



CITY OF LONG BEACH

C-22

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

December 19, 2006

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt the attached resolution of intention to vacate a portion of the east-west alley in the block west of Long Beach Boulevard and south of Third Street, adjacent to 210 E. Third Street and set a date for a public hearing on the vacation for January 23, 2007. (District 2)

DISCUSSION

Lyon Realty is in the process of developing a 5-story, mixed-use project with a parking garage at 210 East Third Street. The project would occupy 61,750 square feet on the block west of Long Beach Boulevard and south of Third Street, with frontage on The Promenade, Third Street and Long Beach Boulevard. The parking garage is sited between the north-south alley and Long Beach Boulevard and spans the existing east-west alley known as Maple Way. It is proposed that all utilities be removed from the east-west alley and that it be vacated to become a part of the project site, as shown on Exhibit A.

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 Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective public use:

1. The proposed development is shown on Exhibit B.
2. On July 13, 2006, the Planning Commission reviewed and approved this project (concluding their review on July 20, 2006) including a determination that the subject vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. In conformance with the California Environmental Quality Act, Mitigated Negative Declaration Number ND 08-05 was certified for this project. The staff report for the general plan conformity finding for the alley vacation is included as Exhibit C.
3. The westerly 40 feet of this alley is adjacent to a parcel owned by Pacific Tower, LLC. Their property in the vicinity of this alley portion is a parking lot and no access is taken from the

ADMINISTRATION,
PLANNING & FACILITIES
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (562) 570-6383
Fax (562) 570-6012

AIRPORT
4100 Donald Douglas Dr.
Long Beach, CA 90808
Ph. (562) 570-2600
Fax (562) 570-2601

ENGINEERING & STREET
MAINTENANCE
333 W. Ocean Blvd., 9th Floor
Long Beach, CA. 90802
Ph. (562) 570-6634
Fax (562) 570-6012

ENVIRONMENTAL
SERVICES
2929 E. Willow Street
Long Beach, CA 90806
Ph. (562) 570-2850
Fax (562) 570-2861

FLEET SERVICES
2600 Temple Avenue
Long Beach, CA 90806
Ph. (562) 570-5400
Fax (562) 570-5414

TRAFFIC &
TRANSPORTATION
333 W. Ocean Blvd., 10th Floor
Long Beach, CA 90802
Ph. (562) 570-6331
Fax (562) 570-7161

east-west alley. This property owner has been notified of the proposed alley vacation and has no objection to this action.

4. This project is conditioned with a requirement to dedicate additional width for the north-south alley known as Waite Court, bringing it up to the City's 20-foot standard. The dedication is to be made on Tract Map No. 64636.
5. The interested City Departments have reviewed the proposed vacation of an east-west alley and the proposed construction of a bridge over the north-south alley and have no objections. Project conditions of approval are shown on Exhibit D. A public utility easement will be reserved until such time that all of the existing public utility facilities are removed from the area vacated.

The public hearing on this matter, to be held on January 23, 2007, will allow all persons interested in or objecting to the proposed vacation to appear and be heard. The proposed resolution of intention to vacate was prepared by Deputy City Attorney Lisa Peskay Malmsten on November 21, 2006.

TIMING CONSIDERATIONS

City Council action is requested on December 19, 2006, to allow the construction of this project to proceed on schedule.

FISCAL IMPACT

A vacation processing fee of \$2,000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

APPROVED:

GMM:SC:km
P:\CL\RW vac Lyons Res of Int CL.doc

Attachments


GERALD R. MILLER
CITY MANAGER

SKETCH NO. 958V

SKETCH SHOWING THE EAST HALF OF THE EAST-WEST ALLEY
IN THE BLOCK WEST OF LONG BEACH BOULEVARD AND
SOUTH OF THIRD STREET TO BE VACATED
BY THE CITY OF LONG BEACH.



SHOWS AREA TO BE VACATED

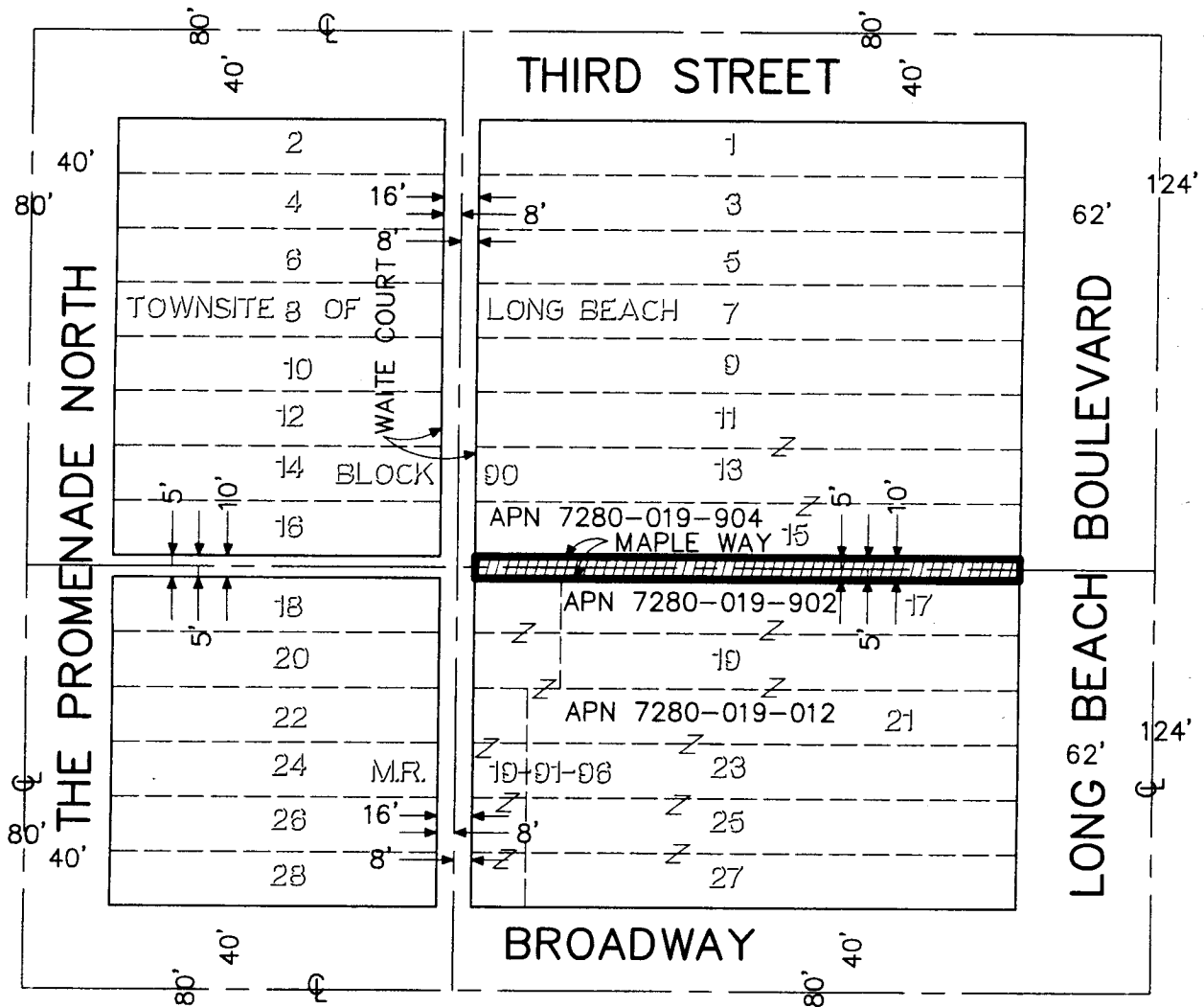


EXHIBIT A

THIRD STREET

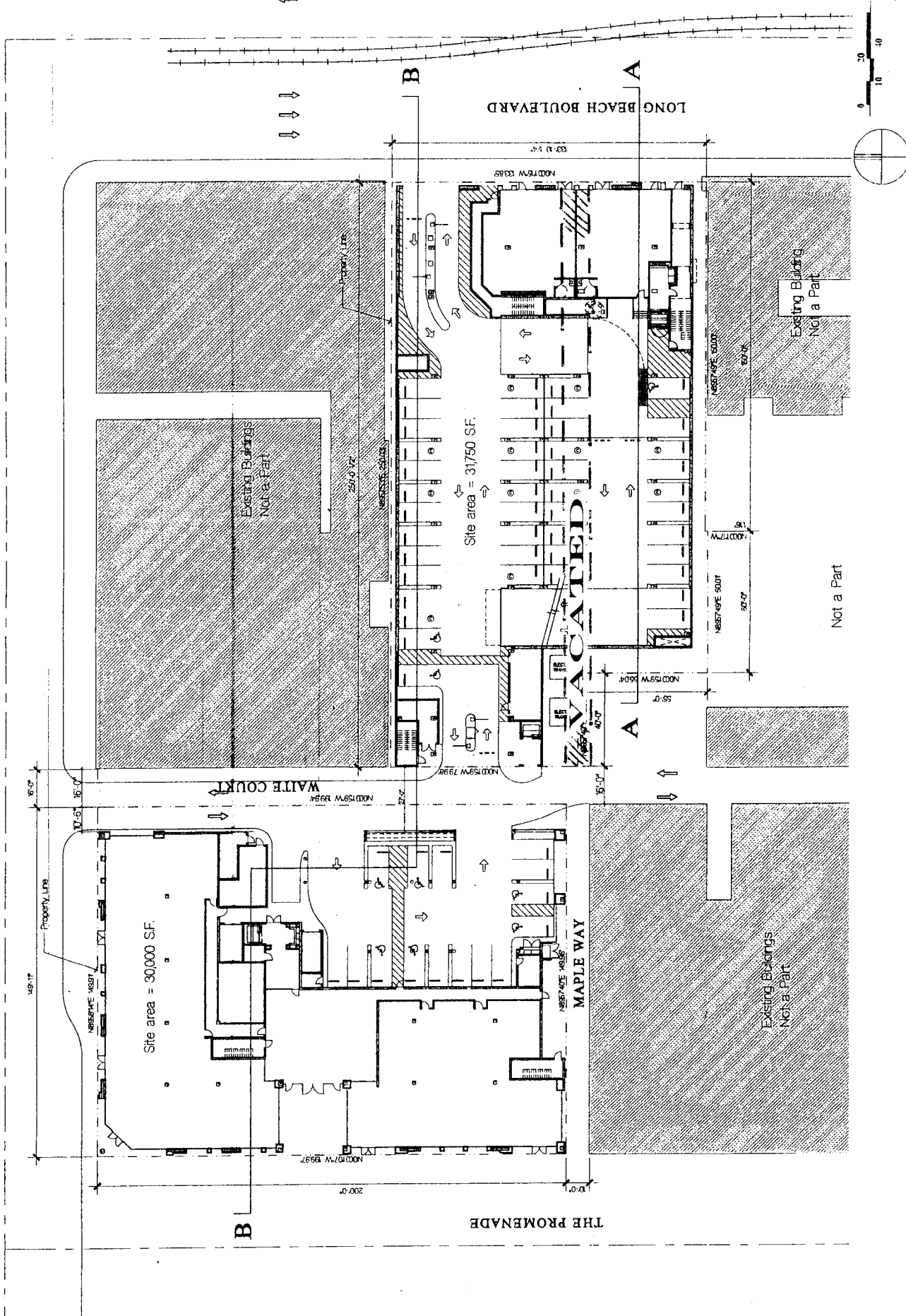


EXHIBIT B
Page 1 of 2

ARCHITECTURAL SITE PLAN

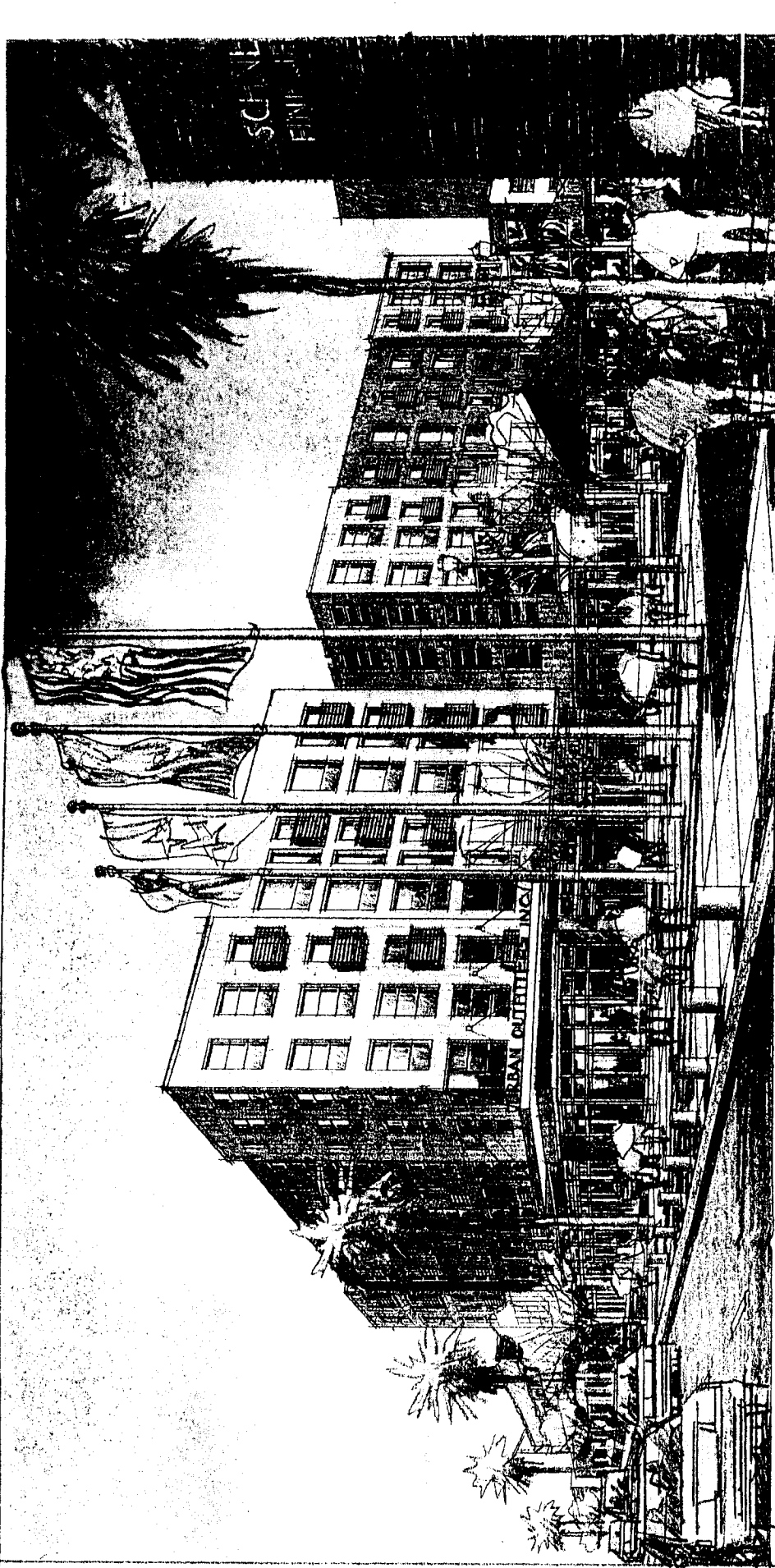


EXHIBIT B
Page 2 of 2

VIEW FROM 3RD STREET AND THE PROMENADE



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

ADVANCE PLANNING

June 15, 2006

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Finding of Conformity with the *General Plan* for an alley vacation
(Council District 2)

LOCATION: 210 E. 3rd Street

APPLICANT: Eric Donnelly
Lyon Realty Advisors

RECOMMENDATION

Find the proposed alley vacation along Maple Way, as depicted in Exhibit A, in conformance with the adopted goals and policies of the City's *General Plan*.

BACKGROUND

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 alley vacation is herein submitted for such review.

The applicant is proposing the development of 104 rental apartments with 13,461 square feet of first floor retail along Broadway, The Promenade North and Long Beach Boulevard. The project requires vacation of Maple Way from Waite Court and Long Beach Boulevard to allow for a contiguous parcel for the new parking structure.

A finding of conformity shall be made when the proposed re-use of the property conforms to the maps, goals and policies of the *General Plan*. The *General Plan* consists of eleven

elements: Land Use, Open Space and Recreation, Transportation, Noise, Scenic Routes, Conservation, Local Coastal Program, Housing, Air Quality, Public Safety, and Seismic Safety. Each element of the *General Plan* carries the same authority concerning land use issues. All elements of the *General Plan* were considered and staff finds this vacation in conformance with all the elements of the *General Plan*. A review of the relevant elements and specific *General Plan* consistency findings are presented below:

GENERAL PLAN CONSISTENCY FINDINGS

Land Use Element

The Land Use Element categorizes the City 21 land use districts which provide general guidance as to the type and density of land uses considered appropriate. The project in question is located in Land Use District (LUD) 7- Mixed Use. This district carefully blends different land uses in an effort to vitalize the City's urban structure. The proposed alley vacation and related development is consistent with this land use designation. The proposed development will add quality dwelling units to the Promenade District's housing stock and increase housing choice opportunities.

Transportation Element

A key goal of the Transportation Element is to establish a transportation system which can provide sufficient mobility for people and goods throughout the City while accommodating reasonable, balanced growth. The proposed alley vacation will not degrade circulation in the downtown region nor will it contradict any policies or objectives in the Transportation Element. The proposed development reflects the Transportation Element's intent to locate both mixed-use and high-density residential developments within walking distance of major transit stations or stops, such as the Metro Blue Line rail stations along nearby Long Beach Boulevard.

ENVIRONMENTAL REVIEW


In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (ND 08-05) was certified on July 11, 2005 by the Redevelopment Agency.

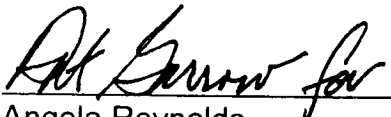
IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Find the proposed alley vacation of E. Maple Way, as depicted in Exhibit A, in conformance with the adopted goals and policies of the City's *General Plan*.

Respectfully submitted,

Suzanne Frick
DIRECTOR OF PLANNING AND BUILDING

By: 
Ira Brown
Planner

Approved: 
Angela Reynolds
Planning Officer

210 East 3rd Street.doc
SF:AR:IB

Attachment:

1. Exhibit A: Sketch depicting proposed alley space vacation

CONDITIONS OF APPROVAL

SKETCH NO. 958V

The proposal was reviewed by the interested city departments and public agencies, and there were no objections, provided that the following conditions of approval are included:

1. An easement shall be reserved for any existing utilities, which are known to include sewer and gas lines. After all of the public utility facilities are removed, this reserved easement can be quitclaimed.
2. The north-south alley adjacent to this project shall be widened from 16 to 20 feet wide, with a dedication made entirely from the parcel on the west of the alley. This dedication shall be made on the project subdivision, Tract Map No. 64636.
3. The intersections of the subject alley with Long Beach Boulevard and the north-south alley shall be reconstructed to eliminate the appearance of a public alley.
4. Any required traffic control modifications are the responsibility of the vacation petitioner, and shall be installed in the public right-of-way under a street improvement permit from the Department of Public Works.
5. The vacation petitioner shall resolve any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.

The above conditions are flexible in that they may be adjusted in consideration of changing conditions or of new evidence which occurs or becomes available prior to the adoption of the resolution vacating by the City Council.

1 RESOLUTION NO.

2
3 A RESOLUTION OF INTENTION TO VACATE A
4 PORTION OF THE EAST-WEST ALLEY IN THE BLOCK
5 WEST OF LONG BEACH BOULEVARD AND SOUTH OF
6 THIRD STREET, IN THE CITY OF LONG BEACH, COUNTY
7 OF LOS ANGELES, STATE OF CALIFORNIA, PURSUANT
8 TO THE PUBLIC STREET, HIGHWAYS AND SERVICE
9 EASEMENTS LAW (DIVISION 9, PART 3, CALIFORNIA
10 STREETS AND HIGHWAYS CODE); FIXING A TIME AND
11 PLACE FOR HEARING ALL PERSONS INTERESTED IN OR
12 OBJECTING TO THE PROPOSED VACATION

13
14 The City Council of the City of Long Beach resolves as follows:

15 Section 1. The City Council of the City of Long Beach hereby elects to
16 proceed under Division 9, Part 3, Chapter 3, of the California Streets and Highways Code,
17 as amended, generally known and referred as the "Public Street, Highways and Service
18 Easements Law", and hereby declares its intention to vacate a portion of the east-west
19 alley in the block west of Long Beach Boulevard and south of Third Street in the City of
20 Long Beach, County of Los Angeles, State of California, described more particularly as
21 follows:

22 That certain 10.00 foot wide alley lying within Block 90 of the
23 Town Site of Long Beach, in the City of Long Beach, County
24 of Los Angeles, State of California, as per map recorded in
25 Book 19, Pages 91 through 96, inclusive, of Miscellaneous
26 Records in the office of the County Recorder of said county;
27 bounded on the north by the south line of Lot 15 of said block
28 90; bounded on the south by the north line of Lot 17 of said
Block 90; bounded on the east by the southerly prolongation
of the easterly line of said Lot 15; and bounded on the west by
the southerly prolongation of the westerly line of said Lot 15,
all as shown on said map.

Reserving unto the City of Long Beach, its successors and

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

assigns a perpetual easement and right-of-way, at any time or from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, sanitary sewers and appurtenant structures, together with all necessary gates, valves, fittings, hydrants and appurtenances for the transportation of water and gas, with the right of ingress to and egress from the same, over, through, under, along and across that certain property vacated herewith; and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of telephone lines and other communication lines, and for the transportation or distribution of electric energy, and incidental purposes including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon and over the part vacated. Access for maintenance of the above-mentioned facilities must be maintained at all times. No improvements shall be constructed within the easement which would impede the operation, maintenance or repair of said facilities. Construction of any improvements, including changes of grade, shall be subject to the prior written approval of all the City departments and public utilities responsible for the above said facilities.

Sec. 2. All of the foregoing real property is shown on the map or plan thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which map or plan is known and referred to as City of Long Beach Department of Public Works Vacation Sketch No. 958V, said sketch showing a portion of the east-west alley in the block west of Long Beach Boulevard and south of Third Street to be vacated by the City of Long Beach.

Sec. 3. The City Council hereby fixes the _____ day of _____, 2006 at the hour of _____ .m., as the time and the City Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the place for hearing all persons interested in or objecting to the proposed vacation.

Sec. 4. The City Council hereby directs that notice of this street vacation be posted conspicuously along the street to be vacated at least two (2) weeks before the date set for hearing and in the manner provided by Section 8323 of the State

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 Streets and Highways Code.

2 Sec. 5. This resolution shall take effect immediately upon its adoption by
3 the City Council, and the City Clerk shall certify the vote adopting this resolution.

4 I hereby certify that the foregoing resolution was adopted by the City
5 Council of the City of Long Beach at its meeting of _____, 2006,
6 by the following vote:

7 Ayes: Councilmembers: _____

8 _____

9 _____

10 _____

11 Noes: Councilmembers: _____

12 _____

13 Absent: Councilmembers: _____

14 _____

15 _____

16 _____
17 _____
18 City Clerk

19
20
21
22
23
24
25
26 LPM:bg

27 06-05967

28 L:\APPS\CtyLaw32\WPDOCS\D014\P006\00096771.WPD

**SKETCH SHOWING THE EAST HALF OF THE EAST-WEST ALLEY
IN THE BLOCK WEST OF LONG BEACH BOULEVARD AND
SOUTH OF THIRD STREET TO BE VACATED
BY THE CITY OF LONG BEACH.**

 SHOWS AREA TO BE VACATED

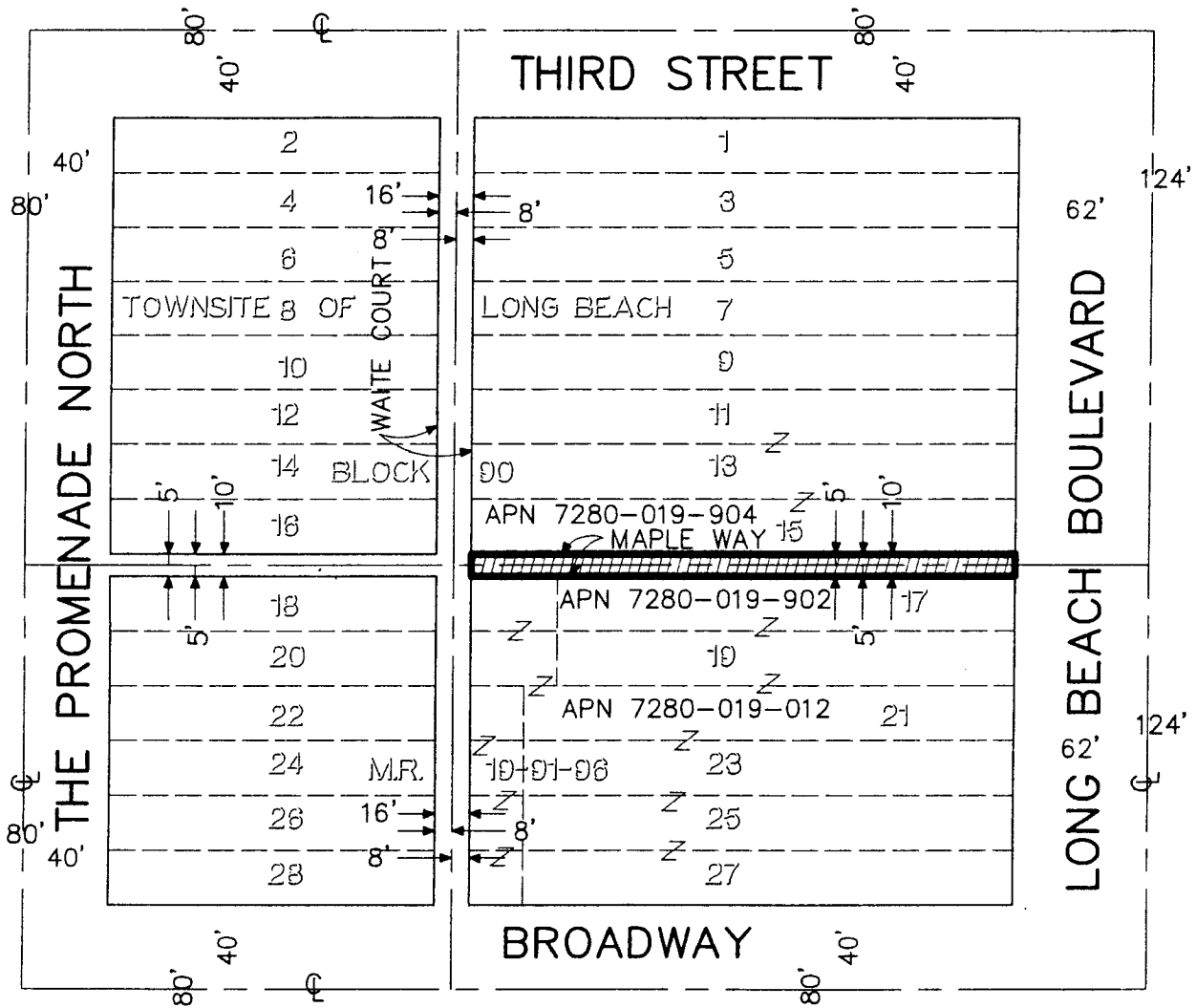


EXHIBIT A