



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Hayden Beckman, Planning Aide 
DATE: November 24, 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

OWNERS: Jeff Kindness, 16872 Baruna Lane, Huntington Beach, CA 92649

LOCATION: Northeast of Baruna Lane and Davenport Drive

STATEMENT OF ISSUE:

- ♦ General Plan Conformance No. 09-005 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. 09-005 based upon the following:
 - The proposed easement vacation conforms to the goals, objectives, and policies of the General Plan.

RECOMMENDATION:

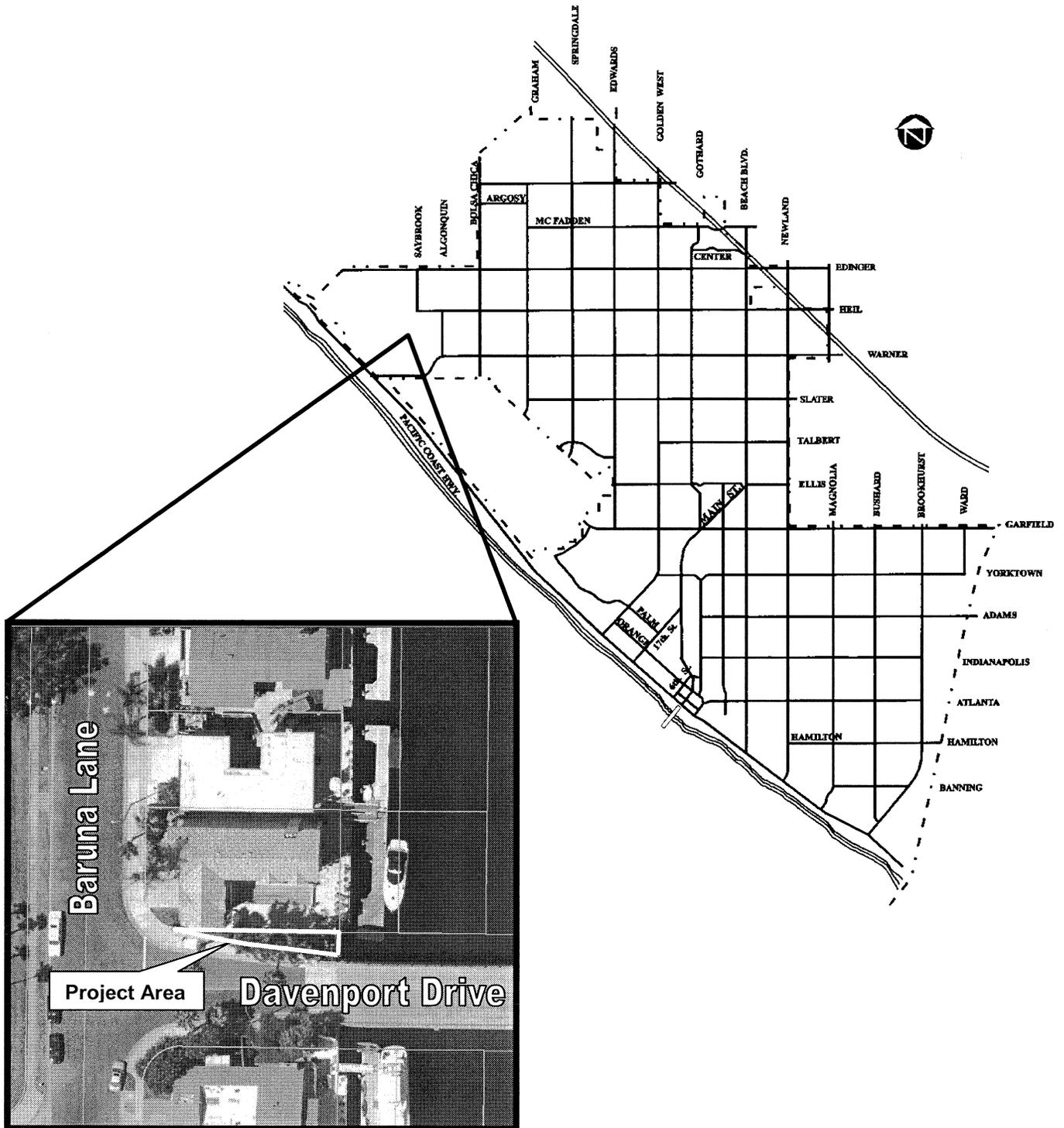
Motion to:

“Adopt Resolution No. 1637, approving General Plan Conformance No. 09-005 with findings (Attachment Nos. 1 and 2).”

ALTERNATIVE ACTION:

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 09-005 with findings for denial.”



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

PROJECT PROPOSAL:

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 proposed vacation of a right of way easement is in conformance with the goals, objectives, and policies of the General Plan.

The subject easement area is currently part of Davenport Drive, a public right of way providing vehicular and pedestrian access to the Davenport Island neighborhood. The request for General Plan conformance pertains to the vacation of the subject portion of the Davenport Drive right of way easement only.

The subject area encompasses approximately 409 square feet of land located immediately south of the property located at 16872 Baruna Lane. In late 2008, the property owner initiated discussions with the City regarding proposed landscape and other improvements to the rear yard area. The property owner contacted the Public Works Department to establish the location of the southern property line when it was revealed that portions of the southern property line wall at 16872 Baruna Lane 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. Subsequently, the Public Works Department issued an encroachment permit to the subject property owner to proceed with the proposed improvements during the processing of the easement vacation.

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.

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	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

General Plan Conformance:

Vacating a 409 square foot portion of an existing 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.

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.

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 comments regarding General Plan Conformance No. 09-005 have been received from other City departments or agencies. The Public Works Department is in agreement with the request.

Public Notification:

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

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

October 16, 2009

MANDATORY PROCESSING DATE(S):

November 25, 2009 (40 days from complete application)

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 a portion of the Davenport Drive right of way easement is consistent with the goals, objectives, and policies of the General Plan, staff recommends the Planning Commission approve General Plan Conformance No. 09-005 finding that the easement vacation is in conformance with the General Plan.

ATTACHMENTS:

1. Suggested Findings of Approval – GPC No. 09-005
2. Planning Commission Resolution No. 1637
3. Project Narrative Dated September 17, 2009
4. Exhibit “B” – Area to be vacated
5. Site Survey – 16872 Baruna Lane

SH:MBB:RR:HB:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 09-005

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. 09-005:

The proposed vacation of a portion of a right of way easement adjacent to Davenport Drive 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.

Davenport Drive currently provides sufficient access to the surrounding residential neighborhood. The subject right of way easement portion 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 a portion of a right of way easement adjacent to Davenport Drive will not have a detrimental impact on the circulation system.

RESOLUTION NO. 1637

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF HUNTINGTON BEACH FINDING THE VACATION OF A PORTION OF
THE DAVENPORT DRIVE RIGHT OF WAY EASEMENT IN CONFORMANCE WITH
THE GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN
(GENERAL PLAN CONFORMANCE NO. 09-005)**

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 409 square foot portion of right of way easement along Davenport Drive adjacent to 16872 Baruna Lane; and

WHEREAS, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on November 24, 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 a portion of the Davenport Drive 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 24th day of November, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Scott Hess, Secretary

Planning Commission Chairperson

(res 1637)

ATTACHMENT NO. 2.1

EXHIBIT A

GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR DAVENPORT DRIVE VACATION (GENERAL PLAN CONFORMANCE NO. 2009-005)

The vacation of a portion of the Davenport Drive 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.

Davenport Drive currently provides sufficient access to the surrounding residential neighborhood. The subject right of way easement portion 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 a portion of a right of way easement adjacent to Davenport Drive will not have a detrimental impact on the circulation system.

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. 3

HUNTINGTON HARBOR

100.00'
N89°43'15"W

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

63.20'
N00°16'45"W

AREA TO BE VACATED

N89°43'15"W (RAD.)

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

BARUNA LANE

N00°16'45"W

N00°16'45"W 49.87'

P.O.B.

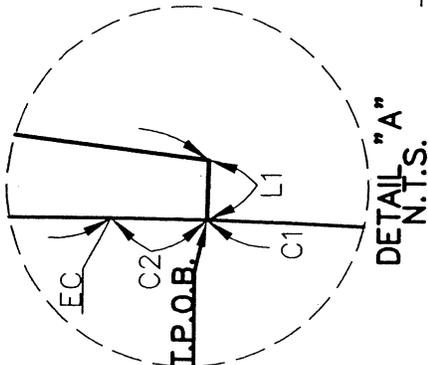
SHEET 2 OF 3

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.



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

DETAIL "A"
N.T.S.

SCALE: 1" = 20'

SHEET 3 OF 3

ATTACHMENT NO. 5

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