



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Hayden Beckman, Planning Aide HB  
**DATE:** June 9, 2009

**SUBJECT: GENERAL PLAN CONFORMANCE NO. 09-003 (CRYSTAL STREET VACATION)**

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

**PROPERTY**

**OWNERS:** Gustafson Partners, LLC, 714 Huntington Street, Huntington Beach, CA 92648  
Paul & Annisa Geil Trust, 17007 Spinning Avenue, Torrance, CA 90504  
Gergen Homes, 211 Main Street Suite B, Huntington Beach, CA 92648

**LOCATION:** Southwest of Gothard Street, north of Clay Avenue.

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**STATEMENT OF ISSUE:**

- ♦ General Plan Conformance No. 09-003 request:
  - To determine if the vacation of an existing right of way easement is in conformance with the goals, objectives, and policies of the General Plan.
- ♦ Staff's Recommendation: Approve General Plan Conformance No. 09-003 based upon the following:
  - The proposed easement vacation conforms to the goals, objectives, and policies of the General Plan.

**RECOMMENDATION:**

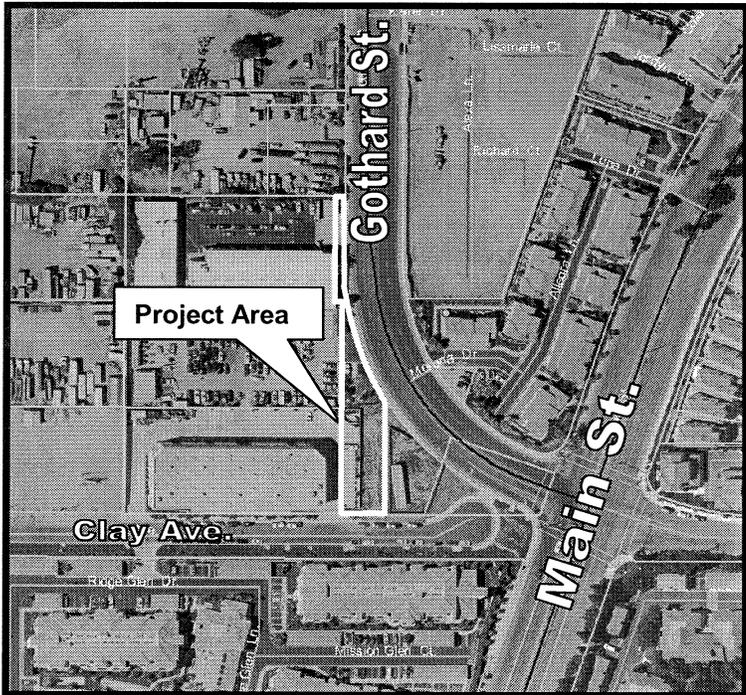
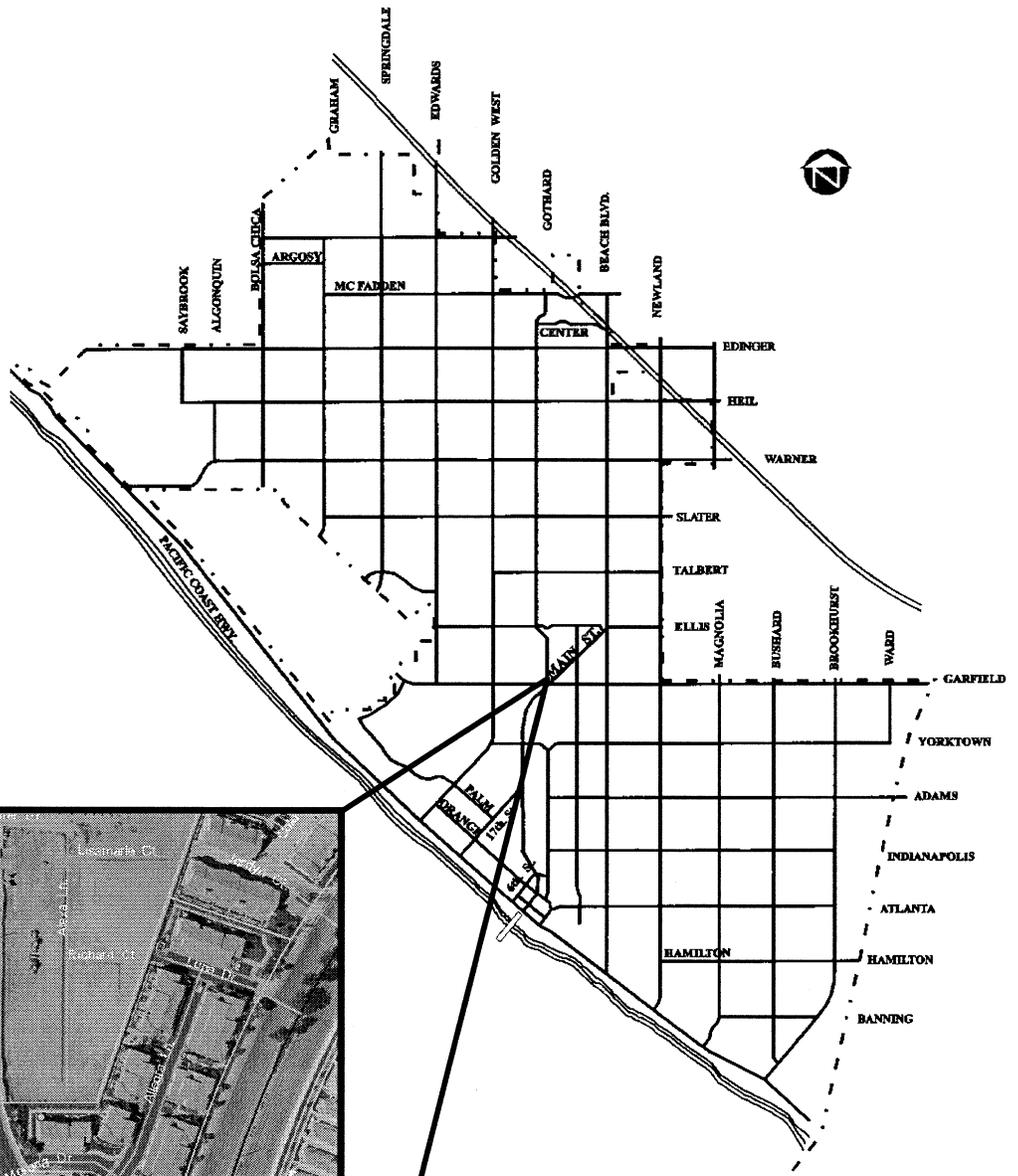
Motion to:

“Adopt Resolution No. 1632, approving General Plan Conformance No. 09-003 with findings (Attachment Nos. 1 and 2).”

**ALTERNATIVE ACTION:**

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 09-003 with findings for denial.”



**VICINITY MAP**  
**GENERAL PLAN CONFORMANCE NO. 2009-003**  
**(CRYSTAL STREET VACATION)**

**PROJECT PROPOSAL:**

General Plan Conformance No. 09-001 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 a right of way easement is in conformance with the goals, objectives, and policies of the General Plan.

The subject Crystal Street easement is held for right of way purposes over portions of four separate parcels that were at one time improved as a street that connected Crystal Street with Clay Avenue. The City also maintains utility easements for infrastructure that exists underground within project area. The request for General Plan conformance pertains to the vacation of the Crystal Street right of way easement only, since the City will maintain the existing utility easements.

In 2000, the City renamed Crystal Street to Gothard and realigned the right of way to its current state so that Gothard intersects Main Street. The realignment project rendered the Crystal Street easement obsolete and the area has remained vacant since the pavement was removed.

Section 8531 of the California State and Highway Code states that if an easement is abandoned by resolution of the state or local public agency that was granted an easement for vehicular use, the title to the property previously subject to the vehicular easement is therefore clear of the easement. Upon vacation, the Crystal Street easement for right of way purposes will be removed from the titles of the abutting properties. The City’s Public Works Department has been working with the owners of the properties involved and will submit a Tentative Parcel Map to finalize the changes. Future improvement of the vacated property is subject to the development standards of the Holly-Seacliff Specific Plan.

**ISSUES:**

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Area:	ROW (Right of Way)	ROW	Crystal Street Right of Way Easement
North of Subject Area:	ROW	ROW	Gothard Street
East and West of Subject Area:	I-F2-d-sp (Industrial – Max. Floor Area Ratio 0.50 – Design Overlay – Specific Plan Overlay)	Specific Plan 9 (Holly – Seacliff Specific Plan)	Industrial, vacant
South of Subject Area (across Clay Avenue):	MH-sp (Mixed Use Horizontal – Specific Plan Overlay)	Specific Plan 9	Multi-family Residential

**General Plan Conformance:**

The only issue to consider as part of this request is the proposed easement vacation and its conformance to the City's General Plan. Vacating the Crystal Street right of way easement conforms to the following goals, objectives, and policies of the General Plan:

**Land Use Element**

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

Gothard Street currently provides sufficient access to the surrounding industrial and residential uses. As a result of the past Gothard Street widening and realignment, the subject right of way easement is no longer necessary to support the circulation needs of the adjacent areas.

*LU Goal 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.*

The vacation of the subject easement would allow for some private enhancement of the property that will advance the visual character of the Gothard Street corridor.

**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.*

Due to the Gothard Street realignment, the subject right of way easement is no longer necessary to provide circulation to the surrounding area. The vacation of the Crystal Street easement 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 Section 15306, Class 6 of the California Environmental Quality Act, which states that information collection which does not result in major disturbance to an environmental resource is exempt from any environmental review.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

No comments regarding General Plan Conformance No. 09-003 have been received from 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:**

May 6, 2009

**MANDATORY PROCESSING DATE(S):**

June 15, 2009 (within 40 days of submittal)

**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.

Because the vacation of the Crystal Street right of way easement furthers the goals, objectives, and policies of the General Plan, staff recommends the Planning Commission approve General Plan Conformance No. 09-003 finding that the easement vacation is in conformance with the General Plan.

**ATTACHMENTS:**

1. Suggested Findings of Approval – GPC No. 09-003
2. Planning Commission Resolution No. 1632
3. Project Narrative Dated April 17, 2009
4. Post Easement Vacation Property Title Boundaries

SH:HF:RR:HB:lw

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS OF APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 09-003**

**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 Section 15306 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

**SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 09-003:**

The proposed vacation of the Crystal Street right of way easement is consistent with the following goals, objectives, and policies of the City's General Plan:

**Land Use Element**

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

Gothard Street currently provides sufficient access to the surrounding industrial and residential uses. As a result of the past Gothard Street widening and realignment, the subject right of way easement is no longer necessary to support the circulation needs of the adjacent areas.

*LU Goal 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.*

The vacation of the subject easement would allow for some private enhancement of the property that will advance the visual character of the Gothard Street corridor.

**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.*

Due to the Gothard Street realignment, the subject right of way easement is no longer necessary to provide circulation to the surrounding area. The vacation of the Crystal Street easement will not have a detrimental impact on the circulation system.

**RESOLUTION NO. 1632**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH FINDING THE VACATION OF THE CRYSTAL  
STREET RIGHT OF WAY EASEMENT IS IN CONFORMANCE WITH THE GOALS,  
OBJECTIVES, AND POLICIES OF THE GENERAL PLAN  
(GENERAL PLAN CONFORMANCE NO. 09-003)**

**DRAFT**

**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 a right of way easement upon portions of four parcels located southwest of Gothard Street, north of Clay Avenue. (APNs 111-140-19, 111-140-18, 111-140-39 and 111-150-24)

**WHEREAS**, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on June 9, 2009; 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 the Crystal Street 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 9th day of June, 2009, 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

(res 1632)

## EXHIBIT A

### GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR CRYSTAL STREET VACATION (GENERAL PLAN CONFORMANCE NO. 2009-003)

The vacation of the Crystal Street right of way easement conforms to the following goals, objectives, and policies of the General Plan:

#### **Land Use Element**

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

Gothard Street currently provides sufficient access to the surrounding industrial and residential uses. As a result of the past Gothard Street widening and realignment, the subject right of way easement is no longer necessary to support the circulation needs of the adjacent areas.

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#### **Circulation Element**

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Due to the Gothard Street realignment, the subject right of way easement is no longer necessary to provide circulation to the surrounding area. The vacation of the Crystal Street easement will not have a detrimental impact on the circulation system.

## Project Narrative

Project: *Street Vacation - Crystal Street (Gothard Street Realignment at Main Street)*  
Application: General Plan Conformance / Street Vacation  
Applicant: City of Huntington Beach Public Works Department  
Contact: James Wagner, Senior Civil Engineer  
Phone #: (714) 536-5467  
Date: April 17, 2008

### Project Summary

The City proposes to vacate the 60-foot wide street purposes easement with conditions to retain utility easement rights along the entire 60-foot width. Crystal Street has not been used for highway purposes since the realignment of Gothard Street was completed in year 2000. The project is bounded by an existing repair shop (Gustafson) on the north, Cul-de-Sac (Clay Avenue) on the south, Manufacturing (Geil Kilns) on the west, and a vacant lot (Gergen) on the east. The project includes the filing of the Tentative Parcel Map 2008-175 which contains all aspects of the proposed Street Vacation. (See attached TPM 2008-175)

Once vacated, the vacated Crystal Street property would revert to the three adjoining property owners as shown on the attachment. The existing utilities within the 60-foot wide Crystal Street vacated area are Southern California Edison (10 foot-wide), City Sewer Easement (20 foot Wide), Verizon, Time Warner, Gas Company and the Huntington Beach Company. The utility easements preclude construction of permanent buildings within the easement area. Any surface development consisting of walls, parking and landscape, etc. would require approval from the utilities before the new owners could develop within this area.

### Project Background

The purpose of this project is to comply with the Streets and Highway Code by allowing the owners to obtain square footage to the centerline of vacated Crystal Street. Public Works staff received initial feedback from the City's Development Assistance Team during 2007 when a proposal to vacate Crystal Street was presented by Mr. Joe Gergen to develop the vacant parcel to the east of Crystal Street. The City received additional feedback and encouragement to proceed with the project during a January 8, 2009 meeting attended by Public Works, Real Estate Department, City Attorney's Office, and Planning Department along with the three owners affected by the proposed Street vacation.

### Street Vacation

The Crystal Street road width proposed to be vacated (approx. <sup>14,605</sup> sq. ft.) lies to the east and west of the street centerline indicated on the attached exhibit.

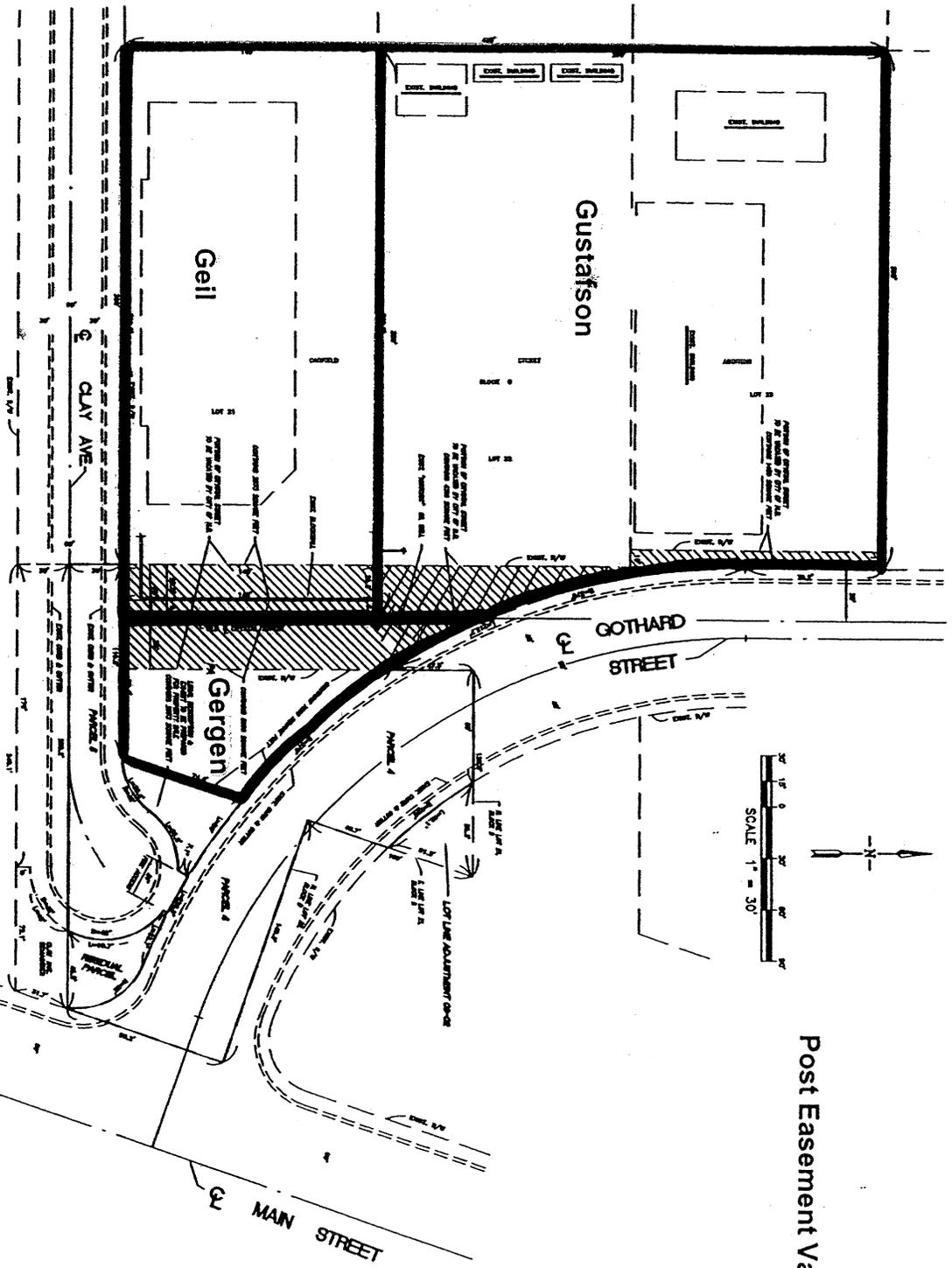
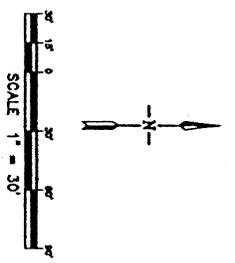
### Hazardous Waste and Substance Declaration

Based on information obtained through the Planning Department, the proposed project site is not located within a Hazardous Waste and Substance site pursuant to Section 65962.5 of the Government Code.

  
James Wagner, Applicant

4-17-09  
Date

Post Easement Vacation Property Title Boundaries



ATTACHMENT NO. 4

<p><b>TETRA TECH INC.</b>          11501 LARSEN CANYON ROAD, STE. 200          IRVINE, CA 92618          (949) 727-7000</p>		<p>HUNTINGTON BEACH          CALIFORNIA</p>	
<p>DATE: 11/11/11</p>	<p>SCALE: 1" = 30'</p>	<p>PROJECT NO: 1111-0000-0001</p>	<p>SHEET NO: 1 OF 1</p>