

C-12

January 24, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to accept an easement deed from Nash-Holland 3Pac Investors, a Delaware limited liability company, and the owner of the property at 131 West 3rd Street, for vehicular access; and execute a quitclaim deed for the existing recorded vehicle access easement; and,

Accept CEQA Notice of Determination, State Clearinghouse number 2009071006.
(District 1)

DISCUSSION

When significant new development is proposed, the Public Works Department reviews the adjacent rights-of-way for standards established in the City of Long Beach's (City) General Plan and for compliance with Americans with Disabilities Act (ADA) laws. Nash-Holland 3Pac Investors, a Delaware limited liability company, and the owner of the property at 131 West 3rd Street, is constructing 271 residential units in a single mixed-use building, on a 1.22-acre site. An existing vehicular access easement along the adjacent alley, that is no longer adequate, must be quitclaimed (Attachment A), and replaced with a new vehicle access easement that provides for a limited airspace easement height to avoid the proposed balconies encroaching into the easement (Attachment B). The Public Works Department is asking the City Council to authorize acceptance of an easement deed and quitclaim deed to accomplish this purpose.

City staff conducted a review of the affected agencies and there were no objections to the proposed easement.

In accordance with the California Environmental Quality Act (CEQA), Notice of Determination State Clearinghouse Number 2009071006 was issued for the project (Attachment C).

This matter was reviewed by Principal Deputy City Attorney Richard Anthony on January 6, 2023 and by Budget Management Officer Nader Kaamouh on December 27, 2022.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

HONORABLE MAYOR AND CITY COUNCIL

January 24, 2023

Page 2

FISCAL IMPACT

An easement processing fee in the amount of \$3,213 was deposited in the General Fund Group in the Public Works Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

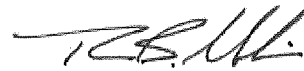
Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: A – QUITCLAIM DESCRIPTION AND SKETCH
B – EASEMENT DESCRIPTION AND SKETCH
C – NOTICE OF DETERMINATION



Attachment A

SOLANA COURT
LEGAL DESCRIPTION FOR
QUITCLAIM OF
VEHICULAR ACCESS EASEMENT

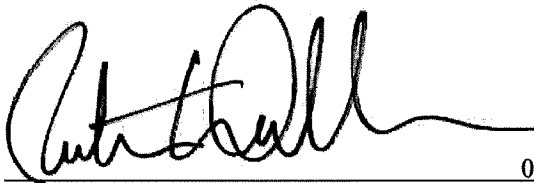
THE WESTERLY 2.00 FEET OF THE EASTERLY 4.00 FEET OF PARCELS 2, 4, 6, 8, 10, 12, 14, 16, AND 22 IN BLOCK 81 OF THE MAP OF TOWN SITE OF LONG BEACH, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA RECORDED IN BOOK 19, PAGES 91 THROUGH 96, INCLUSIVE, OF MISCELLANEOUS RECORDS, AS SHOWN ON GRANT DEED RECORDED MAY 14, 2021 AS INSTRUMENT NO. 20210777169, OF OFFICIAL RECORDS IN THE OFFICE OF THE RECORDER FOR SAID COUNTY.

CONTAINING 700 SQUARE FEET OR 0.016 ACRES, MORE OR LESS.

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

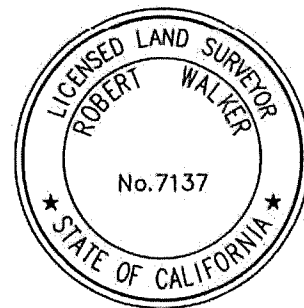
SUBJECT TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS OF WAY AND EASEMENTS OF RECORD, IF ANY.

PREPARED BY ME OR UNDER MY SUPERVISION:

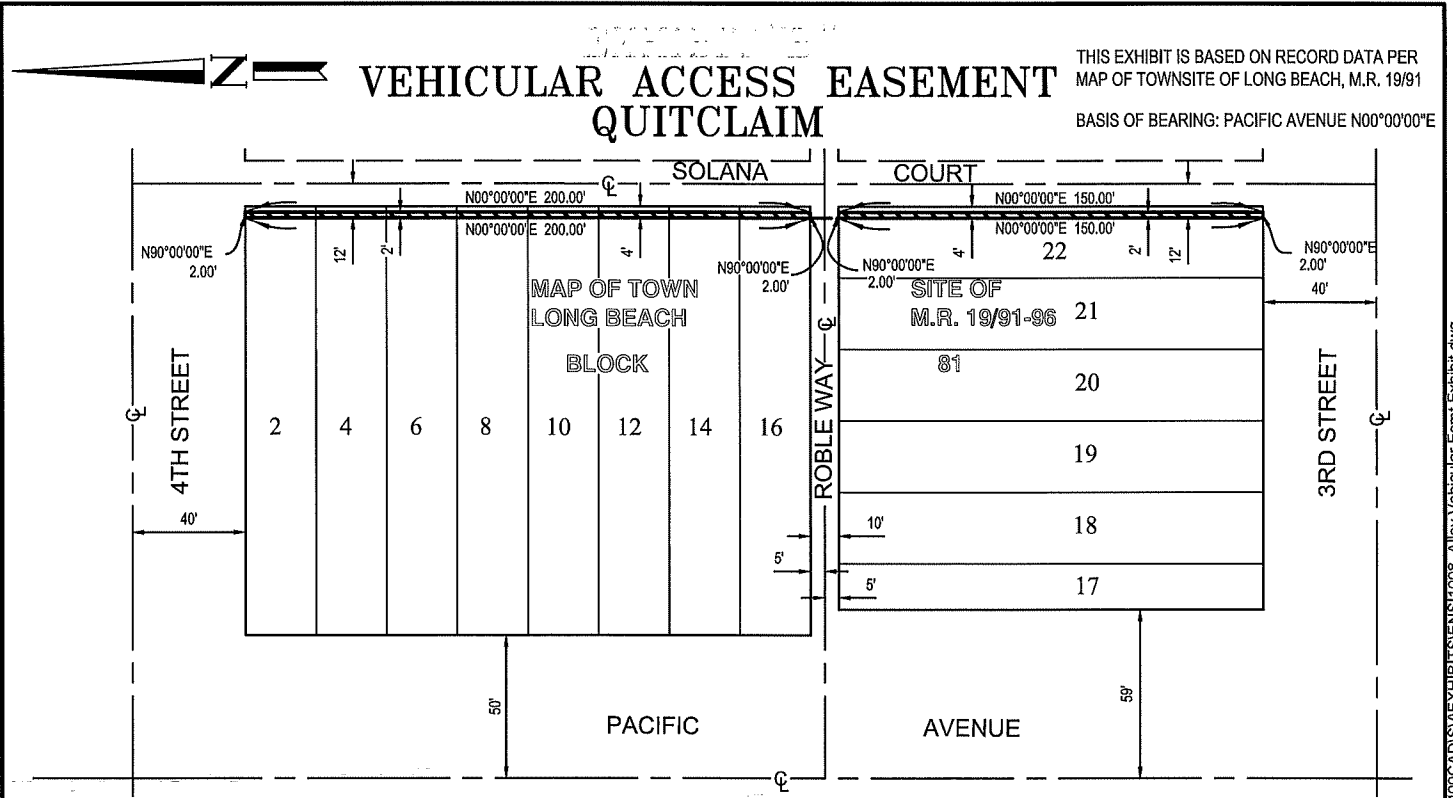


ROBERT WALKER, L.S. 7137


09/21/2022
DATE

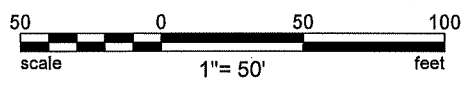



Attachment A

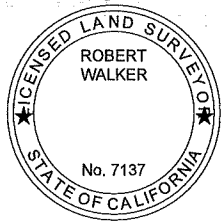


THIS EXHIBIT IS BASED ON RECORD DATA PER
 MAP OF TOWNSITE OF LONG BEACH, M.R. 19/91
 BASIS OF BEARING: PACIFIC AVENUE N00°00'00"E

 AREA OF DEDICATION:
 700 S.F./ 0.016 AC.




 ROBERT WALKER, PLS 7137 09/21/2022
 DATE



 **DAVID EVANS
 AND ASSOCIATES INC.**
 25152 SPRINGFIELD COURT, SUITE 350
 SANTA CLARITA, CA 91355
 Phone: 661-284-7400

Job Number:	ENSI-1008
Date:	09/21/2022
Scale:	1"=50'
Sheet 1 of	1 Sheets

Drawing Name: P:\ENSI\0001007\0400CAD\ENSI\EXHIBIT\ENSI1008_Alley Vehicular Esmt Exhibit.dwg
 Last Opened: Sep 21, 2022 - 10:39am by: Sxz

SOLANA COURT
LEGAL DESCRIPTION FOR
VEHICULAR ACCESS EASEMENT

A 2.00-FOOT WIDE STRIP OF LAND IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, LYING BETWEEN THE ELEVATIONS OF 29.95 FEET AND 49.00 FEET, WITH ELEVATIONS BASED ON CITY OF LONG BEACH BENCH MARK NO. 601, BEING A BRASS DISC FLUSH WITH THE PAVEMENT AT THE NORTHEAST CORNER OF PACIFIC AVENUE AND 4TH STREET, STAMPED "CLB BM 601, 1990," 1.0 FOOT EAST AND 20.0 FEET NORTH OF THE CURBS AT SAID INTERSECTION, HAVING A PUBLISHED ELEVATION OF 30.242 FEET, NGVD 1929, 1985 ADJUSTMENT, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

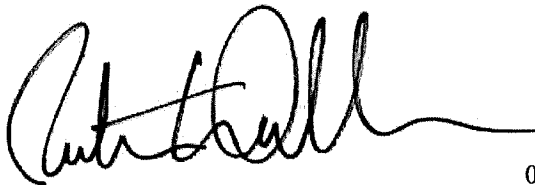
THE WESTERLY 2.00 FEET OF THE EASTERLY 4.00 FEET OF PARCELS 2, 4, 6, 8, 10, 12, 14, 16, AND 22, IN BLOCK 81 OF THE MAP OF TOWN SITE OF LONG BEACH, IN SAID CITY, COUNTY AND STATE, RECORDED IN BOOK 19, PAGES 91 THROUGH 96, INCLUSIVE, OF MISCELLANEOUS RECORDS, AS SHOWN ON GRANT DEED RECORDED MAY 14, 2021 AS INSTRUMENT NO. 20210777169, OF OFFICIAL RECORDS IN THE OFFICE OF THE RECORDER FOR SAID COUNTY, TOGETHER WITH THE EASTERLY 2.00 FEET OF THAT PORTION OF THE EAST-WEST ALLEY IN SAID BLOCK 81 KNOWN LOCALLY AS ROBLE WAY (10.00 FEET WIDE), VACATED BY CITY OF LONG BEACH PER RESOLUTION NO. RES-20-0093, RECORDED JANUARY 13, 2021 AS INSTRUMENT NUMBER 20210067529, OFFICIAL RECORDS OF SAID COUNTY.

CONTAINING 720 SQUARE FEET OR 0.017 ACRES, MORE OR LESS.

EXHIBIT "B": ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF FOR CLARIFICATION PURPOSES, IF NEEDED.

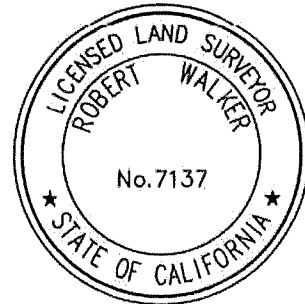
SUBJECT TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS OF WAY AND EASEMENTS OF RECORD, IF ANY.

PREPARED BY ME OR UNDER MY SUPERVISION:



ROBERT WALKER, L.S. 7137

09/21/2022
DATE

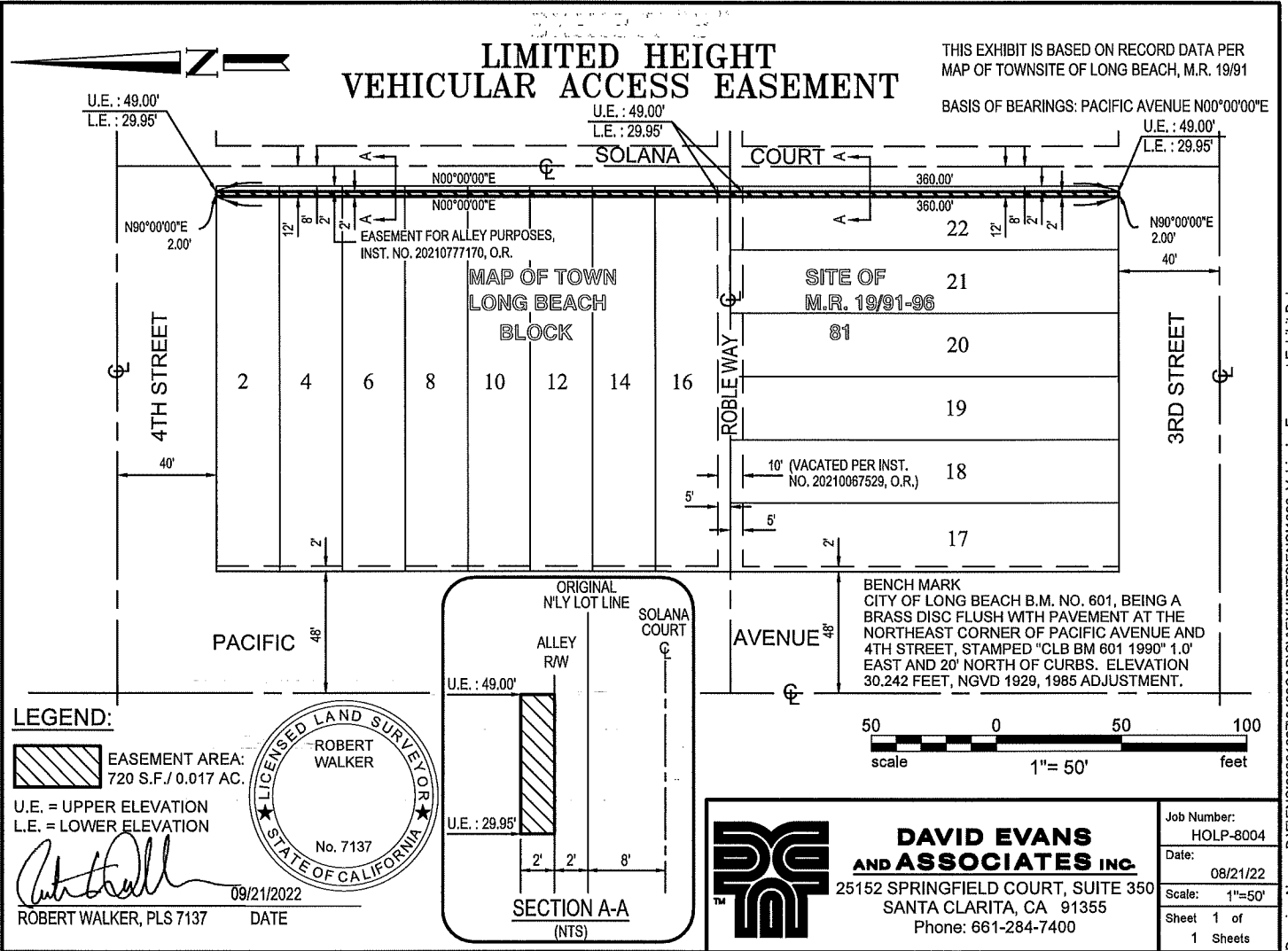


Attachment B

LIMITED HEIGHT VEHICULAR ACCESS EASEMENT

THIS EXHIBIT IS BASED ON RECORD DATA PER MAP OF TOWNSITE OF LONG BEACH, M.R. 19/91

BASIS OF BEARINGS: PACIFIC AVENUE N00°00'00"E

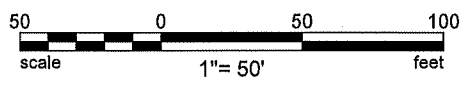
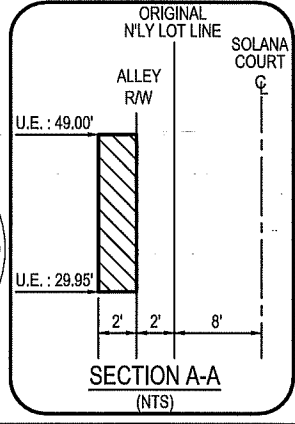
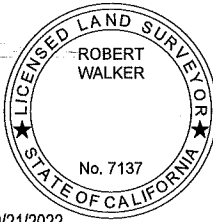


LEGEND:

EASEMENT AREA: 720 S.F. / 0.017 AC.

U.E. = UPPER ELEVATION
L.E. = LOWER ELEVATION

Robert Walker
ROBERT WALKER, PLS 7137 DATE 09/21/2022



DAVID EVANS AND ASSOCIATES INC.

25152 SPRINGFIELD COURT, SUITE 350
SANTA CLARITA, CA 91355
Phone: 661-284-7400

Job Number:	HOLP-8004
Date:	08/21/22
Scale:	1"=50'
Sheet	1 of 1
	1 Sheets

Drawing Name: P:\E\ENS\100010070400\CAD\EXHIBIT\SENS\1008_Vehicular Easement Exhibit B.dwg
Last Opened: Sep 21, 2022 - 12:03pm by: Sxz



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU

NOTICE OF DETERMINATION

TO: Office of the County Clerk
Environmental Filings
12400 E. Imperial Highway, Room 2001
Norwalk, CA 90650

FROM: City of Long Beach
Department of Development Services
411 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802

Office of Planning and Research
1400 Tenth St., Room 121
Sacramento, CA 95814

Contact: Maryanne Cronin, Planner
Phone: (562) 570-6194

Lead Agency (if different from above):

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to Clearinghouse): 2009071006

Project Title: 3rd and Pacific Modified Project (City of Long Beach Downtown Plan [EIR 04-08])

Project Applicant: Jewelle Kennedy on Behalf of Ensemble Real Estate Investments,
444 W. Ocean Blvd., Ste. 1108, Long Beach, CA 90802

Project Location (include county): 131 West 3rd Street, Long Beach, Los Angeles County

Project Description: Site Plan Review for the construction of 271 residential units in one mid-rise, mixed-use building (8 stories in height with 2 levels of subterranean parking and 2 levels of at-grade/above grade parking). The mixed-use building includes 11,912 sq. ft. of retail space, 352 parking spaces (unique) (395 spaces including tandem), and 59 bicycle parking spaces. Vacations were approved for an existing named alley (Roble Way) and a portion of the Pacific Avenue right-of-way in conformance with the General Plan under the previous approval (App. No. 1807-11). A revised Vesting Tentative Tract Map is proposed to merge six lots into one 1.22-acre ground lot and create six airspace lots. The project is consistent with the Downtown Plan (PD-30) zoning ordinance and Program Environmental Impact Report (EIR-04-08, State Clearinghouse #2009071006) and PEIR Addendum (EIRA-02-19).

Environmental Review: Pursuant to Section 15164 of the CEQA Guidelines, the previously approved project was covered by the Downtown Plan (PD-30) Program Environmental Impact Report (EIR 04-08, State Clearinghouse No. 2009071006) and PEIR Addendum (EIRA-02-19) and found that the larger previously approved project will have no new potentially significant impacts upon the environment that were not analyzed by the Downtown Plan PEIR or PEIR Addendum. Pursuant to Section 15162 of the CEQA Guidelines, this project is covered by the adopted PEIR for the Downtown Plan and PEIR Addendum and no new environmental documentation is required.

This is to advise that the City of Long Beach (lead agency) has approved the above-described project on **April 15, 2021**, and has made the following determinations regarding the above-described project:

1. The project (will/ will not) have a significant effect on the environment.
2. The project was determined to be within the scope of a previously-certified EIR. (Downtown Plan PEIR and PEIR Addendum).
 An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA
3. Mitigation Measures (were/ were not) made a condition of the approval of the project. (PEIR Measures).
4. A Mitigation Monitoring and Reporting Program (was/ was not) adopted for this project. (PEIR MMRP).
5. A Statement of Overriding Considerations (was/ was not) adopted for this project. (PEIR SOC).
6. Findings (were/ were not) made pursuant to the provisions of CEQA. (PEIR Findings)

This is to certify that the final EIR with comments and responses and record of project approval, is available to the general public at:

Department of Development Services, 411 W. Ocean Blvd., 3rd Floor, Long Beach, CA 90802 and <http://www.longbeach.gov/lbds/planning/environmental/reports/>

Signature (Public Agency) Maryanne Cronin Title: Planner

Date: 4/15/21

Authority cited: Sections 21083, Public Resources Code; Reference Section 21000-21174, Public Resources Code