

December 15, 2020

C-20

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to accept an easement deed from The Intex Properties South Bay Corporation, a California corporation, the owner of the property at 4000 Via Oro Avenue, for street cul-de-sac purposes;

Adopt a Resolution of Intention to vacate a portion of Via Alcalde Avenue between Via Plata Street and Carson Street and setting the date of January 19, 2021, for the public hearing on the vacation; and,

Accept Notice of Determination State Clearinghouse Number 2009071006. (District 8)

DISCUSSION

Intex Properties South Bay Corporation (Intex), located at 4000 Via Oro Avenue, owner of the 25-acre vacant land in the West Long Beach Business Park, requests the vacation of Via Alcalde, which is located on the east side of the vacant land they own, west of Interstate 710 (I-710) freeway, between Via Plata Street and Carson Street (Attachment A). Intex has plans to construct and operate a 525,000-square-foot logistics center on the vacant parcels and incorporate the portion of the vacated Via Alcalde Avenue right-of-way into their development.

The adopted I-710 freeway widening plan, known as Alternative 5C, approved by the Los Angeles Metro (Metro) Board, indicates that the additional freeway right-of-way would include some portions of the existing Via Alcalde Street right-of-way, as shown on Attachment B. Other than the area required for the future right-of-way, Metro has no need or use for Via Alcalde Avenue, now or in the future. Metro has agreed that Via Alcalde does not need to be moved or replaced for the planned freeway expansion to occur. The timing for the freeway expansion is indefinite. According to Metro, the expansion may not occur for another 20-30 years or more, if at all. In the interim, the vacated Via Alcalde Avenue right-of-way property would be incorporated into the Intex project and intended to be used for truck and trailer staging and short-term parking.

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 Public Works Department supports this vacation based on findings that this portion of Via Alcalde Avenue is unnecessary as a vehicular or pedestrian thoroughfare. The Department of Public Works requests adoption of a Resolution of Intention to vacate in relation to the vacation described above.

Additionally, to avoid creating dead-end streets where Carson Street and Via Plata ends at the vacated portion of Via Alcalde, staff recommend that the vacation be conditioned on the dedication of a cul-de-sac for vehicles to safely turnaround (Attachment C). The Department of Public Works seeks authorization to accept a Dedication of Easement for street cul-de-sac purposes.

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 D). The Department of Public Works requests acceptance of Notice of Determination State Clearinghouse Number 2009071006.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on November 18, 2020 and by Budget Analysis Officer Julissa José-Murray on November 15, 2020.

TIMING CONSIDERATIONS

City Council action is requested on December 15, 2020, to set the public hearing date on this matter for January 19, 2021.

FISCAL IMPACT

A tentative vacation processing fee in the amount of \$11,677, was deposited in the General Fund Group in the Public Works Department. Also, it is anticipated that the final fee in the amount 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.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

EL:JH:BP::II

ATTACHMENTS: RESOLUTION OF INTENT TO VACATE
A – VACATION SKETCH
B – I-710 EXPANSION PLAN
C – STREET CUL-DE-SAC PLAN
D – PLANNING COMMISSION STAFF REPORT FINDING

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF INTENTION TO VACATE A PORTION OF VIA ALCALDE AVENUE, BETWEEN VIA PLATA STREET AND CARSON STREET, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PURSUANT TO THE PUBLIC STREET, HIGHWAYS AND SERVICE EASEMENTS LAW (DIVISION 9, PART 3, CALIFORNIA STREETS AND HIGHWAYS CODE); FIXING A TIME AND PLACE FOR HEARING ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED VACATION

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

Section 1. The City Council of the City of Long Beach hereby elects to proceed under Division 9, Part 3, Chapter 3, of the California Streets and Highways Code (Section 8320 *et seq.*), as amended, generally known and referred as the "Public Street, Highways and Service Easements Law", and hereby declares its intention to vacate a portion of Via Alcalde Avenue, between Via Plata and Carson Street, in the City of Long Beach, County of Los Angeles, State of California, as described on the attached Exhibit "A", and as shown on the attached Exhibit "B".

Section 2. Easement Reservations: Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way for emergency access, and 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, storm drains 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

1 egress from the same, over, through, under, along and across that certain property
2 vacated herewith; and pursuant to any existing franchises or renewals thereof, or
3 otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of
4 conduits, cables, wires, poles and other convenient structures, equipment and fixtures for
5 the operation of telephone lines and other communication lines, and for the transportation
6 or distribution of electric energy, and incidental purposes including access and the right to
7 keep the property free from inflammable materials, and wood growth, and otherwise
8 protect the same from all hazards in, upon and over the part vacated. Access for
9 maintenance of the above-mentioned facilities must be maintained at all times. No
10 improvements shall be constructed within the easement which would impede the
11 operation, maintenance or repair of said facilities. Construction of any improvements,
12 including changes of grade, shall be subject to the prior written approval of all the City
13 departments and public utilities responsible for the above said facilities.

14 Section 3. All of the foregoing real property is shown on the map or plan
15 thereof, attached hereto as Exhibit "C", and on file in the office of the City Clerk, which
16 map or plan is known and referred to as "City of Long Beach Department of Public Works
17 Vacation Sketch No. 1030V".

18 Section 4. The City Council hereby fixes January 19, 2021 at the hour of
19 5:00 p.m., as the time and the Civic Chamber, 411 West Ocean Boulevard, in the City of
20 Long Beach, California, as the place for hearing all persons interested in or objecting to
21 the proposed vacation, or via teleconference pursuant to Executive Order N-29-20 issued
22 by Governor Gavin Newsom. The public will have the option to use e-comment to
23 provide comments and written comments may also be submitted by email to
24 cityclerk@longbeach.gov.

25 Section 5. The City Council hereby directs that notice of said hearing on
26 this proposed street vacation be published for at least two (2) successive weeks prior to
27 the hearing and in the manner provided by Section 8322 of the State Streets and
28 Highways Code.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona Beach, CA 90802-4664

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Section 6. The City Council hereby directs that notice of this street vacation be posted conspicuously along the street proposed 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 Streets and Highways Code.

Section 7. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2020 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION FOR
STREET VACATION PURPOSES

That strip of land in the City of Long Beach, County of Los Angeles, State of California, being a portion of Via Alcalde Avenue, as shown per Tract Map No. 27358, recorded in Book 908 of Maps at Pages 82 through 84, inclusive, in the Office of the County Recorder of said County, as amended by a Certificate of Correction recorded as Instrument No. 79-436143 on April 23, 1979 and as Instrument No. 81-770804 on July 31, 1981, both of Official Records of said County, described as follows:

COMMENCING at the intersection of the centerline of Carson Street with the centerline of Via Oro Avenue, as shown by said Tract Map No. 27358;

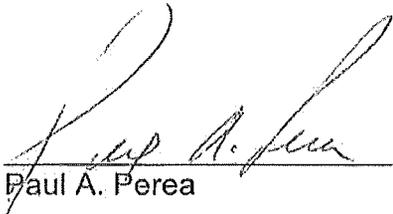
Thence along said centerline of Carson Street North $89^{\circ}50'56''$ East, 863.96 feet; Thence leaving said centerline North $00^{\circ}09'04''$ West, 112.27 feet to the Westerly Line of said Via Alcalde Avenue, being the **POINT OF BEGINNING**; Thence South $43^{\circ}28'34''$ East, 62.44 feet, to the Easterly Line of said Via Alcalde Avenue, being a non-tangent curve concave northwesterly, having a radius of 348.00 feet; Thence along said Easterly line through an angle of $36^{\circ}34'52''$, an arc length 222.18 feet (the initial radial line bears South $43^{\circ}28'34''$ East); Thence continuing along said Easterly line North $09^{\circ}56'34''$ East, 40.82 feet; Thence continuing along said Easterly line North $03^{\circ}15'09''$ East, 206.15 feet, to a non-tangent curve concave easterly, having a radius of 4068.00 feet; Thence continuing along said Easterly line through an angle of $10^{\circ}22'49''$, an arc length 737.00 feet (the initial radial line bears North $87^{\circ}32'14''$ West); Thence continuing along said Easterly line North $12^{\circ}50'35''$ East, 74.36 feet, to a tangent curve concave westerly, having a radius of 105.00 feet; Thence continuing along said Easterly line through an angle of $90^{\circ}00'00''$, an arc length 164.93 feet, to an angle point therein (the initial radial line bears South $77^{\circ}09'25''$ East); Thence South $12^{\circ}50'35''$ West, 56.00 feet, to said Westerly Line of via Alcalde Avenue, being a tangent curve concave Southwesterly, having a radius of 47.00 feet; Thence along said Westerly line through an angle of $90^{\circ}00'00''$, an arc length 73.83 feet, (the initial radial line bears North $12^{\circ}50'35''$ East); Thence continuing along said Westerly line South $12^{\circ}50'35''$ West, 76.36 feet, to a tangent curve concave southeasterly, having a radius of 4126.00 feet; Thence continuing along said Westerly line through an angle of $09^{\circ}35'26''$, an arc length 690.64 feet, (the initial radial line bears North $77^{\circ}09'25''$ West); Thence continuing along said Westerly line South $03^{\circ}15'09''$ West, 249.68 feet, to a tangent curve concave westerly, having a radius of 300.00 feet; Thence continuing along said Westerly line through an angle of $43^{\circ}58'05''$, an arc length 230.22 feet, to the **POINT OF BEGINNING**, (the initial radial line bears South $86^{\circ}44'51''$ East).

The above described parcel of land contains 80,636 square feet and/or 1.85 acres, more or less.

See Exhibit "B" for a plat depicting the above described land, for reference only.

Subject to covenants, conditions, restrictions, reservations, rights-of-way and easements of record, if any.

The real property descriptions have been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.


Paul A. Perea L.S. 6199

02/07/19
Date



17782 17th Street Suite 200
Tustin California 92780-1947
Phone: 714.665.4500

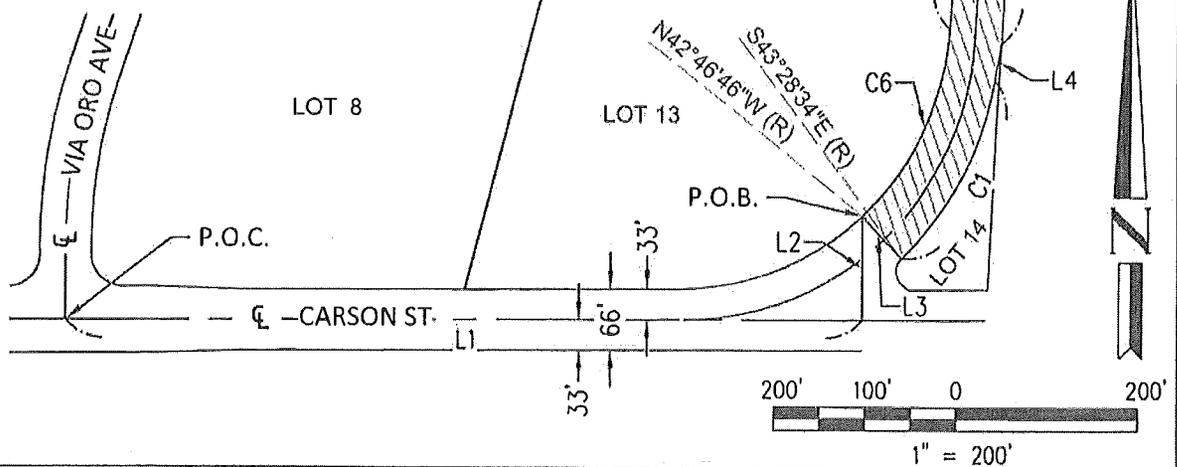
**DAVID EVANS
AND ASSOCIATES INC.**

EXHIBIT "B"

SHEET 1 OF 1

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N89°50'56"E	863.96'
L2	N00°09'04"W	112.27'
L3	S43°28'34"E	62.44'
L4	N09°56'34"E	40.82'
L5	N03°15'09"E	206.15'
L6	N12°50'35"E	74.36'
L7	S12°50'35"W	56.00'
L8	S12°50'35"W	76.36'
L9	S03°15'09"W	249.68'

CURVE TABLE				
CURVE	ANGLE	LENGTH	RADIUS	TANGENT
C1	36°34'52"	222.18'	348.00'	115.03'
C2	10°22'49"	737.00'	4068.00'	369.51'
C3	90°00'00"	164.93'	105.00'	105.00'
C4	90°00'00"	73.83'	47.00'	47.00'
C5	9°35'26"	690.64'	4126.00'	346.13'
C6	43°58'05"	230.22'	300.00'	121.11'



17782 17th Street Suite 200
Tustin California 92780-1947
Phone: 714.665.4500

**DAVID EVANS
AND ASSOCIATES INC.**

PUBLIC STREET VACATION FOR VIA ALCALDE AVENUE

CITY OF LONG BEACH, COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

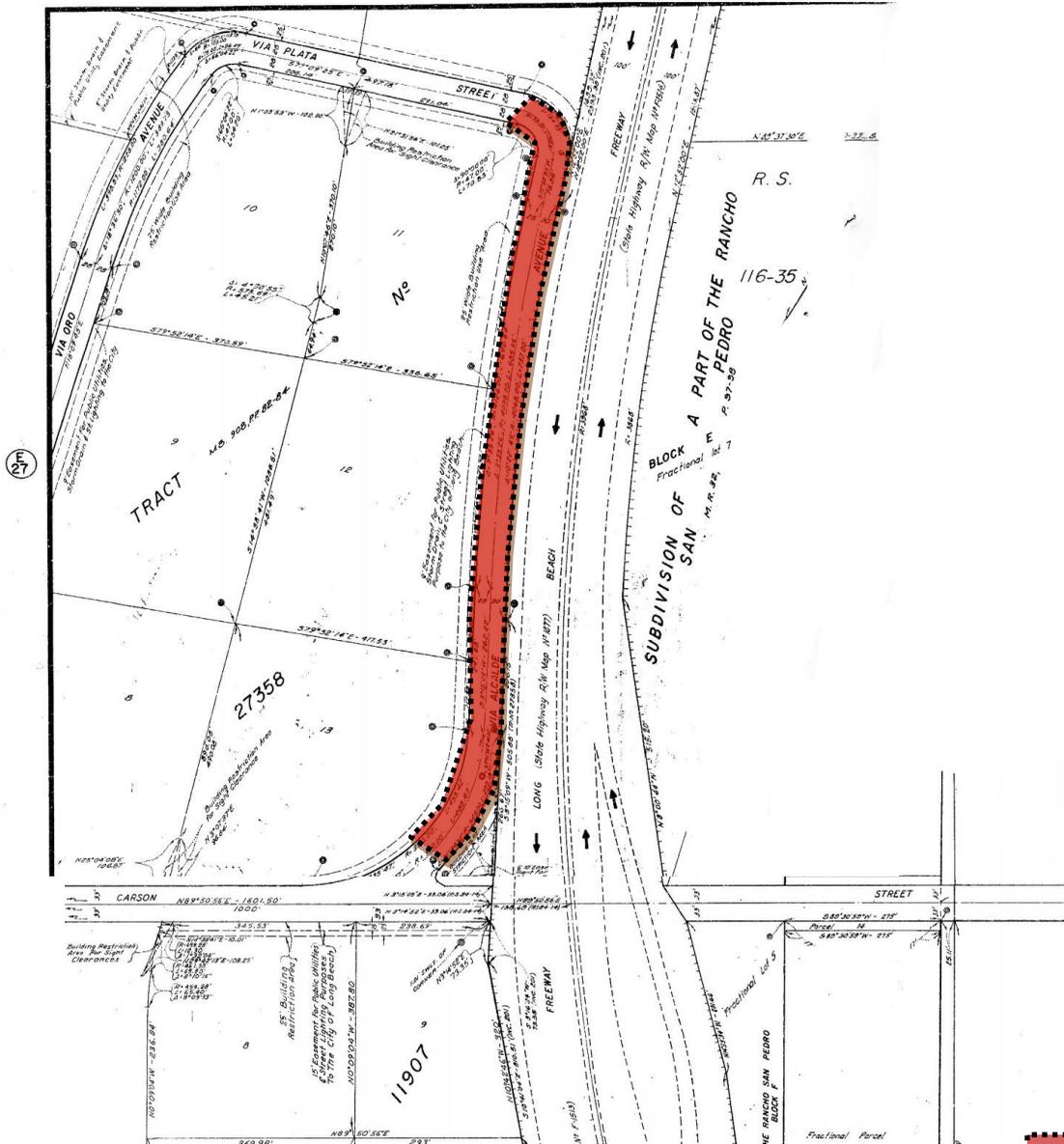
DESIGNED: PAPE
DRAWN: OER
CHECKED: PAPE

ITXP00003001

DATE:
09-06-2018

Drawing Name: P:\ITXP00003001\0400CAD\SV\SHEETS\Legal and Plots\Vacation\SV-ITXP3001-20180906 Exhibit-Alcalde.dwg
 Last Opened: Sep 07, 2018 - 6:10am by: rht

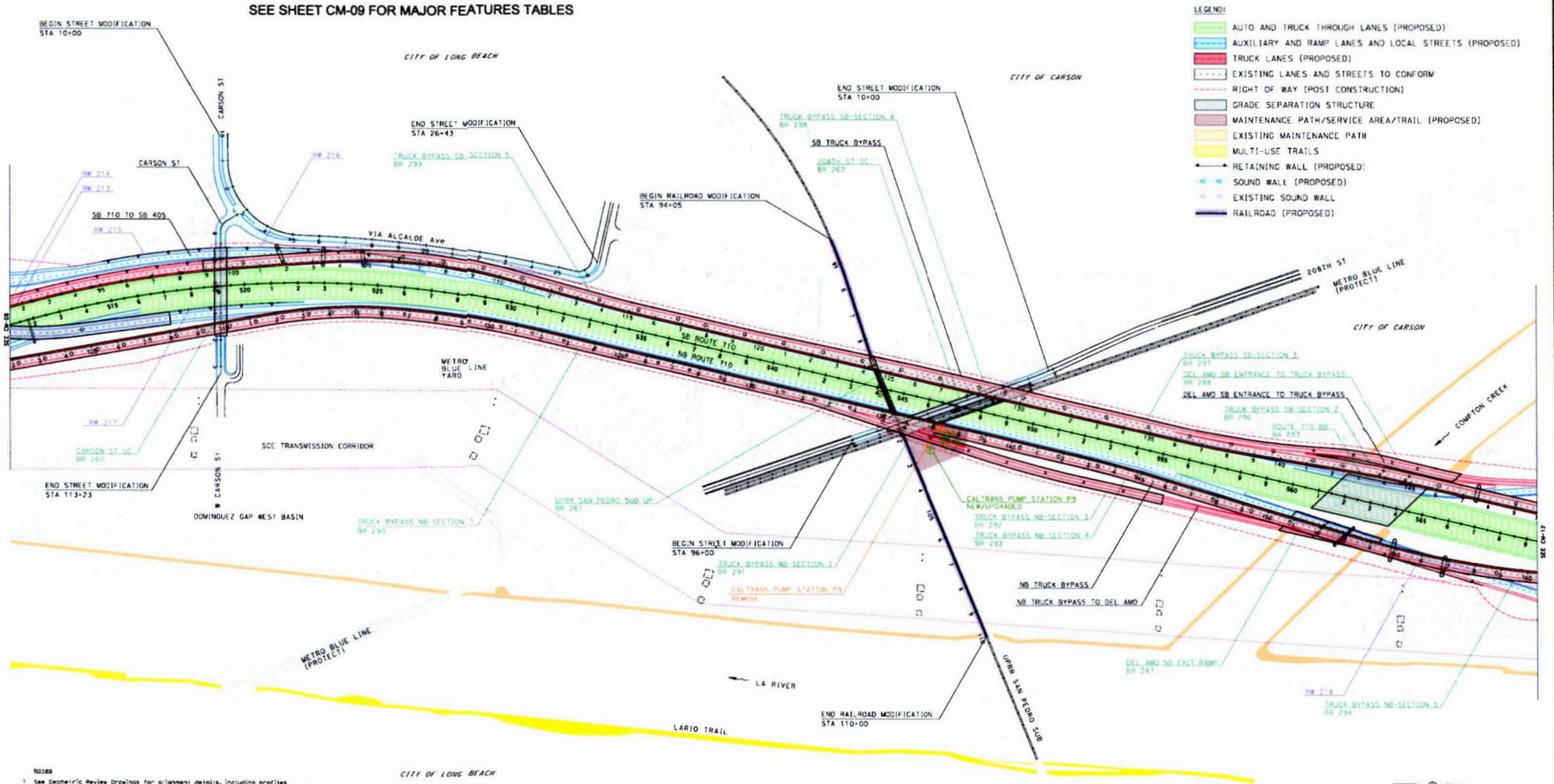
SKETCH NO. 1030V
SKETCH SHOWING PORTION OF VIA ACALDA
AVENUE WITHIN TRACT 27358 TO BE VACATED BY
THE CITY OF LONG BEACH



 SHOWS AREA TO BE VACATED

DEPARTMENT OF PUBLIC WORKS
ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA
EXHIBIT C

SEE SHEET CM-09 FOR MAJOR FEATURES TABLES



- LEGEND:**
- AUTO AND TRUCK THROUGH LANES (PROPOSED)
 - AUXILIARY AND RAMP LANES AND LOCAL STREETS (PROPOSED)
 - TRUCK LANES (PROPOSED)
 - EXISTING LANES AND STREETS TO CONFORM
 - RIGHT OF WAY (POST CONSTRUCTION)
 - GRADE SEPARATION STRUCTURE
 - MAINTENANCE PATH/SERVICE AREA/TRAIL (PROPOSED)
 - EXISTING MAINTENANCE PATH
 - MULTI-USE TRAILS
 - RETAINING WALL (PROPOSED)
 - SOUND WALL (PROPOSED)
 - EXISTING SOUND WALL
 - RAILROAD (PROPOSED)

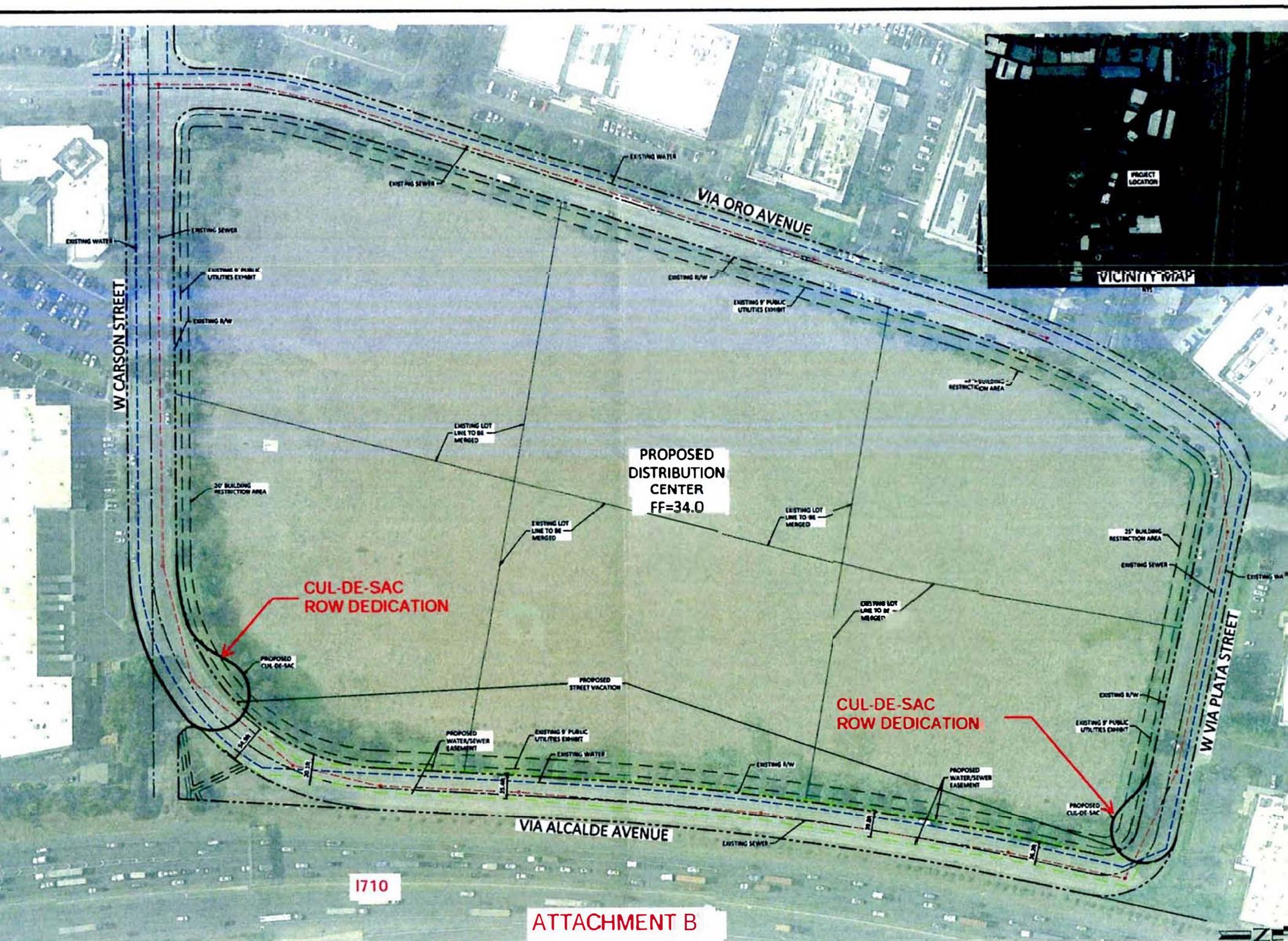
- NOTES**
- 1 See Geometric Review Drawings for alignment details, including profiles and subelevation diagrams, typical cross sections, and non-standard features.
 - 2 See Right of Way Maps for right of way requirements and parcel data.
 - 3 See Hydrology Study and Storm Water Best Management Practices Report for drainage and water treatment details.
 - 4 See Utility Maps and Reports for alignment and allocation of existing utilities.
 - 5 See Flood Control Facilities Report for disposition of major channel structures and facilities.
 - 6 In addition to the State of California, regulatory jurisdictions include the County of Los Angeles and the City of Long Beach.

SCALE 1"=100'

**I-710 CORRIDOR
METRO/UPRR CROSSING
ALTERNATIVE 5C**

COMPOSITE MAP

MARCH 2017 CM-11



1710

ATTACHMENT B

STREET VACATION EXHIBIT - UNITEX SOUTH BAY LOGISTICS CENTER

August 6, 2020

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Find the proposed vacation of Via Alcalde Avenue in conformance with the adopted goals and policies of the City's General Plan (GPCC19-002) (District 8).

APPLICANT: Jeffrey Pierson for Intex Corp.
4001 Via Oro Avenue
Long Beach, CA 90810
(Application No. 1805-03)

DISCUSSION

The applicant requests a finding of conformance with the General Plan of the City of Long Beach for the vacation of Via Alcalde Avenue between West Carson Street and Via Plata Street. Via Alcalde Avenue is a north-south vehicular public street approximately 58 feet wide, located directly east of an approximately 20-acre vacant development site owned by the applicant (Intex), and directly west of the I-710 Long Beach Freeway (Exhibit A - Vicinity Map), making Via Alcalde Avenue essentially a frontage road between the freeway and the development site. The applicant requests the City to vacate essentially the entire segment of Via Alcalde Avenue, with a length of roughly 1,300 feet (Exhibit B - Vacation Legal Exhibits). This vacated right-of-way would then be merged to the applicant's property and become part of the site.

The applicant currently is pursuing the vacation application with the Public Works Department, which process requires the requested General Plan Conformity Finding before it may proceed further. The applicant previously has submitted a Conceptual Site Plan Review (CSPR) application to the Planning Bureau for the development of a fulfillment center and corporate office totaling approximately 510,000 square feet on the development site (Exhibit C - Conceptual-only Development Plans). This CSPR application has been reviewed and commented on by the Planning Bureau, and the applicant must either obtain the requested vacation, or revise the proposed development plan to include the Via Alcalde right-of-way in the site plan before the development proposal can proceed further.

The development site, addressed as 4000 Via Oro Avenue, currently has street access on four sides: from Via Oro Avenue on the west, Via Plata Street on the north, the subject Via Alcalde



CHAIR AND PLANNING COMMISSIONERS

August 6, 2020

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Avenue on the east, and West Carson Street on the south. The development site is composed of six lots, Lots 8, 9, 10, 11, 12, and 13 (Parcels 33, 18, 19, 20, 21, and 22,) one of which (Lot 12/Parcel 21) would become landlocked if Via Alcalde were vacated. For that reason, a Lot Merger will be required, to merge all six lots of the development site, following approval of this General Plan Conformity Finding, and prior to finalization of vacation proceedings by the Public Works Department. With the Lot Merger completed, Via Alcalde Avenue will not be required for any access to the development site, and does not provide access to any other property, and therefore would not be required for public purposes. Following successful completion of the Lot Merger and vacation, the proposed development will come before the Planning Commission for a Site Plan Review entitlement.

The Via Alcalde right-of-way in question abuts the I-710 Long Beach Freeway. Portions of the Via Alcalde right-of-way may be required for future expansion of the I-710 freeway as part of the I-710 Corridor Project, which is being undertaken by Metro (LACMTA), Caltrans, the Gateway Cities Council of Governments, the I-5 Consortium Cities Joint Powers Authority, the Port of Long Beach, the Port of Los Angeles, and the Southern California Association of Governments. The current design of the I-710 Corridor Project has been in the planning and CEQA/environmental report stages since June 2012, and it was anticipated that the CEQA process would be concluded in Spring 2020, with initial work potentially beginning in Summer 2020. The project contains multiple alternatives, some of which would require a portion of the Via Alcalde right-of-way for freeway expansion, and some of which would not. It is not currently known which alternative will be selected. As a condition of the vacation of Via Alcalde Avenue, the City's Public Works Department will require the applicant to agree, via an appropriate legal instrument, to retrocede all or part of the vacated right-of-way at no cost to the City if it is required for the I-710 Corridor Project. The applicant has agreed to this condition, which will be finalized prior to City Council approval of the vacation (Exhibit D – Conditions of Approval). The applicant's site plan for the development site also is designed to reflect this possibility, with the Via Alcalde vacation portion of the site plan used only for automobile parking, and truck trailer and chassis parking, turning, and storage. Additionally, the project will meet code-required minimums for all development standards without the Via Alcalde vacation included in the site plan, in case that area of the site is to be retroceded.

GENERAL PLAN CONSISTENCY FINDINGS

Before an application for the vacation of public right-of-way can go before the City Council, a finding of conformity with the maps and policies of the Long Beach General Plan must be made by the Planning Commission. The General Plan consists of thirteen (13) elements; each element carries the same authority concerning land use issues. Staff reviewed this project's conformance with all elements of the General Plan, and the proposed vacation was found to be in conformance with all applicable elements. A review of the relevant elements and specific General Plan consistency findings are presented below.

Land Use Element

The Land Use Element (LUE) divides the City into 14 land use districts, which provide general guidance as to the appropriate type and density of land uses. Via Alcalde Avenue and the development site are located within the Industrial (I) PlaceType of the LUE. The LUE states that the Industrial PlaceType is intended for industrial uses and activities; this includes the

CHAIR AND PLANNING COMMISSIONERS

August 6, 2020

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warehousing and logistics-type use that is being considered by the developer for this site. The vacated Via Alcalde Avenue right-of-way will become part of the development site under the same LUE PlaceType and home to the same land uses.

According to the LUE, a subdivision approval (which category would include the proposed vacation) is considered consistent with the LUE when the density of the proposed subdivision meets the PlaceTypes commercial/industrial intensity. In this case, the vacation of the public street to become part of the development site would be consistent, as the intensity of the proposed development is consistent with the LUE. While the development project has not yet been submitted for entitlements, through the Conceptual Site Plan Review it has been preliminarily found consistent, and any development to be recommended for approval will be required to be consistent with the LUE. Further, the LUE states that a development project is considered consistent when the proposed development carries out the policies of the LUE and fulfill the intent of the PlaceType density and intensity levels. Again, while the development project itself has not yet been submitted for entitlements, it has been preliminarily found to be consistent in concept. Therefore, approval of the vacation of Via Alcalde Avenue, which would then become part of the future development site, is consistent with the Land Use Element of the General Plan.

Mobility Element

The City's Mobility Element is aimed at transforming Long Beach into a city of flexible, convenient, affordable, and energy-efficient transportation options for residents and visitors alike. The public street to be vacated has been found by the Department of Public Works as no longer necessary for present or prospective public use or convenience. Existing rights-of-way (Via Oro Avenue, Via Plata Street, and West Carson Street) provide adequate vehicular and pedestrian access to the development site. Vacation of Via Alcalde Avenue would therefore not prove detrimental to the movement of people and goods to the subject site, and Via Alcalde Avenue provides no through traffic or connectivity to any other property. In the event that all or part of the Via Alcalde right-of-way is needed for the I-710 Corridor Project, the terms of the City Council's approval of the vacation will require the applicant to retrocede the needed right-of-way at no cost to the City.

PUBLIC HEARING NOTICE

A General Plan Conformity Certification does not require a public hearing or public noticing. However, the Department of Public Works conducts a public notification for the vacation in accordance with State law, as the vacation is processed.

ENVIRONMENTAL REVIEW

This action to make a finding of conformance with the General Plan is not a project under the California Environmental Quality Act (CEQA), per Section 15378 of the CEQA Guidelines, and no environmental review is required. Separate CEQA review will be required for any development proposal that moves forward at this site.

