



Legislation Details (With Text)

File #: 19-419 **Version:** 1
Type: Non-Public Hearing Items **Status:** Agenda Ready
File created: 3/28/2019 **In control:** Planning Commission
On agenda: 4/23/2019 **Final action:**
Title: GENERAL PLAN CONFORMANCE NO. 19-001 (WINDBOURNE PEDESTRIAN EASEMENT VACATION)

REQUEST:

To determine if the vacation of a pedestrian easement from a residential neighborhood into a former school site is in conformance with the goals, objectives, and policies of the General Plan.

LOCATION:

Lot A of Tract 4364 (north side of Spa Drive, approximately 100 ft. west of Calneva Lane)

Attachments: 1. Att #1 - Draft Resolution 1708, 2. Att #2 - Vicinity Map, 3. Att #3 - Plat Map and Legal Description Recieved and Dated February 13, 2019, 4. Att #4 - Vacation Request Letter Dated February 13, 2019

Date	Ver.	Action By	Action	Result
4/23/2019	1	Planning Commission		

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Director of Community Development
BY: Courtney Badger, AICP, Assistant Planner

SUBJECT:
GENERAL PLAN CONFORMANCE NO. 19-001 (WINDBOURNE PEDESTRIAN EASEMENT VACATION)

REQUEST:

To determine if the vacation of a pedestrian easement from a residential neighborhood into a former school site is in conformance with the goals, objectives, and policies of the General Plan.

LOCATION:

Lot A of Tract 4364 (north side of Spa Drive, approximately 100 ft. west of Calneva Lane)

APPLICANT:

Rick Wood, TRI Pointe Homes, 5 Peters Canyon, Suite 100, Irvine, CA 92606

PROPERTY OWNER:

Farid and Colette Kaoumi, 5831 Spa Drive, Huntington Beach, CA Crystal Bremkamp, 14491 Calneva Lane, Huntington Beach, CA Michael and Jeanette Preece, 14501 Calneva Lane, Huntington Beach, CA

**BUSINESS
OWNER:**

N/A

STATEMENT OF ISSUE:

1. Does the proposed easement vacation conform to the goals and policies of the General Plan?
2. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 5, which supplements the California Environmental Quality Act; and
- B) Adopt Resolution No. 1708 approving General Plan Conformance No. 19-001 with findings (Attachment 1).

ALTERNATIVE ACTION(S):

- A) Continue General Plan Conformance No. 19-001 and direct staff to return with findings for denial.
- B) Continue General Plan Conformance No. 19-001 and direct staff accordingly.

PROJECT PROPOSAL:

The subject pedestrian easement area was originally designated as Lot "A" on Tract Map 4364. This pedestrian easement is located adjacent to three existing single family residences and runs parallel to one residence on Spa Drive and abuts two rear yards located on Calneva Lane, Lots 11, 12, and 13 of Tract 4364. The easement was originally intended to serve as a pedestrian walk-way for access to the Franklin School site that was located on the north side of the easement. On September 11, 2018 the Planning Commission approved entitlements for the development of 51 new single-family residential units on the closed Franklin school site making the pedestrian easement no longer necessary. One of the conditions from that project was that the pedestrian easement would be vacated and revert back to the underlying fee title owner, the three adjacent property owners of Lots 11, 12, and 13 of Tract 4364. TRI Pointe Homes intends to remove the asphalt paving and existing walls bordering the easement and install new walls at the property lines of each adjacent property.

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 from the Land Use and Circulation Elements that are applicable to the request in the General Plan Conformance section of this staff report.

ISSUES AND ANALYSIS:

Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Easement Area:	RL (Residential Low Density)	RL (Residential Low Density)	Existing 1,000 sq. ft. pedestrian easement area
North of Subject Property:	RL (Residential Low Density) approved under GPA 16-001	RL (Residential Low Density) approved under ZMA 16-002	Windbourne Single Family Residential Neighborhood
East, West, and South of Subject Property:	RL (Residential Low Density)	RL (Residential Low Density)	Single Family Dwellings

General Plan Conformance:

The proposed vacation of the subject 1,000 sq. ft. pedestrian easement area conforms to the following goals of the General Plan:

A. Land Use Element

LU Goal 1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

The existing pedestrian easement was designed to provide access to the Franklin School site at the north end of the easement. However, with the recently approved project to redevelop the former school site with a single-family residential subdivision, the pedestrian easement is no longer necessary.

B. Circulation Element

CE Goal 1a: The circulation system supports existing, approved, and planned land uses while maintaining a desired level of service and capacity on streets and critical intersections.

Existing streets and pedestrian sidewalks currently provide sufficient access to the surrounding residential uses. The subject area is no longer necessary to provide pedestrian access or meet the circulation needs of the abutting properties. The vacation of the subject easement will not have a detrimental impact on the circulation system and will allow for the future regular care and maintenance of the vacant property.

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

Design Review Board:

Not applicable

Subdivision Committee:

Not applicable

Other Departments Concerns and Requirements:

The Public Works Department has determined that the subject easement area is no longer necessary to provide pedestrian access because there is no longer a school on the site the pedestrian walkway is servicing. The Public Works Department has determined that the easement may be vacated without affecting the efficiency or effectiveness of any circulation system. No comments regarding General Plan Conformance No. 19-001 have been received from any other City departments or agencies.

Public Notification:

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

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
March 27, 2019	April 26, 2019

SUMMARY:

The vacation of a 1,000 square foot portion of an existing right-of-way easement facilitates the transfer of a remnant portion of pedestrian easement to the underlying fee title owner, consistent with the adjacent development and the City's circulation needs. The right to unencumbered use of the subject area will revert to the underlying fee title owner, owners of Lots 11, 12, and 13 of Tract 4364.

The vacation of the subject right-of-way easement is consistent with the goals and policies of the General Plan, therefore, staff recommends the Planning Commission approve General Plan Conformance No. 19-001.

ATTACHMENTS:

1. Draft Resolution No. 1708
2. Vicinity Map
3. Plat Map and Legal Description Received and Dated February 13, 2019
4. Vacation Request Letter Dated February 13, 2019