



Legislation Text

File #: 20-0710, **Version:** 1

Recommendation to adopt Resolution of Intention to vacate a portion of Roble Way between Solana Court and Pacific Avenue and a portion of the east side of Pacific Avenue between 3rd Street and 4th Street;

Set the date of September 1, 2020, for the public hearing on the vacation;

Authorize City Manager, or designee, to accept an easement deed for alley widening purposes, a Vehicular Access Easement and to execute agreements satisfying the conditions placed on the vacation; and

Accept Notice of Determination State Clearinghouse Number 2009071006. (District 1)

Ensemble Real Estate Investments, owner of the property at 131 West 3rd Street, requests the vacation of a portion of Roble Way between Solana Court and Pacific Avenue and a portion of the east side of Pacific Avenue between 3rd Street and 4th Street (Attachment A). This portion of Roble Way separates the lots of Block 81 of the Townsite of Long Beach Tract. Vacating this portion of Roble Way would allow the applicant to merge these lots and construct the Planning Commission-approved 3rd and Pacific Project. The applicant proposes to build a project consisting of 345 residential units in one mixed-use tower (23 stories in height with above grade and subterranean parking) and one mid-rise, mixed-use building (8 stories-in height with above grade and subterranean parking). On September 19, 2019, the Planning Commission determined that the proposed vacation of the approximately 3,553-square-foot area was in conformance with the adopted goals of the City's General Plan (Attachment 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. In addition, Streets and Highway Code Section 8324(b) provides that the City Council may impose conditions for a vacation and permits a resolution of vacation to provide that a vacation occurs only after conditions required by the legislative body have been satisfied. It is the intent of the Public Works Department to not delay recordation of the resolution of vacation, but to satisfy any conditions imposed on the vacation with sidewalk improvements secured with improvement bonds and agreements.

The Public Works Department supports this vacation based on findings that this portion of Roble Way between Solana Court and Pacific Avenue is not necessary as a vehicular or

pedestrian thoroughfare and that the vacation of a portion of the east side of Pacific Avenue between 3rd Street and 4th Street can be supported, provided that the vacation is conditioned on the provision of improvement bonds and agreements that will provide for offsetting the vacated sidewalk area with a widening of the sidewalk into the roadway to maintain adequate sidewalk width. The Public Works Departments requests adoption of a Resolution of Intention to vacate in relation to the vacation described above.

Additionally, when new development is proposed, the public rights-of-way adjacent to the site are reviewed for sufficiency to accommodate the new development. To accommodate the pedestrian and vehicular traffic in the area, it is necessary that a dedication of additional right-of-way for alley widening purposes and a Vehicular Access Easement along Solana Court be recorded (Attachment C and D). The Public Works Department seeks authorization to accept an easement deed to accomplish this purpose.

The necessary City departments have reviewed the proposed right-of-way vacation and have no objections to this action. In conformance with the California Environmental Quality Act, Notice of Determination State Clearinghouse Number 2009071006 was issued for this project on November 15, 2019, see Planning Commission Staff Report (Attachment B). The Public Works Department requests acceptance of Notice of Determination State Clearinghouse Number 2009071006.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on July 16, 2020 and by Budget Analysis Officer Julissa José-Murray on June 26, 2020.

City Council action is requested on August 4, 2020, to set a public hearing date on this matter for September 1, 2020.

A tentative vacation processing fee in the amount of \$5,437, a dedication processing fee in the amount of \$3,195, and a Vehicular Access Easement processing fee of \$3,195, were deposited in the General Fund Group in the Public Works Department. Also, it is anticipated that the final fee of \$3,712 will be paid before the public hearing date. 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.

Approve recommendation.

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ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:

THOMAS B. MODICA
CITY MANAGER