



City of Huntington Beach

File #: 18-588

MEETING DATE: 1/22/2019

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Fred A. Wilson, City Manager

PREPARED BY: Travis K. Hopkins, PE, Director of Public Works

Subject:

Adopt Resolution Nos. 2019-01, 2019-02, 2019-03, 2019-04 and 2019-05 for Summary Vacation of certain existing Easements at the Pacific City Residential Development (Final Tract Map Number 16338) located at 21002 Pacific Coast Highway

Statement of Issue:

Pacific City has recently recorded with the Orange County Recorder easements that are consistent with the most current site plan layout and Entitlement Plan Amendment No. 12-007. Therefore, the easements that existed prior to the current EPA are no longer required. A summary vacation is required to remove the superseded easements from the property. Pursuant to the California Streets and Highways Code, the Public Works Department requests that City Council adopt five (5) Resolutions of Summary Vacation of certain existing easements for various purposes that currently encumber the Pacific City Residential parcel.

Financial Impact:

Not Applicable.

Recommended Action:

A) Adopt Resolution No. 2019-01, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of a Pedestrian Ingress and Egress Easement on Property Located at Pacific City (Final Tract Map Number 16338);" and,

B) Adopt Resolution No. 2019-02, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Access Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and,

C) Adopt Resolution No. 2019-03, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Village Green Park and Open Space Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and,

D) Adopt Resolution No. 2019-04, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Waterline Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and,

E) Adopt Resolution No. 2019-05, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Public Park and Open Space Purposes on Property Located at Pacific City (Final Tract Map Number 16338);" and,

F) Instruct the City Clerk to record said Resolutions (and attachments) with the Orange County Recorder.

Alternative Action(s):

Deny the recommended actions (adoption of Resolutions 2019-01, 2019-02, 2019-03, 2019-04 and 2019-05) with findings for denial. Denial would make the project non-compliant with adopted Conditions of Approval for the Pacific City Entitlement Plan Amendment 12-007, which requires the vacation of the subject easements and dedication of new (realigned) easements prior to the City issuance of a Final Certificate of Occupancy for the project.

Analysis:

The residential parcel of the Pacific City property (located at 21002 Pacific Coast Highway) is currently encumbered with certain existing easements that were dedicated to the City of Huntington Beach (in August 2007) on Final Tract Map No. 16338; on file in Book 893, Pages 7 through 12, inclusive, of Miscellaneous Maps, in the Office of the County Recorder of the County of Orange, State of California. (Attachment 1). The existing easements have not been used since their original dedication due to the change in ownership of the property and the long period of construction inactivity at the site.

The new property owner has since obtained approval of a revised site plan layout through Entitlement Plan Amendment (EPA) No. 12-007, approved by the City Planning Commission on October 23, 2012. The existing easements (for sidewalk/pedestrian access, open space and public park purposes and for waterline purposes) are no longer consistent with the new site layout. Consequently, approval of the EPA was conditional upon the removal (via a formal vacation process) of the existing easements and the creation/approval of the new easements. The new, replacement easements have recently been accepted and recorded with Orange County Recorder; summary vacations of the five existing easements are now the final step in the process.

Pursuant to Government Code Section No. 65402, upon vacation of the existing easements at the residential parcel, the rights to the underlying land would revert back to the fee owner of the property and the vacations of said easements would not require Planning Commission Approval for General Plan Conformance because they have been superseded (by new easements already obtained from the existing property owner).

Public Works Commission Action: Not required.

Environmental Status:

The proposal is categorically exempt from the California Environmental Quality Act, pursuant to City Council Resolution No. 4501, Class V: Alterations in Land Use Limitations, sub-section (a) minor street, alley and utility easement vacations.

Strategic Plan Goal:

Enhance and maintain infrastructure

Attachment(s):

1. Final Tract Map No. 16338
2. Resolution No. 2019-01, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of a Pedestrian Ingress and Egress Easement on Property Located at Pacific City (Final Tract Map Number 16338)"
3. Resolution No. 2019-02, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Access Purposes on Property Located at Pacific City (Final Tract Map Number 16338)"
4. Resolution No. 2019-03, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Village Green Park and Open Space Purposes on Property Located at Pacific City (Final Tract Map Number 16338)"
5. Resolution No. 2019-04, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Waterline Purposes on Property Located at Pacific City (Final Tract Map Number 16338)"
6. Resolution No. 2019-05, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement for Public Park and Open Space Purposes on Property Located at Pacific City (Final Tract Map Number 16338)"