



# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS

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

June 12, 2018

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Adopt a Resolution of Intention to vacate a portion of Atlantic Avenue adjacent to 5166-5190 Atlantic Avenue, reserving an easement for public access and utility purposes; set the date of July 24, 2018, for the public hearing on the vacation; and,

Accept Categorical Exemption CE-18-061. (District 8)

### DISCUSSION

AP Atlantic, LLC, owner of the property at 5152-5190 Atlantic Avenue, requested the vacation of the portion of Atlantic Avenue adjacent to 5166-5190 Atlantic Avenue, reserving an easement for utility and public access (Attachment A – Vacation Sketch). This portion of Atlantic Avenue is set back off the main corridor and currently serves as parking space for a shopping center. Vacating this portion of Atlantic Avenue would allow the applicant to increase parking and reorganize the shopping center.

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 Atlantic Avenue between Via Veranada and Via Wanda are not necessary as vehicular or pedestrian thoroughfares.

On March 15, 2018, the Planning Commission determined that the proposed vacation of the approximately 9,000 square-foot area was in conformance with the adopted goals of the City's General Plan and approved Categorical Exemption CE-18-061 (Attachment B – Planning Commission Staff Report). In conformance with the California Environmental Quality Act, Categorical Exemption CE-18-061 was adopted for this development (Attachment C – Notice of Exemption).

The necessary departments, including Traffic Engineering, Fire and Police 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 attached (Attachment D - Conditions).

This matter was reviewed by Deputy City Attorney Linda T. Vu on May 15, 2018 and by Budget Analysis Officer Julissa José-Murray on May 21, 2018.

TIMING CONSIDERATIONS

City Council action is requested on June 12, 2018, to set a public hearing date on this matter for July 24, 2018.

FISCAL IMPACT

A tentative vacation processing fee of \$10,105 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:SC:EL:JH:sdj

- ATTACHMENTS:
- RESOLUTION
  - ATTACHMENT A; VACATION SKETCH NO.1027V
  - ATTACHMENT B; PLANNING COMMISSION STAFF REPORT FINDINGS
  - ATTACHMENT C; CEQA CE-18-061
  - ATTACHMENT D; CONDITIONS OF APPROVAL

**SKETCH NO. 1027V**  
**SKETCHES SHOWING A VACATION OF A**  
**PORTION OF LOTS 2, 3, AND 4 OF TRACT**  
**NUMBER 11340 AND RESERVING AN**  
**EASEMENT OVER A PORTION THEREOF**  
**PAGE 1 OF 2**

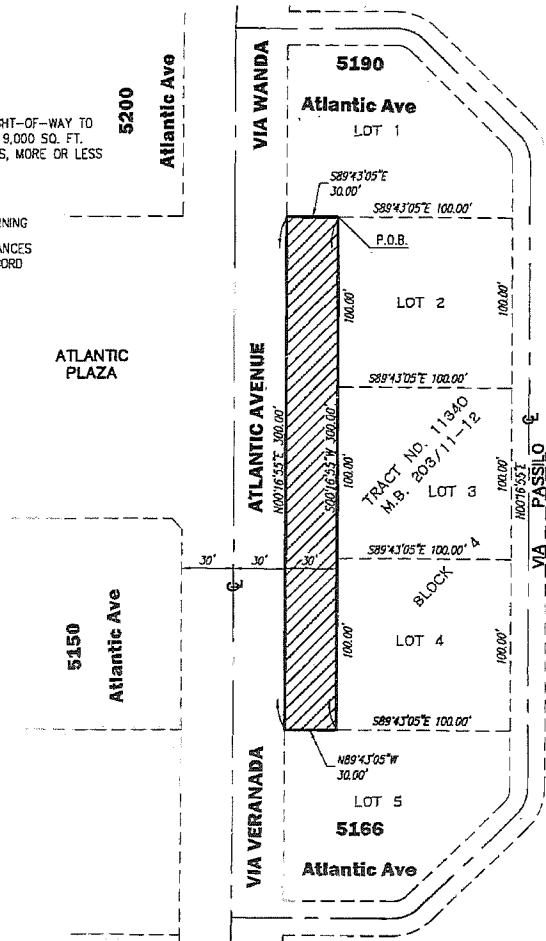
 PORTION OF RIGHT-OF-WAY TO  
 BE VACATED = 9,000 SQ. FT.  
 OR 0.207 ACRES, MORE OR LESS

--- LOT LINE

—+— CENTERLINE

POB POINT OF BEGINNING

ALL BEARINGS AND DISTANCES  
 SHOWN HEREON ARE RECORD  
 PER TRACT NO. 11340



**CALVADA**

**SURVEYING, INC.**  
 411 JENKS CIRCLE, SUITE 205, CORONA, CA. 92880

Los Angeles • Denver

PHONE: 951-280-9960


FAX: 951-280-9748

www.calvada.com

Job No. 171645

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

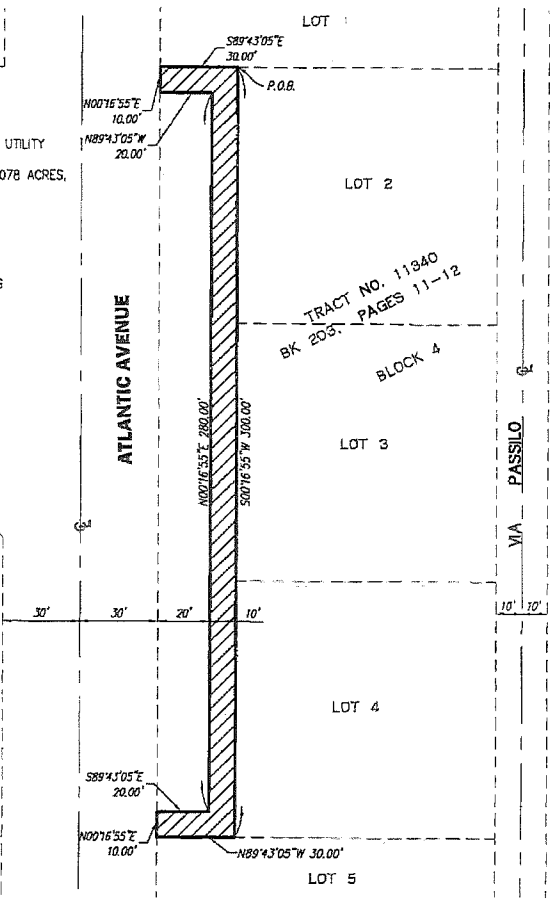
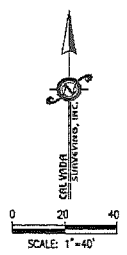
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**NUMBER 11340 AND RESERVING AN**  
**EASEMENT OVER A PORTION THEREOF**  
**PAGE 2 OF 2**

 PUBLIC ACCESS AND UTILITY  
 EASEMENT =  
 3,400 SQ. FT. OR 0.078 ACRES,  
 MORE OR LESS

--- LOT LINE  
 -+ CENTERLINE  
 POB POINT OF BEGINNING

ALL BEARINGS AND DISTANCES  
 SHOWN HEREON ARE RECORD  
 PER TRACT NO. 11340

ATLANTIC  
 PLAZA



**CAL VADA**

**SURVEYING, INC.**  
 411 JENKS CIRCLE, SUITE 205, CORONA, CA. 92680

Los Angeles - Denver

PHONE: 951-280-9960 FAX: 951-280-9746

Job No. 17164E

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

ATTACHMENT B



AGEND. TEM No. 1

Page 1 of 2

**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

March 15, 2018

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE-18-061 and find the proposed vacation of a 300-foot section of the right-of-way utilized as parking at 5152-5190 Atlantic Avenue in conformance with the adopted goals and policies of the City's General Plan (GPC18-001). (District 8)

**APPLICANT:** Blake DeFluri  
12447 Lewis Street  
Garden Grove, CA 90805  
(Application No. 1802-33, GPC18-001)

**DISCUSSION**

Pursuant to California Government Code (CGC) Section 65402, and California Streets and Highways Code (SHC) Section 8313, no street, highway, parcel or alley may be vacated by a local agency 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 applicant requests the City to vacate a 300-foot-long by 30-foot-wide section of right-of-way located in front of a commercial shopping center at 5152-5190 Atlantic Avenue (Exhibit A – Location Map). Currently, this section of right-of-way is utilized as a parking area for the adjacent commercial shopping center and it does not function as a travel lane for the street (Exhibit B – Street Vacation Plan). The proposed vacation would make this parking area part of the private property for the shopping center. The proposal has been preliminarily reviewed by the Department of Public Works. The Department of Public Works determined that a 10-foot-wide sidewalk easement must be provided across the vacated right-of-way, following the path of the existing sidewalk, in order to maintain a continuous American with Disabilities Act (ADA) accessible path of travel from the public sidewalk on the north and south ends of the vacated right-of-way (Exhibit C – Required Easement). The Department of Public Works will review the requested vacation project and their findings to the City Council with a recommendation for their determination.

State law requires a finding of conformity with the General Plan to determine that the proposed re-use of the area in question conforms to the maps and policies of the General Plan. The General Plan consists of eleven elements, and each element of the General Plan carries the same authority concerning land use issues. The proposal was reviewed for conformity against all elements of the General Plan, and staff finds this

vacation in conformance with all elements of the General Plan. A review of the relevant elements and specific General Plan conformity findings are presented below:

General Plan Conformity Findings

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 subject site is located within Land Use District No. 8N (Shopping Nodes). The Land Use Element states "The district was created to accommodate retail and service uses exclusively, primarily in small clusters."

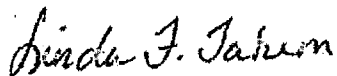
The proposed vacation will not prevent or prohibit cars from accessing the street or parking areas, and will allow for the consolidation of the commercial building and required parking areas on one lot. The vacation will not limit the number of vehicles on the property. Therefore, the proposed vacation is consistent with the Land Use Element.

The Mobility Element does not identify this section of Atlantic Avenue for improvements. Public Works staff has preliminarily reviewed the vacation of the right-of-way and has determined that vacation of the proposed portion of the street will not impede traffic flow, or block entry or exit ways. Accordingly, staff has determined that the vacation is consistent with the Mobility Element.

ENVIRONMENTAL REVIEW

This project qualifies for a categorical exemption per Section 15305 of the California Environmental Quality Act Guidelines (Exhibit D – CE-18-061).

Respectfully submitted,



LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



TOM MODICA  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

TM:LFT:CT:sv

Attachments:      Exhibit A – Location and Vicinity Map  
                         Exhibit B – Street Vacation Plan  
                         Exhibit C – Required Easement  
                         Exhibit D – Categorical Exemption CE-18-061



# 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) 570-6088  
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- 18-061

Project Location/Address: 5166 - 5190 ATLANTIC AVENUE

Project Activity/Description: VACATE A PORTION OF THE STREET THAT IS  
CURRENTLY USED AS PARKING

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

Applicant Name: BLAKE DEFIORI

Mailing Address: 12447 LEWIS STREET, STE 203, GARDEN GROVE, CA 92840

Phone Number: 562-435-2100 Applicant Signature: \_\_\_\_\_

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1802-33, GPC 18-061 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 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: Stephan Valdez

Contact Phone: (562) 570-6511

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

Date: 2/8/18



## CONDITIONS OF APPROVAL

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### SKETCH NO. 1027V

The following conditions of approval for the vacation of Atlantic Avenue between Via Veranada and Via Wanda is conditioned on the Developer/Vacation Petitioner:

1. An easement for public access and utility purposes shall be reserved on the vacated area. No building may be constructed within the easement area.
2. Sidewalk improvements in the project area shall be completed using new Portland Cement Concrete.
3. 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.



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 ATLANTIC AVENUE BETWEEN VIA VERANADA AND VIA WANDA, 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 Atlantic Avenue between Via Veranada and Via Wanda, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

"THAT PORTION OF TRACT NO. 11340 FILED IN BOOK 203, PAGES 11 AND 12, OF MAPS IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND BEING THE EASTERLY 30 FEET OF ATLANTIC PLAZA AS SHOWN ON SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 IN BLOCK 4 OF SAID MAP: THENCE SOUTH 00° 16' 55" WEST A DISTANCE OF 300.00 FEET; THENCE NORTH 89° 43' 05" WEST A DISTANCE OF 30.00

1 FEET; THENCE NORTH 00° 16' 55" EAST A DISTANCE OF 300.00 FEET;  
2 THENCE SOUTH 89° 43' 05" EAST A DISTANCE OF 30.00 FEET TO THE  
3 POINT OF BEGINNING.

4 CONTAINING 9,000 SQUARE FEET OR 0.207 ACRES, MORE OR  
5 LESS.

6 RESERVING AN EASEMENT FOR PUBLIC ACCESS AND UTILITY  
7 PURPOSES OVER THE NORTHERLY, EASTERLY AND SOUTHERLY  
8 10.00 FEET THEREOF.

9 SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS  
10 REFERENCE MADE A PART HEREOF."

11 Section 2. All of the foregoing real property is shown on the map or plan  
12 thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which  
13 map or plan is known and referred to as "City of Long Beach Department of Public Works  
14 Vacation Sketch No. 1027V".

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

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

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

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

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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: \_\_\_\_\_

\_\_\_\_\_

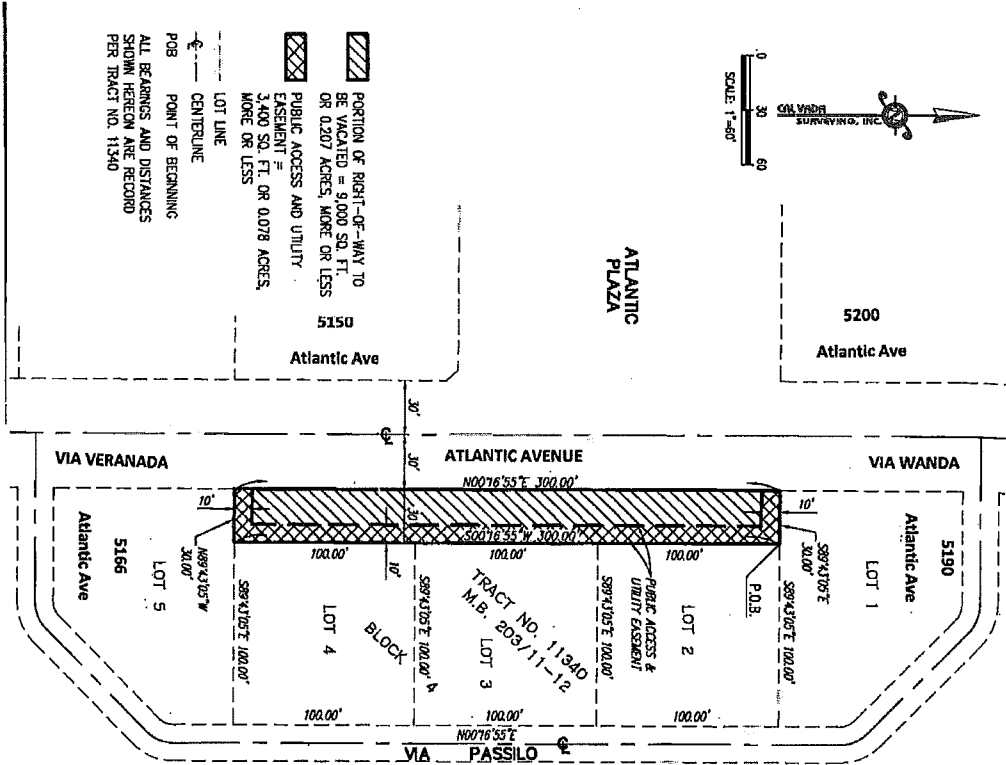
Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Clerk

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



**SKETCH NO. 1027V**  
 SKETCHES SHOWING A VACATION OF A  
 PORTION OF LOTS 2, 3, AND 4 OF TRACT  
 NUMBER 11340 AND RESERVING AN  
 EASEMENT OVER A PORTION THEREOF

DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING BUREAU  
 CITY OF LONG BEACH, CALIFORNIA  
**EXHIBIT A**



## CITY COUNCIL FINDINGS

### VACATION OF A PORTION OF ATLANTIC AVENUE BETWEEN VIA VERANADA AND VIA WANDA

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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) On March 15, 2018, the Planning Commission determined that the subject vacation is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law;
  - b) The interested City departments, including Traffic Engineering, Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action;
  - c) The rights-of-way would not be useful for exclusive bicycle pathway 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.
- d) In conformance with the California Environmental Quality Act, Categorical Exemption Number 18-061 was issued for this project.

EXHIBIT B