

## **C-12**

July 12, 2022

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### **RECOMMENDATION:**

Adopt a Resolution of Intention to vacate 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed north-south alley, between the properties located at 2400 and 2450 Long Beach Boulevard;

Set the date of August 16, 2022, for the public hearing on the vacation; and,

Accept Categorical Exemption No. CE-17-162. (District 6)

### **DISCUSSION**

Richard Earl Todd and Claudia Todd, husband and wife, as joint tenants, as to Parcel A; R & P Todd Family Partnership, LTD., a California limited partnership, formerly known as Todd Family Partnership, LTD., a California limited partnership, as to Parcel B; and, R & P Todd Family Partnership LTD., a California limited partnership, as to Parcel C, the owners of the property at 2400, 2450 and 2490 Long Beach Boulevard, request the vacation of 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed north-south alley, between the properties located at 2400 and 2450 Long Beach Boulevard (Attachment A). Vacating this portion of public right-of-way (ROW) would allow the property owners to improve the alley as part of their proposed residential development project adjacent to the alley.

On March 1, 2018, the Planning Commission determined that the proposed vacation of this portion of public ROW is in conformance with the adopted goals of the City's General Plan (Attachment B).

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 Public Works Department supports this vacation based on findings that this portion of ROW is not necessary as a vehicular or pedestrian thoroughfare. The City of Long Beach (City) Public Works Department requests adoption of a Resolution of Intention to vacate in relation to the vacation described above.

The necessary City departments have reviewed the proposed ROW vacation and have no objections to this action. In conformance with the California Environmental Quality Act,

Categorical Exemption No. CE-17-162 was issued on February 20, 2018 (Attachment C). The Public Works Department requests acceptance of Categorical Exemption CE-17-162.

This item was brought forward and approved by City Council on June 21, 2022, with a set hearing date of August 16, 2022. The Public Works Department had previously moved the hearing date from July 5, 2022 to August 16, 2022 and inadvertently moved forward with the June 21, 2022 staff report without updating the date on the accompanying Resolution. The Resolution has been updated to reflect the correct hearing date, and the present action is meant to supersede the previous action taken by the City Council on June 21, 2022.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on April 18, 2022 and by Budget Management Officer Nader Kaamoush on May 24, 2022.

#### TIMING CONSIDERATIONS

City Council action is requested on July 12, 2022, to set a public hearing date on this matter for August 16, 2022.

#### FISCAL IMPACT

A tentative vacation processing fee in the amount of \$8,150 was deposited in the General Fund Group in the Public Works Department. It is anticipated that the final vacation processing fee of \$3,903 will be paid before the public hearing date. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

#### SUGGESTED ACTION:


Approve recommendation

Respectfully submitted,



ERIC LOPEZ  
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA  
CITY MANAGER

ATTACHMENTS: RESOLUTION  
A – VACATION SKETCH  
B – GENERAL PLAN CONFORMITY FINDING STAFF REPORT  
C – CATEGORICAL EXEMPTION No. CE-17-162

RESOLUTION NO.

A RESOLUTION OF INTENTION TO VACATE 122 FEET OF THE EAST-WEST ALLEY LOCATED EAST OF LONG BEACH BOULEVARD AND WEST OF AN UNNAMED NORTH-SOUTH ALLEY, BETWEEN THE PROPERTIES LOCATED AT 2400 AND 2450 LONG BEACH BOULEVARD, 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 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed north-south alley, between the properties located at 2400 and 2450 Long Beach Boulevard, in the City of Long Beach, County of Los Angeles, State of California, as described on the attached Exhibit "A", and as shown on the attached Exhibit "B".

Section 2. Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way, at any time or from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, potable water, sanitary sewers, dry gas

1 and appurtenant structures, together with all necessary gates, valves, fittings, hydrants and  
2 appurtenances for the transportation of water, sewage and dry gas, with the right of ingress  
3 to and egress from the same, over, through, under, along and across that certain property  
4 vacated herewith; and pursuant to any existing franchises or renewals thereof, or  
5 otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of  
6 conduits, cables, wires, poles and other convenient structures, equipment and fixtures for  
7 the operation of telephone lines and other communication lines, and for the transportation  
8 or distribution of electric energy, and incidental purposes including access and the right to  
9 keep the property free from inflammable materials, and wood growth, and otherwise protect  
10 the same from all hazards in, upon and over the part vacated. Access for maintenance of  
11 the above-mentioned facilities must be maintained at all times. No improvements shall be  
12 constructed within the easement which would impede the operation, maintenance or repair  
13 of said facilities. Construction of any improvements, including changes of grade, shall be  
14 subject to the prior written approval of all the City departments and public utilities  
15 responsible for the above said facilities.

16               Section 3. All of the foregoing real property is shown on the map or plan  
17 thereof, attached hereto as Exhibit "C", and on file in the office of the City Clerk, which map  
18 or plan is known and referred to as "City of Long Beach Department of Public Works  
19 Vacation Sketch No. 1028V".

20               Section 4. The City Council hereby fixes August 16, 2022 at the hour of  
21 5:00 p.m., as the time and the Civic Chamber, 411 West Ocean Boulevard, in the City of  
22 Long Beach, California, as the place for hearing all persons interested in or objecting  
23 to the proposed vacation.

24               Section 5. The City Council hereby directs that notice of said hearing on  
25 this proposed street vacation be published for at least two (2) successive weeks prior to  
26 the hearing and in the manner provided by Section 8322 of the State Streets and Highways  
27 Code.

28               Section 6. The City Council hereby directs that notice of this street

1 vacation be posted conspicuously along the street proposed to be vacated at least two (2)  
2 weeks before the date set for hearing and in the manner provided by Section 8323 of the  
3 State Streets and Highways Code.

4 Section 7. This resolution shall take effect immediately upon its adoption  
5 by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

6 I hereby certify that the foregoing resolution was adopted by the City Council  
7 of the City of Long Beach at its meeting of \_\_\_\_\_, 2022  
8 by the following vote:

9  
10 Ayes: Councilmembers: \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

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

15 \_\_\_\_\_

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

17 \_\_\_\_\_

18 Recusal(s): Councilmembers: \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

City Clerk

22 \_\_\_\_\_

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

# EXHIBIT "A"

## EXHIBIT 'A' - LEGAL DESCRIPTION

SHEET 1 OF 1  
2nd Check

### ALLEY VACATION

IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES,

STATE OF CALIFORNIA

#### PARCEL A:

BEING A PORTION OF THAT LAND DESIGNATED AS "ALLEY" AS SHOWN ON THE MAP OF TRACT NO. 2268, IN THE CITY OF LONG BEACH, FILED IN BOOK 22, PAGE 76 OF MAPS, RECORDS OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF LOT 6 PER SAID TRACT MAP; ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 6; ON THE SOUTH BY THE NORTH LINE OF THE 5 FOOT ALLEY SHOWN ON THE MAP OF CUSHMAN'S SUBDIVISION PER MAP FILED IN BOOK 6, PAGE 128 OF MAPS; AND ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 6.

SAID LAND AS DESCRIBED AS PARCEL A IS A PART OF THE UNDERLYING FEE TITLE OF SAID LOT 6 AND BY THE VACATION OF THE DESCRIBED LAND BECOMES A PART OF SAID LOT 6, EXCEPTING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES, IF ANY.

SAID PARCEL CONTAINS 610 SQUARE FEET GROSS, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

#### PARCEL B:


BEING A PORTION OF THAT LAND DESIGNATED AS "ALLEY" AS SHOWN ON THE MAP OF CUSHMAN'S SUBDIVISION, IN THE CITY OF LONG BEACH, FILED IN BOOK 6, PAGE 128 OF MAPS, RECORDS OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, BOUNDED AS FOLLOWS:

ON THE NORTH BY THE NORTH LINE OF THE 5 FOOT ALLEY SHOWN ON SAID MAP; ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF LOT 1 OF SAID MAP; ON THE SOUTH BY THE NORTH LINE OF SAID LOT 1; AND ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 1.

SAID LAND AS DESCRIBED AS PARCEL B IS A PART OF THE UNDERLYING FEE TITLE OF SAID LOT 1 AND BY THE VACATION OF THE DESCRIBED LAND BECOMES A PART OF SAID LOT 1, EXCEPTING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES, IF ANY.

SAID PARCEL CONTAINS 610 ACRES GROSS, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

  
GERALD R. ANDERSON, L.S. 4400  
9/29/2017 Date  
LICENSE EXPIRES: SEPTEMBER 30, 2019



ASSESSOR'S PARCEL #'S 7208-010-023, 024

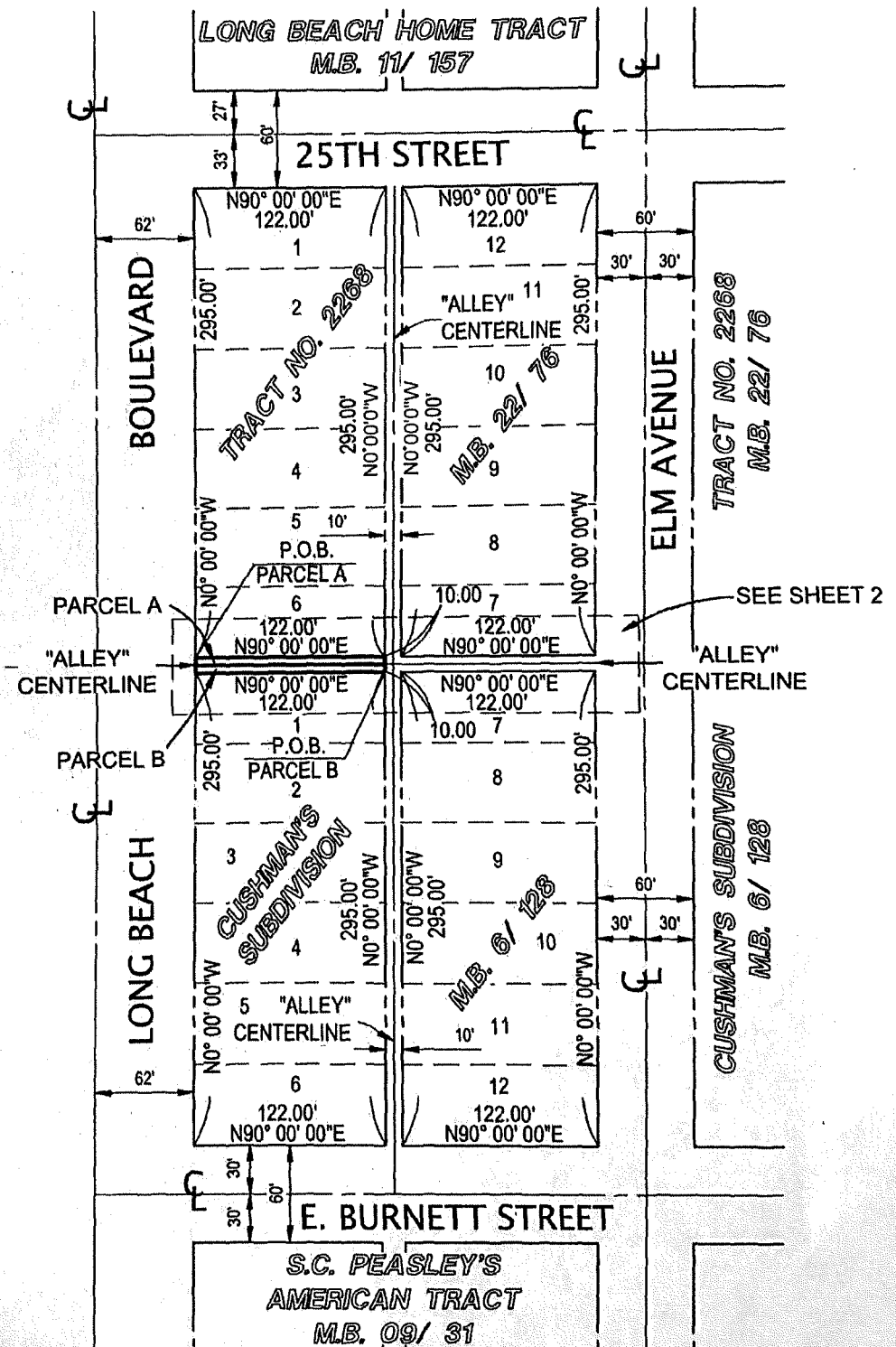
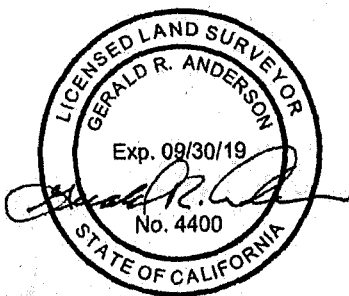
[MALD-382]

# EXHIBIT "B"

## EXHIBIT 'B' - MAP ALLEY VACATION

SHEET 1 OF 2  
2nd Check

1" = 100'  
SCALE: 1" = 100'



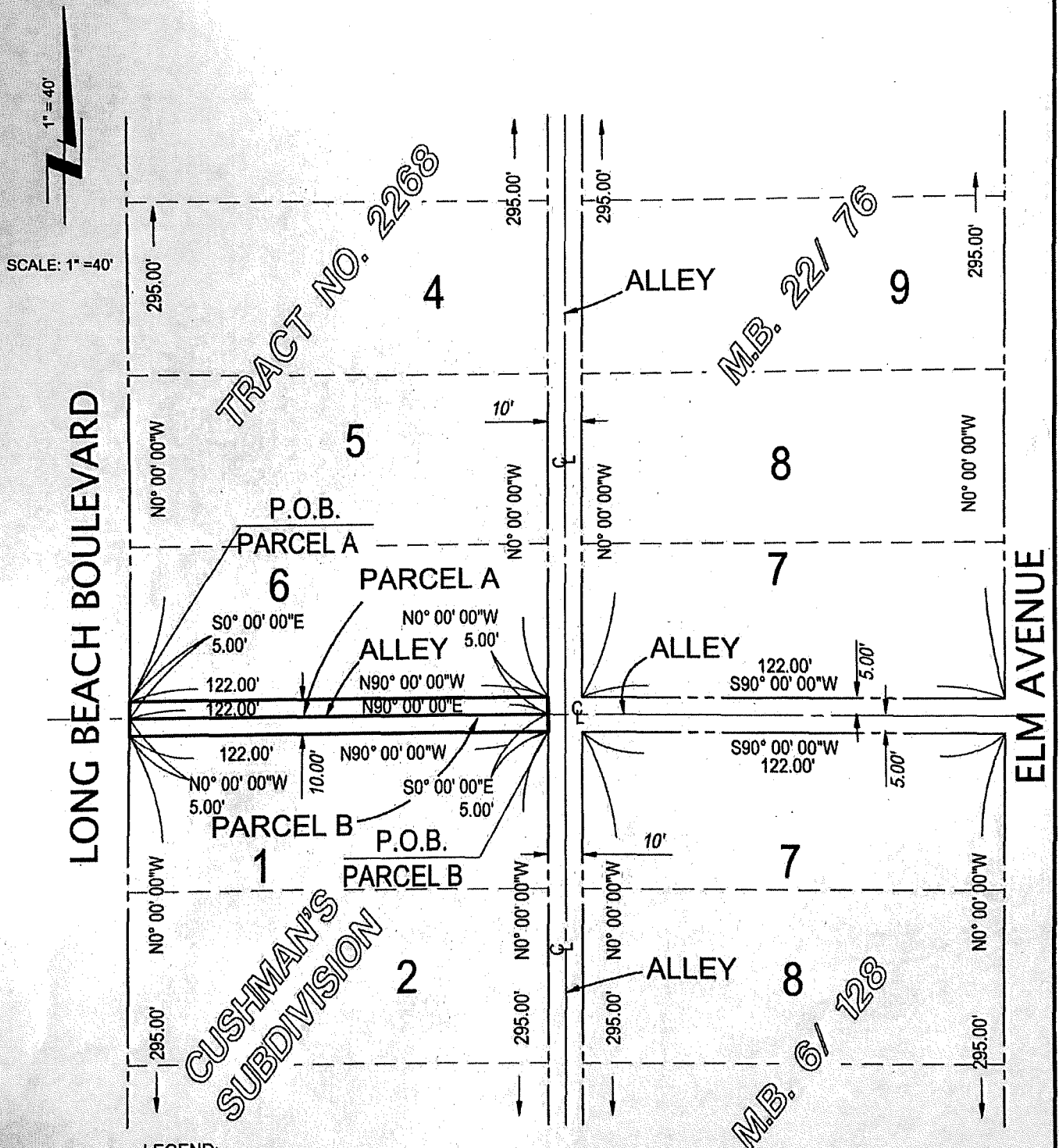
### LEGEND:

- ALLEY VACATION AREA
- RIGHT OF WAY
- CENTERLINE
- EXISTING LOT LINES

# EXHIBIT "B"

## EXHIBIT 'B' - MAP ALLEY VACATION

SHEET 2 OF 2  
2nd Check

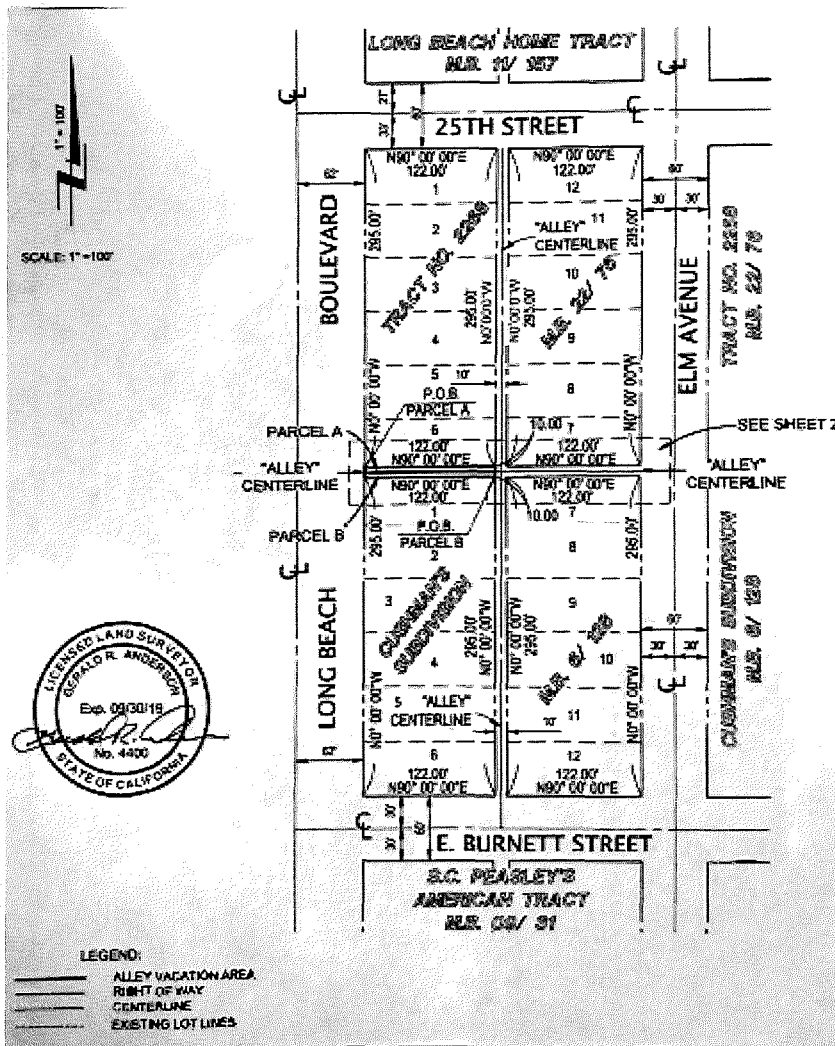


SCALE: 1" = 40'

LONG BEACH BOULEVARD

ELM AVENUE





**SKETCH NO. 1028V**  
**SKETCH SHOWING A VACATION OF A**  
**PORTION OF AN ALLEY WITH A WIDTH OF**  
**5' BEING WITHIN TRACT NUMBER 2268**  
**AND 5' BEING WITHIN CUSHMAN'S**  
**SUBDIVISION**

**ENGINEERING BUREAU**  
 CITY OF LONG BEACH, CALIFORNIA  
 EXHIBIT C

SHEET 1 OF 2

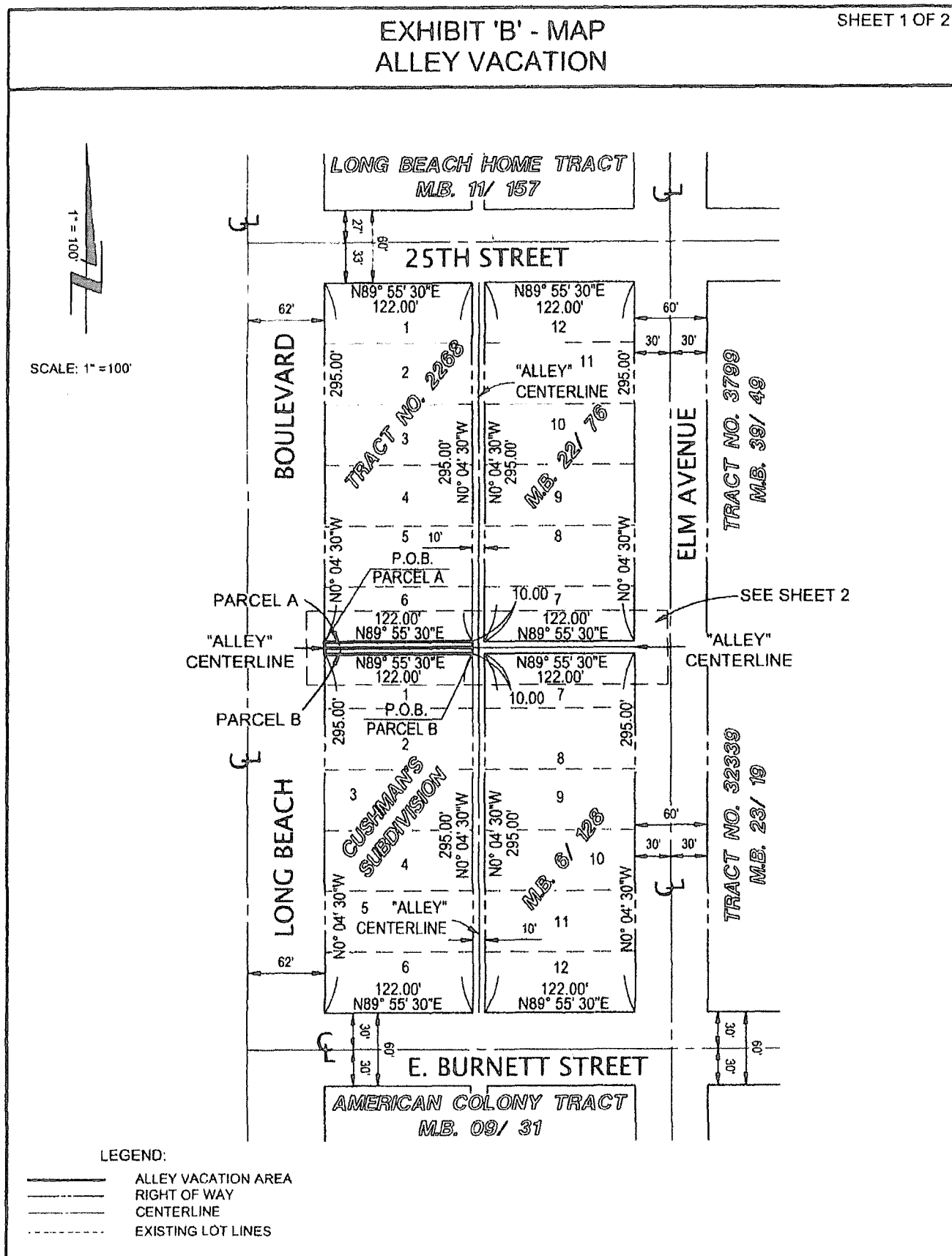
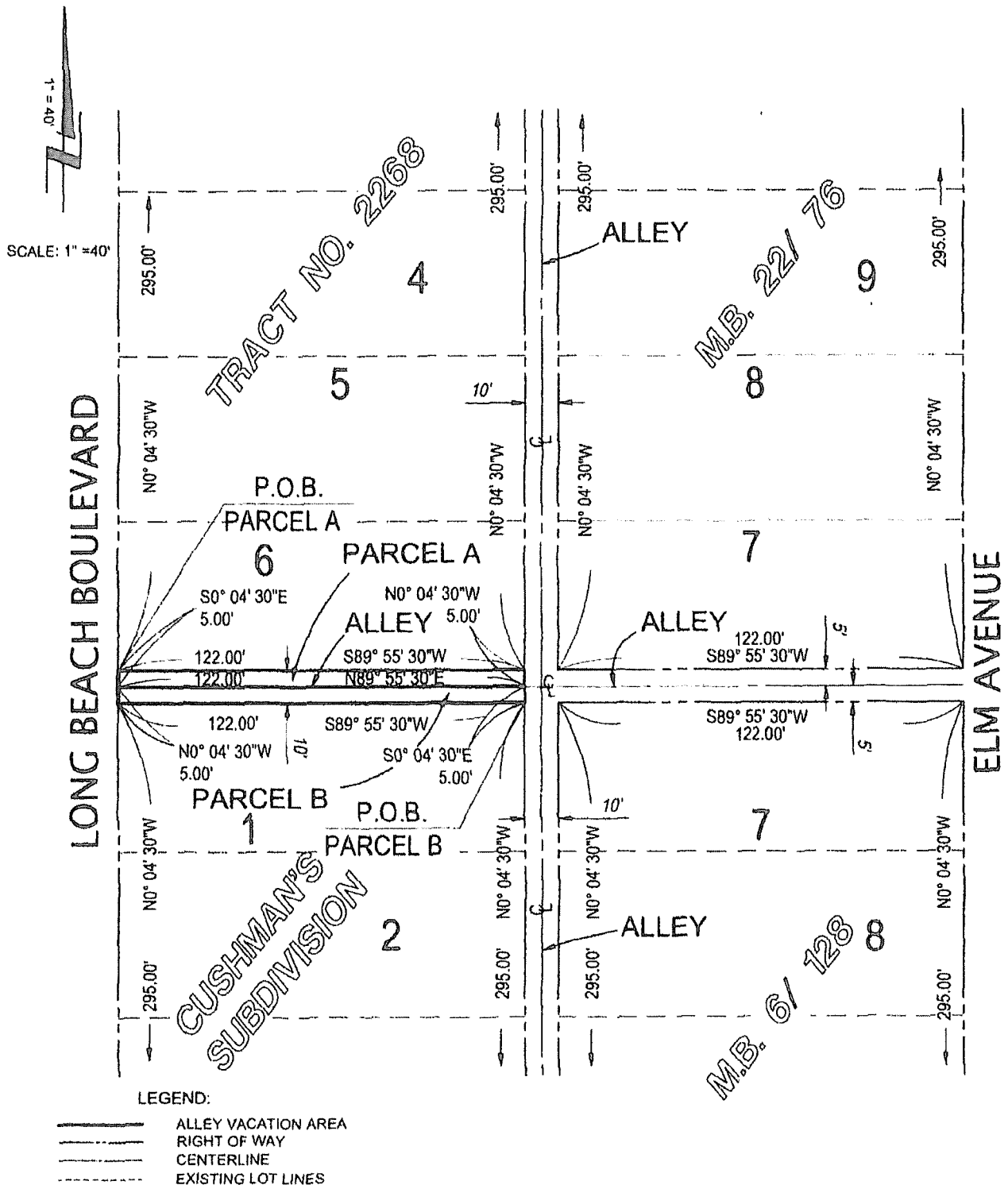


EXHIBIT 'B' - MAP  
ALLEY VACATION

SHEET 2 OF 2



# ATTACHMENT B

Page 1 of 5

CITY OF LONG BEACH  
PLANNING COMMISSION  
MINUTES

THURSDAY, MARCH 1, 2018  
333 W. OCEAN BOULEVARD  
COUNCIL CHAMBER, 5:00 PM

Erick Verduzco-Vega, Chair  
Richard Lewis, Vice Chair  
Mark Christoffels, Commissioner



Ron Cruz, Commissioner  
Josh LaFarga, Commissioner  
Andy Perez, Commissioner  
Jane Templin, Commissioner

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## FINISHED AGENDA AND MINUTES

### CALL TO ORDER

At 5:03 p.m., Chair Verduzco-Vega called the meeting to order.

### ROLL CALL

**Commissioners** Mark Christoffels, Ron Cruz, Josh LaFarga, Andy Perez, Jane  
**Present:** Templin, Richard Lewis and Erick Verduzco-Vega

Also present: Linda Tatum, Planning Bureau Manager; Carrie Tai, Current Planning Officer;  
Michael Mais, Assistant City Attorney; Steven Valdez, Planner; Scott Kinsey, Planner; Alexis  
Oropeza, Planner; Heidi Eidson, Bureau Secretary.

### FLAG SALUTE

Commissioner Christoffels led the flag salute.

### MINUTES

# ATTACHMENT B

Page 2 of 5

CITY OF LONG BEACH  
PLANNING COMMISSION  
MINUTES

THURSDAY, MARCH 1, 2018  
333 W. OCEAN BOULEVARD  
COUNCIL CHAMBER, 5:00 PM

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## REGULAR AGENDA

1. 18-013PL Recommendation to find the proposed vacation of 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed alley (GPC17-002), located between 2400 and 2450 Long Beach Boulevard, in conformance with the adopted goals and policies of the City's General Plan. (District 6) (Application No. 1706-21)

Carrie Tai, Current Planning Officer, introduced Steven Valdez, Project Planner, who presented the staff report.

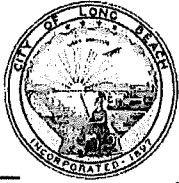
Vice Chair Lewis spoke.

Linda Tatum, Planning Bureau Manager, responded to queries from Vice Chair Lewis.

Derek Burnham, representing the applicant, spoke.

**A motion was made by Vice Chair Lewis, seconded by Commissioner Templin, to approve the recommendation. The motion carried by the following vote:**

**Yes:** 7 - Mark Christoffels, Ron Cruz, Josh LaFarga, Andy Perez, Jane Templin, Richard Lewis and Erick Verduzco-Vega

**CITY OF LONG BEACH**

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

March 1, 2018

**CHAIR AND PLANNING COMMISSIONERS**

City of Long Beach

California

**RECOMMENDATION:**

Find the proposed vacation of 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed alley (GPC17-002), located between 2400 and 2450 Long Beach Boulevard, in conformance with the adopted goals and policies of the City's General Plan. (District 6)

**APPLICANT:** Richard Todd  
2400 Long Beach Boulevard  
Long Beach, CA 90806  
(Application No. 1706-21)

**DISCUSSION**

Pursuant to California Streets and Highways Code Section 8313 and California Government Code Section 65402, before an application for an alley vacation can be considered by the City Council in a jurisdiction with an adopted General Plan, the jurisdiction's Planning Commission must make a finding of conformity with the adopted General Plan maps and policies.

The subject request pertains to a 10-foot-wide east-west alley that measures 122 feet in length between 25<sup>th</sup> Street and E. Burnett Street, within the Midtown Specific Plan (SP-1) (Exhibit A – Location Map). The alley is between two privately owned vacant properties at 2450 Long Beach Boulevard to the north and 2400 Long Beach Boulevard to the south, respectively. The properties are currently fenced off and used for bus storage. The subject property is adjacent to a single-family residential home to the east, and commercial uses to the north, south, and west.

The applicant, who is the owner of the property adjacent to the alley, has submitted preliminary development plans for a senior residential project, and has submitted a request to the Public Works Department for the alley vacation. Obtaining a finding of General Plan conformity during this early stage of the project review will allow the property owner additional certainty when preparing development plans for formal submittal for Site Plan Review. The decision-making body on the alley vacation is the City Council.

General Plan Consistency Findings

The General Plan consists of 11 elements and each element carries the same authority concerning land use issues. All elements of the General Plan were considered and staff finds this vacation to be in conformance with all applicable elements. A review of the relevant General Plan elements and specific General Plan consistency findings are presented below.

**Land Use Element**

The Land Use Element divides the City into 21 land use districts, which provide general guidance as to the appropriate type and density of land uses. The alley is located within Land Use District Number 7 – Mixed Use District (LUD 7). LUD 7 is intended to allow for a blending of different land uses as established by the adopted Planned Development District. The subject alley is located within the Midtown Specific Plan (SP-1). Alleys within SP-1 are identified for their potential to serve as a means for pedestrian connection and enhancement. However, the subject alley was not identified as an essential piece of the Connectivity Network in the Midtown Specific Plan, nor does the surrounding development pattern lend itself to use as an essential pedestrian connector. The intent of LUD 7 is to facilitate more cohesive development as opposed to disparate pockets of development. The vacation of the alley is consistent with this purpose by allowing parcels to potentially be assembled for development.

**Mobility Element**

The Mobility Element is aimed at transforming Long Beach into a community that offers flexible, convenient, affordable, and energy-efficient transportation options for residents and visitors alike. The portion of the alley that is proposed to be vacated was determined to be not necessary for public use or convenience because access to the abutting residential uses can be maintained by means of two existing streets (E. Burnett Street and 25<sup>th</sup> Street). Furthermore, the alley is not currently used for access. Alley vacation would therefore not prove detrimental to the movement of people and goods through the area.

**PUBLIC HEARING NOTICE**

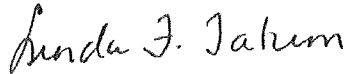
General Plan Conformity findings do not require a public hearing notice. However, the Public Works Department conducts public notification of the alley vacation prior to the City Council's consideration.

**ENVIRONMENTAL REVIEW**

The proposed vacation is not a project under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3) of Chapter 3 of Title 14 of the California Code of Regulations, State CEQA Guidelines). There is no possibility that a finding of conformity with the General Plan will result in a physical change in the environment. This finding does not approve any development

project nor does it, either directly or indirectly, disturb the physical environment. Furthermore, all development projects are otherwise subject to CEQA. Therefore, no further environmental review is required.

Respectfully submitted,



LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



TOM MODICA  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

TM:LFT:CT:sv

Attachments:

- Exhibit A – Location Map
- Exhibit B – Alley Vacation Plan
- Exhibit C – Midtown Specific Plan
- Exhibit D – Notice of Exemption



# ATTACHMENT C



## NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbds.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 Fillings  
12400 E. Imperial Hwy., Room 1201  
Norwalk, CA 90650

Project Title: CE- 17-162

Project Location/Address: 2400 Long Beach Blvd

Project Activity/Description: Vacate 16' wide east-west alley

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

Applicant Name: Todd Family Mat & Richard E. Todd, Pres.

Mailing Address: C/O Doris Birmingham 33506 7A St. #412 Long Beach, CA 90801

Phone Number: 562 354-1430

Applicant Signature: Todd Family Mat & Richard E. Todd, Pres.

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1706-24 Planner's Initials: SV

Required Permits: General Plan Conformity Finding

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION 15061(B) 3 OF CHAPTER 3 OF TITLE  
14 OF THE CALIFORNIA CODE OF REGULATIONS, STATE CEQA GUIDELINES

Statement of support for this finding: THERE IS NO POSSIBILITY THAT A  
FINDING OF CONFORMITY WITH THE GENERAL PLAN FOR A PROPOSED  
ALLEY VACATION WILL RESULT IN A PHYSICAL CHANGE IN THE  
ENVIRONMENT.

Contact Person: STEVEN VALDEZ

Contact Phone: (562) 570-6571

Signature: [Signature]

Date: 2/20/2018