



## CITY OF LONG BEACH

Department of Parks, Recreation and Marine

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November 23, 2004

### HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach

California

**SUBJECT:** Permit With Gene and Jan Todd for use of a Portion of the Former Pacific Electric Right-of-Way Property Located Between 7<sup>th</sup> Street and Ximeno Avenue (District 3)

### DISCUSSION

City Council authorization is requested to issue a permit to Gene and Jan Todd (Permittee) for use of a portion of the former Pacific Electric right-of-way property located between 7<sup>th</sup> Street and Ximeno Avenue (Property). Attachment A is a map of the property. On July 15, 2004, the Parks and Recreation Commission was advised of the proposed permit and voted to recommend approval of the permit to the City Council (see Attachment B).

The Property, which was part of the former Kitano's Nursery, consists of a paved parking lot, storage structure, and plant growing beds. The proposed permit would allow the Permittee to use the Property as a temporary tree growing location and for limited retail sales of Halloween pumpkins and Christmas trees, from October through December, during the term of the permit. Additionally, the Permittee would allow Musical Theater West, the occupant of the adjacent property, located at 4350 East 7<sup>th</sup> Street, to have access to the permit area for use of up to 20 parking spaces. This use will not impact the Permittee's operation.

The Permittee has sold Christmas trees within the City of Long Beach for 45 years and has used a portion of the former right-of-way southeast of the 7<sup>th</sup> and Ximeno Property (Southeast Property) as a tree sales lot during the Christmas season since 1996. Both the Property and the Southeast Property will be impacted by a pending Los Angeles County drain project, which may require trenching that could interfere with the use of both properties in the future. Upon completion of the Los Angeles County drain project, the Permittee plans to use the Southeast Property as a Christmas tree farm.

Because the drain project has been subject to repeated delays, the Permittee has expressed interest in using the Property to begin a small tree-growing project using potted saplings. The Property is currently vacant and unused. Once the Los Angeles County drain project is completed, it is anticipated that a master plan will be developed for the Property and other portions of the former Pacific Electric right-of-way.

The proposed permit for the Property contains the following main provisions:

- Permit Area: Portion of the former Pacific Electric right-of-way shown on Attachment A.
- Authorized Use: The permit area shall be used for growing trees and other plants in containers or pots. Use of existing structures will be permitted only for storage and other activities related to horticulture. The Permittee shall also provide access for Musical Theater West, the occupant of the adjacent property at 4350 East 7<sup>th</sup> Street, for up to 20 parking spaces.

Limited seasonal retail sales of Halloween pumpkins and Christmas trees using the permit area will be allowed from October through December, subject to the City's issuance of a permit for retail sales for the Southeast Property.

- Permit Fee: \$200 per month.
- Maintenance: The Permittee will be responsible for all day-to-day maintenance of the property.
- Utilities: The Permittee will pay all costs associated with utilities for the site.
- Insurance: Evidence of general liability, automobile, property and workers' compensation insurance naming the City as an additional insured will be required as directed by the City's Risk Manager.
- Term: One year, with either party having the right to terminate the permit by providing the other party with a 30-days written notice. At the conclusion of the one-year term, the City Manager will have the option to extend the term for an additional year.

This letter was reviewed by Senior Deputy City Attorney Donna Gwin on November 5, 2004, and Budget Management Officer David Wodynski on November 9, 2004.

#### TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

#### FISCAL IMPACT

Revenue from the requested permit in the amount of \$2,400 per year will be deposited in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR).

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IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Authorize the City Manager to execute a permit with Gene and Jan Todd for a portion of the former Pacific Electric right-of-way located between 7<sup>th</sup> Street and Ximeno Avenue, for a rent of \$200 per month, and for a term of one year; and,
2. Authorize the City Manager to execute an amendment to extend the permit term for an additional year following the conclusion of the initial one-year term.


Respectfully submitted,



PHIL T. HESTER  
DIRECTOR OF PARKS, RECREATION AND MARINE

Attachments

APPROVED:



GERALD R. MILLER  
CITY MANAGER