



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Hayden Beckman, Planning Aide *HB*
DATE: November 10, 2009

SUBJECT: GENERAL PLAN CONFORMANCE NO. 09-005 (DAVENPORT DRIVE VACATION)

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

PROPERTY OWNER: Jeff Kindness, 16872 Baruna Lane, Huntington Beach, CA 92649

LOCATION: Northeast of Baruna Lane and Davenport Drive

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

General Plan Conformance No. 09-005 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 vacation of a right of way easement is in conformance with the goals, objectives, and policies of the General Plan.

The subject right of way easement area encompasses approximately 409 square feet and is currently held over the southern portion of the property located at 16872 Baruna Lane. Around December 2008, the property owner contacted the Public Works Department regarding proposed improvements to the site and it was determined that portions of the southern property line wall at 16872 Baruna encroached into the public right of way. City staff concluded that due to the build out of the Davenport Island neighborhood, the subject easement area would not be needed for future City use or street expansion and could be vacated. Additionally, the Public Works Department has issued an encroachment permit to the subject property owner to proceed with the proposed improvements during the processing of the vacation.

Pursuant to California Streets and Highway Code Section 8531, 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 Davenport Drive easement for right of way purposes will be removed and the underlying fee title ownership of the easement area will revert to the subject property owner. Future improvement of the vacated property is subject to the development standards of the Huntington Beach Zoning and Subdivision Ordinance.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Area:	ROW (Right of Way)	ROW	Davenport Drive Right of Way Easement
North of Subject Area:	RL – 7 (Residential Low Density)	RL – CZ (Residential Low Density – Coastal Zone)	Single Family Residential
East of Subject Area:	OS – W (Open Space – Water Recreation)	OS – WR – CZ (Open Space – Water Recreation – Coastal Zone)	Huntington Harbor Waterway
South of Subject Area (across Davenport Drive)	RL – 7	RL – CZ	Single Family Residential
West of Subject Area (across Baruna Lane):	OS – P (Open Space – Park)	OS – PR – CZ (Open Space – Parks and Recreation – Coastal Zone)	Public park

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

October 16, 2009

MANDATORY PROCESSING DATE(S):

November 25, 2009 (40 days from complete application)

General Plan Conformance No. 09-005 is tentatively scheduled for action by the Planning Commission on November 24, 2009. The Public Works Department will subsequently submit the Davenport Drive easement vacation request to the City Council for final approval.

CEQA ANALYSIS/REVIEW:

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.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES:

No comments regarding General Plan Conformance No. 09-005 have been received from other City departments or agencies.

PUBLIC MEETINGS, COMMENTS AND CONCERNS:

No public meetings have been held regarding this General Plan Conformance request.

PLANNING ISSUES

The only issue to consider as part of this request is the project’s conformance to the City’s General Plan. The following goals, policies and objectives pertain to the right of way easement vacation:

Land Use Element

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

Davenport Drive currently provides sufficient access to the surrounding residential neighborhood. The subject right of way easement is no longer necessary to support the circulation needs of the adjacent areas.

Circulation Element

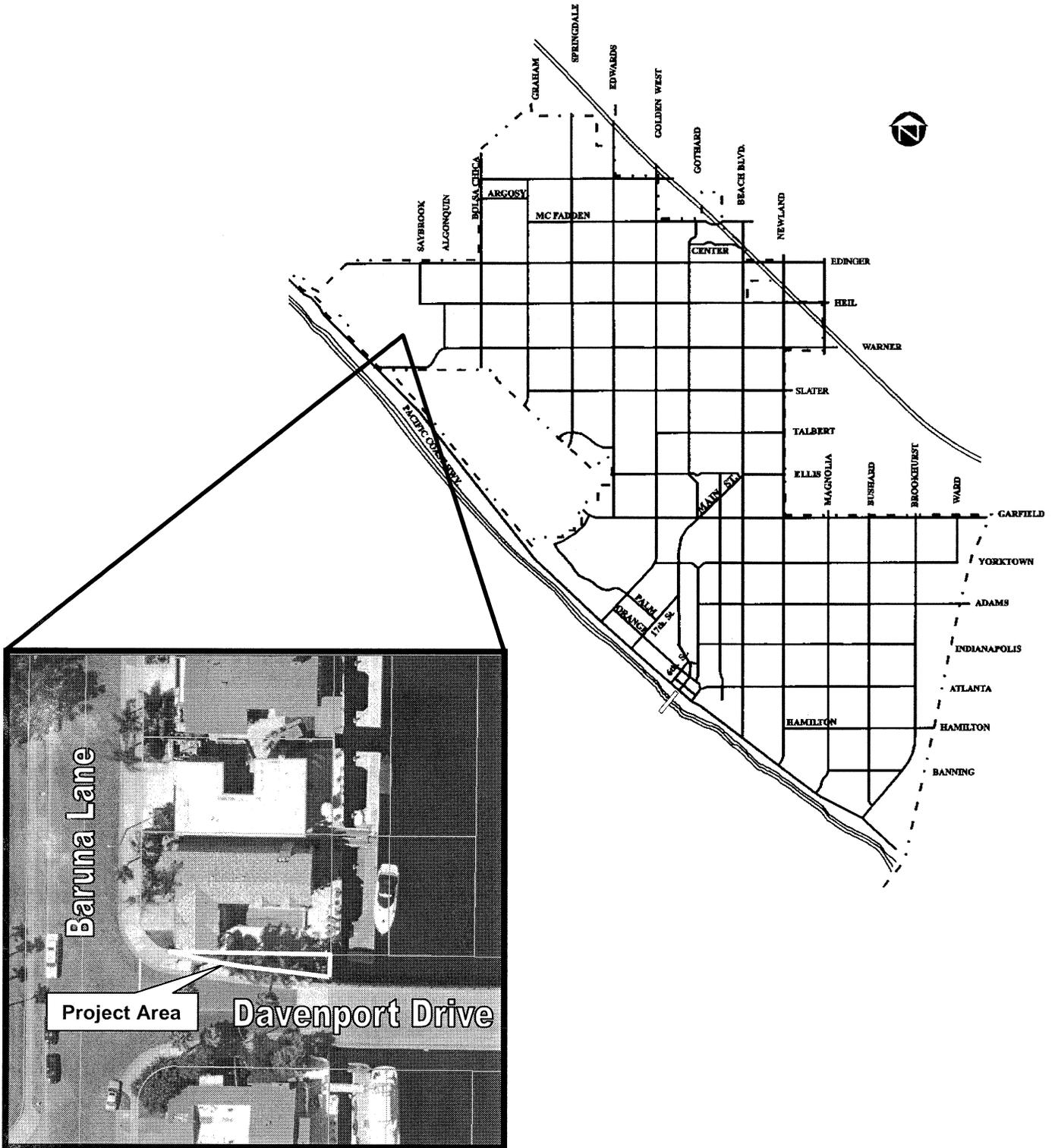
CE Objective 1.1: Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.

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 build out of the Davenport Island neighborhood, the subject right of way easement is no longer necessary to provide circulation to the surrounding area. The vacation of the Davenport Drive easement will not have a detrimental impact on the circulation system.

ATTACHMENTS:

1. Vicinity Map – Davenport Drive Easement Vacation
2. Project Narrative Dated September 17, 2009
3. Exhibit “B” – Area to be Vacated
4. Site Survey – 16872 Baruna Lane



VICINITY MAP
GENERAL PLAN CONFORMANCE NO. 2009-005
(DAVENPORT DRIVE VACATION)

PROJECT NARRATIVE

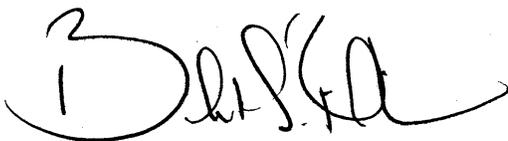
Project: Street Vacation – A portion of Davenport Drive (Intersection of Baruna Lane)
Application: General Plan Conformance / Street Vacation
Applicant: City of Huntington Beach - Public Works Department
Contact: Bob Milani, Senior Civil Engineer
Phone No: (714) 374-1735
Date: September 17, 2009

Project Summary

The City of Huntington Beach proposes to vacate a portion of Davenport Drive located along the northeast corner of the intersection of Davenport Drive and Baruna Lane. Davenport Drive was acquired by the City as an easement for public street purposes by dedication on Tract No. 5264. The subject area to be vacated is triangular in shape, approximately 409 square feet, and is located along the southern edge of 16872 Baruna Lane (APN 178-311-03). 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 owner of 16872 Baruna Lane.

Project Background

The purpose of this vacation is to comply with the Streets and Highway Code and to allow the owner of 16872 Baruna Lane to obtain and own a portion of Davenport Drive street easement that has long been a part of his backyard. On or about December of 2008, the property owner of 16872 Baruna Lane, in preparing to make improvements to his backyard, contacted the Public Works Department to inquire about the location of his southerly property wall, in relation to the City's right-of-way along Davenport Drive. A review of the site and available data revealed that the subject wall and property is in fact located within Public right-of-way. After further review and consultation with various City Departments, it was determined that due to the buildout of the island, the subject area would not be needed for any future City use or street expansion, and that vacation of that portion of the easement would be acceptable. Consequently, Public Works Department issued an encroachment permit to the owner of 16872 Baruna Lane to proceed with the improvements while the street vacation is processed. The owner concurrently signed an agreement, accepting the liability and maintenance of the said land and block wall, and the risk of possibly having to remove the improvements in the event that the vacation request did not get approved by City Council.



Applicant: Bob Milani
City of Huntington Beach
Public Works Department

9-17-09

Date:

ATTACHMENT NO. 2

HUNTINGTON HARBOR

63.20'
N00°16'45"W

100.00'
N89°43'15"W

APN: 178 311 03
LOT 1 TR. 5264
M.B. 185/27-35

AREA TO BE VACATED

N89°51'53"W 80.05'
S83°16'47"E 81.05'

30'

DAVENPORT DRIVE

N89°51'53"W

43.00'
N00°16'45"W

BC
N89°43'15"W (RAD.)

N00°16'45"W 49.87'

S89°43'15"E
30.00'

P.O.B.

BARUNA LANE

N00°16'45"W

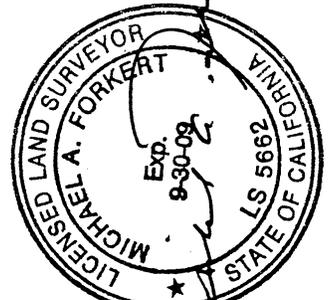
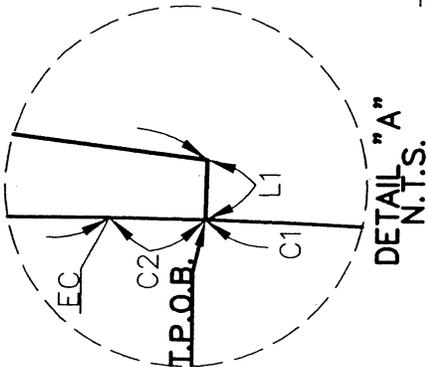
SHEET 2 OF 3

EXHIBIT "B"
16872 BARUNA LN.
FOR VACATION OF POR.
OF DAVENPORT DR.

SCALE: 1" = 20'

LINE TABLE	
LINE	DIRECTION DISTANCE
L1	N00°59'17"E 0.25'
L2	S00°16'45"E 9.92'

CURVE TABLE		
CURVE	Δ	RADIUS LENGTH
C1	88°43'58"	20.00' 30.97'
C2	01°07'24"	20.00' 0.39'



ATTACHMENT NO. 3

HUNTINGTON HARBOR

EXIST. R/W

GAURDRAIL

ROCK WALL

APN: 178 311 03

EXIST. R/W

PROPOSED R/W

BACK OF WALK

BLOCK WALL

PLANTER WALL

TREE (TYP.)

DAVENPORT DRIVE

CF

16872

DWY

GATE

SEE DETAIL "A"

R/W

CF

BLOCK WALL

PROPOSED R/W

BARUNA LANE

COLUMN

GATE

BACK OF WALK

EXIST. R/W



SCALE: 1" = 20'

DETAIL "A"
N.T.S.

ATTACHMENT NO. 4

SHEET 3 OF 3
SITE SURVEY
16872 BARUNA LN.
FOR VACATION OF POR.
OF DAVENPORT DR.