





# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS

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

August 10, 2004

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**SUBJECT:** Resolution of Intention to Vacate the North-South Alley West of Downey Avenue and North of South Street (District 9)

### DISCUSSION

The Department of Community Development requested the vacation of the alley between 3315 and 3255 East South Street on behalf of the property owners. The alley is not needed for access to the two properties, and closure of this open space would eliminate illegal dumping. The area proposed to be vacated 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. A site plan showing building footprints and vehicular access for the two adjoining properties is attached as Exhibit B.
2. This alley was created by Tract Map No. 28099 entirely from the parcel to the east of the alley. This alley should revert entirely to tax assessor's parcel number 7121-009-034, and the alley entrance, currently serving the parking lot on the east, should become a part of that parcel. However, the City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.
3. On March 4, 2004, 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, Categorical Exemption Number 72-04 was issued for this project. The Planning Department staff report is included as Exhibit C.

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HONORABLE MAYOR AND CITY COUNCIL  
August 10, 2004  
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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 D.

The proposed resolution of intention to vacate was prepared by Deputy City Attorney Lisa Peskay Malmsten on July 21, 2004.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

A vacation processing fee of \$1,000 was deposited to the General Fund (GP 100) in the Department of Public Works (PW).

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Adopt the attached resolution of intention to vacate as shown on Exhibit A, and set a public hearing for the subject vacation on September 7, 2004, in the City Council chambers, to allow all persons interested in, or objecting to, the proposed vacation to appear and be heard.

Respectfully submitted,

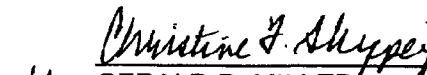


CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

GMM:SCI/C

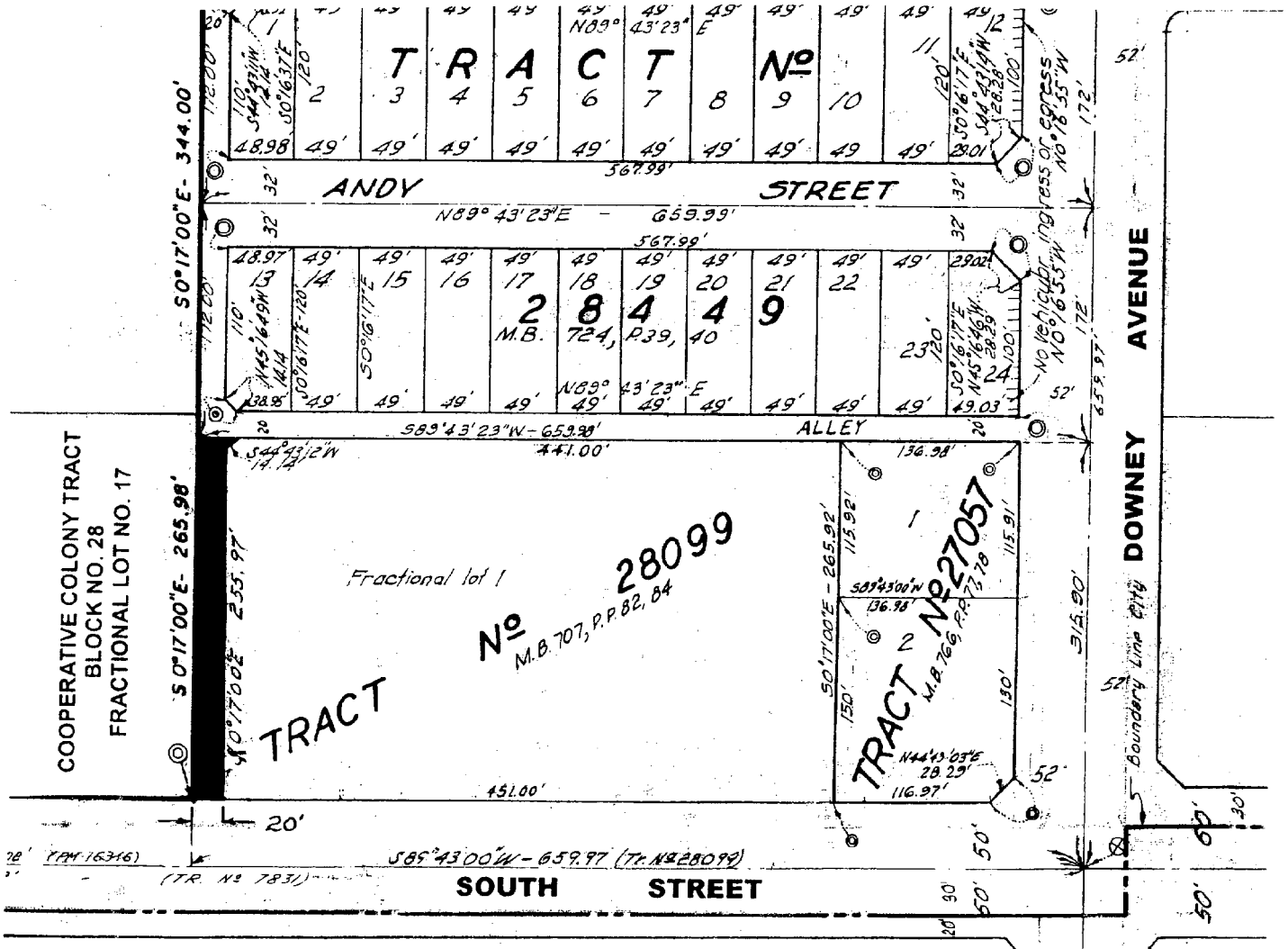
Attachments

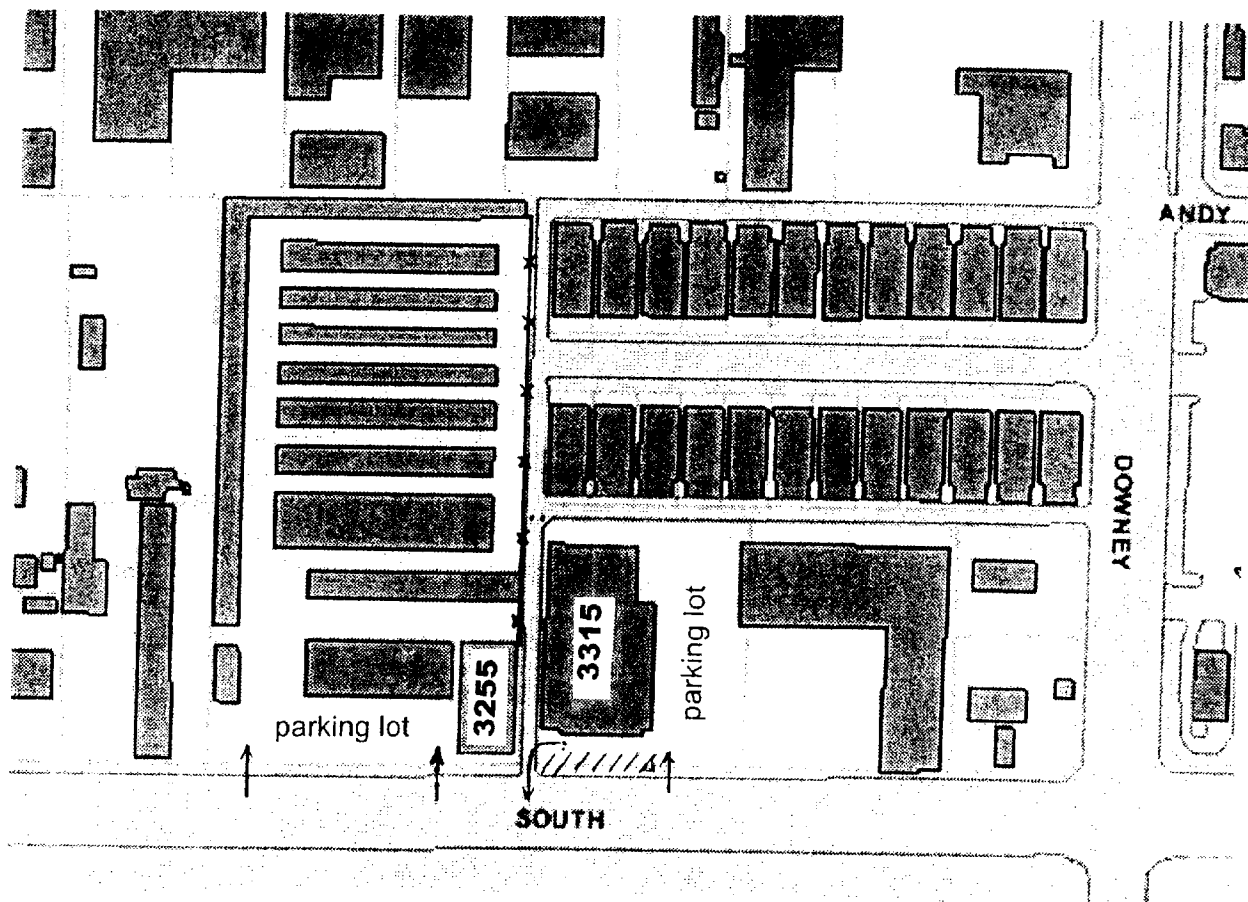
APPROVED:

  
GERALD R. MILLER  
CITY MANAGER

**SKETCH NO. 953V**  
**SKETCH SHOWING THE NORTH-SOUTH ALLEY**  
**WEST OF DOWNEY AVENUE AND**  
**NORTH OF SOUTH STREET TO BE VACATED BY**  
**THE CITY OF LONG BEACH.**

[Redacted] **SHOWS PORTION TO BE VACATED**





↑ vehicular access (driveways)



# 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 4, 2004

## 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 9)

LOCATION: Alley West of Downey Avenue and North of South Street

APPLICANT: Lee A. Mayfield  
Long Beach Redevelopment Agency

### RECOMMENDATION

Find the proposed alley vacation, as depicted in Exhibit A, in conformance with the *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 proposes to vacate a portion of the north-south alley west of Downey and north of South Street to prevent illegal trash dumping and other illegal activities. A gate will be constructed at the base of the alley at South Street and at the northerly property line.

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

(Original Exhibit C, Page 1 of 3)

**EXHIBIT B**

**Page 5 of 8**

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 alley in question is located in Land Use District (LUD) 8A, Traditional Retail Strip Commercial. This district serves local/neighborhood commercial needs rather than community or regional needs. It also recognizes the continuing need to provide commercial uses along frontages of certain streets for the convenience of persons traveling by car. The proposed vacation will not result in the change of the density or use of the existing building.

#### **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 Department of Public Works has reviewed the alley vacation and has determined that the right-of-way is not needed for circulation. The alley is not referenced in the Transportation Element and the proposed vacation does not contradict any policies or objectives in the *General Plan*.

### **ENVIRONMENTAL REVIEW**

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), categorical exemption 72-04 was issued.

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

Find the proposed alley vacation, as depicted in Exhibit A, in conformance with the *General Plan*.

Respectfully submitted,

(Original Exhibit C, Page 2 of 3)

**EXHIBIT B**

**Page 6 of 8**

FADY MATTAR  
ACTING DIRECTOR OF PLANNING AND BUILDING

By: Ira Brown  
Ira Brown  
Planner

Approved: Angela Reynolds  
Angela Reynolds  
Advance Planning Officer

Covenant\_Presby.doc  
FM:AR:IB

Attachment:

1. Exhibit A: Sketches depicting public right-of-way vacation and dedication
2. Exhibit B: categorical exemption 72-04



## CONDITIONS OF APPROVAL

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### SKETCH NO. 953V

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 claimed to lie within this area by any of the various public utility agencies, an easement shall be reserved.
2. 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.
3. 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

(Original Exhibit D)

**EXHIBIT B**

**Page 8 of 8**

Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

1 RESOLUTION NO. C-  
2

3 A RESOLUTION ORDERING THE VACATION OF THE  
4 NORTH-SOUTH ALLEY WEST OF DOWNEY AVENUE AND  
5 NORTH OF SOUTH STREET, IN THE CITY OF LONG  
6 BEACH, COUNTY OF LOS ANGELES, STATE OF  
7 CALIFORNIA  
8

9 WHEREAS, the City Council of the City of Long Beach, did heretofore, on the  
10 \_\_\_\_\_ day of \_\_\_\_\_, 2004 by Resolution No. C-\_\_\_\_\_, declare its  
11 intention to order the vacation, pursuant to the provisions of the Public Streets, Highways,  
12 and Service Easements Law, of the north-south alley west of Downey Avenue and North  
13 of South Street, City of Long Beach, County of Los Angeles, State of California, described  
14 more particularly as follows:

15 That 20-foot wide north-south alley shown on Tract Map No.  
16 28099 in the City of Long Beach, County of Los Angeles, State  
17 of California, as shown on the map of said Tract filed in Book  
18 707, Pages 82 through 84, inclusive, of Maps in the Office of  
19 the County Recorder of said county, bounded on the north by  
20 the westerly prolongation of the southerly line of that east-west  
21 alley labeled North 89°43'23" East 619.98 feet on said map;  
22 and bounded on the south by the northerly line of South Street,  
23 100 feet wide as shown on said map

24 WHEREAS, the City Council did, at said time, fix Tuesday, the \_\_\_\_\_ day of  
25 \_\_\_\_\_, 2004 at the hour of \_\_\_\_\_ m., as the time at the City Council  
26 Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long  
27 Beach, California, as the place for hearing for all persons interested in or objecting to the  
28 proposed vacation to appear and be heard; and

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

WHEREAS, said hearing was called and held before the City Council at the

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1 time and place so fixed and evidence taken and received on the matter of said proposed  
2 vacation, and the City Council, upon said evidence, now make those findings of fact set  
3 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

4 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
5 follows:

6 Section 1. Pursuant to the foregoing resolution of intention, the proceedings  
7 had thereunder, the "SKETCH SHOWING THE NORTH-SOUTH ALLEY WEST OF  
8 DOWNEY AVENUE AND NORTH OF SOUTH STREET TO BE VACATED BY THE CITY  
9 OF LONG BEACH" attached hereto as Exhibit "A", and the City Council Findings attached  
10 hereto as Exhibit "B", the City Council of the City of Long Beach hereby makes its  
11 resolution vacating and closing a portion of the alley herein described.

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

16 I hereby certify that the foregoing resolution was adopted by the City Council

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of the City of Long Beach at its meeting of \_\_\_\_\_, 2004 by the following votes:

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

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\_\_\_\_\_  
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\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

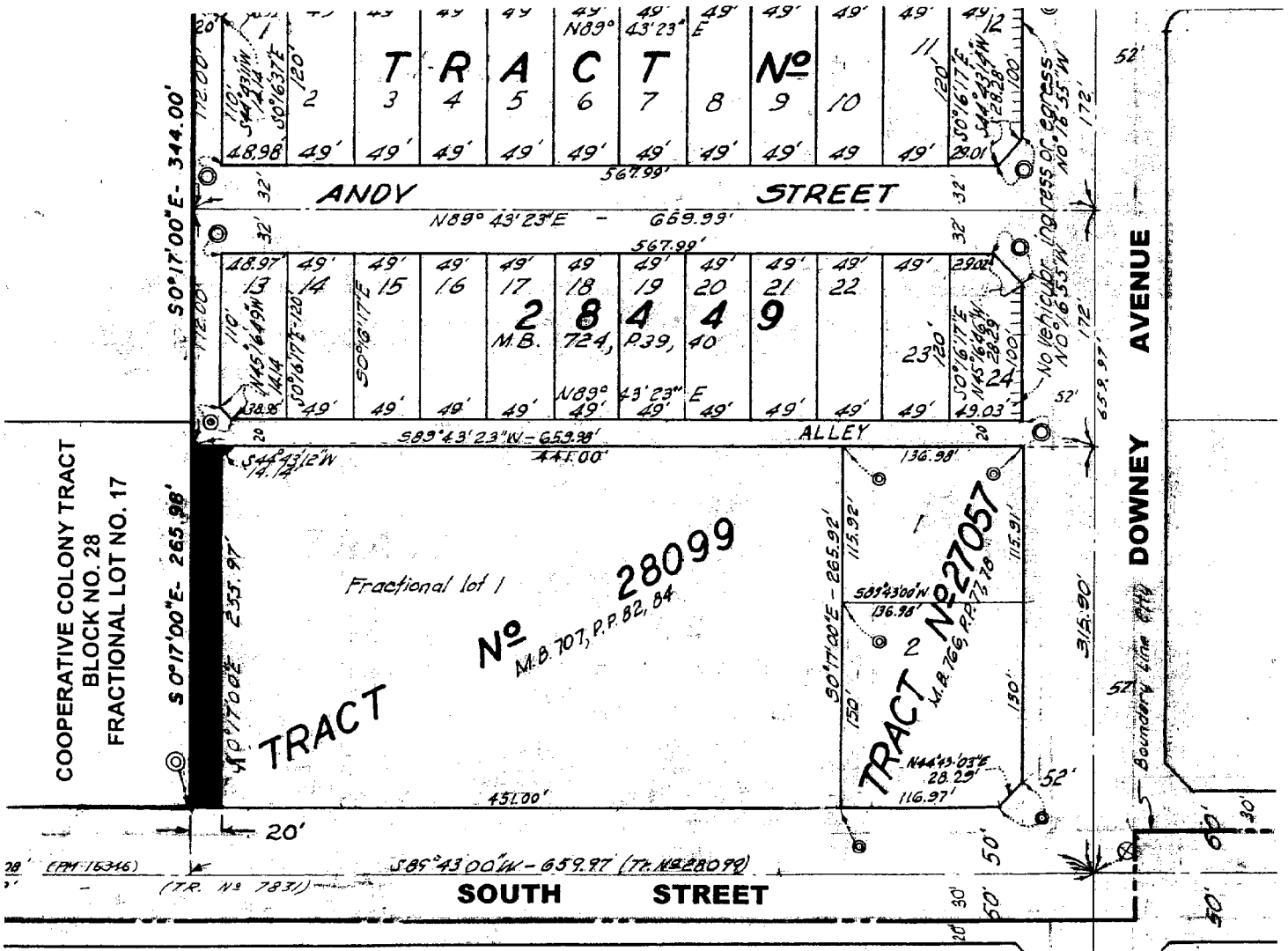
Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

**SKETCH NO. 953V**  
**SKETCH SHOWING THE NORTH-SOUTH ALLEY**  
**WEST OF DOWNEY AVENUE AND**  
**NORTH OF SOUTH STREET TO BE VACATED BY**  
**THE CITY OF LONG BEACH.**

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



**EXHIBIT A**

## **CITY COUNCIL FINDINGS**

### **VACATION OF THE NORTH-SOUTH ALLEY WEST OF DOWNEY AVENUE AND NORTH OF SOUTH STREET - Reference Sketch No. 953V**

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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 August 10, 2004, City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as C - 28415.
- 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, Categorical Exemption No. 72-04 was issued for this project.

SC