



City of Huntington Beach

File #: 22-746

MEETING DATE: 9/20/2022

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Al Zelinka, City Manager

VIA: Sean Crumby, Director of Public Works

PREPARED BY: William Krill, Real Estate and Project Manager

Subject:

Adopt Resolution 2022-37 Declaring a Certain Public Easement Area Exempt Surplus Land Pursuant to the Surplus Lands Act (SLA)

Statement of Issue:

The California Surplus Land Act (SLA) (Government Code 54220 et seq.) governs the transfer of surplus lands and requires local agencies to prioritize opportunities for certain uses including affordable housing development for any land the entity may sell or lease. Surplus land may be declared either "surplus" or "exempt surplus" by the legislative body of the local agency as supported by written findings. The SLA requires local agencies to report on any properties that have been declared "surplus" or "exempt surplus" lands in the Annual Housing Element Report due in April of each year

There is one Easement area referred to in this report subject to the SLA that may be eligible for disposition, which will be more particularly described in the Analysis section of this staff report.

Financial Impact:

There is no immediate fiscal impact associated with this action. Any agreement approving a conveyance of interest in City property will be brought before the City Council for consideration.

Recommended Action:

A) Declare a portion of the City-owned public right of way easement located near the intersection of Huntington Street and Atlanta Avenue as "exempt surplus land" as defined by Government Code Section 54221(f); and,

B) Adopt Resolution No. 2022-37, "A Resolution of the City Council of the City of Huntington Beach Declaring That an Undeveloped Portion of an Existing Street and Public Utility Easement Along the Eastside of 102 & 104 Huntington Street, Huntington Beach, is Exempt Surplus Land Pursuant to Government Code Sections 54221 (F) (1) (B) and 54221 (F) (1) (E), and Making a Finding of Exemption Under CEQA," including written findings, supporting the declaration.

Alternative Action(s):

Do not approve the recommended action, and direct staff accordingly.

Analysis:

Effective January 1, 2020, Assembly Bill (AB) No. 1486 and AB No. 1255 amended the SLA requiring local agencies to formally declare publicly owned property not necessary for the local agency's use as "surplus land" or "exempt surplus land" before beginning the disposition process. Surplus land must follow a statutory noticing and negotiation period first with certain designated entities, including eligible housing sponsors defined by the California Department of Housing and Community Development (HCD). In contrast, multiple categories qualify land as "exempt surplus land" that does not have to follow the procedural requirements of the Surplus Land Act.

Easement Area: 134 SQFT, .003 acres

The easement area is comprised primarily of the north east curve radius of the intersection at Huntington Street and Atlanta Avenue. The subject easement has been determined to be excess right-of-way by Public Works staff and is not needed for future vehicular or pedestrian circulation or for public utility access. See Attachments B and C for detailed Plat and Legal.

The City holds easement rights to the subject location via an Easement Deed recorded in 1977 (Attachment A). The underlying fee owners are the adjacent property owners of both 102 and 104 Huntington Street. The City has no use for this portion of the subject easement. The owners of the adjacent parcels have expressed interest in this excess easement area being vacated by the City. This easement vacation will have no impact on the remaining easement for streets and public utilities.

Prior to disposing of this parcel, the City must declare the property either "surplus lands" or "exempt surplus lands". This easement area qualifies as "exempt surplus lands" because it is less than 5,000 square feet and less than the minimum legal residential building lot size required under the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Therefore, this property must be transferred to an owner of contiguous land to be considered "exempt surplus land". Additionally, this easement area qualifies as "exempt surplus land," because it is a former street, right of way, or easement and will be conveyed to an owner of an adjacent property. If the City were to vacate the described easement area, the ownership would revert to the adjacent property owners who are the underlying fee owners.

Environmental Status:

Pursuant to CEQA Guidelines Section 15378(b) (5), administrative activities of governments that will not result in direct or indirect physical changes in the environment do not constitute a project. Therefore, the declaration of property as "exempt surplus land" is exempt in accordance with CEQA Guidelines Section 15060(c) (3).

Strategic Plan Goal:

Non Applicable - Administrative Item

Attachment(s):

1. Resolution 2022-37
2. (A) Easement Area Legal Description
3. (B) Easement Area Plat Map
4. (C) Easement Deed