



# 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

November 17, 2016

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

### RECOMMENDATION:

Deny the appeals of Melinda Cotton, Aileen Colon, and Susan Miller and uphold the decision of the Zoning Administrator to accept Categorical Exemption CE 16-022 and approve a Local Coastal Development Permit in conjunction with the proposed vacation of the 131.2-foot-long, 15-foot-wide alley west of 4100 E. Ocean Boulevard. (District 3)

APPLICANT: Kurt Schneider  
3633 E. Broadway, Suite 102  
Long Beach, CA 90803  
(Application No. 1602-01)

### DISCUSSION

The subject request is related to the proposed vacation of the 15-foot-wide, 131.2-linear-foot public alley that runs north-south between E. Ocean Boulevard and Olympic Plaza west of 4100 E. Ocean Boulevard (Exhibit A – Location Map). The alley is bounded by a privately-owned, commercially-developed parcel to the east (4100 E. Ocean Boulevard) and four privately-owned, commercially-developed parcels to the west (20-30 Termino Avenue, and 4000 E. Ocean Boulevard) (Exhibit B – Alley Plan). The alley provides no vehicular access to parking, required or otherwise, on these parcels. No development is proposed in conjunction with the vacation request.

On July 21, 2016, the Planning Commission conducted a public hearing and found the subject alley vacation consistent with the adopted goals and policies of the City's General Plan. No appeals of the General Plan Conformity Finding action were filed. On September 12, 2016, the Zoning Administrator conducted a public hearing on a Local Coastal Development Permit related to the vacation request. During this hearing three members of the public spoke in support of the proposed alley abandonment. Supporters cited the poor physical condition of the alley, its use as a public dumping area, and the benefits of transferring the alley to private ownership. No members of the public spoke in opposition to the abandonment. Prior to the hearing, however, staff received five pieces of written opposition to the proposal. Issues raised in the written



comments focused primarily on impacts the alley vacation would have on public access to the coast.

The subject alley is unimproved and not currently used for vehicle or pedestrian circulation due in large part to the alley's mid-block location and the presence of north-south rights-of-way providing vehicular and pedestrian access to the coast located approximately 150 feet west (Termino Avenue) and 300 feet east (43<sup>rd</sup> Place) of the alley. Both of these streets feature crosswalks across Ocean Boulevard whereas the alley does not connect with a crosswalk across Ocean Boulevard due to its mid-block location. Additionally, the longstanding presence of trash bins, weeds and debris, and items dumped by private parties inhibit and deter the alley's use as a north-south access corridor to the coast. The Department of Public Works and the Fire Department have both reviewed the vacation proposal and stated no objections.

After consideration of staff's findings and testimony from both the public (including a reading of the written comments into the record) and the applicant, the Zoning Administrator approved the Local Coastal Development Permit request, subject to conditions (Exhibit C – Findings & Conditions). Three qualifying appeals of the Zoning Administrator's decision were filed within the 10-day appeal period (Exhibit D – Applications for Appeal). The stated reasons for the appeal filings include, but are not limited to, a loss of public access to the coast and impacts to trash collection and emergency services. The alley has historically been used as a trash collection area for Chuck's Coffee Shop (4120 E. Ocean Boulevard) and the former Yankee Doodles tavern (4100 E. Ocean Boulevard). No legal agreements with the City to store bins in the public alley have ever been executed. The scope of the ongoing 4100 E. Ocean Boulevard building remodel includes a recessed trash enclosure area that will accommodate waste from the future use within the 4100 E. Ocean Boulevard building, a fitness center. In the event of alley abandonment, the owners of Chuck's Coffee Shop will need to explore private arrangements for trash bin storage.

The subject alley was identified as being located within the Coastal Commission Appealable Area of the Coastal Zone on public hearing notices distributed for the September 12, 2016 Zoning Administrator hearing. The site lies north of the Coastal Commission Appealable Area boundary, as seen in the Boundary Map attachment (Exhibit E – Coastal Zone Boundary Map). Planning Commission action on the Local Coastal Development Permit is thus final and not eligible for the Coastal Commission appeals process.

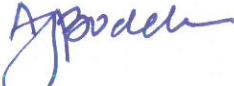
### **ENVIRONMENTAL REVIEW**

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 16-022 was issued for the proposed project (Exhibit F – Categorical Exemption).

Respectfully submitted,



LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:mh

Attachments:

- Exhibit A – Location Map
- Exhibit B – Alley Plan
- Exhibit C – Findings & Conditions
- Exhibit D – Application for Appeal
- Exhibit E – Coastal Zone Boundary Map
- Exhibit F – Categorical Exemption





## Exhibit A



150 75 0 150 300 Feet

## Subject Property:

The Public Alley Connecting  
E Ocean Blvd & Olympic Plz  
Application No. 1602-01  
Council District 3  
Zoning Code : PD-2 SubArea 1





## LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

4100 E. Ocean Boulevard

Application No. 1602-01

November 17, 2016

### **THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

The alley that is the subject of this vacation request measures 15 feet wide and 131.2 feet in length. It is oriented north-south and connects the East Ocean Boulevard (north) and Olympic Plaza (south) rights-of-way. The alley is bounded by four privately-owned, commercially-developed parcels to the west (20-30 Termino Avenue and 4000 E. Ocean Boulevard) and one privately-owned, commercially-developed parcel to the east (4100 E. Ocean Boulevard). The alley provides no vehicular access to required on-site parking for these uses. The applicant is the owner of the 4100 E. Ocean Boulevard property.

The alley is unimproved and not currently used for vehicle or pedestrian circulation. This is due in large part to the alley's mid-block location and the presence of north-south rights-of-way providing vehicular and pedestrian access located approximately 150 feet west (Termino Avenue) and 300 feet east (43<sup>rd</sup> Place) of the alley. Both of these streets feature crosswalks across Ocean Boulevard; the alley does not connect with a crosswalk across Ocean Boulevard. Additionally, the longstanding presence of trash bins, items dumped by private parties, and other weeds and debris in the alley inhibit and deter use of the alley as a north-south access corridor. The Department of Public Works and the Fire Department have both reviewed the vacation proposal and stated no objections.

The alley is located within the Coastal Zone. Within the Coastal Zone, the alley and all abutting properties are located in Area C – Belmont Heights Neighborhoods of the Local Coastal Program (LCP). Though primarily residential in nature, Area C features a node of commercial uses located in the area north-northeast of Belmont Pier; the subject alley lies within this commercial area.

Area C policies exist for shoreline access; recreation and visitor serving facilities; new development; historic preservation; diking, dredging, filling and shoreline structures; hazards; visual resources and special communities; and public works.

#### Shoreline Access

Per Area C's Shoreline Access Policy Plan, "visitors bound for Belmont Plaza Pool and Pier Complex will continue to use 39<sup>th</sup> Place and Termino Avenue from Ocean Boulevard as principal access routes." 39<sup>th</sup> Place, via Midway Street, and Termino Avenue both lead to the Belmont Pier parking lot. These roadways (and the

Belmont Pier parking lot) are located west of the subject alley. Bennett Avenue, located east of the subject alley, is the primary access point to the Beach parking lot, also located east of the alley. Vacation of the subject alley would therefore not alter a "principal access" route or limit access to the parking lots serving the beach or coastal uses. Vacation of the alley would not affect the principal bike route in the coastal zone, the Shoreline Route located on the beach. No impacts to existing public transit would occur, either.

#### Recreation and Visitor Serving Facilities

Colorado Lagoon, Belmont Pier, and the Belmont Pool / Beach complex are identified as principal Area C recreation and visitor serving facilities. The subject alley is not among these facilities, and vacation of the alley will not figure to negatively impact their use.

#### New Development

No development is proposed as part of the vacation request. The area of the alley will remain open to maintain views toward and access to the beach.

#### Historic Preservation

The alley does not abut a landmark-designated building or a historic district.

#### Diking, Dredging, Filling and Shoreline Structures

The alley is located landward of the nearest public highway (Olympic Plaza) and thus its vacation will have no impact on accretion or erosion of beach sand.

#### Hazards

Vacation of the alley will not create public health hazards.

#### Visual Resources and Special Communities

The principal visual resource of Area C is the ocean view from parts of Belmont Heights. The subject alley is located between Belmont Heights and the ocean. As no development is proposed in conjunction with the vacation request, there will be no impact on existing visual resources or viewsheds.

#### Public Works

Closure of Olympic Plaza, the existing vehicular and pedestrian right-of-way at the southern terminus of the subject alley, is recommended by the LCP. Closure of this right-of-way would eliminate the through vehicular access currently offered by the subject alley. Vacation of the alley would thus not conflict with the plan's public works recommendations.



**THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

The alley to be vacated is located mid-block on the south side of Ocean Boulevard between Termino Avenue and 43<sup>rd</sup> Place. Termino Avenue is located approximately 150 feet west of the alley, and 43<sup>rd</sup> Place is located approximately 300 feet east of the alley. Both of these public roadways provide and are improved for vehicular and pedestrian access to the coastline from the north. The mid-block alley that is the subject of the vacation request features no direct connection to a crosswalk or other pedestrian crossing from the north, thus adequate access exists nearby.

The subject alley is a publicly-owned piece of land that has not been developed as a recreational use or ever functioned as one. Its vacation would thus not eliminate a recreational use.

**LOCAL COASTAL DEVELOPMENT PERMIT**  
**CONDITIONS OF APPROVAL**  
**Application No. 1602-01**  
**November 17, 2016**

1. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written request approved by the Zoning Administrator, submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. Approved under this permit is a Local Coastal Development Permit in conjunction with the vacation of the 15-foot-wide, 131.2-foot-long alley connecting East Ocean Boulevard and Olympic Plaza adjacent to 4100 E. Ocean Boulevard.
3. No physical development is approved under this permit. Proposals for future use of or development within the subject alley area shall be subject to separate permit and coastal review processes.
4. Easements shall be reserved for any existing utilities. No structures may be constructed or installed over the easement area(s).
5. The vacation petitioner shall resolve any stormwater drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.
6. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
7. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
8. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a



part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

9. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
10. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
11. The Director of Long Beach Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
12. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.



# EXHIBIT E

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**Subject Alley**   
**Council District 3**  
**Zoning Code: PD-2 SubArea 1**

 **Appealable Area**  
 **Coastal Commission Permit Jurisdiction**  
 **Coastal Zone**

