



# CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

# C-13

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

August 7, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Adopt a resolution ordering the summary vacation of subterranean and aerial portions of the north-south alley north of Eighth Street and west of Locust Avenue adjacent to 835 Locust Avenue. (District 1)

### DISCUSSION

In 2004, the Temple Lofts building was subdivided by Tract Map No. 53748 into residential condominiums. The adjacent 16-foot wide alley was widened to 18 feet on that map. It was intended that the dedication would be limited to surface use (the space between a level 6 inches below the pavement and a level 10 feet above it), in order to allow the subterranean parking garage to be built up to the original alley boundary and to allow 1-foot deep balcony projections 10 feet above the alley surface. However, the map incorporated an error in the language widening the alley and did not exclude these basement and balcony spaces. This vacation action is intended to reverse the portions of the dedication made on Tract Map No. 53748 as shown on the attached Exhibit A.

Proceedings for this vacation are being conducted in accordance with Chapter 4, Summary Vacation, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Section 8333 of that Chapter states that the legislative body of a local agency may vacate a street or easement that was acquired less than 5 years ago and has not been used for the purpose for which it was dedicated. The Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the right-of-way to be vacated is unnecessary for present or prospective public use:

1. This action corrects an error made on Tract Map No. 53748. The basement and balcony projections were approved by the Public Works and Planning and Building Departments prior to the spaces being dedicated.
2. On May 3, 2007, the Planning Commission determined that the subject vacation action is consistent with the General Plan, as required in Section 8313 of the Public

**AIRPORT**  
4100 Donald Douglas Dr.  
Long Beach, CA 90808  
Ph. (562) 570-2600  
Fax (562) 570-2601

**BUSINESS OPERATIONS  
BUREAU**  
333 W. Ocean Blvd., 9<sup>th</sup> Floor  
Long Beach, CA 90802  
Ph. (562) 570-6383  
Fax (562) 570-6012

**ENGINEERING & STREET  
MAINTENANCE**  
333 W. Ocean Blvd., 9<sup>th</sup> Floor  
Long Beach, CA 90802  
Ph. (562) 570-6634  
Fax (562) 570-6012

**ENVIRONMENTAL  
SERVICES**  
2929 E. Willow Street  
Long Beach, CA 90806  
Ph. (562) 570-2850  
Fax (562) 570-2861

**FACILITIES  
BUREAU**  
333 W. Ocean Blvd., 9<sup>th</sup> Floor  
Long Beach, CA 90802  
Ph. (562) 570-5786  
Fax (562) 570-6012

**FLEET  
SERVICES**  
2600 Temple Avenue  
Long Beach, CA 90806  
Ph. (562) 570-5400  
Fax (562) 570-5414

**TRAFFIC &  
TRANSPORTATION**  
333 W. Ocean Blvd., 10<sup>th</sup> Floor  
Long Beach, CA 90802  
Ph. (562) 570-6331  
Fax (562) 570-7161

Streets, Highways and Service Easements Vacation Law. In conformance with the California Environmental Quality Act, Negative Declaration Number ND 45-01 was issued for this project. The Planning Department staff report is included as Exhibit B.

3. The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and land development and have no objections to this action. As the spaces to be vacated are fully improved as a part of the building, no utilities are present and no utility easement will be reserved. There are no Conditions of Approval for this action.

Deputy City Attorney Lori A. Conway prepared the attached resolution of summary vacation on July 18, 2007. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

TIMING CONSIDERATIONS

City Council action is not time critical.

FISCAL IMPACT

A vacation processing fee of \$675 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

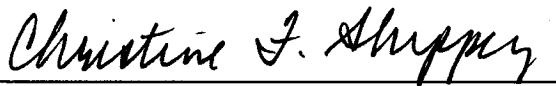


CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

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P:\CL\ ROW Temple Lofts summary vacation CL revised.doc

Attachments

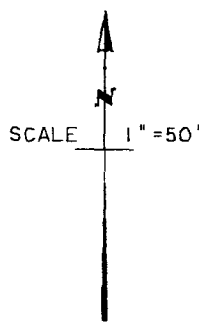
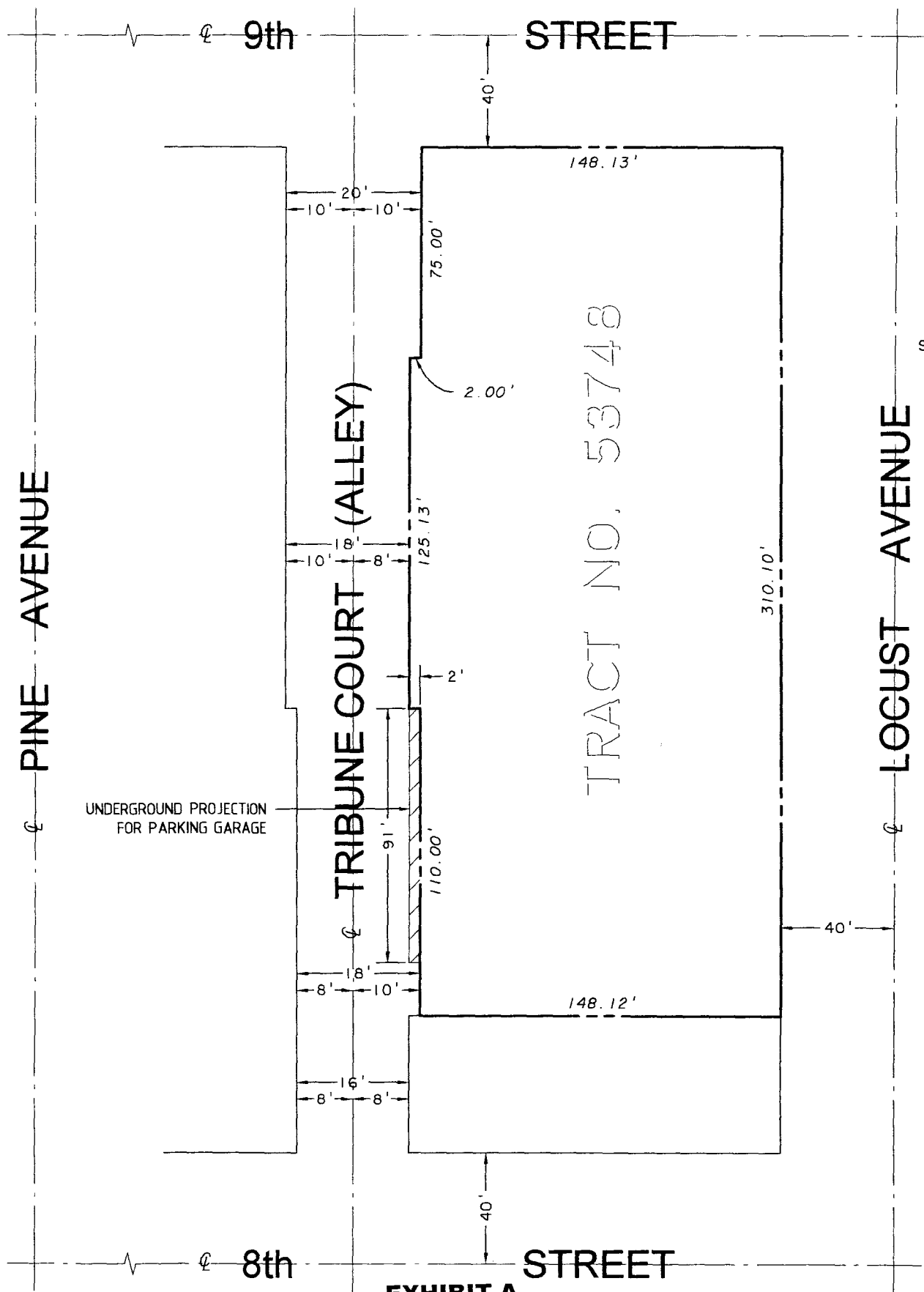
APPROVED:



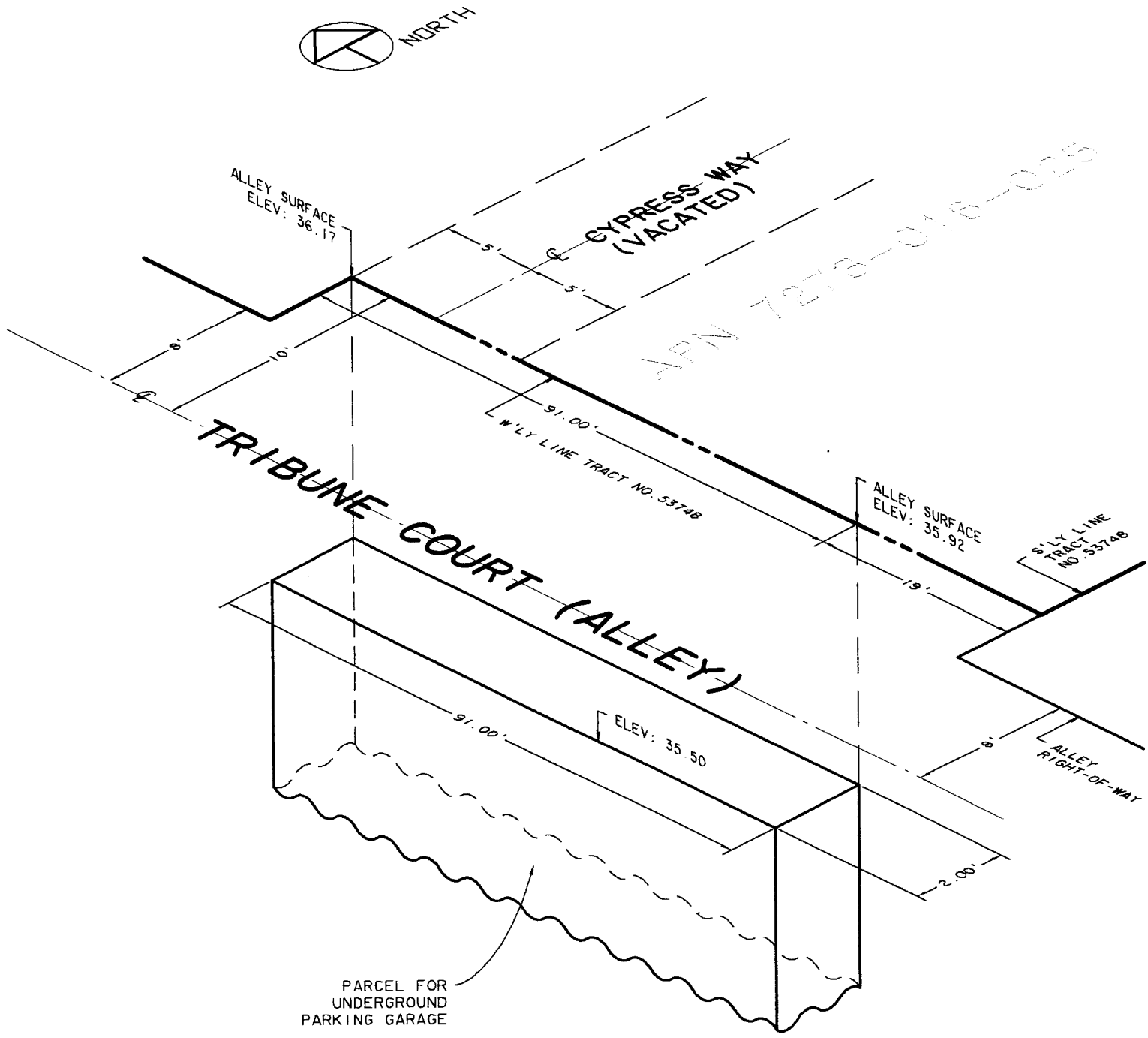
ANTHONY W. BATTIS  
CITY MANAGER



VICINITY SKETCH  
FOR UNDERGROUND PARKING GARAGE

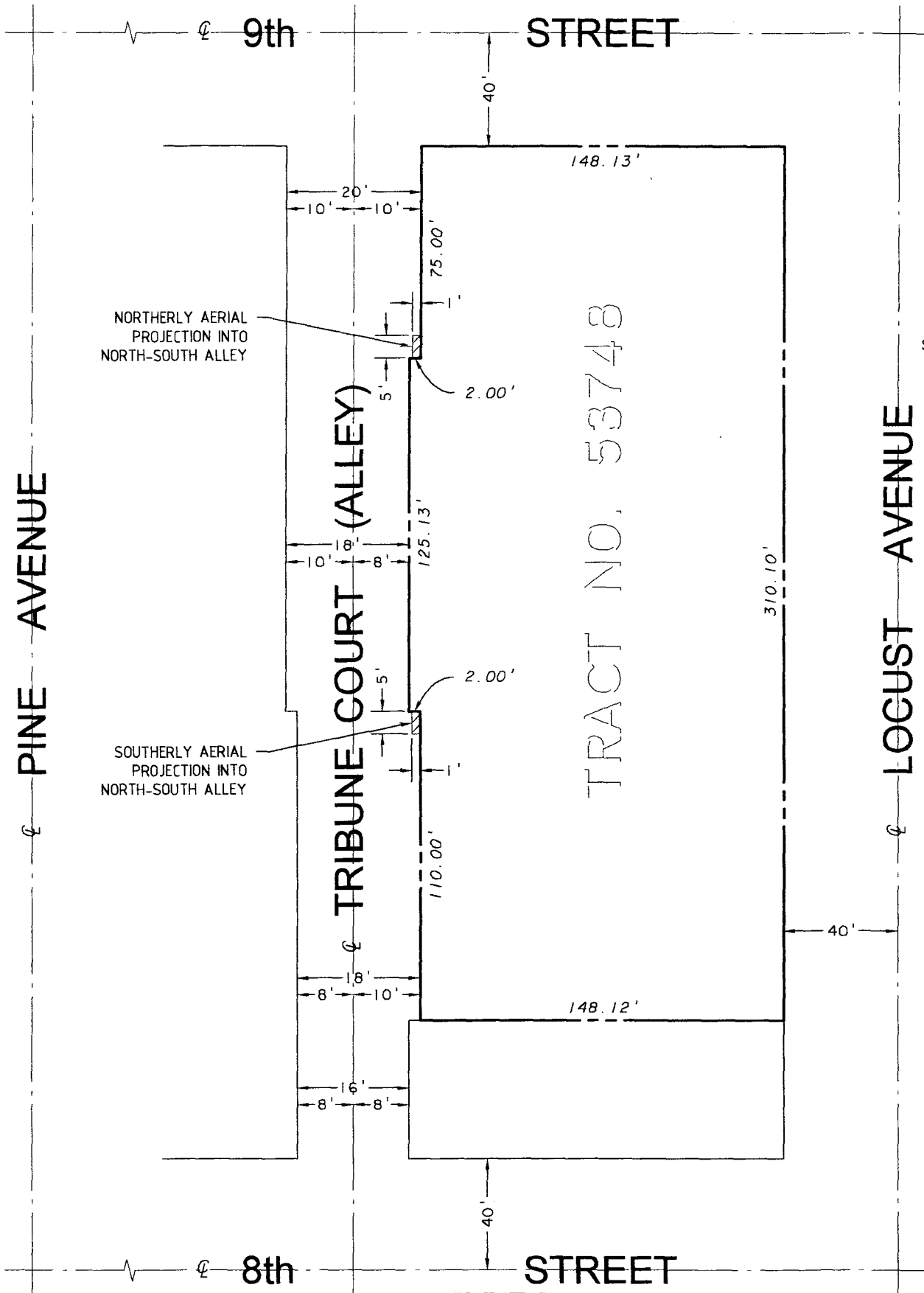


SKETCH OF PARCEL  
FOR UNDERGROUND PARKING GARAGE



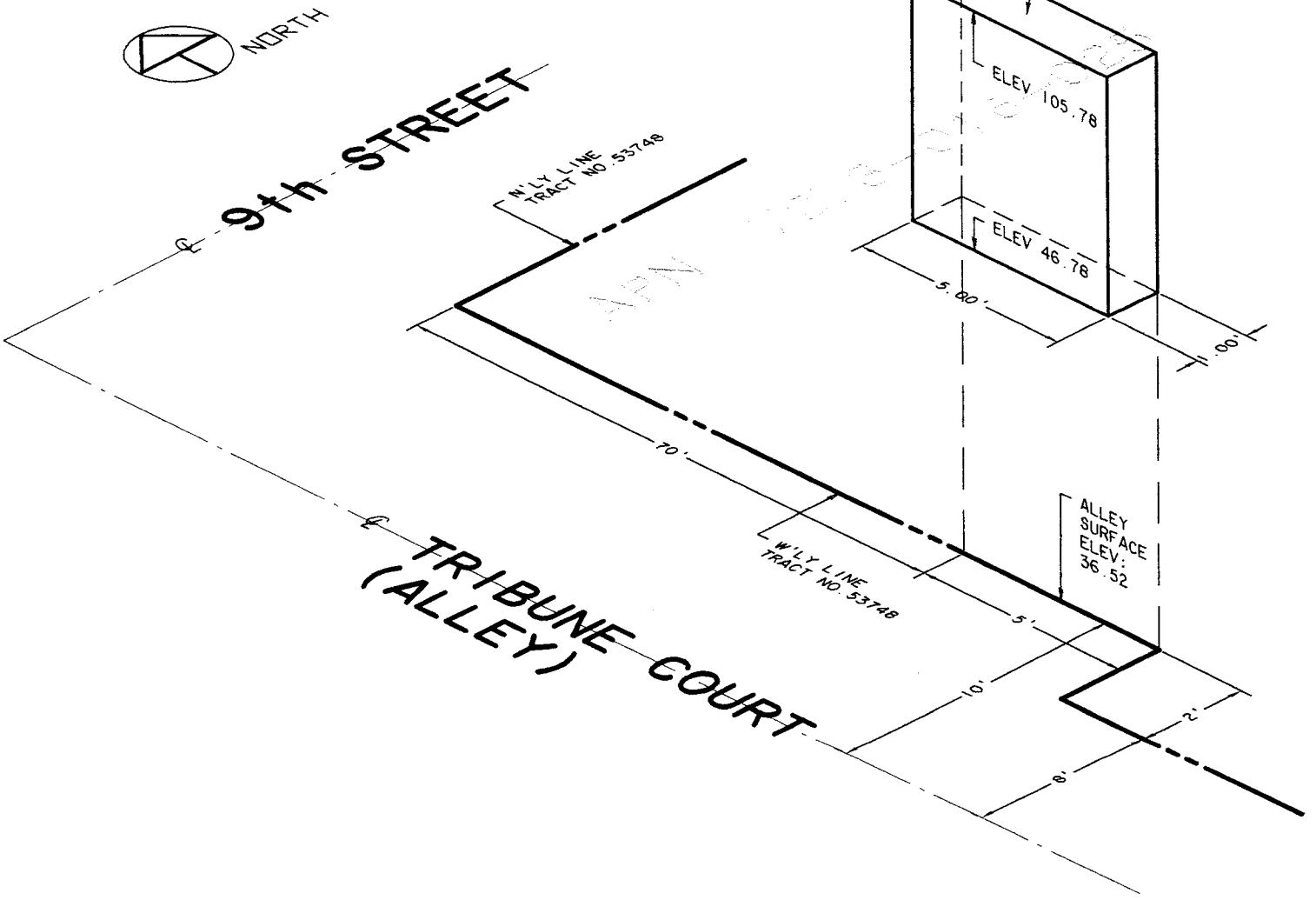
PARCEL FOR  
UNDERGROUND  
PARKING GARAGE

VICINITY SKETCH  
 FOR AERIAL PROJECTIONS  
 INTO NORTH-SOUTH ALLEY (TRIBUNE COURT)

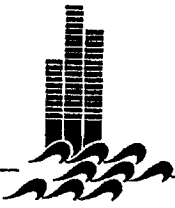


SKETCH OF PARCEL  
FOR NORTHERLY AERIAL PROJECTION  
INTO THE NORTH-SOUTH ALLEY (TRIBUNE COURT)  
ADJACENT TO 835 N. LOCUST

NORTHERLY AERIAL PROJECTION  
INTO THE NORTH-SOUTH ALLEY (TRIBUNE COURT)  
ADJACENT TO 835 N. LOCUST







# 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

May 3, 2007

## CONSENT CALENDAR

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

SUBJECT: Finding of Conformity with the *General Plan* for the Proposed Vacation of Subterranean and Aerial Portions of the North-South Alley

LOCATION: Adjacent to 835 North Locust Avenue

APPLICANT: Jim O'Brien  
Trimark Pacific Homes, L.P.  
31111 Agoura Road, Westlake CA 91361

### RECOMMENDATION

Find the proposed vacation of subterranean and aerial portions of the north-south alley, as depicted in Exhibit A and B, in conformance with the *General Plan*.

### BACKGROUND

Pursuant to California Government Code Section 65402, no street, parcel or alley may be vacated, transferred or dedicated 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 rights-of-way vacation is herein submitted for such review.

The applicant is requesting the vacation of a two foot wide subterranean space along Tribune Court for the extension of the underground parking structure and for the aerial vacation of the two feet projection into the north-south alley.

A finding of consistency 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 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

**EXHIBIT B****Page 1 of 2**



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 subject site is located within Land Use District Number Seven (LUD No. 7) Mixed Use. This district carefully blends different land uses in an effort to vitalize the City's urban structure. The proposed subterranean and aerial vacations and related development are consistent with this land use designation. The proposed development will add quality housing units to the downtown.

**ENVIRONMENTAL REVIEW**

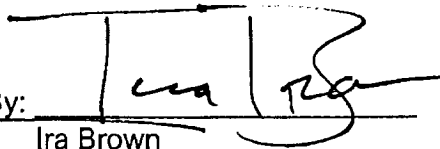
In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Negative Declaration (ND 45-01) was certified on April 20, 2000.

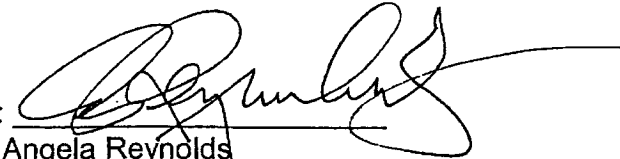
**IT IS RECOMMENDED THAT THE PLANNING COMMISSION**

Find the proposed vacation of subterranean and aerial portions of the north-south alley, as depicted in Exhibit A and B, in conformance with the *General Plan*.

Respectfully submitted,

SUZANNE FRICK  
DIRECTOR OF PLANNING AND BUILDING

By:   
Ira Brown  
Planner

Approved:   
Angela Reynolds  
Comprehensive Planning Officer

SF:AR:IB

Attachment:

1. Exhibit A: Sketch Showing Aerial Vacation
2. Exhibit B: Sketch Showing Subterranean Vacation

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION ORDERING THE SUMMARY VACATION OF SUBTERRANEAN AND AERIAL PORTIONS OF THE NORTH-SOUTH ALLEY NORTH OF EIGHTH STREET AND WEST OF LOCUST AVENUE ADJACENT TO 835 LOCUST AVENUE, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA PURSUANT TO CHAPTER 4, PART 3 OF DIVISION 9 OF THE CALIFORNIA STREET AND HIGHWAYS CODE

WHEREAS, the City Council of the City of Long Beach adopts this resolution pursuant to Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law (Streets and Highways Code Sections 8330 et seq.); and

WHEREAS, this resolution vacates subterranean and aerial portions of the north-south alley north of Eighth Street and west of Locust Avenue adjacent to 835 Locust Avenue described more particularly as follows:

UNDERGROUND PARKING GARAGE PARCEL

That portion of Tribune Court dedicated on map of Tract No. 53748 in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 1288, pages 35 through 37 of maps, in the Office of the County Recorder of said County, described as follows:

That portion of said Tribune Court lying below elevation 35.50 feet (based on Long Beach City Benchmark No. 216-A, elevation 35.672 feet) within the following described boundaries:

Beginning at a point in the westerly line of said Tract No. 53748 that is north 0°00'05" west 19.00 feet from the southwest corner of said Tract; thence continuing along said

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westerly line, north 0°00'05" west 91.00 feet; thence south 89°59'55" west 2.00 feet; thence south 0°00'05" east 91.00 feet; thence north 89°59'55" east 2.00 feet to the Point of Beginning.

NORTHERLY AERIAL PROJECTION PARCEL

That portion of said Tribune Court lying between elevation 46.78 feet and elevation 105.78 feet (based on said Long Beach City Benchmark 216-A), within the following described boundaries:

Beginning at a point in the westerly line of said Tract No. 53748 that is south 0°00'05" east 70.00 feet from the northwest corner of said Tract; thence continuing along said westerly line south 0°00'05" east 5.00 feet; thence south 89°59'55" west 1.00 foot; thence north 0°00'05" west 5.00 feet; thence north 89°59'55" east 1.00 foot to the Point of Beginning.

SOUTHERLY AERIAL PROJECTION PARCEL

That portion of said Tribune Court lying between elevation 46.78 feet and elevation 105.78 feet (based on said Long Beach City Benchmark 216-A), within the following described boundaries:

Beginning at a point in the westerly line of said Tract No. 53748 that is north 0°00'05" west 105.00 feet from the southwest corner of said Tract; thence continuing along said westerly line north 0°00'05" west 5.00 feet; thence south 89°59'55" west 1.00 foot; thence south 0°00'05" west 5.00 feet; thence north 89°59'55" east 1.00 foot to the Point of Beginning.

WHEREAS, the above-described property is an excess right-of-way and is not required for street, highway or bikeway purposes; and

WHEREAS, the vacation of this right-of-way will not cut off all access to any adjoining property; and

WHEREAS, this property is a public service easement that was acquired less than five years before this vacation and has not been used for the purpose for which it was dedicated or acquired;

1                   NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
2 follows:

3                   Section 1. Pursuant to Chapter 4, Part 3 of Division 9 of the California  
4 Streets and Highways Code (Sections 8330 et seq.), the following findings are made  
5 regarding the above-described property:

6                   A. That the document, attached hereto as Exhibit "A", accurately  
7 depicts the property to be vacated.

8                   B. That the findings of fact made by the City Council for the  
9 purposes of this summary vacation of excess right-of-way pursuant to  
10 California Streets and Highways Code Section 8333(a), set forth in the  
11 document entitled "City Council Findings" and attached hereto as Exhibit  
12 "B", are incorporated herein and made a part of this resolution by this  
13 reference.

14                   Section 2. The above-described portion of the right-of-way is hereby  
15 vacated and closed. From and after the date this resolution is recorded, such vacated  
16 right-of-way shall no longer constitute a street or highway.

17                   Section 3. The City Clerk is hereby instructed to certify to the adoption of  
18 this resolution, and to cause a certified copy to be recorded in the Office of the County  
19 Recorder of the County of Los Angeles, California.

20                   Section 4. This resolution shall take effect immediately upon its adoption  
21 by the City Council.

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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 \_\_\_\_\_, 2007, by the following vote:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

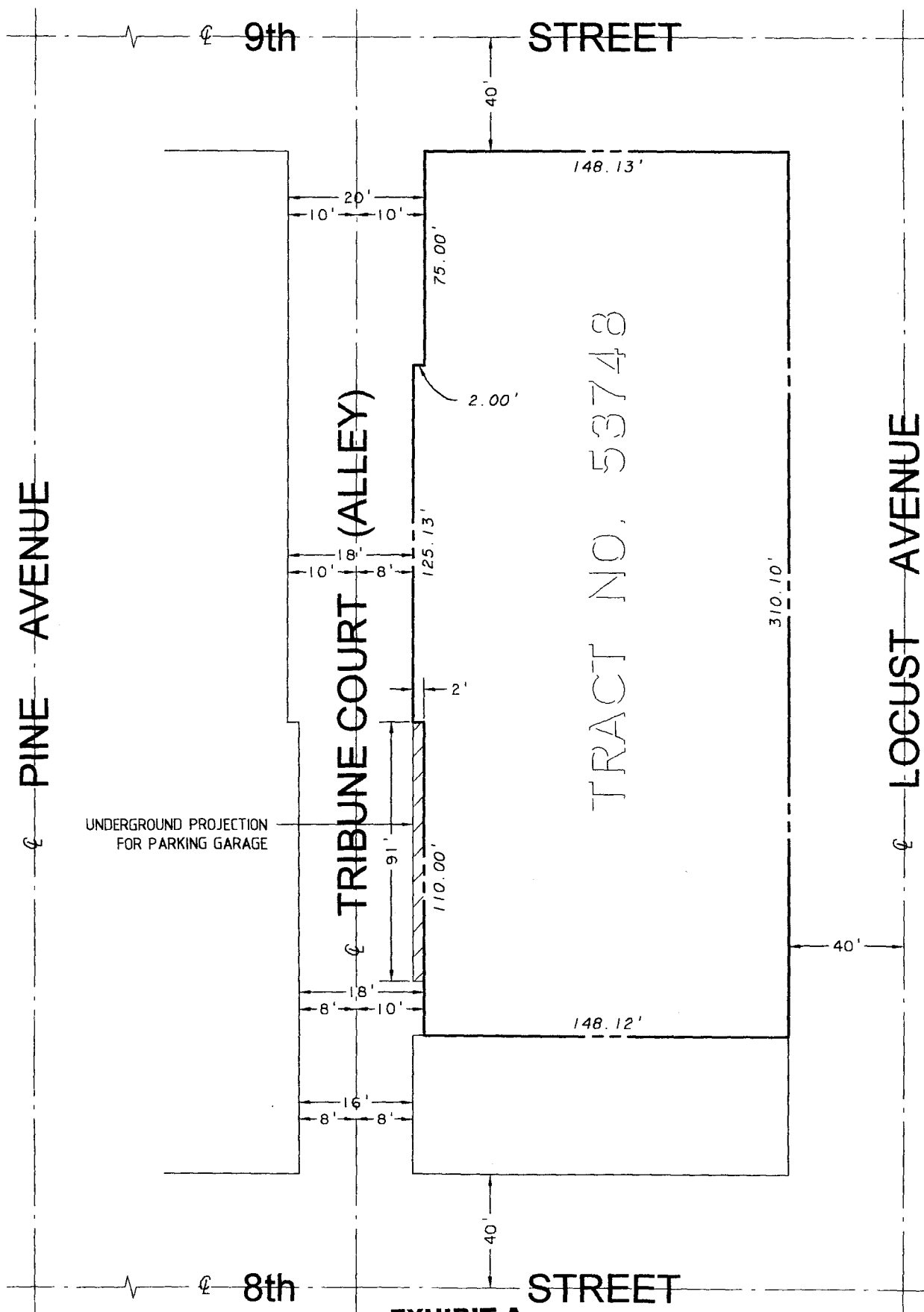
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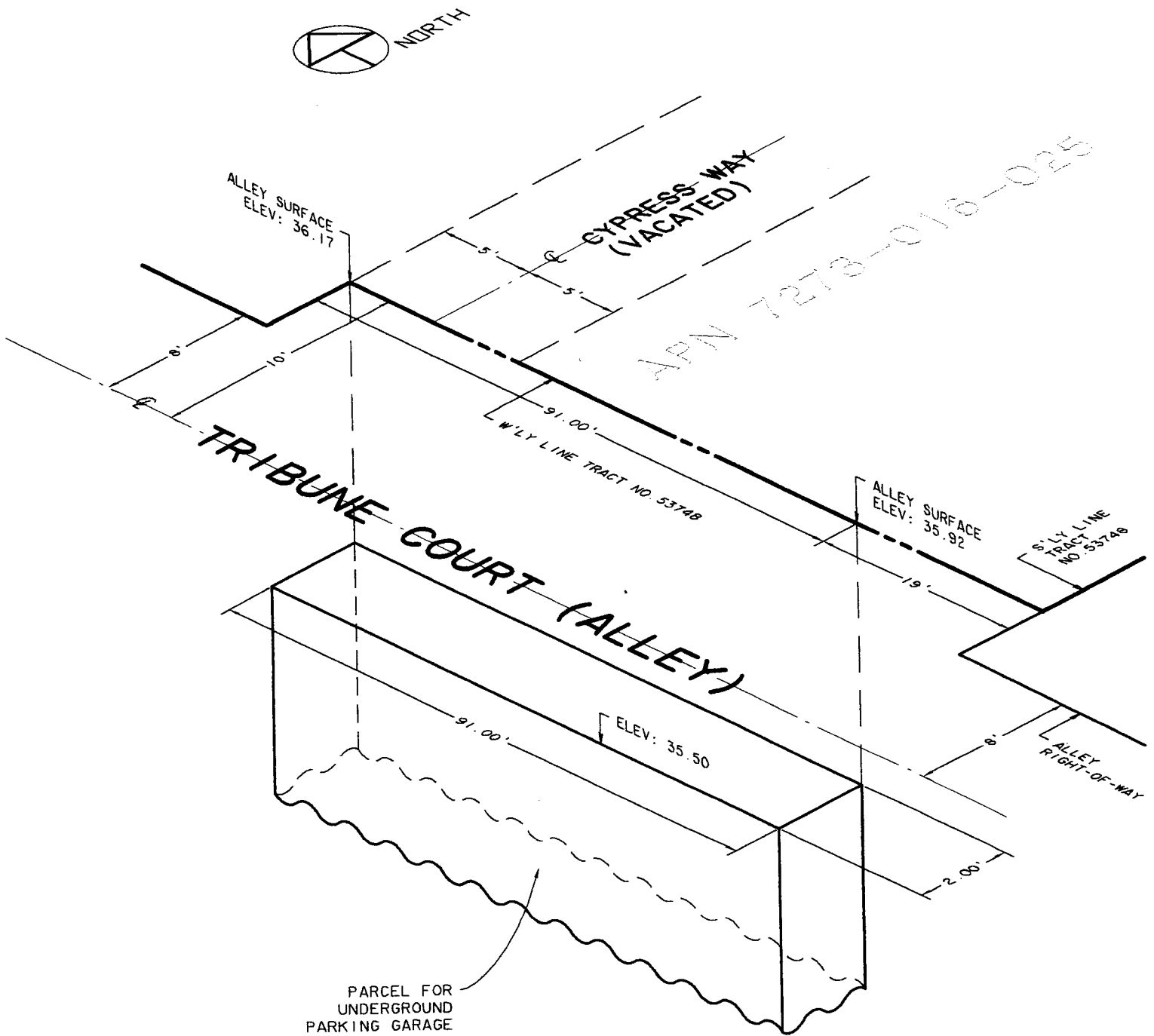
City Clerk

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

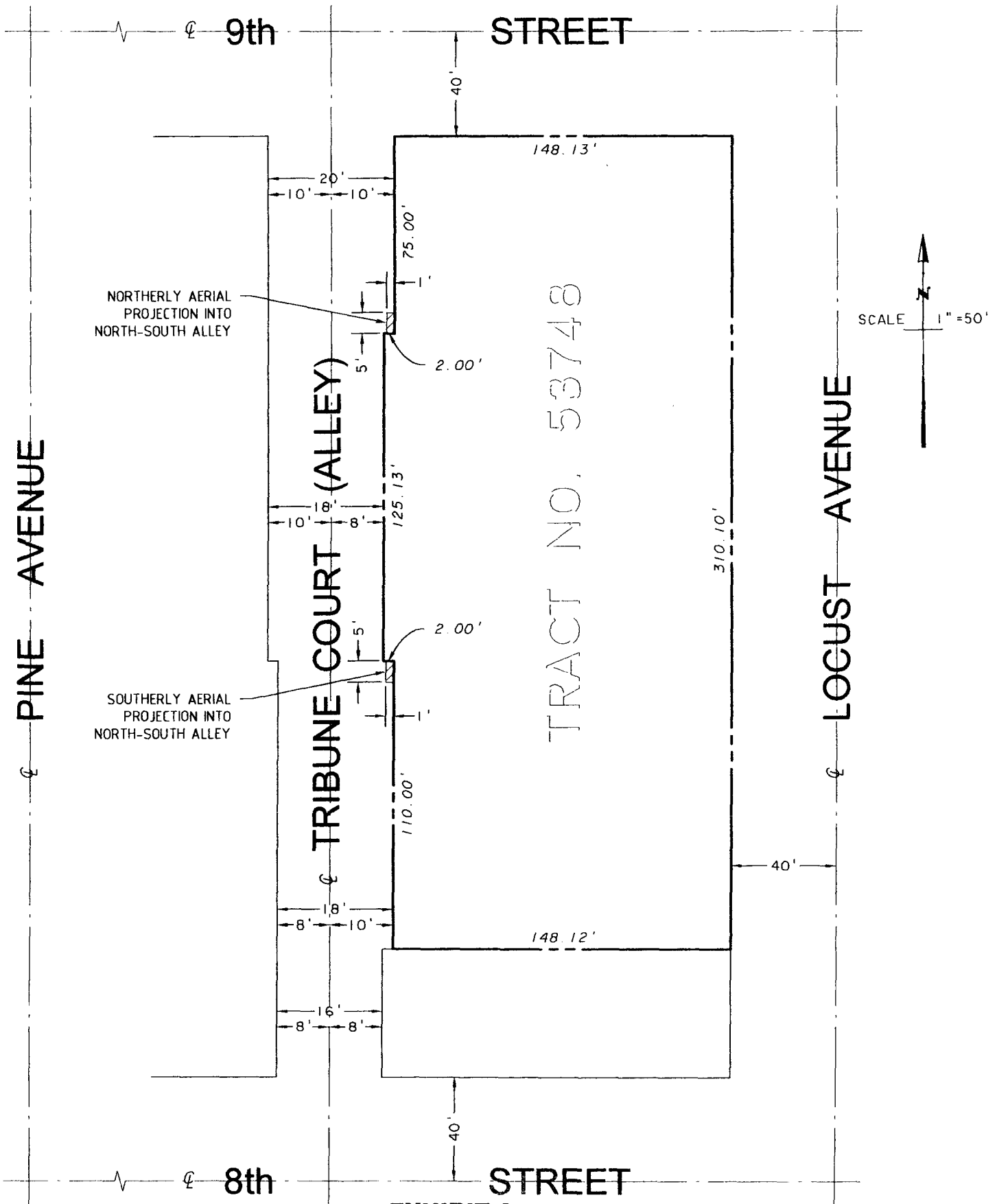
VICINITY SKETCH  
FOR UNDERGROUND PARKING GARAGE



SKETCH OF PARCEL  
FOR UNDERGROUND PARKING GARAGE

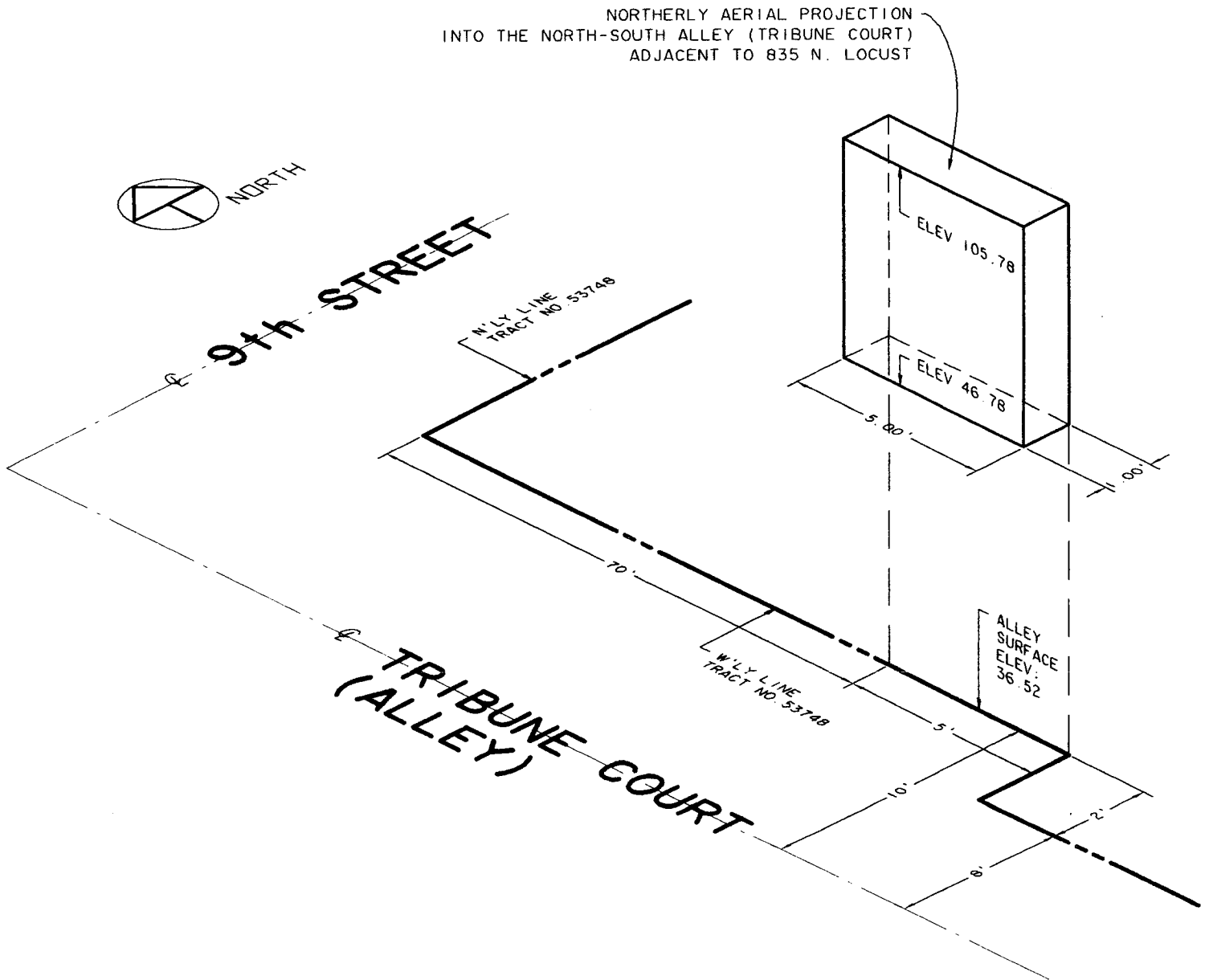


VICINITY SKETCH  
 FOR AERIAL PROJECTIONS  
 INTO NORTH-SOUTH ALLEY (TRIBUNE COURT)

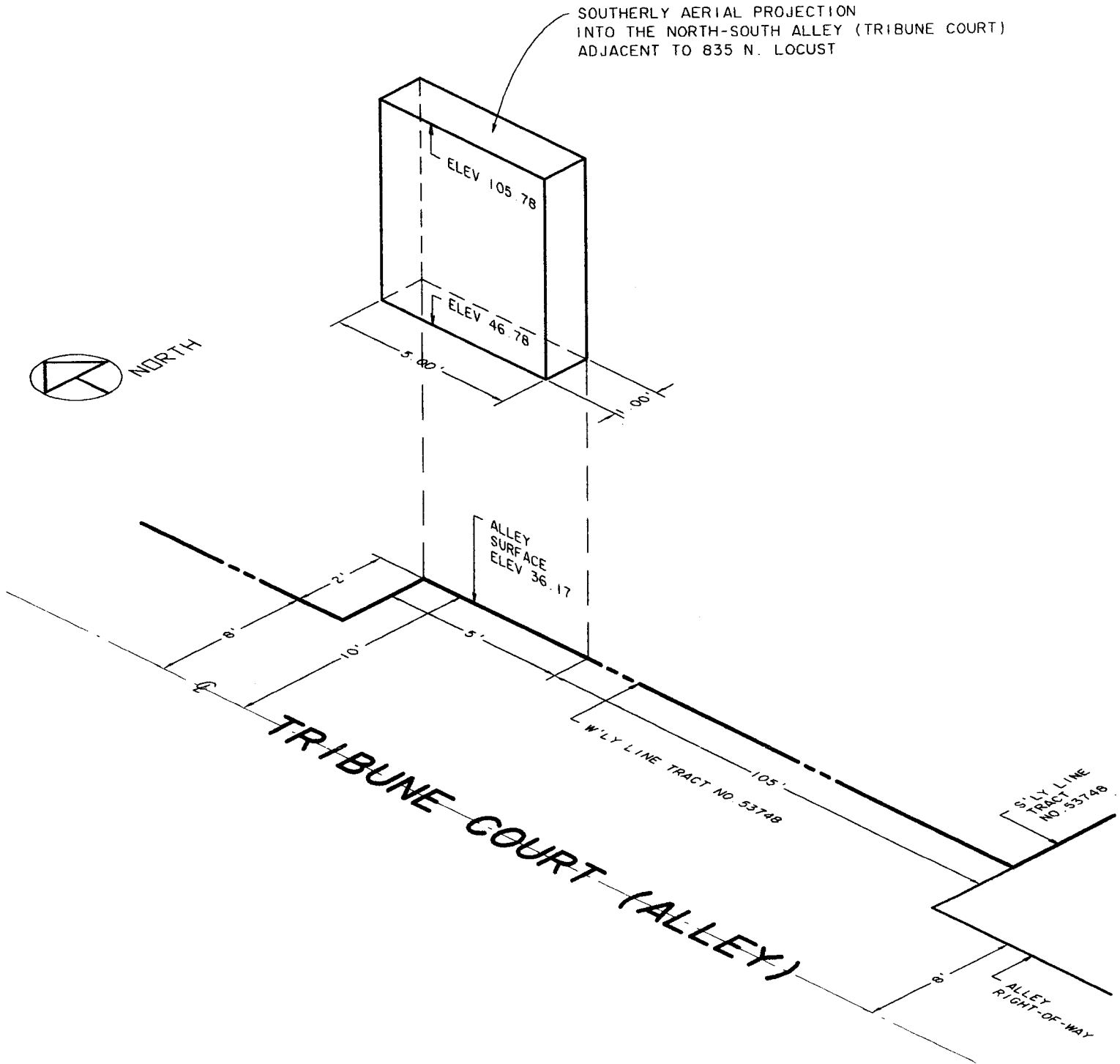




SKETCH OF PARCEL  
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ADJACENT TO 835 N. LOCUST



SKETCH OF PARCEL  
FOR SOUTHERLY AERIAL PROJECTION  
INTO THE NORTH-SOUTH ALLEY (TRIBUNE COURT)  
ADJACENT TO 835 N. LOCUST



## **CITY COUNCIL FINDINGS**

### **VACATION OF SUBTERRANEAN AND AERIAL PORTIONS OF THE NORTH-SOUTH ALLEY NORTH OF EIGHTH STREET AND WEST OF LOCUST AVENUE ADJACENT TO 835 LOCUST AVENUE**

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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) This right-of-way vacation corrects an error made on Tract Map 53748. The basement and balcony projections were approved by the Public Works and Planning and Building Departments prior to the spaces being dedicated.
- b) On May 3, 2007, the 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 Number ND 45-01 was issued for this project.
- c) The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and land development, and have no objections to this action. As the spaces to be vacated are fully improved as a part of the building, no utilities are present and no utility easement will be reserved.
- d) The rights-of-way would not be useful for exclusive bikeway purposes, and is not required for street or highway 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.
- e) In conformance with the California Environmental Quality Act, Negative Declaration Number ND 45-01 was issued for this project.

**EXHIBIT B**