



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

November 15, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution of Intention to vacate the Belmont Drive alley located adjacent to 4100 East Ocean Boulevard, between Ocean Boulevard and Olympic Plaza Drive; set the date of December 13, 2016 for the public hearing on the vacation; and,

Accept Categorical Exemption 16-022. (District 3)

DISCUSSION

The business and property owner at 4100 East Ocean Boulevard requests to vacate the Belmont Drive alley between Ocean Boulevard and Olympic Plaza Drive (Exhibit A) for outdoor fitness activities and a private passageway for the business. An easement will be reserved for the existing utility lines that will remain in the vacated alley.

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. Public Works supports this vacation action based on finding that the alley is not needed for the adjacent property owner's vehicular access, although the adjacent property/business owner has submitted a petition against the right-of-way vacation stating needed use of the alley for refuse pickup. Public Works staff is working with the vacation requestor and petitioner to identify an alternative refuse pickup location.

On July 21, 2016, the Planning Commission determined the subject vacation action is consistent with the General Plan (Exhibit B). In conformance with the California Environmental Quality Act, Categorical Exemption Number 16-022 was issued for this project (Exhibit C).

The interested City departments, including Traffic Engineering, Fire and Police have reviewed the proposed right-of-way vacation and have no objections to this action.

A public hearing on this matter is to be held on December 13, 2016, and will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. At that time, the City Council will deliberate and take action on the proposed vacation.

This matter was reviewed by Deputy City Attorney Linda T. Vu on October 27, 2016 and by Budget Analysis Officer Julissa José-Murray on October 26, 2016.

TIMING CONSIDERATIONS

City Council action is requested on November 15, 2016, to set a hearing date on this matter for December 13, 2016.

FISCAL IMPACT

A tentative vacation processing fee of \$7,991 was deposited to the General Fund (GF) in the Public Works Department (PW). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

SC:BP/jc
ROW 4100 Ocean Blvd Alley Vacation Council Letter.docx

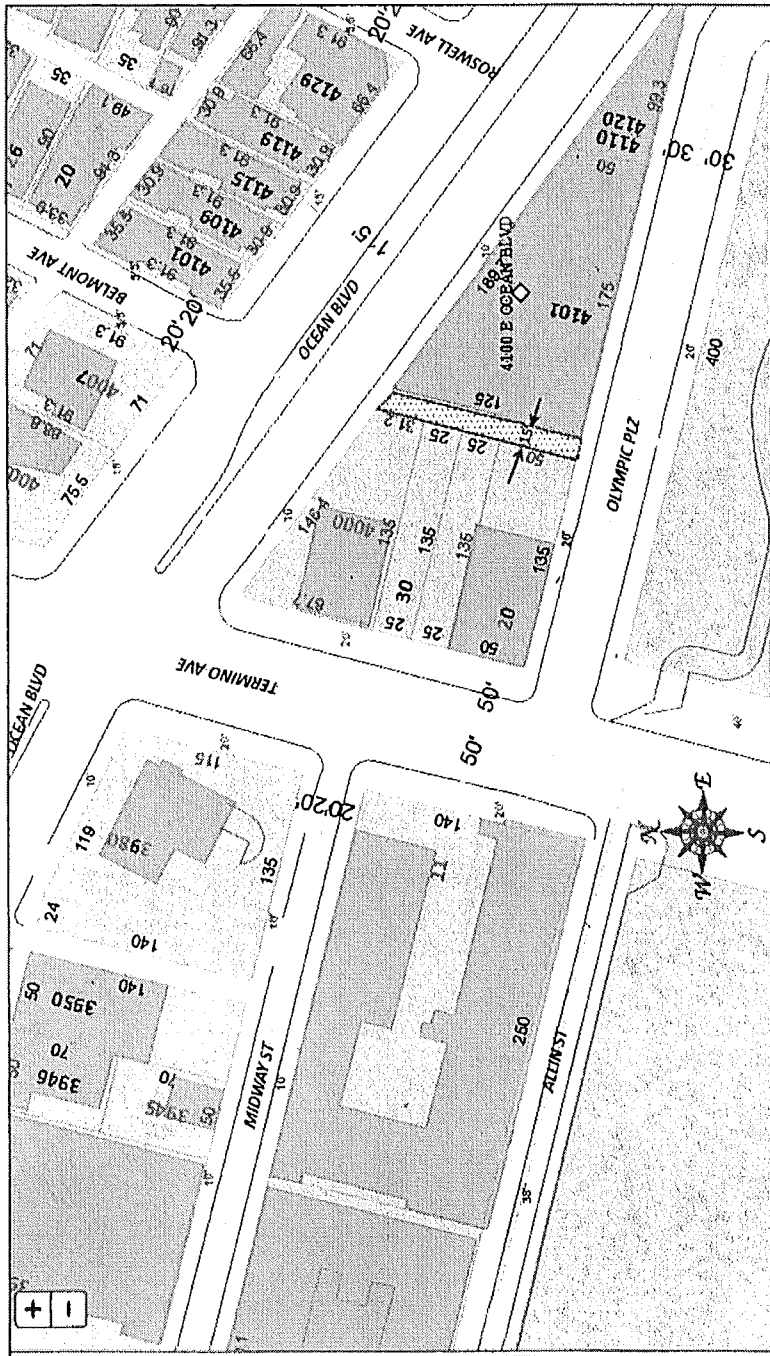
APPROVED:


PATRICK H. WEST
CITY MANAGER

- ATTACHMENTS: - EXHIBIT A- VACATION SKETCH No.1020V
- EXHIBIT B- PLANNING COMMISSION FINDINGS STAFF REPORT
- EXHIBIT C- CALIFORNIA ENVIRONMENTAL QUALITY ACT REPORT
- RESOLUTION

SK 1020V

SKETCH SHOWING NORTH/SOUTH
ALLEY SOUTH OF OCEAN
BOULEVARD, EAST OF TERMINO
AVENUE TO BE VACATED BY THE
CITY OF LONG BEACH



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

SHOWS AREA OF PROPOSED
RIGHT-OF-WAY VACATION

EXHIBIT A

EXHIBIT A



AGENDA ITEM No. 1

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 5th Floor • Long Beach, CA 90802 • (562) 570-6194 FAX (562) 570-6068

July 21, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE 16-022 and find the proposed vacation of a portion of a City alley west of 4100 E. Ocean Boulevard in conformance with the adopted goals and policies of the City's General Plan. (District 3)

APPLICANT: Kurt Schneiter
3633 E. Broadway, Suite 102
Long Beach, CA 90803
(Application No. 1602-01)

DISCUSSION

The subject request pertains to a 15-foot-wide alley running north-south between E. Ocean Boulevard and Olympic Plaza (Exhibit A – Location Map). The alley measures 131.2 feet in length and is bounded by a privately-owned, commercially-developed parcel to the east (4100 E. Ocean Boulevard) and four privately-owned, commercially-developed parcels to the west (20-30 Termino Avenue, and 4000 E. Ocean Boulevard) (Exhibit B – Alley Plan). The alley currently provides no vehicular access to these parcels, and no development is proposed with this application.

The alley lies within Subarea 1 of the Belmont Pier Planned Development District (PD-2), which permits retail, restaurant, motel, and personal and professional service uses. The properties abutting the alley are developed with uses permitted in this subarea. Vacation of the subject alley would not increase the potential for expansion of a nonconforming use.

General Plan Consistency Findings

Before an application for vacation can go before the City Council, a finding of conformity with the maps and policies of the Long Beach General Plan must be made by the Planning Commission. 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

EXHIBIT B

Page 1 of 5

applicable elements. 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 appropriate type and density of land uses. The alley is located within Land Use District Number 7 – Mixed Uses (LUD 7). LUD 7 recognizes the benefits of a careful blending of residential and commercial land uses, as such mixtures can simplify and shorten the transactions of goods and services, vitalize sites, and save time and energy in transportation and communications. Vacation of the subject alley would revert the land to private ownership. As all abutting parcels are developed with commercial uses consistent with LUD 7, vacation of the alley would conform to the Land Use Element.

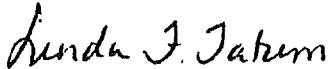
Mobility Element

The City's 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 alley to be vacated is seen as excess right-of-way by the Department of Public Works, no longer necessary for present or prospective public use or convenience. Existing north-south rights-of-way providing vehicular and pedestrian access are located approximately 150 feet and 300 feet east of the alley, respectively. Alley abandonment would therefore not prove detrimental to the movement of people and goods through the area.

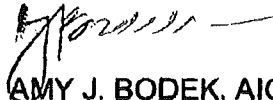
ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption number 16-022 was issued for the proposed project (Exhibit C – Categorical Exemption).

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:mh

Attachments: Exhibit A – Location Map
 Exhibit B – Alley Plan
 Exhibit C – Categorical Exemption

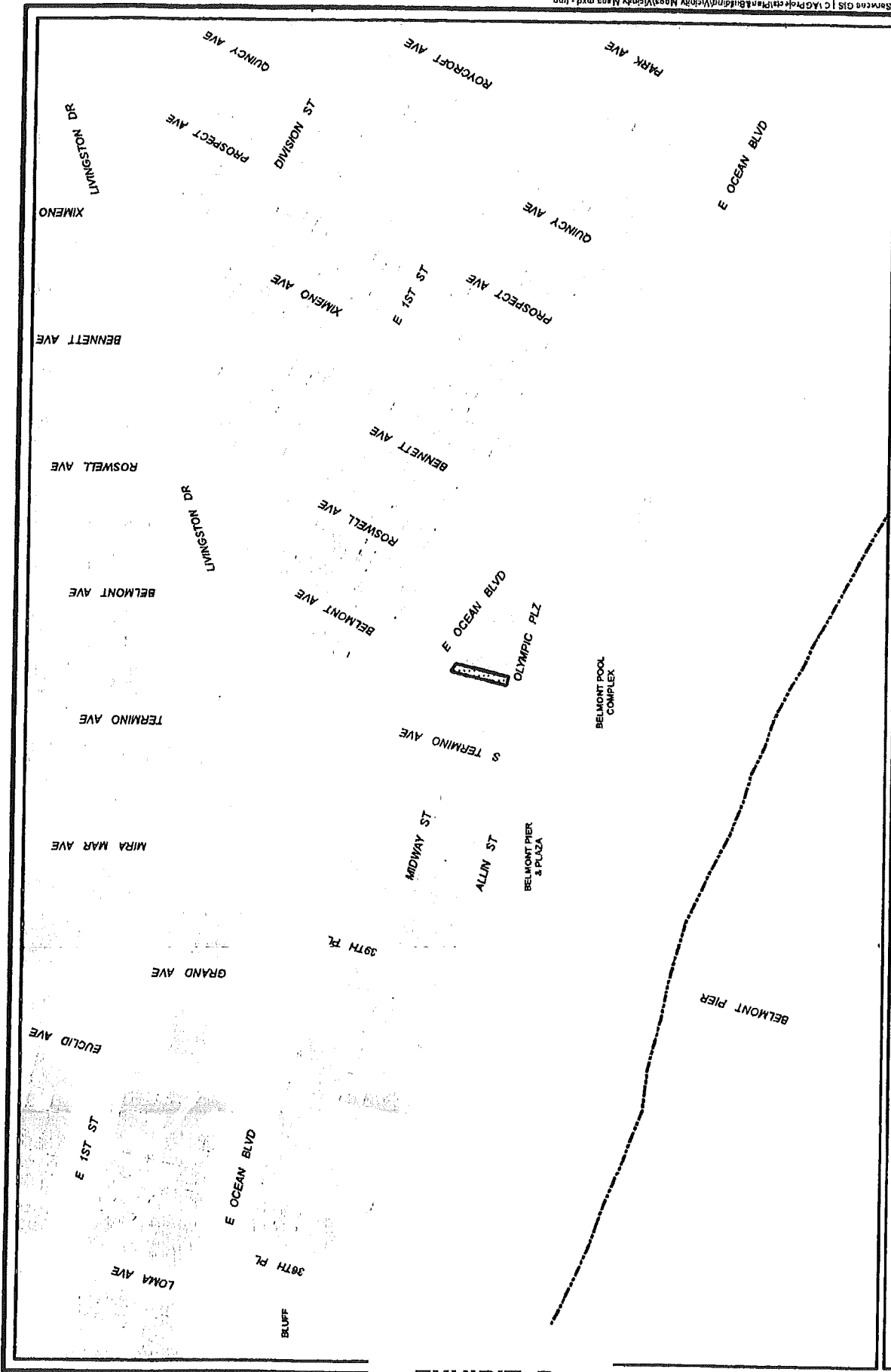
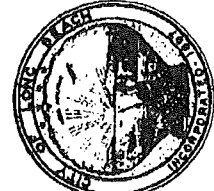


Exhibit A



Subject Property:

The Public Alley Connecting
 E Ocean Blvd & Olympic Plz
 Application No. 1602-01
 Council District 3
 Zoning Code : PD-2 SubArea 1





NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH 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, 5th Floor
Long Beach, CA 90802

[] L.A. County Clerk
Environmental Filings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 16-022

Project Location/Address: 4100 E. Ocean Blvd.
Project/Activity Description: Vacate Existing North-South alley adjacent to
4100 E. Ocean Blvd. 131.2 LINEAR FEET, 15-FOOT-WIDE.

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

Applicant Name: Derek Brunken
Mailing Address: 3350 E. 7th St. #412 Long Beach, CA 90804
Phone Number: (562) 354-1430 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1602-01 Planner's Initials:
Required Permits: GENERAL PLAN CONFORMITY FINDING

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15304, Class 4, Minor Alterations to Land

Statement of support for this finding: Minor alley vacation

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: [Signature] Date: 6/22/16



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
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Norwalk, CA 90650

Categorical Exemption CE- 16-022

Project Location/Address: 4100 E. Ocean Blvd.
Project/Activity Description: Vacate Existing North-South alley adjacent to
4100 E. Ocean Blvd. 131.2 LINEAR FEET, 15-FOOT-WIDE.

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

Applicant Name: Derek Burstein
Mailing Address: 3350 E. 7th St. #412 Long Beach, CA 90804
Phone Number: (562) 354-1431 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1602-01 Planner's Initials:
Required Permits: GENERAL PLAN CONFORMITY FINDING

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15304, Class 4, Minor Alterations to Land

Statement of support for this finding: Minor alley vacation

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: [Signature] Date: 6/22/16

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF INTENTION TO VACATE THE BELMONT DRIVE ALLEY LOCATED ADJACENT TO 4100 EAST OCEAN BOULEVARD, BETWEEN OCEAN BOULEVARD AND OLYMPIC PLAZA DRIVE, 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 Belmont Drive Alley located adjacent to 4100 East Ocean Boulevard, between Ocean Boulevard and Olympic Plaza Drive, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

THAT CERTAIN 15 FEET WIDE ALLEY IN BLOCK 37 OF THE RESUBDIVISION OF PART OF THE ALAMITOS BAY TOWNSITE, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGES 75 AND 76 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID

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COUNTY, BOUNDED AS FOLLOW:

ON THE NORTHEAST BY SOUTHWESTERLY LINE OF OCEAN BOULEVARD, FORMERLY BAY LANE; ON THE SOUTH BY THE NORTH LINE OF OLYMPIC PLAZA, FORMERLY ALLIN STREET; AND ABUTTING LOTS 4, 5, 6, 7 AND 8 IN SAID BLOCK 37 OF THE RESUBDIVISION OF PART OF THE ALAMITOS BAY TOWNSITE, AS PER MAP RECORDED IN BOOK 4, PAGES 75 AND 76 OF MAPS, AND ALSO ABUTTING LOT 2 OF TRACT NO. 10268, RECORDED IN BOOK 176, PAGES 28 AND 29 OF MAPS, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING AN AREA OF 1920 SQUARE FEET, MORE OR LESS.

RESERVING UNTO THE CITY OF LONG BEACH, ITS SUCCESSORS AND ASSIGNS A PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR EMERGENCY ACCESS, AND 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, SANITARY, SEWERS, STORM DRAINS 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,

1 WIRES, POLES AND OTHER CONVENIENT STRUCTURES,
2 EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEPHONE
3 LINES AND OTHER COMMUNICATION LINES, AND FOR THE
4 TRANSPORTATION OR DISTRIBUTION OF ELECTRIC ENERGY, AND
5 INCIDENTAL PURPOSES INCLUDING ACCESS AND THE RIGHT TO
6 KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS, AND
7 WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL
8 HAZARDS IN, UPON AND OVER THE PART VACATED. ACCESS FOR
9 MAINTENANCE OF THE ABOVE-MENTIONED FACILITIES MUST BE
10 MAINTAINED AT ALL TIMES. NO IMPROVEMENTS SHALL BE
11 CONSTRUCTED WITHIN THE EASEMENT WHICH WOULD IMPEDE
12 THE OPERATION, MAINTENANCE OR REPAIR OF SAID FACILITIES.
13 CONSTRUCTION OF ANY IMPROVEMENTS, INCLUDING CHANGES
14 OF GRADE, SHALL BE SUBJECT TO THE PRIOR WRITTEN
15 APPROVAL OF ALL THE CITY DEPARTMENTS AND PUBLIC
16 UTILITIES RESPONSIBLE FOR THE ABOVE SAID FACILITIES.

17 Section 2. All of the foregoing real property is shown on the map or plan
18 thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which
19 map or plan is known and referred to as "City of Long Beach Department of Public Works
20 Vacation Sketch No. 1020V".

21 Section 3. The City Council hereby fixes the ____ day of
22 _____, 2016 at the hour of 5:00 p.m., as the time and the City Council
23 Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long
24 Beach, California, as the place for hearing all persons interested in or objecting to the
25 proposed vacation.

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

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 Highways Code.

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

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

8 I hereby certify that the foregoing resolution was adopted by the City
9 Council of the City of Long Beach at its meeting of _____, 2016
10 by the following vote:

11
12 Ayes: Councilmembers: _____

13 _____

14 _____

15 _____

16 Noes: Councilmembers: _____

17 _____

18 Absent: Councilmembers: _____

19 _____

20 _____

21 _____

22 _____

City Clerk

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