

August 14, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Adopt a Resolution of Intention to vacate the east half of the east-west alley, south of 7<sup>th</sup> Street and west of Quincy Avenue, and set a date for a public hearing on the vacation for September 18, 2012. (District 3)

## DISCUSSION

In order to prevent nuisance activity and illegal dumping in this alley, the property owners at 669 Quincy Avenue and 4540 E. 7<sup>th</sup> Street request that the alley be vacated. The area to be vacated, reserving a ten-foot-wide utility easement for the northern portion, 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 (see attached Exhibit B for Findings).

The Department of Public Works supports this action based on the associated evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective public use. On December 1, 2011, 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 CE-139-11 was issued for this vacation. The Planning Department staff report is attached as Exhibit 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. Conditions of approval, satisfying the concerns of the public utility companies, are shown on Exhibit D.

The public hearing on this matter, to be held on September 18, 2012 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 May 31, 2012 and Budget Management Officer Victoria Bell on July 26, 2012.

TIMING CONSIDERATIONS

City Council action is requested on August 14, 2012 in order to set the September 18, 2012 public hearing date on this matter.

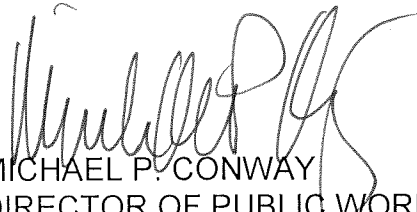
FISCAL IMPACT

A tentative fee of \$7,080 and a final fee of \$7,080 were deposited into the General Fund (GP) in the Department of Public Works (PW). Approval of this vacation will likely have a positive impact on local jobs.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

  
MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

APPROVED:

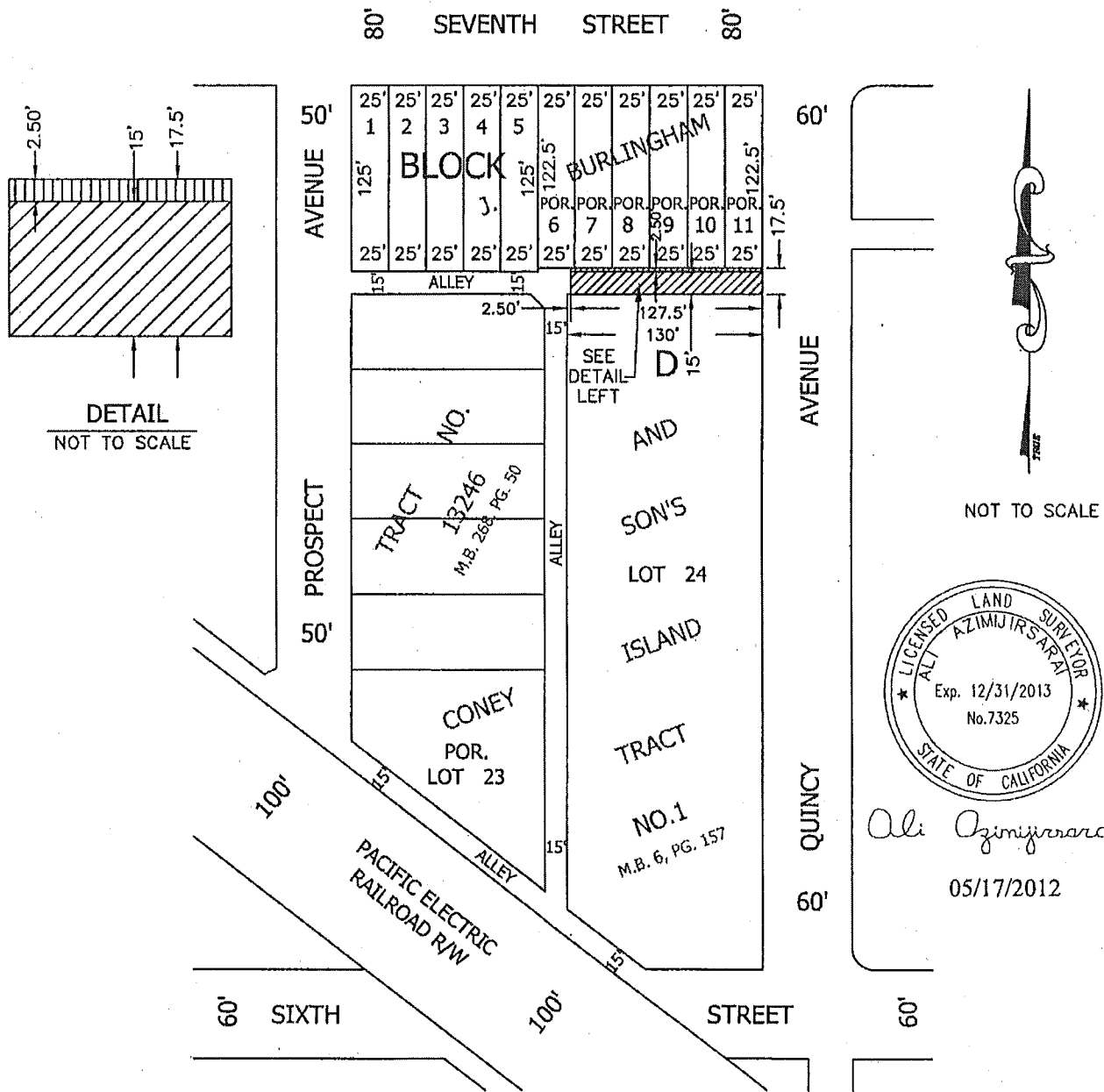
  
PATRICK H. WEST  
CITY MANAGER

GMM:SDJ:bs  
P:CL/Row 7<sup>th</sup>&Quincy Avenue.Rev1.doc

Attachments:

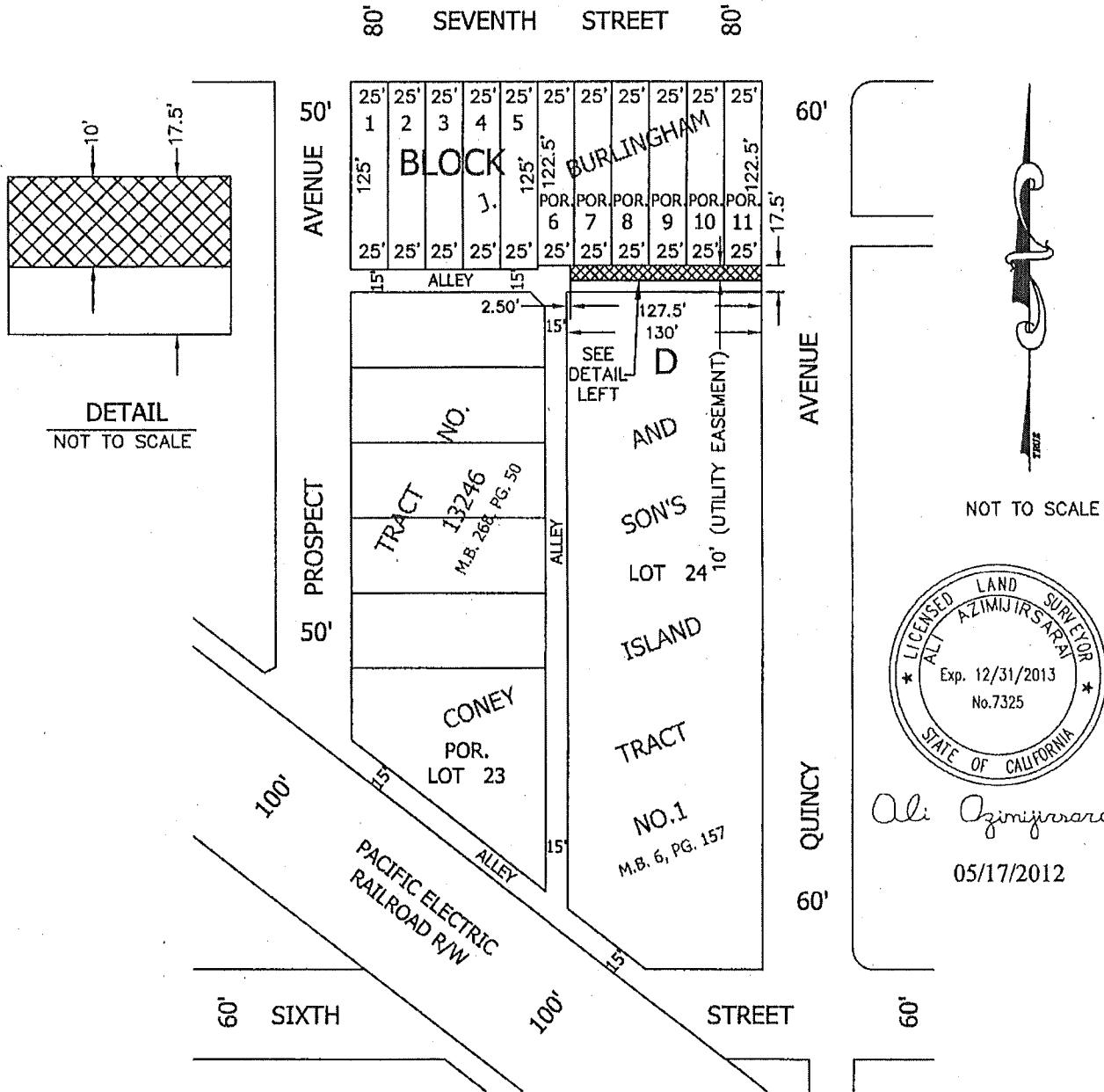
- Exhibit A – Area to be Vacated
- Exhibit B – City Council Findings
- Exhibit C – Planning Commission Findings
- Exhibit D – Conditions of Approval

SKETCH SHOWING PORTIONS OF LOTS 6, 7, 8, 9, 10 AND 11 OF BLOCK D,  
 J. BURLINGHAM AND SON'S CONEY ISLAND TRACT NO. 1 AS DEDICATED  
 TO THE CITY OF LONG BEACH FOR ALLEY PURPOSES AND A PORTION OF THE  
 EAST - WEST 15 FOOT WIDE ALLEY IN SAID BLOCK D TO BE VACATED  
 BY THE CITY OF LONG BEACH



- PORTION THE 2.50 FEET WIDE ALLEY DEDICATED TO THE CITY OF LONG BEACH BY INSTRUMENT NO. 91-62531, JAN. 15, 1991 TO BE VACATED
- PORTION OF THE 15 FEET WIDE ALLEY TO BE VACATED

SKETCH SHOWING PORTIONS OF LOTS 6, 7, 8, 9, 10 AND 11 OF BLOCK D,  
 J. BURLINGHAM AND SON'S CONEY ISLAND TRACT NO. 1 AS DEDICATED  
 TO THE CITY OF LONG BEACH FOR ALLEY PURPOSES AND A PORTION OF THE  
 EAST - WEST 15 FOOT WIDE ALLEY IN SAID BLOCK D TO BE VACATED  
 BY THE CITY OF LONG BEACH



DETAIL  
 NOT TO SCALE

NOT TO SCALE



*Ali Azimjirani*  
 05/17/2012

10 FEET WIDE UTILITY EASEMENT

## CITY COUNCIL FINDINGS

### VACATION OF THE EAST HALF OF THE EAST/WEST ALLEY WEST OF QUINCY AVENUE AND SOUTH OF 7TH STREET

Reference Sketch No. 1002V

---

1. The subject right-of-way is unnecessary for present or prospective public use.

This finding is based upon the following subfindings:

- a) On December 1, 2011, 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 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 139-11 was issued for this project.

**EXHIBIT B**



# 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

December 1, 2011

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Find the proposed vacation of the east half of the east-west alley, south of 7<sup>th</sup> Street and west of Quincy Avenue in conformance with the adopted goals and policies of the City's General Plan. (District 3)

APPLICANT: Diane B. Copeland  
669 Quincy Avenue  
(Application No. 120111)

**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 the east half of the east-west alley, south of 7<sup>th</sup> Street and west of Quincy Avenue, as depicted in Exhibit A, in order to prevent nuisance activity and illegal dumping. As a result of this vacation, the adjacent property owners' side yards will be extended to the centerline of the vacated alley. 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:

**Exhibit C**

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 (LUD) 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 Land Use Element.

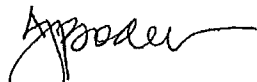
ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption number 139-11 was issued for the proposed project (Exhibit C).

Respectfully submitted,



DEREK BURNHAM  
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:IB

Attachments: Exhibit A – Sketches showing portion to be vacated  
Exhibit B – CE 139-11



# CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
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. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE- 139-11

Project Location/Address: 669/671 QUINCY AVENUE  
Project/Activity Description: ABANDONMENT OF PORTION OF ALLEY ADJACENT  
TO AND IMMEDIATELY NORTH OF PROPERTY

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

Applicant Name: DIANE B COPELAND

Mailing Address: 669 QUINCY AVENUE, LONG BEACH, CA 90814-1818

Phone Number: 562-434-4640 Applicant Signature: Diane B Copeland

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 120111 Planner's Initials: IB

Required Permits: GP CONFORMANCE FINDING

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION \_\_\_\_\_

15301

Statement of support for this finding: \_\_\_\_\_

NO CHANGE IN USE

Contact Person: IRA BROWN

Contact Phone: 562-570-5972

Signature: [Signature]

Date: 11-15-11



## CONDITIONS OF APPROVAL

---

### SKETCH NUMBER 1002V

The proposal was reviewed by the interested city departments and public agencies, and there were no objections to the vacation provided that the following conditions of approval are included:

1. Southern California Edison requires that a ten-foot-wide easement for existing electrical services and general communication lines be reserved on the north side of the alley. No buildings may be constructed within the easement area.
2. The property owner of 4540 East 7<sup>th</sup> Street must provide an enclosure large enough for two two-yard bins in order to allow the Refuse Division to empty their garbage bins from the north/south alley.
3. The property owner of 669/671 Quincy Avenue, also the petitioner for this vacation, must provide access for their trash to be collected from the north/south alley as well.

The vacation of this alley will not have a significantly adverse environmental effect.

This finding is based upon the following subfindings:

- a) The rights-of-way are not and will not be needed for public use.
- a) In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-139-11 was issued for this project.

EXHIBIT D

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESOLUTION NO.

A RESOLUTION OF INTENTION TO VACATE THE EAST HALF OF THE EAST-WEST ALLEY, SOUTH OF 7<sup>TH</sup> STREET AND WEST OF QUINCY 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 east half of the east-west alley, south of 7<sup>th</sup> Street and west of Quincy Avenue, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

That portion of the southerly 2.50 feet of Lots 6, 7, 8, 9, 10 and 11 in Block "D" of J. Burlingham and Son's Coney Island Tract No. 1, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 6, Page 157 of Maps, in the office of the County Recorder of said County, as dedicated to and accepted by the City of Long Beach for alley purposes by deed recorded January

1 15, 1991 as Instrument No. 91-62531 of Official Records of  
2 said County and that portion of the 15 feet wide east-west  
3 alley abutting the south line of said Lots 6, 7, 8, 9, 10 and 11,  
4 all being bounded on the east by the westerly sideline of  
5 Quincy Avenue, 60 feet wide, and bounded on the west by  
6 the northerly prolongation of the easterly line of the westerly  
7 2.5 feet of Lot 24 of Block "D" of said J. Burlingham and  
8 Son's Coney Island Tract No. 1.

9 Reserving a utility easement over the northerly 10.00 feet of  
10 the above described land.

11 Contains 223.1 square feet, more or less.

12 Section 2. All of the foregoing real property is shown on the map or plan  
13 thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which  
14 map or plan is known and referred to as "City of Long Beach Department of Public Works  
15 Vacation Sketch No. 1002V".

16 Section 3. The City Council hereby fixes the \_\_\_\_\_ day of  
17 \_\_\_\_\_, 20\_\_ at the hour of \_\_\_\_\_ p.m., as the time and the City  
18 Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of  
19 Long Beach, California, as the place for hearing all persons interested in or objecting to  
20 the proposed vacation.

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

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: \_\_\_\_\_

\_\_\_\_\_

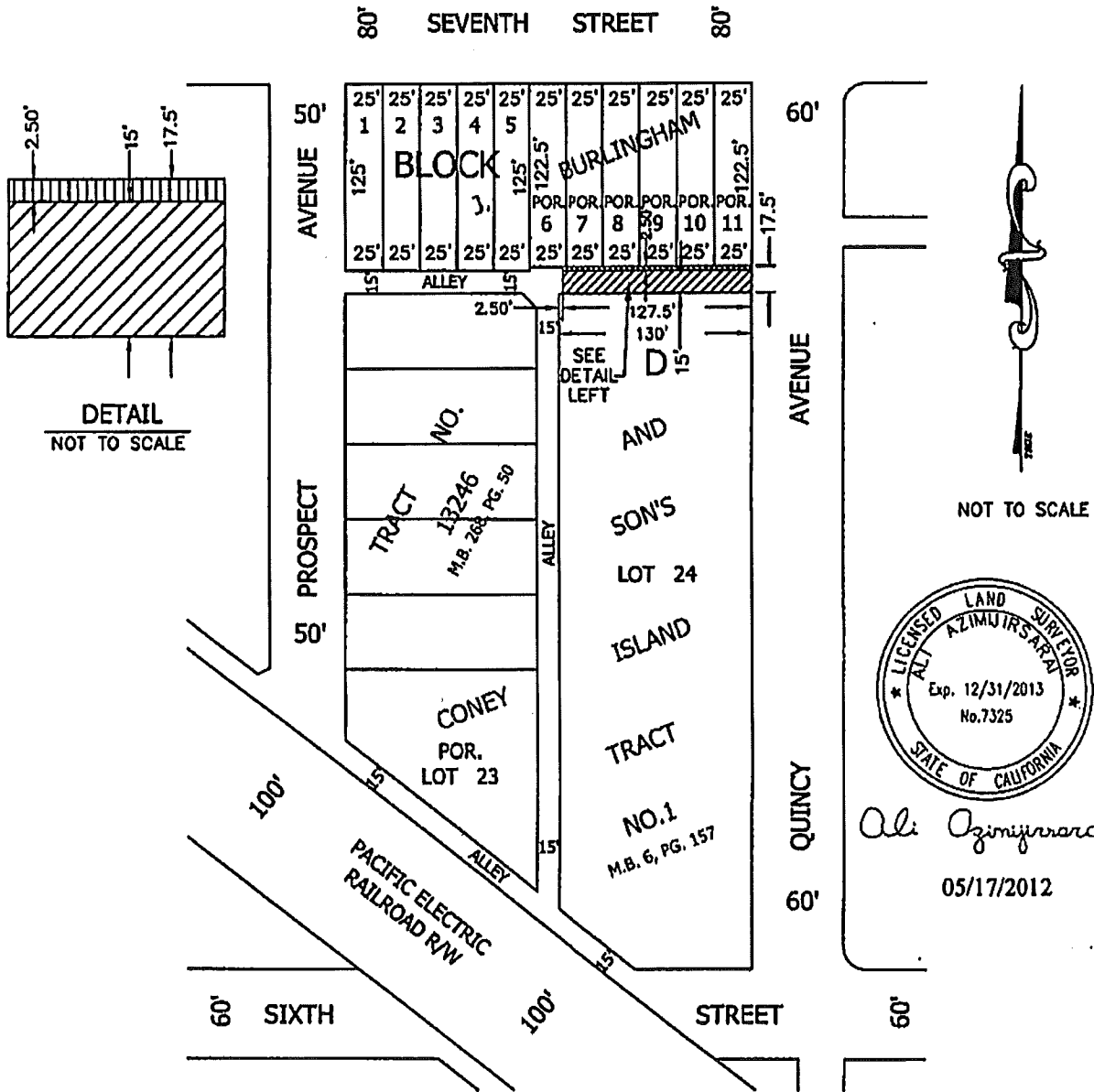
Absent: Councilmembers: \_\_\_\_\_


\_\_\_\_\_


\_\_\_\_\_

City Clerk

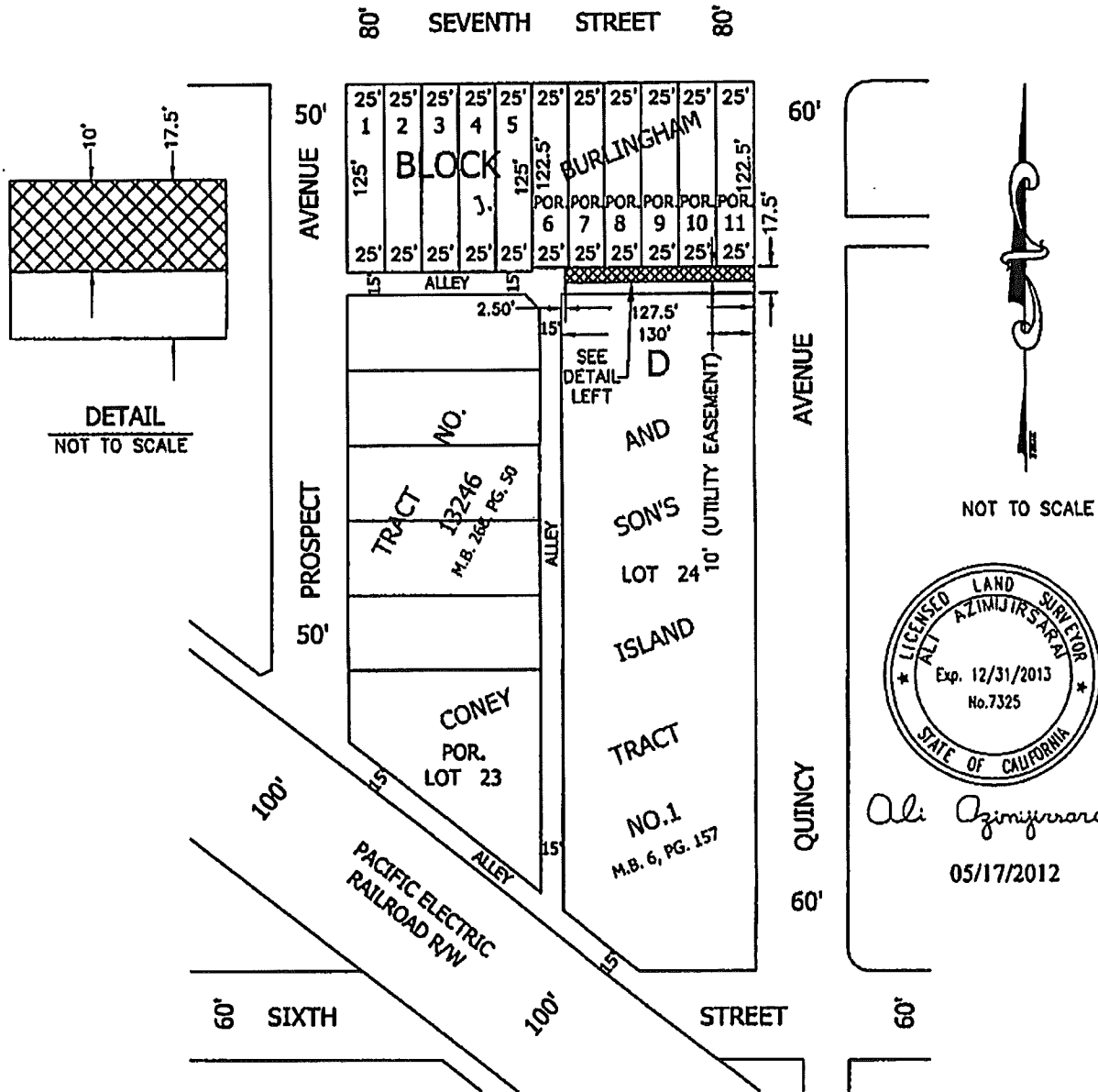
SKETCH SHOWING PORTIONS OF LOTS 6, 7, 8, 9, 10 AND 11 OF BLOCK D,  
 J. BURLINGHAM AND SON'S CONEY ISLAND TRACT NO. 1 AS DEDICATED  
 TO THE CITY OF LONG BEACH FOR ALLEY PURPOSES AND A PORTION OF THE  
 EAST - WEST 15 FOOT WIDE ALLEY IN SAID BLOCK D TO BE VACATED  
 BY THE CITY OF LONG BEACH



 PORTION THE 2.50 FEET WIDE ALLEY DEDICATED TO THE CITY OF LONG BEACH BY INSTRUMENT NO. 91-62531, JAN. 15, 1991 TO BE VACATED

 PORTION OF THE 15 FEET WIDE ALLEY TO BE VACATED

SKETCH SHOWING PORTIONS OF LOTS 6, 7, 8, 9, 10 AND 11 OF BLOCK D,  
 J. BURLINGHAM AND SON'S CONEY ISLAND TRACT NO. 1 AS DEDICATED  
 TO THE CITY OF LONG BEACH FOR ALLEY PURPOSES AND A PORTION OF THE  
 EAST - WEST 15 FOOT WIDE ALLEY IN SAID BLOCK D TO BE VACATED  
 BY THE CITY OF LONG BEACH



10 FEET WIDE UTILITY EASEMENT