: Require that new development provide circulation improvements to achieve stated City goals.

Existing streets and pedestrian sidewalks currently provide sufficient access to the surrounding commercial and multi-family residential uses. The subject area is no longer necessary to construct right-of-way infrastructure to provide the public circulation needs of the abutting properties. The vacation of the subject right-of-way easement will not have a detrimental impact on the circulation system.

Zoning Compliance: Not applicable.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The General Plan conformance review is categorically exempt pursuant to City Council Resolution No. 4501, Class 5, which supplements the California Environmental Quality Act because the request is a minor street vacation.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

No comments regarding General Plan Conformance No. 14-002 have been received from other City departments or agencies. The Public Works Department is in agreement with the request.

Public Notification:

General Plan Conformances are non-public hearing items and do not require legal notification.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

May 2, 2014

MANDATORY PROCESSING DATE(S):

June 11, 2014 (40 days from complete application)

ANALYSIS:

Section 65402 of the California Government Code provides that no street or real property shall be vacated or abandoned until the location, purpose and extent of such vacation or abandonment has been submitted to and reported upon as to its conformity with the City's adopted General Plan. Consistent with State law, staff has identified goals and objectives from the Land Use and Circulation Elements that are applicable to the request in the General Plan Conformance section of this staff report.

The vacation of the right-of-way easement facilitates the transfer of a remnant portion of public right-of-way to an adjacent private property owner consistent with the adjacent development and the City's circulation needs. The fee title of the subject area will revert to the subject property owner.

Because the vacation of the subject right of way easement is consistent with the goals, objectives, and policies of the General Plan, staff recommends the Planning Commission approve General Plan Conformance No. 14-002.

ATTACHMENTS:

1. Suggested Findings of Approval – GPC No. 14-002
2. Planning Commission Resolution No. 1677
3. Project Narrative Dated April 2, 2014

SH:MBB:HB:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 14-002

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 5, which supplements the California Environmental Quality Act because the request is a minor street vacation.

SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 14-002:

The proposed vacation of a portion of an existing right of way easement is consistent with the following goals and objectives of the City's General Plan:

A. *Land Use Element*

LU Goal 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Since adequate curb, gutter, and sidewalk improvements have been constructed to provide an enhanced vehicular and pedestrian access path along the east side of Bolsa Chica Street, the easement is not necessary to support existing or future public use. Upon vacation, the fee title for the area will revert back to the adjacent commercial property owner.

B. *Circulation Element*

CE Goal 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

CE Policy 2.4: Require that new development provide circulation improvements to achieve stated City goals.

Existing streets and pedestrian sidewalks currently provide sufficient access to the surrounding commercial and multi-family residential uses. The subject area is no longer necessary to construct right-of-way infrastructure to provide the public circulation needs of the abutting properties. The vacation of the subject right-of-way easement will not have a detrimental impact on the circulation system.

RESOLUTION NO. 1677

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH FINDING THE VACATION OF A PORTION OF THE BOLSA CHICA STREET RIGHT OF WAY EASEMENT IN CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN (GENERAL PLAN CONFORMANCE NO. 14-002)

WHEREAS, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan; and

WHEREAS, the City of Huntington Beach has declared its intention to vacate a 348 square foot right of way easement located along the east side of Bolsa Chica Street southeast of the intersection between Bolsa Chica Street and Warner Avenue (Exhibit B); and

WHEREAS, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on June 10, 2014; and

WHEREAS, staff has indicated applicable General Plan goals, objectives, and policies to establish conformance with the General Plan (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Huntington Beach finds the proposed vacation of a right of way easement in conformance with the goals, objectives, and policies of the General Plan.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the 10th day of June, 2014, by the following roll call vote:

AYES: Peterson, Bixby, Franklin, Pinchiff, Kalmick, Posey, Semeta
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Scott Hess, Secretary

Planning Commission Chair

Exhibit A - General Plan Goals, Objectives and Policies
Exhibit B - Legal Description and Sketch

EXHIBIT A

GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR BOLSA CHICA STREET EASEMENT VACATION (GENERAL PLAN CONFORMANCE NO. 2014-002)

The vacation of a portion of the Bolsa Chica Street public right of way easement conforms to the following goals and objectives of the General Plan:

A. Land Use Element

LU Goal 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Since adequate curb, gutter, and sidewalk improvements have been constructed to provide an enhanced vehicular and pedestrian access path along the east side of Bolsa Chica Street, the easement is not necessary to support existing or future public use. Upon vacation, the fee title for the area will revert back to the adjacent commercial property owner.

B. Circulation Element

CE Goal 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

CE Policy 2.4: Require that new development provide circulation improvements to achieve stated City goals.

Existing streets and pedestrian sidewalks currently provide sufficient access to the surrounding commercial and multi-family residential uses. The subject area is no longer necessary to construct right-of-way infrastructure to provide the public circulation needs of the abutting properties. The vacation of the subject right-of-way easement will not have a detrimental impact on the circulation system.

EXHIBIT "B"

THAT PORTION OF THE WEST 137 FEET OF THE NORTH 232 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 11 WEST; SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF HUNTINGTON BEACH, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 13 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

APN: 163-121-01

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 232 FEET WITH THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 28; THENCE NORTH 89°24'25" EAST 20.00 FEET ALONG SAID SOUTH LINE TO A POINT ON A LINE PARALLEL WITH AND 20 FEET EASTERLY OF SAID WEST LINE; THENCE NORTH 00°58'02" WEST 68.80 FEET PARALLEL TO SAID WEST LINE TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 42.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°27'35" AN ARC DISTANCE OF 11.33 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH 152 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ON SAID CURVE THROUGH A CENTRAL ANGLE OF 21°24'36" AN ARC DISTANCE OF 15.69 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 58.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36°52'12" AN ARC DISTANCE OF 37.32 FEET TO A POINT OF TANGENCY WITH THE EASTERLY LINE OF THE WESTERLY 40 FEET OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28; THENCE SOUTH 00°58'02" EAST 48.93 FEET ALONG SAID LINE TO A POINT IN THE SOUTH LINE OF SAID NORTH 152 FEET; THENCE SOUTH 89°24'25" WEST 18.48 FEET ALONG SAID SOUTH LINE TO THE TRUE POINT OF BEGINNING.

AREA = 348 SQ. FT./0.008 ACRES

AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

THIS DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.

David O. Knell

1-29-2014

DAVID O. KNELL

P.L.S. 5301

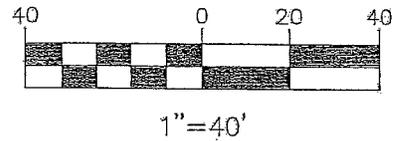
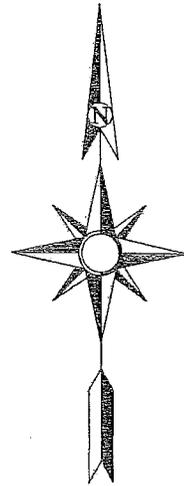
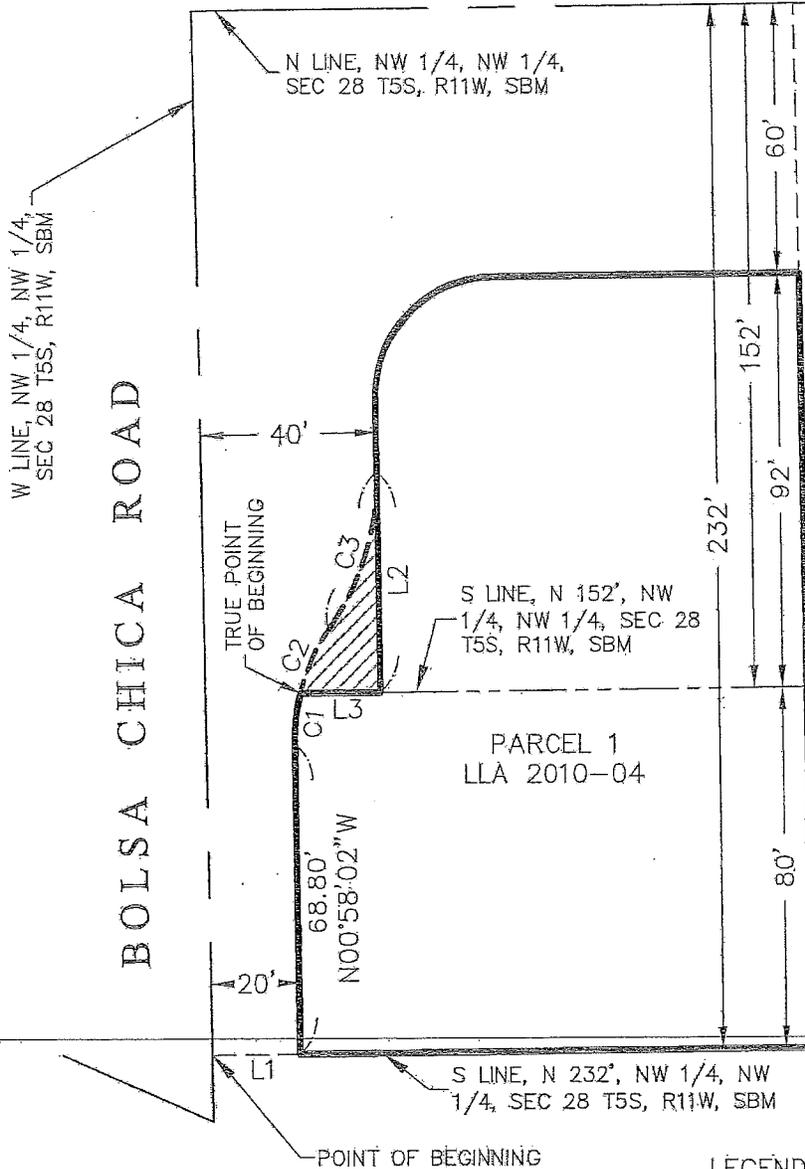


ATTACHMENT NO. 2.3

EXHIBIT "B"

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	15°27'35"	42.00'	11.33'
C2	21°24'36"	42.00'	15.69'
C3	36°52'12"	58.00'	37.32'

WARNER AVENUE



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°24'25"E	20.00
L2	S00°58'02"E	48.93
L3	S89°24'25"W	18.48

LEGEND:

- PROPERTY LINE
- EASEMENT
- RIGHT-OF-WAY
- LOT LINE

INDICATES AREA TO BE VACATED
BACK TO THE UNDERLYING OWNER
AREA = 348 SQ. FT./0.008 ACRES

PROJECT NARRATIVE

Project: Summary Vacation of Public Right-of-Way
Address: Adjacent to Harbour Tire Pros - 17032 Bolsa Chica Road
East of Bolsa Chica Road, South of Warner Avenue)
Application: General Plan Conformance – Summary Street Vacation
Applicant: City of Huntington Beach - Department of Public Works
Contact: Bob Milani, Senior Civil Engineer Tel: (714) 374-1735
Date: March 14, 2014

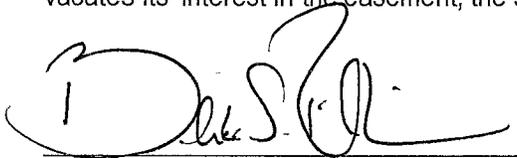
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Dept. of Planning
& Building

Project Background

The existing Harbour Tire Pros site at the southeast corner of Bolsa Chica Road and Warner Avenue consists of 2 parcels (APN's 163-121-01 and 163-121-02), and are encumbered along the Bolsa Chica Road frontage by existing street and right-of-way easements that are 40 feet and 20 feet wide respectively to centerline of the road (See attached Exhibit "C").

As part of entitlement approval, the Harbour Tire Pros project (CUP ²⁰⁰⁹~~2008~~-014, approved by the Zoning Administrator on October 14, 2009) was conditioned to construct certain off-site improvements including new curb, gutter and sidewalk along the Bolsa Chica Road frontage. The project which was completed around the end of 2011, constructed the above-mentioned off-site improvements per the City's conditions, which required a transition between the existing 40 feet and 20 feet right-of-way lines, to create a turn pocket for north-bound traffic turning right onto Warner Avenue. The new street alignment that resulted from this transition, created a small triangular pocket (348 square feet) of existing right-of-way that is outside of the actual street improvements (curb, gutter, sidewalk, etc. - see attached Exhibit "D").

After a thorough review by staff, it has been determined that the subject area is excess right-of-way and no longer needed for street purposes, that it is unnecessary for existing or prospective public use, and that vacating it would not conflict with policies in the General Plan, or the requirements of the Orange County Congestion Management Program (CMP) and Master Plan of Arterial Highways (MPAH). As a result, the Public Works Department is proposing to vacate the excess right-of-way, through a Summary Street Vacation process (See attached Exhibits "A" and "B" - Plat Map and Legal Description). Once the City vacates its' interest in the easement, the subject area would revert back to the existing owner.



Applicant: Bob Milani
City of Huntington Beach
Department of Public Works

3/14/14
Date:

Attachments:

- ~~Exhibits "A" and "B" - Plat and Legal Description~~ **NOT ATTACHED**
- ~~Exhibit "C" - Color Exhibit~~ **NOT ATTACHED**
- Exhibit "D" - Photo of area to be vacated



EXHIBIT "D"

ATTACHMENT NO. 3.2