



# CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

# C-16

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

July 10, 2018

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Adopt a Resolution of Intention to vacate the portion of Nardo Way (a named alley) between Long Beach Boulevard and Palmer Court (a named alley); set the date of August 14, 2018, for the public hearing on the vacation; and,

Accept Categorical Exemption CE-17-347. (District 1)

## DISCUSSION

DMI Real Estate Group, owner of the commercial property at 923 and 927 Long Beach Boulevard, requests the vacation of the portion of Nardo Way between Long Beach Boulevard and Palmer Court (Attachment A). This portion of Nardo Way divides two vacant lots. Vacating this portion of Nardo Way would allow the applicant to merge these lots and construct new multi-family housing complexes. On February 1, 2018, the Planning Commission determined that the proposed vacation of the 1,500 square-foot area was in conformance with the adopted goals of the City's General Plan (Attachment 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 Public Works Department supports this vacation based on findings that this portion of Nardo Way between Long Beach Boulevard and Palmer Court is not necessary as a vehicular or pedestrian thoroughfare.

In conformance with the California Environmental Quality Act, Categorical Exemption CE-17-347 was adopted for this development (Attachment C).

The necessary departments have reviewed the proposed right-of-way vacation and have no objections to this action. Conditions of approval, satisfying the concerns of the public utility companies, are shown on Attachment D.

This matter was reviewed by Deputy City Attorney Linda T. Vu on June 20, 2018 and by Budget Analysis Officer Julissa José-Murray on June 22, 2018.

HONORABLE MAYOR AND CITY COUNCIL

July 10, 2018

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TIMING CONSIDERATIONS

City Council action is requested on July 10, 2018, to set a public hearing date on this matter for August 14, 2018.

FISCAL IMPACT

A tentative vacation processing fee in the amount of \$8,151 was deposited in the General Fund (GF) in the Public Works Department (PW). There is no local job impact associated with this recommendation.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK  
DIRECTOR OF PUBLIC WORKS

APPROVED:



PATRICK H. WEST  
CITY MANAGER

CB:sdj

- ATTACHMENTS: - RESOLUTION  
- ATTACHMENT A; VACATION SKETCH NO. 1024V  
- ATTACHMENT B; PLANNING COMMISSION STAFF REPORT FINDINGS  
- ATTACHMENT C; CEQA CE-17-020  
- ATTACHMENT D; CONDITIONS OF APPROVAL

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF INTENTION TO VACATE A PORTION OF NARDO WAY BETWEEN LONG BEACH BOULEVARD AND PALMER COURT, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PURSUANT TO THE PUBLIC STREET, HIGHWAYS AND SERVICE EASEMENTS LAW (DIVISION 9, PART 3, CALIFORNIA STREETS AND HIGHWAYS CODE); FIXING A TIME AND PLACE FOR HEARING ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED VACATION

The City Council of the City of Long Beach resolves as follows:

Section 1. The City Council of the City of Long Beach hereby elects to proceed under Division 9, Part 3, Chapter 3, of the California Streets and Highways Code (Section 8320 *et seq.*), as amended, generally known and referred as the "Public Street, Highways and Service Easements Law", and hereby declares its intention to vacate a portion of Nardo Way between Long Beach Boulevard and Palmer Court, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

"A PORTION OF THAT CERTAIN ALLEY, 10 FEET WIDE, AS SHOWN IN TOWN SITE OF LONG BEACH, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 19 PAGES 91 TO 96 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. THE SOUTHERLY LINE OF WHICH IS THE EAST 150 FEET OF THE NORTHERLY LINE OF LOT 4, AND THE NORTHERLY LINE OF

1 WHICH IS THE EAST 150 FEET OF THE SOUTHERLY LINE OF LOT 2,  
2 BOTH LOTS BEING IN BLOCK 7 OF SAID MAP.

3 CONTAINING 1,500 SQUARE FEET, MORE OR LESS.

4 SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS,  
5 RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS, IF  
6 ANY.”

7 Section 2. All of the foregoing real property is shown on the map or plan  
8 thereof, attached hereto as Exhibit “A”, and on file in the office of the City Clerk, which  
9 map or plan is known and referred to as “City of Long Beach Department of Public Works  
10 Vacation Sketch No. 1024V”.

11 Section 3. The City Council hereby fixes \_\_\_\_\_, 2018  
12 at the hour of 5:00 p.m., as the time and the City Council Chamber, Plaza Level of the  
13 City Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the place  
14 for hearing all persons interested in or objecting to the proposed vacation.

15 Section 4. The City Council hereby directs that notice of said hearing on  
16 this proposed street vacation be published for at least two (2) successive weeks prior to  
17 the hearing and in the manner provided by Section 8322 of the State Streets and  
18 Highways Code.

19 Section 5. The City Council hereby directs that notice of this street  
20 vacation be posted conspicuously along the street proposed to be vacated at least two  
21 (2) weeks before the date set for hearing and in the manner provided by Section 8323 of  
22 the State Streets and Highways Code.

23 Section 6. This resolution shall take effect immediately upon its adoption  
24 by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, 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 \_\_\_\_\_, 2018  
by the following vote:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

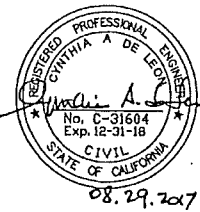
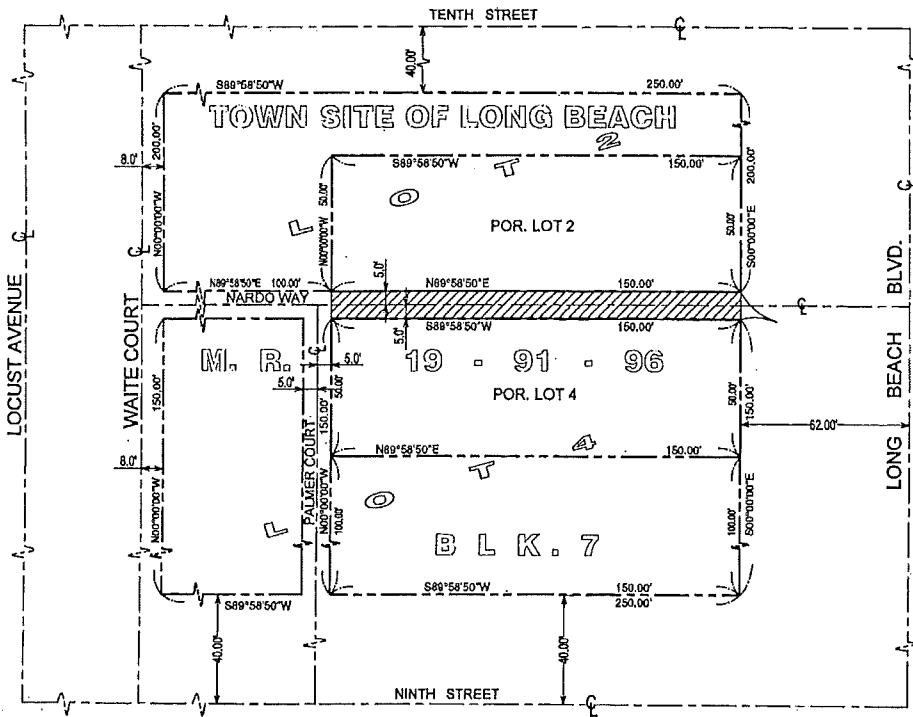
\_\_\_\_\_  
City Clerk

LEGEND:

INDICATES THE AREA PROPOSED TO BE VACATED  
1,500.00 SQUARE FEET, MORE OR LESS

PLAT  
ALLEY VACATION

SKETCH NO. 1024V  
SKETCH SHOWING THE PORTION OF  
NARDO WAY BETWEEN LONG BEACH  
BOULEVARD AND PALMER COURT TO BE  
VACATED BY THE CITY OF LONG BEACH



DEPARTMENT OF PUBLIC WORKS  
ENGINEERING BUREAU  
CITY OF LONG BEACH, CALIFORNIA  
ATTACHMENT 1





# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6088

February 1, 2018

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Find the proposed vacation of 150 feet of the east-west alley (named Nardo Way) located east of Palmer Court (a named alley) and west of Long Beach Boulevard (GPC17-005), located between 923 and 927 Long Beach Boulevard, in conformance with the adopted goals and policies of the City's General Plan. (District 1)

APPLICANT: BJ KIM  
10200 Sepulveda Boulevard, Suite 290  
Mission Hills, CA 91345  
(Application No. 1712-07)

## DISCUSSION

This item was continued from the January 18, 2018 meeting. Pursuant to California Streets and Highways Code Section 8313 and California Government Code Section 65402, before an application for an alley vacation can be considered by the City Council in a jurisdiction with an adopted General Plan, the jurisdiction's Planning Commission must make a finding of conformity with the adopted maps and policies.

The subject request pertains to a 10-foot-wide east-west alley (named Nardo Way) that measures 150 feet in length between Palmer Court (a named alley) and Long Beach Boulevard, within the Downtown Plan (PD-30) (Exhibit A – Location Map). The alley is between two privately owned vacant properties at 923 and 927 Long Beach Boulevard, to the north and to the south, respectively. The properties are currently fenced off and provide no vehicular access to the site.

The private-property owner has submitted preliminary development plans for a residential mixed-use project, and has submitted a request to the Public Works Department for the alley vacation. Obtaining the finding of General Plan conformity during this early stage will allow the property owner additional certainty when preparing development plans for formal submittal. The decision-making body on the alley vacation is the City Council.

## ATTACHMENT B



General Plan Consistency Findings

The General Plan consists of 11 elements and each element carries the same authority concerning land use issues. All elements of the General Plan were considered and staff finds this vacation to be in conformance with all applicable elements. A review of the relevant elements and specific General Plan consistency findings are presented below.

**Land Use Element**

The Land Use Element divides the City into 21 land use districts, which provide general guidance as to the appropriate type and density of land uses. The alley is located within Land Use District Number 7 – Mixed Use District (LUD 7). LUD 7 is intended to allow for a blending of different land uses as established by the adopted Planned Development District. The subject alley is located within the Downtown Plan (PD-30). Alleys within PD-30 are identified for their potential to serve as a means for pedestrian connection and enhancement. However, the subject alley was not identified as an essential piece of the Connectivity Network per Figure 2-2 in the Downtown Plan, nor does the surrounding development pattern lend itself to use as an essential pedestrian connector. Currently, the alley is substandard and each adjacent property would be required to allocate five feet of its property frontage to increase the width of the alley; thereby reducing the properties' street frontage to just 45 feet in width and reducing the available lot area upon which a sizable development could be made. The intent of LUD 7 is to facilitate more cohesive development as opposed to disparate pockets of development. The vacation of the alley is consistent with this purpose by allowing parcels to potentially be assembled for development.

**Mobility Element**

The Mobility Element is aimed at transforming Long Beach into a community that offers flexible, convenient, affordable, and energy-efficient transportation options for residents and visitors alike. The portion of the alley that is proposed to be vacated was determined to be not necessary for public use or convenience because access to the abutting residential and commercial uses can be maintained by means of an existing north-south alley (named Palmer Court) and the remaining east-west alley (named Nardo Way) that will remain to the west of the alley. Furthermore, the alley is not currently used for access or transportation purposes. Alley vacation would therefore not prove detrimental to the movement of people and goods through the area.

**PUBLIC HEARING NOTICE**

General Plan Conformity findings do not require a public hearing notice. However, the Public Works Department conducts public notification of the alley vacation prior to the City Council's consideration.

ATTACHMENT B

CHAIR AND PLANNING COMMISSIONERS

February 1, 2018

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**ENVIRONMENTAL REVIEW**

The proposed vacation is not a project under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3) of Chapter 3 of Title 14 of the California Code of Regulations, State CEQA Guidelines). There is no possibility that a finding of conformity with the General Plan will result in a physical change in the environment. This finding does not approve any development project nor does it, either directly or indirectly, disturb the physical environment. Furthermore, all development projects are otherwise subject to CEQA. Therefore, no further environmental review is required.

Respectfully submitted,



<sup>FOR</sup> LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



TOM MODICA  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:AO

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Attachments:           Exhibit A – Location Map  
                              Exhibit B – Alley Vacation Plan  
                              Exhibit C – Figure 2-2 from the Downtown Plan  
                              Exhibit D – Notice of Exemption

**ATTACHMENT B**

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# ATTACHMENT C



## NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbs.longbeach.gov

TO:  Office of Planning & Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: Department of Development Services  
333 W. Ocean Blvd, 5<sup>th</sup> Floor  
Long Beach, CA 90802

L.A. County Clerk  
Environmental Filings  
12400 E. Imperial Hwy., Room 1201  
Norwalk, CA 90650

Project Title: CE- 17-347

Project Location/Address: 923 Long Beach Blvd, Long Beach CA 90813

Project Activity/Description: General Plan Conformity finding for the vacation of a portion and east-west alley (named Nardo Way) located between Palmer Court and Long Beach Blvd.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: 923 Long Beach, LLC

Mailing Address: 10200 Sepulveda Blvd Ste 290, Mission Hills, CA 91345

Phone Number: (747) 236-2600

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1712-07 Planner's Initials: LO

Required Permits: GENERAL PLAN CONFORMITY FINDING

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15061(B)3 OF CHAPTER 3 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS, STATE CEQA GUIDELINES

Statement of support for this finding: THERE IS NO POSSIBILITY THAT A FINDING OF CONFORMITY WITH THE GENERAL PLAN FOR A PROPOSED ALLEY VACATION WILL RESULT IN A PHYSICAL CHANGE IN THE ENVIRONMENT.

Contact Person: Alexis D. Lopez

Contact Phone: 562-570-6413

Signature: [Signature]

Date: 1/10/18



## CONDITIONS OF APPROVAL

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### SKETCH NO. 1024V

The following conditions of approval for the vacation of Nardo Way between Long Beach Boulevard and Palmer Court is conditioned on the Developer/Vacation Petitioner:

1. All utilities in the alley must be relocated at the expense of the developer.
2. All street and alley curb returns that are no longer functional for the vacated street or alley shall be improved with full height curb and curb gutters.
3. Sidewalk improvements in the project area shall be completed using new Portland Cement Concrete.
4. Vacation Petitioner shall become responsible for maintaining the vacated property immediately after City Council approval.

The above conditions are flexible in that they may be adjusted in consideration of changing conditions or if new information is discovered prior to the adoption of the resolution ordering the vacation by the City Council. These conditions are in addition to the requirements of the City of Long Beach Planning Commission's and must be completed at the expense of the vacation petitioner and to the satisfaction of the Director of Public Works.