



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:** June 25, 2013

**SUBJECT: GENERAL PLAN CONFORMANCE NO. 13-001 (CULLUM EASEMENT VACATION)**

**APPLICANT:** Public Works Dept., City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

**PROPERTY**

**OWNER:** Darlene Cullum, 1802 Main Street, Huntington Beach, CA 92648

**LOCATION:** Northeast corner of Main Street at Springfield Avenue.

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**STATEMENT OF ISSUE:**

- ◆ General Plan Conformance No. 13-001 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. 13-001 based upon the following:
  - Conforms to the goals, objectives, and policies of the General Plan.

**RECOMMENDATION:**

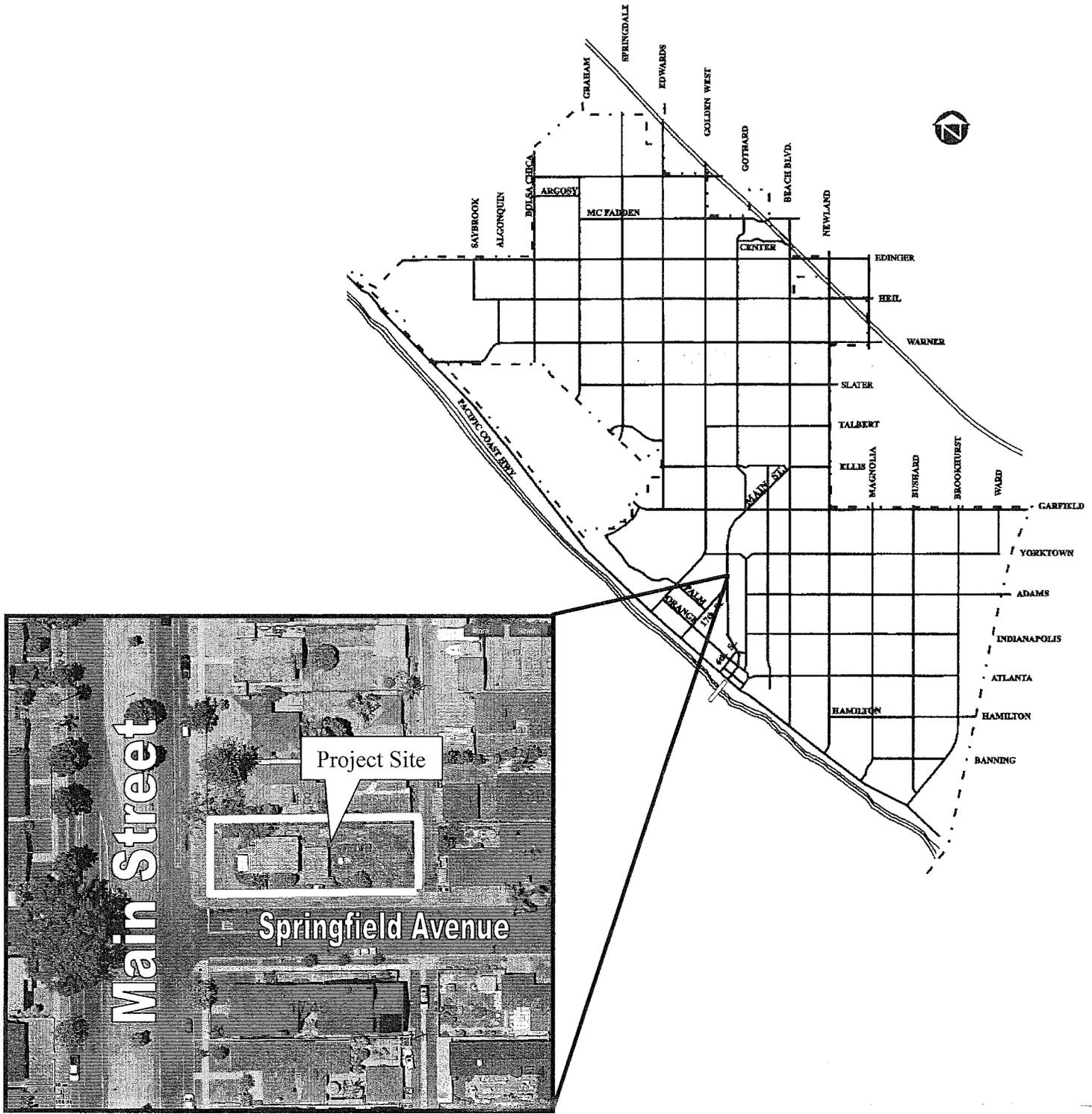
Motion to:

“Adopt Resolution No. 1670, approving General Plan Conformance No. 13-001 with findings (Attachment Nos. 1 and 2).”

**ALTERNATIVE ACTION:**

The Planning Commission may take an alternative action such as:

1. “Deny General Plan Conformance No. 13-001 with findings for denial.”
2. “Continue General Plan Conformance No. 13-001 and direct staff accordingly.”



**VICINITY MAP**  
**GENERAL PLAN CONFORMANCE NO. 2013-001**  
**(CULLUM EASEMENT VACATION)**

**PROJECT PROPOSAL:**

General Plan Conformance No. 13-001 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 proposed vacation of an approximately 48 square foot triangular right-of-way easement adjacent to a single family residential parcel is in conformance with the goals, objectives, and policies of the General Plan.

The subject right-of-way easement encompasses the southwestern corner of the residential parcel located at the northeast corner of Main Street at Springfield Avenue. The project site fronts Main Street and is surrounded by single family residential uses on all sides. The area to be vacated measures approximately 48 square feet and is currently a portion of the front yard for an existing single family residence. The Public Works Department has determined that the easement area is no longer required for pedestrian right-of-way improvements at the intersection. The pedestrian sidewalk and curb improvements have been designed and constructed around the existing property lines.

**Background:**

The subject easement was granted by the property owner and recorded by the City in 2012 in order to provide a corner radius with curb, ramp, and sidewalk improvements that were to be constructed by the City during the Main Street Rehabilitation Project. Due to a design change, the curb ramp improvements were constructed around existing property lines, removing the need for the subject easement. The Main Street Rehabilitation Project was completed in February 2013 and no further construction activities are necessary adjacent to the subject property.

**ISSUES:**

**Subject Property and Surrounding Land Use, Zoning and General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RL – 7 (Residential Low Density – 7 du/ac)	RL (Residential Low Density)	Single Family Residential
North, South, East and West of Subject Property:	RL – 7	RL	Single Family Residential

**General Plan Conformance:**

Vacating an approximately 48 square foot right of way 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.

Since adequate curb, gutter, sidewalk and ramp improvements have been constructed to provide an improved pedestrian access connection between sidewalks fronting Main Street and Springfield Avenue, the easement is not necessary to support existing and future public use. Upon vacation, the fee title for the area will revert back to the single family property owner.

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.

Existing streets and pedestrian sidewalks currently provide sufficient access to the surrounding residential uses. The subject area is no longer necessary to construct right-of-way infrastructure to provide the public circulation needs of the abutting properties. 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. 13-001 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:

May 26, 2013

MANDATORY PROCESSING DATE(S):

July 5, 2013 (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 objectives from the Land Use and Circulation Elements that are applicable to the request in the General Plan Conformance section of this staff report.

The vacation of the right-of-way easement facilitates 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 subject property owner.

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. 13-001.

**ATTACHMENTS:**

1. Suggested Findings of Approval – GPC No. 13-001
2. Planning Commission Resolution No. 1670
3. Project Narrative Dated April 26, 2013

SH:JJ:HB:kd

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS OF APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 13-001**

**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.

**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 and objectives 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.

Since adequate curb, gutter, sidewalk and ramp improvements have been constructed to provide an improved pedestrian access connection between sidewalks fronting Main Street and Springfield Avenue, the easement is not necessary to support existing and future public use. Upon vacation, the fee title for the area will revert back to the single family property owner.

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.

Existing streets and pedestrian sidewalks currently provide sufficient access to the surrounding residential uses. The subject area is no longer necessary to construct right-of-way infrastructure to provide the public circulation needs of the abutting properties. The vacation of the subject right-of-way easement will not have a detrimental impact on the circulation system.

**RESOLUTION NO. 1670**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH FINDING THE VACATION OF THE CULLUM  
PROPERTY RIGHT OF WAY EASEMENT IN CONFORMANCE WITH THE GOALS,  
OBJECTIVES, AND POLICIES OF THE GENERAL PLAN  
(GENERAL PLAN CONFORMANCE NO. 13-001)**

**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**, the City of Huntington Beach has declared its intention to vacate a 48 square foot right of way easement located at the southwestern corner of an existing residential parcel, east of Main Street, north of Springfield Avenue (Exhibit B); and

**WHEREAS**, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on June 25, 2013; 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 25th day of June, 2013, by the following roll call vote:

AYES: Bixby, Peterson, Franklin, Pinchiff, Dingwall, Kalmick, Mandic  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

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Scott Hess, Secretary

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Planning Commission Chairperson

## EXHIBIT A

### GENERAL PLAN GOALS, OBJECTIVES, AND POLICIES FOR CULLUM EASEMENT VACATION (GENERAL PLAN CONFORMANCE NO. 2013-001)

The vacation the Cullum public right of way easement conforms to the following goals and objectives 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.

Since adequate curb, gutter, sidewalk and ramp improvements have been constructed to provide an improved pedestrian access connection between sidewalks fronting Main Street and Springfield Avenue, the easement is not necessary to support existing and future public use. Upon vacation, the fee title for the area will revert back to the single family property owner.

#### B. Circulation Element

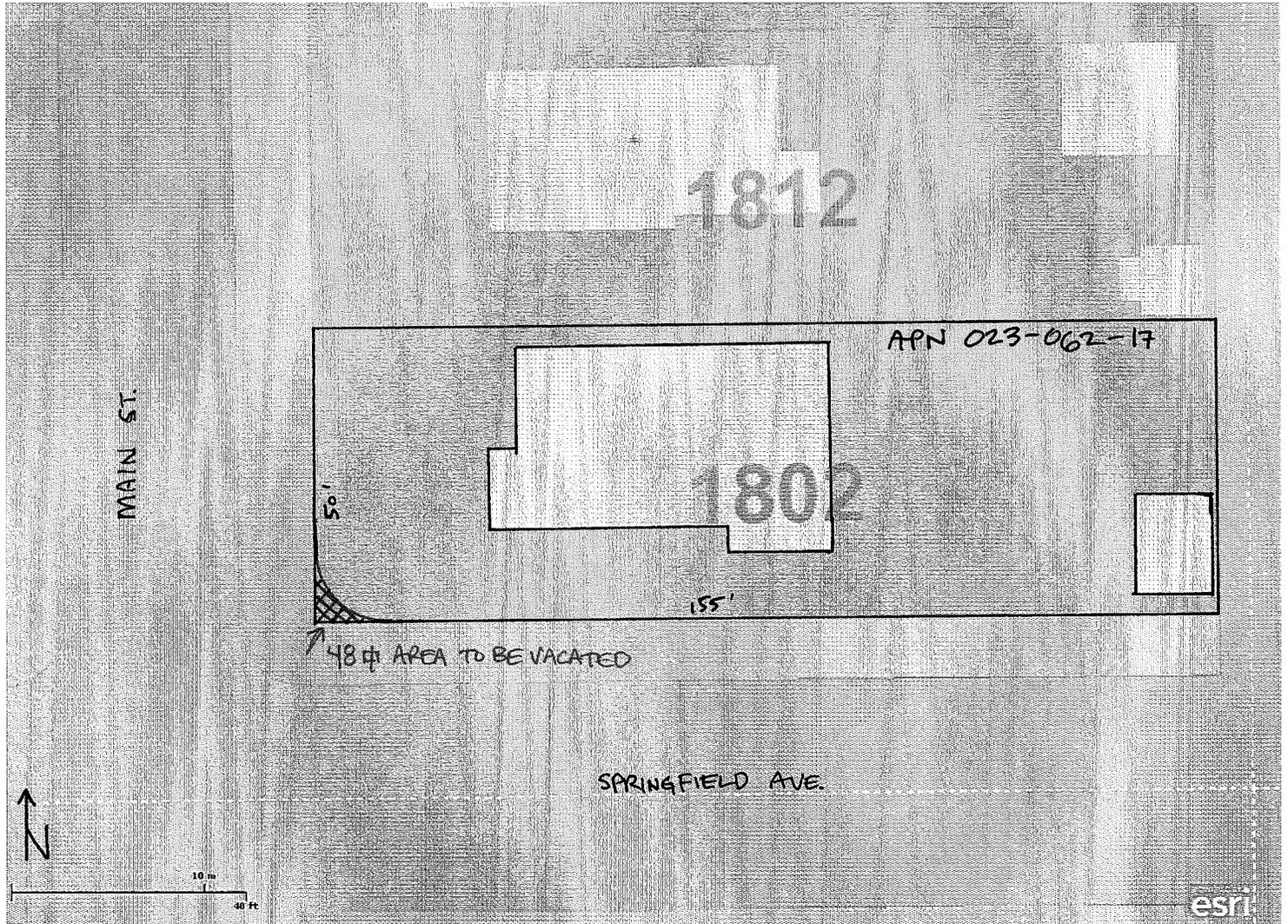
CE Objective 1.1: Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.

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.

Existing streets and pedestrian sidewalks currently provide sufficient access to the surrounding residential uses. The subject area is no longer necessary to construct right-of-way infrastructure to provide the public circulation needs of the abutting properties. The vacation of the subject right-of-way easement will not have a detrimental impact on the circulation system.

# EXHIBIT B

1802 Main Street



Project Narrative

Project: **Vacation of Approximately 48 Square Feet at 1802 Main Street**  
APN: APN 023-062-17  
Application: General Plan Conformance / Summary Street Vacation  
Applicant: City of Huntington Beach Public Works Department  
2000 Main Street, First Floor Civic Center  
Contact: James Wagner, PE, Senior Civil Engineer  
Phone #: (714) 536-5467  
Date: April 26, 2013

Project Summary

The Public Works Department proposes to vacate the corner easement behind the new city corner curb ramp at the northeast corner of Main Street and Springfield Avenue. The vacated easement area is approximately 48 square feet and has not been used for public purposes. The requested Summary Street Vacation is described as:

“That Portion of Said Lot 2 Lying Outside a Curve Having a Radius of 15.00 Feet, Concave to the Northeast being Tangent on the South to the South Line of Said Lot 2 and Tangent on the West to the West Line of Said Lot 2”

The easement area, upon vacation from the City, would become part of APN 023-062-17 owned by, DARLENE A. CULLUM, TRUSTEE who granted the easement to the City on 4/12/12 for proposed street improvements. This particular corner easement area (approx. 48 sq. ft.) is illustrated on the attached Exhibit “A”. The recorded easement deed with legal description is attached as Exhibit “B”.

Project Background

The purpose of this street vacation project is to comply with the Streets and Highway Code by relinquishing an easement no longer needed for street purposes. Public Works staff determined that the corner ramp could be safely reduced to a squared off corner rather than a radius corner during the construction of the street rehabilitation project CC-1397. Public Works recommends a street vacation to allow the owner to maintain and be responsible for the square footage located behind the corner curb ramp.

Easement Vacation

The Public Works Department does not anticipate the need for the described easement for future public improvements.

Hazardous Waste and Substance Declaration

Based on location and history of the property, the proposed project site is not located within a Hazardous Waste and Substance site pursuant to Section 65962.5 of the Government Code.

  
\_\_\_\_\_  
James Wagner, Applicant

4/26/13  
Date

See attached Exhibit “A” and Exhibit “B”

EXHIBIT "A"

OWNER: DARLENE CULLUM

ADDRESS: 1802 MAIN STREET      APN: 023-062-17

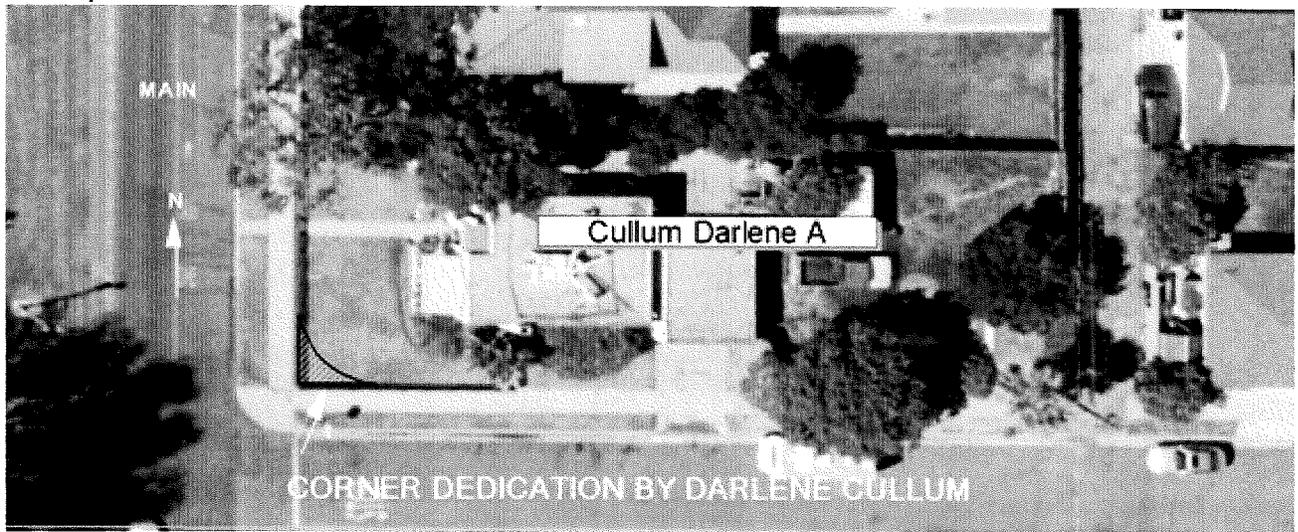
LEGAL: LOT 2 OF BLOCK 1803 OF TRACT 12 (BK 9 PG 13 OF MM)

LOCATION: Northeast corner of Main Street and Springfield Avenue

RECOMMENDATION: Public Works recommends that the City process a Summary Vacation of the corner easement located behind the corner concrete curb ramp at 1802 Main Street. The easement area is approximately 48 square feet and has never been used for public highway purposes.

COST: At no cost to the City, the easement was recorded on 4/12/12 for reconstructing a pedestrian curb ramp included in the City's Main Street Rehabilitation Project, CC-1397. Due to a design change, the easement was not required for the project. The Main Street Rehabilitation Project was completed on 2/21/13.

*Photo 1. The proposed corner radius easement vacation is depicted as the crosshatched area on the photo.*



*Photo 2. The proposed corner radius easement vacation is depicted as the crosshatched area on the photo.*

