

August 9, 2022

R-21

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution declaring a 7.2-acre City of Long Beach (City)-owned parcel located at 429 Shoreline Village Drive, a portion of Assessor Parcel Number 7278-010-914, in the Tidelands Area of the City (Subject Property) as held by the City in trust as defined in Government Code Section 54221(f)(1)(H); and, authorize the City Manager, or designee, to take any actions and execute any documents necessary to ensure compliance with the Surplus Land Act and State regulations relating thereto. (District 1)

DISCUSSION

The City is fee owner of a 7.2-acre parcel located at 429 Shoreline Village Drive (Subject Property) (Attachment). The Subject Property is currently under long term lease to ABA Shoreline Village, LLC (Lessee), which operates and maintains the development as Shoreline Village offering waterfront dining and shopping. The Lessee has expressed a desire to make significant improvements to the Subject Property in exchange for an extended lease term. As the City and the Lessee need to determine whether the proposal is viable and negotiate terms and conditions of a lease amendment, the City must ensure compliance with the Surplus Land Act (SLA) before any terms and conditions can be agreed upon.

As codified in Government Code Section 54220 et seq., the SLA requires all agencies to prioritize affordable housing as well as parks and open space when disposing of surplus land. Surplus land is land that is owned by a local agency that is determined to be no longer necessary for the agency's use. Recent changes to the SLA, through Assembly Bill (AB) 2135, (i) revise procedures for disposition by sale or lease of surplus land by local agencies; (ii) extend the good faith negotiation period with potential affordable housing developers to 90 days; (iii) deepen affordability requirements where an affordable housing project is developed on the site; and, (iv) add a requirement that if negotiations with an affordable housing developer are unsuccessful, then any residential development on the surplus land over ten units must make at least 15 percent of the units affordable. Further, AB 2135 no longer allows exceptions and requires local agencies to adopt a Resolution declaring property "surplus" or "exempt surplus" as supported by findings at a regular public meeting of the agency's governing body.

The revised procedures for disposition by sale or lease include clarification that any lease which is leased or renewed for longer than five years and/or includes development is considered "surplus" and therefore subject to the SLA. The Subject Property is located along the City's coastal Tidelands Area. Land in the Tidelands Area is owned by the City but held in public trust for the benefit of the people of the State of California, pursuant to the State Tidelands Trust Act (Tidelands Trust Act). The Public Trust Doctrine, which seeks to preserve the use of and access

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to coastal areas of the City, places certain restrictions on the types of land uses that can be developed on the Subject Property, including the prohibition of residential development. Under current exemptions allowed for in the SLA, any surplus land that is held in trust for the benefit of the people of the State of California can be considered "exempt surplus" and would not need to follow the procedural steps outlined in the SLA. Therefore, the City considers the Subject Property to be exempt surplus land, as defined by Government Code Section 54221(f)(1)(H), and the City Council, as the legislative body of the City, makes the finding that the Subject Property in the Tidelands Area is owned by the City but held in trust for the benefit of the people of the State of California, pursuant to restrictions of the Public Trust Doctrine and applicable State laws thereto, and further that the Public Trust Doctrine prohibits residential housing development in the Tidelands Area.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on July 19, 2022 and by Budget Management Officer Rhutu Amin Gharib on July 13, 2022.

TIMING CONSIDERATIONS

City Council action is requested on August 9, 2022, to allow the City to implement actions necessary to comply with the SLA and ensure future SLA compliance for the Subject Property.

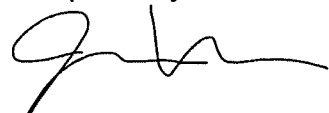
FISCAL IMPACT

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHNNY M. VALLEJO
ACTING DIRECTOR OF
ECONOMIC DEVELOPMENT

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: RESOLUTION
A – SUBJECT PROPERTY

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH, DETERMINING CITY-OWNED TIDELANDS PARCELS LOCATED AT 429 SHORELINE DRIVE (PORTION OF APN 7278-010-914) AND COMMONLY KNOWN AS "SHORELINE VILLAGE" TO BE EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(H)

WHEREAS, the State of California Legislature conveyed certain public trust lands (comprised of approximately 51 parcels) to the City of Long Beach located within what is commonly referred to as the tidelands area; and

WHEREAS, a portion of such tidelands area lands, commonly known as "Shoreline Village", located at 429 Shoreline Drive (portion of APN 7278-010-914) is more particularly described and depicted in Exhibit "A" attached to this resolution ("Subject Property"); and

WHEREAS, the State of California granted the Subject Property to the City of Long Beach pursuant to Chapter 676 of the Statutes of 1911 ("Granting Statutes"); and

WHEREAS, the City of Long Beach, as local tidelands grantee, is required to administer and manage the Subject Property in accordance with the Granting Statutes and the Public Trust Doctrine, and in furtherance of such requirement, the City currently leases the Subject Property pursuant to a Ground Lease (Contract No. 24800) dated as of January 1, 1996 (as amended, the "Lease"); and

WHEREAS, Public Trust Doctrine uses are generally limited to water dependent or related uses, and include commerce, fisheries, navigation, ecological preservation, and recreation; and

WHEREAS, residential uses are not permitted by the Public Trust Doctrine;

1 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
2 follows:

3 Section 1. The City Council determines that the Subject Property is held
4 by the City in trust for the benefit of the people of California pursuant to the Granting
5 Statutes, and is exempt surplus land as defined in Government Code Section
6 54221(f)(1)(H) because the disposition of the Subject Property is subject to the Granting
7 Statues. In furtherance of its obligations to promote commerce and navigation and in
8 accordance with the powers explicitly granted in Section 1(a) of the Granting Statutes, the
9 City of Long Beach has for decades leased the Subject Property to a third-party pursuant
10 to the Lease, and the City intends to lease the Subject Property pursuant to an extension
11 of the Lease or a replacement lease, subject to the requirements of the Granting Statutes
12 and Public Trust Doctrine.

13 Section 2. This resolution shall take effect immediately upon its adoption
14 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

15 I hereby certify that the foregoing resolution was adopted by the City Council
16 of the City of Long Beach at its meeting of _____, 2022
17 by the following vote:

18 Ayes: Councilmembers: _____

19 _____

20 _____

21 _____

22 Noes: Councilmembers: _____

23 _____

24 Absent: Councilmembers: _____

25 _____

26 Recusal(s): Councilmembers: _____

27 _____

28 _____
City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

EXHIBIT "A"

The Subject Property are situated in the State of California, County of Los Angeles, City of Long Beach, and is described and depicted as follows:

LEASE AREA AT SHORELINE VILLAGE

DESCRIPTION DATA FOR SHORELINE VILLAGE LEASE AREA, consisting of 7.09 acres, more or less.

That portion of the Long Beach Tidelands described as follows:

Beginning at the intersection of the southerly line of Ocean Boulevard, 100 feet wide, with the centerline of Pine Avenue, 100 feet wide; thence South $0^{\circ}05'28''$ East along said centerline and its southerly prolongation of 1851.54 feet; thence East 602.31 feet to the True Point of Beginning; thence south $69^{\circ}15'51''$ East 81.53 feet to the beginning of a non-tangent curve concave northerly having a radius of 1,126 feet and to which beginning a radial line bearing South $14^{\circ}54'27''$ West; thence southeasterly along said curve an arc distance of 178.68 feet through a central angle of $9^{\circ}05'32''$; to the beginning of a tangent curve concave southwesterly having a radius of 23.00 feet; thence southeasterly along said curve an arc distance of 26.88 feet through a central angle of $66^{\circ}58'24''$; thence south $00^{\circ}15'03''$ East 110.94 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 200.00 feet and to which beginning a radial line bearing North $73^{\circ}41'38''$ East; thence southerly along said curve an arc distance of 56.90 feet through a central angle of $16^{\circ}18'02''$; thence tangent South 337.98 feet to the beginning of a tangent curve concave northwesterly having a radius of 25 feet; thence southwesterly along said curve an arc distance of 34.03 feet through a central angle of $77^{\circ}59'53''$; thence tangent South $77^{\circ}59'53''$ West 484.28 feet to the beginning of a tangent curve concave northerly having a radius of 39.50 feet; thence westerly along said curve an arc distance of 35.38 feet through a central angle of $51^{\circ}19'04''$ to the beginning of a tangent curve concave southeasterly having a radius of 40.50 feet; thence southwesterly along said curve an arc distance of 91.41 feet through a central angle $129^{\circ}18'57''$; thence tangent South 40.54 feet; thence West 258.97 feet to the beginning of a tangent curve concave northeasterly having a radius of 40 feet; thence northwesterly along said curve an arc distance of 62.83 feet through a central angle of $90^{\circ}00'00''$ to the beginning of a tangent curve concave southeasterly having a radius of 35 feet; thence northeast along said curve an arc distance of 53.12 feet through a central angle of $86^{\circ}57'07''$; thence tangent North $86^{\circ}57'07''$ East 94.99 feet; thence North 122.00 feet, more or less, to the landward edge of an existing concrete bulkhead; thence along said bulkhead landward edge North $35^{\circ}36'56''$ East 105.47 feet to an angle point in the existing bulkhead; thence North $71^{\circ}59'58''$ East along said bulkhead landward edge 444.19 feet, more or less, to an angle point in the existing bulkhead thence North along said landward edge and prolongation of 346.05 feet to the True Point of Beginning.

Public Access: All pedestrian walkways within the lease area shown on Exhibit A-1 of the lease, whether described in the lease as "boardwalks," "public boardwalks," "pedestrian walkways," or otherwise, shall be part of the Premises. LESSEE grants an easement to users of the marine dock system for the limited purpose of ingress and egress via the pedestrian walkways between the marine dock system to the parking facilities.

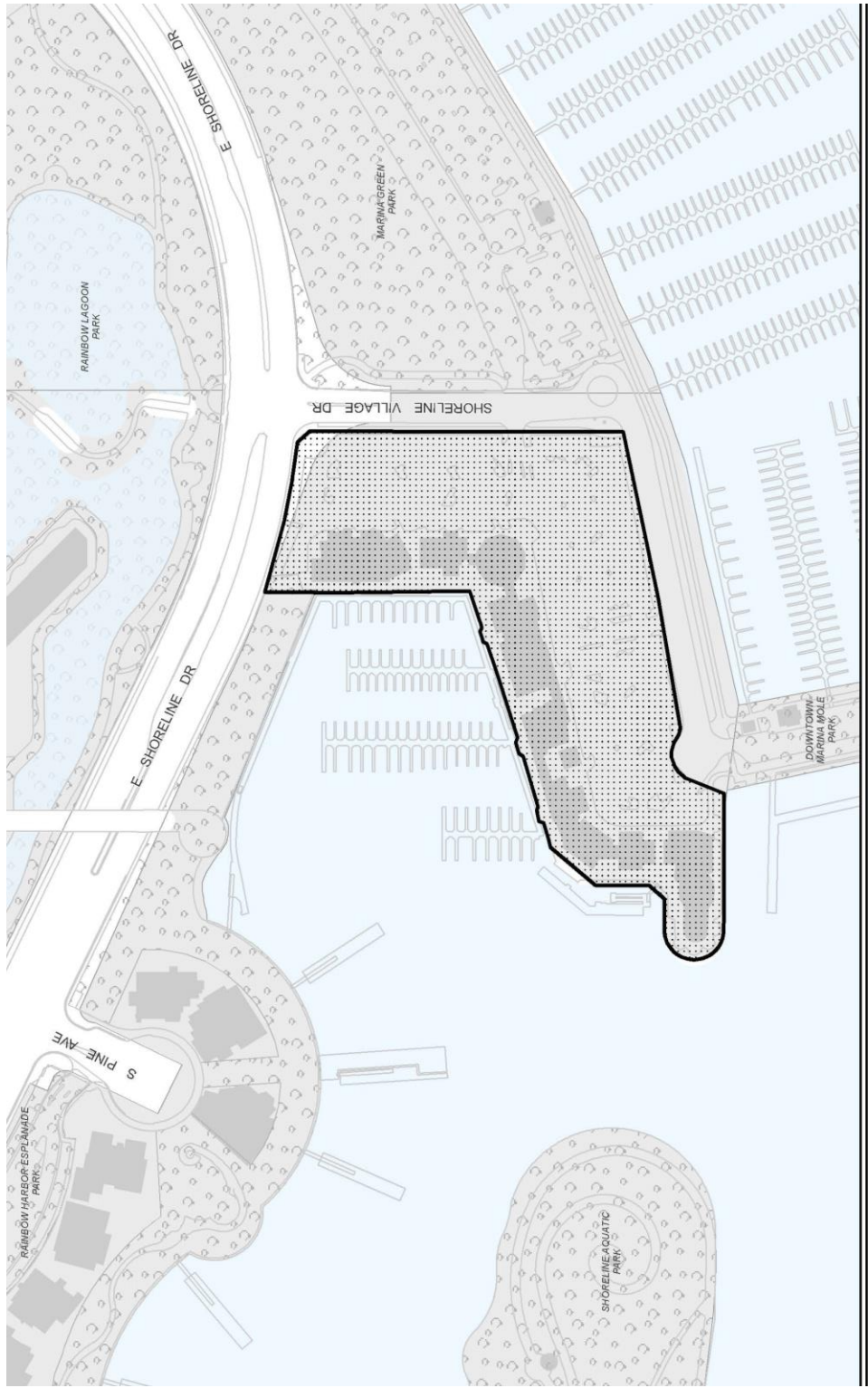
CITY OF LONG BEACH - CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

**LEGAL DESCRIPTION FOR LEASE AREA AT
SHORELINE VILLAGE**

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona Beach, CA 90802

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Depiction



Attachment



Subject Property:
Shoreline Village
Council District : 1

