



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, Planning Aide *HB*  
**DATE:** September 13, 2011

**SUBJECT: GENERAL PLAN CONFORMANCE NO. 11-01 (MARIGAYLE CIRCLE EASEMENT VACATION)**

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

**PROPERTY**

**OWNER:** City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648, as dedicated on Tract No. 15690

**LOCATION:** Marigayle Circle (southwest of Ellis Avenue and Edwards Street)

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**STATEMENT OF ISSUE:**

- ◆ General Plan Conformance No. 11-01 request:
  - To determine if the vacation of an existing public right of way easement is in conformance with the goals, objectives, and policies of the General Plan.
  - This determination of General Plan Conformance is not the decision by the City to vacate a public street; that decision will be made by the City Council at a subsequent public hearing.
- ◆ Staff's Recommendation: Approve General Plan Conformance No. 11-01 based upon the following:
  - The proposed vacation conforms to the goals, objectives, and policies of the General Plan.

**RECOMMENDATION:**

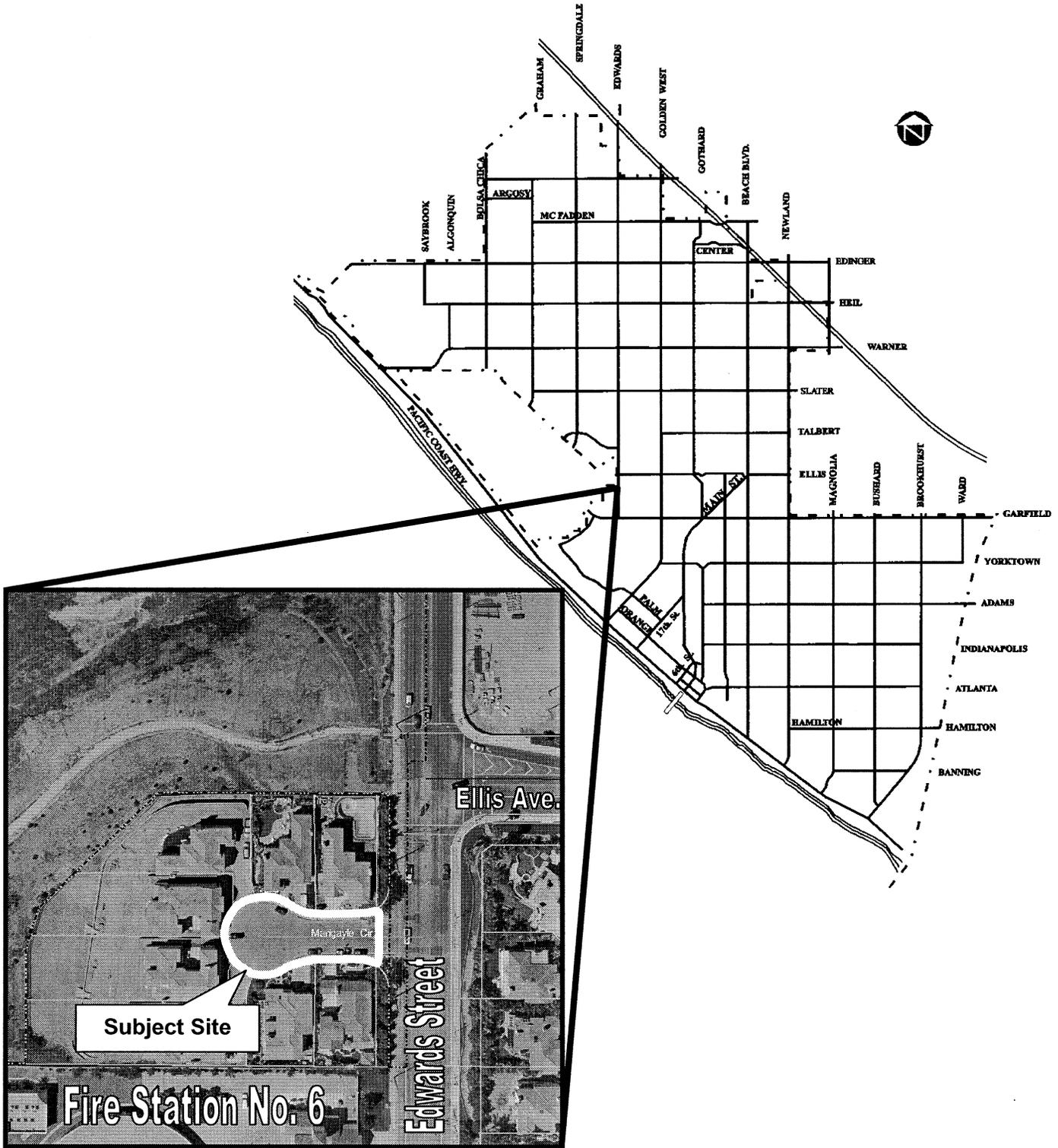
Motion to:

“Adopt Resolution No. 1656, approving General Plan Conformance No. 11-01 with findings (Attachment Nos. 1 and 2).”

**ALTERNATIVE ACTION:**

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 11-01 with findings for denial.”



**VICINITY MAP**  
**GENERAL PLAN CONFORMANCE NO. 2011-01**  
**(MARIGAYLE CIRCLE EASEMENT VACATION)**

**PROJECT PROPOSAL:**

General Plan Conformance No. 11-01 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 an approximately 11,268 square foot (0.26 acres) public right-of-way easement is in conformance with the goals, objectives, and policies of the General Plan.

The subject easement is located southwest of Ellis Avenue at Edwards Street, and encompasses an entire developed right-of-way including a cul-de-sac and sidewalk providing vehicular and pedestrian access to eight single family residences within the Nautical North subdivision (Tract No. 15690). Beyond the eight single family residences immediately surrounding Marigayle Circle, the project site is bounded by the Harriet M. Weider Regional Park to the north and west, Fire Station #6 to south and single family residences across the Edwards Street public right-of-way to the east.

The Public Works Department initiated this request for General Plan Conformance because it received a request to vacate the public right-of-way easement from each of the subdivision property owners so the cul-de-sac could become private and a gate could ultimately be installed (Attachment No. 4).

**Background**

On February 4, 2002, the City Council approved Zoning Map Amendment No. 99-02, Zoning Text Amendment No. 00-01, Local Coastal Program Amendment No. 00-01, Tentative Tract Map No. 15690(R), Conditional Use Permit No. 99-14 and Negative Declaration No. 99-18 which established a Holly Seacliff Specific Plan zoning designation and approved the subject eight lot single family subdivision project on the site. The Planning Commission staff report for the project identified Public Works Department Traffic Division support for the location of the cul-de-sac provided no security gates were installed. The Planning Commission conditionally approved CUP No. 99-14(R) for the construction of eight single family dwellings within the Holly Seacliff Specific Plan (HSSP) and Variance No. 01-17 to permit reduced rear setbacks for two lots. Construction of the project has since been completed and each home is currently occupied.

**ISSUES:**

**Subject Property and Surrounding Land Use, Zoning and General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Area:	Right-of-Way (ROW)	ROW	Public Street
North and West of Subject Area:	Not Applicable; Unincorporated	Not Applicable; Unincorporated	Bolsa Chica Wetlands
East of Subject Area: (Across Edwards Street)	RL-7 (Residential Low Density – 7 du/ac)	Ellis Goldenwest Specific Plan	Single Family Residential
South of Subject Area:	RL-7	Holly Seacliff Specific Plan (RL-1)	Fire Station No. 6

**General Plan Conformance:**

Vacating an 11,268 square foot existing public 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.*

Existing uses are adequately served by existing infrastructure. Marigayle Circle, a cul-de-sac, does not provide a vehicular or pedestrian thoroughfare to other properties or uses requiring public access. Although the site is bounded to the north and west by the Bolsa Chica Wetlands, no public access from Marigayle Circle or any of the eight residential properties is currently or planned to be provided. Additionally, the Public Works Department will retain utility easements for the purpose of providing and maintaining public utilities, including, but not limited to, sewer and water lines and appurtenant structures or devices, and for the right of access to maintain or repair said public utilities. The utility easements preclude construction of any permanent buildings or other surface development over the easement area that would restrict access for maintenance.

*LU Policy 4.3.2: Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.*

The proposed vacation of Marigayle Circle, a public street, will result in a transfer of land from the City to a homeowners association governed by individuals residing within the subdivision. The association will implement the maintenance, upkeep, and renovation of the street and sidewalk.

**B. Circulation Element**

*CE Objective 1.1: Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.*

*CE Goal 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.*

Existing arterial streets currently provide sufficient access to the institutional and residential uses located near the subject subdivision, and the subject public right-of-way easement is not necessary to support the circulation needs of the surrounding properties. By vacating the public cul-de-sac right of way easement and reverting fee title ownership to the adjacent property owners, the request 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 street vacation.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

No concerns from other departments have been received regarding the request for General Plan Conformance.

**Public Notification:**

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

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

July 1, 2011

**MANDATORY PROCESSING DATE(S):**

August 10, 2011 (40 days from complete application)

Scheduling for the project was delayed beyond the mandatory processing date due to the cancellation of the July 26, 2011 Planning Commission meeting. The Public Works Department will subsequently submit the vacation request to the City Council for final approval.

**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, objectives, and policies from the Land Use and Circulation Elements which are applicable to the request in the General Plan Conformance section of this staff report.

The vacation of the existing Marigayle Circle right-of-way would not impact the existing circulation system, as Marigayle Circle only provides access to the eight single family residences within the subdivision. The public right-of-way easement is not necessary to provide access to surrounding uses or properties, and the project will result in a transfer of land to a homeowners association governed by each of the subdivision's residents.

The Public Works Department is currently evaluating the vacation request and when completed, will forward it to the City Council for consideration. Part of the Public Works Department analysis is the Planning Commission's determination relative to the General Plan conformity. Although the City has approved public right-of-way easement vacations in the past, the City has not previously approved the vacation of an entire street.

The subject request will be evaluated by the City Council at a future hearing, which will include the following issues:

- Homeowner authorization,
- Creation of a homeowners association,
- Transfer of street ownership to homeowners association with reservation of public utility easements for water and sewer,
- Method for ensuring access to a public street for each lot (e.g. cul-de-sac becomes a lettered lot with easement to each of the eight lots), and
- Indemnification of the city.

Because the vacation of the subject public right-of-way easement is consistent with the goals, objectives, and policies of the General Plan, staff recommends the Planning Commission adopt Resolution No. 1656 approving General Plan Conformance No. 11-01, finding that the public easement vacation is in conformance with the General Plan.

**ATTACHMENTS:**

1. Suggested Findings of Approval – GPC No. 11-01
2. Planning Commission Resolution No. 1656
3. Project Narrative Dated January May 26, 2011
4. Marigayle Circle Homeowners Request Dated June 21, 2011

SH:MBB:HB:kd

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS OF APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 11-01**

**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 street vacation.

**SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 11-01:**

The proposed vacation of a portion of an existing public right of way easement is consistent with the following goals, objectives, and policies of the City's General Plan: .

**A. Land Use Element**

*LU Goal 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.*

Existing uses are adequately served by existing infrastructure. Marigayle Circle, a cul-de-sac, does not provide a vehicular or pedestrian thoroughfare to other properties or uses requiring public access. Although the site is bounded to the north and west by the Bolsa Chica Wetlands, no public access from Marigayle Circle or any of the eight residential properties is currently or planned to be provided. Additionally, the Public Works Department will retain utility easements for the purpose of providing and maintaining public utilities, including, but not limited to, sewer and water lines and appurtenant structures or devices, and for the right of access to maintain or repair said public utilities. The utility easements preclude construction of any permanent buildings or other surface development over the easement area that would restrict access for maintenance.

*LU Policy 4.3.2: Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.*

The proposed vacation of Marigayle Circle, a public street, will result in a transfer of land from the City to a homeowners association governed by individuals residing within the subdivision. The association will implement the maintenance, upkeep, and renovation of the street and sidewalk.

**B. Circulation Element**

*CE Objective 1.1: Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.*

CE Goal 2: *Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.*

Existing arterial streets currently provide sufficient access to the institutional and residential uses located near the subject subdivision, and the subject public right-of-way easement is not necessary to support the circulation needs of the surrounding properties. By vacating the public cul-de-sac right of way easement and reverting fee title ownership to the adjacent property owners, the request will not have a detrimental impact on the circulation system.

**RESOLUTION NO. 1656**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH FINDING THE VACATION OF THE MARIGAYLE  
CIRCLE RIGHT OF WAY EASEMENT IN CONFORMANCE WITH THE GOALS,  
OBJECTIVES, AND POLICIES OF THE GENERAL PLAN  
(GENERAL PLAN CONFORMANCE NO. 11-01)**

**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 the 11,268 square foot public right of way easement of Marigayle Circle (Exhibit B); and

**WHEREAS**, staff has reviewed the public easement vacation request and submitted it to the Planning Commission for review on September 13, 2011; 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 a public 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 13th day of September, 2011, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

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Scott Hess, Secretary

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Planning Commission Chairperson

## EXHIBIT A

### GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR MARIGAYLE CIRCLE EASEMENT VACATION (GENERAL PLAN CONFORMANCE NO. 2011-01)

The vacation the Marigayle Circle public 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.*

Existing uses are adequately served by existing infrastructure. Marigayle Circle, a cul-de-sac, does not provide a vehicular or pedestrian thoroughfare to other properties or uses requiring public access. Although the site is bounded to the north and west by the Bolsa Chica Wetlands, no public access from Marigayle Circle or any of the eight residential properties is currently or planned to be provided. Additionally, the Public Works Department will retain utility easements for the purpose of providing and maintaining public utilities, including, but not limited to, sewer and water lines and appurtenant structures or devices, and for the right of access to maintain or repair said public utilities. The utility easements preclude construction of any permanent buildings or other surface development over the easement area that would restrict access for maintenance.

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# EXHIBIT "B"

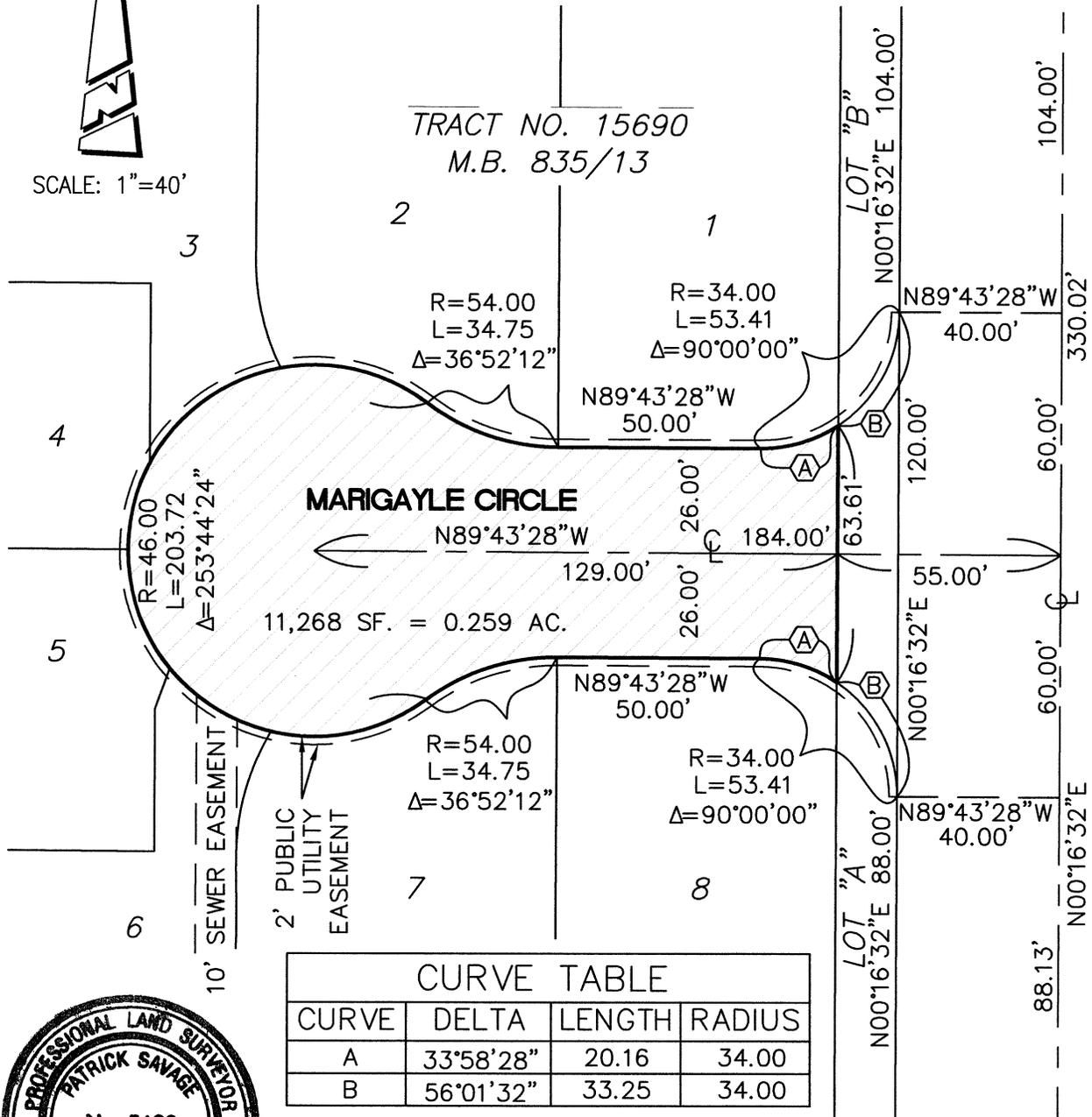
## MAP TO ACCOMPANY DESCRIPTION

### ROAD ABANDONMENT PLAT



SCALE: 1"=40'

TRACT NO. 15690  
M.B. 835/13



CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
A	33°58'28"	20.16	34.00
B	56°01'32"	33.25	34.00



Patrick Savage  
5/14/11



INDICATES ABANDONMENT LOCATION  
AREA: 11,268 SQ. FT.

**Favreau • Savage, Incorporated**  
Land Surveying  
340 Old Newport Blvd. • Suite 3  
Newport Beach, California 92663  
(949) 675-8030 • (949) 723-1429 fax

**EXHIBIT "B"**  
FOR  
ROAD ABANDONMENT

DATE: MARCH 24, 2011

SCALE: 1" = 40'

JOB NO.

SHEET 1 OF 1

ATTACHMENT NO. 2.3

## PROJECT NARRATIVE

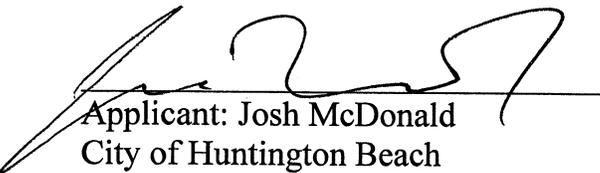
Project: Street Vacation –Marigayle Circle (West of Edwards Street)  
Application: General Plan Conformance / Street Vacation  
Applicant: City of Huntington Beach - Public Works Department  
Contact: Josh McDonald, Civil Engineering Assistant  
Phone No: (714) 536-5509  
Date: May 26, 2011

### Project Summary

The City of Huntington Beach proposes to vacate Marigayle Circle in its entirety located west of Edwards Street. Marigayle Circle was acquired by the City as an easement for public street purposes by dedication for Tract No. 15690. The subject area to be vacated is cul-de-sac, approximately 11,268 square feet (0.26 Acres), and is located adjacent to the properties of 6454-6485 Marigayle Circle. Please see the attached Plat Map and Legal Description for a full depiction of the proposed area. Once vacated, the underlying fee title ownership of the subject area would revert to the adjacent owners along Marigayle Circle.

### Project Background

The purpose of this vacation is to comply with the Streets and Highway Code and to allow the owners of 6454-6485 Marigayle Circle (Tract 15690) to obtain and own the Marigayle Circle street easement. The primary intent of this street vacation is to allow the subject tract's property owners to install an Entry Gate at the Entrance of Marigayle Circle. This vacation is also related to the requirements of the PPR 2007-002 application. After further review and consultation with various City Departments, it was determined that, the subject area would not be needed for any future City use or street uses other than for maintenance purposes, and that the vacation of the public street easement would be acceptable. The property owners of all lots of Tract 15690 would be required to establish a Home Owners Association and enter into a Maintenance Agreement for the vacated street excluding the current utility easements.

  
Applicant: Josh McDonald  
City of Huntington Beach  
Public Works Department

5-26-11  
Date:

ATTACHMENT NO. 3.1

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PROPOSED STREET ABANDONMENT  
CITY OF HUNTINGTON BEACH**

THAT PORTION OF TRACT MAP NO. 15690 OF MAP BOOK 835, PAGE 14, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A PORTION OF A PUBLIC STREET, SHOWN AS MARIGAYLE CIRCLE, SAID STREET DEDICATED BY SAID TRACT MAP TO THE CITY OF HUNTINGTON BEACH. THE PUBLIC STREET AREA TO BE ABANDONED IS DESCRIBED HEREON AND SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART OF THIS LEGAL DESCRIPTION.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF TRACT 15690 RECORDED IN MAP BOOK 835, PAGE 14, RECORDS OF ORANGE COUNTY, CALIFORNIA, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG THE NORTH RIGHT OF WAY OF MARIGAYLE CIRCLE ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 34.00 FEET, ALONG A DELTA OF 33°58'28" A DISTANCE OF 20.16 FEET; THENCE CONTINUING ALONG THE RIGHT OF WAY OF MARIGAYLE CIRCLE THE FOLLOWING DESCRIBED COURSES; N. 89° 43'28" W. A DISTANCE OF 50.00 FEET; THENCE ALONG A CURVE, CONCAVE NORTHEASERLY, HAVING A RADIUS OF 54.00 FEET, ALONG A DELTA OF 36°52'12" A DISTANCE OF 34.75 FEET; THENCE ALONG A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 46.00 FEET ALONG A DELTA OF 253°44'24" A DISTANCE OF 203.72 FEET; THENCE ALONG A CURVE, CONCAVE SOUTHEASERLY, HAVING A RADIUS OF 54.00 FEET ALONG A DELTA OF 36°52'12" A DISTANCE OF 34.75 FEET; THENCE S. 89°43'28" E. A DISTANCE OF 50.00 FEET; THENCE ALONG A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 34.00 FEET ALONG A DELTA OF 33°58'28" A DISTANCE OF 20.16 FEET TO THE NORTHEAST CORNER OF LOT 8 OF SAID TRACT 15690; THENCE DEPARTING SAID RIGHT OF WAY N. 00°16'32" E. A DISTANCE OF 63.61 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THERE FROM AN EASEMENT IN FAVOR OF THE CITY OF HUNTINGTON BEACH OVER ALL OF THE PROPERTY DESCRIBED HEREON AND SHOWN ON EXHIBIT B ATTACHED HERETO FOR THE PURPOSE OF PROVIDING AND MAINTAINING PUBLIC UTILITIES, INCLUDING, BUT NOT LIMITED TO, SEWER AND WATER LINES AND APPURTENANT STRUCTURES OR DEVICES, AND FOR THE RIGHT OF ACCESS TO MAINTAIN OR REPAIR SAID PUBLIC UTILITIES.

ABANDONMENT AREA = 0.26 ACRES (11,268 SQ. FT.) MORE OR LESS.

THIS REAL PROPERTY HAS BEEN DESCRIBED BY ME OR UNDER BY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



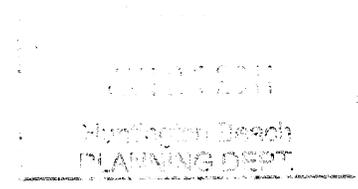
PATRICK J. SAVAGE, P.L.S. 5183  
LICENSE EXPIRES 06/30/11

MAY 14, 2011

DATE



City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648



Vacation of Marigayle Circle Narrative

The Homeowners of Marigayle Circle request the City of Huntington Beach vacate the street in which their homes front.

Marigayle Circle is a cul-da-sac street, which off-sets across Edwards Avenue from Ellis Avenue. Ellis dead ends at Edwards. Automobiles traveling west on Ellis turn left on Edwards and right on Marigayle, thinking Marigayle is a through street heading to Pacific Coast Highway. After turning on Marigayle, they U-turn in the cul-da-sac to return to Edwards. This undue traffic is a safety concern and a nuisance to Marigayle Circle residents.

To eliminate these problems, the Homeowners propose building private security gates across Marigayle. The street would become private with public utility easements once security gates are installed.

The gate plan allows for secure entry and emergency egress and for safe turn-out before the gated area. If the City of Huntington Beach approves in concept the gate layout, the Homeowners would proceed with the necessary entitlement processing including General Plan Conformance (CPC).

The attached signatures represent all property owners fronting Marigayle.

<u>Address</u>	<u>Property Owner</u>	<u>Signature</u>	<u>Date</u>
6454 Marigayle Circle	Siavosh & Anna Talmood		1/23/11
6455 Marigayle Circle	Abraham & Linda Rayhaun		
6465 Marigayle Circle	Frederick J. Tinker Trust		1/23/10
6474 Marigayle Circle	Son Van & Bach-Mai Thi Nguyen		
6475 Marigayle Circle	Gary C. Yudin Trust		1-23-10
6484 Marigayle Circle	Dat Ba Vu Trust		
6485 Marigayle Circle	Jeremy Fox		
6464 Marigayle Circle	Andrew & Julie Stupin		1/23/2010

Applicant / Agent:  
Jeff Bergsma, 221 Main Street, "S", Huntington Beach  
714-536-5888