

951V
SKETCH SHOWING AN ALLEY WEST OF LONG BEACH
BOULEVARD AND NORTH OF FOURTEENTH STREET TO BE
VACATED BY THE CITY OF LONG BEACH.

■ ■ ■ ■ SHOWS ALLEY TO BE VACATED

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA

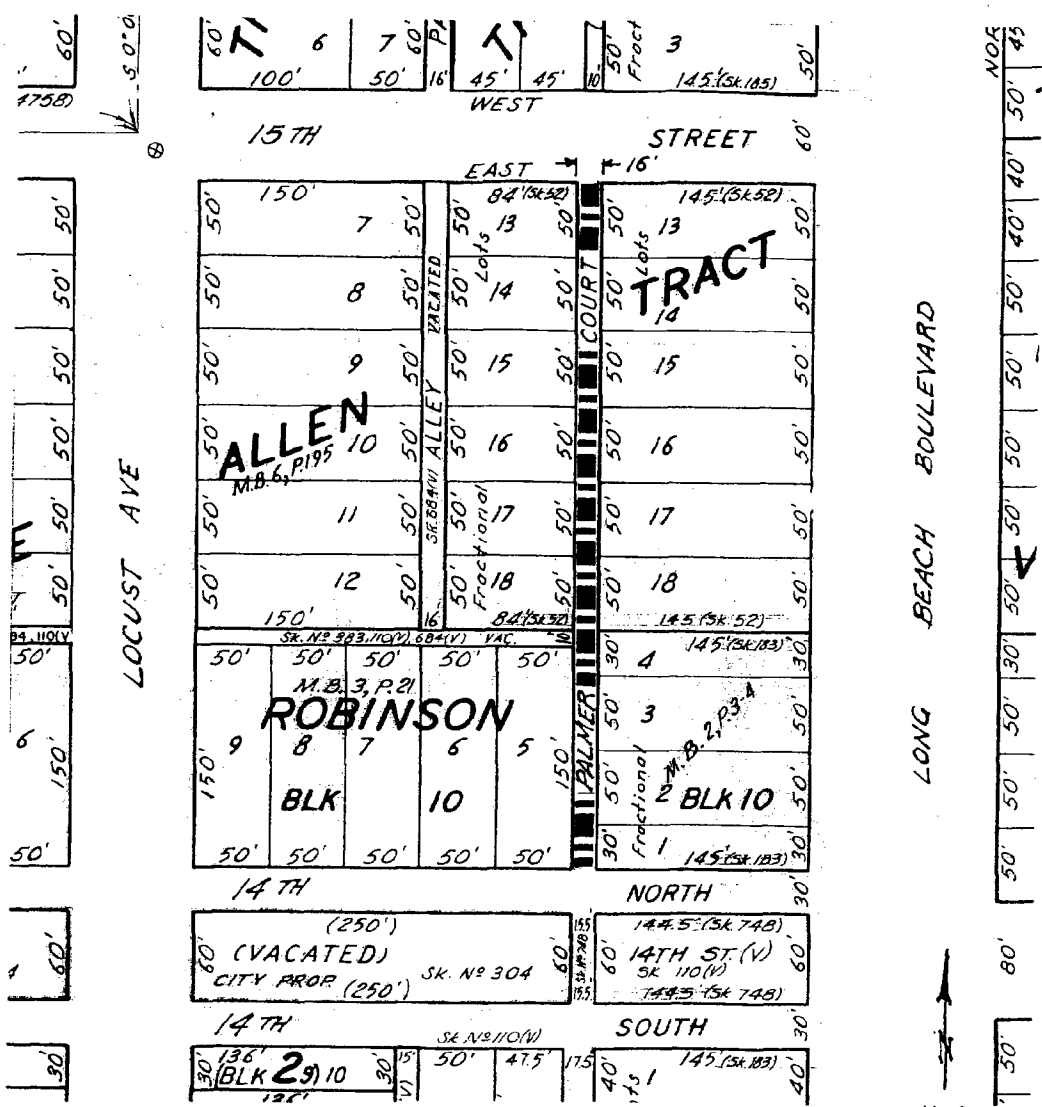


EXHIBIT A

DIETRICH POST REORDER NO. 148220



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

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

May 11, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Resolution of Intention to Vacate the Alley West of Long Beach Boulevard
and North of Fourteenth Street (District 1)

DISCUSSION

The owner of Horn's Auto Body at 1427 Long Beach Boulevard requests that the City vacate the alley bisecting his property. There are three property owners adjacent to this alley, but none will lose access if the alley is vacated. This vacation was recommended by the Planning and Building Department as a means to secure the alley against criminal activity. The alley 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. The parcels adjacent to this alley are occupied by Horn's Auto Body (1427 Long Beach Boulevard), Farmer's & Merchants Bank (1401 Long Beach Boulevard), and Xpress Auto Sales (1471 Long Beach Boulevard). These parcels and vehicular site access to the parcels are shown on the attached Exhibit B. No access will be lost due the proposed vacation.
2. On February 5, 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 CE 34-04 was issued for this project. The Planning Department staff report is included as Exhibit C.

ADMINISTRATION, PLANNING & FACILITIES
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (562) 570-6383
Fax (562) 570-6012

AIRPORT
4100 Donald Douglas Dr.
Long Beach, CA 90808
Ph. (562) 570-2800
Fax (562) 570-2801

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

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

EXHIBIT B

HONORABLE MAYOR AND CITY COUNCIL

May 11, 2004

Page 2

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. 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 March 24, 2004. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.


FISCAL IMPACT

A vacation processing fee of \$1,500 was deposited to the General Fund (GP) 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 July 6, 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:SC/p: Vac LBB 14th CL R of I

Attachments

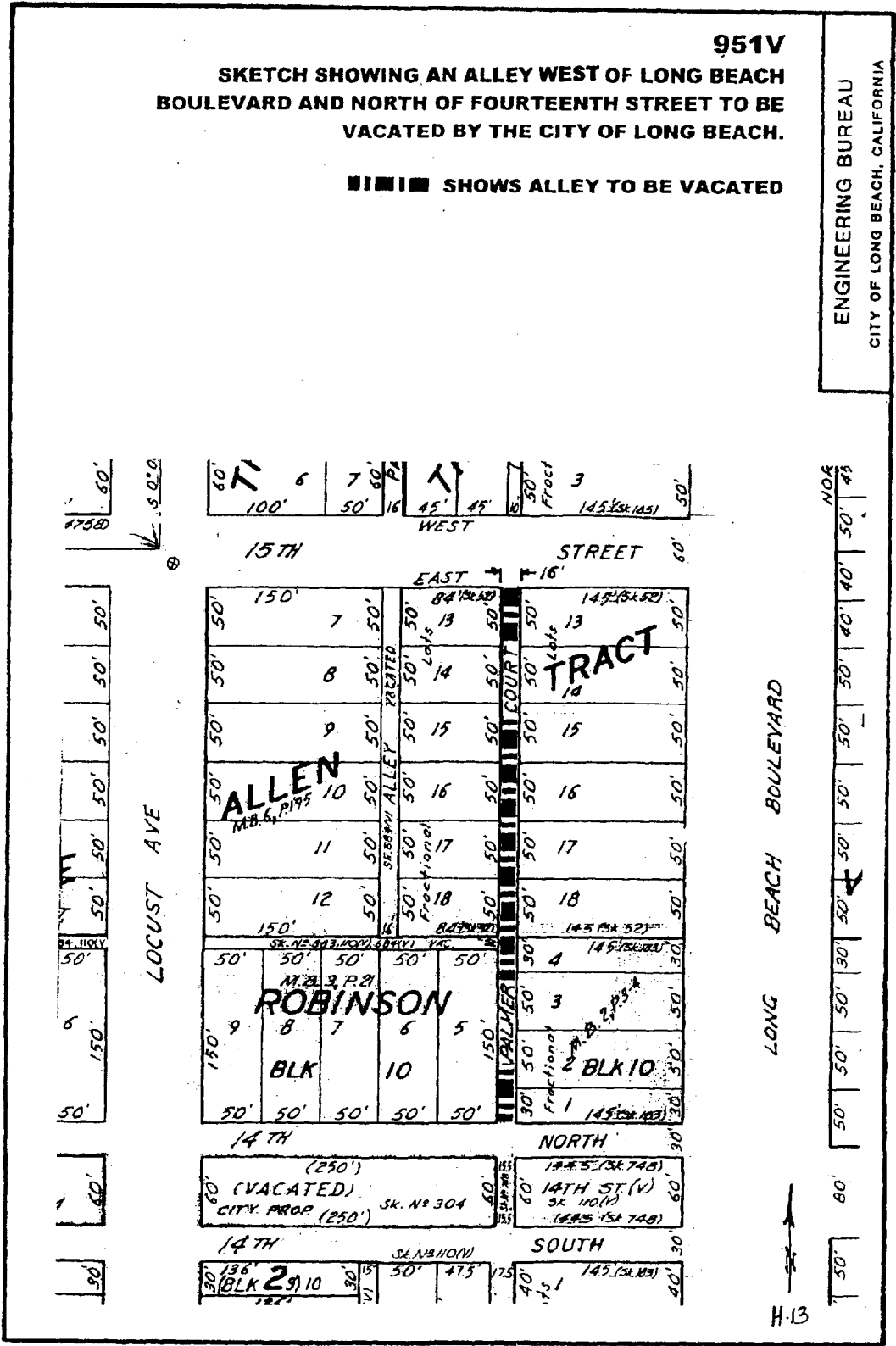
APPROVED:


for GERALD R. MILLER
CITY MANAGER

951V
SKETCH SHOWING AN ALLEY WEST OF LONG BEACH
BOULEVARD AND NORTH OF FOURTEENTH STREET TO BE
VACATED BY THE CITY OF LONG BEACH.

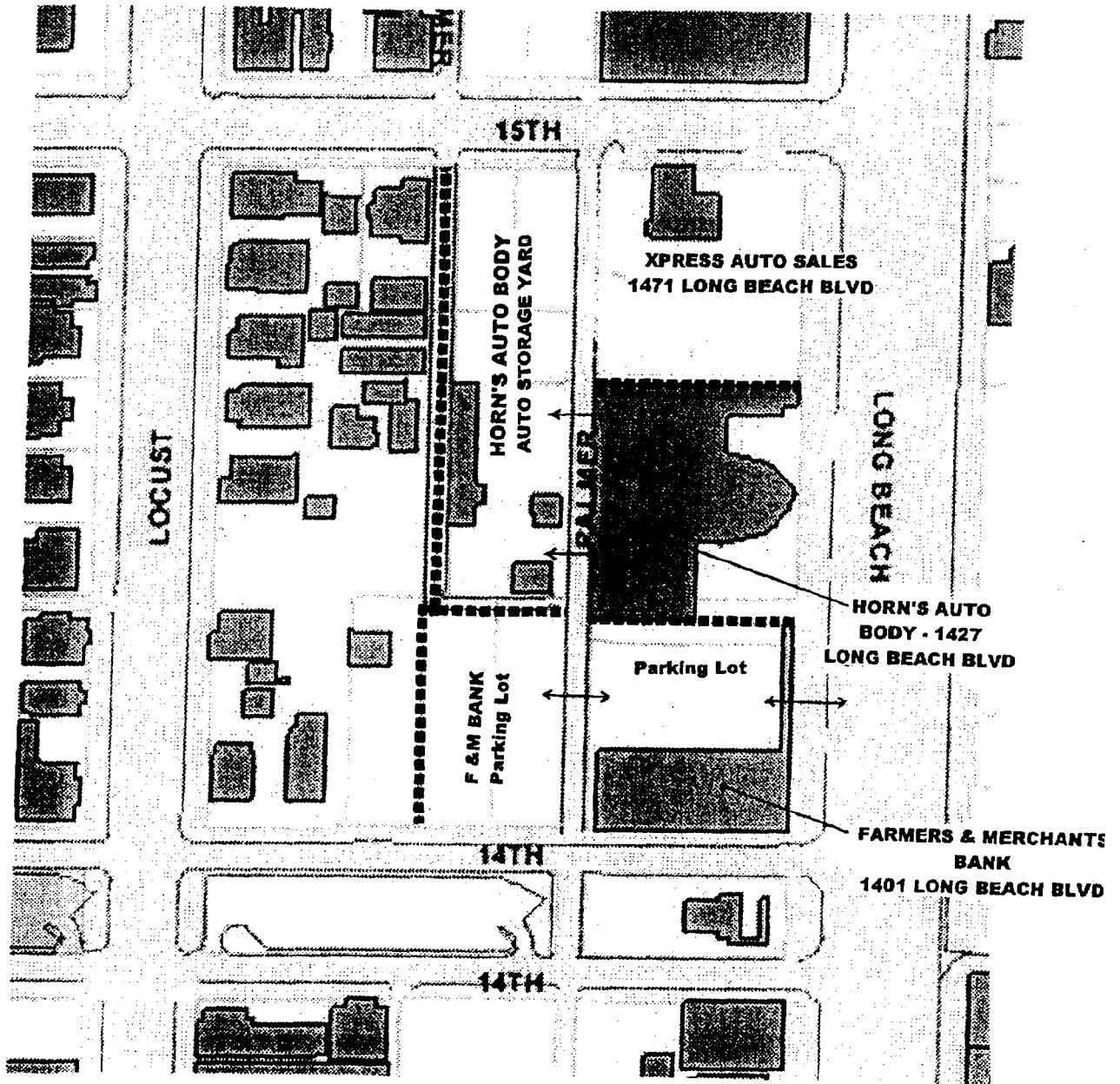
■■■■■ SHOWS ALLEY TO BE VACATED

ENGINEERING BUREAU
 CITY OF LONG BEACH, CALIFORNIA



(original Exhibit A)

DIETRICH POST REORDER NO. 149220



(original Exhibit B)

**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

February 5, 2004

CONSENT CALENDAR

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
CaliforniaSUBJECT: Finding of Conformity with the *General Plan* for an Alley Vacation

LOCATION: East of Long Beach Boulevard and North of Fourteenth Street

APPLICANT: Doug Horn
1427 Long Beach Boulevard**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 vacant the alley that bisects their property, as depicted on Exhibit A, in order to better secure their property at night and to prevent nuisance activity. 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 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)

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 public right-of-way in question is a boundary line between Land Use District (LUD) 7, Mixed Use – along Long Beach Boulevard – and Land Use District (LUD) 3B, Moderate Density Residential District – west of Long Beach Boulevard. The intent of LUD 7 is to allow the “synergistic” blending of different types of land use that would vitalize our urban structure. The alley vacation will not change the commercial nature of the site and will not conflict with the Land Use District. The Intent of LUD 3B is to provide apartment and condominium living opportunities in moderate density projects which conform in height and design to lower density neighborhoods which they may border. The proposed vacation will not result in the change of the adjacent housing stock.

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. This alley vacation will not degrade circulation within the downtown and is no longer needed for public access. 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 34-04 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*.

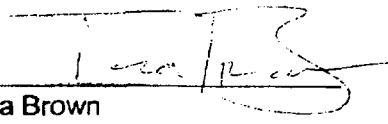
Respectfully submitted,

(original Exhibit C, page 2)

CHAIR AND PLANNING COMMISSIONERS
February 5, 2004
Page 3

FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

By:


Ira Brown
Planner

Approved:


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. Notice of Exemption

(original Exhibit C, page 3)

EXHIBIT B
Page 7 of 8

CONDITIONS OF APPROVAL

SKETCH NO. 951V

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. An easement shall be reserved for any existing utilities, which are known to include gas, water, sewer and telephone lines. No structures may be constructed or installed over the easement area.
2. 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/ D78

(original Exhibit D)

1 RESOLUTION NO. C-
2

3 A RESOLUTION ORDERING THE VACATION OF A
4 PORTION OF THE ALLEY WEST OF LONG BEACH
5 BOULEVARD AND NORTH OF FOURTEENTH STREET,
6 RESERVING EASEMENTS FOR UTILITIES, IN THE CITY OF
7 LONG BEACH, COUNTY OF LOS ANGELES, STATE OF
8 CALIFORNIA

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 a portion of the alley west of Long Beach Boulevard and
13 north of Fourteenth Street, City of Long Beach, County of Los Angeles, State of California,
14 described more particularly as follows:

15 That 16-foot wide north-south public alley in Block 10 of the Townsend &
16 Robinson Tract in the City of Long Beach, County of Los Angeles, State of
17 California, as shown on the map of said Tract filed in Book 2, Pages 3 and
18 4 of Maps in the Office of the County Recorder of said county, bounded on
the north by the westerly prolongation of the northerly line of Lot 4 of said
block and tract, and bounded on the south by the westerly prolongation of the
northerly line of the southerly 20 feet Lot 1 of said block and tract.

19 AND, the contiguous 16-foot wide strip of land within Lots 13 through 18,
20 inclusive, of The Allen Tract in the City of Long Beach, County of Los
21 Angeles, State of California, said lots shown on the map of said Tract filed in
22 Book 6, Page 195 of Maps in said County Recorder's office, dedicated to the
23 City of Long Beach as a public alley on July 9, 1919, and recorded in said
24 County Recorder's office on October 10, 1919 in book 6968, page 132.

25 Reserving unto the City of Long Beach, its successors and assigns, over the
26 entire area vacated herein, a perpetual easement and right-of-way, at any
27 time or from time to time, to lay, construct, maintain, operate, repair, renew,
28 replace, change the size of and remove the existing utility lines, including, but
not limited to, sanitary sewers and appurtenant structures, together with all
necessary gates, valves, fittings, hydrants and appurtenances for the
transportation of water and gas, with the right of ingress to and egress from
the same, over, through, under, along and across that certain property
vacated herewith; and pursuant to any existing franchises or renewals
thereof, or otherwise, to construct, maintain, operate, replace, remove, renew
and enlarge lines of conduits, cables, wires, poles and other convenient
structures, equipment and fixtures for the operation of telephone lines and
other communication lines, and for the transportation or distribution of electric

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

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

1 energy, and incidental purposes including access and the right to keep the
2 property free from inflammable materials, and wood growth, and otherwise
3 protect the same from all hazards in, upon and over the part vacated. Access
4 for maintenance of the above-mentioned facilities must be maintained at all
5 times. No improvements shall be constructed within the easement which
6 would impede the operation, maintenance or repair of said facilities.
7 Construction of any improvements, including changes of grade, shall be
8 subject to the prior written approval of all the City departments and public
9 utilities responsible for the above said facilities.

10 WHEREAS, the City Council did, at said time, fix Tuesday, the ____ day of
11 _____, 2004 at the hour of _____ m., as the time at the City Council
12 Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long
13 Beach, California, as the place for hearing for all persons interested in or objecting to the
14 proposed vacation to appear and be heard; and

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

17 WHEREAS, said hearing was called and held before the City Council at the
18 time and place so fixed and evidence taken and received on the matter of said proposed
19 vacation, and the City Council, upon said evidence, now make those findings of fact set
20 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

21 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
22 follows:

23 Section 1. Pursuant to the foregoing resolution of intention, the proceedings
24 had thereunder, the "SKETCH SHOWING A PORTION OF THE ALLEY WEST OF LONG
25 BEACH BOULEVARD AND NORTH OF FOURTEENTH STREET TO BE VACATED BY
26 THE CITY OF LONG BEACH" attached hereto as Exhibit "A", and the City Council Findings
27 attached hereto as Exhibit "B", the City Council of the City of Long Beach hereby makes
28 its resolution vacating and closing a portion of the alley herein described.

Sec. 2. This resolution shall take effect upon certification by the City Engineer
that the conditions attached to the vacation (relating to utility easements and the resolution
of any storm water drainage issues resulting from the vacation) have been fulfilled. Upon

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

1 such certification, the City Clerk is hereby instructed to certify to the adoption thereof, and
2 to cause a certified copy to be recorded in the Office of the County Recorder of the County
3 of Los Angeles, California.

4 I hereby certify that the foregoing resolution was adopted by the City Council
5 of the City of Long Beach at its meeting of _____, 2004 by the following votes:

6
7 Ayes: Councilmembers: _____

8 _____

9 _____

10 _____

11 Noes: Councilmembers: _____

12 _____

13 Absent: Councilmembers: _____

14 _____

15 _____

16 _____

17 _____
City Clerk

18

19

20

21

22

23

24

25

26 LPM:et

03-22-04

27 04-00919

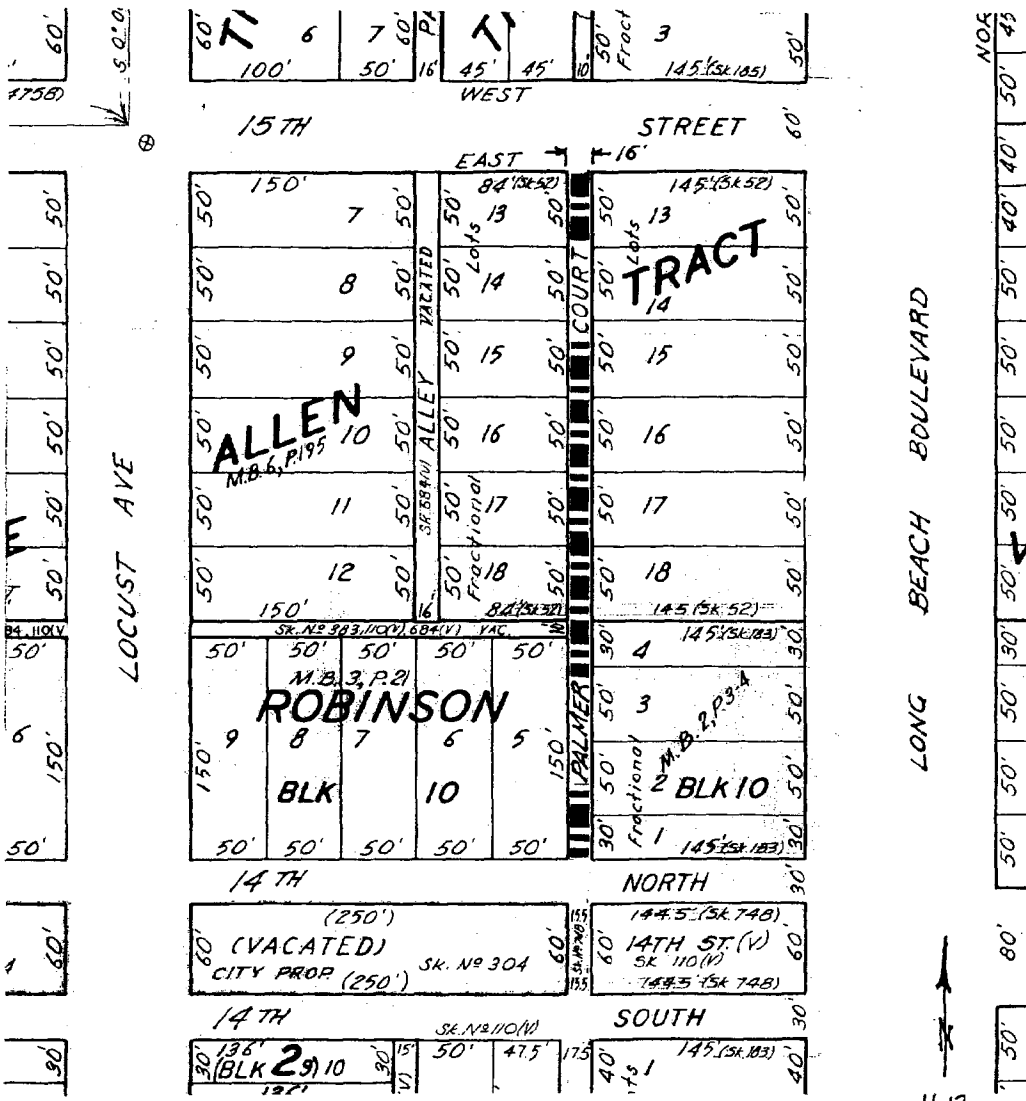
28 L:\APPS\CtyLaw32\WPDOCS\ID024\IP003\00058229.WPD

951V

SKETCH SHOWING AN ALLEY WEST OF LONG BEACH BOULEVARD AND NORTH OF FOURTEENTH STREET TO BE VACATED BY THE CITY OF LONG BEACH.

■ ■ ■ ■ ■ SHOWS ALLEY TO BE VACATED

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA



H-13

EXHIBIT A

DIERICH POST REORDER NO 149520

CITY COUNCIL FINDINGS

VACATION OF THE ALLEY WEST OF LONG BEACH BOULEVARD AND NORTH OF FOURTEENTH STREET - Reference Sketch No. 951

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 May 11, 2004 City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as C-28370.
- 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. 34-04 was issued for this project.

SC