



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 *YB*  
**DATE:** February 8, 2011

**SUBJECT: GENERAL PLAN CONFORMANCE NO. 10-005 (LOMA AVENUE 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

**LOCATION:** Terminus of Loma Avenue, west of 14<sup>th</sup> Street at Main Street.

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**STATEMENT OF ISSUE:**

- ♦ General Plan Conformance No. 10-005 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. 10-005 based upon the following:
  - The proposed easement vacation conforms to the goals, objectives, and policies of the General Plan.

**RECOMMENDATION:**

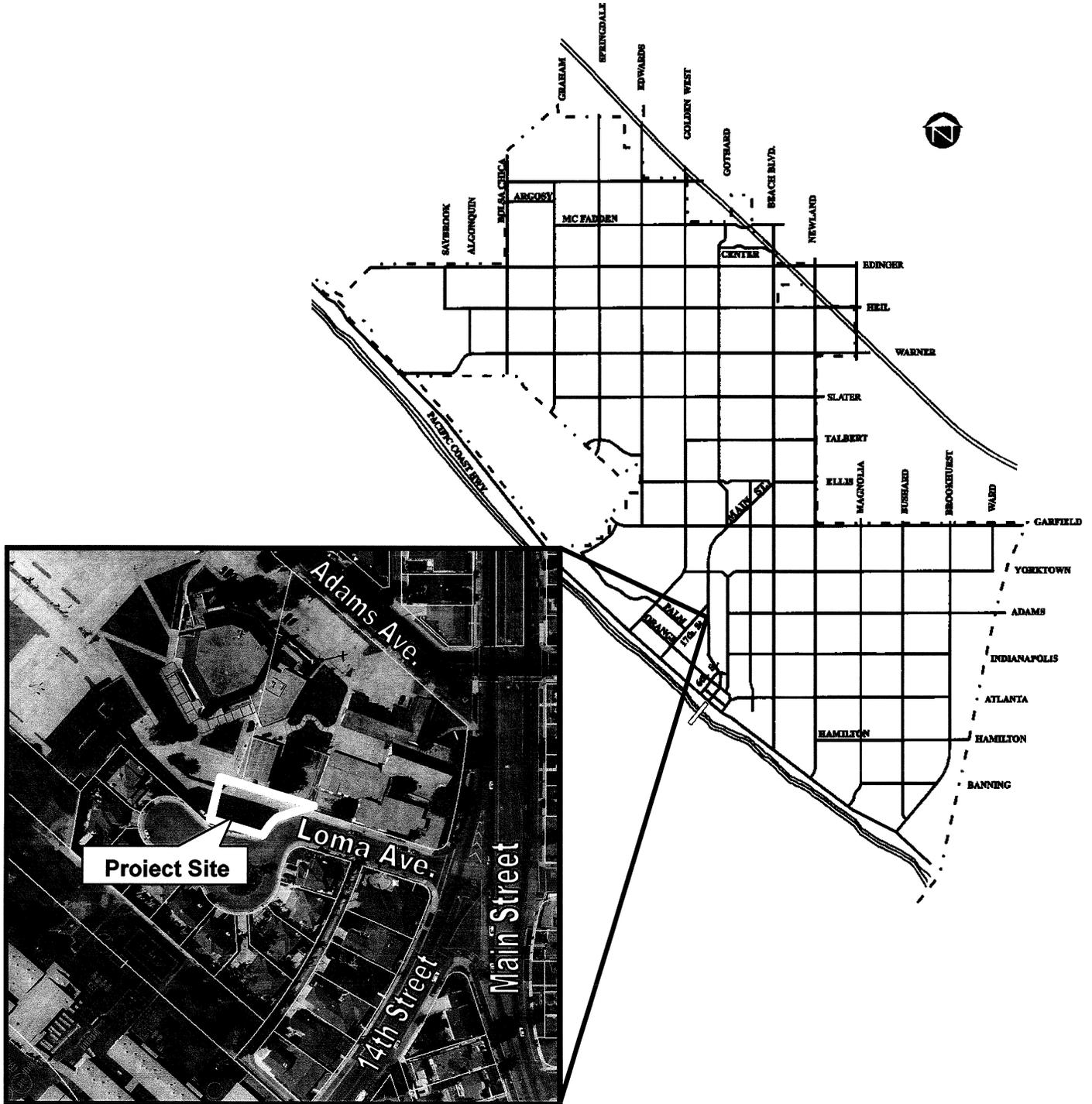
Motion to:

“Adopt Resolution No. 1648, approving General Plan Conformance No. 10-005 with findings (Attachment Nos. 1 and 2).”

**ALTERNATIVE ACTION:**

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 10-005 with findings for denial.”



**VICINITY MAP**  
**GENERAL PLAN CONFORMANCE NO. 2010-005**  
**(LOMA AVENUE EASEMENT VACATION)**

**PROJECT PROPOSAL:**

General Plan Conformance No. 10-005 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 right-of-way easement vacation of an approximately 6,111 square foot portion of an improved drive aisle is in conformance with the goals, objectives, and policies of the General Plan.

The subject right-of-way easement is located at the terminus of Loma Avenue, situated immediately north of the San Nicholas Circle cul-de-sac, west of 14<sup>th</sup> Street. The project site is surrounded by the First Christian Church (FCC) campus to the north and east, single family residential uses to south and the Loma Avenue public right-of-way to the east. The area to be vacated measures approximately 60 feet wide by 120 feet long and is currently an improved drive aisle providing vehicular access to the southern portion of the First Christian Church property. The subject parcel has not been used for public street purposes since the intersecting portion of 16<sup>th</sup> Street was vacated to First Christian Church in 1971 by City Council Resolution No. 3440. The request for General Plan conformance pertains to the vacation of the subject portion of the Loma Avenue right-of-way easement only.

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:	Right-of-Way (ROW)	ROW	Improved Drive Aisle
North and West of Subject Area:	P(RL) – (Public underlying Residential Low Density)	PS (Public – Semipublic)	First Christian Church
East of Subject Area:	ROW	ROW	Loma Avenue
South of Subject Area (across San Nicolas Circle):	RL-7 (Residential Low Density – 7 du/ac)	RL (Residential Low Density)	Single Family Residential

**General Plan Conformance:**

Vacating a 6,111 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.*

Since the subject area has been improved as a drive aisle to provide private vehicular and pedestrian access from the Loma Avenue public right-of-way, the easement is not necessary to support existing and future public use. Upon vacation, the fee title for the remaining vacated easement area will revert to the midline of the former Loma Avenue, divided between the FCC to the north and the homeowner's association of the residential tract to the south. Additionally, the Public Works Department recorded a 10' wide utility easement with the First Christian Church organization to provide maintenance access to an existing 8" diameter water main that runs adjacent to the centerline of the subject easement area. The agreement precludes construction of any permanent buildings or other surface development over the easement area that would restrict access to the water facility for maintenance.

### **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 streets currently provide sufficient access to the surrounding institutional and residential uses. The subject area is no longer necessary to support the public circulation needs of the abutting properties, and the vacation of the subject right-of-way 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. 10-005 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:**

December 16, 2010

**MANDATORY PROCESSING DATE(S):**

January 25, 2011 (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.

The area to be vacated is situated on a property that was granted approval of Mitigated Negative Declaration No. 2006-008, Conditional Use Permit No. 2006-035, and Variance No. 2007-001 which allowed the expansion and remodel of an existing church facility. The subject area received landscape and perimeter wall upgrades for the vehicular access driveway from Loma Avenue onto the property.

The vacation of the right-of-way easement held over a 6,111 square foot portion of the existing drive aisle will facilitate resolution of an outstanding issue of private encroachment onto a remnant parcel of public right-of-way. The fee title of the subject area will revert to the adjacent property owners, which include the residential homeowners association to the south and the First Christian Church site to the north.

Because the vacation of the subject 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. 10-005 finding that the easement vacation is in conformance with the General Plan.

**ATTACHMENTS:**

1. Suggested Findings of Approval – GPC No. 10-005
2. Planning Commission Resolution No. 1648
3. Project Narrative Dated January 18, 2011

SH:MBB:RR:HB:kd

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS OF APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 10-005**

**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. 10-005:**

The proposed vacation of a portion of an existing 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.*

Since the subject area has been improved as a drive aisle to provide private vehicular and pedestrian access from the Loma Avenue public right-of-way, the easement is not necessary to support existing and future public use.

**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 streets currently provide sufficient access to the surrounding institutional and residential uses. The subject right-of-way easement is not necessary to support the public circulation needs of the abutting properties, and in adjusting the right-of-way boundary to reflect existing conditions, the easement vacation will not have a detrimental impact on the circulation system.

**RESOLUTION NO. 1648**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH FINDING THE VACATION OF A PORTION OF  
THE LOMA AVENUE RIGHT OF WAY EASEMENT IN CONFORMANCE WITH THE  
GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN  
(GENERAL PLAN CONFORMANCE NO. 10-005)**

**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 6,111 square foot portion of a right of way easement located at the terminus of Loma Avenue, west of 14<sup>th</sup> Street at Main Street (Exhibit B); and

**WHEREAS**, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on February 8, 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 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 8th day of February, 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 LOMA AVENUE VACATION (GENERAL PLAN CONFORMANCE NO. 2010-005)

The vacation of a portion of the Loma Avenue 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.*

Since the subject area has been improved as a drive aisle to provide private vehicular and pedestrian access from the Loma Avenue public right-of-way, the easement is not necessary to support existing and future public use. Upon vacation, the fee title for the remaining vacated easement area will revert to the midline of the former Loma Avenue, divided between the FCC to the north and the homeowner's association of the residential tract to the south. Additionally, the Public Works Department recorded a 10' wide utility easement with the First Christian Church organization to provide maintenance access to an existing 8" diameter water main that runs adjacent to the centerline of the subject easement area. The agreement precludes construction of any permanent buildings or other surface development over the easement area that would restrict access to the water facility for maintenance.

#### **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 streets currently provide sufficient access to the surrounding institutional and residential uses. The subject area is no longer necessary to support the public circulation needs of the abutting properties, and the vacation of the subject right-of-way easement will not have a detrimental impact on the circulation system.

# EXHIBIT "B"

POR. LOT C  
TR. NO. 260  
MM 13/34

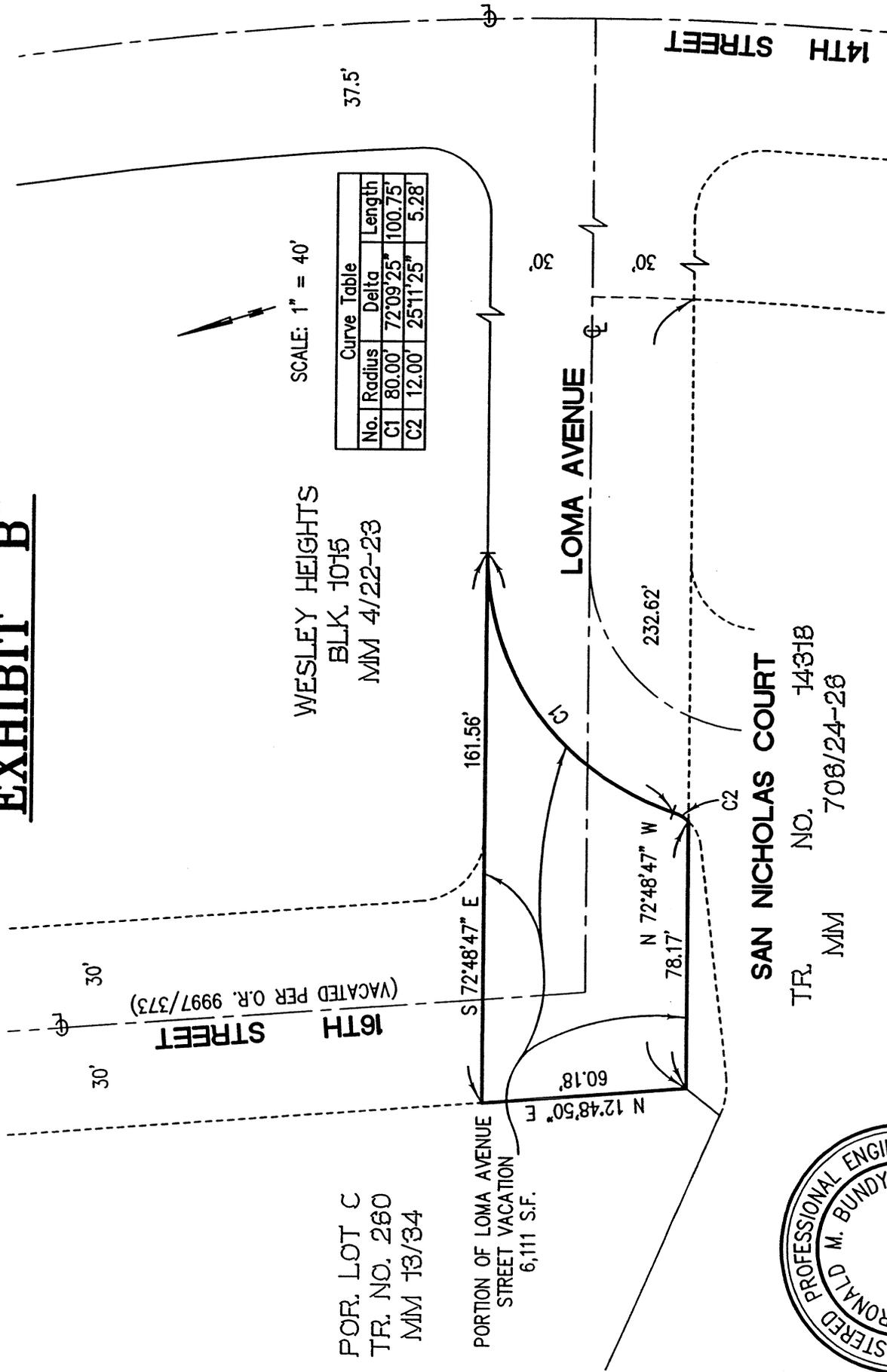
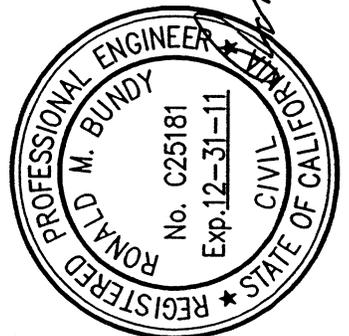
WESLEY HEIGHTS  
BLK. 1015  
MM 4/22-23

PORTION OF LOMA AVENUE  
STREET VACATION  
6,111 S.F.

SAN NICHOLAS COURT

TR. NO. 1431B  
MM 708/24-26

*Ronald M. Bundy*  
RONALD M. BUNDY  
PE C25181  
DATE 11-2-2010



Project Narrative

Project: **Street Vacation – Loma Avenue (westerly end, north of San Nicholas Court)**  
Application: General Plan Conformance / Street Vacation  
Applicant: City of Huntington Beach Department of Public Works  
Contact: Steve Bogart, Senior Civil Engineer  
Phone #: (714) 536-5431  
Date: January 18, 2011

Project Summary

An existing segment of Loma Avenue (60 feet wide and approximately 120 feet long, along the street's centerline), which is west of Main Street, has not been used for public street purposes since the intersecting portion of 16<sup>th</sup> Street was vacated to First Christian Church (FCC) at 1207 Main Street in the Year 1972. The City currently proposes to vacate its easement "for public street purposes" over this segment of Loma Avenue.

The subject section of Loma Avenue is bounded on the north and west by the existing church, FCC, on the south by a cul-de-sac, San Nicholas Circle, and a 2-foot wide Lot 'A' (to Sea Cliff Partners on Tract Map 14318) and on the east by Loma Avenue.

Once vacated, the underlying fee title ownership of the remnant segment of Loma Avenue will revert to the adjacent property owners (FCC at 1207 Main Street to the north and Seacliff Partners to the south) per the California Streets and Highways Code. The only existing public utility within the subject portion of Loma Avenue to be vacated is an 8-inch diameter City water pipeline. For this reason, the City has required that an easement (10 feet wide) be dedicated to the City for public utility purposes (over this area), which will preclude construction of any permanent buildings or any other surface development consisting of (but not limited to) walls, parking and landscape, etc. The subject water line easement has been dedicated to the City and recorded with the County Recorder's office in 2009 and a copy is on file with the City Clerk's office.

Project Background

The purpose of this project is to comply with the Streets and Highway Code by allowing the owners to obtain square footage of the vacated portion Loma Avenue. The area is currently utilized by FCC as a paved drive aisle with surrounding landscaping. This proposed street vacation will also provide resolution to an outstanding issue of private encroachment onto a remnant portion of public right-of-way.

Street Vacation

The Loma Avenue road width proposed to be vacated (approx. 6,050 square feet) lies to the north and south of the street centerline indicated on the attached Exhibit 1.

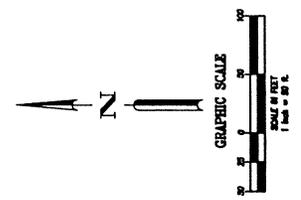
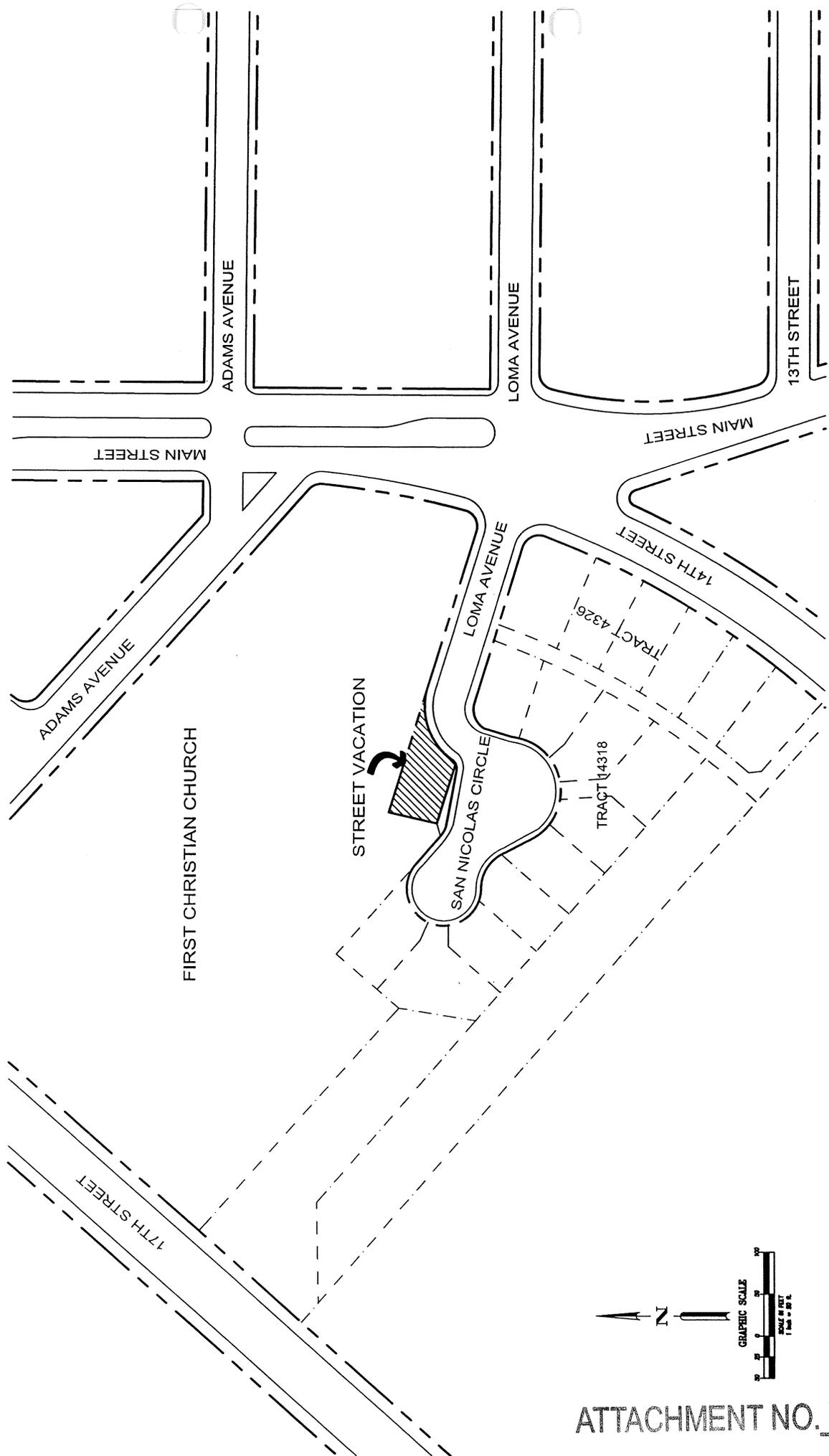
Hazardous Waste and Substance Declaration

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.

  
\_\_\_\_\_  
Steve Bogart, Applicant

1/18/11  
\_\_\_\_\_  
Date

# PROPOSED STREET VACATION OF LOMA AVENUE



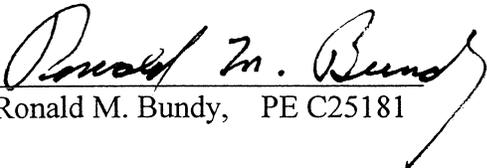
## EXHIBIT "A"

### Legal Description for Street Vacation Purposes

That portion of Loma Avenue, Wesley Heights, City of Huntington Beach, , as per map recorded in book 4, page 23, recorded in the Office of the County Recorder of the County of Orange, State of California, described as follows:

Beginning at the westerly terminus of that certain course on the map of Tract No. 14318 as filed in book 706, pages 24 through 26, inclusive of miscellaneous maps, in the office of the County Recorder of said County, as having a bearing and distance of " N 72°48'47" E 232.62' ", said point also being the intersection of the rights-of-way of Loma Avenue and 16<sup>th</sup> Street as shown on said map, 16<sup>th</sup> Street having been vacated between Adams Avenue and Loma Avenue by resolution recorded February 10, 1972 in book 9997, page 373 of Official Records of said County; thence along the westerly right-of-way of said 16<sup>th</sup> Street N 12°48'50" E a distance of 60.18 feet to a point of intersection of said 16<sup>th</sup> Street right-of-way with the westerly extension of the northerly right-of-way of Loma Avenue; thence along said extension and said northerly right-of-way S 72°48'47" E a distance of 161.56 feet to the northeasterly terminus of a curve, concave southeasterly and having a radius of 80.00 feet; thence southwesterly along said curve an arc distance of 100.75 feet through a central angle of 72°09'25" to a point of reverse curvature with a curve concave northwesterly and having a radius of 12.00 feet; thence southwesterly along said curve an arc distance of 5.28 feet through a central angle of 25°11'37" to a point on the southerly right-of-way of Loma Avenue; thence along said right-of-way N 72°48'47" W a distance of 78.17 feet to the point of beginning.

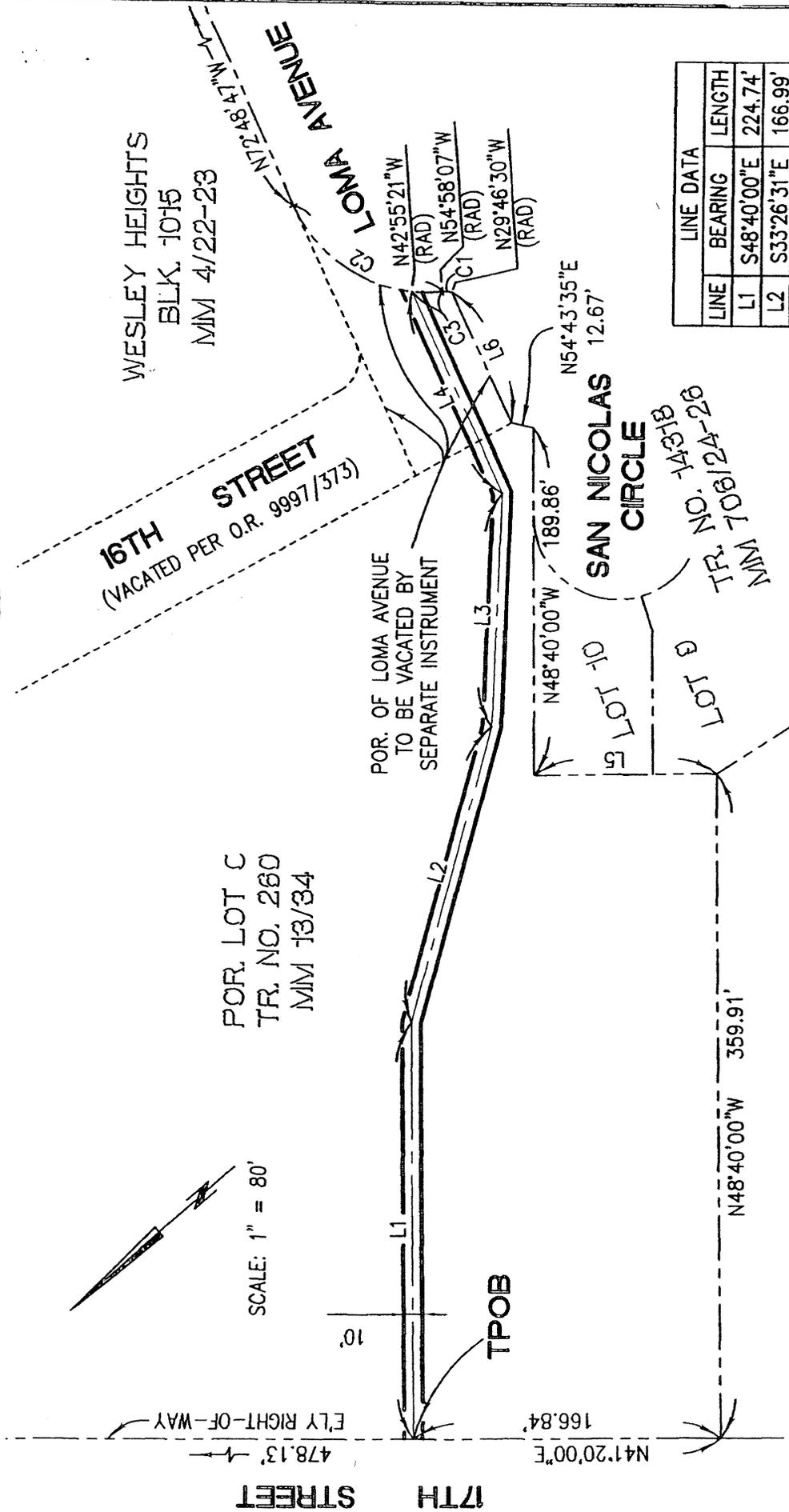
Said street vacation contains 6,111 square feet (0.140 Acres) more or less. Said land being more particularly shown on Exhibit "B" attached hereto and made a part hereof.

  
Ronald M. Bundy, PE C25181

ATTACHMENT NO. 3.3



# EXHIBIT "B"

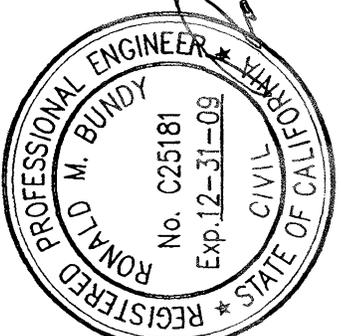


SCALE: 1" = 80'



LINE DATA		
LINE	BEARING	LENGTH
L1	S48°40'00"E	224.74'
L2	S33°26'31"E	166.99'
L3	S45°58'05"E	128.12'
L4	S72°43'11"E	120.56'
L5	N40°59'55"E	99.80'
L6	N72°48'47"W	78.18'

CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
C1	25°11'37"	12.00'	5.28'
C2	72°09'25"	80.00'	100.75'
C3	12°02'46"	80.00'	16.82'



*Ronald M. Bundy*  
 RONALD M. BUNDY  
 PE C25181

10-28-08  
 DATE