



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: April 27, 2010

SUBJECT: GENERAL PLAN CONFORMANCE NO. 09-008 (HUNTINGTON BEACH DENTAL ALLEY VACATION – CONTINUED FROM THE FEBRUARY 23, 2010 MEETING)

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: South of Warner Avenue, West of Ash Lane

STATEMENT OF ISSUE:

- ◆ General Plan Conformance No. 09-008 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.

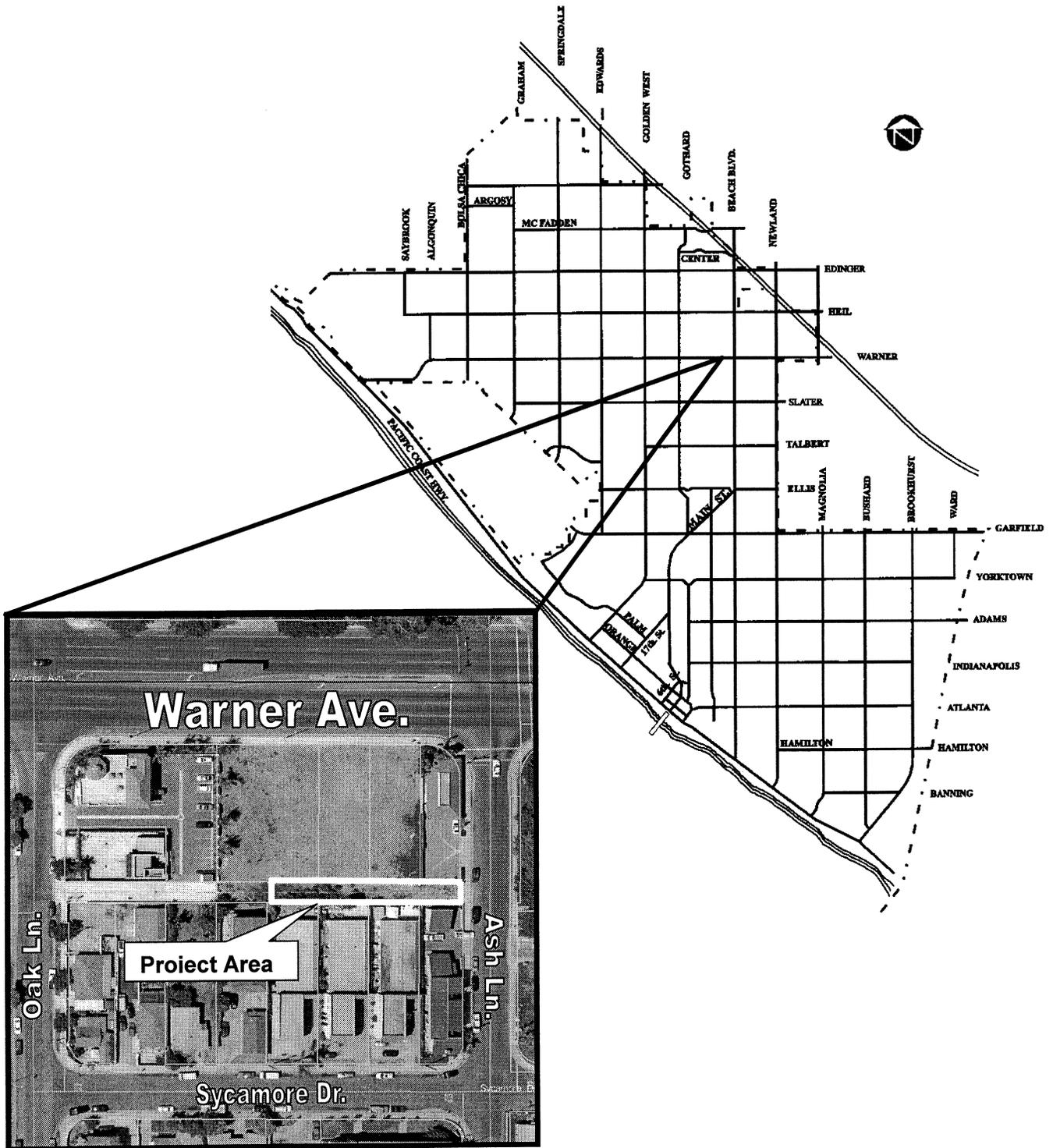
The project was continued from the February 23, 2010 meeting, at the applicant's request, to modify the request and expand the area to be vacated. The continuance also allowed the applicant to notify the abutting property owners regarding the change in the boundary of the requested vacation.

- ◆ Staff's Recommendation: Approve General Plan Conformance No. 09-008 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. 1642, approving General Plan Conformance No. 09-008 with findings (Attachment Nos. 1 and 2).”



VICINITY MAP
GENERAL PLAN CONFORMANCE NO. 2009-008
(HUNTINGTON BEACH DENTAL ALLEY VACATION)

ALTERNATIVE ACTION:

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 09-008 with findings for denial.”

PROJECT PROPOSAL:

General Plan Conformance No. 09-008 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 3,856 square foot portion of an unimproved alley way is in conformance with the goals, objectives, and policies of the General Plan.

The subject alley is located mid-block between Warner Avenue to the north and Sycamore Drive to the south, and between Oak Lane to the west and Ash Lane to the east. The area to be vacated measures approximately 20 feet by 183 feet and abuts residential properties to the south, three vacant parcels and an existing dental office to the north, unimproved alley area to the west and Ash Street to the east. The request for General Plan conformance pertains to the vacation of the subject portion of the unimproved alley 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:	ROW (Right of Way)	ROW	Unimproved Alley
North of Subject Area:	CG-F1 (Commercial General – Max 0.35 Floor Area Ratio)	CG (Commercial General)	Vacant (Approved for Medical Office) and a developed dental office
East of Subject Area (across Ash Lane):	CG-F3-d (Commercial General – Max 1.0 Floor Area Ratio – Design Overlay)	CG-H (Commercial General – Highrise Overlay)	Huntington Plaza Commercial Center
South and West of Subject Area:	RM – 15 (Residential Medium Density – Max 15 units per acre)	RM (Residential Medium Density)	Single and Multi-Family Residential

General Plan Conformance:

Vacating a 3,856 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 alley has not been improved to provide vehicular access between Ash Lane and Oak Lane, the alley right of way easement is not necessary to support existing and future public use. Upon vacation, much of the subject alley area will revert to the property owner to the north, who, upon construction of the medical office project, will provide a landscaped setback area and additional space for required on-site parking. The fee title for the remaining vacated alley area will revert to all abutting properties.

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 commercial and residential uses. The subject alley is no longer necessary to support the circulation needs of the abutting properties, and the easement vacation of the subject right of way alley will not have a detrimental impact on the circulation system. An approximately fifty-five (55) linear foot portion of the currently unimproved alley will be improved to provide vehicular access to the southwest corner of the medical office project site, with access from Oak Lane.

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:

The subject site is located within the Oak View Redevelopment Project Area, and is consistent with plans for the area. The Economic Development Department supports the request.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Public Works Department requested a continuance of the project before the February 23, 2010 Planning Commission meeting to a date uncertain to allow for an expansion in the size of the area to be vacated. The Planning & Building Department is in agreement with the request. No comments regarding General Plan Conformance No. 09-008 have been received from other City departments or agencies.

General Plan Conformances are non-public hearing items and do not require legal notification. However, the expansion of the previously requested vacation area warranted notification of all property owners whose property abuts the vacation area. Notices were sent to the property owners on March 12, 2010 regarding the project request. Staff was contacted by two of the eight notified property owners and clarified the project and reasons for request. Staff did not receive any statements of opposition.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

January 21, 2010

MANDATORY PROCESSING DATE(S):

March 1, 2010 (40 days from complete application)

GPC No. 09-008 was filed on December 21, 2009 and deemed complete on January 21, 2010. The application was scheduled for non-public hearing before the Planning Commission on February 23, 2010 prior to the applicant's request for continuance.

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 majority of the area to be vacated is located immediately south of a three parcel site that was granted approval of Conditional Use Permit (CUP) No. 2005-029, which allowed the construction of a 6,900 square foot two story medical office building. In approving the project on February 13, 2007, the Planning Commission also granted the project site two vehicular access points; allowing one off of Warner Avenue and another from the abutting alley off Oak Lane, which is currently only partially improved. Section 231.02 (E)(3) of the Huntington Beach Zoning and Subdivision Ordinance states that when a lot abuts an arterial highway and an alley, vehicular access to on-site parking shall be provided from the alley unless the Planning Commission approves different access.

General Plan Conformance No. 2009-008 will vacate the right of way easement held over a 3,856 square foot portion of the existing unimproved alley way and will help facilitate the development of the medical office building approved by CUP No. 2005-029. The fee title of the subject alley area will revert to the adjacent property owners, which include the residential property owners to the south, the medical office project site to the north, and the existing dental office to the north adjacent to Ash Avenue. A remainder of unimproved alley measuring 55 linear feet will be improved by and provide access to the medical office building.

On February 23, 2010, the Public Works Department requested a continuance of the project to a date uncertain in order to expand the proposed vacation area. The previously requested area was extended so that the vacation area reached the boundary of Ash Lane. The added alley area is unimproved and the abutting properties to the north and south are fully improved. The expansion will not have a detrimental effect on the abutting properties, nor the request for easement vacation as proposed.

Because the subject vacation of a portion of an alley 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. 09-008 finding that the easement vacation is in conformance with the General Plan.

ATTACHMENTS:

1. Suggested Findings of Approval – GPC No. 09-008
2. Draft Planning Commission Resolution No. 1642

SH:MBB:HB:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 09-008

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. 09-008:

The proposed vacation of a portion of an unimproved alley 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.

The alley right of way easement is not necessary to support existing and future public use, since the 3,856 square foot subject alley area is unimproved and has never provided vehicular access between Ash Lane and Oak Lane.

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.

Since the subject alley has not been improved, the subject right of way easement is no longer necessary to provide circulation to the surrounding area. The vacation of a portion of an existing unimproved alley right of way easement will not have a detrimental impact on the circulation system.

DRAFT

RESOLUTION NO. 1642

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH FINDING THE VACATION OF A PORTION OF AN UNIMPROVED ALLEY RIGHT OF WAY EASEMENT IN CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN (GENERAL PLAN CONFORMANCE NO. 09-008)

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 3,856 square foot portion of an alley right of way easement located mid-block between Warner Avenue to the north, Sycamore Drive to the south, and between Oak Lane to the west and Ash Lane to the east (Exhibit B); and

WHEREAS, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on April 27, 2010; 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 an alley 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 27th day of April, 2010, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Scott Hess, Secretary

Planning Commission Chairperson

EXHIBIT A

GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR HUNTINGTON BEACH DENTAL ALLEY VACATION (GENERAL PLAN CONFORMANCE NO. 2009-008)

The vacation of an approximately 3,856 square foot portion of an unimproved alley way 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 alley has not been improved to provide vehicular access between Ash Lane and Oak Lane, the alley right of way easement is not necessary to support existing and future public use. Upon vacation, much of the subject alley area will revert to the property owner to the north, who, upon construction of the medical office project, will provide a landscaped setback area and additional space for required on-site parking. The fee title for the remaining vacated alley area will revert to all abutting properties.

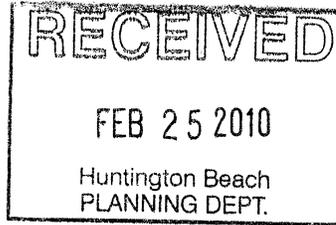
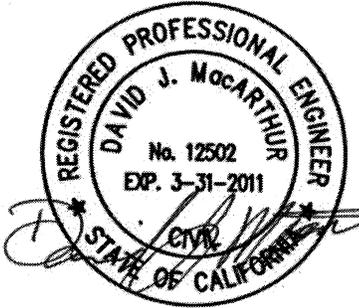
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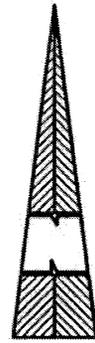
CE Goal 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Existing streets currently provide sufficient access to the surrounding commercial and residential uses. The subject alley is no longer necessary to support the circulation needs of the abutting properties, and the easement vacation of the subject right of way alley will not have a detrimental impact on the circulation system. An approximately fifty-five (55) linear foot portion of the currently unimproved alley will be improved to provide vehicular access to the southwest corner of the medical office project site, with access from Oak Lane.

EXHIBIT "B"
PLAT



DAVID J. MACARTHUR, R.C.E. 12502
REGISTRATION EXPIRES 3/31/11



WARNER AVENUE

(120' WIDE PUBLIC RIGHT OF WAY)

SCALE:
1" = 40'

