



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. 14-003 (PEDESTRIAN EASEMENT VACATION)**

**APPLICANT/  
PROPERTY**

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

**LOCATION:** East side of Mauna Lane, south of Halawa Drive (Between lots 238 and 239 of Tract 4305)

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**STATEMENT OF ISSUE:**

- ◆ General Plan Conformance No. 14-003 request:
  - To determine if the vacation of a portion of an existing public access 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. 14-003 based upon the following:
  - Conforms to the goals, objectives, and policies of the General Plan.

**RECOMMENDATION:**

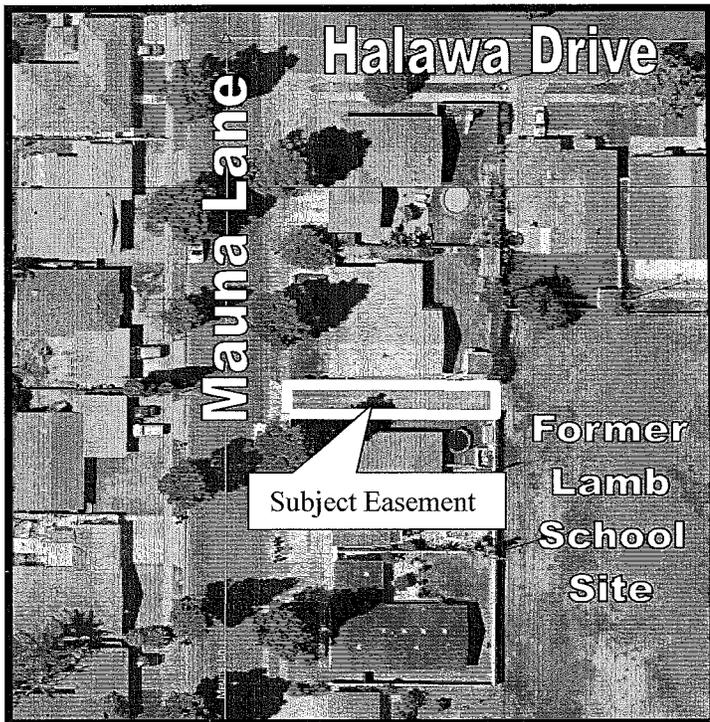
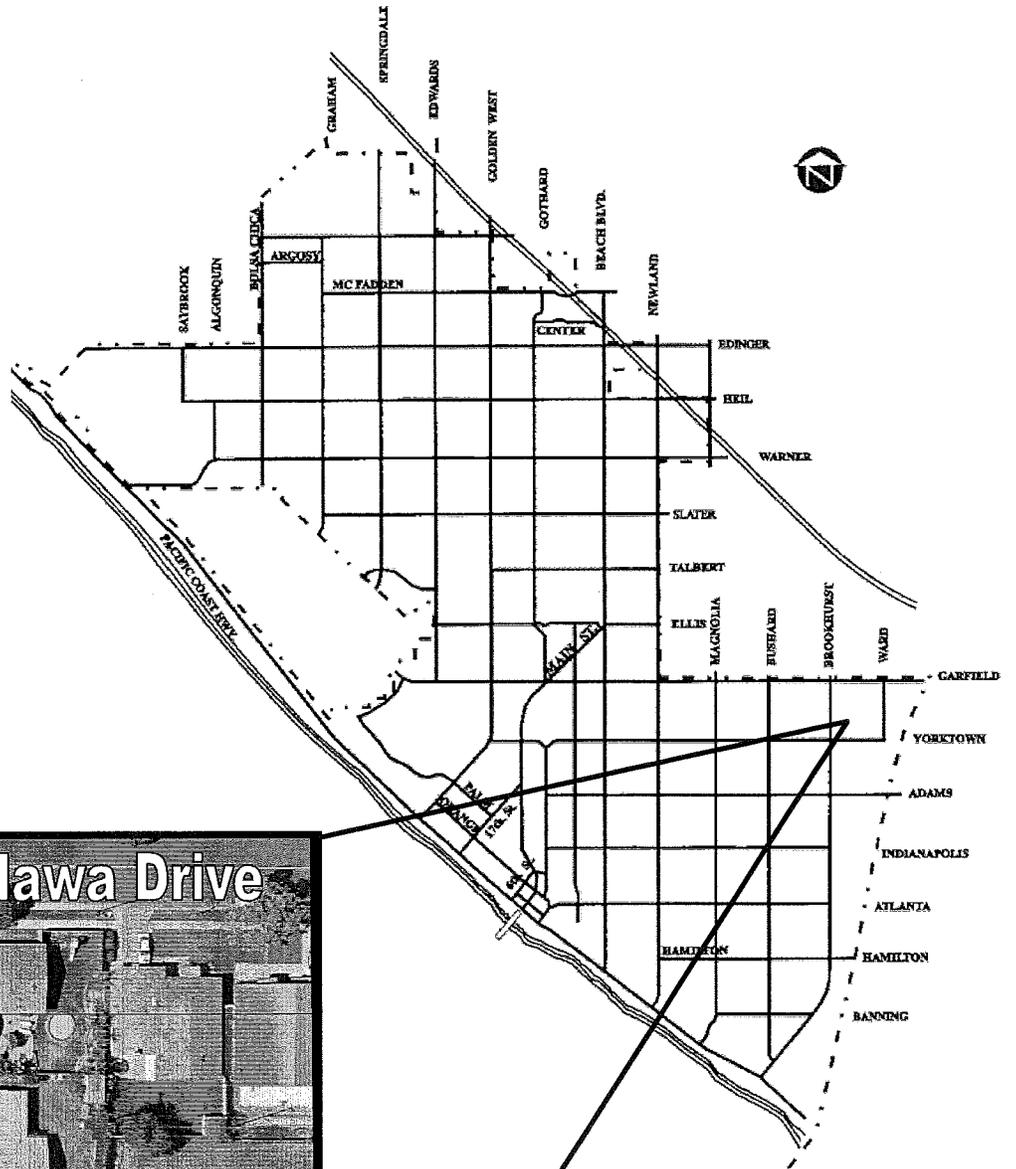
Motion to:

“Adopt Resolution No. 1678, approving General Plan Conformance No. 14-003 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. 14-003 with findings for denial.”
2. “Continue General Plan Conformance No. 14-003 and direct staff accordingly.”



**VICINITY MAP**  
**GENERAL PLAN CONFORMANCE NO. 2014-003**  
**(PEDESTRIAN EASEMENT VACATION)**

General Plan Conformance No. 14-003 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 a portion of an existing pedestrian right-of-way easement adjacent to two single family residential parcels is in conformance with the goals, objectives, and policies of the General Plan.

The subject pedestrian right-of-way easement is located on the east side of Mauna Lane, south of Halawa Drive, between lots 238 and 239 of Tract 4305. The existing pedestrian path measures 15 ft. wide by 100 ft. deep and the portions to be vacated are the northerly and southerly 2.5 feet of the existing easement along its entire length (250 square feet each). The Public Works Department has determined that the northerly and southerly 2.5 feet portions of the existing easement are excess right of way and no longer needed.

**Background:**

The easement was dedicated to the City in 1962 with Tract Map 4305 to serve as a public pedestrian path connecting the residential neighborhood to the former Lamb School site. In October 2012, the City approved Tentative Tract Map No. 17238 for 81 new single family homes by TriPointe Homes at the former school site. Subsequently, the project was legally challenged and one of the issues was maintaining public access from Mauna Lane to the future public park being developed with the residential subdivision. In order to resolve the litigation, the developer submitted a request and received approval for an Entitlement Plan Amendment (EPA No. 13-004), which permitted the removal of one residential lot and the conversion of that lot into common open space, thereby maintaining the existing pedestrian connection between Mauna Lane into the new residential subdivision. Through the settlement agreement, it was also agreed that the width of the existing pedestrian path would be reduced from 15 ft. wide to 10 ft. wide. Upon vacation, both of the excess easement areas will revert back to each adjacent property owner, allowing for a wider side yard area. The developer is responsible for all costs associated with the partial abandonment of the easement, associated improvements, and obtaining all permits required for completion of the work.

**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	Existing 15 ft. Wide Pedestrian Path
North and South of Subject Property:	RL – 7 (Residential Low Density – 7 du/ac)	RL (Residential Low Density)	Single Family Residential
East of Subject Property:	RL – 7	RL	Future Common Open Space
West of Subject Property:	ROW	ROW	Existing Mauna Lane

**General Plan Conformance:**

The proposed vacation of two 250 square foot portions of an existing public pedestrian right of way easement conforms to the following goals, objectives, 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.

A public pedestrian path easement between the existing residential neighborhood and the adjacent future residential neighborhood is necessary to support existing and future public use. The proposed reduction in the size of the existing easement will not negatively impact surrounding property owners or future users of the new public park to be developed. Upon vacation, the fee title for the vacated areas will revert back to the adjacent single family property owners. The public pedestrian path will continue to provide access between neighborhoods and ensure equal public park use opportunity.

B. Circulation Element

CE Goal 7: Provide a system of bicycle, pedestrian, and equestrian paths, and waterways for commuter, school and recreational use.

CE Policy 7.5: Maintain existing pedestrian and bicycle facilities, and require developers to provide pedestrian walkways and/or bicycle pathways between new residences and schools, parks, and public facilities.

Existing streets, sidewalks, and the subject pedestrian easement currently provide sufficient access between the former Lamb School site and the surrounding residential uses. Following the subject vacation, a majority of the right of way easement will be preserved and will continue to support the public circulation needs of the abutting properties. Vacating two 250 square foot portions of an existing public pedestrian right of way easement will maintain the pedestrian path and 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 easement 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. 14-003 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 two 250 square foot portions of the existing right-of-way easement facilitates implementation of the approved residential project at the former Lamb School site. The fee title of the vacated portions will revert to the adjacent single family residential property owners and the remaining pedestrian easement will continue to provide public access between the existing neighborhood and the future neighborhood and public park.

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. 14-003.

**ATTACHMENTS:**

1. Suggested Findings of Approval – GPC No. 14-003
2. Planning Commission Resolution No. 1678
3. Project Narrative Received and Dated April 2, 2014

SH:MBB:HB:kd

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS OF APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 14-003**

**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 easement vacation.

**SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 10-005:**

The proposed vacation of two 250 square foot portions of an existing public pedestrian right of way easement conforms to the following goals, objectives, 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.

A public pedestrian path easement between the existing residential neighborhood and the adjacent future residential neighborhood is necessary to support existing and future public use. The proposed reduction in the size of the existing easement will not negatively impact surrounding property owners or future users of the new public park to be developed. Upon vacation, the fee title for the area will revert back to the adjacent single family property owners. The public pedestrian path will continue to provide access between neighborhoods and ensure equal public park use opportunity.

B. *Circulation Element*

*CE Goal 7:* Provide a system of bicycle, pedestrian, and equestrian paths, and waterways for commuter, school and recreational use.

*CE Policy 7.5:* Maintain existing pedestrian and bicycle facilities, and require developers to provide pedestrian walkways and/or bicycle pathways between new residences and schools, parks, and public facilities.

Existing streets, sidewalks, and the subject pedestrian easement currently provide sufficient access between the former Lamb School site and the surrounding residential uses. Following the subject vacation, a majority of the right of way easement will be preserved and will continue to support the public circulation needs of the abutting properties. Vacating two 250 square foot portions of an existing public pedestrian right of way easement will maintain the pedestrian path and will not have a detrimental impact on the circulation system.

**RESOLUTION NO. 1678**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH FINDING THE VACATION OF TWO PORTIONS  
OF AN EXISTING PEDESTRIAN RIGHT OF WAY EASEMENT IN CONFORMANCE  
WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN  
(GENERAL PLAN CONFORMANCE NO. 14-003)**

**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 two 250 square foot portions of an existing pedestrian right of way easement between lots 238 and 239 of Tract 4305 located on the east side of Mauna Lane, south of Halawa Drive (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 two portions of an existing 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 10<sup>th</sup> 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:**

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Scott Hess, Secretary

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Planning Commission Chair

Exhibit A - General Plan Goals, Objectives, and Policies  
Exhibit B - Legal Description and Sketch for Southerly 2.5 Ft.  
Exhibit C - Legal Description and Sketch for Northerly 2.5 Ft.

**ATTACHMENT NO. 2.1**

## EXHIBIT A

### GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR A PEDESTRIAN EASEMENT VACATION (GENERAL PLAN CONFORMANCE NO. 2014-003)

The proposed vacation of two 250 square foot portions of an existing public pedestrian right of way easement conforms to the following goals, objectives, 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.

A public pedestrian path easement between the existing residential neighborhood and the adjacent future residential neighborhood is necessary to support existing and future public use. The proposed reduction in the size of the existing easement will not negatively impact surrounding property owners or future users of the new public park to be developed. Upon vacation, the fee title for the area will revert back to the adjacent single family property owners. The public pedestrian path will continue to provide access between neighborhoods and ensure equal public park use opportunity.

#### B. Circulation Element

CE Goal 7: Provide a system of bicycle, pedestrian, and equestrian paths, and waterways for commuter, school and recreational use.

CE Policy 7.5: Maintain existing pedestrian and bicycle facilities, and require developers to provide pedestrian walkways and/or bicycle pathways between new residences and schools, parks, and public facilities.

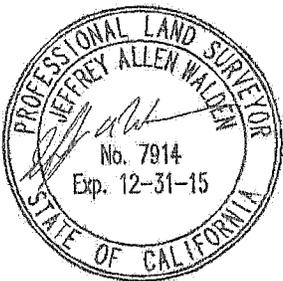
Existing streets, sidewalks, and the subject pedestrian easement currently provide sufficient access between the former Lamb School site and the surrounding residential uses. Following the subject vacation, a majority of the right of way easement will be preserved and will continue to support the public circulation needs of the abutting properties. Vacating two 250 square foot portions of an existing public pedestrian right of way easement will maintain the pedestrian path and will not have a detrimental impact on the circulation system.

EXHIBIT B

BEING THE SOUTHERLY 2.50 FEET OF THAT 15 FOOT WIDE LOT DEDICATED TO THE CITY OF HUNTINGTON BEACH FOR WALKWAY PURPOSES ON TRACT NO. 4305, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 164, PAGES 12 THROUGH 18 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF THE COUNTY RECORDER.

CONTAINS: 250 SQ. FT. MORE OR LESS

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.



**ALDEN &  
SSOCIATES**

CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6274  
(949)-660-0110 FAX: 660-0418

EXHIBIT "1-A"

LEGAL DESCRIPTION  
FOR ACCESS EASEMENT QUITCLAIM  
TRACT NO. 4305  
HUNTINGTON BEACH, CALIFORNIA

W.O. No. 1498-844-YL2  
Engr. B.J.W. Chk'd, J.W.

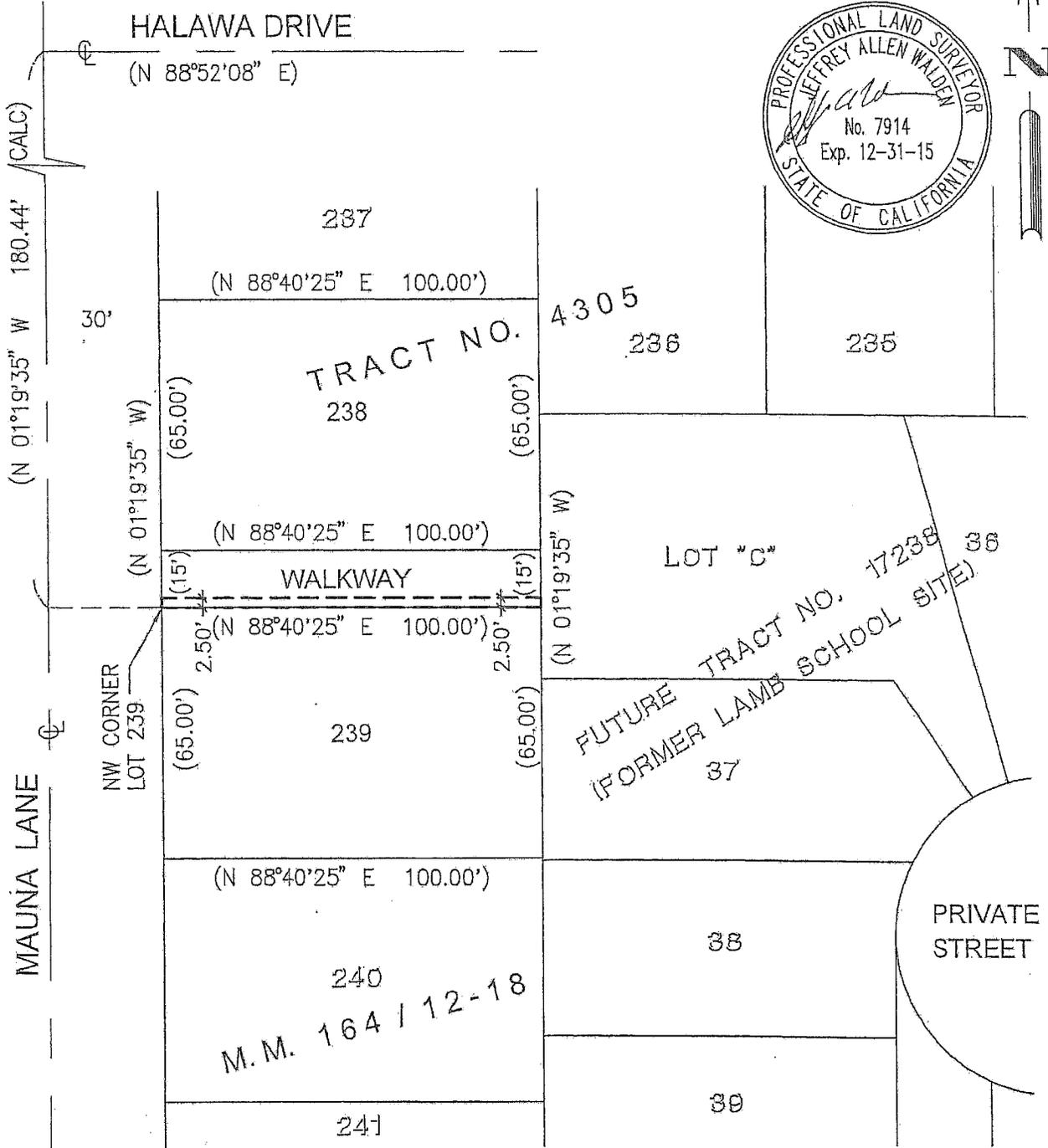
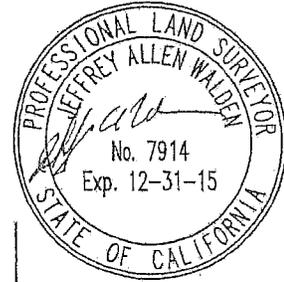
Date: 01/14/2014  
Sheet 1 of 1

( ) INDICATES RECORD DISTANCE PER TRACT NO. 4305, FILED IN BOOK 164, PAGES 12-18 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF THE COUNTY RECORDER, COUNTY OF ORANGE, STATE OF CALIFORNIA.

40 20 0 40



SCALE IN FEET  
1 inch = 40 ft.



**ALDEN &  
SSOCIATES**

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**EXHIBIT "1-B"**

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION  
FOR ACCESS EASEMENT QUITCLAIM  
OVER WALKWAY IN TRACT NO. 4305  
HUNTINGTON BEACH, CALIFORNIA

W.O. No. 1498-844-YL2  
Engr. B.J.W. Chk'd. J.W.

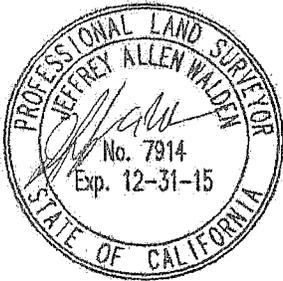
Date 01/14/2014  
Sheet 1 of 1

EXHIBIT C

BEING THE NORTHERLY 2.50 FEET OF THAT 15 FOOT WIDE LOT DEDICATED TO THE CITY OF HUNTINGTON BEACH FOR WALKWAY PURPOSES ON TRACT NO. 4305, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 164, PAGES 12 THROUGH 18 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF THE COUNTY RECORDER.

CONTAINS: 250 SQ. FT. MORE OR LESS

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.



**ALDEN &  
SSOCIATES**

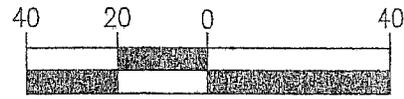
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6274  
(949)-660-0110 FAX: 660-0418

EXHIBIT "2-A"  
LEGAL DESCRIPTION  
FOR ACCESS EASEMENT QUITCLAIM  
TRACT NO. 4305  
HUNTINGTON BEACH, CALIFORNIA

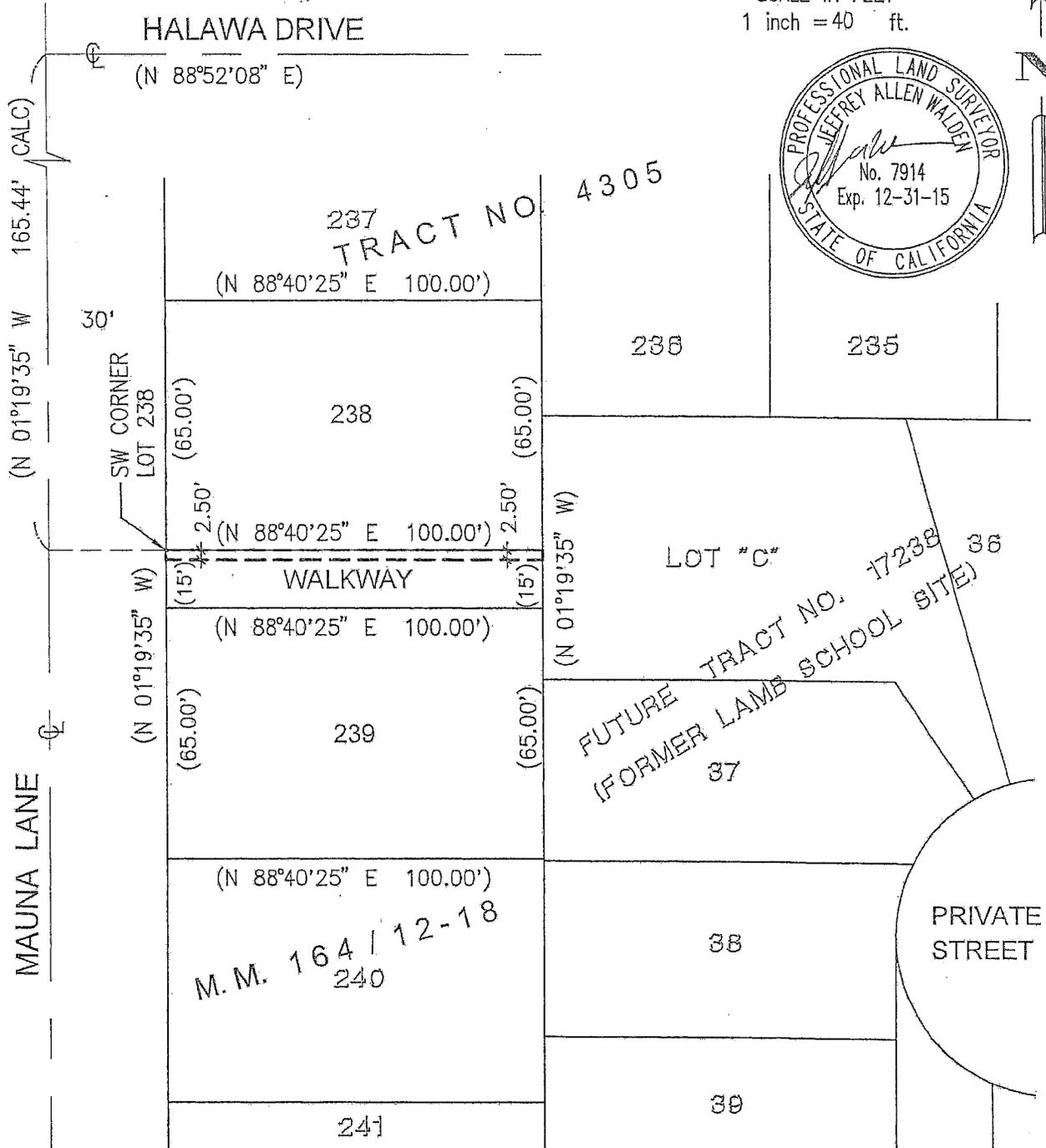
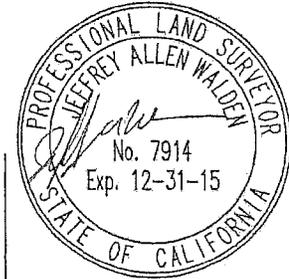
W.O. No. 1498-844-YL2  
Engr. B.J.W. Chk'd. J.W.

Date: 01/14/2014  
Sheet 1 of 1

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SCALE IN FEET  
1 inch = 40 ft.



**ALDEN & ASSOCIATES**  
 CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
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**EXHIBIT "2-B"**

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION FOR ACCESS EASEMENT QUITCLAIM OVER WALKWAY IN TRACT NO. 4305 HUNTINGTON BEACH, CALIFORNIA

W.O. No. 1498-844-YL2  
 Engr. B.J.W. Chk'd. J.W.

Date 01/14/2014  
 Sheet 1 of 1

PROJECT NARRATIVE

Project: Summary Vacation of Public Right-of-Way  
Address: 15' Wide Easement  
Between 19332 and 19342 Mauna Lane - Lots 238 and 239 of Tract 4305 respectively  
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 24, 2014

RECEIVED

APR 02 2014

Dept. of Planning  
& Building

Project Background

In 1962, a 15 foot wide easement was dedicated to the City of Huntington Beach with Tract Map 4305, and served as public access connecting the tract from Mauna Lane to the former Lamb School site (See Exhibit "C" – Tract Map). In October 2012, the City approved Tentative Tract Map 17238 for 81 new homes at the former school site and was subsequently sued over the approved land use entitlement, arguing that the existing access must be maintained from Mauna Lane to the new public park being developed with the subdivision.

In order to settle the litigation, the developer (Tri Pointe Homes) submitted an application, and received approval for an Entitlement Plan Amendment (EPA No. 13-004), to eliminate one of the residential lots and convert it to common open space, thereby maintaining the existing connection and pedestrian access from Mauna Lane into and through the new residential subdivision. It was agreed through the settlement agreement that in addition to the creation of the open space lot mentioned above, the width of the existing public access way would be reduced from 15 feet to 10 feet with two and one half feet (2.5') of the existing easement be vacated to each of the single family residential properties to the north and south of the easement to increase each of their respective side yards. The developer is responsible for all costs associated with the partial abandonment of the easement, associated improvements, and obtaining all permits required for completion of the work.

The Public Works Department is acting as agent to pursue the partial abandonment of the easement and after a thorough review by staff, it has been determined that the northerly and southerly 2.5 feet of the existing easement is excess right-of-way and no longer needed, 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 partially vacates its' interest in the easement, the northerly and southerly 2.5 feet of the easement would revert back to the existing owners and be incorporated into their existing side yards.



Applicant: Bob Milani  
City of Huntington Beach  
Public Works Department

4-1-14

Date:

Attachments:

- ~~Exhibits "A" - Vacation Resolution - NOT ATTACHED~~
- ~~Exhibit "B" - Plat and Legal Descriptions - NOT ATTACHED~~
- Exhibit "C" - Tract Map
- Exhibit "D" - Photo of area to be vacated

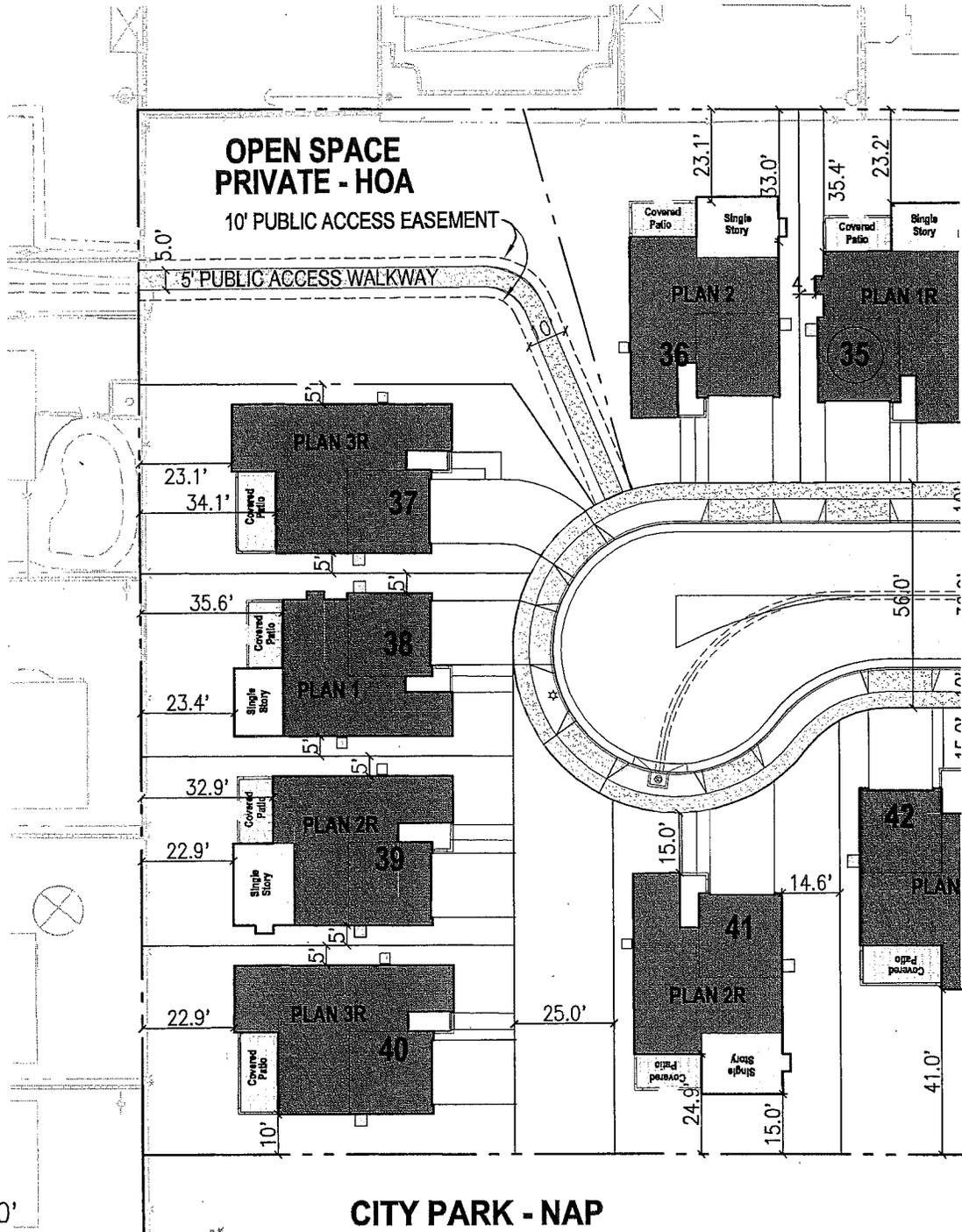
ATTACHMENT NO. 3-1





EXHIBIT "D"

# REVISED SITE PLAN FOR SETTLEMENT AGREEMENT



SCALE: 1"=40'



**ALDEN &  
ASSOCIATES**

CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6236  
(949) 660-0110 FAX: 660-0418

## REVISED SITE PLAN FOR SETTLEMENT AGREEMENT

Date: 6/25/2013

ATTACHMENT NO. 3.4