



December 8, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution of intention to vacate Daisy Avenue and the alleys bounded by Third Street, Broadway, Maine and Magnolia Avenues, and set a date for a public hearing on the vacation for January 5, 2010. (District 1)

DISCUSSION

The State of California (State) proposes to build a new regional courthouse on a 5.9-acre parcel of land bounded north to south by Third Street and Broadway, and bounded east to west by Magnolia and Maine Avenues. State requests the vacation of all of the public rights-of-way within this parcel as shown on the attached Exhibit A. City Council review of the proposed courthouse development occurred on March 24, 2009, as reflected on the attached Exhibit 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. 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. On March 24, 2009, City Council heard a report on the development of a regional courthouse and authorized the City Manager to commence proceedings for the necessary street and alley vacation (Exhibit B).
2. In conformance with the California Environmental Quality Act, Mitigated Negative Declaration Number 2009051102 was prepared by the lead agency on the State Courthouse Project, the Administrative Office of the Courts (AOC), and reviewed and accepted by the City of Long Beach Redevelopment Agency on August 17, 2009.
3. On November 19, 2009, the Planning Commission made a determination of General Plan Conformity for the vacation of streets and alleys as described in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law (Exhibit C).

4. The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. Conditions of approval, satisfying the concerns of the public utility companies, are shown on Exhibit D.

The public hearing on this matter to be held on January 5, 2010, 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 Linda Trang on November 19, 2009.

This matter was reviewed by Deputy City Attorney Linda Trang on November 18, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on November 18, 2009.

TIMING CONSIDERATIONS

City Council action is requested on December 8, 2009 in order to allow the construction of the courthouse to proceed on schedule.

FISCAL IMPACT

A vacation processing fee of \$9,923 was deposited in the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:


Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:



PATRICK H. WEST
CITY MANAGER

MPC:MAC:sc
p:cl/ROW Daisy courthouse vacation

Exhibit A – Site Map
Exhibit B – CL dated March 24, 2009
Exhibit C – Letter to Planning Commission dated November 19, 2009
Exhibit D – Conditions of Approval
Resolution

SITE MAP

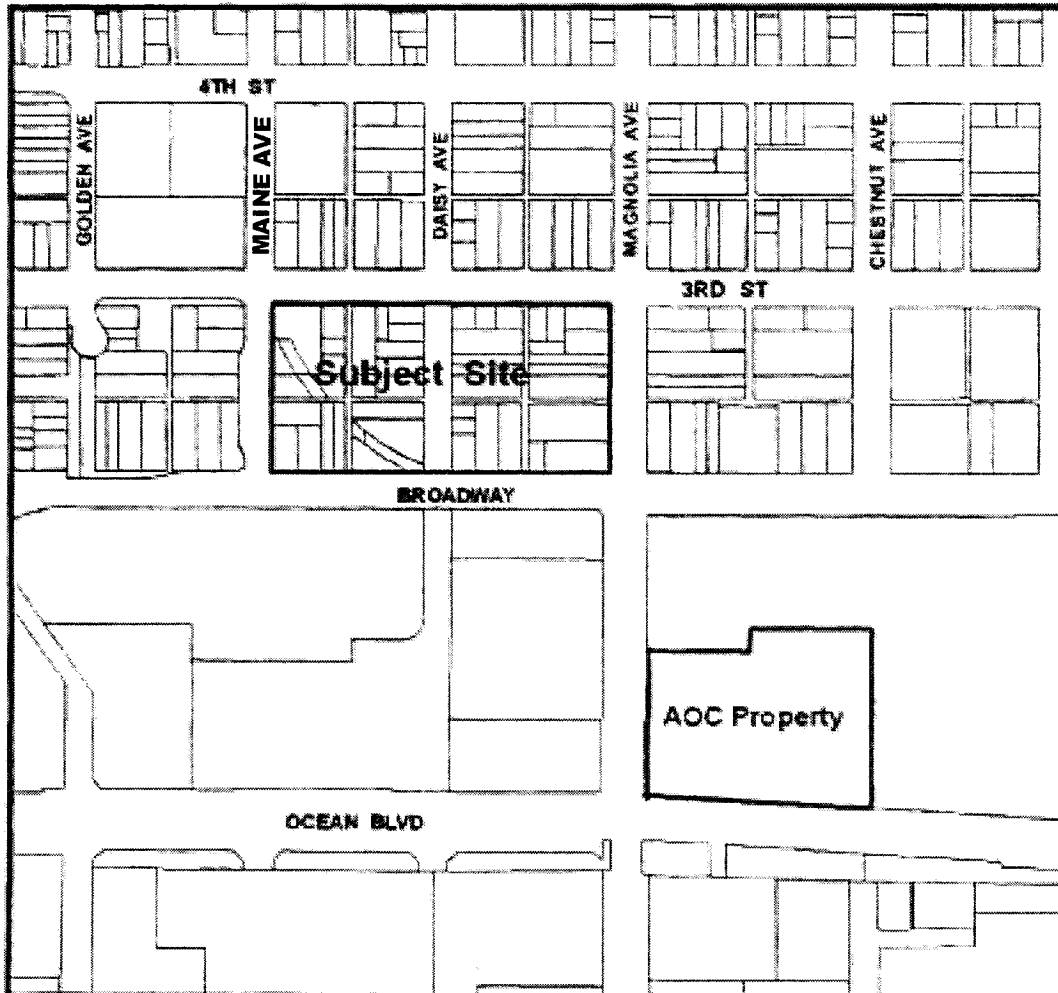
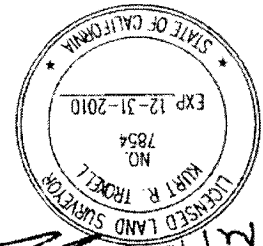
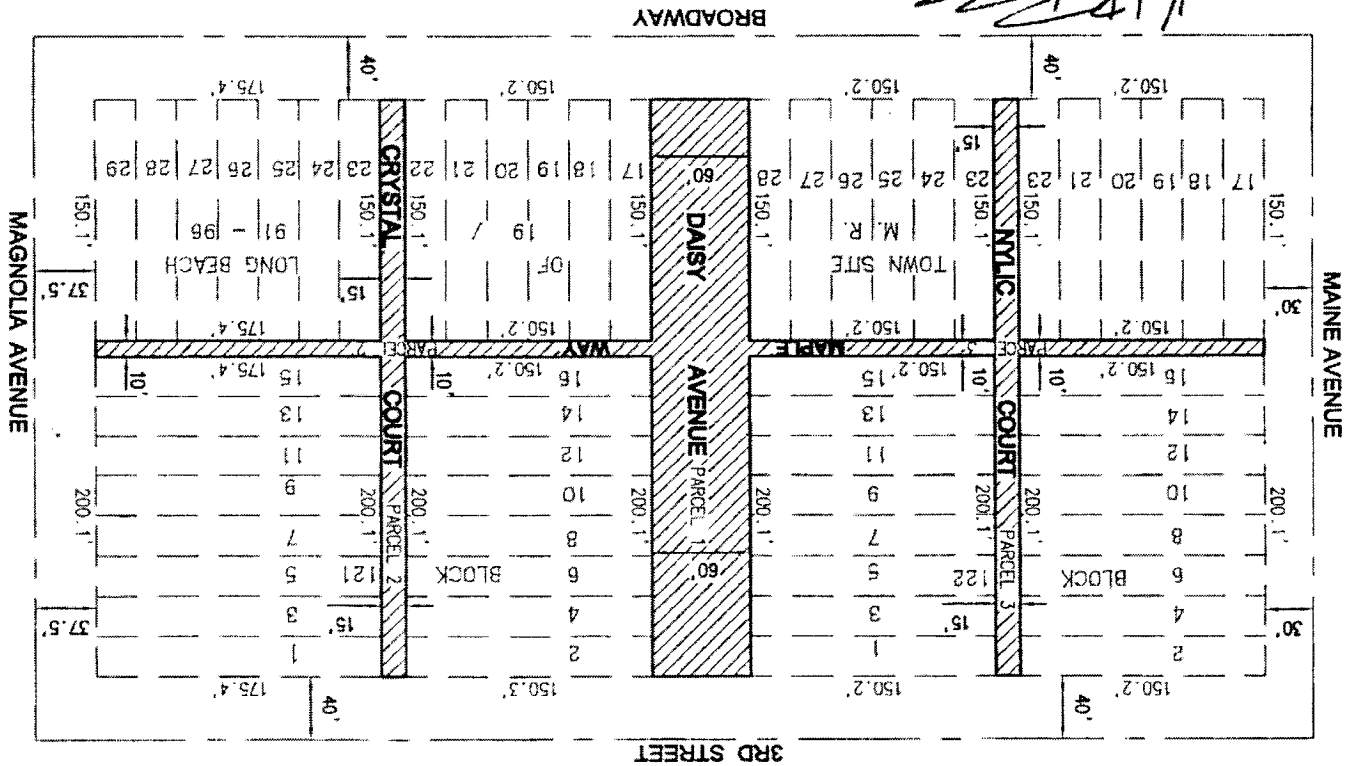


EXHIBIT A Page 2 of 2



INDICATES AREA TO BE VACATED
CONTAINING 38,683 S.F. ±





CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

R-15

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 Phone: 570.6428 Fax: 570.6205

March 24, 2009

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach

California

RECOMMENDATION:

Receive and file a report on the development of a regional courthouse in downtown Long Beach and authorize the City Manager to commence proceedings to vacate a portion of Daisy Avenue. (Districts 1 and 2)

DISCUSSION

On June 2, 2008, the Redevelopment Agency (Agency) approved an Agreement to Negotiate Exclusively with the Judicial Council of California, acting through the Administrative Office of the Courts (AOC), for the development of a new regional courthouse in downtown Long Beach. Through subsequent negotiations, both parties committed to outline the terms of the courthouse development in a Letter of Intent (LOI), which will be the framework for a Property Exchange Agreement (Agreement) that will memorialize the transaction. The LOI was approved by the Agency on February 2, 2009.

The proposed courthouse building is approximately 480,000 square feet and contains 31 civil and criminal courtrooms. There will also be approximately 63,000 square feet of county office space; 38,000 square feet of commercial office space; and 9,200 square feet of retail space. A secure vehicle sallyport, central in-custody holding, and 35 secure parking spaces are proposed below grade.

To accommodate the development, the AOC and Agency staff are in the process of preparing an exchange agreement outlining the terms of the LOI. Two key elements include exchanging the AOC-owned site of the existing courthouse at 415 West Ocean Boulevard for the Agency-owned property bounded by Broadway, Maine Avenue, 3rd Street, and Magnolia Avenue (Exhibit A – Site Map); and the vacation of a portion of Daisy Avenue between Broadway and 3rd Street. Commencement of proceedings for the vacation of that portion of Daisy Avenue is necessary, in order to ensure that the development timelines are met. The hearing on the proposed vacation will not occur until such time the Agreement is finalized and approved.

As an update, the AOC recently released a Request for Qualifications to invite interested development teams to submit and substantiate their qualifications in connection with a

EXHIBIT B

Page 1 of 2

performance-based infrastructure transaction for the development, construction, and operation of a new courthouse in Long Beach. Respondents are being evaluated and a short list is expected to be released by the end of the month. Selected respondents will be invited to participate in the Request for Proposals process that is currently scheduled for the third quarter of 2009.

This letter was reviewed by Chief Assistant City Attorney Heather A. Mahood on February 24, 2009 and by Budget Management Officer Victoria Bell on March 4, 2009.

TIMING CONSIDERATIONS

City Council action is requested on March 24, 2009, in order to facilitate project design and planning.

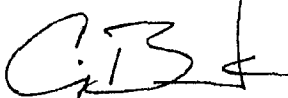
FISCAL IMPACT

There is no fiscal impact to the General Fund related to the vacation of Daisy Avenue or for the development of the Courthouse.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

Attachment: Exhibit A – Site Map

APPROVED:

CB:AJB:DSW:JMV
P:\Redev\City Council Letters\CC Courthouse5.doc


PATRICK H. WEST
CITY MANAGER



AGENDA ITEM

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

November 19, 2009

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve finding of conformity with the adopted General Plan for several public right-of-way vacations bounded by Broadway, 3rd Street, Magnolia Avenue, and Maine Avenue. (District 1)

APPLICANT:

City of Long Beach Redevelopment Agency
333 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
(Application No. 0910-07)

BACKGROUND

The subject rights-of-way are located north of Broadway, south of 3rd Street, east of Magnolia Avenue, and west of Maine Avenue (Exhibit A – Location Map). The vacations, all located within a 5.92-acre project site, consist of one block of 60-foot-wide Daisy Avenue; two blocks of an existing 655-linear-foot, 10-foot-wide east-west alley; one block of an existing 360-linear-foot, 15-foot-wide north-south alley on the eastern half of the project site; and one block of an existing 360-linear-foot, 15-foot-wide north-south alley on the western half of the project site.

Proposed vacations are necessary for the construction of a new 545,000-square-foot regional courthouse consisting of 31 civil and criminal courtrooms and related accessory uses. The Long Beach City Council and State Public Works Board have previously approved a real property exchange agreement between the City's Redevelopment Agency and the State's Administrative Office of the Courts (AOC). The agreement focuses on the vacant subject site in exchange for the existing, State-owned courthouse property located at 415 W. Ocean Boulevard.

DISCUSSION

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 General Plan consists of 11 elements, each possessing equal authority on land use matters. A review

EXHIBIT C

Page 1 of 2

of the two relevant elements and specific General Plan consistency findings are presented as follows:

Land Use Element

The subject site in its entirety is designated Land Use District (LUD) No. 7, Mixed Uses. Land uses permitted in this district include employment centers and those that elevate the importance of a particular site within the urban structure of the City; both are aims achieved by the courthouse project. As such, the vacations and resulting courthouse project are not in conflict with the goals set forth in the Land Use Element.

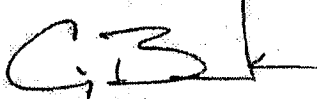
Transportation Element

According to the Transportation Element's "Base Year Level of Service – Downtown" map (Figure 5b), the portion of Daisy Avenue that lies within the project site is identified as having a Volume/Capacity Ratio of less than 0.9, meaning, at worst, intersections are "functional," and at best traffic operations are "uncongested." Given this data revealing relatively low vehicle traffic figures on Daisy Avenue, the street (and adjacent alley) vacations will not figure to create a significant increase in traffic to the road network abutting the project site. A conformity finding with regards to the Transportation Element can therefore be made.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Mitigated Negative Declaration #2009051102 was prepared by the Lead Agency on the State Courthouse Project, the AOC, and reviewed and accepted by the City of Long Beach Redevelopment Agency on August 17, 2009 (Exhibit B – Mitigated Negative Declaration).

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:MH

Exhibits

- A. Location Map
- B. MND #2009051102

CONDITIONS OF APPROVAL

SKETCH NO. 995V

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. The City of Long Beach will reserve an easement over the area to be vacated for existing public utilities. After the public utility facilities are relocated, removed or properly abandoned, the reserved easement can be quitclaimed by the City.
2. During the site demolition process, the developer shall return all publicly-owned street light standards within the area vacated to City Light and Power, and modify the power supply circuits to these street light standards as necessary, to the satisfaction of the Director of Public Works.
3. The Courthouse developer shall obtain a permit from the City of Long Beach Department of Public Works for any offsite work in the public right-of-way.
4. Any required traffic control modifications are the responsibility of the developer and shall be installed in the public right-of-way under a street improvement permit from the Department of Public Works.
5. The State of California shall at its own cost 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.

EXHIBIT D

RESOLUTION NO.

A RESOLUTION OF INTENTION TO VACATE
DAISY AVENUE AND THE ALLEYS BOUNDED BY THIRD
STREET, BROADWAY, AND MAINE AND MAGNOLIA
AVENUES, 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
Daisy Avenue and the alleys bounded by Third Street, Broadway, and Maine and
Magnolia Avenues, in the City of Long Beach, County of Los Angeles, State of California,
described more particularly as follows:

The rights-of-way in Blocks 121 and 122, Town Site of Long
Beach, in the City of Long Beach, County of Los Angeles,
State of California, as per map recorded in Book 19, Pages
91 through 96, inclusive, of Miscellaneous Records in the
Office of the County Recorder of said county, described as
follows:

1
2 PARCEL 1 (DAISY AVENUE)

3 That portion of Daisy Avenue bordered on the north by the
4 easterly prolongation of the northerly line of Lot 1 in said
5 Block 122, Town Site of Long Beach, and on the south by
6 the easterly prolongation of the southerly line of Lot 28 in
7 said Block 122, Town Site of Long Beach.

8
9 PARCEL 2 (MAPLE WAY AND CRYSTAL COURT)

10 The alleys within said Block 121 of the Town Site of Long
11 Beach, bounded on the north by the north line of said block,
12 and on the east by the east line of said block, and on the
13 south by the south line of said block and on the west by the
14 west line of said block.

15
16 PARCEL 3 (MAPLE WAY AND NYLIC COURT)

17 The alleys within said Block 122 of the Town Site of Long
18 Beach, bounded on the north by the north line of said block,
19 and on the east by the east line of said block, and on the
20 south by the south line of said block and on the west by the
21 west line of said block.

22
23 Reserving unto the City of Long Beach, its successors and
24 assigns a perpetual easement and right-of-way, at any time
25 or from time to time, to lay, construct, maintain, operate,
26 repair, renew, replace, change the size of and remove the
27 existing utility lines, including, but not limited to, sanitary
28 sewers, storm drains and appurtenant structures, together

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

23
24 Section 2. All of the foregoing real property is shown on the map or plan
25 thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which
26 map or plan is known and referred to as "City of Long Beach Department of Public Works
27 Vacation Sketch No. 995V".

28 Section 3. The City Council hereby fixes the _____ day of

1 _____, 20__ at the hour of _____ p.m., as the time and the City
2 Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of
3 Long Beach, California, as the place for hearing all persons interested in or objecting to
4 the proposed vacation.

5 Section 4. The City Council hereby directs that notice of said hearing on
6 this proposed street vacation be published for at least two (2) successive weeks prior to
7 the hearing and in the manner provided by Section 8322 of the State Streets and
8 Highways Code.

9 Section 5. The City Council hereby directs that notice of this street
10 vacation be posted conspicuously along the street proposed to be vacated at least two
11 (2) weeks before the date set for hearing and in the manner provided by Section 8323 of
12 the State Streets and Highways Code.

13 Section 6. This resolution shall take effect immediately upon its adoption
14 by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

- 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

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

SITE MAP

