



CITY OF LONG BEACH R-29

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

July 6, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution of intention to vacate a pedestrian walk between Janice Drive and Harding Street, east of Atlantic Avenue, and set a date for a public hearing for August 3, 2010. (District 9)

DISCUSSION

Residents in the vicinity of a 10-foot wide pedestrian-only connection between Janice Drive and Harding Street have requested that this right-of-way be eliminated to increase neighborhood security. The pedestrian right-of-way to be vacated is shown on the attached 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. Community meetings on this matter were held on November 13, 2009, and January 26, 2010. There was general community support for this action.
2. Upon vacation of this right-of-way, the strip of land will revert to adjacent property owners. These property owners have been notified of this and their responsibility to maintain their portion as a part of their lot. Additionally, the adjacent property owners have agreed to construct, at their expense, a concrete block wall down the centerlines of the alley as a condition of the vacation.
3. On June 3, 2010, 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, Categorical Exemption Number CE-29-10 was issued for this action. The Development Services Department's staff report is included as Exhibit B.

HONORABLE MAYOR AND CITY COUNCIL

July 6, 2010

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4. 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. Conditions of approval, satisfying the concerns of the public utility companies, are shown on Exhibit C.

The public hearing on this matter to be held on August 3, 2010, will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard.

This matter was reviewed by Deputy City Attorney Linda Trang on June 15, 2010, and by Budget Management Officer Victoria Bell on June 15, 2010.

TIMING CONSIDERATIONS

City Council action is requested on July 6 to set the August 3, 2010 public hearing date on this matter.

FISCAL IMPACT

There is no fiscal or local job impact to the City.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

MPC:MAC:GMM:SC

APPROVED:



PATRICK H. WEST
CITY MANAGER

Exhibit A – Vicinity Map
Exhibit B – Planning Department Staff Report
Exhibit C – Conditions of Approval

SKETCH NO. 997V SHOWING THE 10-FOOT WIDE PEDESTRIAN WALK BETWEEN JANICE DRIVE AND HARDING STREET, EAST OF ATLANTIC AVENUE, TO BE VACATED BY THE CITY OF LONG BEACH.

■ SHOWS AREA TO BE VACATED

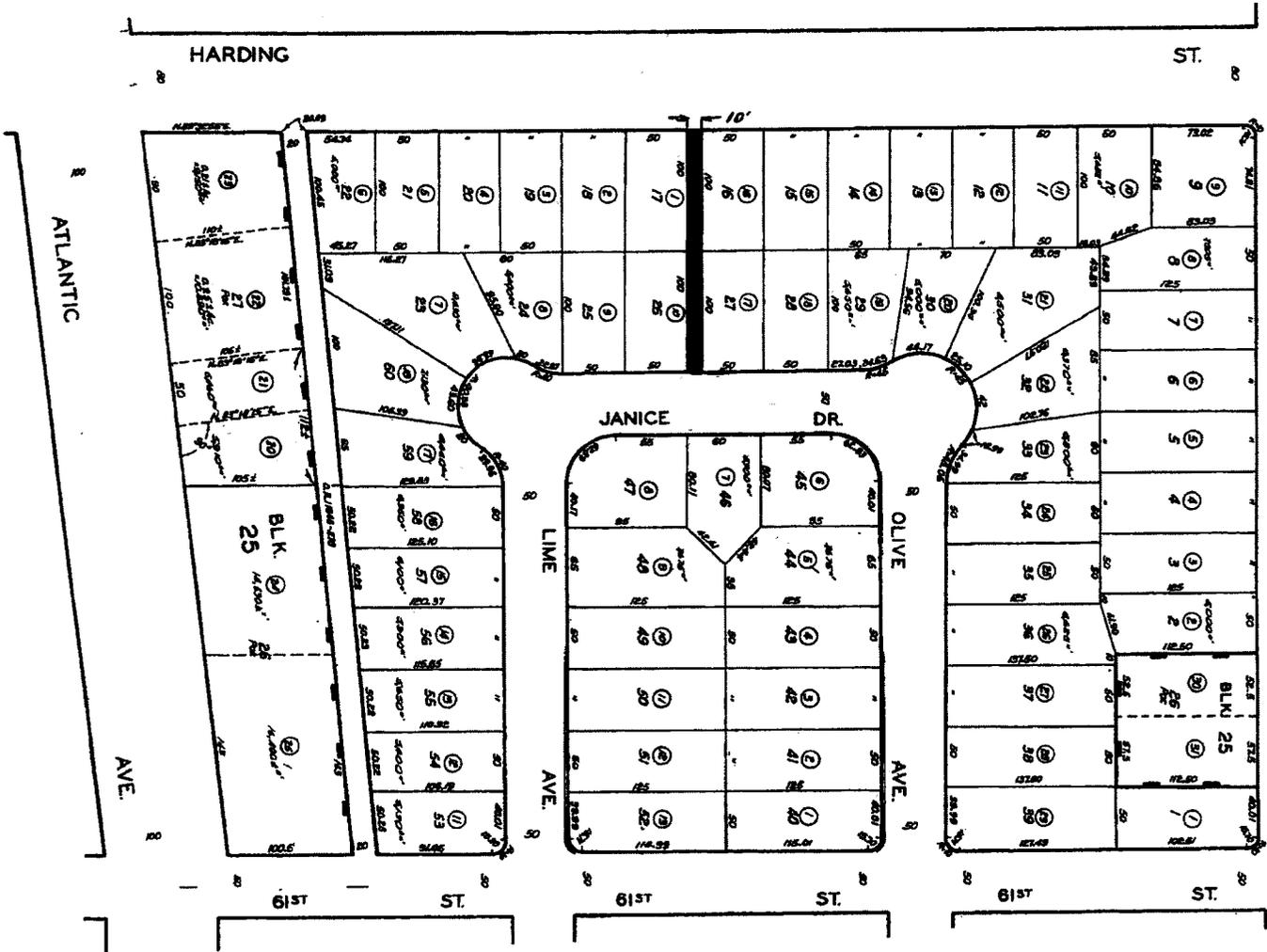
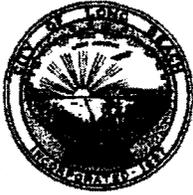


EXHIBIT A



CITY OF LONG BEACH

LONG BEACH DEVELOPMENT SERVICES

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6088

June 3, 2010

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve finding of conformity with the adopted General Plan for a public right-of-way between Janice Drive and Harding Street. (District 9)

APPLICANT: Mike Conway
Director of Public Works
(Application No. 60311-1)

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 public right-of-way vacation is herein submitted for such review.

The applicant proposes to vacate a walkway between Harding Street and Janice Drive, as depicted in Exhibit A and B, in order to prevent nuisance behavior and illegal dumping. As a result of this vacation, the adjacent property owners' side yard will extend to the centerline of the vacated pedestrian alley with a new block wall delineating the property line. The proposed alley vacation has been reviewed and approved by the Long Beach Public Works Department after consultation with other interested City departments.

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 elements and 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:

CHAIR AND PLANNING COMMISSIONERS

June 3, 2010

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General Plan Consistency 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. 1 (Single Family). The intent of LUD No. 1 is to set aside an area for single-family housing. The Land Use Element further recognizes the need for neighborhood revitalization and preservation. The proposed alley vacation may ameliorate some of the external forces that are negatively affecting neighborhood stability. Therefore, the proposed vacation is consistent with the Land Use Element.

Environmental Review

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption number 29-10 (CE 29-10) was issued for the proposed project.

Respectfully submitted,



REGINALD I. HARRISON
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

RH:JG:IB

Attachment: Exhibit A – Sketch showing portion to be vacated
 Exhibit B – Photo

CONDITIONS OF APPROVAL

SKETCH NO. 997V

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. No public utilities are known to exist in the area to be vacated, and therefore the reservation of a utility easement is not a condition of approval. If any facilities are found to be located in this area during the vacation process, a utility easement shall be reserved.
2. The property owners adjacent to this pedestrian walk shall be responsible for constructing a concrete block wall enclosing the area of the walk which reverts to their own private property, and for all future maintenance of the vacated area.
3. The property owners adjacent to this pedestrian walk shall at their own cost any storm water drainage problems resulting from the vacation and wall construction 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.

GMM:SC

EXHIBIT C

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 OF INTENTION TO VACATE THE PEDESTRIAN WALK BETWEEN JANICE DRIVE AND HARDING STREET, EAST OF ATLANTIC AVENUE, 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 pedestrian walk between Janice Drive and Harding Street, east of Atlantic Avenue, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

That 10-foot wide public right-of-way labeled "WALK" in Tract No. 12769 in the City of Long Beach, County of Los Angeles, State of California, as shown on the map of said Tract filed in Book 246, Pages 37 and 38 of Maps in the Office of the County Recorder of said County, said walk lying adjacent to Lots 16, 17, 26 and 27 of said Tract, bounded on

1 the north by the southerly line of Harding Street, 80 feet
2 wide, and on the south by the northerly line of Janice Drive,
3 50 feet wide, both as shown on said Tract Map.

4
5 Section 2. All of the foregoing real property is shown on the map or plan
6 thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which
7 map or plan is known and referred to as "City of Long Beach Department of Public Works
8 Vacation Sketch No. 997V".

9 Section 3. The City Council hereby fixes the _____ day of
10 _____, 2010 at the hour of _____ p.m., as the time and the City
11 Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of
12 Long Beach, California, as the place for hearing all persons interested in or objecting to
13 the proposed vacation.

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

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

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

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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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I hereby certify that the foregoing resolution was adopted by the City
Council of the City of Long Beach at its meeting of _____,
20__ by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

SKETCH NO. 997V SHOWING THE 10-FOOT WIDE PEDESTRIAN WALK BETWEEN JANICE DRIVE AND HARDING STREET, EAST OF ATLANTIC AVENUE, TO BE VACATED BY THE CITY OF LONG BEACH.

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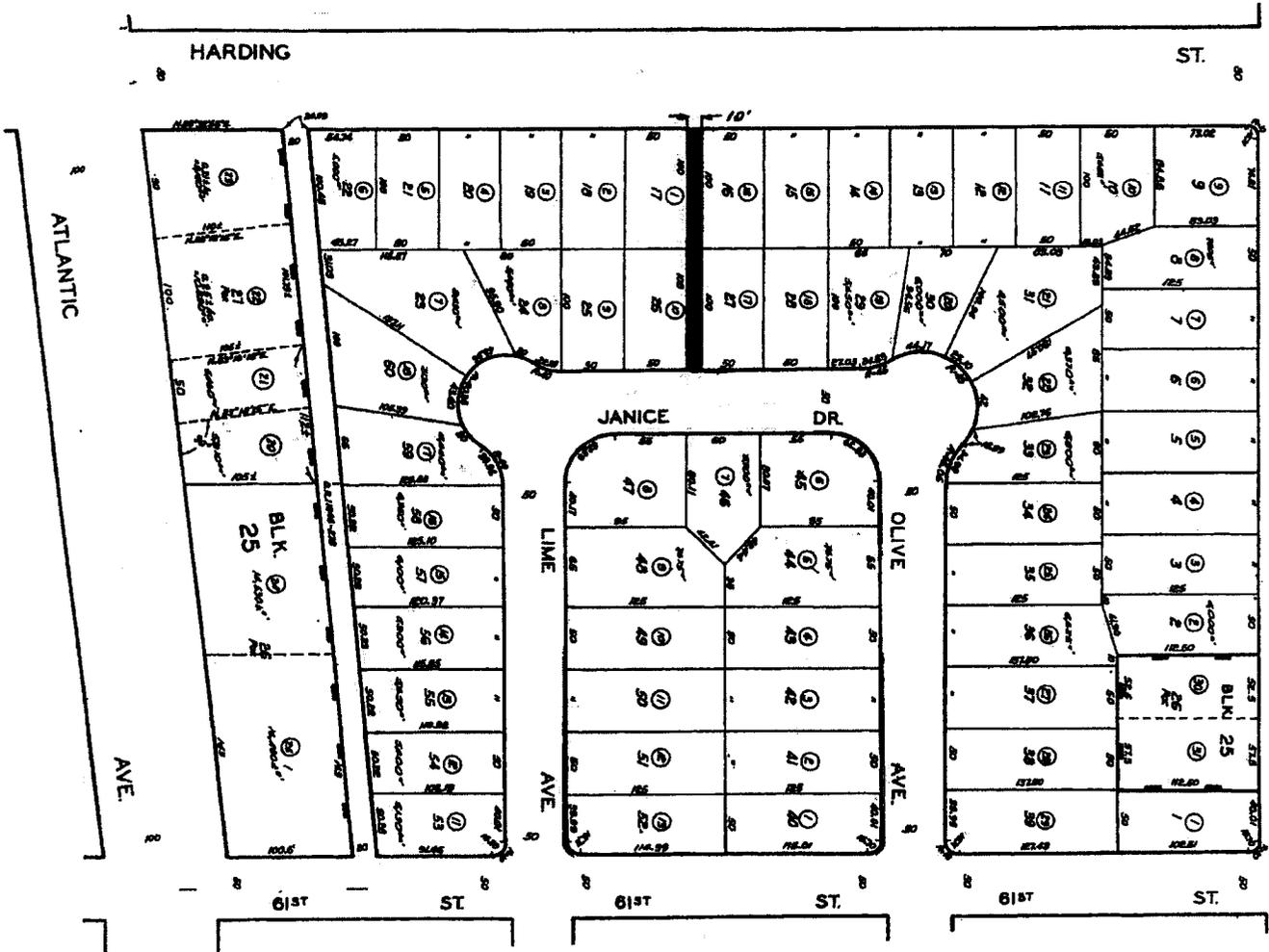


EXHIBIT A