



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Rosemary Medel, Associate Planner *RM*
DATE: July 13, 2010

SUBJECT: GENERAL PLAN CONFORMANCE NO. 10-001 (NEWLAND STREET-HIGHWAY SLOPE 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: 21632 Newland Avenue, Huntington Beach, CA 92648

STATEMENT OF ISSUE:

- ◆ General Plan Conformance No. 10-001 request:
 - To determine if the vacation of an existing highway slope easement is in conformance with the goals, objectives, and policies of the General Plan.
- ◆ Staff's Recommendation: Approve General Plan Conformance No. 10-001 based upon the following:
 - The proposed highway slope easement vacation conforms to the goals, objectives, and policies of the General Plan.

RECOMMENDATION:

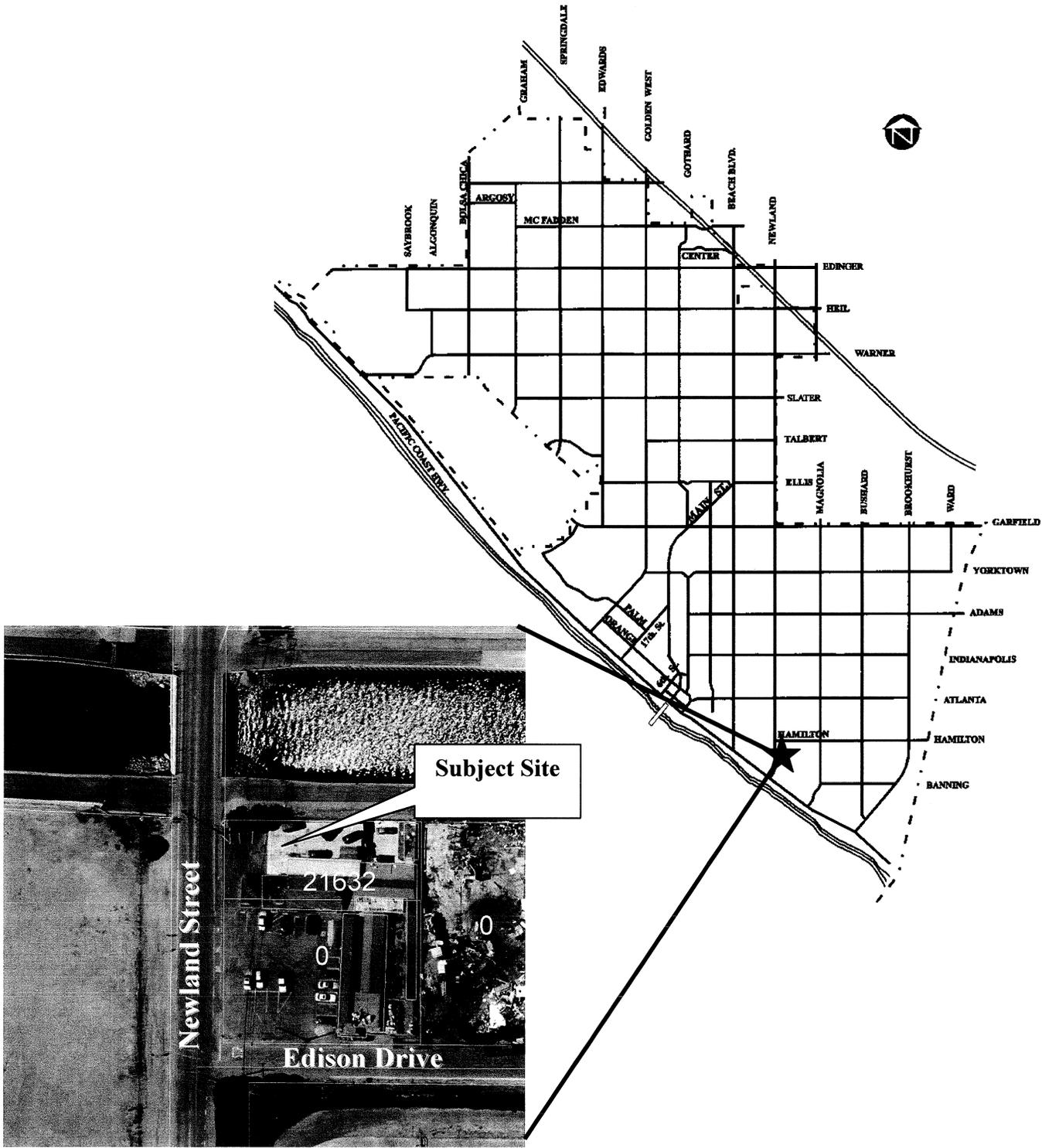
Motion to:

“Adopt Resolution No. 1644, approving General Plan Conformance No. 10-001 with findings (Attachment No.1 and 2).”

ALTERNATIVE ACTION:

The Planning Commission may take an alternative action such as:

“Deny General Plan Conformance No. 10-001 with findings for denial.”



**VICINITY MAP
GENERAL PLAN CONFORMANCE NO. 10-001**

21632 Newland Street - Vacation of Highway Slope Easement

PROJECT PROPOSAL:

General Plan Conformance No. 10-001 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 the 20 foot slope easement over the westerly 40 feet of the AAA Animal Hospital parcel located at 21632 Newland Street is in conformance with the goals, objectives, and policies of the General Plan. The intent of the request is to vacate the highway slope easement no longer required to maintain an elevated pavement surface for the adjacent hospital.

On July 28, 1978, the City of Huntington Beach conveyed, via a corporation grant deed, a parcel of land (easterly side of Newland Street, north of Edison Avenue) to Robert E. Sharkey. As part of this corporation grant deed, the City reserved a 20-foot easement over the westerly 40-feet of said parcel for highway slope purposes. The intent of the highway slope easement was to allow the City to maintain an embankment due to the elevation difference between the subject parcel and an elevated pavement surface for the adjacent Newland Street.

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. The Planning Commission must review the proposal for consistency with the General Plan prior to City Council action on the vacation.

ISSUES:

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

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|--------------------------------------------------|-------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------|
| Subject Property: | I-F2-d (Industrial, 0.50 FAR-design overlay) | IG (Industrial General) | AAA Animal Hospital |
| North of Subject Property: | (I-F2-d) | IL (Industrial Limited) | Flood Channel and Industrial Uses north of the channel |
| East of Subject Property | (I-F2-d) | IG | Outdoor Storage |
| West of Subject Property (Across Newland Street) | RM-15 (Residential Medium Density – 15 dwelling units/acre) | IL and RMP (Manufactured Mobilehome Park) | Vacant land and Mobilehome Park |

General Plan Conformance:

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

A. Land Use Element

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

The easement was initially required because of the grade differential from Newland Street and the subject property. As a result of the City project to fill and widen Newland Street and the development of the AAA Animal Hospital the highway slope easement is no longer required and will be reverted back to the subject property.

B. 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.*

The embankment easement is no longer necessary to provide a safe transition from Newland to the subject property because there is no longer a grade difference.

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. 10-001 have been received from other City departments or agencies. The Public Works Department is the applicant for 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:

May 14, 2010

MANDATORY PROCESSING DATE(S):

June 22, 2010 (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 and objective from the Land Use and Circulation Elements, which are applicable to the request in the General Plan Conformance section of this staff report.

The Newland Street project widened the street, raised the grade of the street and added a bike lane. The construction to Newland Street improved line of sight for vehicular visibility nearing the bridge. Concurrently, the AAA Animal Hospital was rebuilt. This resulted in that site being elevated to remove it from the floodplain such that the grade of the site and Newland Street are essentially the same. Because of the site and street improvements, the slope easement is no longer necessary. The 20 foot former slope easement will now be landscaped improving the aesthetic of the AAA Animal Hospital site.

Therefore, the vacation of the highway slope easement is consistent with the goals, objectives, and policies of the General Plan. Staff recommends that the Planning Commission approve General Plan Conformance No. 10-001 finding that the easement vacation is in conformance with the General Plan.

ATTACHMENTS:

1. Suggested Findings of Approval – GPC No. 10-001
2. Planning Commission Resolution No. 1644
3. Project Narrative Dated March 30, 2010

SH:MBB:RM:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE 10-001

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.

FINDINGS OF APPROVAL- GENERAL PLAN CONFORMANCE NO. 10-001

1. The vacation of a City owned highway slope easement and the transfer of ownership through a Quit Claim action conforms to the following goals and objective of the Land Use and Circulation Elements of the General Plan:
 - a. *LU Goal 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.*
 - b. *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.*
 - c. *Objective CE 1.1: Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.*

The public improvement to widen Newland Street and raise the grade of the adjacent property along Newland Street created improved vehicular circulation. Therefore, the slope easement is no longer necessary to achieve required efficient circulation.

RESOLUTION NO. 1644

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HUNTINGTON BEACH FINDING THAT THE VACATION OF A
HIGHWAY SLOPE EASEMENT OVER THE WESTERLY PORTION OF
21632 NEWLAND STREET RESERVED BY THE CITY TO BE IN
CONFORMANCE WITH THE GENERAL PLAN
(GENERAL PLAN CONFORMANCE NO. 10-001)**

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, staff has reviewed the description of the proposed vacation of the slope easement including legal description as depicted on Exhibits A and B (attached), and generally described as follows:

A vacation of the 20-foot highway slope easement over the westerly 40-feet of said parcel, which was required due to the elevation differences between the AAA Animal Hospital and Newland Street.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the City of Huntington Beach does hereby find and resolve as follows:

SECTION 1: The vacation of the subject slope easement results from the street widening, and the grade improvement of Newland Street and 21632 Newland Street thereby eliminating the need for the slope easement.

SECTION 2: The vacation of the slope easement is in conformance with the City's adopted General Plan. The proposed vacation is in conformance with the Land Use Element and Circulation Element of the General Plan.

SECTION 3: The City of Huntington Beach Planning Commission does hereby resolve that the vacation of the subject slope easement along Newland Street is in conformance with the goals and policies of the General Plan.

PASSED, APPROVED AND ADOPTED this _____ day of _____
2010 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Scott Hess, Secretary

Chairperson, Planning Commission

ATTACHMENT:

Exhibit No. A - Legal Description
Exhibit No. B - Site Map

ATTACHMENT NO. 2.2

EXHIBIT "A"

LEGAL DESCRIPTION

(Highway Slope Easement)

That portion of the northwest ¼ of the southeast ¼ of Fractional Section 13, Township 6 South, Range 11 West, in the Rancho Las Bolsas, City of Huntington Beach, County of Orange, State of California, as shown on a map recorded in Book 51, page 14 of Miscellaneous Maps, in the office of County Recorder of said County, described as follows:

An easement for highway slope purposes as recorded in Book 12778 pages 704 and 705 of Official Records reserved by the City of Huntington Beach, described therein as the east 20 feet of the west 40 feet of the following described parcel:

Beginning at the southeast corner of Parcel D as shown on a map recorded in book 3, page 18 of Parcel Maps, in the office of the County Recorder of said County; thence South 00°40'30" East 30.00 feet along the southerly extension of the east line of said Parcel D to a line parallel with and 30.00 feet southerly measured at right angles from the south line of said Parcel D ; Thence South 89°34'20" West 620.21 feet along said parallel line to the easterly Right of Way line of Newland Street as shown on said Parcel Map, said Right of Way being parallel with and 20.00 feet easterly, measured at right angle from the North-South Quarter Section line of said Fractional Section 13; thence along said Right of Way North 00°40'50" West 140.00 feet; thence North 89°34'20" East 150.00 feet to a point on the westerly line of Parcel A of said Parcel Map, thence South 00°40'50" East 110.00 feet along the west line of said Parcel A to the southwest corner thereof; thence North 89°34'20" East 470.21 feet along the south line of Parcels A, B, C, and D of said Parcel Map to the Point Of Beginning.

As more particularly shown on Exhibit B attached hereto and made a part hereof.

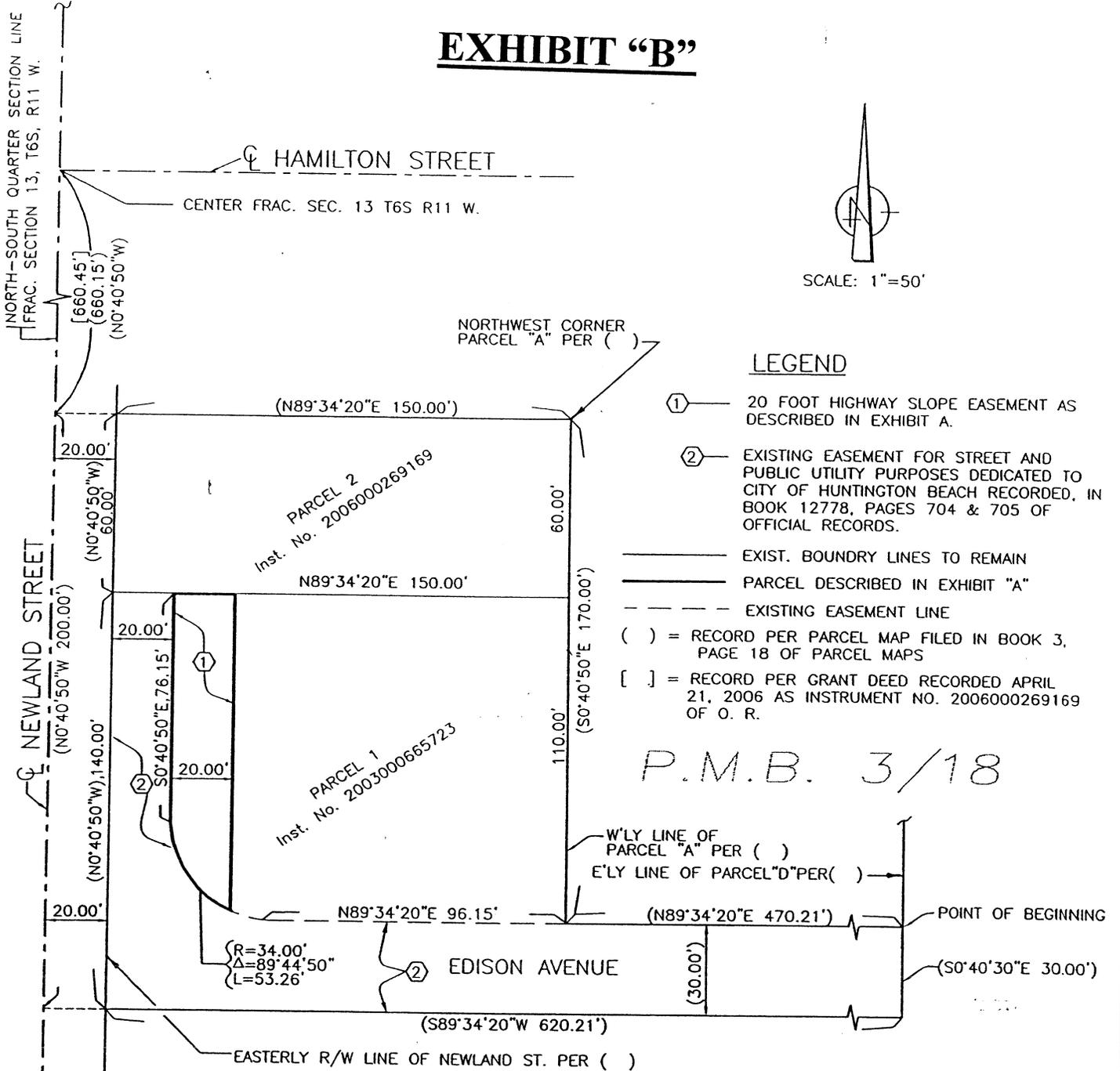
William T Duke

WILLIAM T. DUKE, RCE 19557
LICENSE EXPIRES 9 - 30 - 07



ATTACHMENT NO. 2.3

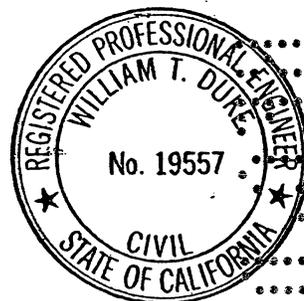
EXHIBIT "B"



LEGEND

- ① — 20 FOOT HIGHWAY SLOPE EASEMENT AS DESCRIBED IN EXHIBIT A.
- ② — EXISTING EASEMENT FOR STREET AND PUBLIC UTILITY PURPOSES DEDICATED TO CITY OF HUNTINGTON BEACH RECORDED, IN BOOK 12778, PAGES 704 & 705 OF OFFICIAL RECORDS.
- EXIST. BOUNDARY LINES TO REMAIN
- PARCEL DESCRIBED IN EXHIBIT "A"
- - - - - EXISTING EASEMENT LINE
- () = RECORD PER PARCEL MAP FILED IN BOOK 3, PAGE 18 OF PARCEL MAPS
- [] = RECORD PER GRANT DEED RECORDED APRIL 21, 2006 AS INSTRUMENT NO. 2006000269169 OF O. R.

P.M.B. 3/18



William T. Duke

WILLIAM T. DUKE, RCE 19557
LICENCE EXPIRES 9-30-07

ATTACHMENT NO. 2.4

Project Narrative

Statement of Issue: A Quitclaim Deed for a highway slope easement reserved by the City in 1978 is being submitted for City Council acceptance. This action is required for the redevelopment of the AAA Animal Hospital at 21632 Newland Street.

Analysis: On July 28, 1978, the City of Huntington Beach conveyed, via a corporation grant deed, a parcel of land (easterly side of Newland Street, north of Edison Avenue) to Robert E. Sharkey. As part of this corporation grant deed, the City reserved a 20-foot easement over the westerly 40-feet of said parcel for highway slope purposes. The intention of the highway slope easement was to allow the City to maintain an embankment due to elevation differences between the subject parcel and an elevated pavement surface for the adjacent Newland Street.

Since the aforementioned property conveyance, the ownership has changed to, "Samir S. Botros and Nahed S. Luka, husband and wife, as joint tenants." The subject parcel and the adjacent northerly parcel are currently being used as AAA Animal Hospital and the site was conditionally approved as part of Coastal Development Permit (04-16) and Conditional Use Permit (04-49) to allow demolition and reconstruction of a new animal hospital facility. Condition of Approval Number 2 requires a Lot Line Adjustment be reviewed and approved by the Departments of Planning and Public Works prior to building permit issuance for the subject project. The City, by quitclaiming the highway slope easement, will facilitate processing of the required Lot Line Adjustment.

The current grading plan for the project indicates fill to raise the subject site out of the flood hazard zone. The Public Works Department is currently completing a project to widen and raise the adjacent portion of Newland Street, which will be at a similar elevation to the newly constructed animal hospital site. Therefore, a highway slope and corresponding easement will no longer be necessary.