



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

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

May 11, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Resolution of Intention to Vacate the Easterly Fourteen Feet of Pine Avenue
Adjacent to 100 E. Ocean Boulevard (District 2)

DISCUSSION

The owner of the property at the southeast corner of Ocean Boulevard and Pine Avenue (the old Jergins Trust Building site) is preparing to develop that vacant lot with a 23-story condominium building containing 155 residential units, 7500 square feet of ground level retail space and a 10,500-square foot spa. Several years ago, the City Traffic Engineer approved a plan to shift the centerline of this block of Pine Avenue westerly to bring it more in line with Pine Avenue to the north of Ocean Boulevard. In addition, the right-of-way was to be reduced in width from 100 to 86 feet, maintaining 5 lanes of travel and 15-foot wide sidewalks on either side of the street. This plan was approved by the Department of Public Works over 10 years ago, and the various projects proposed for this site over the years have assumed that the easterly boundary of Pine Avenue would be relocated 14 feet west of the existing property boundary. The proposed street vacation to accomplish this boundary relocation is shown on the attached 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 site plan showing the relocated curbline and the restriping of traffic lanes is shown on the attached Exhibit B.
2. On July 17, 2003, the City of Long Beach Planning Commission determined 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, Environmental Impact Report No. EIR-47-02 was certified for this project. The Planning Department staff report is included as Exhibit C.
3. A public storm drain line lies 10 feet west of the existing east line of Pine Avenue for which an easement must be reserved in the resolution vacating. This line will be relocated during construction of the project, and the reserved easement quitclaimed upon relocation of the storm drain line to the satisfaction of the City Engineer.

EXHIBIT A

Page 1 of 9

HONORABLE MAYOR AND CITY COUNCIL
May 11, 2004
Page 2

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

The proposed resolution of intention to vacate was prepared by Deputy City Attorney Lisa Peskay Malmsten on April 5, 2004. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

TIMING CONSIDERATIONS

City Council action is requested on May 11, 2004, to allow development of this project to proceed.

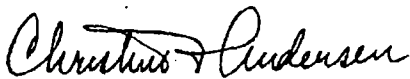
FISCAL IMPACT

A vacation processing fee of \$1,000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

IT IS RECOMMENDED THAT THE CITY COUNCIL:


1. Adopt the attached resolution of intention to vacate the easterly 14 feet of Pine Avenue adjacent to 100 E. Ocean Boulevard, as shown on Exhibit A;
2. Set a public hearing for the subject vacation on June 15, 2004, in the City Council chambers to allow all persons interested in, or objecting to, the proposed vacation to appear and be heard.
3. Authorize the City Manager to execute a quitclaim of the reserved storm drain easement upon relocation of the existing storm drain to the satisfaction of the City Engineer.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

APPROVED:



GERALD R. MILLER
CITY MANAGER

GMM:SC
P/Vac 100 Ocean

Attachments

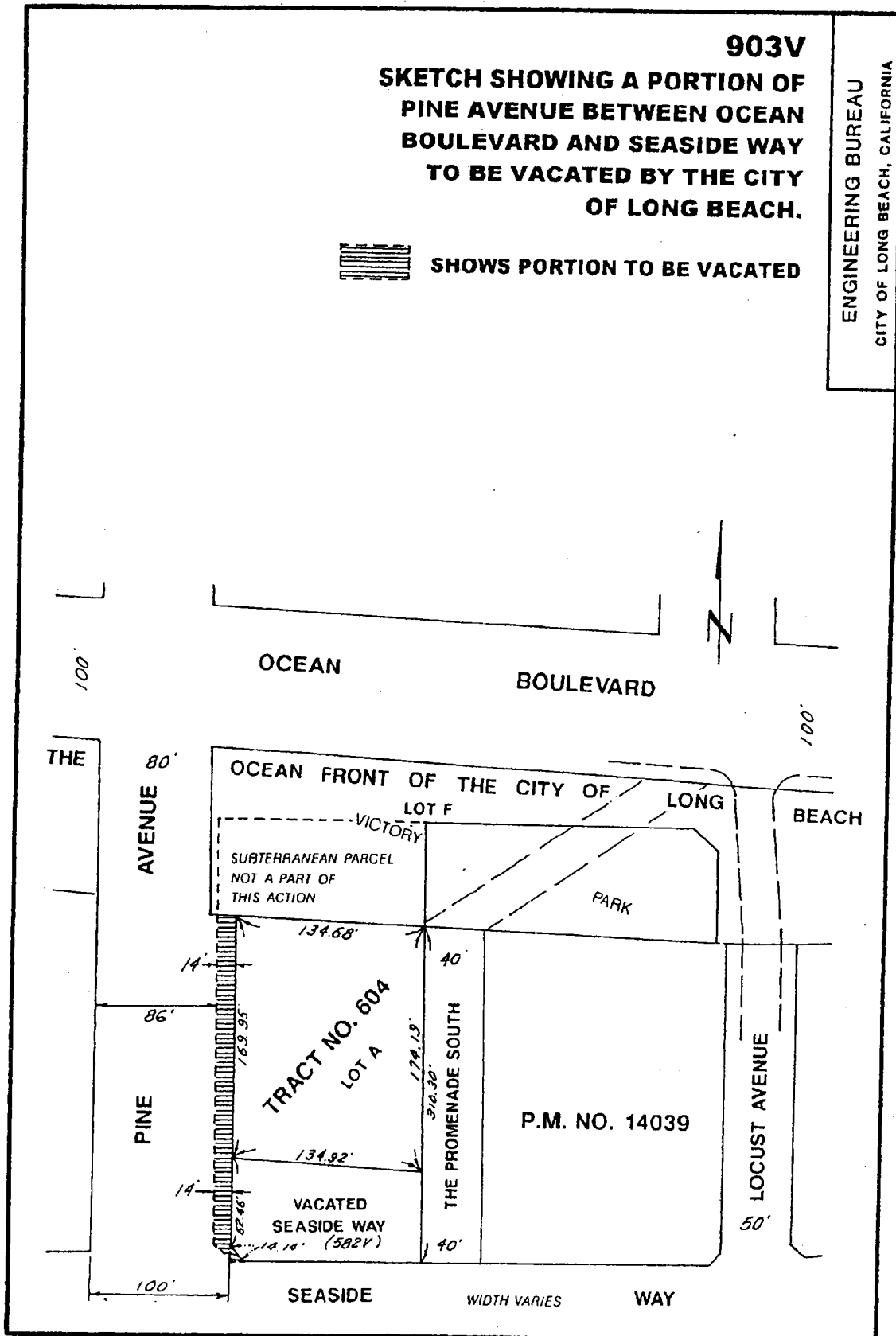
903V

**SKETCH SHOWING A PORTION OF
PINE AVENUE BETWEEN OCEAN
BOULEVARD AND SEASIDE WAY
TO BE VACATED BY THE CITY
OF LONG BEACH.**



SHOWS PORTION TO BE VACATED

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA

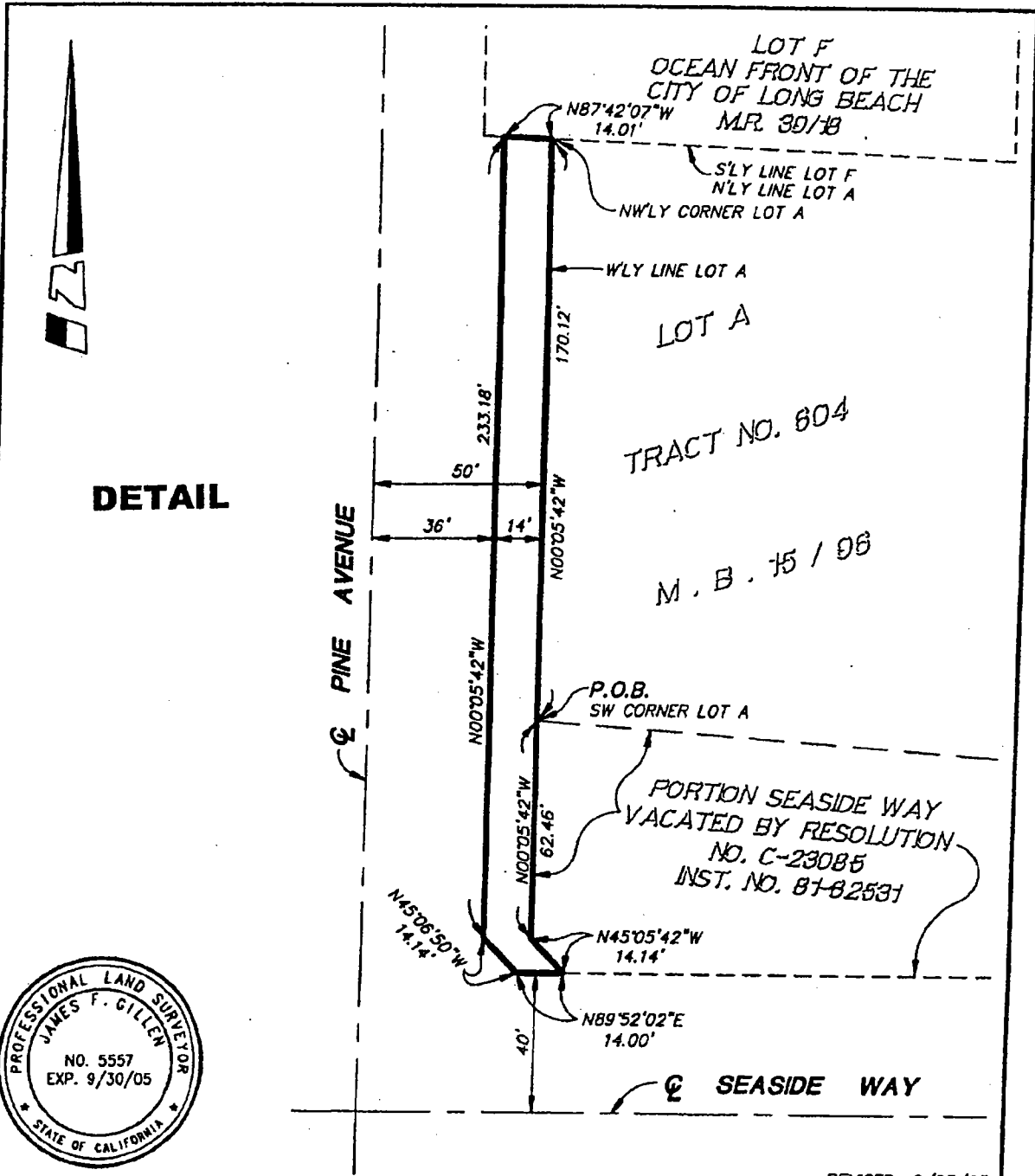


DIETRICH POST REORDER NO. 149220

(Original Exhibit A, Page 1 of 2)

EXHIBIT A

Page 3 of 9



REVISED: 6/23/03

HUITT-ZOLLARS
 Huitt-Zollars, Inc. Irvine
 430 Exchange, Suite 200, Irvine, CA 92602-1309
 Phone (714) 734-5100 Fax (714) 734-5155

APPROVED BY

 6/23/03

SKETCH TO ACCOMPANY
 A LEGAL DESCRIPTION

**STREET
 ABANDONMENT**

SCALE	1"=40'
DRAWN BY	DWM
CHECKED BY	JFG
DATE	6/18/03
JOB NO.	10-1027-01

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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

July 17, 2003

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Finding of Conformity with the *General Plan* for the Vacation of a Public Right-of-Way

LOCATION: 100 East Ocean Boulevard

APPLICANT: Kam Babaoff
100 East Ocean Investments, LLC

RECOMMENDATION

Find the proposed vacation of the public right-of-way, as depicted in Exhibit A, in conformance with the *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 vacation is herein submitted for such review.

The applicant proposes to develop a 12-story "for sale" condominium project on the vacant southeast corner of Ocean Boulevard and Pine Avenue. This site is the former Jergins Trust Site. The partial vacation of Pine Avenue has been reviewed and approved by the Long Beach Public Works Department after consultation with other interested City departments.

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

elements: Land Use, Open Space, 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 divides the City into 21 land use districts, which provide general guidance as to the type and density of land uses considered appropriate. The public right-of-way in question is located in Land Use District (LUD) 7, Mixed Use. The intent of LUD 7 is to allow the careful blending of different types of land uses that can serve to save time and energy in transportation and communications. The proposed housing reuse of this property is consistent with the Land Use District.

The Land Use Element also provides direction for seven Activity Centers. The proposed vacation is located in the Downtown Activity Center, which recommends downtown as a multi-purpose activity center of regional significance offering a wide variety of activities that is attractive and exciting during both the daylight and evening hours. A higher density residential building is consistent with and furthers this goal.

Local Coastal Program

The proposed site is located in Subarea 14 in the Downtown Shoreline chapter of the Local Coastal Program (LCP), as dedicated in Exhibit B. In April of 1995, the Downtown Shoreline Chapter of the LCP was substantially amended to provide new guidelines for development. It is clear that redevelopment of the site would present some design challenges due to the topography and narrowness of the site and the fact that it lies behind the dedicated Victory Park, therefore necessitating the partial vacation of Pine Avenue. The vacation does not conflict with any policies or programs in the LCP and the intended residential land use is allowed in Subarea 14.

ENVIRONMENTAL REVIEW

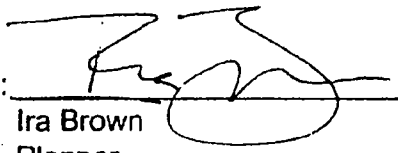
In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Negative Declaration 16-03 is before you today for your certification.

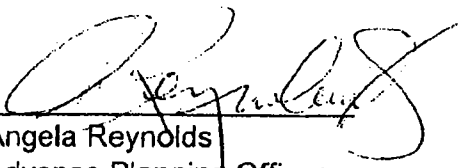
IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Find the proposed dedication and vacation of the public right-of-way, as depicted in Exhibit A, in conformance with the *General Plan*.

Respectfully submitted,

EUGENE J. ZELLER
DIRECTOR OF PLANNING AND BUILDING

By: 
Ira Brown
Planner

Approved: 
Angela Reynolds
Advance Planning Officer

Conveyance@.doc100E_Ocean
EJZ:AR:IB

Attachment:

1. Exhibit A: Sketches Depicting public Right-of-Way Vacation and Dedication
2. Exhibit B: Downtown Shoreline Policy Plan

(Original Exhibit C, Page 3 of 3)

CONDITIONS OF APPROVAL

SKETCH NO. 903V

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. A easement will be reserved for the 24-inch storm drain line which lies 40 feet from the existing centerline (4 feet east of the proposed property line). Reservation of the westerly 9 feet of the area to be vacated will provide for 5 feet of City access either side of that utility. If, prior to finalization of the vacation action, any additional facilities are discovered to lie within this area by any of the various public utility agencies, the easement reservations shall be modified to provide for these.
2. The developer shall reconstruct the sidewalk, curb and gutter on the east side of Pine Avenue consistent with the relocation of the property line. A 15-foot wide public sidewalk shall be provided.
3. 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.
4. 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.

GM:SC/ C t

(Original Exhibit D)

1 RESOLUTION NO. C-

2
3 A RESOLUTION ORDERING THE VACATION OF A
4 PORTION OF PINE AVENUE BETWEEN OCEAN
5 BOULEVARD AND SEASIDE WAY IN THE CITY OF LONG
6 BEACH, COUNTY OF LOS ANGELES, STATE OF
7 CALIFORNIA

8
9 WHEREAS, the City Council of the City of Long Beach, did heretofore, on the
10 _____ day of _____, 2004 by Resolution No. C-_____, declare its intention
11 to order the vacation, pursuant to the provisions of the Public Streets, Highways, and
12 Service Easements Law, a portion of Pine Avenue between Ocean Boulevard and Seaside
13 Way in the City of Long Beach, County of Los Angeles, State of California, described more
14 particularly as follows:

15 Being a portion of Pine Avenue, as shown on Tract No. 604, in the City of
16 Long Beach, County of Los Angeles, State of California, as shown on the
17 map recorded in Book 15, Page 96 of Maps, in the office of the County
18 Recorder of said County described as follows:

19 Beginning at the Southwest corner of Lot A of said Tract No. 604; thence
20 South 0°05'42" East 62.46 feet along the Southerly prolongation of the
21 Westerly line of said Lot A, said Southerly prolongation also being the
22 Westerly line of that portion of Seaside Way, formerly Seaside Boulevard,
23 vacated by the City of Long Beach Resolution No. C-23085, a certified copy
24 of which recorded August 4, 1981 as Instrument No. 81-778334, in the office
25 of said County Recorder; thence continuing along the Southwesterly line of
26 said Instrument No. 81-778334, South 45°05'42" East 14.14 feet to the
27 Southerly line of said Instrument No. 81-778334; thence South 89°52'02"
28 West 14.00 feet along the Westerly prolongation of said Southerly line;
thence leaving said Westerly prolongation North 45°06'50" West 14.14 feet
to a line parallel with and distant 36.00 feet Easterly of the centerline of Pine
Street, being 100.00 feet wide, as shown on said Tract No. 604; thence North
0°05'42" West 233.18 feet along said parallel line to the Southerly line of Lot
F, Ocean Front of the City of Long Beach, as shown on the map recorded in
Book 39, Page 18 of Miscellaneous Records, in the office of said County
Recorder; thence South 87°42'07" East 14.01 feet along said Southerly line
of Lot F to the Northwesterly corner of said Lot A, Tract No. 604; thence
South 0°05'42" East 170.12 feet along said Westerly line of Lot A to the point
of beginning.

Reserving unto the City of Long Beach, its successors and assigns, over the
westerly 9 feet of the area vacated herein, a perpetual easement and right-of-

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

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

11 WHEREAS, the City Council did, at said time, fix Tuesday, the ___ day of
12 _____, 2004 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

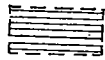
16 WHEREAS, notice of the resolution of the intention to vacate, stating the time
17 and place of said hearing, were duly posted in the manner prescribed by law; and .

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 SHOWING A PORTION OF PINE AVENUE BETWEEN
26 OCEAN BOULEVARD AND SEASIDE WAY TO BE VACATED BY THE CITY OF LONG
27 BEACH" attached hereto as Exhibit "A", and the City Council Findings attached hereto as
28 Exhibit "B", said City Council of the City of Long Beach hereby makes its resolution

903V
SKETCH SHOWING A PORTION OF
PINE AVENUE BETWEEN OCEAN
BOULEVARD AND SEASIDE WAY
TO BE VACATED BY THE CITY
OF LONG BEACH.



SHOWS PORTION TO BE VACATED

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA

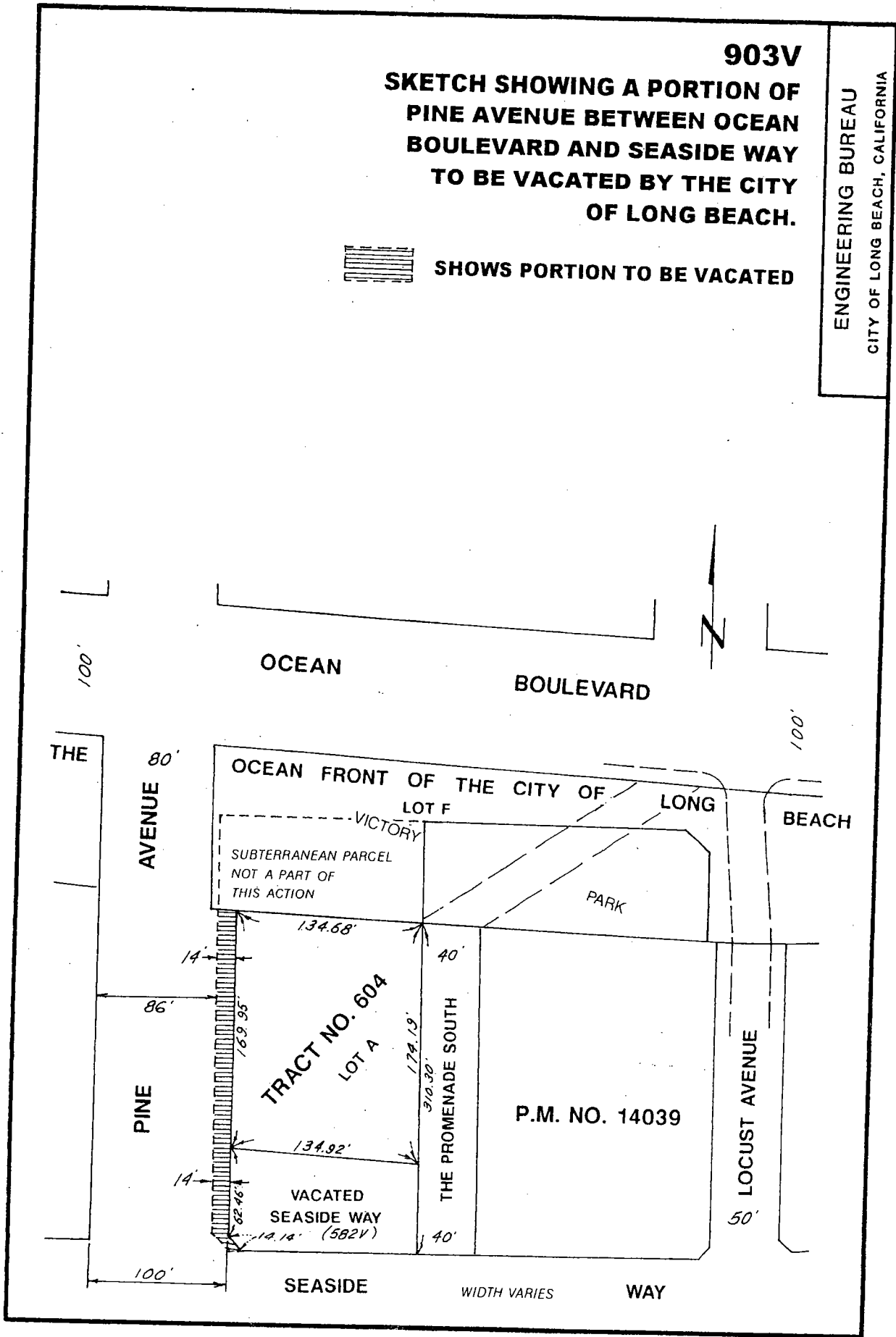
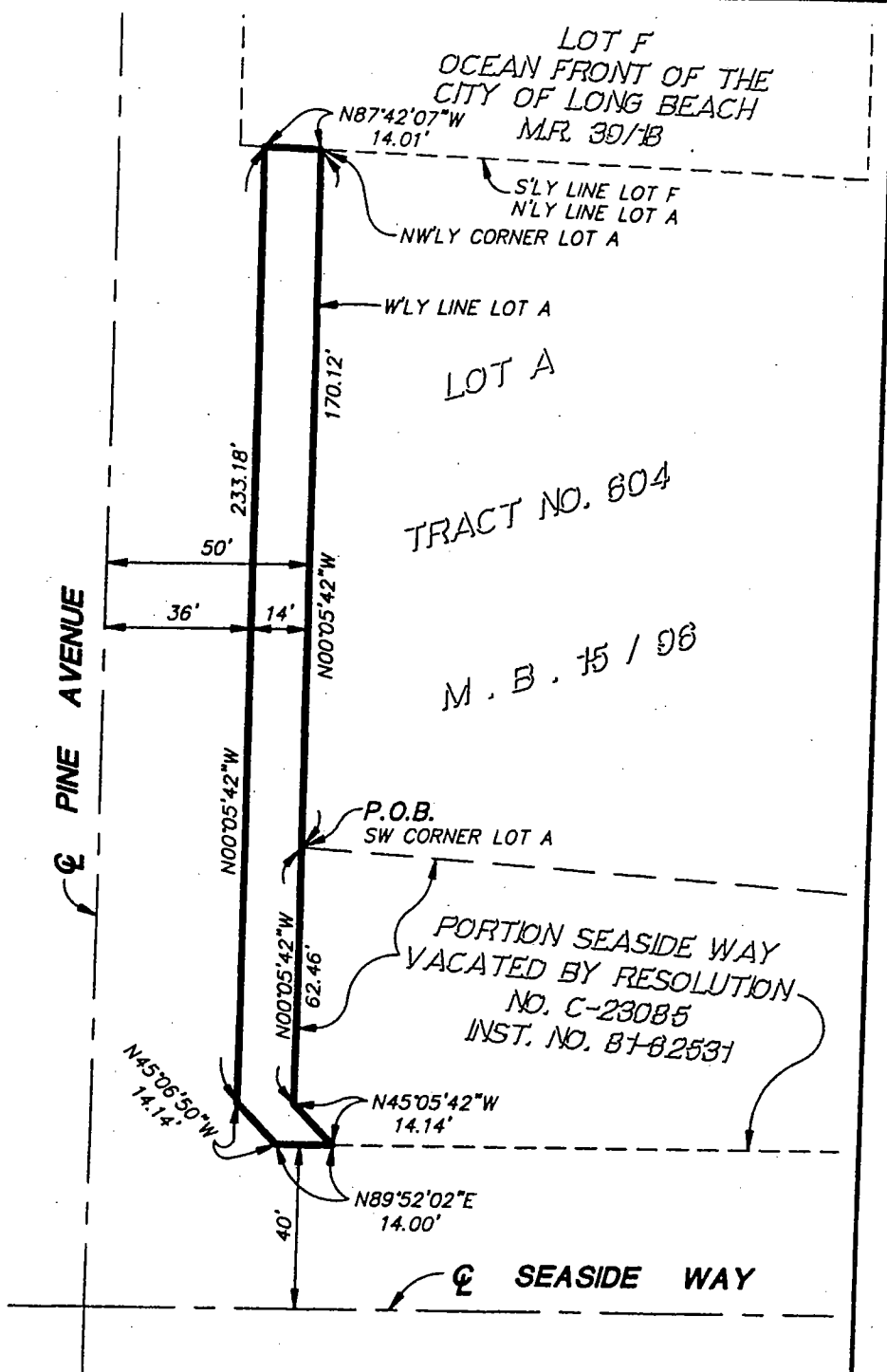


EXHIBIT A
Page 1 of 2

DIETERICH POST REORDER NO. 149520



DETAIL



REVISED: 6/23/03

HUITT-ZOLIARS
 Huitt-Zollars, Inc. Irvine
 430 Exchange, Suite 200, Irvine, CA 92602-1309
 Phone (714) 734-5100 Fax (714) 734-5155

APPROVED BY: *[Signature]* 6/23/03

SKETCH TO ACCOMPANY
 A LEGAL DESCRIPTION

**STREET
 ABANDONMENT**

SCALE	1"=40'
DRAWN BY	DWM
CHECKED BY	JFG
DATE	6/18/03
JOB NO.	10-1027-01

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CITY COUNCIL FINDINGS

VACATION OF A PORTION OF PINE AVENUE BETWEEN OCEAN BOULEVARD AND SEASIDE WAY

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 May 11, 2004, City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as C-28371.
 - 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, Environmental Impact Report No. EIR-47-02 was certified for this project.

GMM:SC/C