

# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

# H-2

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

February 14, 2017

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, not in conformance with the adopted goals and policies of the City's General Plan and uphold the Planning Commission's determination of nonconformance; or,

Receive the supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, in conformance with the adopted goals and policies of the City's General Plan and overturn the Planning Commission's determination of nonconformance, and approve Categorical Exemption No. 14-007. (District 7)

## DISCUSSION

On December 1, 2016, the Planning Commission considered a General Plan Conformity determination for a proposed alley vacation as required by State law (Gov.65402.A) (Exhibit A – Planning Commission Staff Report for December 1, 2016). The project was reviewed by staff and found to be in conformance with the adopted goals and policies of the General Plan given that the portion of the alley proposed to be vacated was determined to not be necessary for public use or convenience. The Public Works Department determined that access to existing residential and commercial uses in the area would continue to be provided by means of the existing north/south and east/west alley segment that abuts the proposed vacated alley. After public testimony and deliberation, the Planning Commission determined that the proposed alley vacation would not be in conformance with the General Plan and requested that staff bring back findings reflecting their determination.

Staff prepared findings of nonconformance that were presented to the Planning Commission on January 5, 2017 (Exhibit B – Planning Commission Staff Report for

January 5, 2017 - Findings of Nonconformance). After reviewing the revised findings and deliberating, the Planning Commission voted 5-1, to find that the alley's use to provide local circulation outweighed the proposed use of the alley for private purposes. Staff noted in the revised findings that the proposed alley vacation had the potential to be detrimental in that, if vacated, the alley would no longer be available for public use for circulation.

The appellants, Yanki Greenspan and Geovany Mendoza, appealed the Planning Commission decision on January 13, 2017. The appellants contended that the Planning Commission improperly characterized the subject property as having the same conditions as surrounding properties: both the parking lot and the building are owned by the same entity, separated by the alley. The applicants felt that the Planning Commission did not recognize the life and safety issues that exist for pedestrians walking from the parking lot, crossing the alley, and entering the business (Exhibit C – Appeal Application).

Staff is required to provide the Planning Commission's determination of nonconformance to the City Council. However, given staff's original determination of conformance with the General Plan, staff is also presenting to the City Council the alternative recommendation of conformance for City Council's consideration.

Public hearing notices are not required for General Plan Conformity Findings. Nevertheless, on January 25, 2017, notices were sent to all persons that had standing to appeal, both appellants, and the applicant. No responses have been received as of the date of preparation of this report.

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 14-007 was prepared for the proposed alley vacation. The Categorical Exemption is not required with a determination of inconsistency with the General Plan. However, it is required for a finding of consistency. Therefore, the Categorical Exemption (Exhibit D – Categorical Exemption) is included with this letter, in the event the City Council overturns the Planning Commission's decision.

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Management Officer Rhutu Amin Gharib on January 30, 2017.

#### TIMING CONSIDERATIONS

City Council action is requested on February 14, 2017. Section 21.25.103.A.1 of the Zoning Regulations requires presentation of this request to the City Council within 60 days of the Planning Commission hearing, which took place on January 5, 2017.

#### FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:sv  
P:\Planning\CityCouncilItems(Pending)\CouncilLetters\2017\2017-02-14\520W.WillowGPCFappeal.rev.V3

APPROVED:

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

Attachments: Exhibit A - Planning Commission Staff Report for December 1, 2016 - Findings of Conformance  
Exhibit B - Planning Commission Staff Report for January 5, 2017 - Findings of Nonconformance  
Exhibit C - Appeal Application  
Exhibit D - Categorical Exemption



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 5<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6194 FAX (562) 570-6068

December 1, 2016

**CHAIR AND PLANNING COMMISSIONERS**

City of Long Beach

California

**RECOMMENDATION:**

Accept Categorical Exemption CE 14-007 and find the proposed vacation of 117.62 feet of the east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, in conformance with the adopted goals and policies of the City's General Plan. (District 6)

**APPLICANT:** Geovanny Mendoza  
Westland Real Estate Group  
518 W. Willow Street  
Long Beach, CA 90806  
(Application No. 1401-22)

**DISCUSSION**

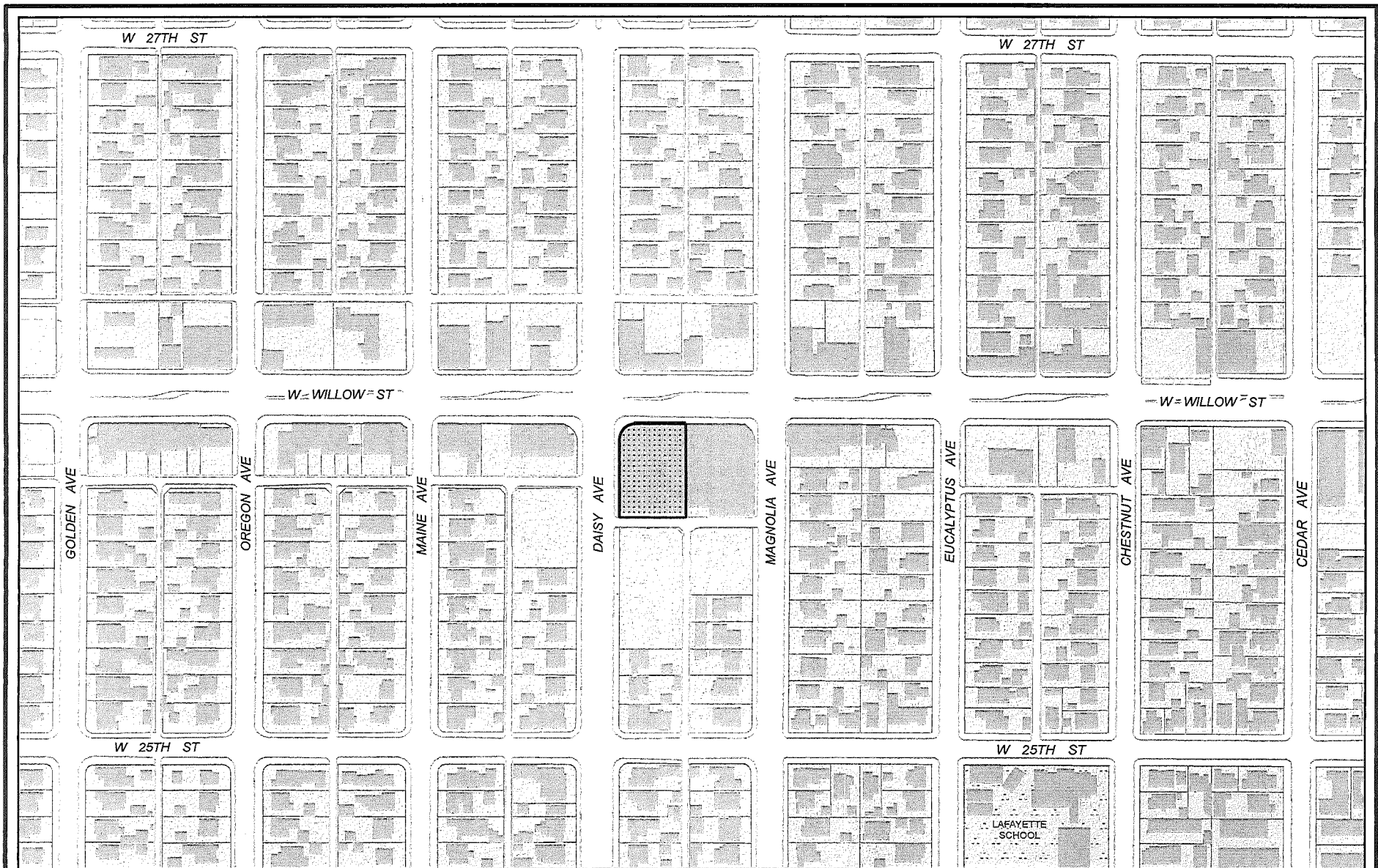
The subject request pertains to a 117.62-foot-wide alley running east-west between Daisy Avenue and Magnolia Avenue (Exhibit A – Location Map). The entire length of the alley measures 249.7 feet long by 15 feet wide. The 117.62-foot-wide portion of the alley proposed for vacation is bounded by privately-owned, commercial-developed parcels to the north (520 W. Willow) and a privately-owned parking lot to the south (no address) (Exhibit B – Alley Plan). The alley currently provides vehicular access to the parking lot, and no development is proposed with this application.

The alley lies within the Park zoning district, which is intended for City and private parks, and recreational services. The properties abutting the alley are located in the Community Automobile-Oriented (CCA) zoning district and are permitted uses in the zone. Vacation of the subject alley would not increase the potential for expansion of a nonconforming use.

**General Plan Consistency Findings**

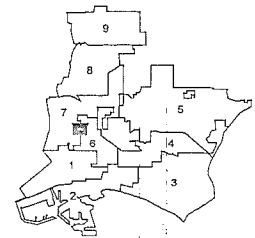
Before an application for vacation can be considered by the City Council, a finding of conformity with the maps and policies of the Long Beach General Plan must be made by the Planning Commission. The General Plan consists of 11 elements and each element carries the same authority concerning land use issues. All elements of the





**Subject Property:**  
 520 W Willow St  
 Application No. 1401-22  
 Council District 7  
 Zoning Code : CCA

**Exhibit A**



# EXHIBIT A

THAT CERTAIN PORTION OF LOT 12, BLOCK 6, TRACT NO. 9686, AS PER MAP RECORDED IN BOOK 135, PAGES 20 TO 22, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF LOS ANGELES BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID LOT 12 DISTANT 5 FEET SOUTHERLY FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 20 FEET ALONG SAID WEST LINE; THENCE EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 12 TO A POINT 10 FEET WESTERLY THEREON FROM THE EAST LINE OF SAID LOT; THENCE SOUTHEASTERLY IN A DIRECT LINE TO A POINT IN SAID EAST LINE 35 FEET SOUTHERLY THEREON FROM THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 30 FEET ALONG SAID EAST LINE OF LOT 12 TO A POINT 5 FEET SOUTH OF NORTHEAST CORNER OF SAID LOT; AND THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING.

SUBJECT TO ALL MATTERS OF RECORD, IF ANY.

CONTAINING AN AREA OF 2,402 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" IS ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER THE SUPERVISION OF:

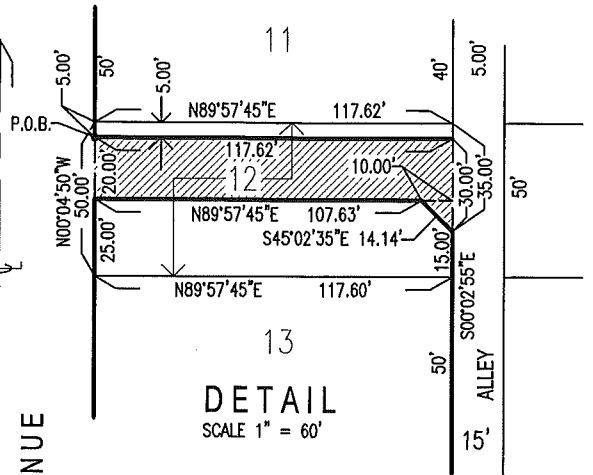
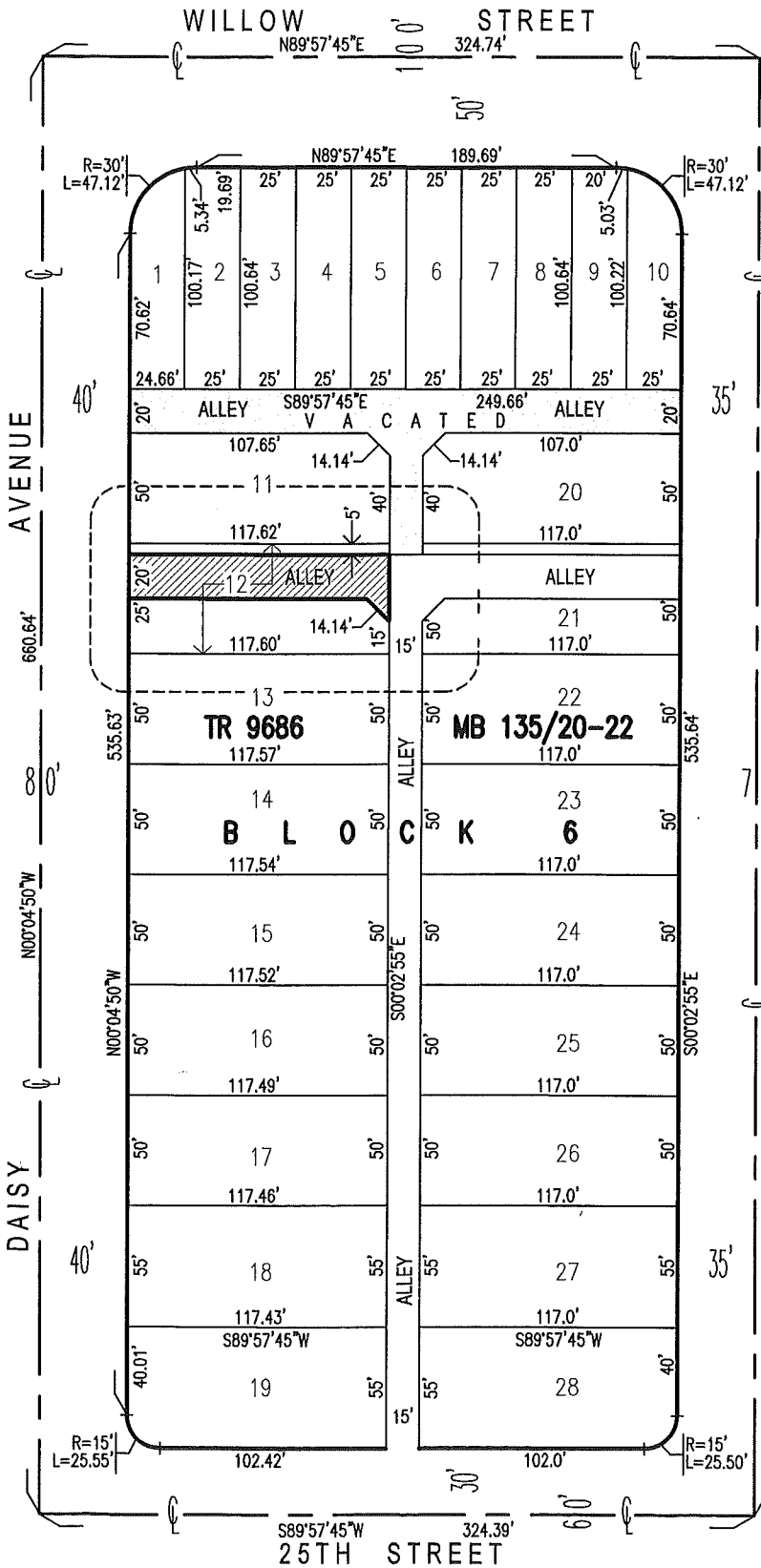
PABLO B. SANCHEZ R.C.E. 29664  
EXPIRES: 3-31-17



6-10-16

DATE:

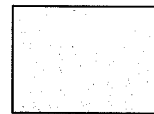
# EXHIBIT B



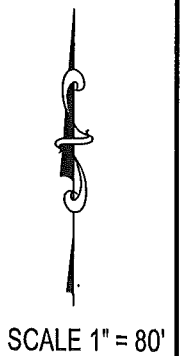
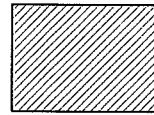
13  
**DETAIL**  
SCALE 1" = 60'

### LEGEND

PORTION OF LAND VACATED BY RESOLUTION NO. C-10326 OF THE CITY OF LONG BEACH AND BY ORDER RECORDED APRIL 12, 1946 AND RESOLUTION NO. C-10354 OF THE CITY OF LONG BEACH AND BY ORDER RECORDED FEBRUARY 13, 1947.



PORTION OF LAND TO BE VACATED EXISTING EASEMENT TO THE CITY OF LONG BEACH PER DEED RECORDED MARCH 25, 1946 IN BOOK 22863, PAGE 348, OFFICIAL RECORDS.



PABLO B. SANCHEZ R.C.E. 29664  
EXPIRES: 3-31-17

6-10-16  
DATE



# Findings of General Plan Conformity

App No. 1401-22

Date: February 14, 2017

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 findings of inconsistency as presented to the Planning Commission is herein submitted for review:

## **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 1 – Single Family Residential (LUD 1). LUD 1 allows single family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and vacation of the alley would conform to the Land Use Element.

## **Mobility Element**

The City's 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 abandoned was determined to be not necessary for public use or convenience because access to existing residential and commercial uses can be maintained by means of an existing north/south and east/west alley that abuts the proposed vacated alley. Alley abandonment would therefore not prove detrimental to the movement of people and goods through the area.



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 5<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6194 FAX (562) 570-6068

January 5, 2017

**CHAIR AND PLANNING COMMISSIONERS**City of Long Beach  
California**RECOMMENDATION:**

Find the proposed vacation of 117.62 feet of the east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, not in conformance with the adopted goals and policies of the City's General Plan. (District 7)

**APPLICANT:** Geovanny Mendoza  
Westland Real Estate Group  
520 W. Willow Street  
Long Beach, CA 90806  
(Application No. 1401-22)

**DISCUSSION**

On December 1, 2016, the Planning Commission considered a General Plan Conformity for a proposed alley vacation. Before an application for vacation can be considered by the City Council, a finding of conformity with the maps and policies of the Long Beach General Plan must be made by the Planning Commission. After public testimony and Planning Commission discussion, the Commission determined that the proposed alley vacation would not be in conformance with the General Plan. The Planning Commission requested that staff bring back findings reflecting this determination. The findings of inconsistency are listed below:

**Findings of General Plan Inconsistency:****Mobility Element**

The City's 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 Planning Commission determined that the portion of the alley proposed to be vacated had the potential to provide public use or convenience due to existing access points to existing residential and commercial uses currently provided by the existing east/west alley. Furthermore, the Commission determined that the alley's ability to provide local circulation outweighed the use of the alley for private

purposes. Therefore, the alley vacation had the potential to be detrimental to in that the alley would no longer be available for present or prospective public use.


### **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 1 – Single Family Residential (LUD 1). LUD 1 allows single-family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided that they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and vacation of the alley would conform to the Land Use Element. However, since the project is not consistent with the Mobility Element, positive findings cannot be made.

### **ENVIRONMENTAL REVIEW**

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 14-007 for the proposed alley vacation is not required with determination of inconsistency with the General Plan and therefore, is not included with this letter.

Respectfully submitted,



LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:sv

Attachments:      Exhibit A – Location Map  
                             Exhibit B – Alley Plan

## Findings of General Plan Nonconformity

App No. 1401-22

Date: February 14, 2017

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 findings of inconsistency as presented to the Planning Commission is herein submitted for review:

### **Mobility Element**

The City's 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 Planning Commission determined that the portion of the alley proposed to be abandoned had the potential to provide public use or convenience due to existing access points to existing residential and commercial uses currently provided by the existing east/west alley. Furthermore, the Commission determined that the alley's use to provide local circulation outweighed the use of the alley for private purposes. Therefore, the alley abandonment had the potential to be detrimental in that, if vacated, the alley would no longer be available for public use.

### **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 1 – Single Family Residential (LUD 1). LUD 1 allows single-family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided that they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and abandonment of the alley would conform to the Land Use Element. However, since the requested abandonment is not consistent with the Mobility Element, positive findings cannot be made.



# 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) 570-6068

PLANNING BUREAU

## APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	on the <u>January</u> day of <u>5th</u> , 20 <u>17</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 520 W Willow st.

Reasons for Appeal: PLEASE SEE ATTACHEMENT

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Your appellant herein respectfully requests that Your Honorable Body **reject** the decision and  **Approve** /  **Deny** this application.

	Appellant 1	Appellant 2
Name:	<u>YANKI GREENSPAN</u>	<u>GEORGINA MENDOZA</u>
Organization:	<u>WESTLAND REAL ESTATE GROUP</u>	<u>WESTLAND REAL ESTATE GROUP</u>
Address:	<u>520 W Willow St.</u>	<u>520 W. Willow St.</u>
City/ZIP:	<u>Long beach, CA, 90805</u>	<u>Long beach, CA, 90805</u>
Phone:	<u>310.639.7130</u>	<u>310.639.7130</u>
Signature:		
Date:	<u>1.13.17</u>	<u>1.13.17</u>

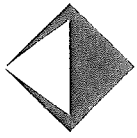
- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or  Appeal by Third Party

Received by: SV App. No.: 1401-22 Filing Date: Jan 13, 2017

Fee: 3668.00  Fee Paid Project (receipt) No.: \_\_\_\_\_



**WESTLAND**

Real Estate Group

INVEST ▶ DEVELOP ▶ MANAGE

Attachment to Application for Appeal

Project Address: 520 W. Willow Street

At the December 1st Planning Commission hearing the planning department found that the vacation of the alley is consistent with the Long Beach General Plan. They also found that the vacation of the alley is not necessary for public use because public access is maintained by the use of existing alleys that abut the proposed vacated alley.

At that same hearing the Planning Commission improperly characterized the subject property as having the same conditions as surrounding properties and therefore a vacation would be “unfair” and so asked the planning department to come up with negative findings for the proposed vacation.

The planning department could not come up with true negative findings for the proposed vacation. Instead they maintain that the Planning Commission made a determination that was inconsistent with their previous findings.

The Planning Commission did not recognize the uniqueness of subject property. This property is the only property on the subject alley artery that has no buffer zone between the door of the property and the alley. There is only a small walkway separating the patrons from the fast moving vehicles causing a life and safety issue.

The subject alley feeds in to Daisy Avenue. The city of Long Beach is installing a traffic signal at the intersection of Daisy and Willow. The city is also creating a dedicated bike lane on Daisy Avenue that would cut directly in front of this alley. The bike lane project and traffic signal are both expected to be completed in 2017. If the subject alley is not vacated it will cause an additional hazard to the bicyclists using the new dedicated bike lane. The traffic signal will also cause all circulation arguments to be moot as there will not be an advantage to use Daisy Lane instead of Magnolia or vice versa.

For the above reasons we are respectfully appealing the Planning Commissions’ decision not to vacate the alley.



# NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbds.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 Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE- 14-007

Project Location/Address: 570 W. WILLOW

Project/Activity Description: ALLEY VACATION AT REAR OF COMMERCIAL STRUCTURE, APPROXIMATELY 125' IN LENGTH, BETWEEN DAVIS AVENUE AND CROSS ALLEY

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

Applicant Name: \_\_\_\_\_

Mailing Address: 6665 LONG BEACH BL, LONG BEACH, CA 90805

Phone Number: 310-639-7130 Applicant Signature: \_\_\_\_\_

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1401-22 Planner's Initials: SV

Required Permits: General Plan Conformity Finding

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, Class 1, Existing Facilities

Statement of support for this finding: Reuse of existing alley as private driveway

Contact Person: Craig Chalfant Contact Phone: 562-570-6368

Signature: [Signature] Date: 3/25/14