

**SKETCH SHOWING THE EAST-WEST ALLEY
EAST OF ELM AVENUE AND NORTH OF BROADWAY
TO BE VACATED BY THE CITY OF LONG BEACH**

██████████ SHOWS PORTION TO BE VACATED

EXHIBIT A



~~RES-27~~

CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

October 5, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Resolution of Intention to Vacate the East-West Alley East of Elm Avenue and North of Broadway (District 2)

DISCUSSION

The property owners along this substandard, 10-foot wide alley request that the City eliminate public access over this strip of land, by vacating the alley easement. The purpose of the vacation is to curtail illegal and nuisance activities affecting the welfare of the occupants of the three adjacent residential buildings. The vacation of this alley will not eliminate any access to the adjoining properties and will enable the owners to restrict access by persons not residing in or having an interest in the adjacent properties. The action requested is shown on the attached Exhibit A.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedure, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Findings must establish that the subject right-of-way is unnecessary for present or prospective public use. The Department of Public Works supports this action, based on the following evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective public use:

1. The ownership parcels and building footprints adjacent to the subject alley are shown on the attached Exhibit B.
2. The apartment building at 223 - 231 Linden Avenue has 6 units, with front doors and windows opening directly onto the east-west alley. The apartment building at 220 Elm Avenue has a common pedestrian entrance gate on the alley and many windows opening directly onto the alley at the ground level. The Royal Hotel building at 431 E. Broadway has a rear entrance and fire escape stairway next to the alley. All of these buildings will have adequate access to their units from the surrounding streets and improved security, if the alley is vacated.
3. There are three parking lots adjacent to the alley. The entrance to the parking lot on Linden Avenue is being reconstructed for access directly off of Linden Avenue, instead of through the east-west alley as now exists. The parking lot on Elm Avenue may get a reconstructed entrance off of Elm Avenue, instead of taking access from the west end of

the east west alley, or may keep this entrance with an easement from the owner of 220 Elm Avenue. The parking lot north of 425 - 427 East Broadway takes access directly off of the north-south alley.

4. On March 4, 2004, the City of Long Beach Planning Commission determined that the subject vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. In conformance with the California Environmental Quality Act, Categorical Exemption Number 73-04 was issued for this project. The Planning Department staff report is included as Exhibit C.
5. The interested City Departments, including Fire and Police, have reviewed the proposed right-of-way vacation and land development and have no objections to this action. Conditions of approval satisfying the concerns of the public utility companies are shown on Exhibit D.

The proposed resolution of intention to vacate was prepared by Deputy City Attorney Lisa Peskay Malmsten on September 1, 2004. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

A vacation processing fee of \$1,000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Adopt the attached resolution of intention to vacate as shown on Exhibit A and set a public hearing for the subject vacation on November 9, 2004, in the City Council chambers, to allow all persons interested in or objecting to the proposed vacation to appear and be heard.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

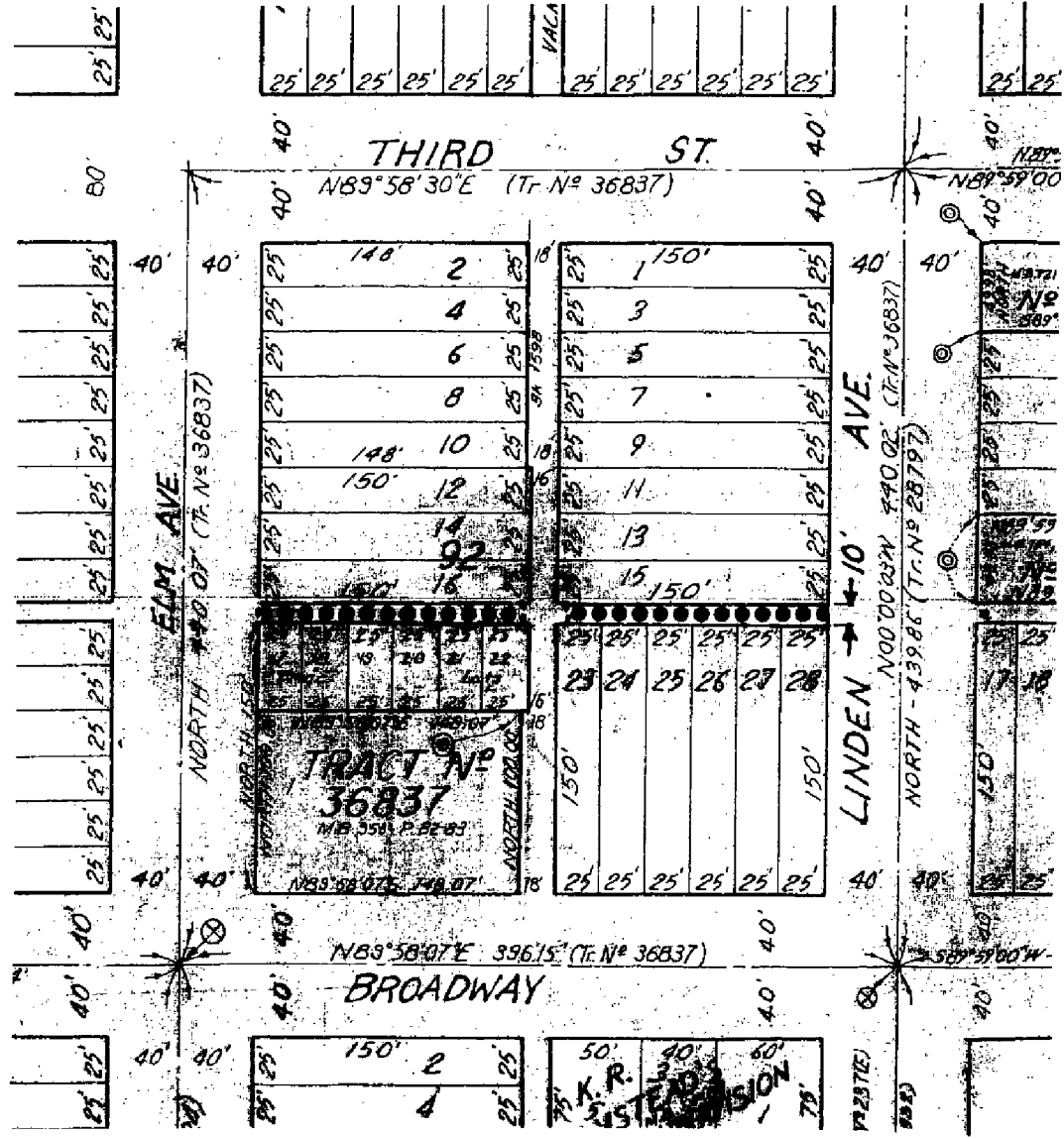
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Attachments

APPROVED:



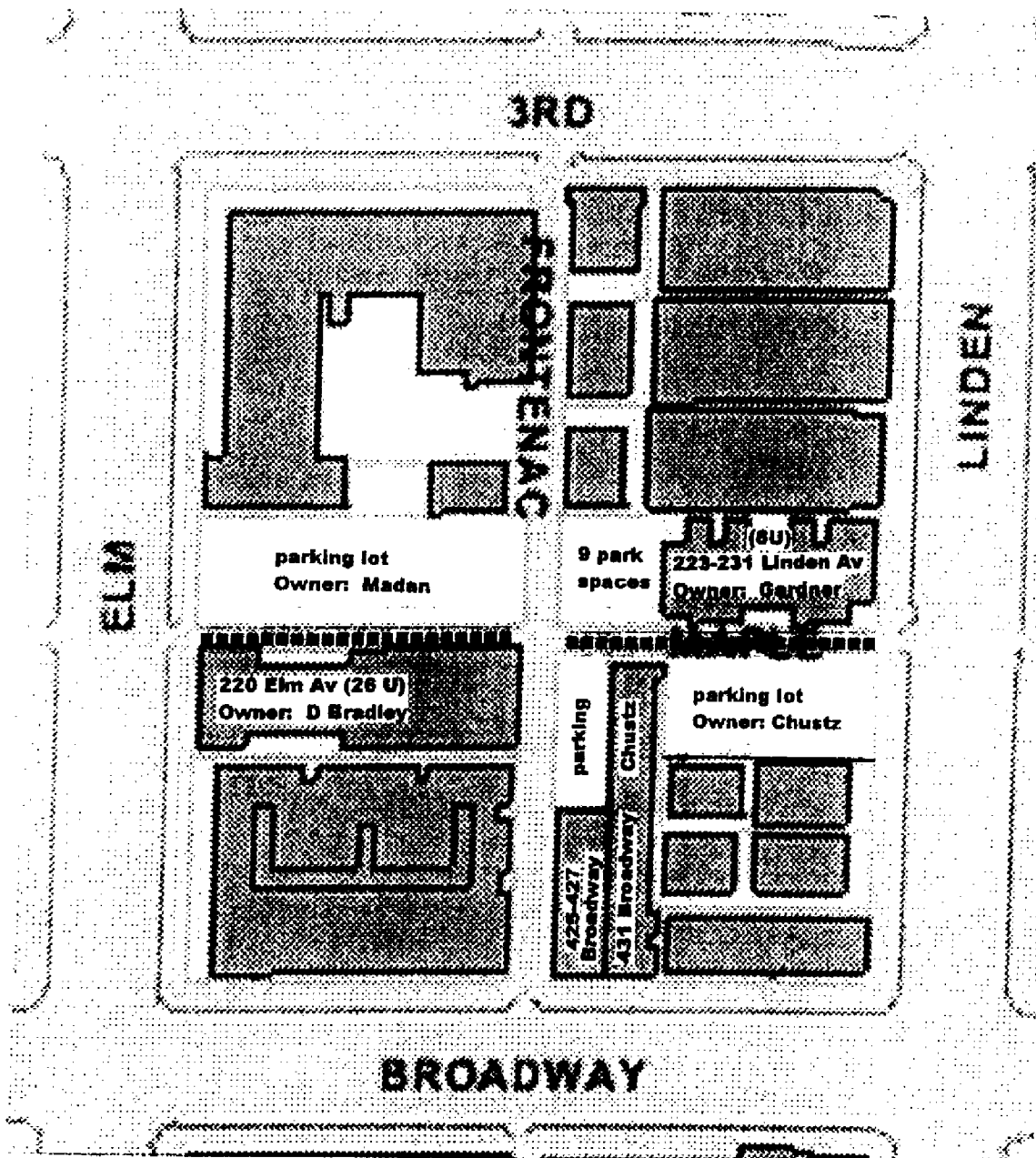
GERALD R. MILLER
CITY MANAGER



SKETCH SHOWING THE EAST-WEST ALLEY EAST OF ELM AVENUE AND NORTH OF BROADWAY TO BE VACATED BY THE CITY OF LONG BEACH

..... SHOWS PORTION TO BE VACATED

EXHIBIT B



LAND USE AND OWNERSHIP PARCELS

EXHIBIT B

**CITY OF LONG BEACH**

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

ADVANCE PLANNING

March 04, 2004

CONSENT CALENDAR

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Finding of Conformity with the *General Plan* for an Alley Vacation
(Council District 2)

LOCATION: East-West Alley East of Elm Avenue and North of Broadway

APPLICANT: Coralie Chustz
431 East Broadway.
Long Beach

RECOMMENDATION

Find the proposed alley vacation, as depicted in Exhibit A, in conformance with the *General Plan*.

BACKGROUND

Pursuant to California Government Code Section 65402, no street, parcel or alley may be vacated until such action has been submitted to, and reported upon by, the Planning Commission as to its conformity with the adopted *General Plan*. The proposed alley vacation is herein submitted for such review. The applicant wishes to eliminate an alley, as depicted in Exhibit A, and expand the parking lot behind their property. The alley has been the source of crime and nuisance behavior. The vacation of this alley will allow the affected property owners to better control crime and nuisance behavior through better control of access to their properties. The proposed alley vacation has been reviewed and approved by the Long Beach Public Works Department after consultation with other interested City departments.

A finding of consistency shall be made when the proposed re-use of the property conforms to the maps and policies of the *General Plan*. The *General Plan* consists of eleven

EXHIBIT B

Page 5 of 9

(Original Exhibit C.1)

elements: Land Use, Open Space, Transportation, Noise, Scenic Routes, Conservation, Local Coastal Program, Housing, Air Quality, Public Safety, and Seismic Safety. Each element of the *General Plan* carries the same authority concerning land use issues. All elements of the *General Plan* were considered and staff finds this vacation in conformance with all the elements of the *General Plan*. A review of the relevant elements and specific *General Plan* consistency findings are presented below:

GENERAL PLAN CONSISTENCY FINDINGS

Land Use Element

The Land Use Element divides the City into 21 land use districts, which provide general guidance as to the type and density of land uses considered appropriate. The alley in question is located in Land Use District (LUD) 7, Mixed Use. The intent of LUD 7 is to allow the "synergistic" blending of different types of land use that would vitalize our urban structure. The proposed vacation will not result in the change of density or use of the existing buildings hence consistency with the general plan will be maintained.

Transportation Element

A key goal of the Transportation Element is to establish a transportation system, which can provide sufficient mobility for people and goods throughout the city while accommodating reasonable, balanced growth. This alley vacation will not degrade circulation in the East Village Artists District. The alley is not referenced in the Transportation Element and the proposed vacation does not contradict any policies or objectives in the *General Plan*. Moreover, the new parking space configuration shall not reduce the total number required parking spaces for each affected property owner.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), categorical exemption 73-04 was issued.

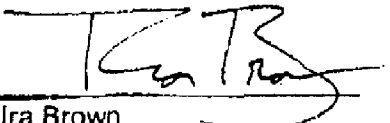
IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Find the proposed alley vacation, as depicted in Exhibit A, in conformance with the *General Plan*.

Respectfully submitted,

CHAIR AND PLANNING COMMISSIONERS
March 4, 2004
Page 3

FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

By: 
Ira Brown
Planner

Approved: 
for Angela Reynolds
Advance Planning Officer

Covenant_Presby.doc
FM:AR:IB

Attachment:

1. Exhibit A: Sketches depicting public right-of-way vacation and dedication
2. Exhibit B: Categorical Exemption CEP 73-04

**VACATION OF THE EAST-WEST ALLEY EAST OF ELM AVENUE
AND NORTH OF BROADWAY - SKETCH NO. 952V**

CONDITIONS OF APPROVAL

The proposal was reviewed by the interested city departments and public agencies, and there were no objections, provided that the following conditions of approval are included:

1. An easement shall be reserved for all existing utilities. No structures may be constructed or installed over the easement area.
2. The owners of the two properties adjacent to the west half of the alley shall enter into a private easement agreement to provide for continued access to the parking lot north of the alley, or the owner of the parking lot must reconstruct their access directly off of Elm Avenue.
3. The owner of parking lot south of the east half of the alley shall reconstruct their access directly off of ~~Elm~~ ^{Linden} Avenue.
4. The vacation petitioner shall resolve any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.

The above conditions are flexible in that they may be adjusted in consideration of changing conditions or of new evidence which occurs or becomes available prior to the adoption of the resolution vacating by the City Council.

SC

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 RESOLUTION NO. C-

2
3 A RESOLUTION ORDERING THE VACATION OF THE
4 EAST-WEST ALLEY EAST OF ELM AVENUE AND NORTH
5 OF BROADWAY, IN THE CITY OF LONG BEACH, COUNTY
6 OF LOS ANGELES, STATE OF CALIFORNIA
7

8 WHEREAS, the City Council of the City of Long Beach, did heretofore, on the
9 5th day of October, 2004 by Resolution No. C-28463, declare its intention to order the
10 vacation, pursuant to the provisions of the Public Streets, Highways, and Service
11 Easements Law, the east-west alley east of Elm Avenue and north of Broadway in the City
12 of Long Beach, County of Los Angeles, State of California, described more particularly as
13 follows:

14 The east-west alley, 10 feet wide, in Block 92, shown on the map of the
15 Townsite of Long Beach in the City of Long Beach, County of Los Angeles
16 and State of California, recorded in Book 19, Pages 91 through 96, inclusive,
17 of Miscellaneous Records in the office of the County Recorder of said
18 county, bounded on the west by the east line of Elm Avenue, 80 feet wide as
19 shown on said map, and bounded on the east by the west line of Linden
20 Avenue, 80 feet wide as shown on said map.

21 Except for the portion lying between a line 2.00 feet west of and parallel with
22 the west line of the north-south alley, 16 feet wide, in said Block 92, and a
23 line 2.00 feet east of and parallel with the east line of said north-south alley.

24 Reserving unto the City of Long Beach, its successors and assigns, over the
25 entire area vacated herein, a perpetual easement and right-of-way, at any
26 time or from time to time, to lay, construct, maintain, operate, repair, renew,
27 replace, change the size of and remove the existing utility lines, including, but
28 not limited to, sanitary sewers and appurtenant structures, together with all
necessary gates, valves, fittings, hydrants and appurtenances for the
transportation of water and gas, with the right of ingress to and egress from
the same, over, through, under, along and across that certain property
vacated herewith; and pursuant to any existing franchises or renewals
thereof, or otherwise, to construct, maintain, operate, replace, remove, renew
and enlarge lines of conduits, cables, wires, poles and other convenient
structures, equipment and fixtures for the operation of telephone lines and
other communication lines, and for the transportation or distribution of
electric energy, and incidental purposes including access and the right to
keep the property free from inflammable materials, and wood growth, and
otherwise protect the same from all hazards in, upon and over the part
vacated. Access for maintenance of the above-mentioned facilities must be
maintained at all times. No improvements shall be constructed within the

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1 easement which would impede the operation, maintenance or repair of said
2 facilities. Construction of any improvements, including changes of grade,
3 shall be subject to the prior written approval of all the City departments and
4 public utilities responsible for the above said facilities.

5 WHEREAS, the City Council did, at said time, fix Tuesday, the 9th day of
6 November, 2004 at the hour of _____ .m., as the time at the City Council Chamber,
7 Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long Beach,
8 California, as the place for hearing for all persons interested in or objecting to the proposed
9 vacation to appear and be heard; and

10 WHEREAS, notice of the resolution of the intention to vacate, stating the time
11 and place of said hearing, were duly posted in the manner prescribed by law; and

12 WHEREAS, said hearing was called and held before the City Council at the
13 time and place so fixed and evidence taken and received on the matter of said proposed
14 vacation, and the City Council, upon said evidence, now make those findings of fact set
15 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

16 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
17 follows:

18 Section 1. Pursuant to the foregoing resolution of intention, the proceedings
19 had thereunder, the "SKETCH SHOWING THE EAST-WEST ALLEY EAST OF ELM
20 AVENUE AND NORTH OF BROADWAY TO BE VACATED BY THE CITY OF LONG
21 BEACH" attached hereto as Exhibit "A", and the City Council Findings attached hereto as
22 Exhibit "B", said City Council of the City of Long Beach hereby makes its resolution
23 vacating and closing a portion of the drive hereinabove described.

24 Sec. 2. That this resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk is hereby instructed to certify to the adoption
26 thereof, and to cause a certified copy to be recorded in the Office of the County Recorder
27 of the County of Los Angeles, California.

28 I hereby certify that the foregoing resolution was adopted by the City Council

///

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 of the City of Long Beach at its meeting of _____, 2004 by the following votes:

2 Ayes: Councilmembers: _____

3 _____

4 _____

5 _____

6 Noes: Councilmembers: _____

7 _____

8 Absent: Councilmembers: _____

9 _____

10 _____

11 _____

12 _____
13 City Clerk

14 _____

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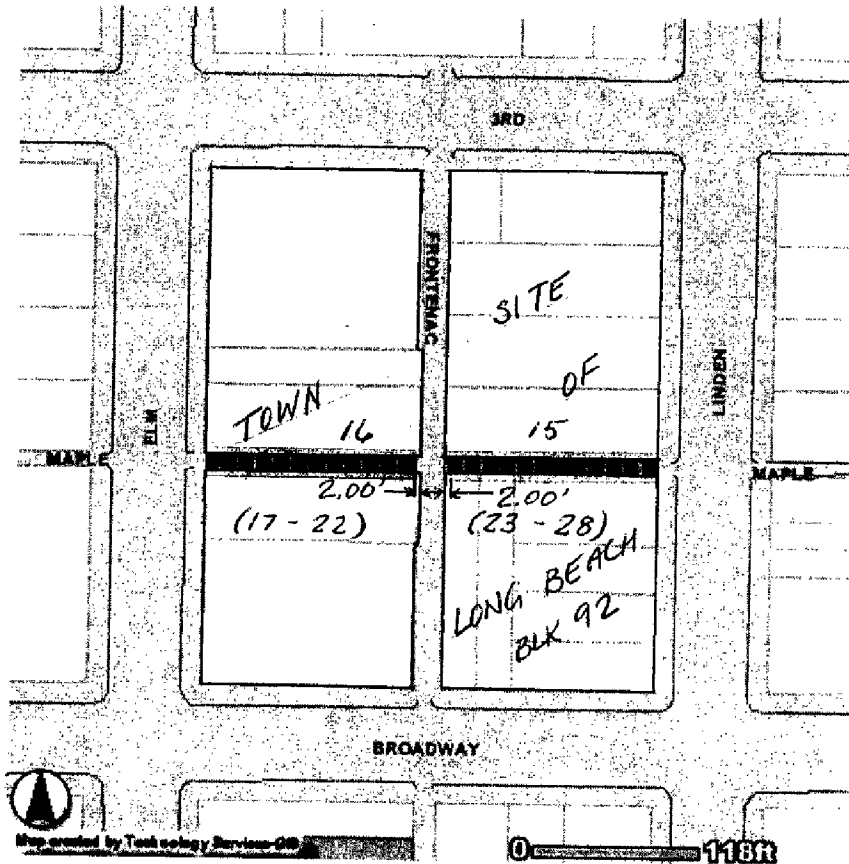
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27 LPM:ET

10/18/04

04-02316

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**SKETCH SHOWING THE EAST-WEST ALLEY
EAST OF ELM AVENUE AND NORTH OF BROADWAY
TO BE VACATED BY THE CITY OF LONG BEACH**

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EXHIBIT A

CITY COUNCIL FINDINGS

VACATION OF THE EAST-WEST ALLEY EAST OF ELM AVENUE AND NORTH OF BROADWAY - Reference Sketch No. 952V

1. The subject right-of-way is unnecessary for present or prospective public use.

This finding is based upon the following subfindings:

- a) Those findings stated in the City Manager's letter submitted for the October 5, 2004 City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as C-28463.
- b) The rights-of-way would not be useful for exclusive bikeway purposes.

2. The vacation of said rights-of-way will not have a significantly adverse environmental effect.

This finding is based upon the following subfindings:

- a) The right-of-way is not and will not be needed for public use.
- c) In conformance with the California Environmental Quality Act, Categorical Exemption No. 73-04 was issued for this project.

SC