



CITY OF LONG BEACH

H-2

DEPARTMENT OF PUBLIC WORKS

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

January 23, 2007

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find that the area to be vacated is not needed for present or prospective public use and adopt the attached resolution ordering the vacation of 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. (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.

On December 19, 2006, the City Council adopted Resolution No. RES-06-0149, declaring its intention to vacate the subject right-of-way, and set January 23, 2007, as the date for the public hearing. A copy of the December 19, 2006, City Council letter is attached as Exhibit B. The proposed resolution was prepared by Deputy City Attorney Lisa Peskay Malmsten on November 21, 2006.

TIMING CONSIDERATIONS

The date of this public hearing was set by City Council action.

FISCAL IMPACT

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

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

HONORABLE MAYOR AND CITY COUNCIL

January 23, 2007

Page 2

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

GGM:SC:km
RW vac 210 E Third St CL PH & Res ord

Attachment

APPROVED:



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**

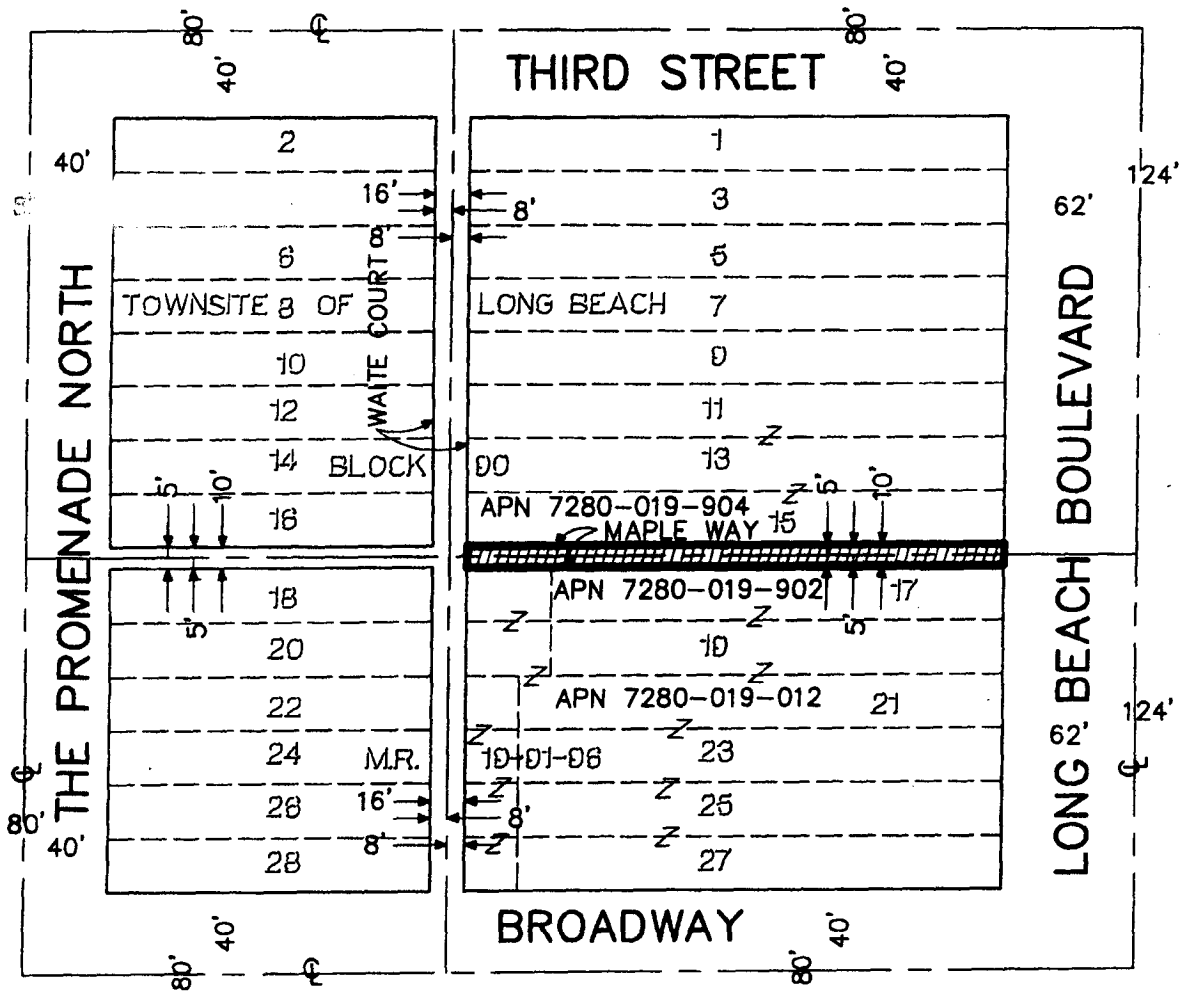


EXHIBIT A



CITY OF LONG BEACH

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

EXHIBIT B
Page 1 of 9

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

HONORABLE MAYOR AND CITY COUNCIL

December 19, 2006

Page 2

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
PICLIRW vac Lyons Res of Int CL.doc

Attachments



GERALD R. MILLER
CITY MANAGER

EXHIBIT B

Page 2 of 9

**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**

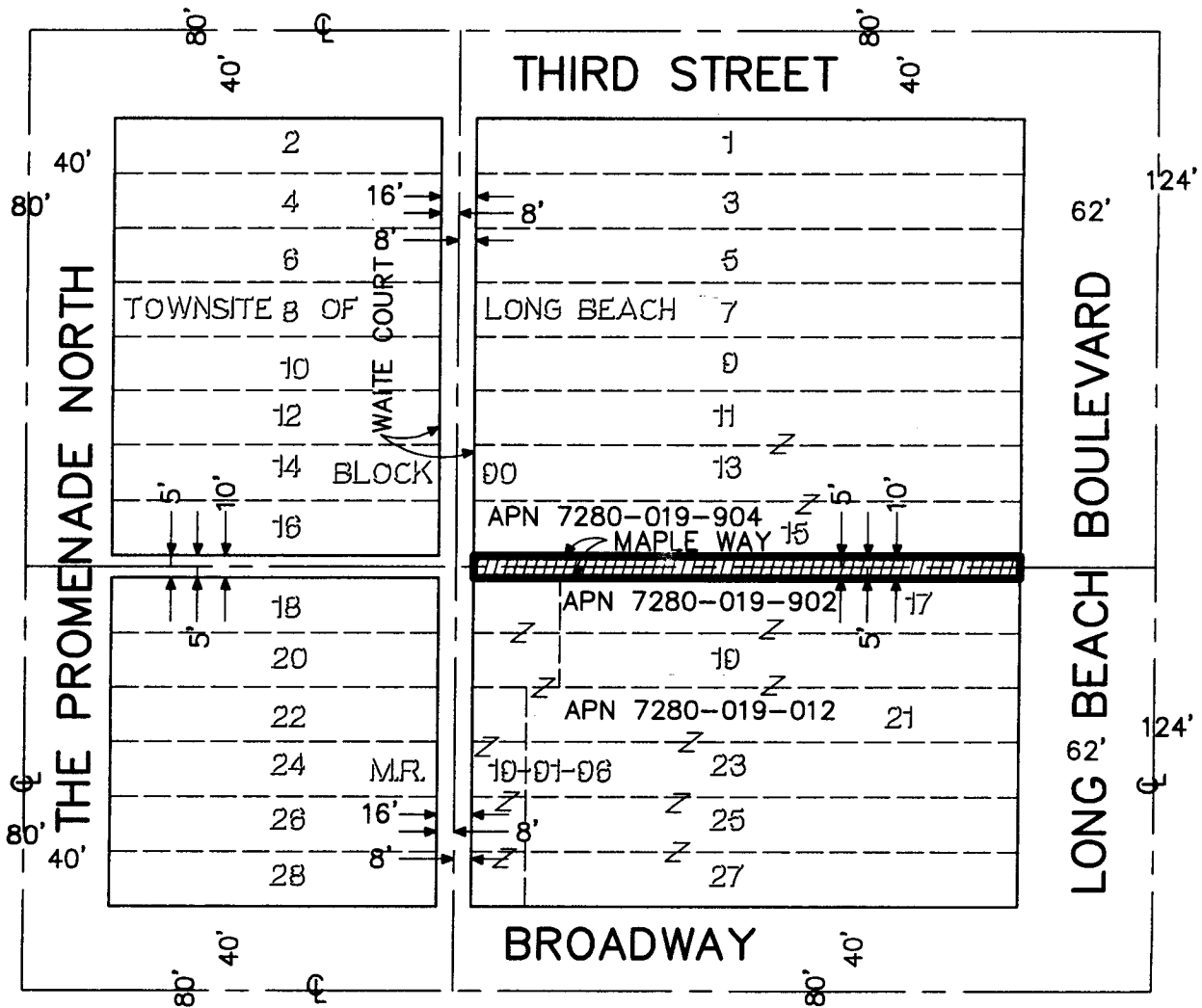


EXHIBIT B

Page 3 of 9

(originally Exhibit A of Dec 19, 06 council letter)

THIRD STREET

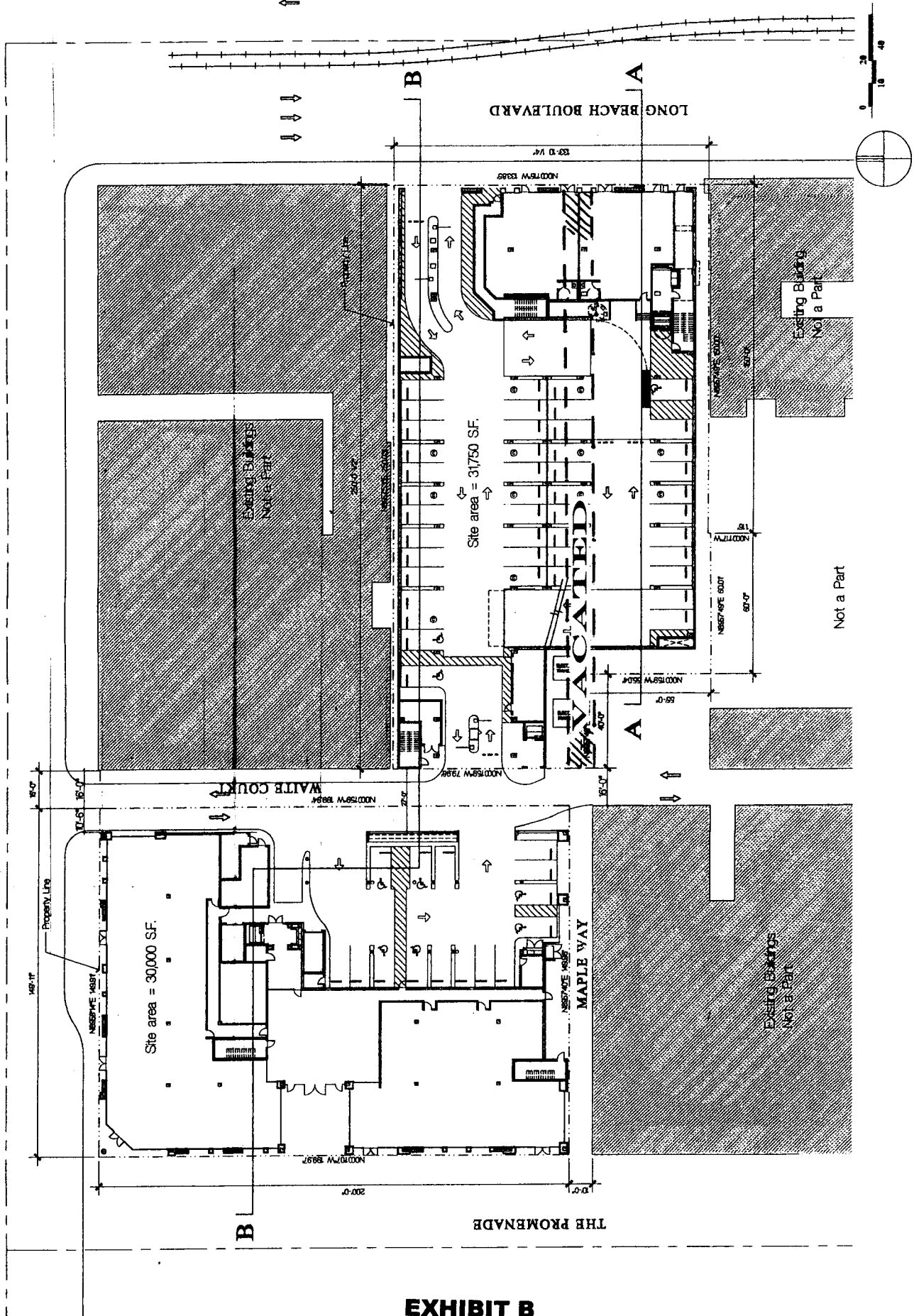
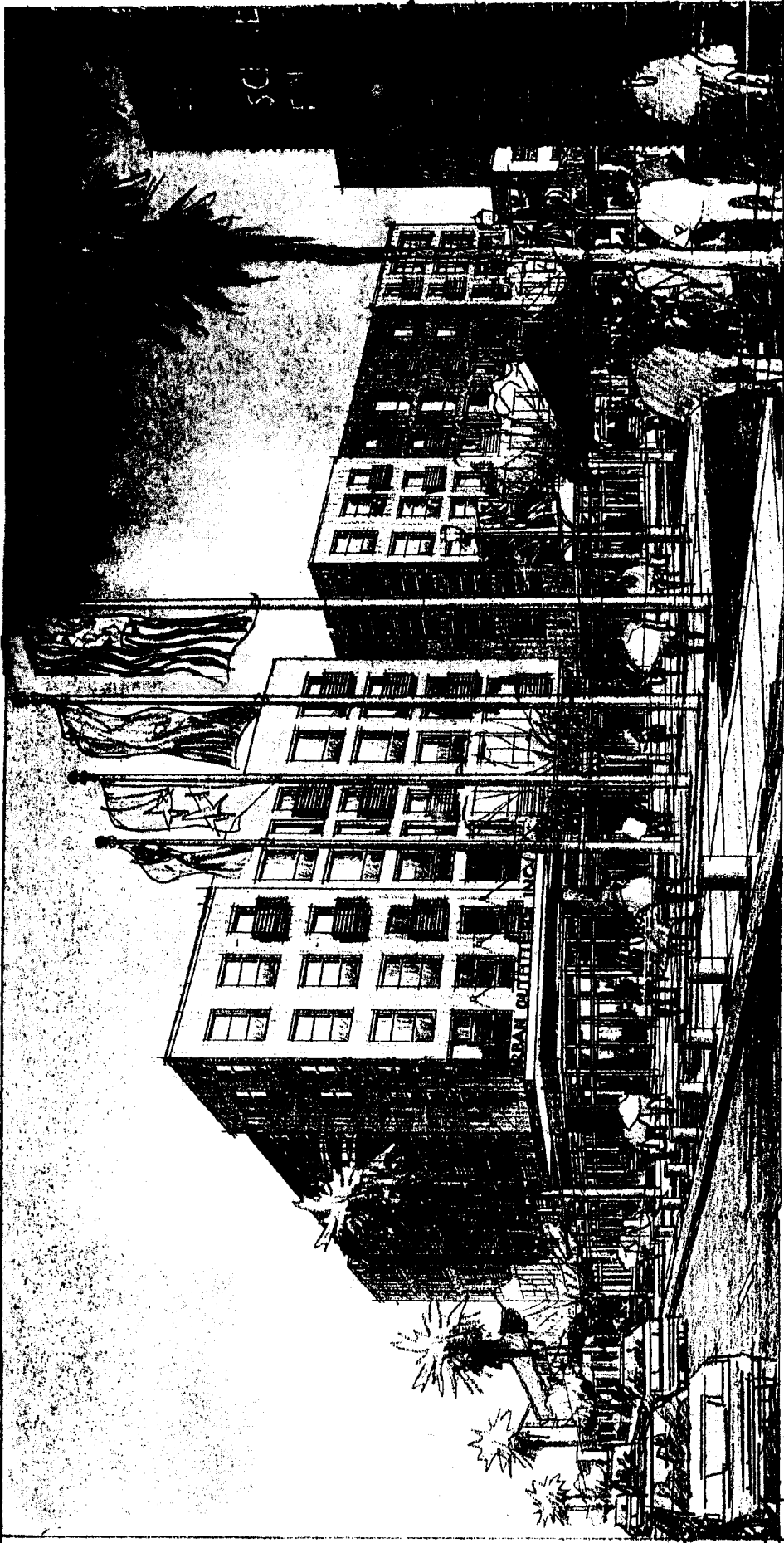


EXHIBIT B

Page 4 of 9

(originally Exhibit B, Page 1, of Dec 19, 06 council letter)

ARCHITECTURAL SITE PLAN



9804

EXHIBIT B

Page 5 of 9

(originally Exhibit B, Page 2, of Dec 19, 06 council letter)

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

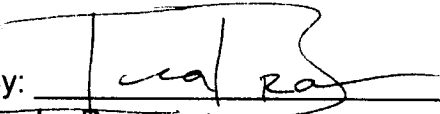
EXHIBIT B

Page 6 of 9

(originally Exhibit C, Page 1, of Dec 19, 06 council letter)

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

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*.

EXHIBIT B

Page 7 of 9

(originally Exhibit C, Page 2, of Dec 19, 06 council letter)

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.

EXHIBIT B

Page 9 of 9

(originally Exhibit D of Dec 19, 06 council letter)

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

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF A PORTION OF THE EAST-WEST ALLEY IN THE BLOCK WEST OF LONG BEACH BOULEVARD AND SOUTH OF THIRD STREET, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

WHEREAS, the City Council of the City of Long Beach, did heretofore, on the _____ day of, _____, 200__, by Resolution No. _____, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, a portion of the east-west alley in the block west of Long Beach Boulevard and South of Third Street in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

That certain 10.00 foot wide alley lying within Block 90 of the 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; bounded on the north by the south line of Lot 15 of said block 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 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, 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

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

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

1 to keep the property free from inflammable materials, and
2 wood growth, and otherwise protect the same from all hazards
3 in, upon and over the part vacated. Access for maintenance
4 of the above-mentioned facilities must be maintained at all
5 times. No improvements shall be constructed within the
6 easement which would impede the operation, maintenance or
7 repair of said facilities. Construction of any improvements,
8 including changes of grade, shall be subject to the prior written
9 approval of all the City departments and public utilities
10 responsible for the above said facilities.

11 WHEREAS, the City Council did, at said time, fix Tuesday, the ___ day of
12 _____, 200__, at the hour of _____ .m., as the time at the City Council
13 Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long
14 Beach, California, as the place for hearing for all persons interested in or objecting to the
15 proposed vacation to appear and be heard; and

16 WHEREAS, notice of the resolution of the intention to vacate, stating the time
17 and place of said hearing, were duly posted in the manner prescribed by law; and

18 WHEREAS, said hearing was called and held before the City Council at the
19 time and place so fixed and evidence taken and received on the matter of said proposed
20 vacation, and the City Council, upon said evidence, now make those findings of fact set
21 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

22 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
23 follows:

24 Section 1. Pursuant to the foregoing resolution of intention, the proceedings
25 had thereunder, the Sketch 958V showing a portion of the east-west alley in the block west
26 of Long Beach Boulevard and south of Third Street be vacated by the City of Long Beach
27 attached hereto as Exhibit "A", and the City Council Findings attached hereto as Exhibit
28 "B", said City Council of the City of Long Beach hereby makes its resolution vacating and
closing a portion of the drive hereinabove described.

Sec. 2. That this resolution shall take effect immediately upon its adoption
by the City Council, and the City Clerk is hereby instructed to certify to the adoption
thereof, and to cause a certified copy to be recorded in the Office of the County Recorder

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

1 of the County of Los Angeles, California.

2 I hereby certify that the foregoing resolution was adopted by the City Council
3 of the City of Long Beach at its meeting of _____, 200__, by the following votes:

4 Ayes: Councilmembers: _____

5 _____

6 _____

7 _____

8 Noes: Councilmembers: _____

9 _____

10 Absent: Councilmembers: _____

11 _____

12 _____

13 _____

City Clerk

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LPM:bg
06-05967
L:\APPS\CityLaw\32\WPDOCS\1014\1006\00096778.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

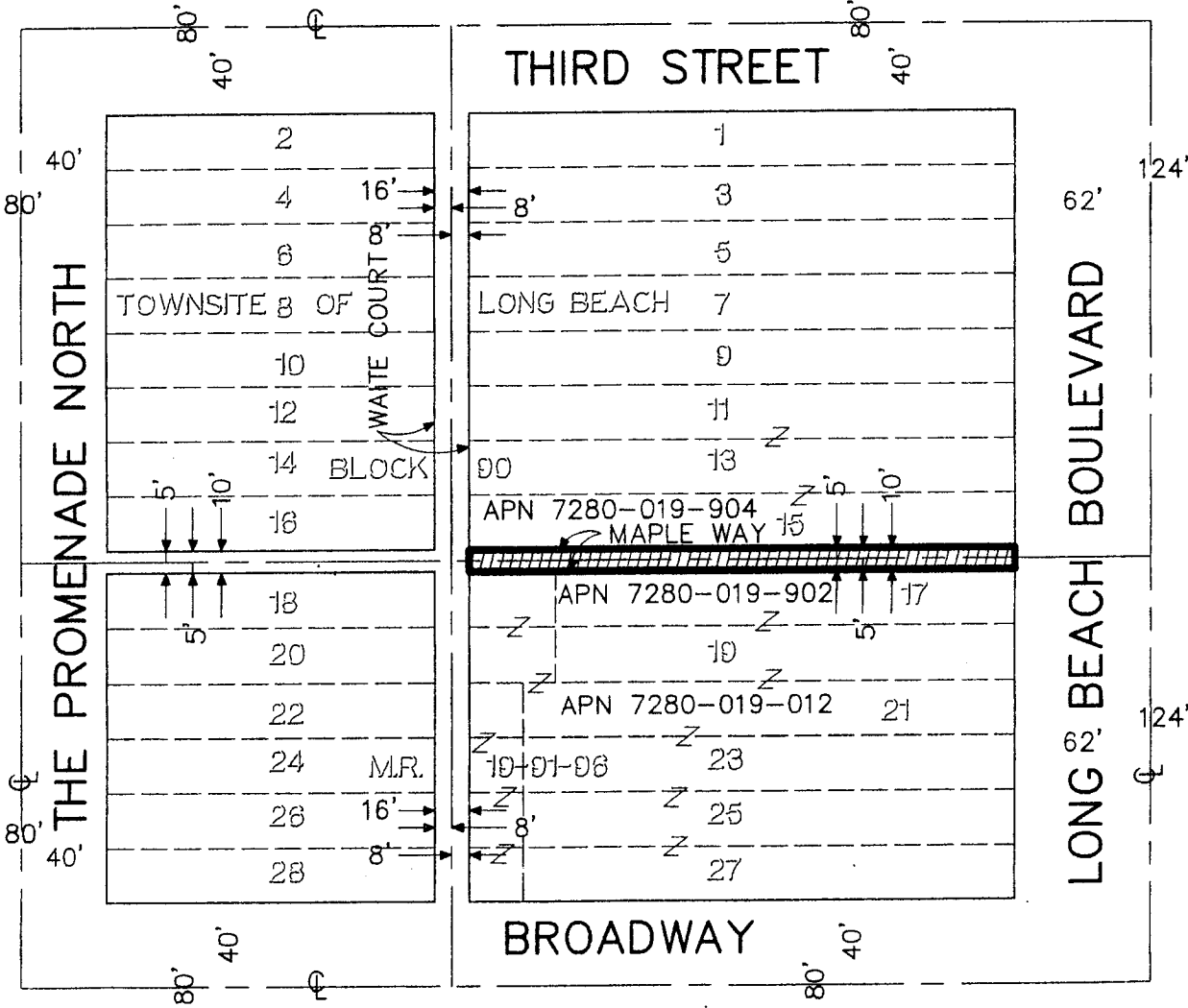


EXHIBIT A

CITY COUNCIL FINDINGS

VACATION OF A PORTION OF THE EAST-WEST ALLEY IN THE BLOCK WEST OF LONG BEACH BOULEVARD AND SOUTH OF THIRD STREET - Reference Sketch No. 958V

1. The subject right-of-way is unnecessary for present or prospective public use.

This finding is based upon the following subfindings:

- a) Those findings stated in the City Manager's letter submitted for the December 19, 2007, City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as RES-06-0149.
 - b) The rights-of-way would not be useful for exclusive bikeway purposes.
2. The vacation of said rights-of-way will not have a significantly adverse environmental effect.

This finding is based upon the following subfindings:

- a) The right-of-way is not and will not be needed for public use.
- c) In conformance with the California Environmental Quality Act, Negative Declaration No. 08-05 was issued for this project.