



# CITY OF LONG BEACH

# CH-1

## DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

December 2, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find that the area to be vacated is not needed for present or prospective public use and adopt the attached resolution ordering the vacation of a portion of Edison Avenue in the vicinity of the Pacific Harbor Line rail right-of-way south of Ninth Street.  
(District 1)

### DISCUSSION

The Port of Long Beach (POLB) requests that a portion of Edison Avenue between Ninth and Pier B Streets be vacated and closed to public use. This portion runs between Pier B Street and Ninth Street, crossing the three railroad tracks operated by the Pacific Harbor Line in an at-grade, unguarded crossing.

On October 14, 2008, the City Council adopted Resolution No. RES-08-0132, declaring its intention to vacate the subject right-of-way, and set November 18, 2008, as the date for the public hearing. A copy of the October 14, 2008 City Council letter is attached as Exhibit A, showing the area proposed to be vacated and the street network in the vicinity of the area to be vacated. In order to provide the time needed to satisfy the requirements for publishing and posting of notices required by state law, the hearing was continued to December 2, 2008.

The proposed resolution was prepared by Deputy City Attorney Linda Trang on August 21, 2008. This matter was reviewed by Budget Management Officer Victoria on October 29, 2008 and Deputy City Attorney Linda Trang on November 3, 2008.

### TIMING CONSIDERATIONS

The date of this public hearing was set by City Council action.

**DIRECTOR'S OFFICE  
BUDGET & PERSONNEL**  
333 W. Ocean Blvd., 9<sup>th</sup> Floor  
Long Beach, CA 90802  
Ph. (562) 570-6383  
Fax (562) 570-6012

**ENGINEERING**  
333 W. Ocean Blvd., 9<sup>th</sup> Floor  
Long Beach, CA 90802  
Ph. (562) 570-6634  
Fax (562) 570-6012

**ENVIRONMENTAL  
SERVICES**  
2929 E. Willow Street  
Long Beach, CA 90806  
Ph. (562) 570-2850  
Fax (562) 570-2861

**FLEET SERVICES**  
2600 Temple Avenue  
Long Beach, CA 90806  
Ph. (562) 570-5400  
Fax (562) 570-5414

**PUBLIC SERVICE**  
1601 San Francisco Avenue  
Long Beach, CA 90813  
Ph. (562) 570-2782  
Fax (562) 570-2729

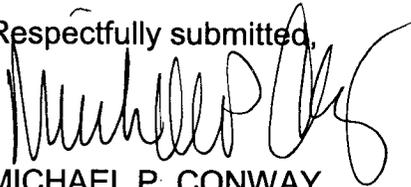
FISCAL IMPACT

A vacation processing fee of \$1,350 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS



AL MORO, P. E.  
CHIEF HARBOR ENGINEER  
PORT OF LONG BEACH

P:\CL\Row Edison Ave res ordering.doc  
MPC:MAC:GMM:SC

Attachments

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER



# CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

**R-14**

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

October 14, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Adopt a resolution of intention to vacate a portion of Edison Avenue in the vicinity of the Pacific Harbor Line rail right-of-way south of Ninth Street, and set a date for a public hearing on the vacation for November 18, 2008. (District 2)

## DISCUSSION

The Port of Long Beach (POLB) requests that a portion of Edison Avenue between Ninth and Pier B Streets be vacated and closed to public use. This portion runs between Pier B Street and Ninth Street, crossing the three railway tracks operated by the Pacific Harbor Line in an at-grade, unguarded crossing. The area proposed to be vacated is shown on the attached Exhibit A, and the street network in this vicinity is shown on the attached Exhibit B.

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 rail lines bisecting Edison Avenue currently serve nearly 30 trains a day, expected to increase to 40 trips a day by the year 2015.
2. Over the past 5 years, there have been eleven reported collisions between trains and vehicles at this unguarded crossing.
3. It is the policy of the California Public Utilities Commission, which regulates rail/roadway crossing, to reduce the number of these types of crossings to reduce the hazards to the public. CPUC approval will ultimately be required to close this at-grade crossing. CPUC staff have supported this decision.

**EXHIBIT A**

**Page 1 of 9**

4. The roadway improvements proposed for this section of Edison Avenue will allow emergency vehicles to continue to use this street when not closed by rail traffic.
5. The traffic study prepared by POLB estimates that 4000 vehicles a day use Edison Avenue crossing. However, the level of service of surrounding intersections that could be impacted by the re-routed traffic will not change significantly due to the street closure.
6. On July 2, 2007, POLB distributed their environmental documents for the closure (initial study, draft negative declaration and application summary report) to the public for comments, notifying 30 adjacent property owners and over 100 other interested parties that could potentially be affected by the closure. On July 16, 2007, the Port of Long Beach Harbor Commissioners held and satisfactorily concluded a public hearing on the matter.
7. On August 20, 2007, the Board of Harbor Commissioners adopted a Negative Declaration and Application Summary Report for the vacation and closure of the Edison Avenue Railroad Grade Crossing as Resolution No. HD-2380.
8. On February 21, 2008, the 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. The Planning Department staff report is included as Exhibit C.
9. 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 public hearing on this matter to be held on November 18, 2008, will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. The proposed resolution of intention to vacate was prepared by Deputy City Attorney Linda Trang on August 21, 2008.

This matter was reviewed by Deputy City Attorney Linda Trang on August 21, 2008 and by Budget Management Officer Victoria Bell on August 26, 2008.

#### TIMING CONSIDERATIONS

City Council action is requested on October 14, 2008, to allow POLB to proceed on schedule with the closure of Edison Avenue.

HONORABLE MAYOR AND CITY COUNCIL

October 14, 2008

Page 3

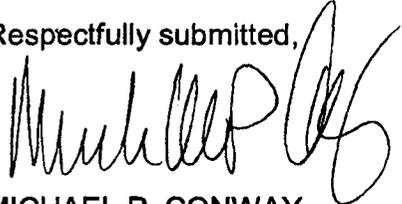
FISCAL IMPACT

A vacation processing fee of \$1,350 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

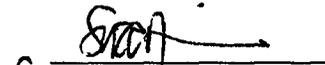


AL MORO, P.E.  
CHIEF HARBOR ENGINEER  
PORT OF LONG BEACH

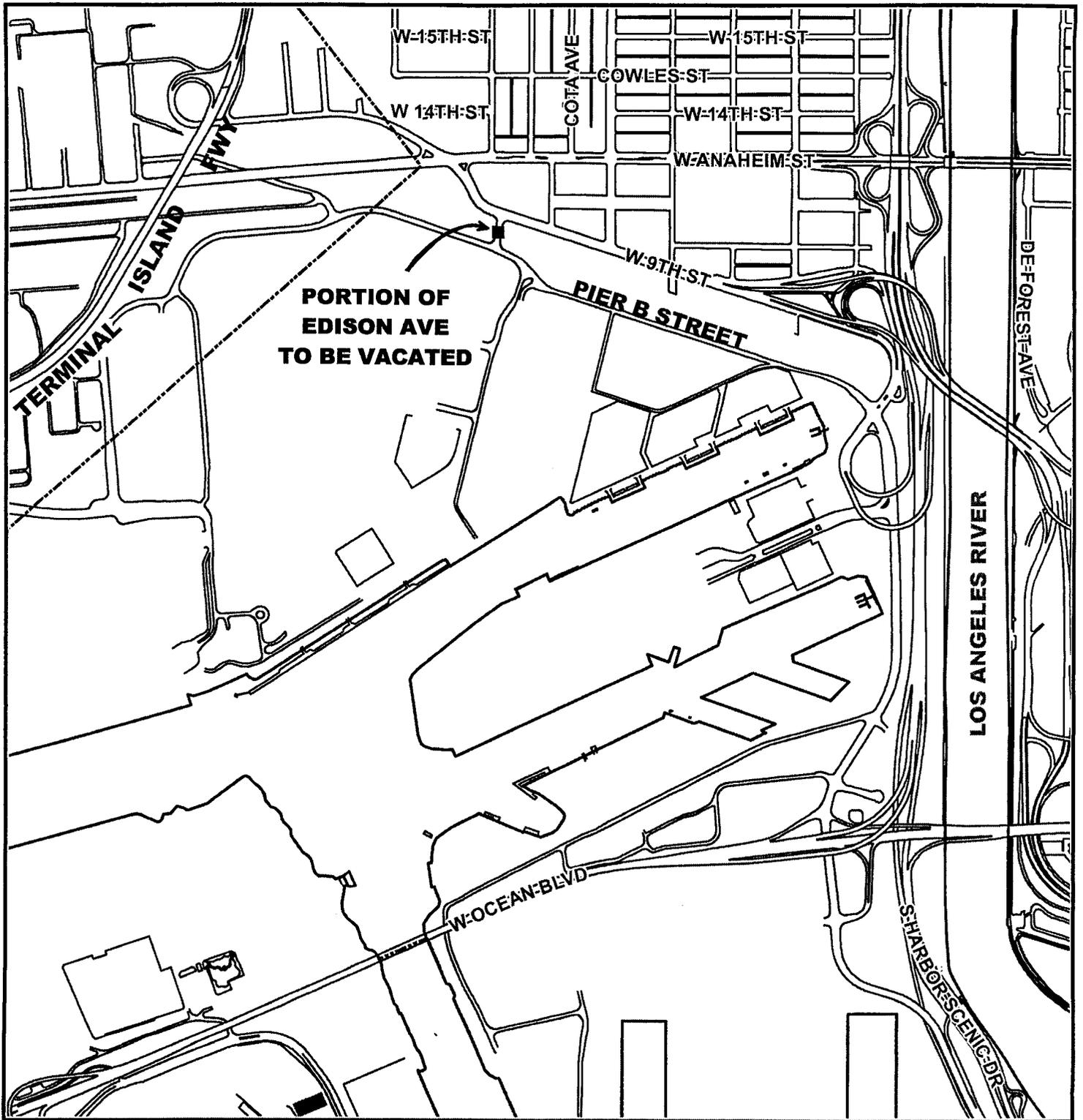
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Attachments

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER





**VICINITY MAP FOR THE VACATION OF A PORTION OF EDISON AVENUE**

(Original Exhibit B of the Oct 14, 2008 Council letter)



#714

# CITY OF LONG BEACH

LONG BEACH DEVELOPMENT SERVICES

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

February 21, 2008



CHAIRMAN AND PLANNING COMMISSIONERS

City of Long Beach  
CaliforniaSUBJECT: Finding of Conformity with the General Plan for the Edison Avenue  
Grade Crossing Vacation and Closure (Council District 1)LOCATION: Edison Avenue between 9<sup>th</sup> Street and Pier B StreetAPPLICANT: Louis Rubenstein  
Senior Traffic Engineer  
Port of Long Beach

## RECOMMENDATION

Find the proposed vacation of Edison Avenue between 9<sup>th</sup> Street and Pier B Street, as depicted in Exhibit A, in conformance with the adopted goals and policies of the City's *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 public right-of-way vacation is herein submitted for such review.

The Port of Long Beach proposes to permanently close and vacate an approximately 200-foot long section of Edison Avenue. The purpose of this project is to increase public safety by eliminating an unguarded at-grade railroad crossing. Currently, two mainline tracks and one yard lead track cross Edison Avenue. There has been 11 traffic accidents at this site between 2001 and 2005. This at-grade crossing has a high volume of long train and highway vehicular traffic which is expected to increase in the future. Moreover, the existing triple tracks are more dangerous and difficult to protect than single tracks.

The proposed project would prevent traffic from 9<sup>th</sup> Street from entering Edison Avenue by the construction of a traffic island and appropriate signage. Traffic barriers would be

(Original Exhibit C, pg 1, of the Oct 14, 2008 Council letter)

erected north and south of the railroad tracks to prevent traffic from crossing. Two alternative routes would be available for motorists to travel between Anaheim Street and Pier B Street: Anaheim Way Grade Separation and Pico Avenue to 9<sup>th</sup> / 10<sup>th</sup> Street to Anaheim Street.

A finding of conformity 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 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 subject site is located within Land Use District No. 12 (Harbor/Airport District) and the Port of Long Beach Activity Center. The Land Use Element states that the "land uses within the boundaries of the Harbor, and the Airport should support and promote the primary functions appropriate to each such subdistrict." The land use within the boundaries of the Port of Long Beach are designated and controlled by the Port Master Plan and the Port's Local Coastal Program." On August 20, 2008, the Board of Harbor Commissioners determined that the Edison Avenue vacation and closure is consistent with the Port Master Plan. Therefore, the proposed vacation is consistent with Land Use Element goal of supporting and promoting port related activities.

#### **Transportation Element**

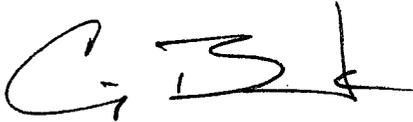
A key goal of the Transportation Element is to establish a transportation system, which can provide sufficient mobility for people and goods throughout the city while accommodating reasonable, balanced growth. As stated in the Transportation Element, "providing adequate rail and highway access to handle the forecast cargo movement, while minimizing the negative impacts of this increase on existing port of Long Beach facilities and surrounding communities." Reducing conflicts at rail line and at grade street crossing is a major objective of the Master Road and Railway Transportation Improvement plan, as detailed in the Transportation Element. The proposed vacation is not referenced in the Transportation Element and the proposed vacation does not contradict any policies or objectives in the Transportation Element.

(Original Exhibit C, pg 2, of the Oct 14, 2008 Council letter)

**ENVIRONMENTAL REVIEW**

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), on August 20, 2007, the Board of Harbor Commissioners approved a Negative Declaration indicating that the proposed project would not have a significant effect on the environment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Beck', with a stylized flourish at the end.

CRAIG BECK  
DIRECTOR, LONG BEACH DEVELOPMENT SERVICES

CB:IB

Attachments:

Exhibit A: sketch depicting street vacation  
Exhibit B: Aerial Map

(Original Exhibit C, pg 3, of the Oct 14, 2008 Council letter)

## CONDITIONS OF APPROVAL

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### VACATION OF A PORTION OF EDISON AVENUE IN THE VICINITY OF THE LONG BEACH LEAD LINE SOUTH OF NINTH STREET SKETCH NO. 987V

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 any existing utilities, which are known to include water, sewer, gas, electrical and telephone lines. No structures may be constructed or installed over the easement area.
2. All required improvements and traffic control modifications are the responsibility of the Port of Long Beach, as the vacation petitioner.
3. The vacation petitioner shall resolve at its cost 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.

GM:SC

(Original Exhibit D of the Oct 14, 2008 Council letter)

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF A PORTION OF EDISON AVENUE IN THE VICINITY OF THE LONG BEACH LEAD LINE RAIL RIGHT-OF-WAY SOUTH OF NINTH STREET IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

WHEREAS, the City Council of the City of Long Beach, did heretofore, on the \_\_\_\_\_ of \_\_\_\_\_, 2008, by Resolution No. \_\_\_\_\_, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, a portion of Edison Avenue in the vicinity of the Long Beach Lead Line Rail right-of-way south of Ninth Street, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

Parcel 1: Dedicated portion of Edison Avenue.

A portion of Parcel 5, in the City of Long Beach, County of Los Angeles, State of California, as shown on a Record of Survey filed in Book 49, Page 43, of Record of Surveys, said portion also being a portion of Parcel I of that certain property granted to the City of Long Beach per document recorded December 31, 1957 in Book 56335, Page 163, Official Records, both in the office of the County Recorder of said Los Angeles County, more particularly described as follows:

The most Northerly 33.00 feet of said Parcel 5, also known as Edison Avenue (58.28 feet wide).

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Parcel 2: Existing traveled way of Edison Avenue.  
A portion of Rancho Los Cerritos, in the City of Long Beach, County of Los Angeles, State of California, as shown on a map filed in Book 2, Page 202, of Patents; said portion also being a portion of Parcel III, of that certain document recorded May 31, 1924 in Book 3107, Page 315, Official Records, both in the office of the County Recorder of said Los Angeles County, more particularly described as follows:

The Easterly 50.00 feet of the Northerly 33.00 feet of said Parcel III, the Northerly line of said Parcel III being the Southerly line of the City of Los Angeles/City of Long Beach Right-of-Way (50.00 feet wide) per Instrument No. 94-2282145, Official Records of said Los Angeles County, said Right-of-Way formerly the Southern Pacific Railroad Right-of-Way (50.00 feet wide) per document recorded in Book 539, Page 34, of Deeds, records of said Los Angeles County. The Easterly line of said Parcel III being the Westerly line of Parcel 5 as shown on a Record of Survey filed in Book 49, Page 43, of Records of Surveys, in the office of the County Recorder of said Los Angeles County.

Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way for emergency access, and a perpetual easement and right of way, at any time or from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the size of

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and remove the existing utility lines, including, but not limited to, sanitary sewers, storm drains 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 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 easement which would impede the operation, maintenance or repair of said facilities. Construction of any improvements, including changes of grade, shall be subject to the prior written approval of all the City departments and public utilities responsible for the above said facilities.

WHEREAS, the City Council did, at said time, fix Tuesday, the \_\_\_\_\_ day of \_\_\_\_\_, 2008, at the hour of \_\_\_\_\_ p.m., as the time and the City Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the place for hearing for all persons interested in or

1 objecting to the proposed vacation to appear and be heard; and

2 WHEREAS, notice of the resolution of the intention to vacate, stating the  
3 time and place of said hearing, was duly posted in the manner prescribed by law; and

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

8 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
9 follows:

10 Section 1. Pursuant to the foregoing resolution of intention, the  
11 proceedings had thereunder, Vacation Sketch No. 987V showing a portion of Edison  
12 Avenue in the vicinity of the Long Beach Lead Line Rail right-of-way south of Ninth Street  
13 to be vacated by the City of Long Beach attached hereto as Exhibit "A", and the City  
14 Council Findings attached hereto as Exhibit "B", said City Council of the City of Long  
15 Beach hereby makes its resolution vacating and closing a portion of the street  
16 hereinabove described.

17 Section 2. That this resolution shall take effect immediately upon its  
18 adoption by the City Council, and the City Clerk is hereby instructed to certify to the  
19 adoption thereof, and to cause a certified copy to be recorded in the Office of the County  
20 Recorder of the County of Los Angeles, California.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_ by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

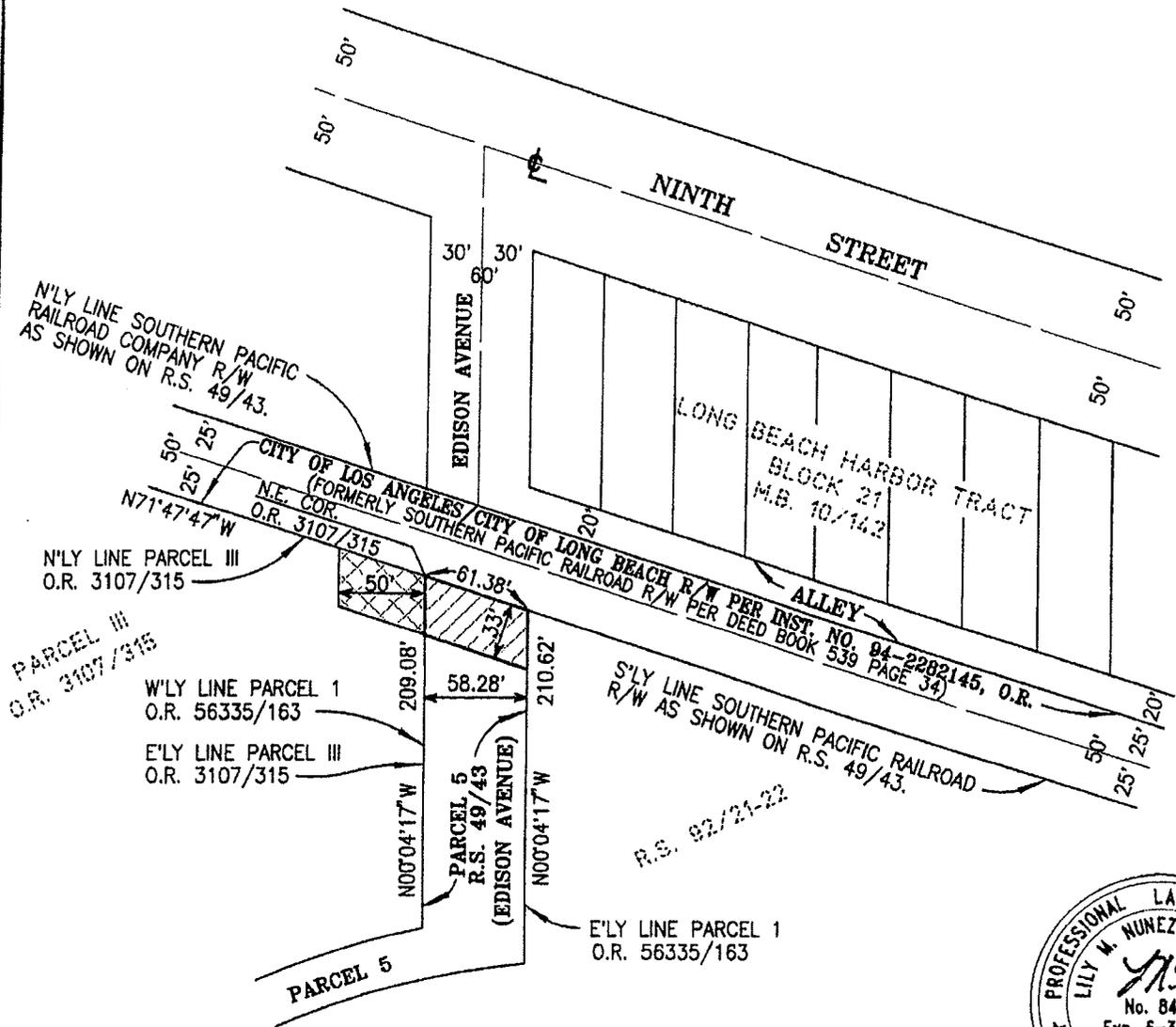
Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

# EXHIBIT A

SCALE: 1" = 100'



**PARCEL 1**

 INDICATES PORTION OF EDISON AVENUE TO BE VACATED.

**PARCEL 2**

 INDICATES THE PORTION OF THE EXISTING TRAVELED WAY OF EDISON AVENUE TO BE VACATED. (NON-DEDICATED PORTION OF STREET)

PREPARED BY ME OR UNDER MY SUPERVISION:

  
 LILY M. NUNEZ SANDBERG, P.L.S 8402  
 REGISTRATION EXPIRES: 6-30-08

5-13-08  
 DATE



**Bureau Veritas, N.A., Inc.**

1565 MacArthur Boulevard  
 Costa Mesa, CA 92626  
 Tel: (714) 431-4100  
 Fax: (714) 825-1669  
 www.us.bureauveritas.com

<b>CITY OF LONG BEACH</b>		
VACATION OF A PORTION OF EDISON AVENUE		
DATE: 4-15-08	DRAWN BY: A.B./L.S.	SHEET 1 OF 1

## CITY COUNCIL FINDINGS

### VACATION OF A PORTION OF EDISON AVENUE IN THE VICINITY OF THE LONG BEACH LEAD LINE SOUTH OF NINTH STREET Reference Sketch No. 987V

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**The subject right-of-way is unnecessary for present or prospective public use. This finding is based upon the following subfindings:**

- a) It is the policy of the California Public Utilities Commission (CPUC), which regulates rail/roadway crossing, to reduce the number of these types of crossings to reduce the hazards to the public. Final approval from CPUC will ultimately be required to close this at-grade crossing.
- b) The Port of Long Beach Traffic Study determined that the level of service of surrounding street intersections will not change significantly due to this street closure.
- c) On August 20, 2007, the Board of Harbor Commissioners adopted a Negative Declaration and Application Summary Report for the vacation and closure of the Edison Avenue Railroad Grade Crossing as Resolution No. HD-2380, based on a finding that there was no substantial evidence that the project will have a significant effect on the environment.
- d) The improvements proposed for this section of Edison Avenue will allow emergency vehicles to continue to use this street when not closed by rail traffic. On November 14, 2007, POLB, in conjunction with affected terminals and emergency service agencies, prepared an Emergency Response Plan as required by Special Condition No. 9 of Harbor Development Permit No. 06-076 as cited in Resolution No. HD-2380.
- e) On February 21, 2008, the 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.
- f) 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. A public utility easement will be reserved.
- g) The rights-of-way would not be useful for exclusive bikeway purposes.

**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.
- b) In conformance with the California Environmental Quality Act, the Port of Los Angeles adopted a Negative Declaration for this project.