



# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS

# H-2

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

October 10, 2006

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 the east-west alley north of Anaheim Street and west of Elm Avenue. (District 2)

### DISCUSSION

A 6,700 square-foot commercial development is being built at 325 E. Anaheim Street. The adjacent 10-foot wide east-west alley has not been used by the public for over five years. It functions as a driveway for the homeowners at 1331 Elm Avenue and 1330 Alamo Court. Rather than widen this alley as a part of the development plan, staff recommends that the alley be vacated. The proposed vacation action is shown on Exhibit A.

On September 12, 2006, the City Council adopted Resolution No. RES-06-0102, declaring its intention to vacate the subject right-of-way, and set October 10, 2006, as the date for the public hearing. A copy of the City Council letter from the meeting of September 12, 2006, is attached as Exhibit B. The proposed resolution was prepared by Deputy City Attorney Lisa Peskay Malmsten on August 14, 2006.

### TIMING CONSIDERATIONS

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

### FISCAL IMPACT

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

**ADMINISTRATION,  
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**FLEET SERVICES**  
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Fax (562) 570-7161

HONORABLE MAYOR AND CITY COUNCIL

October 10, 2006

Page 2

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,

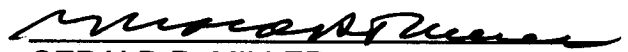


CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

GMM:SC:km  
PICLIRW vac alley adj 325 E Anaheim Res Ord CL.doc

Attachments

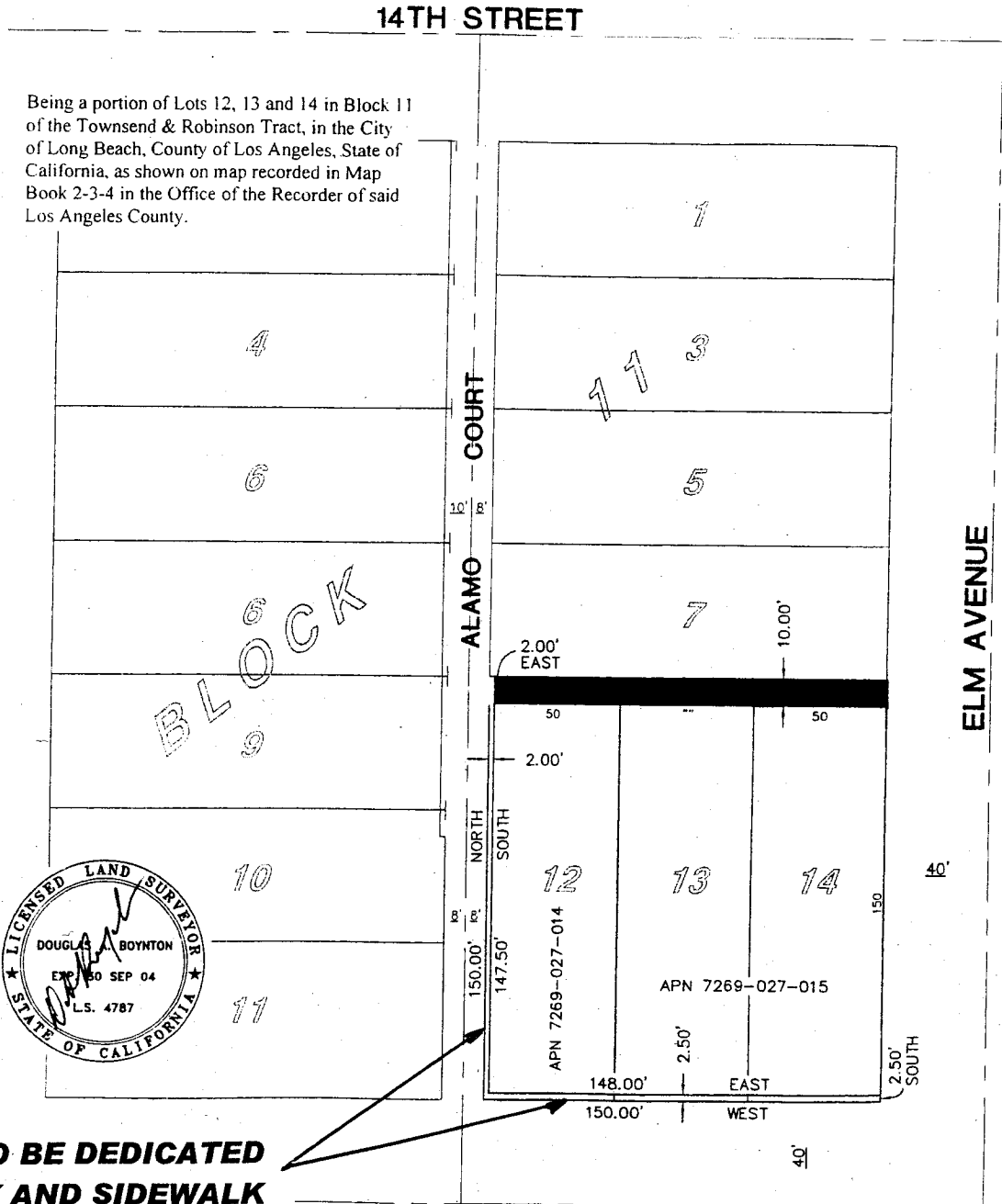
APPROVED:



GERALD R. MILLER  
CITY MANAGER

**SKETCH NO. 954V**  
**SKETCH SHOWING THE EAST-WEST ALLEY NORTH OF**  
**ANAHEIM STREET AND WEST OF ELM AVENUE TO BE**  
**VACATED BY THE CITY OF LONG BEACH.**

[REDACTED] **SHOWS AREA TO BE VACATED**



**AREAS TO BE DEDICATED FOR ALLEY AND SIDEWALK PURPOSES SHOWN ALSO.**



**EXHIBIT A**



# CITY OF LONG BEACH

~~C-18~~

## DEPARTMENT OF PUBLIC WORKS

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

September 12, 2006

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Adopt the attached resolution of intention to vacate the east-west alley north of Anaheim Street and west of Elm Avenue, accept an easement deed for the widening of the north-south alley and the sidewalk adjacent to 325 E. Anaheim Street, and set a date for a public hearing for October 10, 2006. (District 2)

### DISCUSSION

A 6,700 square-foot commercial building is being built at 325 E. Anaheim Street. The public has not used the adjacent 10-foot wide east-west alley for over five years, although it does function as a driveway by the homeowners at 1331 Elm Avenue and 1330 Alamo Court. Rather than widen this alley as a part of this development, staff recommends that the alley be vacated. The proposed vacation action is shown on 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 parcels adjacent to this alley are shown on the attached Exhibit B. The lot north of the alley is split into two single-family residential parcels – 1331 Elm Avenue takes access from the street, and the other, 1330 Alamo Court, takes access from the north-south alley. Both properties use the alley as a driveway, with a fence dividing the alley at their common property line. The alley has the appearance of private property and has not been open to through traffic for over 5 years.
2. The development plan for 325 E. Anaheim is shown on Exhibit C. No access will be taken from the alley that is to be vacated.

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3. The owner of the property being developed has quitclaimed his interest in the south 5 feet of the subject alley to the adjacent property owners on the north side of the alley. This will enable those property owners to continue to use this strip of land as a driveway providing access to their on-site parking.
4. The north-south alley adjacent to 325 E. Anaheim Street is currently 18 feet wide. In order to widen the alley to the City's 20-foot standard, an additional 2 feet of alley width is to be dedicated and improved as a condition of approval for this development.
5. The Anaheim Street sidewalk adjacent to this development is currently 7.5 feet wide. In order to widen the alley to the City's 10-foot standard for Anaheim Street, an additional 2.5 feet of sidewalk width is to be dedicated and improved.
6. On March 2, 2006, 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, Negative Declaration No. 03-06 was certified for this project. The Planning Department staff report is included as Exhibit D.
7. The public utility companies and interested City departments, including Fire and Police, have reviewed the proposed development and right-of-way vacation and have no objections. The Conditions of Approval are listed on Exhibit E.
8. A public hearing for the subject vacation should be set for October 10, 2006, to 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 Lisa Peskay Malmsten on August 14, 2006. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

#### TIMING CONSIDERATIONS

This action is not time sensitive.

#### FISCAL IMPACT

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

HONORABLE MAYOR AND CITY COUNCIL  
September 12, 2006  
Page 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

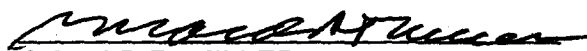


CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

GMM:SC:km  
P\CL\RW vac 325 E Anaheim Res of Int CL.doc

Attachments

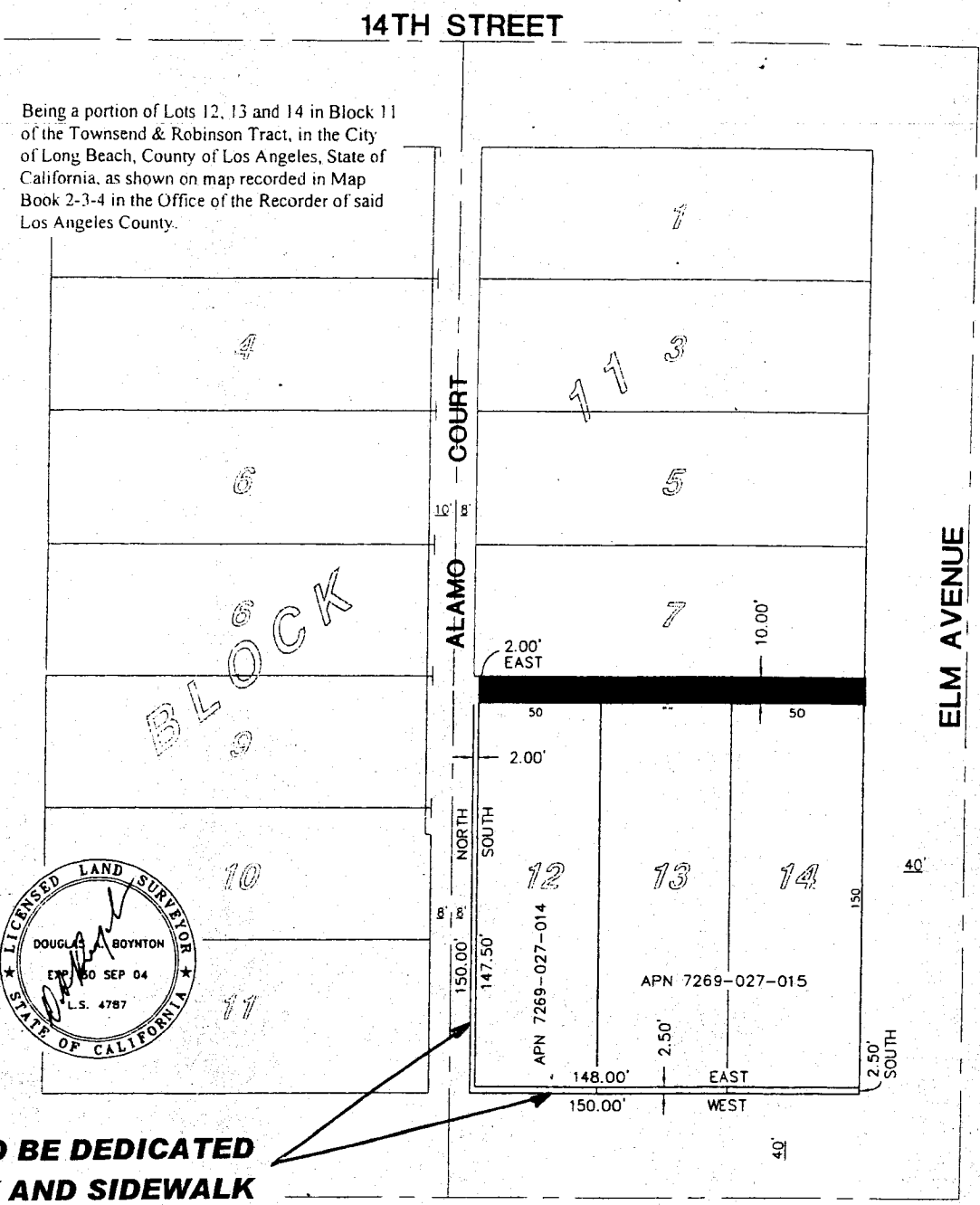
APPROVED:



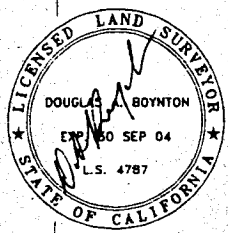
GERALD R. MILLER  
CITY MANAGER

**SKETCH NO. 954V**  
**SKETCH SHOWING THE EAST-WEST ALLEY NORTH OF**  
**ANAHEIM STREET AND WEST OF ELM AVENUE TO BE**  
**VACATED BY THE CITY OF LONG BEACH.**

[REDACTED] **SHOWS AREA TO BE VACATED**



Being a portion of Lots 12, 13 and 14 in Block 11 of the Townsend & Robinson Tract, in the City of Long Beach, County of Los Angeles, State of California, as shown on map recorded in Map Book 2-3-4 in the Office of the Recorder of said Los Angeles County.

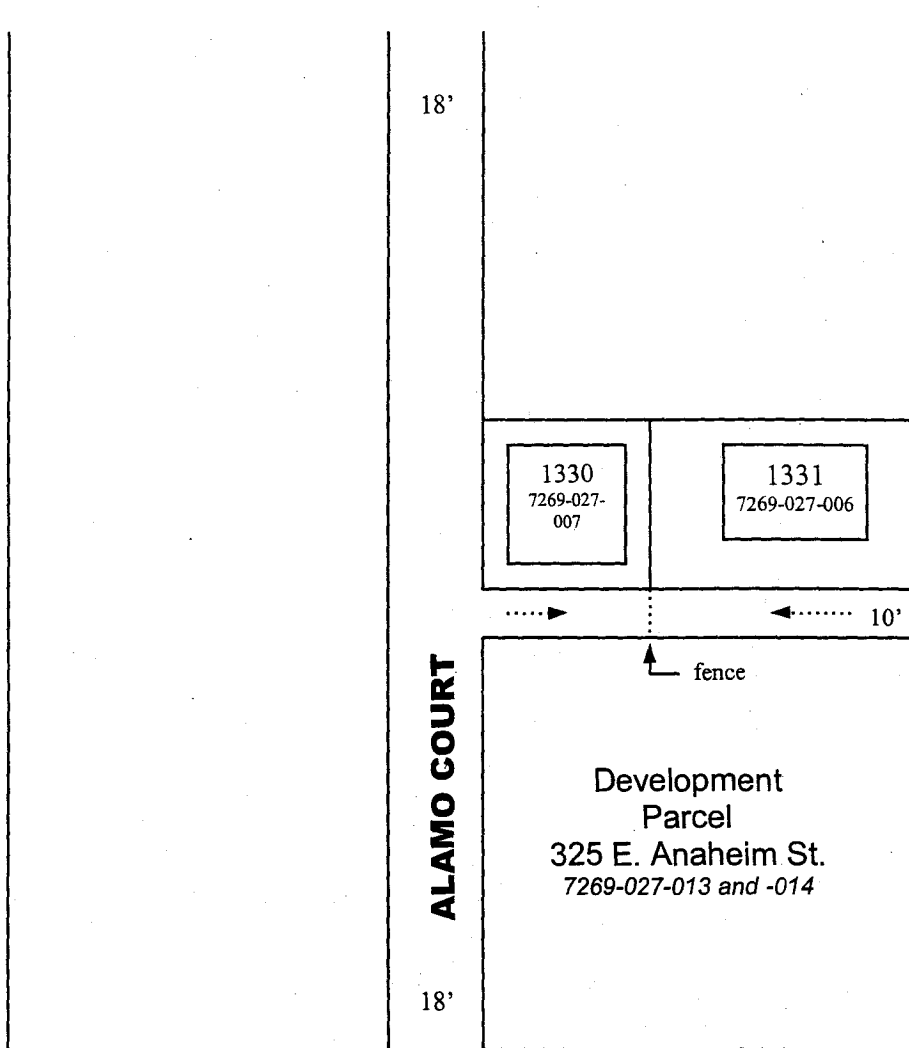


**AREAS TO BE DEDICATED FOR ALLEY AND SIDEWALK PURPOSES SHOWN ALSO.**

**ANAHEIM STREET**



**LONG BEACH BLVD**



**ANAHEIM STREET**

**N** ↑



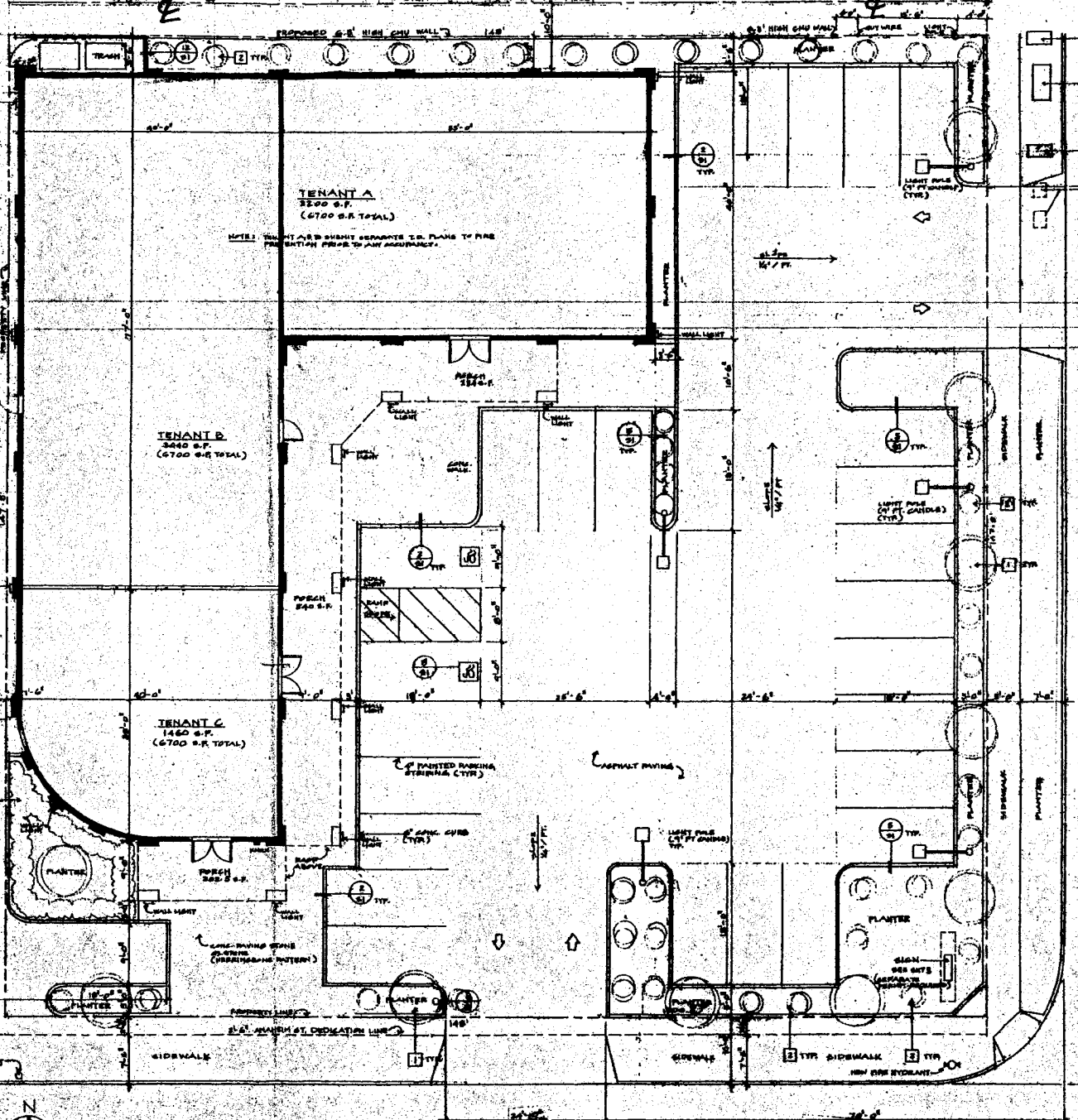
10-FOOT WIDE ALLEY TO BE VACATED

ALLEY (TO BE WIDENED TO 18 FEET)

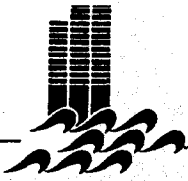
16-FOOT WIDE

ELM AVENUE

ANAHEIM STREET



SITE PLAN  
SCALE: 1/8" = 1'-0"



# 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 2, 2006

## 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 1)

**LOCATION:** 325 East Anaheim Street

**APPLICANT:** Konti Chong  
630 West 9<sup>th</sup> Street

### RECOMMENDATION

Find the proposed alley vacation north of Anaheim Street between Alamo Court and Elm Avenue, 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 alley vacation is herein submitted for such review.

The applicant is requesting the vacation of an "privatized" public alley to accommodate a new commercial building and to legalize the current function as a private driveway.

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

**EXHIBIT B**

Page 7 of 10

(original Exhibit D for Sept 12, 2006 City Council letter)

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 project in question is located in Land Use District LUD 3B (Townhomes). The Townhomes District implements a policy to provide the opportunity to create single-family lifestyles with higher dwelling unit densities than permitted in LUD No. 1 or No. 2. The proposed alley vacation and related development is consistent with these land use designations.

### **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, nor will it 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**

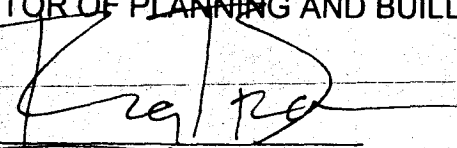
In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Negative Declaration 03-06 is before you today for your certification.

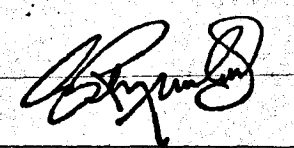
## **IT IS RECOMMENDED THAT THE PLANNING COMMISSION**

Find the proposed alley vacation north of Anaheim Street between Alamo Court and Elm Avenue, as depicted in Exhibit A, in conformance with the adopted goals and policies of the City's *General Plan*.

Respectfully submitted,

Suzanne Frick  
DIRECTOR OF PLANNING AND BUILDING

By:   
Ira Brown  
Planner

Approved:   
Angela Reynolds  
Planning Officer

325 East Anahiem Street.doc  
SF:AR:IB

Attachment:

1. Exhibit A: Sketch depicting proposed alley vacation
2. Notice of Exemption

## CONDITIONS OF APPROVAL

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### SKETCH NO. 954V

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. This vacation requires the consent of all three parties adjoining the alley.
2. The property owners at 1331 Elm Avenue and 1330 Alamo Court use the alley for access to their on-site parking. To provide for this continued use, the south half of the vacated alley must be quitclaimed to the property owners on the north.
3. The north-south alley adjacent to 325 E. Anaheim Street is currently 18 feet wide. An additional 2 feet of alley width shall be dedicated and improved in order to widen this alley to our 20-foot standard.
4. The sidewalk adjacent to 325 E. Anaheim Street along Anaheim Street is currently 7.5 feet wide. An additional 2.5 feet of sidewalk width shall be dedicated and improved in order to widen the alley to the City's 10-foot standard.
5. An easement shall be reserved for any existing utilities, which are known to include water, sewer and gas lines. No structures may be constructed or installed over the easement area.
6. Any required traffic control modifications are the responsibility of the vacation petitioner, and shall be installed in the public right-of-way under a street improvement permit from the Department of Public Works.
7. 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.

GM:SC/ D71

### EXHIBIT B

Page 10 of 10

(original Exhibit E for Sept 12, 2006 City Council letter)

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF THE EAST-WEST ALLEY NORTH OF ANAHEIM STREET AND WEST OF ELM AVENUE, 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 \_\_\_\_ day of, \_\_\_\_\_, 200\_\_, by Resolution No. \_\_\_\_\_, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, The East-West Alley North of Anaheim Street and West of Elm Avenue in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

The east-west alley, 10 feet wide, located in Block 11 of the Townsend & Robinson tract, in the City of Long Beach, County of Los Angeles, State of California, as shown on the Map recorded in Book 2, Pages 3 and 4 of Maps, in the Office of the Recorder of said County, bounded on the east by the westerly line of Elm Avenue, 80 feet wide, and bounded on the west by a line 2.00 feet easterly of the easterly line of Alamo Court, 16 feet wide, both as shown on said map of the Townsend & Robinson Tract;

Reserving unto the City of Long Beach, its successors and assigns 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 and remove the existing utility lines, including, but not limited to, sanitary sewers, 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

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1 in, upon and over the part vacated. Access for maintenance  
2 of the above-mentioned facilities must be maintained at all  
3 times. No improvements shall be constructed within the  
4 easement which would impede the operation, maintenance or  
5 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.

6 WHEREAS, the City Council did, at said time, fix Tuesday, the \_\_\_ day of  
7 \_\_\_\_\_, 200\_\_, at the hour of \_\_\_\_\_ .m., as the time at the City Council  
8 Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long  
9 Beach, California, as the place for hearing for all persons interested in or objecting to the  
10 proposed vacation to appear and be heard; and

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

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

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

19 Section 1. Pursuant to the foregoing resolution of intention, the proceedings  
20 had thereunder, the Sketch 954V showing the east-west alley north of Anaheim Street and  
21 west of Elm Avenue be vacated by the City of Long Beach attached hereto as Exhibit "A",  
22 and the City Council Findings attached hereto as Exhibit "B", said City Council of the City  
23 of Long Beach hereby makes its resolution vacating and closing a portion of the drive  
24 hereinabove described.

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

Robert E. Shannon  
City Attorney of Long Beach  
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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 \_\_\_\_\_, 200\_\_, by the following votes:

Ayes: Councilmembers:

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Noes: Councilmembers:

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Absent: Councilmembers:

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City Clerk

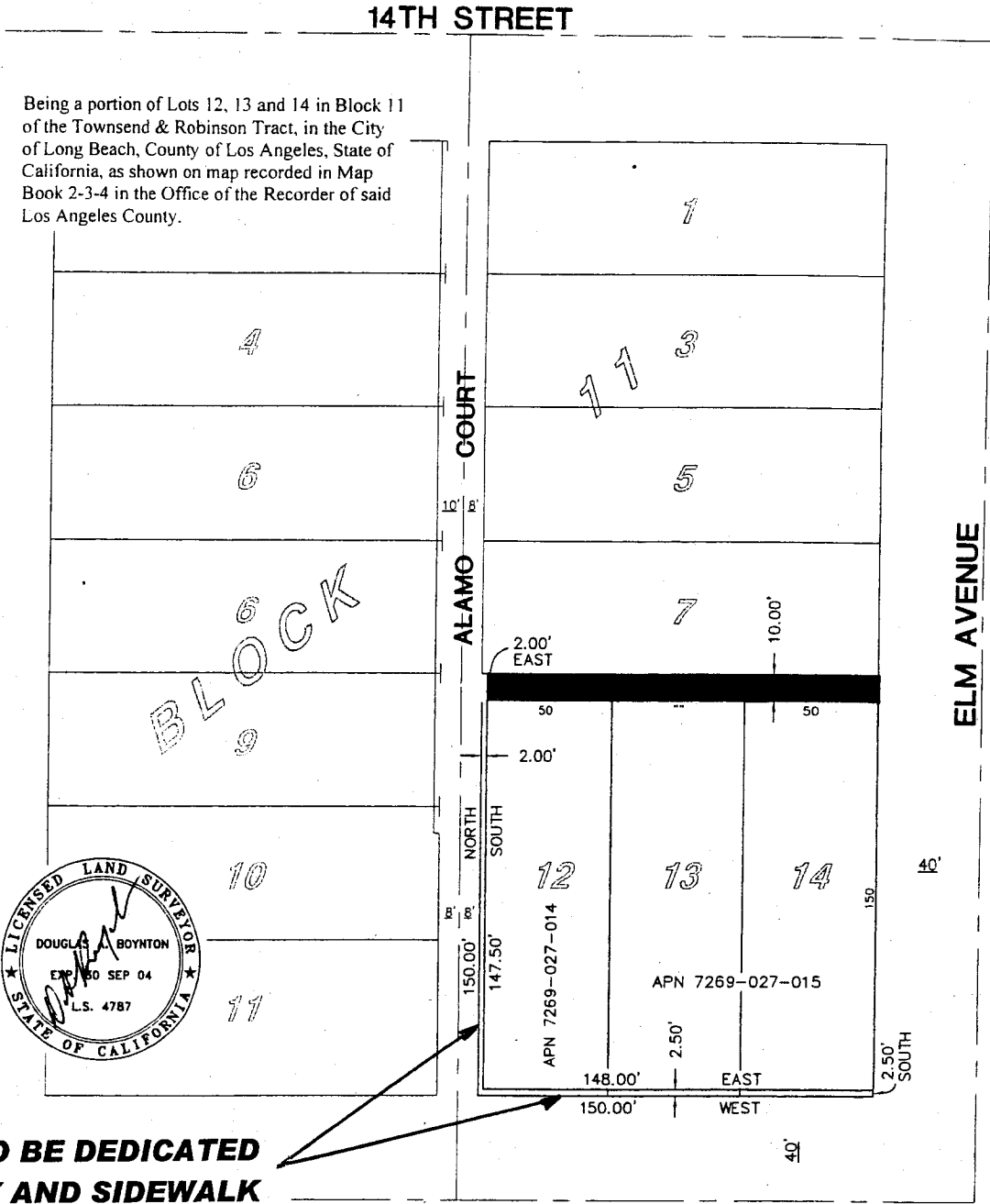
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**SKETCH NO. 954V**  
**SKETCH SHOWING THE EAST-WEST ALLEY NORTH OF**  
**ANAHEIM STREET AND WEST OF ELM AVENUE TO BE**  
**VACATED BY THE CITY OF LONG BEACH.**

[REDACTED] **SHOWS AREA TO BE VACATED**



**AREAS TO BE DEDICATED FOR ALLEY AND SIDEWALK PURPOSES SHOWN ALSO.**

**ANAHEIM STREET**



**EXHIBIT A**

## **CITY COUNCIL FINDINGS**

### **VACATION OF THE EAST WEST ALLEY NORTH OF ANAHEIM STREET AND WEST OF ELM AVENUE - Reference Sketch No. 954V**

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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 September 12, 2006 City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as RES-06-0102.
- 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, Negative Declaration No. 03-06 was certified for this project.