



City of Huntington Beach

File #: 18-587

MEETING DATE: 1/23/2019

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Community Development Director
BY: Hayden Beckman, Senior Planner

SUBJECT:
GENERAL PLAN CONFORMANCE NO. 18-002 (743 13th STREET VACATION)

REQUEST:

To determine if the vacation of an approximately 150.50 square foot portion of an existing easement for street and public utility purposes is in conformance with the goals and policies of the General Plan.

LOCATION:

743 13th Street, 92648 (Southwest corner of Crest Avenue at 13th Street)

APPLICANT:

Dawn M. Shimoda, 11639 Corinth Circle, Fountain Valley CA 92708

**PROPERTY
OWNER:**

City of Huntington Beach

**BUSINESS
OWNER:**

N/A

STATEMENT OF ISSUE:

Does the proposed easement vacation conform to the goals and policies of the General Plan?

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 because the request is a minor easement vacation (Attachment 1); and
- B) Adopt Resolution No. 1706, approving General Plan Conformance No. 18-002 with findings

(Attachment No. 1)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A) Continue General Plan Conformance No. 18-002 and direct staff to return with findings for denial.
- B) Continue General Plan Conformance No. 18-002 and direct staff accordingly.

PROJECT PROPOSAL:**Background:**

743 13th Street is a privately owned 4,536 SF parcel that is improved with a single family, detached dwelling unit (the "Property"), and is owned by Dawn Shimoda, (the "Owner"). The Property is adjacent to an existing public right-of-way easement (the "Easement") between the established legal property line of the Property and the public sidewalk extending along both the side street side (Crest Avenue) and the front yard (13th Street). The Easement consists of the entire public right-of-way adjacent to the Property that includes the street, parkway, curb, and sidewalk.

The Easement was dedicated to the City for street and public utility purposes in 1905. Since dedication of the Easement to the City, all necessary public street and sidewalk improvements have been constructed adjacent to the Property. However, these improvements do not extend to the legal boundary of the Easement and the Property, resulting in a remnant portion of the Easement (Attachment 2). The Owner is requesting that the resulting 1-foot wide by 150.50-foot long portion of land that exists between the interior side of the public sidewalk and the legal property line of the Property (the "Vacation Area") be vacated to increase the size of their yard (Attachment 3).

ISSUES AND ANALYSIS:

The Public Works Department has determined that no further right-of-way or utility improvements are required, therefore rendering the subject Vacation Area excess right-of-way. If the vacation request is approved, ownership of the vacated area will revert to the Owner of the Property and its successors in interest, per State law. Pursuant to Section 65401 of the California Government Code, prior to approval of the requested vacation, a determination must be made that said vacation is in conformance with the General Plan.

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RL (Residential Low Density - Max 7 du/ac)	RL (Residential Low Density)	Single Family Residence (SFR)
North, South, East & West of Subject Property:	RL	RL	SFR

General Plan Conformance:

- A. The proposed vacation of an undeveloped 105.50 square foot portion of an existing easement for street and public purposes conforms to the following goals and policies of the General Plan:

A. Land Use Element

Policy LU-1 (A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

The vacation of the Vacation Area will not negatively impact surrounding property owners or public users of the street and sidewalk because easements for the developed street, sidewalk, and parkway areas will remain intact. Upon vacation, the fee title for the area will revert to the Owner and its successors in interest.

B. Circulation Element

Goal CIRC-1 (A): The circulation system supports existing, approved, and planned land uses while maintaining a desired level of service and capacity on streets and at critical intersections.

Policy CIRC-1 (J): Investigate current jurisdictional control of roadways and determine where adjustments may be made in the future.

Goal CIRC-6: Connected, well-maintained, and well-designed sidewalks, bike lanes, equestrian paths, and waterways allow for both leisurely use and day-to-day required activities in a safe and efficient manner for all ages and abilities.

The existing street and pedestrian sidewalk currently provide sufficient access to the surrounding 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. Vacating an undeveloped 150.50 square foot portion of an existing public street and utility easement will not have a detrimental impact on the circulation system.

C. Public Services and Infrastructure Element

Goal PSI-8: Coordinated infrastructure improvements are identified and funded.

Policy PSI-8 (A): Prepare and adopt coordinated, citywide infrastructure master plans to establish priority and identify funding options for future capital improvement projects.

The area requested to be vacated is a 150.50 foot long portion of an existing easement for street and public utility purposes located at the subject property. The Public Works Department has determined that the Vacation Area is excess right-of-way and no longer needed. The Public Works Department has also determined that there are no utilities requiring easement access located within the easement area that is proposed to be vacated. Vacation of the Vacation Area will not have a detrimental impact to public services and infrastructure.

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 reviewed and is processing the easement vacation request through the City Council.

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):
December 3, 2018	January 14, 2019 (40 days from complete application)

SUMMARY:

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

The existing street and pedestrian sidewalk currently provide sufficient access to the surrounding residential uses. The Vacation Area is no longer necessary to construct right-of-way infrastructure to provide the public circulation needs of the abutting properties. Vacating an undeveloped 150.50 square foot portion of an existing public street and utility easement will not have a detrimental impact on the circulation system. Further, the Public Works Department has also determined no utilities requiring easement access are located within the easement area proposed to be vacated.

Staff recommends the Planning Commission approve General Plan Conformance No. 18-002 because vacating the Vacation Area is consistent with the goals and policies of the General Plan.

ATTACHMENTS:

1. Draft Resolution No. 1706
2. Plat Map and Legal Description Received and Dated October 30, 2018
3. Vacation Request Letter Dated June 29, 2018