

September 1, 2022

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Find the proposed vacation of an easement for alley and sidewalk purposes located on a portion of the southern 4 feet of the property along East Broadway in conformance with the adopted goals and policies of the City's General plan (GPC22-002) at 525 East Broadway in the Downtown Plan (PD-30) Planned Development District. (District 1)

APPLICANT: Burnham Development, LLC c/o Derek Burnham
130 Pine Ave, Suite 200
Long Beach, CA 90802
(Application No. 2206-06)

DISCUSSION

The subject property is a 15,000-square-foot L-shaped lot located at the northwest corner of the intersection of East Broadway and Atlantic Avenue in the PD-30 Zoning District (Height Incentive Area) (Attachment A - Vicinity Map; Figure 1: Project Location). The project site is bounded by East Broadway to the south and Atlantic Avenue to the east. Existing named alleys currently border the western property line (Liberty Court) and a portion of the northern property line (Maple Way). Under existing conditions, the public alley to the west is 16-feet-wide and the public alley to the north is 10-feet-wide. The parcel has approximately 150 linear feet of street frontage along East Broadway to the south and approximately 75 linear feet of street frontage along Atlantic Avenue to the east. The property is currently developed with an existing two-story restaurant and surface parking lot (Attachment B - Site Photos). On August 5, 2022, the Planning Commission approved a Site Plan Review SPR20-009 to allow the demolition of on-site structures and construction of a seven-story mixed-use building containing 48 dwelling units, 5,090 square feet of ground level commercial uses, and an integrated three-level, 60 stall parking garage at the subject site. Site construction activities have not commenced at the time of preparation of this staff report.



Figure 1: Project Location



The applicant requests the City to vacate the easement for an alley and sidewalk purposes that is located along the southern property line of the property along East Broadway (Attachment C - Vacation Exhibit). The easement was recorded on the property title in 1990. The easement area was previously used for sidewalk purposes that abutted a bus bay that was removed in 2018. Since removal of the bus bay, landscaping and paving associated with the restaurant have been installed. The reserved area for alley and sidewalk purposes has not been utilized as a sidewalk since 2018. This vacation has been requested to allow for development of the property in conformance with the PD-30 allowed uses (zero-foot build to line) and development standards. The applicant is currently pursuing the vacation application with the Public Works Department (Public Works), for which the process requires the requested General Plan Conformity Finding before it may proceed further. Public Works reviewed the request and has found it feasible to vacate the existing easement which exists on private property.

GENERAL PLAN CONSISTENCY FINDINGS

Before an application for the vacation of the public right-of-way can be acted on by 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 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, with particular emphasis on the most relevant elements which are the Land Use and Mobility Elements. 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, called "PlaceTypes", which provide general guidance as to the appropriate type and density of land uses. The subject site is located within the Downtown (DT) PlaceType of the LUE. The properties surrounding the proposed vacated area are all within the DT PlaceType. The LUE states that the DT PlaceType promotes a highly urbanized core featuring compact development composed of a mix of compatible uses, building types and styles. A mix of land uses and housing types is encouraged in the DT PlaceType, with a focus on providing active ground-floor shops, restaurants, and cafes. Specifically, the PD-30 Downtown Plan governs land use for the DT PlaceType. The existing restaurant use and proposed mixed-use project are compatible with the LUE PlaceType designation. The vacation of the site will not change the existing development onsite, as the area of the easement is currently occupied by features of the private development.

According to the LUE consistency section of the Administration Chapter (Chapter 6), a subdivision approval (which would include the proposed vacation) is considered consistent with the LUE when the density of the proposed subdivision meets the PlaceType's commercial/industrial intensity. Although the existing and proposed uses of the site are consistent with uses allowed in the PD-30 area. The approval of the vacation allows for development on the private property in conformance with the minimum build to lines included in the PD-30 development standards, including permitted density and ground-floor commercial activation.

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 easement was previously used for sidewalk purposes when a bus bay area previously existed in front of the subject property. The bus bay was removed when East Broadway was restriped in 2018 and the bus stop and protected bike lane were moved to the opposite side of the street. The bus bay was filled in with sidewalk areas and the easement on private property was restored to landscaping and paved walkway areas. The easement area no longer facilitates public circulation through the area.

The Mobility Element includes a map of context-sensitive street classifications, for which East Broadway abutting the development site is classified as a Major Avenue. East Broadway is a one-way street abutting the project site and vacation areas. A major avenue serves as the major route for the movement of traffic within the City as well as a connector to neighboring cities. Most traffic using a major avenue will end the trip within the City (as opposed to through-traffic). The design criteria for a one-way major avenue shall have 80-feet of right-of-way width with 56-feet reserved for roadway purposes.

The existing design of East Broadway abutting the site maintains 80-feet of right-of-way with 52-feet for roadway. The portion of East Broadway abutting the site maintains 14 feet between the curb face to property line on both the north and south sides of the street. Public Works reviewed this application and confirmed consistency with the roadway section planned for East Broadway through the downtown area. The existing easement

is outside of the existing 80-foot right-of-way and, therefore, vacation of this area would not reduce the street cross-section to a condition that is in conflict with the intent of the design criteria for a major avenue. The relocation of the bus stop to the opposite side of the street removes the need for the easement on the subject site.

The vacation of an easement on private property is not necessary for present or prospective public use or convenience. This vacation would therefore not prove detrimental to the movement of people and goods. Therefore, the vacation can be found consistent with the Mobility Element.

The initial review of the proposed vacation yielded no above ground nor below ground public utilities that will require a reservation of easement; therefore, none will be reserved.

PUBLIC HEARING NOTICE

A General Plan Conformity Certification does not require a public hearing or public notice. However, the Public Works Department conducts public notification for the vacation in accordance with State law, as the vacation is presented to the Long Beach City Council for consideration.

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 was conducted as part of the approved mixed-use project (Application No. 2004-05). The project was determined that the project is within the scope of the project previously analyzed as part of the Downtown Plan Program EIR (SCH #2009071006) and warrants no further environmental pursuant to CEQA Guidelines Section 15162.

Respectfully submitted,



MARYANNE CRONIN
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
ACTING DIRECTOR OF DEVELOPMENT
SERVICES

CHAIR AND PLANNING COMMISSIONERS

September 1, 2022

Page 5 of 5

CK:AO:mc

Attachments: Attachment A – Vicinity Map
 Attachment B – Site Photos
 Attachment C – Vacation Exhibit