



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Hayden Beckman, Planning Aide *HB*
DATE: May 27, 2008

SUBJECT: GENERAL PLAN CONFORMANCE NO. 08-002 (GOTHARD STREET VACATION)

APPLICANT: City of Huntington Beach Public Works Department (Jim Wagner), 2000 Main Street, Huntington Beach, CA 92648

PROPERTY

OWNER: Joe Gergen, 211-B Main Street, Huntington Beach, CA 92648

LOCATION: East side of Gothard Street approximately 150 feet west of Main Street

STATEMENT OF ISSUE:

- ◆ General Plan Conformance No. 08-002 request:
 - To determine if vacation of a City easement on a portion of property previously condemned for the Gothard Street widening is in conformance with the goals, objectives, and policies of the General Plan.

- ◆ Staff's Recommendation: Approve General Plan Conformance No. 08-002 based upon the following reasons:
 - The proposed vacation of the existing easement by the City of Huntington Beach complies with the goals, objectives and policies of the General Plan.
 - The easement is not necessary to preserve as it was not used by the City for street widening purposes along Gothard Street.
 - Vacation of the easement on the subject property will allow the land to be utilized to its full potential.

RECOMMENDATION:

Motion to:

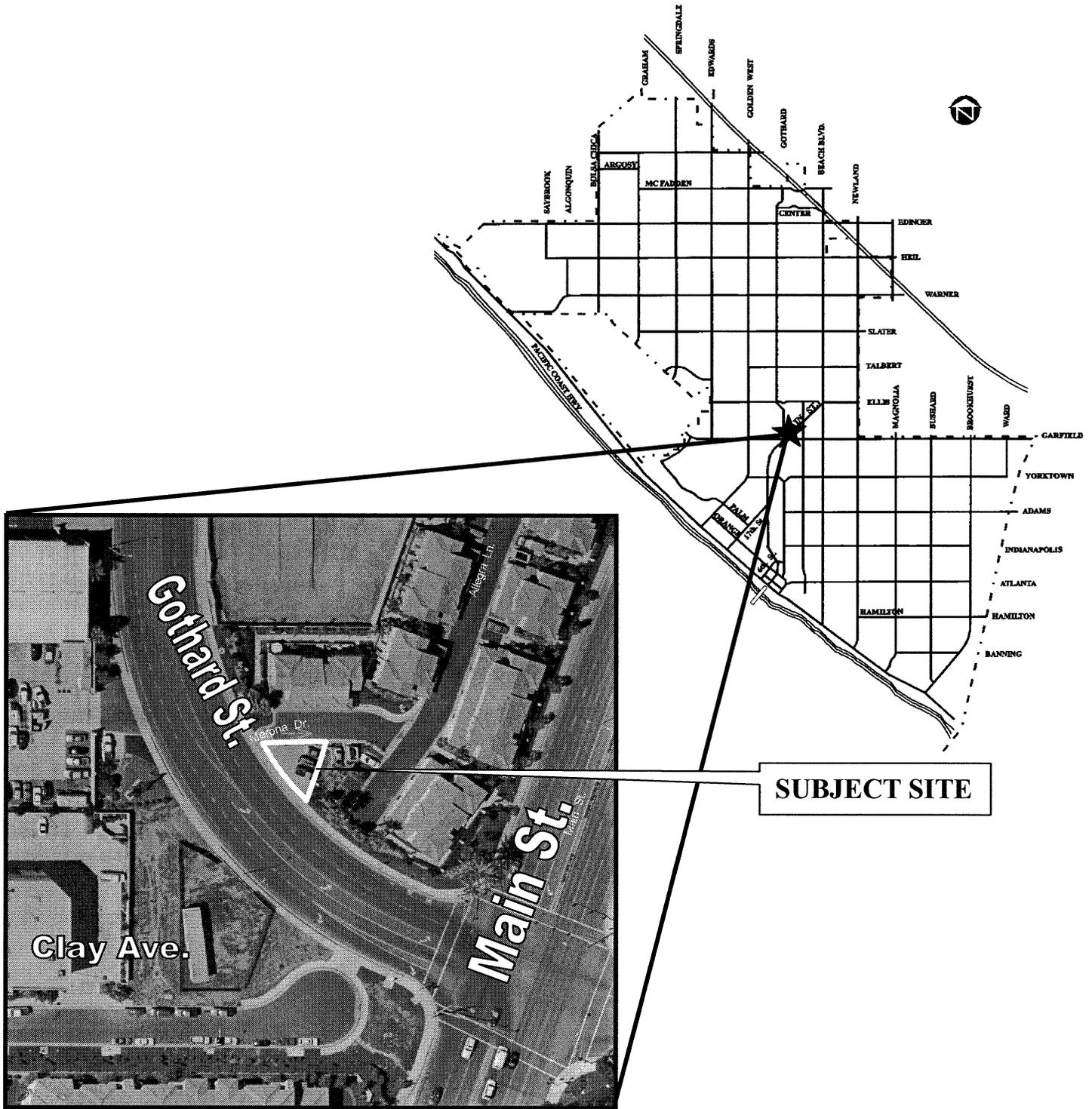
“Adopt Resolution No. 1622 approving General Plan Conformance No. 08-002 with findings (Attachment Nos. 1 and 2).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

“Deny General Plan Conformance No. 08-002 with findings for denial.”

#D-1



VICINITY MAP

**GENERAL PLAN CONFORMANCE NO. 08-002
(GOTTHARD STREET VACATION)**

PROJECT PROPOSAL:

General Plan Conformance No. 08-002 represents a request, pursuant to Section 65402 of the California Government Code, by the City of Huntington Beach to determine if vacation of a City easement on a 1,400 square foot portion of property previously condemned for the Gothard Street widening is in conformance with the goals, objectives, and policies of the General Plan.

On April 20, 1999 the City adopted Resolution of Necessity No. 98-30 as a part of the repositioning and extension of Gothard Street between Garfield Avenue and Main Street. The resolution split an existing private property by allowing the City to acquire approximately 9,900 square feet of property for street widening purposes.

Subsequently, on July 30, 1999 the City obtained a permanent easement on the 9,900 square foot portion of land, which classified its use as a right of way contribution to the future widening of Gothard Street. Approximately 8,500 square feet of the acquisition was used for the extension of Gothard Street and the remaining 1,400 square feet remained severed and fronting along the newly formed portion of Gothard.

Although designated by the General Plan as right of way, the 1,400 square foot site is no longer needed and has not since been used by the City for right of way purposes. The site is currently unimproved and occasionally used for overflow parking for the adjacent 29-unit apartment complex. On June 12, 2001 the Planning Commission approved Conditional Use Permit No. 00-75/Tentative Parcel Map No. 00-207 for the construction of the 29-unit apartment complex which abuts the subject area along the north and east property lines. At that time, the Planning Commission forwarded a recommendation to the City Council that the remnant parcel be maintained as a landscape area. (See Attachment No. 4)

Additionally, on April 23, 2008 the Planning Department received an application for Lot Line Adjustment No. 08-002, which requests that the subject property be consolidated to the surrounding parcel, on which the 29-unit apartment complex is located. After the remnant parcel is consolidated the applicant must install a 15 foot landscape planter along the street frontage as required by the Holly Seacliff Specific Plan, and possibly additional guest parking. Upon providing the required landscaping, approximately 620 square feet of the 1,400 square foot site will remain for other uses.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Right of Way	Specific Plan 9: Holly-Seacliff Specific Plan	Vacant
North and East of Subject Property:	RM (Residential – Medium Density)	Specific Plan 9	Apartments
South and West of the Subject Property (across Gothard St.):	I-F2-d-sp (Industrial – Max. Floor Area Ratio 0.50 – Design Overlay – Specific Plan Overlay)	Specific Plan 9	Industrial, Vacant

General Plan Conformance:

The only issue to consider as part of this request is the proposed vacation of the easement on the subject property and its conformance to the City’s General Plan. Vacation of the easement conforms to the following goals, objectives, and policies of the General Plan:

A. Land Use Element

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

Gothard Street currently provides sufficient access to the surrounding industrial and residential uses. As a result of the past widening and realignment, the subject property is no longer necessary to support the circulation pattern of the adjacent areas.

LU Goal 4: “Achieve and maintain high quality architecture, landscape, and public open spaces in the City.”

The vacation of the easement would result in a transfer of land to the property owner and allow for private purposes, including improvements to the unimproved site that would advance the visual character of the Gothard Street corridor.

LU Policy 9.1.3: “Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below.

(e) Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.”

In a memo to the Mayor and City Council dated June 20, 2001, the Planning Commission recommended that the subject site, a remnant parcel, be maintained as landscaped area. The subject property fronts Gothard Street and as an unimproved site does not contribute to integration or continuity of aesthetic character throughout the adjacent areas. Vacation of the easement will allow the remnant parcel to be incorporated into the adjacent development and

used to provide the required 15 foot landscaping buffer along Gothard street frontage, as set forth by the Holly Seacliff Specific Plan, and possibly additional guest parking.

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 subject easement is no longer needed and its vacation 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 Section 15306, Class 6 of the California Environmental Quality Act, which states that information collection which does not result in major disturbance to an environmental resource is exempt from any environmental review.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Public Works Department, acting as applicant for General Plan Conformance No. 2008-002, has reviewed and is processing the easement vacation request through the City Council.

Public Notification:

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

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

April 23, 2008 (Date of Request)

MANDATORY PROCESSING DATE(S):

June 1, 2008 (40 days from date of request)

ANALYSIS:

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 Land Use and Circulation Elements which are applicable to the proposed vacation. These policies are described in the General Plan Conformance section of this staff report.

Staff recommends that the Planning Commission approve General Plan Conformance No. 08-002 because the vacation of the easement on the subject property is consistent with the goals, objectives and policies of the General Plan.

ATTACHMENTS:

1. Suggested Findings of Approval – GPC No. 08-002
2. Planning Commission Resolution No. 1622
3. Project Narrative dated May 5, 2008
4. Planning Commission Memorandum dated June 20, 2001

SH:RR:HB

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 08-002

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 Section 15306 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO.08-002:

1. The proposed vacation of the easement on a 1,400 square foot property fronting Gothard Street is consistent with the following goals, objectives and policies of the General Plan:

A. Land Use Element

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

Gothard Street currently provides sufficient access to the surrounding industrial and residential uses. As a result of the past widening and realignment, the subject property is no longer necessary to support the circulation pattern of the adjacent areas.

LU Goal 4: “*Achieve and maintain high quality architecture, landscape, and public open spaces in the City.*”

The vacation of the easement would result in a transfer of land to the property owner and allow for private purposes, including improvements to the unimproved site that would advance the visual character of the Gothard Street corridor.

LU Policy 9.1.3: “*Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below.*”

(e) Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.”

The subject property fronts Gothard Street and as an unimproved site does not contribute to integration or continuity of aesthetic character throughout the adjacent areas. Vacation of the easement will allow the remnant parcel to be incorporated into the adjacent development and used to provide the required 15 foot landscaping buffer along Gothard street frontage, as set forth by the Holly Seacliff Specific Plan, and possibly additional guest parking.

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 subject easement is no longer needed and its vacation will not have a detrimental impact on the circulation system.

RESOLUTION NO. 1622

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH FINDING THAT THE VACATION OF A CITY EASEMENT ON A PROPERTY LOCATED ON THE EAST SIDE OF GOTHARD STREET APPROXIMATELY 150 FEET WEST OF MAIN STREET IS IN CONFORMANCE WITH THE GENERAL PLAN (GENERAL PLAN CONFORMANCE NO. 08-002)

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 an easement upon the subject site, a remnant portion of property located along the east side of Gothard Street approximately 150 feet west of Main Street. (APN: 111-150-24)

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Huntington Beach as follows:

SECTION 1: The subject site is an unimproved remnant property designated as a right of way on the General Plan Land Use Map.

SECTION 2: The easement vacation for private use is in conformance with the goals, objectives, and policies of the City's adopted General Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the 27th day of May 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Scott Hess, Secretary

Planning Commission Chairperson



CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION

TO: Hayden Beckman, Planning Aide

FROM: James Wagner, Senior Civil Engineer *JRW*

SUBJECT: General Plan Conformance 2008-02 for the vacation of a portion of condemned property for Gothard Street widening not required for street purposes

DATE: May 5, 2008

This is a request to process a GPC for vacating a permanent city easement left over on a portion of APN 111-150-24 that was intersected by new Gothard Street about five years ago. The triangular shaped street easement left over from a condemnation for the new Gothard Street was a piece of property belonging to 7251 Stewart Circle. The location is APN 111-150-24 at the North East corner of old Crystal Street and Clay Avenue also described as Lot 21 in Block "B" of Garfield Street Addition to Huntington Beach.

The request would vacate a 1410 sq ft easement on property owned by Joe Gergen that is not required by the city for street widening purposes and would complete the Lot Line Adjustment submitted by Joe Gergen and Bart Deboe to adjust the lots to take 1410 sq ft from the Gergen property severed by the new Gothard Street alignment and have it added to the Bart Deboe property on Gothard Street.

Attached, for your use, is an illustration showing the street easement area to be vacated as a crosshatched area.

There has been no environmental status action taken to date.

cc: Terri Elliott, Principal Civil Engineer

City of Huntington Beach

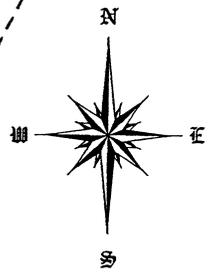
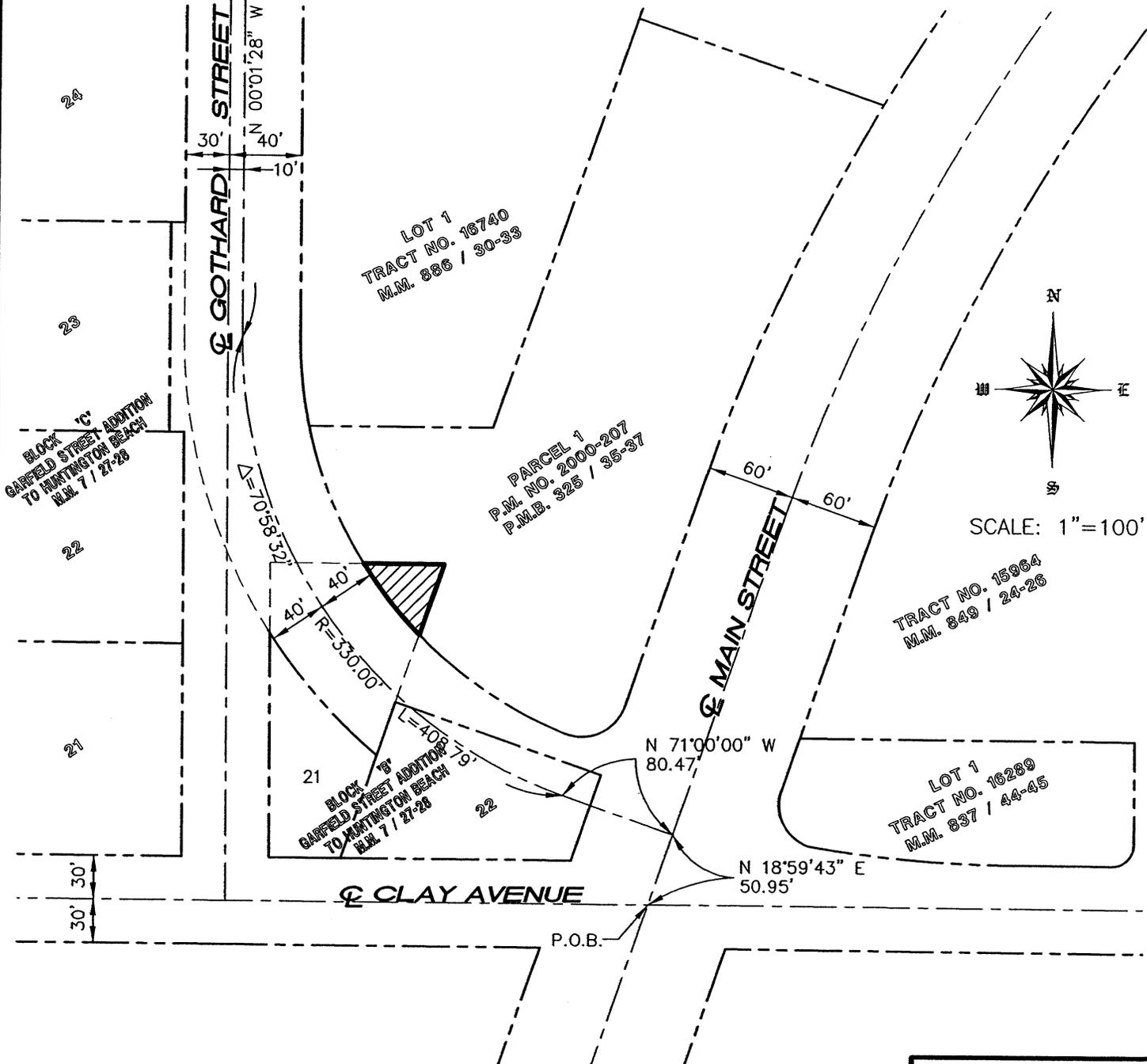
MAY 06 2008

N.E. COR., NW 1/4
NW 1/4, SEC. 2,
T. 6 S., R.11 W.,
S.B.B.M.

☞ GARFIELD AVENUE

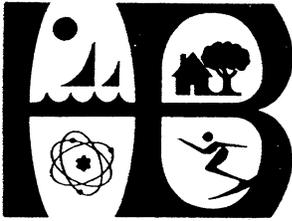
LEGEND:

 INDICATES AREA DESCRIBED HEREIN



SCALE: 1"=100'

EXHIBIT 'B'



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

TO: Honorable Mayor and City Council

FROM: Connie Mandic, Chairperson *cdm*
Huntington Beach Planning Commission

DATE: June 20, 2001

SUBJECT: Remnant Parcel at Main and Gothard

ISSUE:

On June 12, 2001 the Planning Commission reviewed and approved Conditional Use Permit No. 00-75 and Tentative Parcel Map No. 00-207 for the construction of 29 apartment units at Main and Gothard. At the Planning Commission meeting the issue of a remnant parcel adjacent to the proposed project and Gothard Street was discussed with staff. The Planning Commission requested that the City Council be apprised of their recommendation regarding the parcel.

BACKGROUND:

The remnant parcel totals approximately 1,400 square feet. The City acquired an easement on the parcel for street purposes (Gothard) in 1999, but the property owner, Mel Elliott, retained fee interest after the acquisition. The parcel is bordered on two sides by the approved 29-unit apartment project.

The Planning Commission discussed integrating the remnant parcel into the project. The project applicant, PLC, explained that it was unsuccessful in negotiating a purchase price for the parcel with the current owner, Mel Elliott. In addition, the City's easement does not permit the property to be used for private purposes. Thus, the property remains under the control of the City and Mr. Elliott.

RECOMMENDED ACTION:

The Planning Commission recommends that the remnant parcel be maintained as landscaped area.

c: Planning Commission
Ray Silver, City Administrator
Howard Zelefsky, Director of Planning
Matt Lamb, Real Estate Manager
Jennifer McGrath, Deputy City Attorney
Sandra Thornton, Assistant Planner