



# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS

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

August 9, 2016

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Adopt a Resolution of Intention to vacate the un-named alley opening described in the Final Decree of Condemnation, Case No C-2003, recorded January 30, 1930;

Set the date of September 20, 2016 for the public hearing on the vacation; and,

Accept Categorical Exemption 16-123. (District 6)

### DISCUSSION

The recommended vacation pertains to the condemnation for "Alley Opening" adjacent to 400 East Willow Street that runs alongside the former Pacific Electric Right-of-Way (ROW), in a northwest/southeast direction from Willow Street to the westerly prolongation of the un-named north/south alley as shown on the attached Exhibit A, Sketch No.938V.

In 2004 the former Pacific Electric ROW was developed while creating Fellowship Park. Ten feet of the Fellowship Park property adjacent to the existing ten foot wide public alley was used to construct a widened roadway which diverted the path of travel to intersect Willow Street without using the condemned alley opening. This alley change made the condemned alley opening unnecessary for public access use. Subsequently, the adjacent property owner west of the subject condemned alley opening made the request to vacate the alley opening. The Department of Public Works supports this action based on the following findings:

- A new roadway was constructed that provides access to Willow Street without using the condemned alley opening, which makes the 10-foot wide alley opening unnecessary for vehicular access use.
- The alley curb returns on Willow Street required for vehicular access into the condemned alley opening have been removed and full height curb, sidewalk and curb gutter was constructed making vehicular access to and from Willow Street impractical.
- An easement will be reserved for existing public utilities within the condemned alley opening.

HONORABLE MAYOR AND CITY COUNCIL

August 9, 2016

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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. On June 2, 2016, the Planning Commission determined that the subject vacation action is consistent with the General Plan (Exhibit B). In conformance with the California Environmental Quality Act, Categorical Exemption Number 16-123 was issued for this project (Exhibit C).

The interested City Departments, including Fire and Police, have reviewed the proposed vacation and have no objections to this action.

A public hearing on this matter is to be held on September 20, 2016, that will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. At that time, the City Council will deliberate and take action on the proposed vacation.

This matter was reviewed by Deputy City Attorney Richard Anthony on July 25, 2016 and by Assistant Finance Director Lea Eriksen on July 22, 2016.

#### TIMING CONSIDERATIONS

City Council action is requested on August 9, 2016, to set a hearing date on this matter for September 20, 2016.

#### FISCAL IMPACT

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

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK  
DIRECTOR OF PUBLIC WORKS

SC:BP/ ROW 400 E Willow St Alley Vacation Council Letter.docx

APPROVED:

  
PATRICK H. WEST  
CITY MANAGER

Attachments: - EXHIBIT A- VACATION SKETCH No.938V  
- EXHIBIT B- PLANNING COMMISSION FINDINGS STAFF REPORT  
- EXHIBIT C- CALIFORNIA ENVIRONMENTAL QUALITY ACT REPORT  
- RESOLUTION

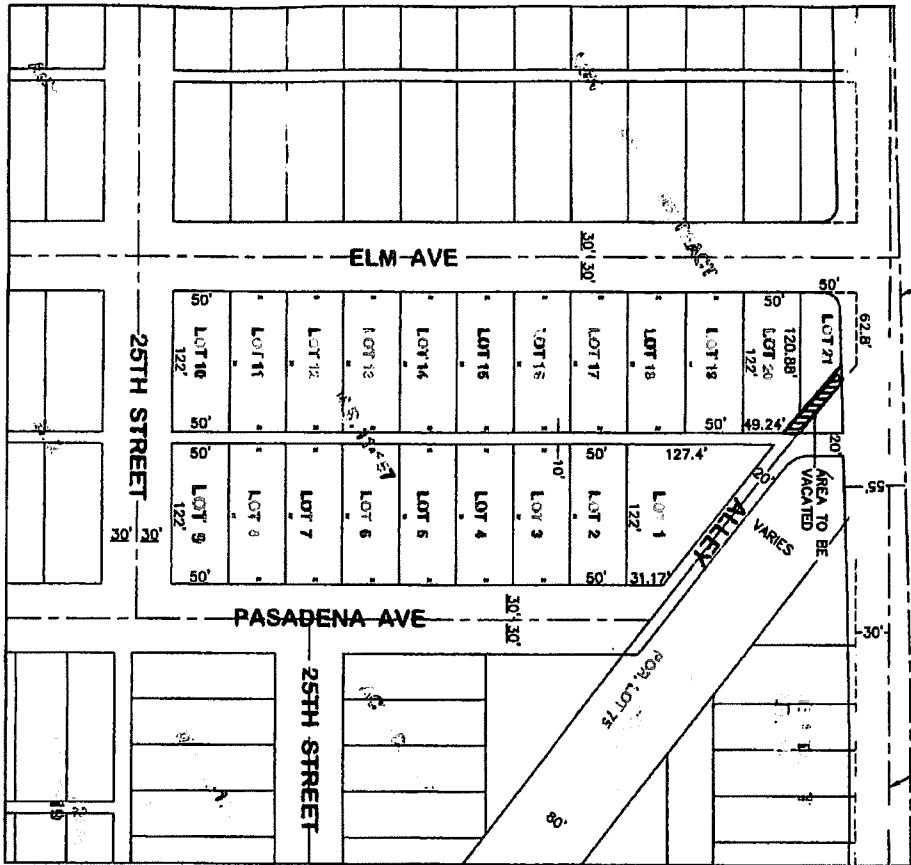
CENTERLINE OF WILLOW STREET  
PER PARCEL 6-18, PART A  
IN DEED RECORDED 12/12/1968  
AS INST. NO. 1641

WILLOW STREET

OLD CENTERLINE  
WILLOW STREET

SKETCH NO. 938V

SKETCH SHOWING ALLEY OPENING DESCRIBED IN  
THE FINAL DECREE OF CONDEMNATION, CASE  
NO. C-2003 RECORDED JANUARY 30, 1930 TO BE  
VACATED BY THE CITY OF LONG BEACH



SHOWS AREA TO BE VACATED



ENGINEERING BUREAU  
CITY OF LONG BEACH, CALIFORNIA

EXHIBIT A

EXHIBIT A



**AGENDA ITEM No. 1 EXHIBIT B**

**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) 570-8068

June 2, 2016

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE 16-123 and find the proposed vacation of a portion of a City alley east of 400 E. Willow Street in conformance with the adopted goals and policies of the City's General Plan. (District 6)

APPLICANT: Two Willow Partners  
P.O. Box 5034  
Los Alamitos, CA 90721  
(Application No. 1605-26)

**DISCUSSION**

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 subject request pertains to a portion of an alley running alongside the former Pacific Electric Right-of-Way (ROW) in a northwest/southeast direction from Willow Street to Atlantic Avenue. Most of the ROW was developed as a self-storage facility in 1998, with the northernmost portion fronting on Willow Street slated for a City park. This park, now known as Fellowship Park, was completed in 2004. A new north-south driveway was created to allow for vehicular access to the park from Willow Street, rendering the segment of the alley between Willow Street and Pasadena Avenue unnecessary. A curb and sidewalk were also constructed along Willow Street, prohibiting any vehicular access. Exhibit A includes a Locational Map; Exhibit B is an aerial showing the context around the alley.

The 10-foot-wide alley is flanked by a private commercial property (400 E. Willow Street) to the west and a triangular-shaped City-owned property to the east. Typically, only the western half of the alley (measuring 5 feet wide) would be vacated to the private property owner. However, since the alley is not needed for any public purpose, the City is seeking methods to allow the full 10-foot width alley to be vacated to the owner of the abutting commercial property.

## **CHAIR AND PLANNING COMMISSIONERS**

June 2, 2016

Page 2

### **General Plan Consistency Findings**

A finding of conformity must be made as to whether the proposed vacation of property conforms to the maps and policies of the General Plan. 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 the elements of the General Plan. 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 Numbers 8A (Traditional Retail Strip Commercial District) and 9R (Restricted Industry). The 8A District recognizes the continuing need to provide commercial uses along street frontages for the service and convenience of persons travelling by car and needing local services. The 9R District is intended to accommodate industrial as well as non-industrial uses, including commercial uses, to support employment centers. Vacation of the alley to function as part of the existing commercial site is consistent with the intent of the 8A and 9R Land Use Districts.

#### **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. The proposed alley vacation will not degrade circulation, in that the alley is not currently used for circulation. Moreover, the proposed vacation does not contradict any policies or objectives in the Transportation Element. The proposed alley vacation has been reviewed and approved by the Long Beach Public Works Department after consultation with other interested City departments.

### **ENVIRONMENTAL REVIEW**

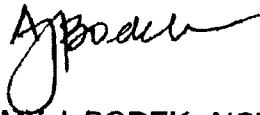
In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption number 16-123 was issued for the proposed project (Exhibit C).

CHAIR AND PLANNING COMMISSIONERS  
June 2, 2016  
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Respectfully submitted,



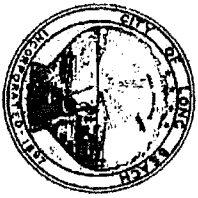
LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

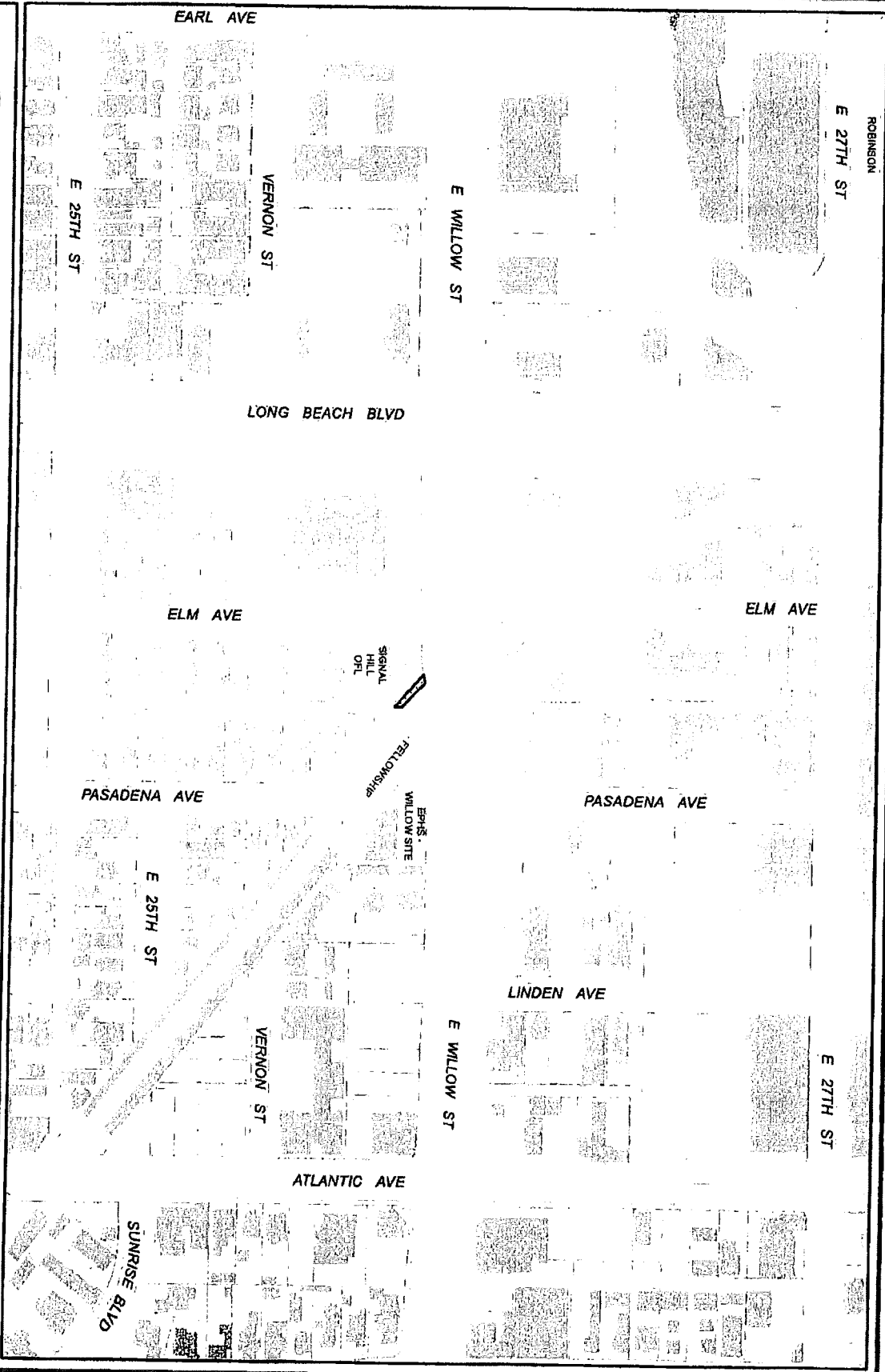
AJB:LFT:ct

Attachments:      Exhibit A – Locational Map showing portion to be vacated  
                         Exhibit B – Aerial Map  
                         Exhibit C – Categorical Exemption CE 16-123



**Subject Property:**  
 Alley East of 400 E Willow St  
 Application No. 1605-26  
 Council District 6  
 Zoning Code : CCA & PD-22

**Exhibit A**





# NOTICE of EXEMPTION from CEQ

~~EXHIBIT C~~

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 Fillings  
12400 E. Imperial Hwy., Room 1201  
Norwalk, CA 90650

Project Title: CE-\_\_\_\_\_

Project Location/Address: Diagonal Alley east of 400 East Willow Street, Long Beach CA 90806

Project Activity/Description: General Plan Conformity Finding for  
~~Finalize~~ the vacation of a diagonal Alley that was only partially vacated in 2005. The diagonal Alley was abandoned in 2002 in conjunction with an adjacent development. The diagonal Alley was replaced by a wider, safer alley oriented perpendicular to Willow Street.

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

Applicant Name: Two Willow Partners LLC, c/o John B. Necarsulmer, Managing Member

Mailing Address: P. O. Box 5034, Los Alamitos CA 90721-5034

Phone Number: 562-999-6850

Applicant Signature: \_\_\_\_\_

John B. Necarsulmer

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1605216 Planner's Initials: CB

Required Permits: General Plan Conformity Finding

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION 15304, Class 4, Minor Alteration to Land

Statement of support for this finding: This is considered a minor alteration to land in that an alley vacatur would change ownership from one party to another with no change of use.

Contact Person: Carrie Tai

Contact Phone: 562. 570 6411

Signature: [Signature]

Date: 5/16/16





# NOTICE of EXEMPTION from CEQ

## EXHIBIT C

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
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Finalize the vacation of a diagonal Alley that was only partially vacated in 2005. The diagonal Alley  
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oriented perpendicular to Willow Street.

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

Applicant Name: Two Willow Partners LLC, c/o John B. Necarsulmer, Managing Member

Mailing Address: P. O. Box 5034, Los Alamitos CA 90721-5034

Phone Number: 562-999-6850

Applicant Signature: \_\_\_\_\_

John B. Necarsulmer

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 11605-216 Planner's Initials: CB

Required Permits: General Plan Conformity Finding

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION 15304, Class 4, Minor Alteration to Land

Statement of support for this finding: This is considered a minor alteration to  
land in that an alley vacatur would change ownership from  
one party to another with no change of use.

Contact Person: Carrie Tai

Contact Phone: 562. 570 6411

Signature: [Signature]

Date: 5/16/16

### EXHIBIT C

Revised December 2015

RESOLUTION NO.

A RESOLUTION OF INTENTION TO VACATE THE ALLEY OPENING ADJACENT TO 400 EAST WILLOW STREET, 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 the alley opening adjacent to 400 East Willow Street that runs alongside the former Pacific Electric Right-of-Way, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

BEING A DESCRIPTION FOR THE VACATION OF THAT CERTAIN PORTION OF LAND DESCRIBED IN THE FINAL DECREE OF CONDEMNATION, CASE NO. C-2003 RECORDED JANUARY 30, 1930, IN BOOK 9642, PAGE 356, OFFICIAL RECORDS, PER SECTION MAP H18, SKETCH 55C ON FILE WITH THE CITY OF LONG BEACH PUBLIC WORKS DEPARTMENT, PERTAINING TO LOT 20 AND LOT 21 OF THE LONG BEACH HOME TRACT FILED IN BOOK 11, PAGE 157 OF MAPS

1 AND SAID CONDEMNATION IS SHOWN ON CLERK FILED MAP NO.  
2 1605 (C.F. 1605) AND IS BOUNDED AS FOLLOWS:

3 ON THE SOUTHWEST BY THE SOUTHWEST LINE OF SAID  
4 FINAL DECREE OF CONDEMNATION, SAID LINE BEING PARALLEL  
5 WITH AND 10.00 FEET SOUTHWESTERLY OF THE SOUTHWESTERLY  
6 LINE OF THE PACIFIC ELECTRIC RAILWAY COMPANY'S PRIVATE  
7 RIGHT OF WAY PER C.F. 1605;

8 ON THE NORTH BY THE SOUTH LINE OF PARCEL 6-18, PART A  
9 AND PART B, IN DEED RECORDED DECEMBER 12, 1968 AS  
10 INSTRUMENT NO. 1641, OFFICIAL RECORDS;

11 ON THE NORTHEAST BY THE NORTHEAST LINE OF SAID LOTS  
12 20 AND 21, SAID LINE ALSO BEING THE SOUTHWESTERLY LINE OF  
13 THE PACIFIC ELECTRIC RAILWAY COMPANY'S PRIVATE RIGHT OF  
14 WAY PER C.F. 1605; AND

15 ON THE EAST BY THE EAST LINE OF SAID LOT 20.

16 THE ABOVE DESCRIBED VACATION CONTAINS 679 SQUARE  
17 FEET, MORE OR LESS, AS SHOWN ON EXHIBITS "B-1 AND B-2"  
18 ATTACHED HERETO AND BY THIS REFERENCE MADE A PART  
19 HEREOF.

20 RESERVING UNTO THE CITY OF LONG BEACH, ITS  
21 SUCCESSORS AND ASSIGNS A PERPETUAL EASEMENT AND RIGHT-  
22 OF-WAY, AT ANY TIME OR FROM TIME TO TIME, TO LAY,  
23 CONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW, REPLACE,  
24 CHANGE THE SIZE OF AND REMOVE THE EXISTING UTILITY LINES,  
25 INCLUDING, BUT NOT LIMITED TO, WATER MAINS AND  
26 APPURTENANT STRUCTURES, TOGETHER WITH ALL NECESSARY  
27 GATES, VALVES, FITTINGS, HYDRANTS AND APPURTENANCES FOR  
28 THE TRANSPORTATION OF WATER, WITH THE RIGHT OF INGRESS

1 TO AND EGRESS FROM THE SAME, OVER, THROUGH, UNDER,  
2 ALONG AND ACROSS THAT CERTAIN PROPERTY VACATED  
3 HEREWITH; AND PURSUANT TO ANY EXISTING FRANCHISES OR  
4 RENEWALS THEREOF, OR OTHERWISE, TO CONSTRUCT, MAINTAIN,  
5 OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF  
6 CONDUITS, CABLES, WIRES, POLES AND OTHER CONVENIENT  
7 STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF  
8 TELEPHONE LINES AND OTHER COMMUNICATION LINES, AND FOR  
9 THE TRANSPORTATION OR DISTRIBUTION OF ELECTRIC ENERGY,  
10 AND INCIDENTAL PURPOSES INCLUDING ACCESS AND THE RIGHT  
11 TO KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS,  
12 AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM  
13 ALL HAZARDS IN, UPON AND OVER THE PART VACATED. ACCESS  
14 FOR MAINTENANCE OF THE ABOVE-MENTIONED FACILITIES MUST  
15 BE MAINTAINED AT ALL TIMES. NO IMPROVEMENTS SHALL BE  
16 CONSTRUCTED WITHIN THE EASEMENT WHICH WOULD IMPEDE  
17 THE OPERATION, MAINTENANCE OR REPAIR OF SAID FACILITIES.  
18 CONSTRUCTION OF ANY IMPROVEMENTS, INCLUDING CHANGES OF  
19 GRADE, SHALL BE SUBJECT TO THE PRIOR WRITTEN APPROVAL OF  
20 ALL THE CITY DEPARTMENTS AND PUBLIC UTILITIES RESPONSIBLE  
21 FOR THE ABOVE SAID FACILITIES.

22  
23 Section 2. All of the foregoing real property is shown on the map or plan  
24 thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which  
25 map or plan is known and referred to as "City of Long Beach Department of Public Works  
26 Vacation Sketch No. 938V".

27 Section 3. The City Council hereby fixes the 20th day of September,  
28 2016 at the hour of 5:00 p.m., as the time and the City Council Chamber, Plaza Level of

1 the City Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the  
2 place for hearing all persons interested in or objecting to the proposed vacation.

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

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

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

13 I hereby certify that the foregoing resolution was adopted by the City  
14 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2016  
15 by the following vote:

16  
17 Ayes: Councilmembers: \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

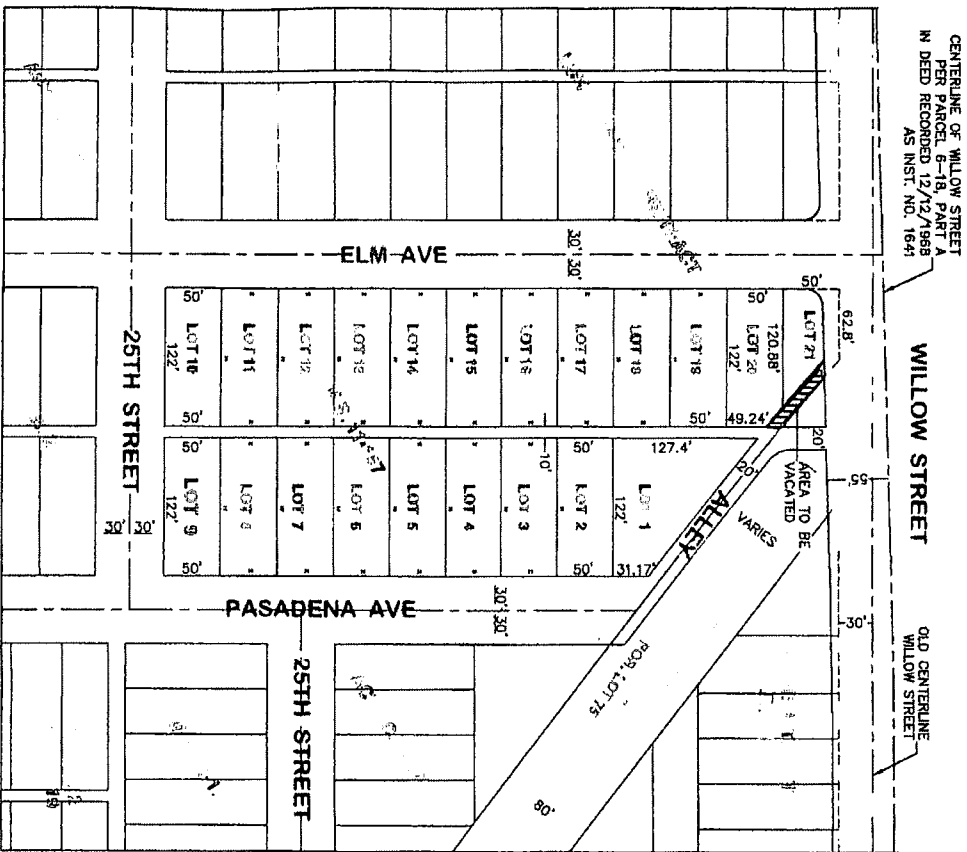
21 Noes: Councilmembers: \_\_\_\_\_

22 \_\_\_\_\_

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

24 \_\_\_\_\_

25  
26  
27 \_\_\_\_\_  
28 City Clerk



SKETCH NO. 938V

SKETCH SHOWING ALLEY OPENING DESCRIBED IN THE FINAL DECREE OF CONDEMNATION, CASE NO. C-2003 RECORDED JANUARY 30, 1930 TO BE VACATED BY THE CITY OF LONG BEACH

ENGINEERING BUREAU  
CITY OF LONG BEACH, CALIFORNIA

EXHIBIT A

EXHIBIT A