



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Tess Nguyen, Associate Planner TN
DATE: February 9, 2010
SUBJECT: GENERAL PLAN CONFORMANCE NO. 09-007 (BEACH BOULEVARD PUBLIC FRONTAGE ROAD VACATION)
APPLICANT: Public Works Department, 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: East side of Beach Boulevard, south of Atlanta Avenue

STATEMENT OF ISSUE:

- ◆ General Plan Conformance No. 09-007 request:
 - To determine if the proposed vacation of the frontage road along the existing shopping center at the southeast corner of Beach Boulevard and Atlanta Avenue is in conformance with the goals, objectives, and policies of the General Plan.
- ◆ Staff's Recommendation: Approve General Plan Conformance No. 09-007 based upon the following:
 - The proposed project conforms to the goals, objectives, and policies of the General Plan.

RECOMMENDATION:

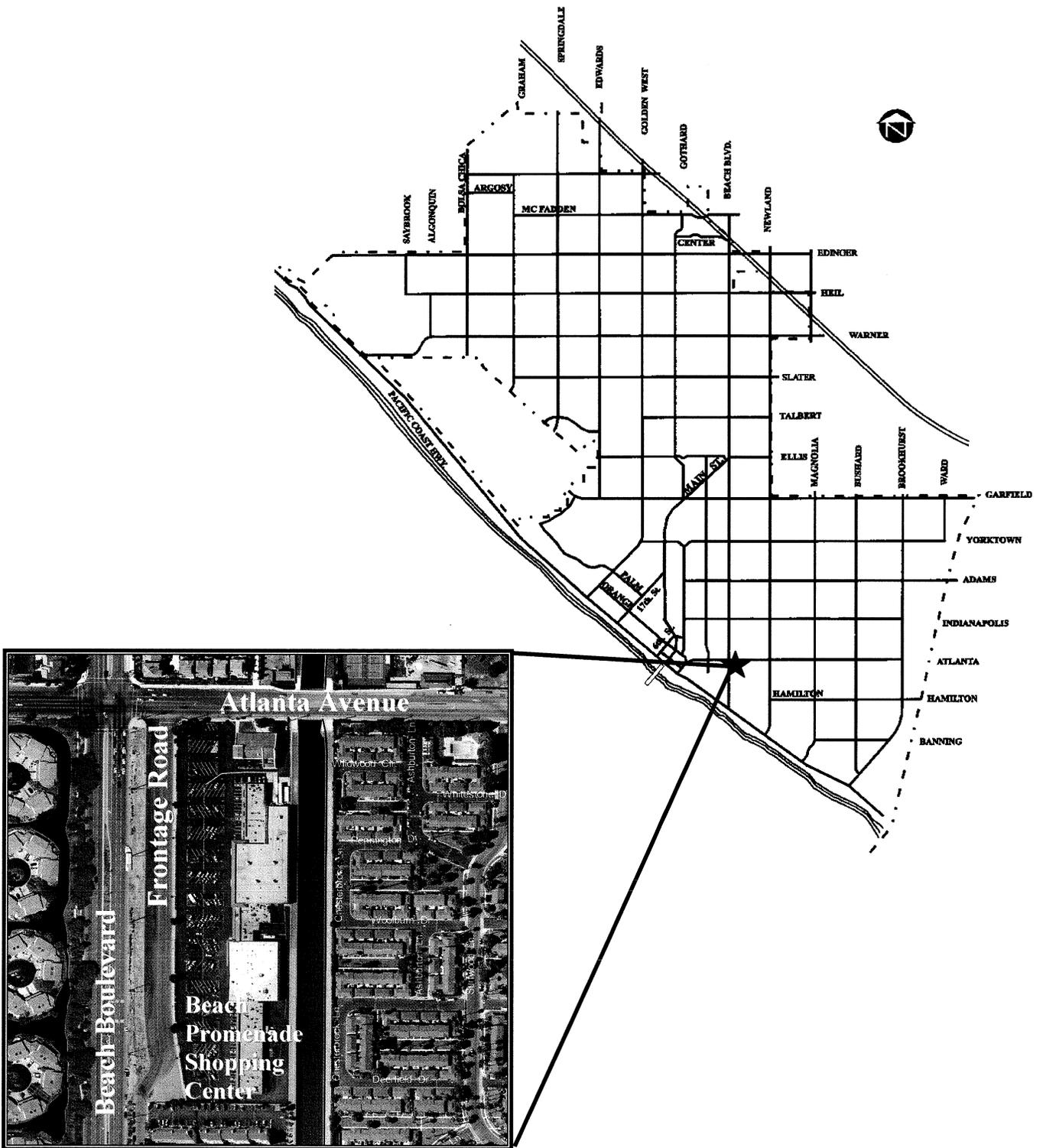
Motion to:

“Adopt Resolution No. 1641, approving General Plan Conformance No. 09-007 with findings (Attachment Nos. 1 and 2).”

ALTERNATIVE ACTION:

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 09-007 with findings for denial.”



VICINITY MAP
GENERAL PLAN CONFORMANCE NO. 09-007
(BEACH BOULEVARD FRONTAGE ROAD VACATION)

PROJECT PROPOSAL:

General Plan Conformance No. 09-007 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 the frontage road along the existing shopping center at the southeast corner of Beach Boulevard and Atlanta Avenue is in conformance with the goals, objectives, and policies of the General Plan. The intent of the request is to vacate the City’s interest in the frontage road and allow the private developer to merge it with the privately owned properties to the west and east in order to enlarge and expand the existing shopping center (Beach Promenade). The Planning Commission must review the proposal for consistency with the City’s General Plan prior to City Council action on the vacation.

The frontage road right-of-way encompasses approximately 90,340 square feet. The land was deeded from Deane Brothers to the State of California in 1966 for freeway and adjacent frontage road use. In 1968, the State of California relinquished the frontage road portion of the right-of-way to the City of Huntington Beach. In 1983, the State of California relinquished the other portion of the right-of-way (vacant strip of land to the west of the frontage road) to the Sassoon-Mayer Development Company. The public portion of the right-of-way is currently used as a frontage road, providing access to the Beach Promenade shopping center and the Huntington Breakers Apartments. The portion of the frontage road to the south of the Beach Promenade shopping center that services the Huntington Breakers Apartments will remain.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Area:	Right-of-Way	Right-of-Way	Frontage Road
North (across Atlanta Avenue), South, West (across Beach Boulevard) of Subject Area:	RM-15 (Residential Medium Density—Max 15 du/ac)	RM (Residential Medium Density)	Single and Multi-Family Residential Uses
East of Subject Area:	CG-F1 (Commercial General—Max 0.35 Floor Area Ratio)	CG (Commercial General)	Beach Promenade Shopping Center

General Plan Conformance:

The proposed vacation is consistent with this designation and the goals, objectives, and policies of the City’s General Plan as follows:

A. Land Use Element

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

Goal LU 10: *Achieve the development of a range of commercial uses.*

LU Objective 10.1: *Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach recreational resources.*

B. Economic Development Element

ED Objective 2.4: *Revitalize, renovate, and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.*

ED Policy 2.4.3: *Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.*

Beach Boulevard and Atlanta Avenue currently provide sufficient access to the surrounding commercial and residential uses. The frontage road is no longer necessary to support the circulation needs of the adjacent uses. The frontage road vacation for private ownership would allow for the expansion of the existing shopping center, offering a range of commercial uses that would support the needs and reflect market demand of local and regional residents and visitors. The additional commercial uses would complement existing uses in the shopping center.

C. 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 frontage road is determined to be excess right-of-way and not required for circulation purposes, the frontage road is no longer necessary for existing and prospective public use. The vacation of the frontage road will not have a detrimental impact on the circulation system.

Zoning Compliance: Not applicable.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The proposed project is categorically exempt pursuant to City Council Resolution No. 4501, Class 5, which supplements the California Environmental Quality Act (CEQA) because the request is a minor street vacation.

Coastal Status: Not applicable.

Redevelopment Status:

The subject frontage road is located in the Huntington Beach Merged Development Project Area Subarea 5, formerly known as the Main-Pier Redevelopment Project Area, and is consistent with plans for the area.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

No comments regarding General Plan Conformance No. 09-007 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 18, 2009

MANDATORY PROCESSING DATE(S):

January 27, 2010 (40 days from complete application)

ANALYSIS:

Prior to City Council action on the proposed vacation of the frontage road, the Planning Commission must review the proposal for consistency with the City's General Plan, pursuant to the Government Code of the State of California. Section 65402 of the 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 General Plan Land Use, Economic Development, and Circulation Elements that are applicable to the request in the General Plan Conformance section of this staff report.

The proposed frontage road vacation for private ownership would allow for the expansion of the existing shopping center in providing a range of commercial uses that would support the needs of local residents and serve visitors to the City. The additional commercial uses would complement existing uses in the shopping center. Since the frontage road is determined to be excess right-of-way and is no longer necessary to support the circulation needs of the adjacent uses, the vacation of the frontage road will not have a detrimental impact on the circulation system.

Because the vacation of the frontage road is consistent with the goals, objectives, and policies of the General Plan, staff recommends the Planning Commission approve General Plan Conformance No. 09-007 finding that the vacation is in conformance with the General Plan.

ATTACHMENTS:

1. Suggested Findings of Approval – GPC No. 09-007
2. Planning Commission Resolution No. 1641
3. Project Narrative dated November 18, 2009

SH:HF:RR:TN:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 09-007

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. 09-007:

The proposed vacation of the frontage road along the existing shopping center at the southeast corner of Beach Boulevard and Atlanta Avenue is consistent with the following goals, objectives, and policies of the City's General Plan:

A. Land Use Element

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

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market demand of local and regional residents and visitors. The additional commercial uses would complement existing uses in the shopping center.

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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.

Since the frontage road is determined to be excess right-of-way and not required for circulation purposes, the frontage road is no longer necessary for existing and prospective public use. The vacation of the frontage road will not have a detrimental impact on the circulation system.

RESOLUTION NO. 1641

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF HUNTINGTON BEACH FINDING THE PROPOSED VACATION OF THE
BEACH BOULEVARD FRONTAGE ROAD RIGHT-OF-WAY IN CONFORMANCE
WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN
(GENERAL PLAN CONFORMANCE NO. 09-007)**

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 Public Works Department has submitted a request for General Plan Conformance review of the proposed vacation of the frontage road along the existing shopping center at the southeast corner of Beach Boulevard and Atlanta Avenue; and

WHEREAS, staff has reviewed the vacation request and submitted it to the Planning Commission for review on February 9, 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 the frontage road along the existing shopping center at the southeast corner of Beach Boulevard and Atlanta Avenue 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 February 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Scott Hess, Secretary

Planning Commission Chairperson

(reso 1641)

ATTACHMENT NO. 2.1

EXHIBIT A

GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR BEACH BOULEVARD FRONTAGE ROAD VACATION (GENERAL PLAN CONFORMANCE NO. 2009-007)

The vacation of the Beach Boulevard frontage road right-of-way along the existing shopping center at the southeast corner of Beach Boulevard and Atlanta Avenue 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.*

Goal LU 10: *Achieve the development of a range of commercial uses.*

LU Objective 10.1: *Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach recreational resources.*

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Beach Boulevard and Atlanta Avenue currently provide sufficient access to the surrounding commercial and residential uses. The frontage road is no longer necessary to support the circulation needs of the adjacent uses. The frontage road vacation for private ownership would allow for the expansion of the existing shopping center, offering a range of commercial uses that would support the needs and reflect market demand of local and regional residents and visitors. The additional commercial uses would complement existing uses in the shopping center.

Circulation Element

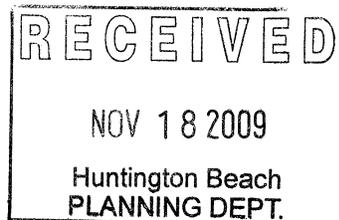
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Since the frontage road is determined to be excess right-of-way and not required for circulation purposes, the frontage road is no longer necessary for existing and prospective public use. The vacation of the frontage road will not have a detrimental impact on the circulation system.

PROJECT NARRATIVE

Project: Beach Promenade Shopping Center - Public Frontage Road Vacation
Address: 21018 - 21190 Beach Boulevard (East side of Beach Boulevard, south of Atlanta Avenue)
Application: General Plan Conformance - Street Vacation
Entitlement: EPA 2009-09 (Amending CUP 2008-13 and VAR 2008-07) and TPM 2009-79
Applicant: City of Huntington Beach - Department of Public Works
Contact: Bob Milani, Senior Civil Engineer Tel: (714) 374-1735
Date: November 18, 2009



Project Background

The proposed project is commonly known as the Beach Promenade Shopping Center project. CUP 2008-13 and VAR 2008-07 were approved by the City Council on May 4, 2009 for the remodel of the existing shopping center which encompasses six buildings and 344 parking spaces on 6.74 acres of land. However, after further discussion and negotiation with the City staff and direction from City Council, the Applicant amended the application to include a proposal to expand the shopping center by acquiring a City-owned Public Frontage Road along Beach Boulevard and merging it with the shopping center and a strip of Applicant-owned property to the west. The amended project, under EPA 2009-09 and TPM 2009-79, would allow for further expansion of the existing parking and landscaping improvements and would create three new parcels and the associated building pads for future retail buildings.

Project Description

A thorough review of the Public Frontage Road was conducted by staff and it was determined that the frontage road is excess right-of-way and not required for street or highway purposes, that the frontage road is unnecessary for existing or prospective public use, and that vacating the frontage road would not conflict with policies in the General Plan, or the requirements of the Orange County Congestion Management Program (CMP) and Master Plan of Arterial Highways (MPAH). As a result, the City of Huntington Beach is moving forward with the vacation of the said Public Frontage Road through a General Street Vacation process (Plat Map and Legal Description attached). As mentioned above, the intent is to vacate the City's interest in the frontage road, and to allow the Applicant to merge it with another Applicant-owned property to the west, in order to enlarge and expand the existing shopping center. The proposed project would entail the remodeling of the existing building façades, reconfiguration of the existing parcels to create three new parcels, construction of three new building pads, and the installation of the associated on and off-site improvements. Currently, the site is comprised of six parcels totaling approximately 6.74 acres. Adding the vacated Public Frontage Road, the adjacent westerly Applicant-owned property, and reconfiguring the existing parcels, would result in a total of nine parcels within approximately 9.42 acres (See attached exhibits for the depiction of the existing and proposed parcels). The developer is required to file a Tentative and Final Parcel Map in order to achieve the desired configuration and number of parcels. It should be noted that the Public Frontage Road to be vacated contains an existing 8-inch public waterline that serves the public for existing fire hydrants, services for fire protection, domestic water and landscape purposes. While vacating the Public Frontage Road, the City will reserve and record an easement over the entire Public Frontage Road for the maintenance of these facilities. The said easement shall remain in effect until the Applicant relocates the existing water facilities from within the Public Frontage Road to the adjacent public right-of-way along Beach Boulevard, after which the easement may be removed to allow for unencumbered on-site construction.

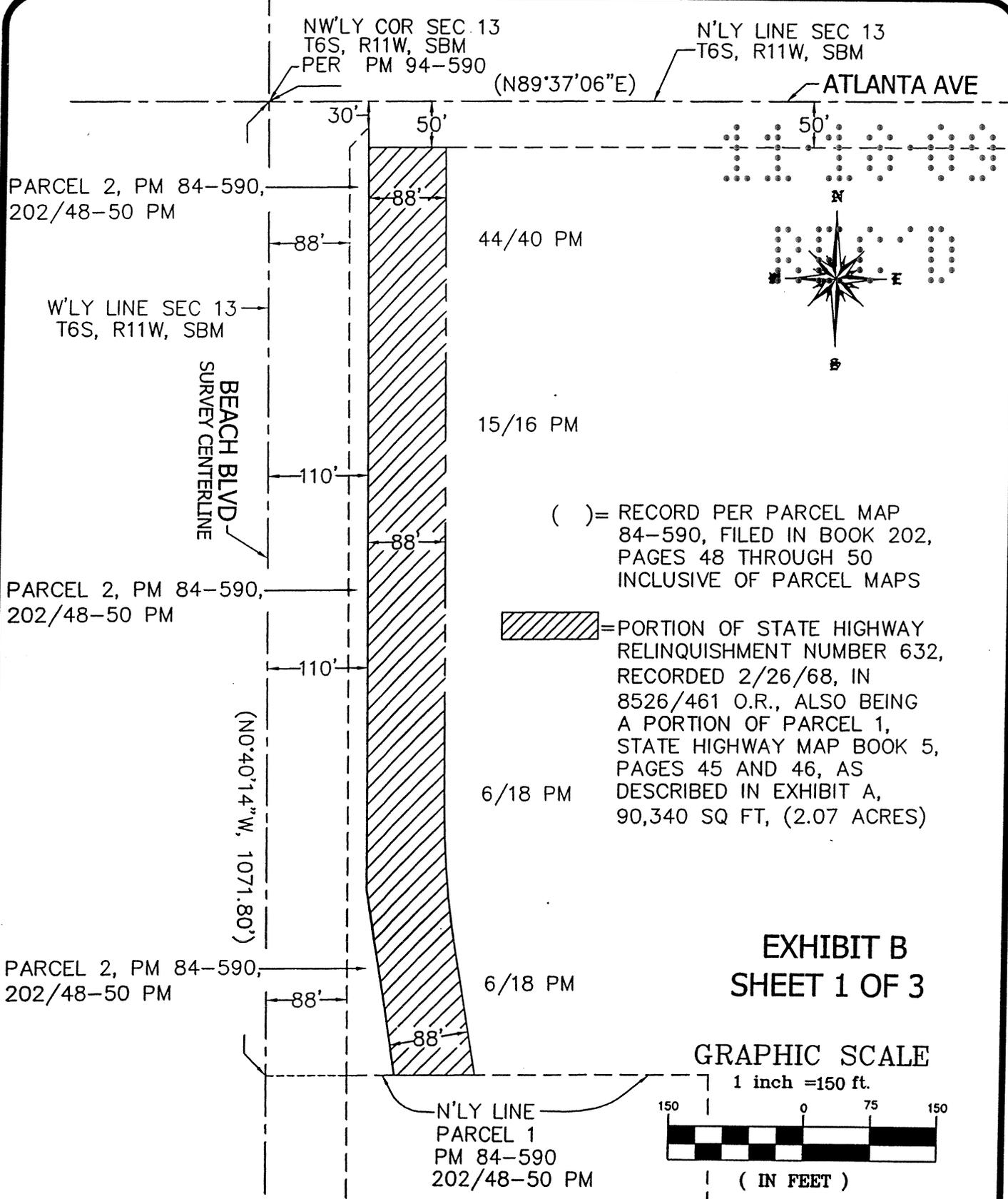
A handwritten signature in black ink, appearing to read "Bob Milani". The signature is written in a cursive style and is positioned above a horizontal line.

Applicant: Bob Milani
City of Huntington Beach
Department of Public Works

11-18-09

Date:

ATTACHMENT NO. 3.1



() = RECORD PER PARCEL MAP 84-590, FILED IN BOOK 202, PAGES 48 THROUGH 50 INCLUSIVE OF PARCEL MAPS

 = PORTION OF STATE HIGHWAY RELINQUISHMENT NUMBER 632, RECORDED 2/26/68, IN 8526/461 O.R., ALSO BEING A PORTION OF PARCEL 1, STATE HIGHWAY MAP BOOK 5, PAGES 45 AND 46, AS DESCRIBED IN EXHIBIT A, 90,340 SQ FT, (2.07 ACRES)

**EXHIBIT B
SHEET 1 OF 3**

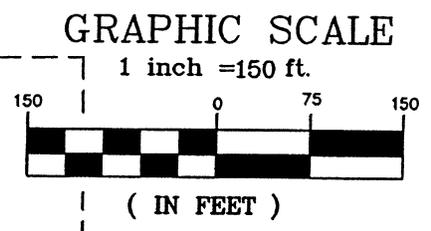


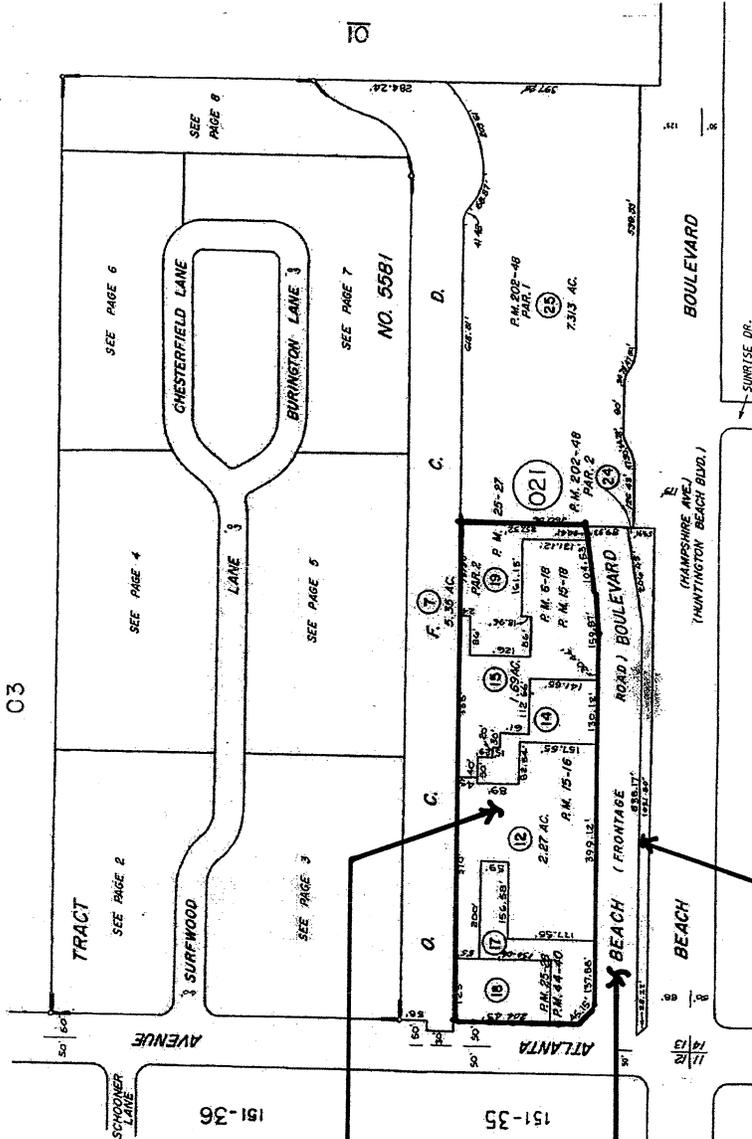
EXHIBIT B
BEACH BOULEVARD FRONTAGE ROAD
FROM 50' SOUTH OF TO 1072' SOUTH OF ATLANTA AVE
CITY OF HUNTINGTON BEACH
DEPARTMENT OF PUBLIC WORKS





POP. N 1/2. NW 1/4. SEC. 13, T 6 S, R 11 W

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EXISTING BEACH PROMENADE SHOPPING CENTER

EXISTING CITY-OWNED FRONTAGE ROAD TO BE VACATED

APPLICANT-OWNED WESTERLY STRIP OF LAND - TO MERGE

MARCH 1965

TRACT NO. 5581
PARCEL MAP

M.M. 205-36 to 42 inc.
P.M. 25-27, 202-48

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 148 PAGE 02 COUNTY OF ORANGE

24-29

24-31

EXISTING ASSESSOR'S PARCEL MAP

