



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

H-1

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

June 13, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find that the area to be vacated is not needed for present or prospective public use; and, adopt a Resolution ordering the vacation of the alley portion south of 520 West Willow Street, east of Daisy Avenue. (District 7)

DISCUSSION

Westland Real Estate Group, owner of the commercial property at 520 West Willow Street, requested the vacation of the westerly 117 feet of the east/west alley that bisects the building and parking lot (Exhibit A). Consistent with California land reversion practices, the vacated portions of the un-named alley will revert back to the adjacent property owner.

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 action based on the following evidence, facts, conditions, and findings:

- On February 14, 2017, the City Council determined that the subject vacation is in conformance with the adopted goals of the City's General Plan.
- No City refuse collection occurs along this portion of the alley.
- In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-14-007 was issued for this project, and adopted and accepted by the City Council on February 14, 2017.
- The various interested City Departments including Police and Fire Prevention have reviewed the proposed alley vacation and have no objection to this action.
- Reference is made to the material submitted pursuant to the Resolution of Intention to vacate. A copy of the May 9, 2017 City Council letter is attached (Exhibit B).

This matter was reviewed, by Deputy City Attorney Linda T. Vu on May 24, 2017 and by Budget Analysis Officer Julissa José-Murray on May 25, 2017.

HONORABLE MAYOR AND CITY COUNCIL

June 13, 2017

Page 2

TIMING CONSIDERATIONS

On May 9, 2017, the City Council adopted Resolution No. RES-17-0047, declaring its intention to vacate the subject right-of-way, and set June 13, 2017 as the date for the public hearing.

FISCAL IMPACT

A final vacation processing fee of \$8,151 will be deposited in the General Fund (GF) in the Department of Public Works (PW). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

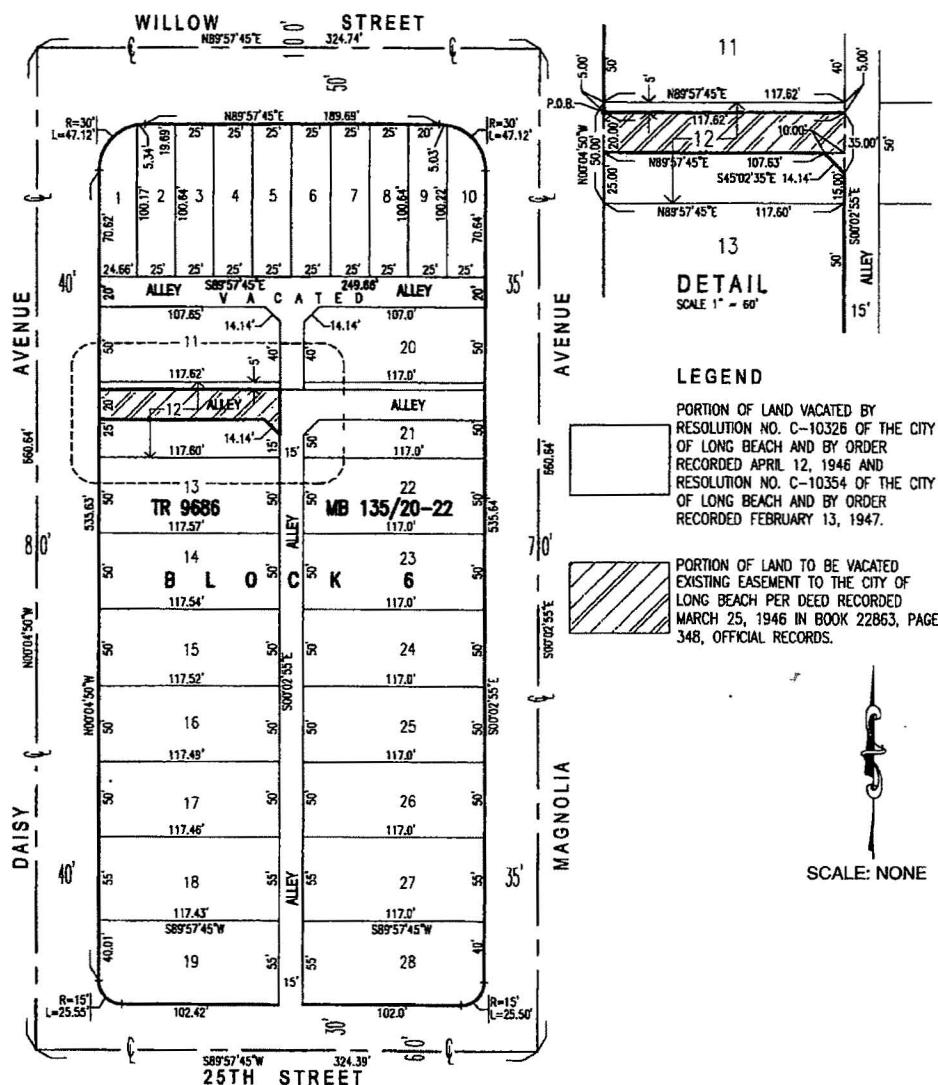
SC:JH;BP

APPROVED:



PATRICK H. WEST
CITY MANAGER

ATTACHMENTS: - EXHIBIT A; VACATION SKETCH NO.1010V
- EXHIBIT B; INTENTION TO VACATE COUNCIL LETTER
- RESOLUTION ORDERING VACATION



SKETCH NO. 1010V

**SKETCH SHOWING WESTERLY PORTION OF ALLEY
EAST OF DAISY AVENUE AND SOUTH OF WILLOW
STREET TO BE VACATED BY THE CITY OF LONG
BEACH.**

LEGEND

PORTION OF LAND VACATED BY
RESOLUTION NO. C-10326 OF THE CITY
OF LONG BEACH AND BY ORDER
RECORDED APRIL 12, 1946 AND
RESOLUTION NO. C-10354 OF THE CITY
OF LONG BEACH AND BY ORDER
RECORDED FEBRUARY 13, 1947.

PORTION OF LAND TO BE VACATED
EXISTING EASEMENT TO THE CITY OF
LONG BEACH PER DEED RECORDED
MARCH 25, 1946 IN BOOK 22863, PAGE
348, OFFICIAL RECORDS.

SCALE: NONE

RECORDATION DATA

**RESOLUTION OF INTENTION
ADAPTED**

RES-17-0047
MAY 9, 2017

**RESOLUTION VACATING
ADAPTED**

RECORDED DATE
DOCUMENT NO.

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



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

C-14

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

May 9, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution of Intention to vacate the westerly portion of the un-named east/west alley located south of 520 West Willow Street; set the date of June 13, 2017, for the public hearing on the vacation; and,

Accept Categorical Exemption CE-14-007. (District 7)

DISCUSSION

In May 2016, the Westland Real Estate Group, owner of the commercial property at 520 West Willow Street, requested the vacation of the westerly 117.62 feet of the east/west alley that bisects the building and parking lot (Exhibit A). On January 5, 2017, the Planning Commission determined that the subject vacation action was not in conformance with the adopted goals and policies of the City's General Plan. On January 13, 2017, the Westland Real Estate Group appealed the Planning Commission's findings, and on February 14, 2017, the City Council determined that the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, was in conformance with the adopted goals of the City's General Plan and overturned the Planning Commission's determination of non-conformance, and also approved Categorical Exemption CE-14-007 (Exhibit 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 the north/south branch alley would be a sufficient alternative for vehicular access.

In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-14-007 was adopted for this development (Exhibit C).

The Public Works Department and Police Department have reviewed the proposed right-of-way vacation and have no objections to this action.

This matter was reviewed by Deputy City Attorney Linda T. Vu on April 13, 2017 and by Budget Analysis Officer Julissa José-Murray on April 19, 2017.

HONORABLE MAYOR AND CITY COUNCIL

May 9, 2017

Page 2

TIMING CONSIDERATIONS

City Council action is requested on May 9, 2017, to set a public hearing date on this matter for June 13, 2017.

FISCAL IMPACT

A tentative vacation processing fee of \$7,901 was deposited in 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

APPROVED:



PATRICK H. WEST
CITY MANAGER

CB:SC:EL:BP:db
P\CL\ROW 520 West Willow CL Rev3.doc

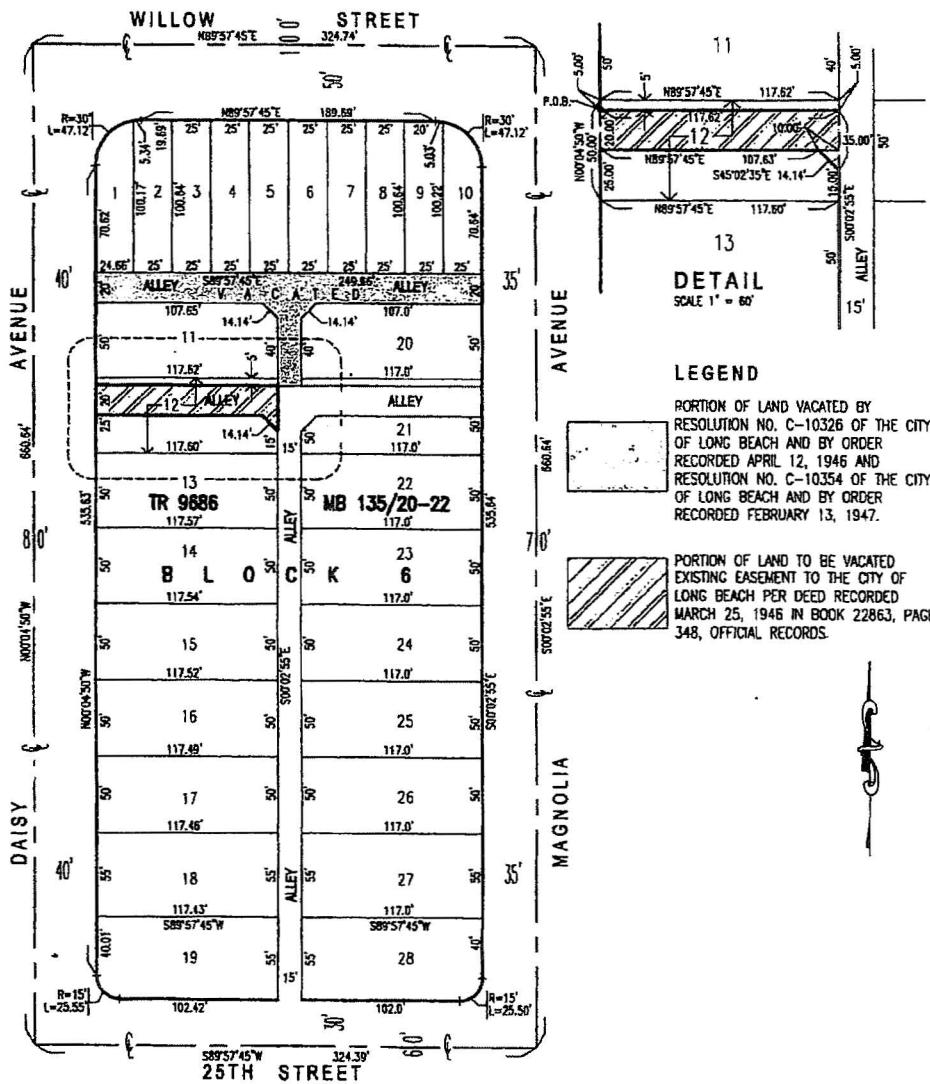
ATTACHMENTS: - Exhibit A; Vacation Sketch No.1010V
- Exhibit B; Planning Commission Staff Report Findings
- Exhibit C; CEQA CE-14-007
- Resolution

EXHIBIT B

Page 3 of 19

SKETCH NO. 1010V

SKETCH SHOWING WESTERLY PORTION OF ALLEY
EAST OF DAISY AVENUE AND SOUTH OF WILLOW
STREET TO BE VACATED BY THE CITY OF LONG
BEACH.



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



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

H-2

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

February 14, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, not in conformance with the adopted goals and policies of the City's General Plan and uphold the Planning Commission's determination of nonconformance; or,

Receive the supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, in conformance with the adopted goals and policies of the City's General Plan and overturn the Planning Commission's determination of nonconformance, and approve Categorical Exemption No. 14-007. (District 7)

DISCUSSION

On December 1, 2016, the Planning Commission considered a General Plan Conformity determination for a proposed alley vacation as required by State law (Gov.65402.A) (Exhibit A – Planning Commission Staff Report for December 1, 2016). The project was reviewed by staff and found to be in conformance with the adopted goals and policies of the General Plan given that the portion of the alley proposed to be vacated was determined to not be necessary for public use or convenience. The Public Works Department determined that access to existing residential and commercial uses in the area would continue to be provided by means of the existing north/south and east/west alley segment that abuts the proposed vacated alley. After public testimony and deliberation, the Planning Commission determined that the proposed alley vacation would not be in conformance with the General Plan and requested that staff bring back findings reflecting their determination.

Staff prepared findings of nonconformance that were presented to the Planning Commission on January 5, 2017 (Exhibit B – Planning Commission Staff Report for

EXHIBIT B

HONORABLE MAYOR AND CITY COUNCIL

February 14, 2017

Page 2 of 3

January 5, 2017 - Findings of Nonconformance). After reviewing the revised findings and deliberating, the Planning Commission voted 5-1, to find that the alley's use to provide local circulation outweighed the proposed use of the alley for private purposes. Staff noted in the revised findings that the proposed alley vacation had the potential to be detrimental in that, if vacated, the alley would no longer be available for public use for circulation.

The appellants, Yanki Greenspan and Geovany Mendoza, appealed the Planning Commission decision on January 13, 2017. The appellants contended that the Planning Commission improperly characterized the subject property as having the same conditions as surrounding properties: both the parking lot and the building are owned by the same entity, separated by the alley. The applicants felt that the Planning Commission did not recognize the life and safety issues that exist for pedestrians walking from the parking lot, crossing the alley, and entering the business (Exhibit C – Appeal Application).

Staff is required to provide the Planning Commission's determination of nonconformance to the City Council. However, given staff's original determination of conformance with the General Plan, staff is also presenting to the City Council the alternative recommendation of conformance for City Council's consideration.

Public hearing notices are not required for General Plan Conformity Findings. Nevertheless, on January 25, 2017, notices were sent to all persons that had standing to appeal, both appellants, and the applicant. No responses have been received as of the date of preparation of this report.

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 14-007 was prepared for the proposed alley vacation. The Categorical Exemption is not required with a determination of inconsistency with the General Plan. However, it is required for a finding of consistency. Therefore, the Categorical Exemption (Exhibit D – Categorical Exemption) is included with this letter, in the event the City Council overturns the Planning Commission's decision.

This matter was reviewed by Assistant City Attorney Michael J. Mals and by Budget Management Officer Rhutu Amin Gharib on January 30, 2017.

TIMING CONSIDERATIONS

City Council action is requested on February 14, 2017. Section 21.25.103.A.1 of the Zoning Regulations requires presentation of this request to the City Council within 60 days of the Planning Commission hearing, which took place on January 5, 2017.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

EXHIBIT B

HONORABLE MAYOR AND CITY COUNCIL
February 14, 2017
Page 3 of 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:sv
P:\Planning\CityCouncil\Items(Pending)\CouncilLetters\2017\2017-02-14\520W.WillowGPCAppeal.rev.V3

APPROVED:


PATRICK H. WEST
CITY MANAGER

Attachments: Exhibit A - Planning Commission Staff Report for December 1, 2016 - Findings of Conformance
 Exhibit B - Planning Commission Staff Report for January 6, 2017 - Findings of Nonconformance
 Exhibit C - Appeal Application
 Exhibit D - Categorical Exemption

EXHIBIT B



AGENDA ITEM No. 2

~~-Exhibit A-~~

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 6th Floor • Long Beach, CA 90802 • (626) 570-6194 FAX (626) 570-8068

December 1, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE 14-007 and find the proposed vacation of 117.62 feet of the east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, in conformance with the adopted goals and policies of the City's General Plan. (District 6)

APPLICANT: Geovanny Mendoza
Westland Real Estate Group
518 W. Willow Street
Long Beach, CA 90806
(Application No. 1401-22)

DISCUSSION

The subject request pertains to a 117.62-foot-wide alley running east-west between Daisy Avenue and Magnolia Avenue (Exhibit A – Location Map). The entire length of the alley measures 249.7 feet long by 15 feet wide. The 117.62-foot-wide portion of the alley proposed for vacation is bounded by privately-owned, commercial-developed parcels to the north (520 W. Willow) and a privately-owned parking lot to the south (no address) (Exhibit B – Alley Plan). The alley currently provides vehicular access to the parking lot, and no development is proposed with this application.

The alley lies within the Park zoning district, which is intended for City and private parks, and recreational services. The properties abutting the alley are located in the Community Automobile-Oriented (CCA) zoning district and are permitted uses in the zone. 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 be considered by 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

EXHIBIT B

CHAIR AND PLANNING COMMISSIONERS
December 1, 2016
Page 2

General Plan were considered and staff finds this vacation to be in conformance with all 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 1 – Single Family Residential (LUD 1). LUD 1 allows single family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and 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 portion of the alley that is proposed to be vacated was determined to be not necessary for public use or convenience because access to existing residential and commercial uses can be maintained by means of an existing north/south and east/west alley that abuts the proposed vacated alley. 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 CE 14-007 was issued for the proposed project (Exhibit C – Categorical Exemption).

Respectfully submitted,

**LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER**

Amy J. Bodek
AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:CT:sv

EXHIBIT B

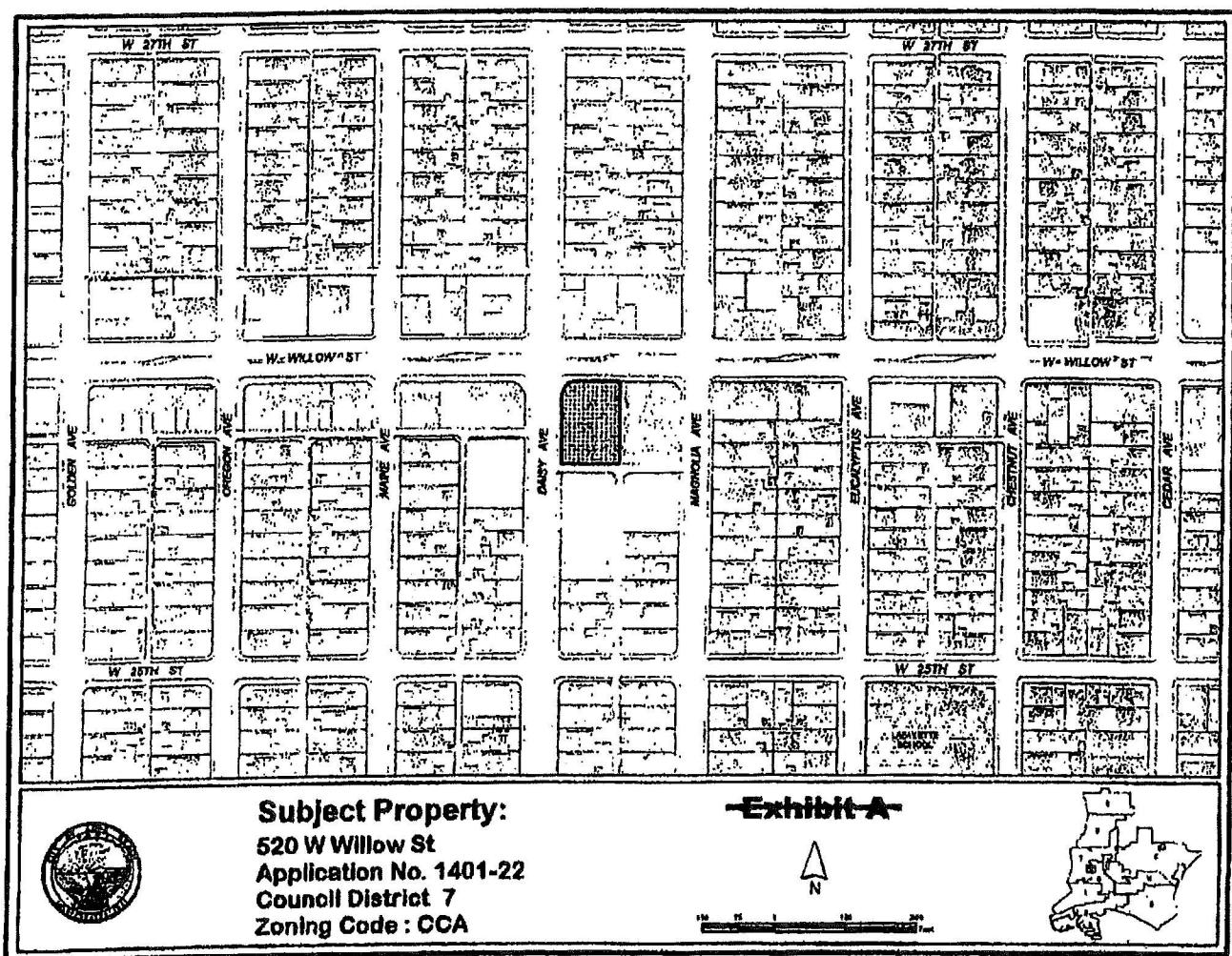


EXHIBIT B

EXHIBIT A

THAT CERTAIN PORTION OF LOT 12, BLOCK 6, TRACT NO. 9686, AS PER MAP RECORDED IN BOOK 135, PAGES 20 TO 22, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF LOS ANGELES BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID LOT 12 DISTANT 5 FEET SOUTHERLY FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 20 FEET ALONG SAID WEST LINE; THENCE EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 12 TO A POINT 10 FEET WESTERLY THEREON FROM THE EAST LINE OF SAID LOT; THENCE SOUTHEASTERLY IN A DIRECT LINE TO A POINT IN SAID EAST LINE 35 FEET SOUTHERLY THEREON FROM THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 30 FEET ALONG SAID EAST LINE OF LOT 12 TO A POINT 5 FEET SOUTH OF NORTHEAST CORNER OF SAID LOT; AND THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING.

SUBJECT TO ALL MATTERS OF RECORD, IF ANY.

CONTAINING AN AREA OF 2,402 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" IS ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER THE SUPERVISION OF:

PABLO B. SANCHEZ R.C.E. 29664
EXPIRES: 3-31-17



6-10-16

DATE:

EXHIBIT B

EXHIBIT B

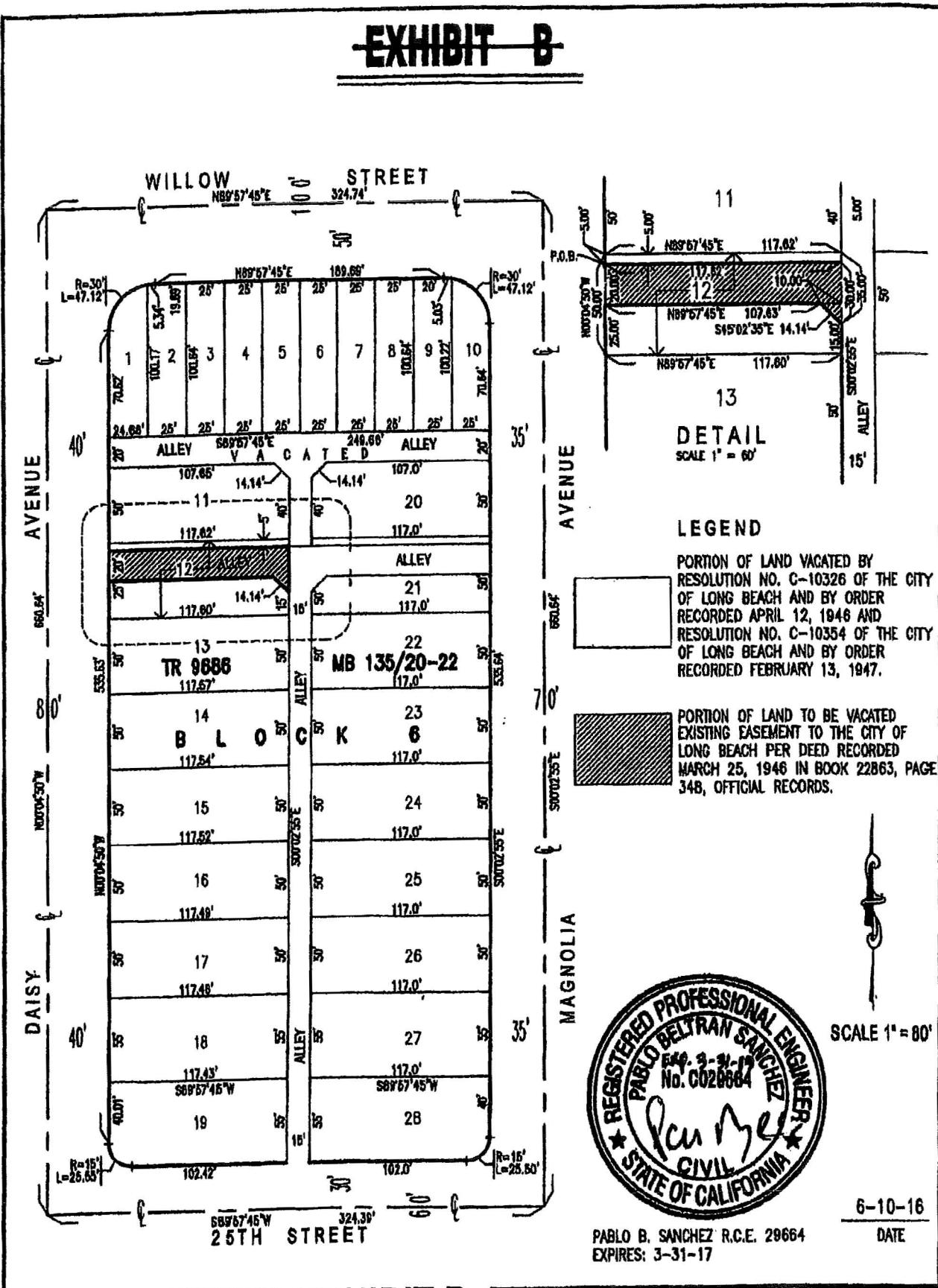


EXHIBIT B

-Exhibit A-

Findings of General Plan Conformity

**App No. 1401-22
Date: February 14, 2017**

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 findings of inconsistency as presented to the Planning Commission is herein submitted for review:

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 1 – Single Family Residential (LUD 1). LUD 1 allows single family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and 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 portion of the alley that is proposed to be abandoned was determined to be not necessary for public use or convenience because access to existing residential and commercial uses can be maintained by means of an existing north/south and east/west alley that abuts the proposed vacated alley. Alley abandonment would therefore not prove detrimental to the movement of people and goods through the area.

EXHIBIT B



AGENDA ITEM No. |

~~Exhibit B~~

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 5th Floor • Long Beach, CA 90802 • (562) 570-8194 FAX (562) 570-8088

January 5, 2017

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Find the proposed vacation of 117.62 feet of the east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, not in conformance with the adopted goals and policies of the City's General Plan. (District 7)

APPLICANT: Geovanny Mendoza
Westland Real Estate Group
520 W. Willow Street
Long Beach, CA 90806
(Application No. 1401-22)

DISCUSSION

On December 1, 2016, the Planning Commission considered a General Plan Conformity for a proposed alley vacation. Before an application for vacation can be considered by 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. After public testimony and Planning Commission discussion, the Commission determined that the proposed alley vacation would not be in conformance with the General Plan. The Planning Commission requested that staff bring back findings reflecting this determination. The findings of inconsistency are listed below:

Findings of General Plan Inconsistency:

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 Planning Commission determined that the portion of the alley proposed to be vacated had the potential to provide public use or convenience due to existing access points to existing residential and commercial uses currently provided by the existing east/west alley. Furthermore, the Commission determined that the alley's ability to provide local circulation outweighed the use of the alley for private

CHAIR AND PLANNING COMMISSIONERS

January 5, 2017

Page 2

purposes. Therefore, the alley vacation had the potential to be detrimental to in that the alley would no longer be available for present or prospective public use.

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 1 – Single Family Residential (LUD 1). LUD 1 allows single-family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided that they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and vacation of the alley would conform to the Land Use Element. However, since the project is not consistent with the Mobility Element, positive findings cannot be made.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 14-007 for the proposed alley vacation is not required with determination of inconsistency with the General Plan and therefore, is not included with this letter.

Respectfully submitted,

Linda F. Tatum

LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER

Amy Bodek

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:sv

Attachments: Exhibit A – Location Map
 Exhibit B – Alley Plan

EXHIBIT B

Findings of General Plan Nonconformity

App No. 1401-22
Date: February 14, 2017

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 findings of inconsistency as presented to the Planning Commission is herein submitted for review:

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 Planning Commission determined that the portion of the alley proposed to be abandoned had the potential to provide public use or convenience due to existing access points to existing residential and commercial uses currently provided by the existing east/west alley. Furthermore, the Commission determined that the alley's use to provide local circulation outweighed the use of the alley for private purposes. Therefore, the alley abandonment had the potential to be detrimental in that, if vacated, the alley would no longer be available for public use.

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 1 – Single Family Residential (LUD 1). LUD 1 allows single-family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided that they conform to the specification in the appropriate commercial districts. Vacating of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and abandonment of the alley would conform to the Land Use Element. However, since the requested abandonment is not consistent with the Mobility Element, positive findings cannot be made.



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

399 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6088

PLANNING BUREAU

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	
<input checked="" type="checkbox"/> Planning Commission	on the <u>January</u> day of <u>5th</u> , 20 <u>17</u>
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 520 W Willow st.

Reasons for Appeal: PLEASE SEE ATTACHEMENT

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve / Deny this application.

	Appellant 1	Appellant 2
Name:	<u>Yanki Greenspan</u>	<u>Geoffrey Mandelson</u>
Organization:	<u>WESTLAND Real Estate Group</u>	<u>Westland Real ESTATE Group</u>
Address:	<u>520 W Willow St.</u>	<u>520 W. Willow St.</u>
City/ZIP:	<u>Long Beach, CA 90805</u>	<u>Long Beach, CA 90805</u>
Phone:	<u>310-637-7130</u>	<u>310-637-7130</u>
Signature:		
Date:	<u>1-13-17</u>	<u>1-13-17</u>

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established aggrieved status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: SV App. No.: 1401-22 Filing Date: Jan 13, 2017

Fee: 366.8.00 Fee Paid Project (receipt) No.: _____

EXHIBIT B



Attachment to Application for Appeal

Project Address: 520 W. Willow Street

At the December 1st Planning Commission hearing the planning department found that the vacation of the alley is consistent with the Long Beach General Plan. They also found that the vacation of the alley is not necessary for public use because public access is maintained by the use of existing alleys that abut the proposed vacated alley.

At that same hearing the Planning Commission improperly characterized the subject property as having the same conditions as surrounding properties and therefore a vacation would be "unfair" and so asked the planning department to come up with negative findings for the proposed vacation.

The planning department could not come up with true negative findings for the proposed vacation. Instead they maintain that the Planning Commission made a determination that was inconsistent with their previous findings.

The Planning Commission did not recognize the uniqueness of subject property. This property is the only property on the subject alley artery that has no buffer zone between the door of the property and the alley. There is only a small walkway separating the patrons from the fast moving vehicles causing a life and safety issue.

The subject alley feeds in to Daisy Avenue. The city of Long Beach is installing a traffic signal at the intersection of Daisy and Willow. The city is also creating a dedicated bike lane on Daisy Avenue that would cut directly in front of this alley. The bike lane project and traffic signal are both expected to be completed in 2017. If the subject alley is not vacated it will cause an additional hazard to the bicyclists using the new dedicated bike lane. The traffic signal will also cause all circulation arguments to be moot as there will not be an advantage to use Daisy Lane instead of Magnolia or vice versa.

For the above reasons we are respectfully appealing the Planning Commissions' decision not to vacate the alley.



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) 570-8068
ibds.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- 14-107

Project Location/Address: 520 W. WILLOW

Project/Activity Description: ALLEY VACATION AT REAR OF COMMERCIAL STRUCTURE, APPROXIMATELY 125' IN LENGTH, BETWEEN DAISY AVENUE AND CROSS ALLEY

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

Applicant Name: _____

Mailing Address: 5205 LONG BEACH BL, LONG BEACH, CA 90805

Phone Number: 310-639-7130 Applicant Signature: _____

BETWEEN THIS LINE FOR STAFF USE ONLY

Application Number: 1401-22 Planner's Initials: SV

Required Permits: General Plan Conformity Findings

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15901, Class 1, Existing Facilities

Statement of support for this finding: Revee of existing alley as private driveway

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: Craig Chalfant Date: 3/25/14

Revised December 2013

EXHIBIT B

~~EXHIBIT C~~



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) 570-6088
lcls.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- 14-001

Project Location/Address: 520 W. WILLOW

Project/Activity Description: ALLEY VACATION AT REAR OF COMMERCIAL STRUCTURE, APPROXIMATELY 125' IN LENGTH, BETWEEN DAISY AVENUE AND CROSS ALLEY

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

Applicant Name:

Mailing Address: 520 S LONG BEACH BL, LONG BEACH, CA 90805

Phone Number: 310-639-7130 Applicant Signature: _____

BETWEEN THIS LINE FOR STAFF USE ONLY

Application Number: 1401-22 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 15901, Class 1, Existing Facilities

Statement of support for this finding: Reuse of existing alley as private driveway

Contact Person: Craig Chalfant Contact Phone: 562-570-6368

Signature: Craig Chalfant Date: 3/28/14

Revised December 2013

EXHIBIT B

Page 19 of 19

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF
THE WESTERLY PORTION OF THE UN-NAMED
EAST/WEST ALLEY LOCATED SOUTH OF 520 WEST
WILLOW STREET IN THE CITY OF LONG BEACH,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

9 WHEREAS, the City Council of the City of Long Beach, did heretofore, on
10 May 9, 2017, by Resolution No. RES-17-0047, declare its intention to order the vacation,
11 pursuant to the provisions of the Public Streets, Highways, and Service Easements Law,
12 of the un-named east/west alley located south of 520 West Willow Street, in the City of
13 Long Beach, County of Los Angeles, State of California, described more particularly as
14 follows:

THAT CERTAIN PORTION OF LOT 12, BLOCK 6, TRACT NO. 9686, AS PER MAP RECORDED IN BOOK 135, PAGES 20 TO 22, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF LOS ANGELES BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID LOT 12
DISTANT 5 FEET SOUTHERLY FROM THE NORTHWEST CORNER
THEREOF; THENCE SOUTH 20 FEET ALONG SAID WEST LINE;
THENCE EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF
SAID LOT 12 TO A POINT 10 FEET WESTERLY THEREON FROM THE
EAST LINE OF SAID LOT; THENCE SOUTHEASTERLY IN A DIRECT
LINE TO A POINT IN SAID EAST LINE 35 FEET SOUTHERLY
THEREON FROM THE NORTHEAST CORNER OF SAID LOT; THENCE
NORTH 30 FEET ALONG SAID EAST LINE OF LOT 12 TO A POINT 5

1 FEET SOUTH OF NORTHEAST CORNER OF SAID LOT; AND THENCE
2 WEST PARALLEL TO THE NORTH LINE OF SAID LOT TO THE POINT
3 OF BEGINNING.

4 SUBJECT TO ALL MATTERS OF RECORD, IF ANY.

5 CONTAINING AN AREA OF 2,402 SQUARE FEET, MORE OR
6 LESS.

7 RESERVING UNTO THE CITY OF LONG BEACH, ITS
8 SUCCESSORS AND ASSIGNS A PERPETUAL EASEMENT AND
9 RIGHT-OF-WAY FOR EMERGENCY ACCESS, AND A PERPETUAL
10 EASEMENT AND RIGHT OF WAY, AT ANY TIME OR FROM TIME TO
11 TIME, TO LAY, CONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW,
12 REPLACE, CHANGE THE SIZE OF AND REMOVE THE EXISTING
13 UTILITY LINES, INCLUDING, BUT NOT LIMITED TO, SANITARY,
14 SEWERS, STORM DRAINS AND APPURTENANT STRUCTURES,
15 TOGETHER WITH ALL NECESSARY GATES, VALVES, FITTINGS,
16 HYDRANTS AND APPURTENANCES FOR THE TRANSPORTATION OF
17 WATER AND GAS, WITH THE RIGHT OF INGRESS TO AND EGRESS
18 FROM THE SAME, OVER, THROUGH, UNDER, ALONG AND ACROSS
19 THAT CERTAIN PROPERTY VACATED HEREWITH; AND PURSUANT
20 TO ANY EXISTING FRANCHISES OR RENEWALS THEREOF, OR
21 OTHERWISE, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE,
22 REMOVE, RENEW AND ENLARGE LINES OF CONDUITS, CABLES,
23 WIRES, POLES AND OTHER CONVENIENT STRUCTURES,
24 EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEPHONE
25 LINES AND OTHER COMMUNICATION LINES, AND FOR THE
26 TRANSMISSION OR DISTRIBUTION OF ELECTRIC ENERGY, AND
27 INCIDENTAL PURPOSES INCLUDING ACCESS AND THE RIGHT TO
28 KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS, AND

1 WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL
2 HAZARDS IN, UPON AND OVER THE PART VACATED. ACCESS FOR
3 MAINTENANCE OF THE ABOVE-MENTIONED FACILITIES MUST BE
4 MAINTAINED AT ALL TIMES. NO IMPROVEMENTS SHALL BE
5 CONSTRUCTED WITHIN THE EASEMENT WHICH WOULD IMPEDE
6 THE OPERATION, MAINTENANCE OR REPAIR OF SAID FACILITIES.
7 CONSTRUCTION OF ANY IMPROVEMENTS, INCLUDING CHANGES
8 OF GRADE, SHALL BE SUBJECT TO THE PRIOR WRITTEN
9 APPROVAL OF ALL THE CITY DEPARTMENTS AND PUBLIC
10 UTILITIES RESPONSIBLE FOR THE ABOVE SAID FACILITIES.

11 WHEREAS, the City Council did, at said time, fix Tuesday, June 13, 2017,
12 at the hour of 5:00 p.m., as the time and the City Council Chamber, Plaza Level of the
13 City Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the place
14 for hearing for all persons interested in or objecting to the proposed vacation to appear
15 and be heard; and

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

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

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

24 Section 1. Pursuant to the foregoing resolution of intention, the
25 proceedings had thereunder, Vacation Sketch No. 1010V showing the un-named
east/west alley located south of 520 West Willow Street to be vacated by the City of Long
Beach attached hereto as Exhibit "A", and the City Council Findings attached hereto as
Exhibit "B", said City Council of the City of Long Beach hereby makes its resolution

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
3333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 vacating and closing a portion of the street hereinabove described.

2 Section 2. That this resolution shall take effect immediately upon its
3 adoption by the City Council, and the City Clerk is hereby instructed to certify to the
4 adoption thereof, and to cause a certified copy to be recorded in the Office of the County
5 Recorder of the County of Los Angeles, California.

I hereby certify that the foregoing resolution was adopted by the City
Council of the City of Long Beach at its meeting of _____, 2017
by the following vote:

10 Ayes: Councilmembers: _____

11

12

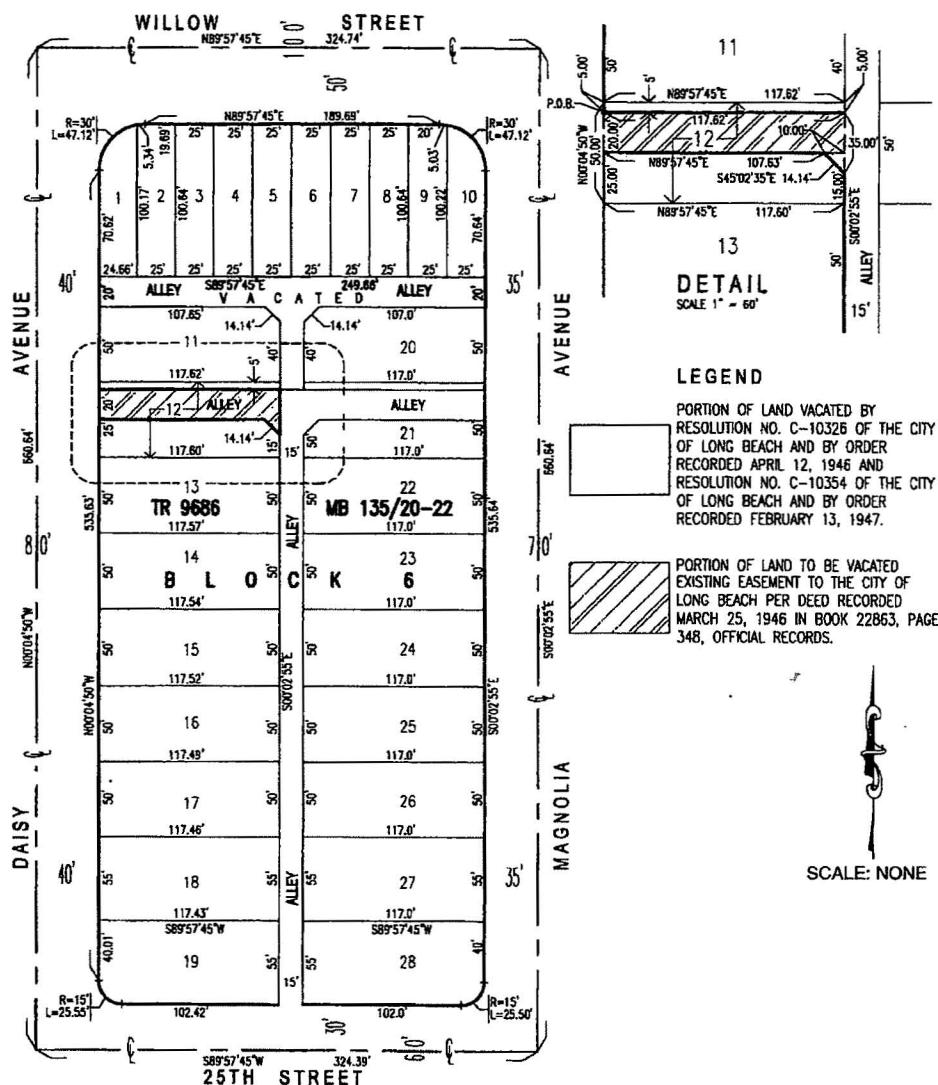
13

14 Necess. Councilmembers: _____

Absent: Councilmembers:

17

City Clerk



SKETCH NO. 1010V

**SKETCH SHOWING WESTERLY PORTION OF ALLEY
EAST OF DAISY AVENUE AND SOUTH OF WILLOW
STREET TO BE VACATED BY THE CITY OF LONG
BEACH.**

4800 NBD

PORTION OF LAND VACATED BY
RESOLUTION NO. C-10326 OF THE CITY
OF LONG BEACH AND BY ORDER
RECORDED APRIL 12, 1946 AND
RESOLUTION NO. C-10354 OF THE CITY
OF LONG BEACH AND BY ORDER
RECORDED FEBRUARY 13, 1947

PORTION OF LAND TO BE VACATED
EXISTING EASEMENT TO THE CITY OF
LONG BEACH PER DEED RECORDED
MARCH 25, 1946 IN BOOK 22863, PAGE
348, OFFICIAL RECORDS.

SCALE: NONE

RECORDATION DATA

**RESOLUTION OF INTENTION
ADAPTED**

RES-17-0047
MAY 9, 2017

**RESOLUTION VACATING
ADAPTED**

RECORDED DATE
DOCUMENT NO.

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



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

C-14

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

May 9, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution of Intention to vacate the westerly portion of the un-named east/west alley located south of 520 West Willow Street; set the date of June 13, 2017, for the public hearing on the vacation; and,

Accept Categorical Exemption CE-14-007. (District 7)

DISCUSSION

In May 2016, the Westland Real Estate Group, owner of the commercial property at 520 West Willow Street, requested the vacation of the westerly 117.62 feet of the east/west alley that bisects the building and parking lot (Exhibit A). On January 5, 2017, the Planning Commission determined that the subject vacation action was not in conformance with the adopted goals and policies of the City's General Plan. On January 13, 2017, the Westland Real Estate Group appealed the Planning Commission's findings, and on February 14, 2017, the City Council determined that the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, was in conformance with the adopted goals of the City's General Plan and overturned the Planning Commission's determination of non-conformance, and also approved Categorical Exemption CE-14-007 (Exhibit 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 the north/south branch alley would be a sufficient alternative for vehicular access.

In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-14-007 was adopted for this development (Exhibit C).

The Public Works Department and Police Department have reviewed the proposed right-of-way vacation and have no objections to this action.

This matter was reviewed by Deputy City Attorney Linda T. Vu on April 13, 2017 and by Budget Analysis Officer Julissa José-Murray on April 19, 2017.

HONORABLE MAYOR AND CITY COUNCIL

May 9, 2017

Page 2

TIMING CONSIDERATIONS

City Council action is requested on May 9, 2017, to set a public hearing date on this matter for June 13, 2017.

FISCAL IMPACT

A tentative vacation processing fee of \$7,901 was deposited in 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

APPROVED:



PATRICK H. WEST
CITY MANAGER

CB:SC:EL:BP:db
P\CL\ROW 520 West Willow CL Rev3.doc

ATTACHMENTS: - Exhibit A; Vacation Sketch No.1010V
- Exhibit B; Planning Commission Staff Report Findings
- Exhibit C; CEQA CE-14-007
- Resolution

EXHIBIT B

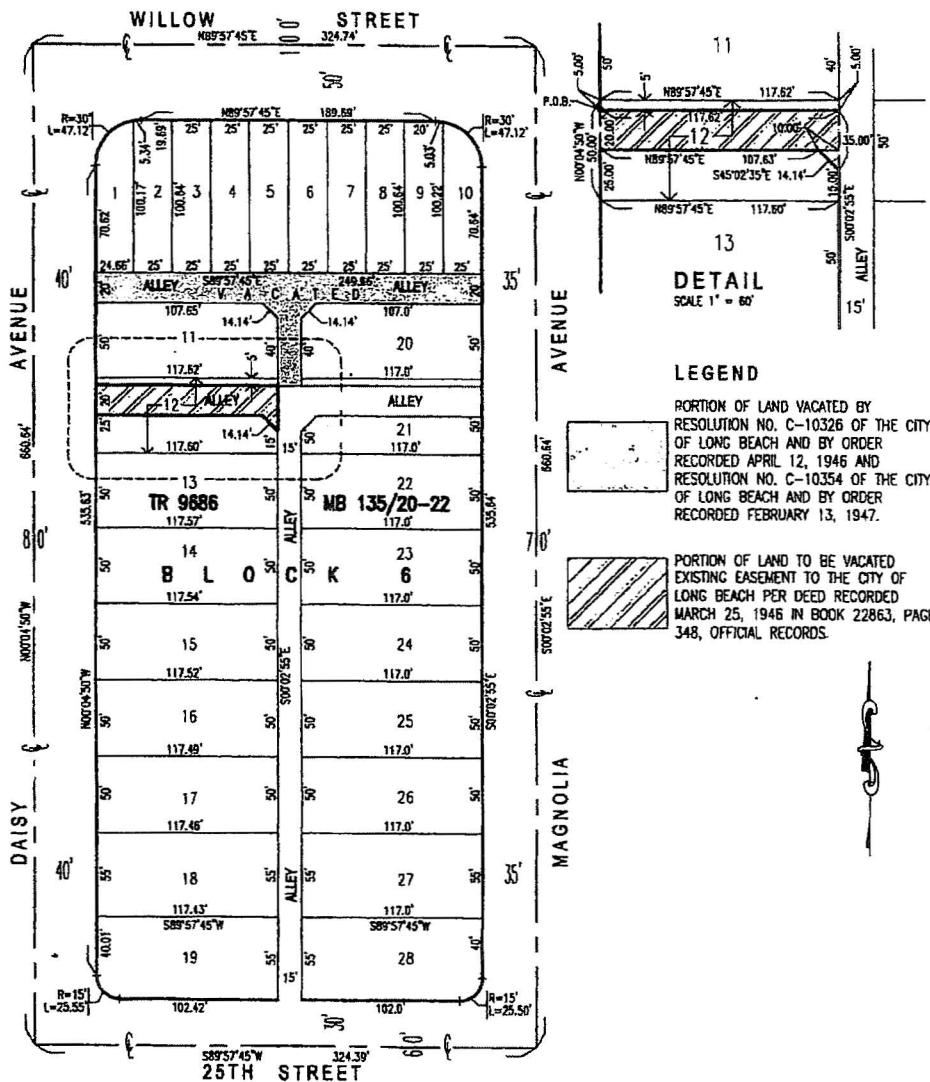
Page 2 of 19

EXHIBIT B

Page 3 of 19

SKETCH NO. 1010V

SKETCH SHOWING WESTERLY PORTION OF ALLEY
EAST OF DAISY AVENUE AND SOUTH OF WILLOW
STREET TO BE VACATED BY THE CITY OF LONG
BEACH.



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

EXHIBIT B
Page 3 of 19



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

H-2

383 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

February 14, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, not in conformance with the adopted goals and policies of the City's General Plan and uphold the Planning Commission's determination of nonconformance; or,

Receive the supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, in conformance with the adopted goals and policies of the City's General Plan and overturn the Planning Commission's determination of nonconformance, and approve Categorical Exemption No. 14-007. (District 7)

DISCUSSION

On December 1, 2016, the Planning Commission considered a General Plan Conformity determination for a proposed alley vacation as required by State law (Gov.65402.A) (Exhibit A – Planning Commission Staff Report for December 1, 2016). The project was reviewed by staff and found to be in conformance with the adopted goals and policies of the General Plan given that the portion of the alley proposed to be vacated was determined to not be necessary for public use or convenience. The Public Works Department determined that access to existing residential and commercial uses in the area would continue to be provided by means of the existing north/south and east/west alley segment that abuts the proposed vacated alley. After public testimony and deliberation, the Planning Commission determined that the proposed alley vacation would not be in conformance with the General Plan and requested that staff bring back findings reflecting their determination.

Staff prepared findings of nonconformance that were presented to the Planning Commission on January 5, 2017 (Exhibit B – Planning Commission Staff Report for

EXHIBIT B

HONORABLE MAYOR AND CITY COUNCIL

February 14, 2017

Page 2 of 3

January 5, 2017 - Findings of Nonconformance). After reviewing the revised findings and deliberating, the Planning Commission voted 5-1, to find that the alley's use to provide local circulation outweighed the proposed use of the alley for private purposes. Staff noted in the revised findings that the proposed alley vacation had the potential to be detrimental in that, if vacated, the alley would no longer be available for public use for circulation.

The appellants, Yanki Greenspan and Geovany Mendoza, appealed the Planning Commission decision on January 13, 2017. The appellants contended that the Planning Commission improperly characterized the subject property as having the same conditions as surrounding properties: both the parking lot and the building are owned by the same entity, separated by the alley. The applicants felt that the Planning Commission did not recognize the life and safety issues that exist for pedestrians walking from the parking lot, crossing the alley, and entering the business (Exhibit C – Appeal Application).

Staff is required to provide the Planning Commission's determination of nonconformance to the City Council. However, given staff's original determination of conformance with the General Plan, staff is also presenting to the City Council the alternative recommendation of conformance for City Council's consideration.

Public hearing notices are not required for General Plan Conformity Findings. Nevertheless, on January 25, 2017, notices were sent to all persons that had standing to appeal, both appellants, and the applicant. No responses have been received as of the date of preparation of this report.

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 14-007 was prepared for the proposed alley vacation. The Categorical Exemption is not required with a determination of inconsistency with the General Plan. However, it is required for a finding of consistency. Therefore, the Categorical Exemption (Exhibit D – Categorical Exemption) is included with this letter, in the event the City Council overturns the Planning Commission's decision.

This matter was reviewed by Assistant City Attorney Michael J. Mals and by Budget Management Officer Rhutu Amin Gharib on January 30, 2017.

TIMING CONSIDERATIONS

City Council action is requested on February 14, 2017. Section 21.25.103.A.1 of the Zoning Regulations requires presentation of this request to the City Council within 60 days of the Planning Commission hearing, which took place on January 5, 2017.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

EXHIBIT B

HONORABLE MAYOR AND CITY COUNCIL
February 14, 2017
Page 3 of 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

Appendix

**AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES**

AJB:LFT:CT:sv
P:\Planning\CityCouncil\Items(Pending)\Council Letters\2017\2017-02-14\520W.WillowGPCFappeal.rev.V3

APPROVED:


PATRICK H. WEST
CITY MANAGER

Attachments: [Exhibit A - Planning Commission Staff Report for December 1, 2016 - Findings of Conformance](#)
[Exhibit B - Planning Commission Staff Report for January 5, 2017 - Findings of Nonconformance](#)
[Exhibit C - Appeal Application](#)
[Exhibit D - Categorical Exemption](#)

EXHIBIT B



AGENDA ITEM No. 2

~~-Exhibit A-~~

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 6th Floor • Long Beach, CA 90802 • (626) 570-6194 FAX (626) 570-8068

December 1, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE 14-007 and find the proposed vacation of 117.62 feet of the east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, in conformance with the adopted goals and policies of the City's General Plan. (District 6)

APPLICANT: Geovanny Mendoza
Westland Real Estate Group
518 W. Willow Street
Long Beach, CA 90806
(Application No. 1401-22)

DISCUSSION

The subject request pertains to a 117.62-foot-wide alley running east-west between Daisy Avenue and Magnolia Avenue (Exhibit A – Location Map). The entire length of the alley measures 249.7 feet long by 15 feet wide. The 117.62-foot-wide portion of the alley proposed for vacation is bounded by privately-owned, commercial-developed parcels to the north (520 W. Willow) and a privately-owned parking lot to the south (no address) (Exhibit B – Alley Plan). The alley currently provides vehicular access to the parking lot, and no development is proposed with this application.

The alley lies within the Park zoning district, which is intended for City and private parks, and recreational services. The properties abutting the alley are located in the Community Automobile-Oriented (CCA) zoning district and are permitted uses in the zone. 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 be considered by 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

EXHIBIT B

CHAIR AND PLANNING COMMISSIONERS
December 1, 2016
Page 2

General Plan were considered and staff finds this vacation to be in conformance with all 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 1 – Single Family Residential (LUD 1). LUD 1 allows single family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and 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 portion of the alley that is proposed to be vacated was determined to be not necessary for public use or convenience because access to existing residential and commercial uses can be maintained by means of an existing north/south and east/west alley that abuts the proposed vacated alley. 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 CE 14-007 was issued for the proposed project (Exhibit C – Categorical Exemption).

Respectfully submitted,

Linda J. Tatum *Approved*
LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER **AMY J. BODEK, AICP**
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:sv

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

EXHIBIT B

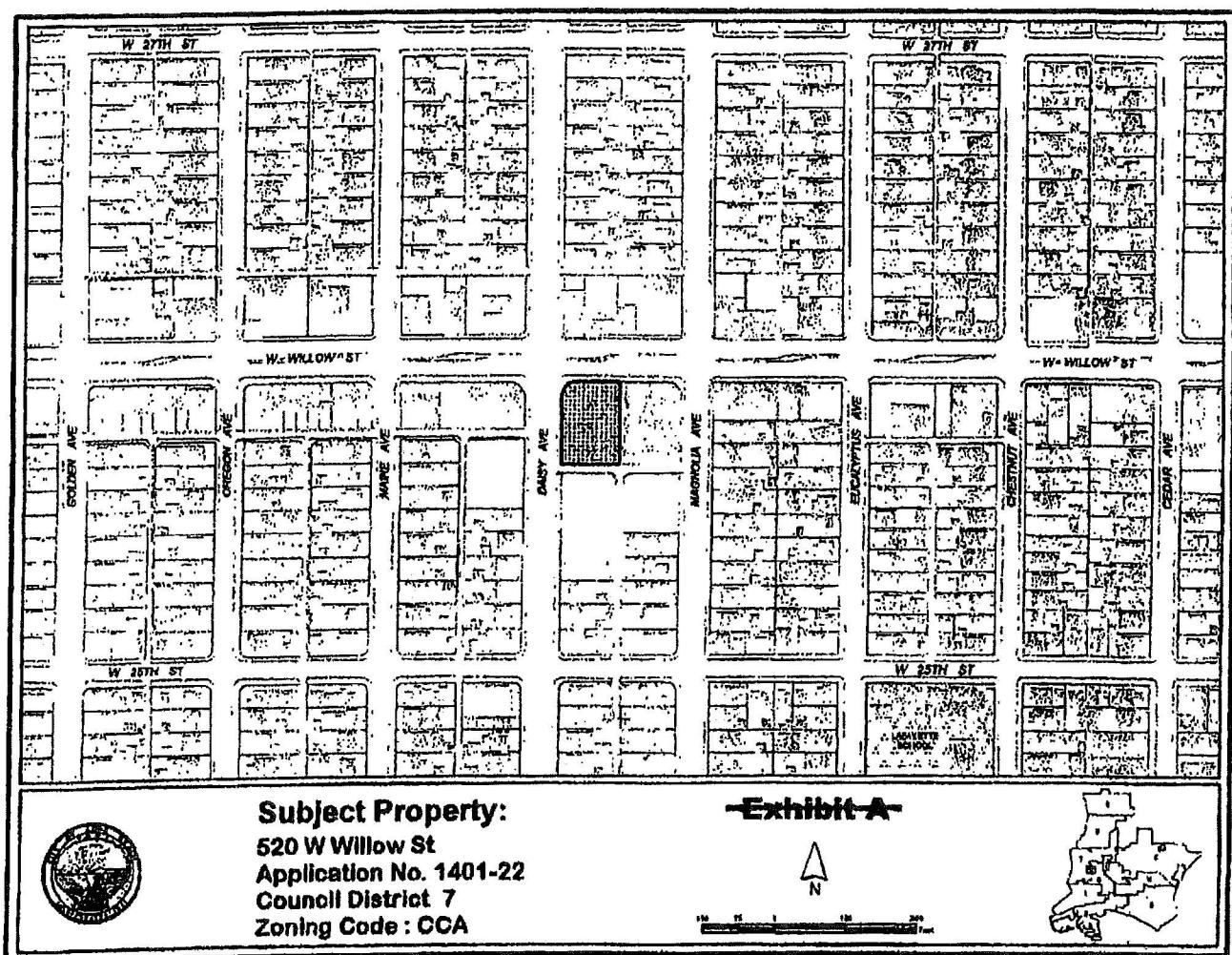


EXHIBIT B

EXHIBIT A

THAT CERTAIN PORTION OF LOT 12, BLOCK 6, TRACT NO. 9686, AS PER MAP RECORDED IN BOOK 135, PAGES 20 TO 22, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF LOS ANGELES BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID LOT 12 DISTANT 5 FEET SOUTHERLY FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 20 FEET ALONG SAID WEST LINE; THENCE EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 12 TO A POINT 10 FEET WESTERLY THEREON FROM THE EAST LINE OF SAID LOT; THENCE SOUTHEASTERLY IN A DIRECT LINE TO A POINT IN SAID EAST LINE 35 FEET SOUTHERLY THEREON FROM THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 30 FEET ALONG SAID EAST LINE OF LOT 12 TO A POINT 5 FEET SOUTH OF NORTHEAST CORNER OF SAID LOT; AND THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING.

SUBJECT TO ALL MATTERS OF RECORD, IF ANY.

CONTAINING AN AREA OF 2,402 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" IS ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER THE SUPERVISION OF:

PABLO B. SANCHEZ R.C.E. 29664
EXPIRES: 3-31-17



6-10-16

DATE:

EXHIBIT B

EXHIBIT B

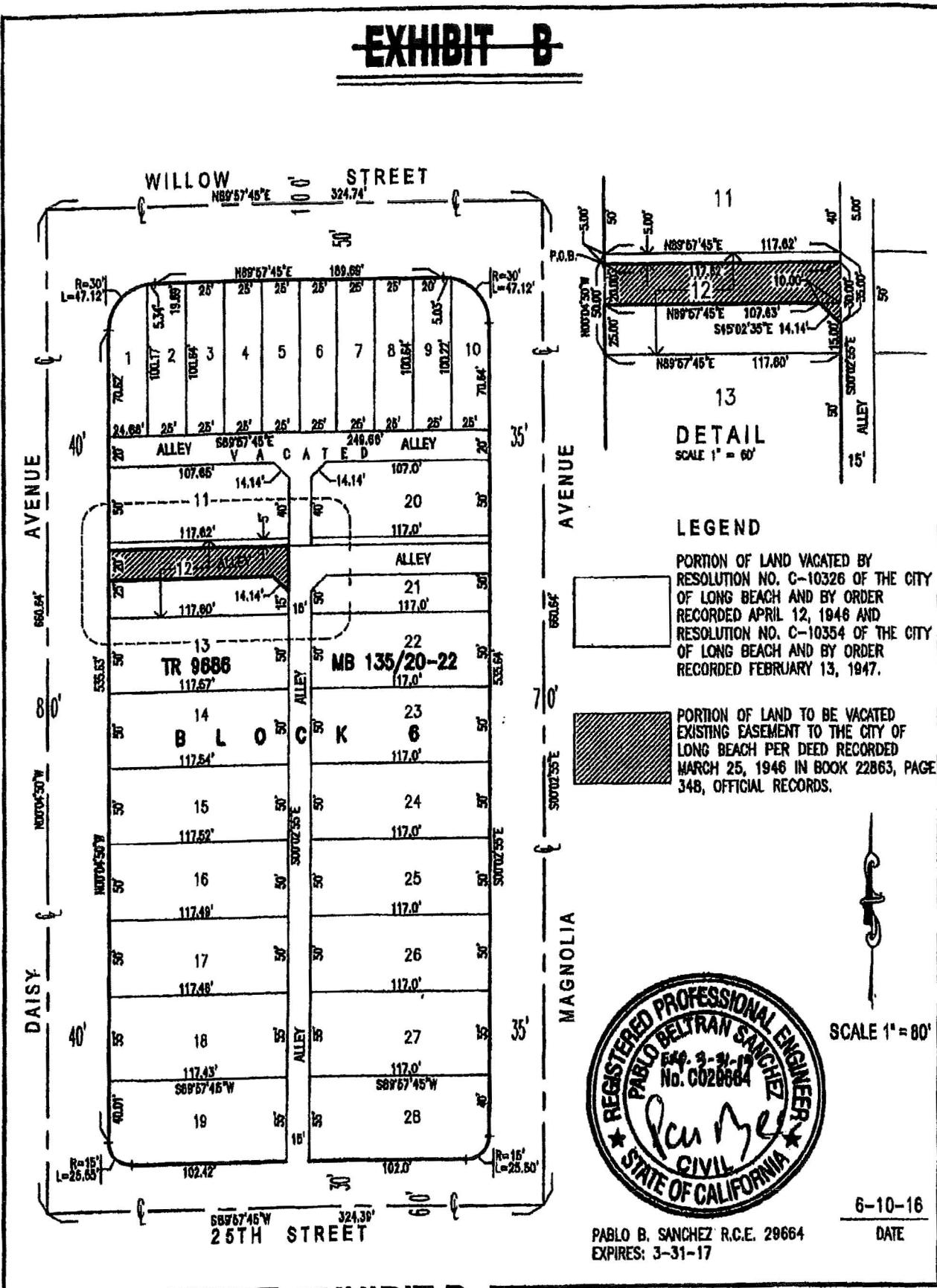


EXHIBIT B

-Exhibit A-

Findings of General Plan Conformity

**App No. 1401-22
Date: February 14, 2017**

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 findings of inconsistency as presented to the Planning Commission is herein submitted for review:

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 1 – Single Family Residential (LUD 1). LUD 1 allows single family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and 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 portion of the alley that is proposed to be abandoned was determined to be not necessary for public use or convenience because access to existing residential and commercial uses can be maintained by means of an existing north/south and east/west alley that abuts the proposed vacated alley. Alley abandonment would therefore not prove detrimental to the movement of people and goods through the area.

EXHIBIT B



AGENDA ITEM No. |

~~Exhibit B~~

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 5th Floor • Long Beach, CA 90802 • (562) 570-8194 FAX (562) 570-8088

January 5, 2017

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Find the proposed vacation of 117.62 feet of the east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 W. Willow Street, not in conformance with the adopted goals and policies of the City's General Plan. (District 7)

APPLICANT: Geovanny Mendoza
Westland Real Estate Group
520 W. Willow Street
Long Beach, CA 90806
(Application No. 1401-22)

DISCUSSION

On December 1, 2016, the Planning Commission considered a General Plan Conformity for a proposed alley vacation. Before an application for vacation can be considered by 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. After public testimony and Planning Commission discussion, the Commission determined that the proposed alley vacation would not be in conformance with the General Plan. The Planning Commission requested that staff bring back findings reflecting this determination. The findings of inconsistency are listed below:

Findings of General Plan Inconsistency:

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 Planning Commission determined that the portion of the alley proposed to be vacated had the potential to provide public use or convenience due to existing access points to existing residential and commercial uses currently provided by the existing east/west alley. Furthermore, the Commission determined that the alley's ability to provide local circulation outweighed the use of the alley for private

CHAIR AND PLANNING COMMISSIONERS

January 5, 2017

Page 2

purposes. Therefore, the alley vacation had the potential to be detrimental to in that the alley would no longer be available for present or prospective public use.

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 1 – Single Family Residential (LUD 1). LUD 1 allows single-family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided that they conform to the specification in the appropriate commercial districts. Vacation of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and vacation of the alley would conform to the Land Use Element. However, since the project is not consistent with the Mobility Element, positive findings cannot be made.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 14-007 for the proposed alley vacation is not required with determination of inconsistency with the General Plan and therefore, is not included with this letter.

Respectfully submitted,

Linda F. Tatum

LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER

Amy Bodek

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:sv

Attachments: Exhibit A – Location Map
 Exhibit B – Alley Plan

EXHIBIT B

Findings of General Plan Nonconformity

App No. 1401-22
Date: February 14, 2017

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 findings of inconsistency as presented to the Planning Commission is herein submitted for review:

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 Planning Commission determined that the portion of the alley proposed to be abandoned had the potential to provide public use or convenience due to existing access points to existing residential and commercial uses currently provided by the existing east/west alley. Furthermore, the Commission determined that the alley's use to provide local circulation outweighed the use of the alley for private purposes. Therefore, the alley abandonment had the potential to be detrimental in that, if vacated, the alley would no longer be available for public use.

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 1 – Single Family Residential (LUD 1). LUD 1 allows single-family residential neighborhoods at a density of one dwelling unit per lot, or seven units per acre. Small neighborhood-serving retail clusters may occur in LUD 1, provided that they conform to the specification in the appropriate commercial districts. Vacating of the subject alley would revert the land to private ownership. As the existing parcel is developed with a parking lot associated with an existing commercial building, the use is considered consistent with LUD 1, and abandonment of the alley would conform to the Land Use Element. However, since the requested abandonment is not consistent with the Mobility Element, positive findings cannot be made.



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

399 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6088

PLANNING BUREAU

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	
<input checked="" type="checkbox"/> Planning Commission	on the <u>January</u> day of <u>5th</u> , 20 <u>17</u>
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 520 W Willow st.

Reasons for Appeal: PLEASE SEE ATTACHEMENT

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve / Deny this application.

	Appellant 1	Appellant 2
Name:	<u>Yanki Greenspan</u>	<u>Geoffrey Mandelson</u>
Organization:	<u>WESTLAND Real Estate Group</u>	<u>Westland Real ESTATE Group</u>
Address:	<u>520 W Willow St.</u>	<u>520 W. Willow St.</u>
City/ZIP:	<u>Long Beach, CA 90805</u>	<u>Long Beach, CA 90805</u>
Phone:	<u>310.637.7130</u>	<u>310.637.7130</u>
Signature:	<u>[Signature]</u>	<u>[Signature]</u>
Date:	<u>1-13-17</u>	<u>1-13-17</u>

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established aggrieved status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: SV App. No.: 1401-22 Filing Date: Jan 13, 2017

Fee: 366.8.00 Fee Paid Project (receipt) No.: _____

EXHIBIT B



Attachment to Application for Appeal

Project Address: 520 W. Willow Street

At the December 1st Planning Commission hearing the planning department found that the vacation of the alley is consistent with the Long Beach General Plan. They also found that the vacation of the alley is not necessary for public use because public access is maintained by the use of existing alleys that abut the proposed vacated alley.

At that same hearing the Planning Commission improperly characterized the subject property as having the same conditions as surrounding properties and therefore a vacation would be "unfair" and so asked the planning department to come up with negative findings for the proposed vacation.

The planning department could not come up with true negative findings for the proposed vacation. Instead they maintain that the Planning Commission made a determination that was inconsistent with their previous findings.

The Planning Commission did not recognize the uniqueness of subject property. This property is the only property on the subject alley artery that has no buffer zone between the door of the property and the alley. There is only a small walkway separating the patrons from the fast moving vehicles causing a life and safety issue.

The subject alley feeds in to Daisy Avenue. The city of Long Beach is installing a traffic signal at the intersection of Daisy and Willow. The city is also creating a dedicated bike lane on Daisy Avenue that would cut directly in front of this alley. The bike lane project and traffic signal are both expected to be completed in 2017. If the subject alley is not vacated it will cause an additional hazard to the bicyclists using the new dedicated bike lane. The traffic signal will also cause all circulation arguments to be moot as there will not be an advantage to use Daisy Lane instead of Magnolia or vice versa.

For the above reasons we are respectfully appealing the Planning Commissions' decision not to vacate the alley.



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) 570-8068
ibds.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- 14-107

Project Location/Address: 520 W. WILLOW

Project/Activity Description: ALLEY VACATION AT REAR OF COMMERCIAL STRUCTURE, APPROXIMATELY 125' IN LENGTH, BETWEEN DAISY AVENUE AND CROSS ALLEY

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

Applicant Name: _____

Mailing Address: 5205 LONG BEACH BL, LONG BEACH, CA 90805

Phone Number: 310-639-7130 Applicant Signature: _____

BETWEEN THIS LINE FOR STAFF USE ONLY

Application Number: 1401-22 Planner's Initials: SV

Required Permits: General Plan Conformity Findings

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15901, Class 1, Existing Facilities

Statement of support for this finding: Revee of existing alley as private driveway

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: Craig Chalfant Date: 3/25/14

Revised December 2013

EXHIBIT B