

944V

**SKETCH SHOWING A PORTION OF PUBLIC
RIGHT-OF-WAY SOUTH OF SIXTH STREET AND
WEST OF ROYCROFT AVENUE TO BE
VACATED BY THE CITY OF LONG BEACH.**

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA
EXHIBIT A

 SHOWS AREA TO BE VACATED

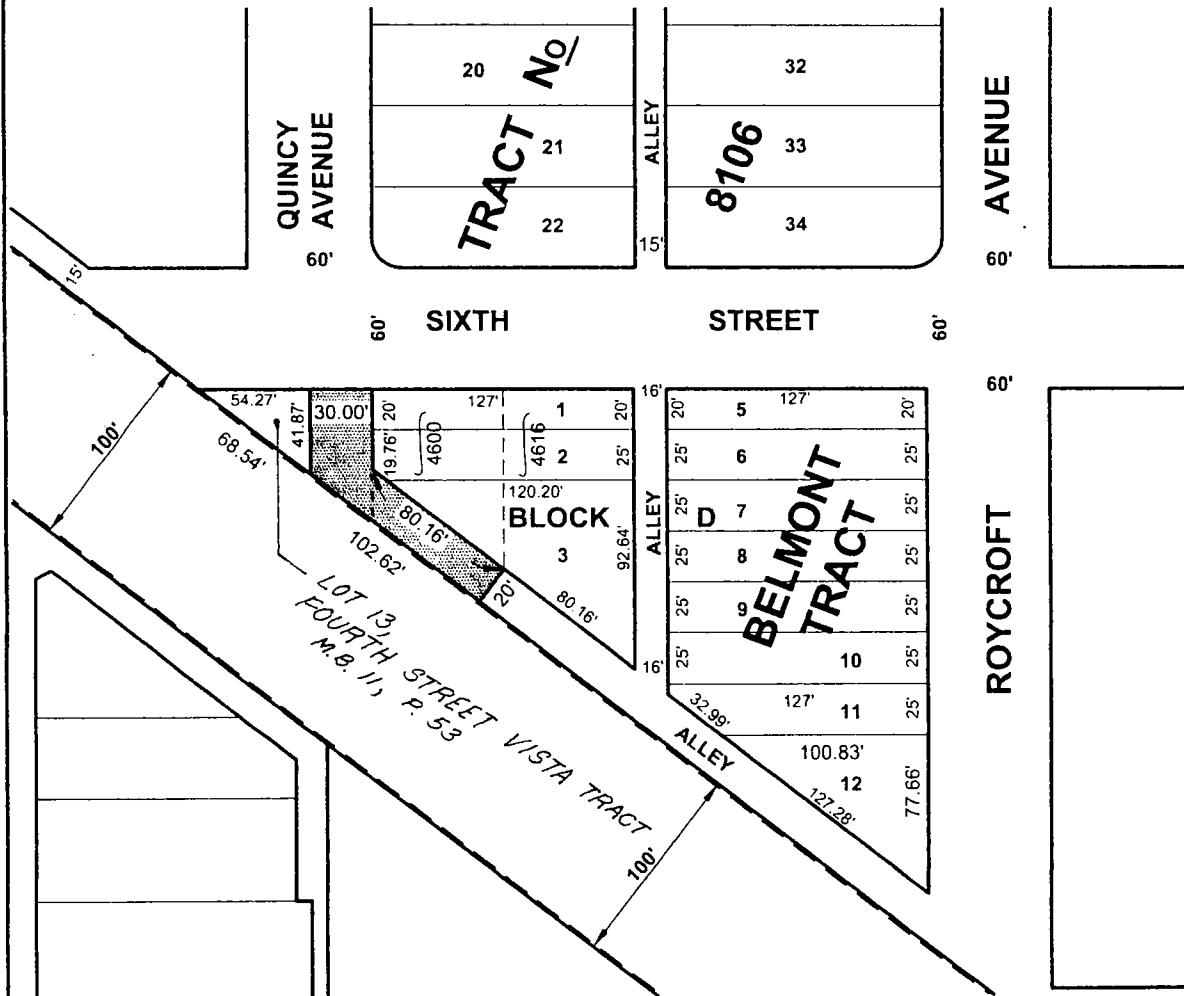
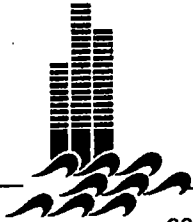


EXHIBIT A



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

~~C-11~~

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

April 5, 2005

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt attached resolution of intention to vacate a portion of the public right-of-way south of Sixth Street and west of Roycroft Avenue, and set a public hearing date of May 3, 2005. (District 3)

DISCUSSION

The owner of a 1,134-square foot vacant lot on Sixth Street near Quincy Avenue has asked the City to vacate the 30-foot wide unimproved public right-of-way adjacent to his property as shown on the attached Exhibit A. The property owner's intention is to acquire the entire width of the vacated right-of-way and construct a single-family house on the assembled property. The owner of the single-family residence to the east has agreed to sell his interest in the east half of the subject right-of-way to the vacation petitioner.

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 existing buildings and vehicular access locations within this block are shown on the attached Exhibit B. No property will have impaired access as a result of the proposed alley vacation.
2. The vacation petitioner has undergone an informal Planning Bureau review for the construction of a single-family house on this site. Certain Zoning Code variances may be required and must be successfully obtained prior to the issuance of a building permit.

HONORABLE MAYOR AND CITY COUNCIL

April 5, 2005

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3. On October 16, 2003, 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. The Planning Department staff report is included as Exhibit C.
4. This alley lies adjacent to the 100-foot wide former rail right-of-way, which is now Park property. The subject strip of land was dedicated for public alley purposes and has never been a part of the Park. Through this action, no portion of the alley, if vacated, would revert to and become a part of the Park. The division of property that the adjoining landowners have agreed to is shown on the attached Exhibit D. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.
5. There is a storm drain in the 30-foot wide right of way to be vacated as shown on page 2 of the attached Exhibit E. This storm drain necessitates the reservation of a utility easement with the resolution vacating. The developer intends to realign the storm drain to better accommodate his proposed development. After that occurs, the City will quitclaim any portion of the easement no longer needed.
6. The interested City Departments have reviewed the proposed right-of-way vacation and land development and have no objections to this action, subject to the attached Exhibit E (conditions of approval). The Department of Parks, Recreation and Marine conditioned this vacation with a requirement to build a wall along the northerly side of the 100-foot wide park parcel as shown on page 2 of Exhibit E. The purpose of this wall is to prevent vehicular access onto Park property. The Fire Prevention Bureau conditioned this vacation with a requirement to pave the alley portion shown on page 2 of Exhibit E. The purpose of this paving is to improve Fire Department access within this block.
7. This resolution of intention to vacate states that it is the intent of City Council that the proposed vacation not occur until such time as the Director of Planning and Building and the City Engineer certify that conditions attached by the Planning Commission have been complied with. Posting of a bond adequate to provide for the required improvements will satisfy this intent.

The proposed resolution of intention to vacate was prepared by Deputy City Attorney Lisa Peskay Malmsten on October 26, 2004. In conformance with the California Environmental Quality Act, Categorical Exemption Number CEP 627-03 was issued for this project.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

EXHIBIT B

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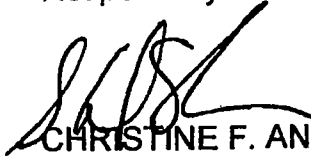
FISCAL IMPACT

A vacation processing fee of \$1000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

GMM:SC:km

Attachments

P\CL\RW 6th Roycroft res of int to vacate CL.doc

APPROVED:


for CHRISTINE F. STUPPIG
GERALD R. MILLER
CITY MANAGER

944V

**SKETCH SHOWING A PORTION OF PUBLIC
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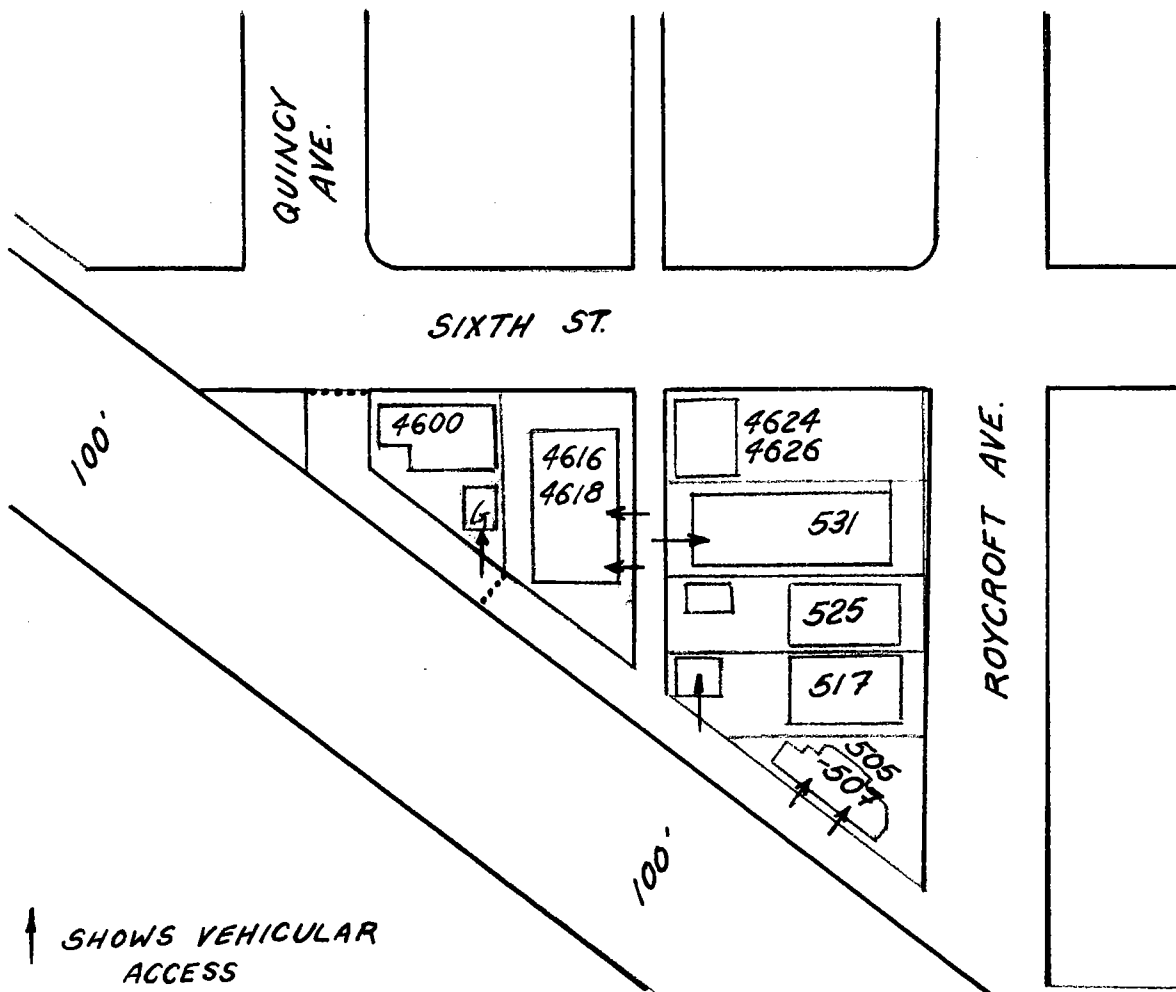
ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA
EXHIBIT A

 SHOWS AREA TO BE VACATED



EXHIBIT B
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(Originally Exhibit A to the 4/4/05 council letter)



**EXISTING BUILDINGS AND VEHICULAR ACCESS
ON BLOCK SOUTH OF SIXTH STREET
AND WEST OF ROYCROFT AVENUE**

EXHIBIT B

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(Originally Exhibit B to the 4/4/05 council letter)



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-5972 FAX (562) 570-6068

ADVANCE PLANNING

CONSENT CALENDAR

October 16, 2003

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Finding of Conformity with the *General Plan* for a Partial Alley Vacation

LOCATION: Near the Intersection of 6th Street and Quincy Avenue Abutting the Pacific Electric Rail Right-of-Way

APPLICANT: Charles Murray
130 Corona Avenue
Long Beach

RECOMMENDATION

Find the proposed partial alley vacation near the intersection of 6th Street and Quincy Avenue, 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 vacation is herein submitted for such review.

The applicant intends to develop a single-family home on a vacant, irregular sized lot at the southwest corner of 6th Street and Quincy Avenue. The applicant is requesting the vacation of the unpaved alley adjacent to his property to increase the size of the parcel, which will reduce the number of standard variances necessary for the construction of a single family home on the site. However, the findings regarding this alley vacation do not portend the approval by staff of any necessary standard variances. In addition, as part of this application, the unpaved alley abutting the single-family home at 4600 6th Street will revert to the said property owner.

EXHIBIT B

Page 6 of 11

(Originally Exhibit C, Page 1 of 3, to the 4/4/05 council letter)

The Department of Public Works has reviewed the alley vacation and has determined that the right-of-way is not needed for circulation. However, review by other City departments has placed conditions of approval for this vacation (see Exhibit B).

GENERAL PLAN CONSISTENCY FINDINGS

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 Elements. 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:

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 proposed to be vacated is located in Land Use District (LUD) 1, Single Family. The intent of LUD 1 is to set aside an area for single-family housing. The proposed alley vacation will be used to increase the size of a lot for a single-family residence.

In addition, the Land Use Element discusses each of the 57 neighborhoods in the City. The proposed alley is located in the Belmont Heights neighborhood, which contains an abundance of residential structures built more than forty years ago. These older designs provide a distinct character to the neighborhood and to its residents. The Belmont Heights Plan recommends the preservation of this unique character. The alley vacation will accommodate a better designed structure that is consistent with the scale of other homes in the neighborhood.

Seismic Safety Element

The Seismic Safety Element provides a comprehensive analysis of seismic factors in order to reduce any impacts resulting from future earthquakes. The alley in question is located within an area susceptible to flooding. However, one of the conditions of approval from the Department of Public Works requires that the applicant resolve any water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works. In addition, the applicant owner may make modifications affecting drainage as long as they are reviewed and approved by the Director of Parks, Recreation and Marine.

EXHIBIT B

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(Originally Exhibit C, Page 2 of 3, to the 4/4/05 council letter)

Open Space and Recreation Element

The Open Space and Recreation Element identifies opportunities and programs that increase open space for recreation and preservation. The subject alley is abutting an obsolete rail right-of-way identified in the Element as open space linkages. Moreover, the Department of Parks, Recreation and Marine are in the preliminary planning stages for the development of the right-of-way for a linear park. Nevertheless, the adjacent alley is programmed for this open space linkage and the developer is required to build a fence along the boundary of the future park site.

ENVIRONMENTAL REVIEW

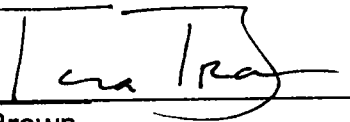
In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), this discretionary action is not subject to CEQA review and therefore Categorical Exemption CEP 627-03 was issued.

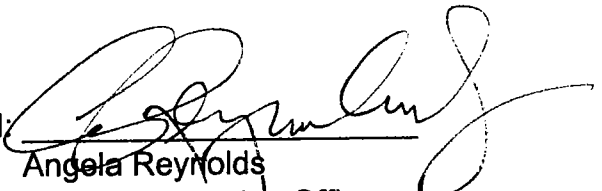
IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Find the proposed alley vacation near the intersection of 6th Street and Roycroft Avenue, as depicted in Exhibit A, in conformance with the *General Plan*.

Respectfully submitted,

FADY MATTAR
DIRECTOR OF PLANNING AND BUILDING

By: 
Ira Brown
Planner

Approved: 
Angela Reynolds
Advance Planning Officer

Vacation@Roycroft_Ave&6th_St.doc
FM:AR:IB:SN

Attachments:

1. Exhibit A: Sketches Depicting Alley to be Vacated
2. Exhibit B: Public Works Conditions of Approval
3. Exhibit C: Site Photographs

EXHIBIT B

Page 8 of 11

(Originally Exhibit C, Page 3 of 3, to the 4/4/05 council letter)

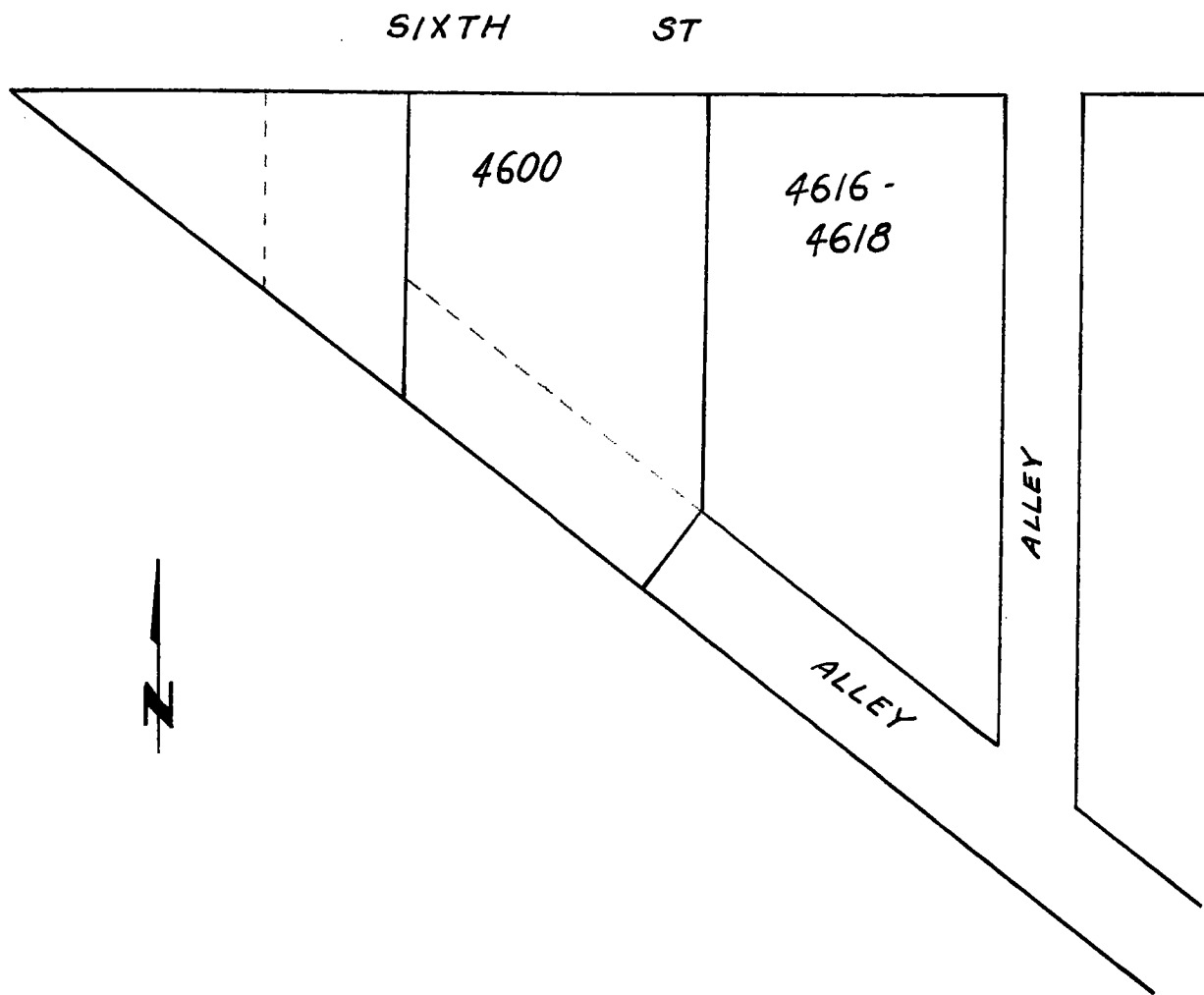


EXHIBIT B
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(Originally Exhibit D to the 4/4/05 council letter)

CONDITIONS OF APPROVAL

Vacation of a Portion of the Alley South of Sixth Street and West of Roycroft Avenue (Reference Sk. No. 944V)

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 public utilities over the entire area to be vacated. Known public utilities include a storm drain and Verizon cable. If public facilities are relocated or abandoned, the reserved easement or applicable portion thereof will be quitclaimed by the City. No structures shall be constructed or installed within a utility easement.
2. The developer shall construct a fence along the boundary of the adjacent 100-foot wide strip of City park property extending southeasterly to the intersection with the next north-south alley (approximately 80 feet long) to prevent vehicles from driving onto City property from the new alley terminus to get to Sixth Street. The fencing material must be reviewed and approved by the Director of Parks, Recreation and Marine. The range of the fencing to be installed is shown on the attached page 2 of this exhibit.
3. The developer shall pave the 150-foot long north-south alley in this block to City standards in order to improve access for the Fire Department and the general public. The area to be paved is also shown on page 2 of this exhibit.
4. If storm water drainage is presently accepted from the adjacent 100-foot wide strip of City-owned park property, this drainage shall continue to be accepted. Alternatively, the property owner may make modifications affecting surface flow if a plan for this work is reviewed and approved by the Director of Parks, Recreation and Marine. Any work on City property will require a permit from the City. The vacation petitioner shall resolve any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.
5. The developer shall provide standard improvements along the Sixth Street frontage of this project, such as sidewalk, curb and gutter, or make any necessary repairs thereto, subject to the satisfaction of the City Engineer.

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.

GMM:SC/ t

EXHIBIT B

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(Originally Exhibit E, Page 1 of 2, to the 4/4/05 council letter)

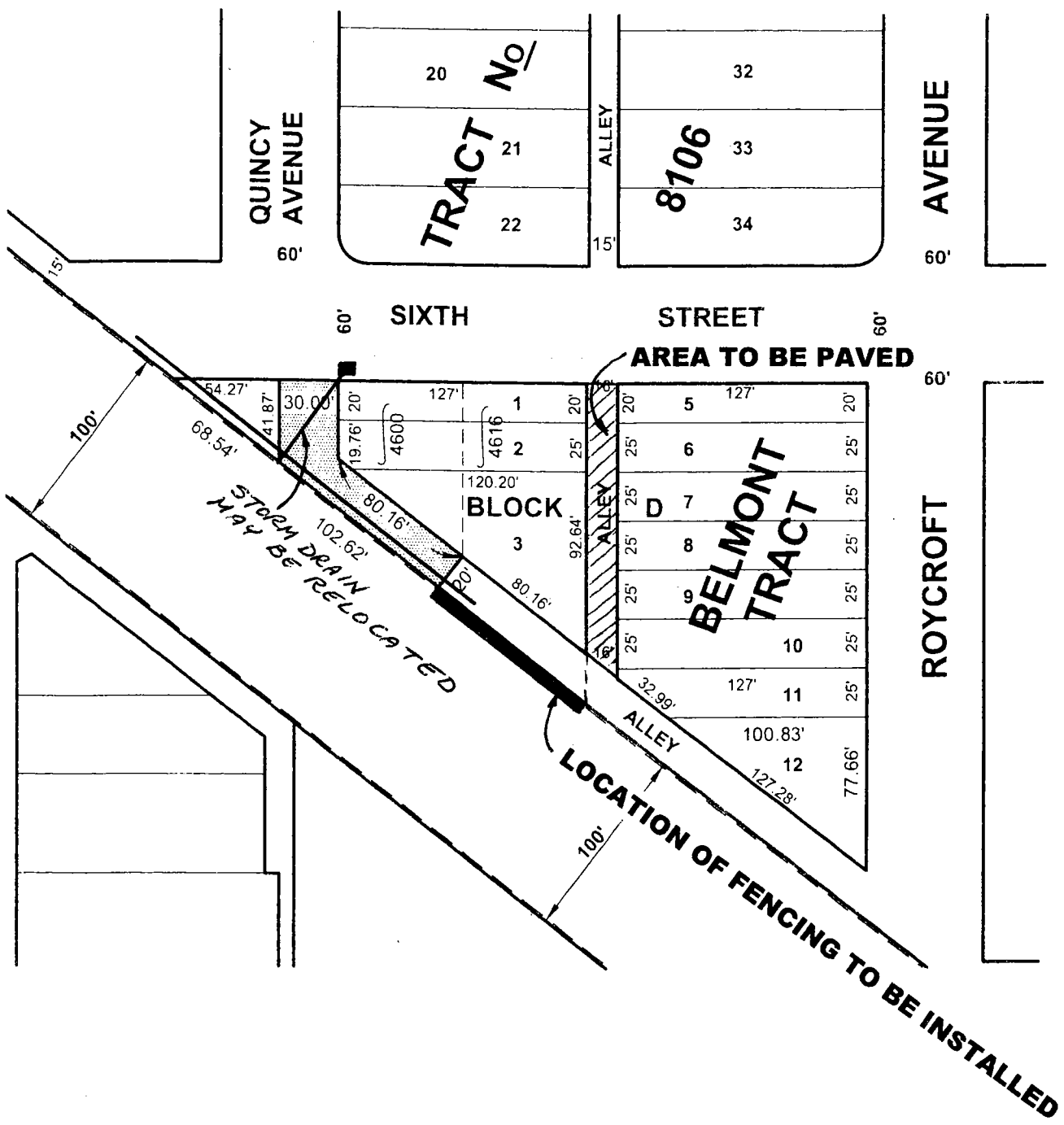
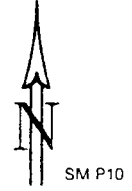


EXHIBIT B
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(Originally Exhibit E, Page 2 of 2, to the 4/4/05 council letter)