



Legislation Text

File #: 06-1336, **Version:** 1

Recommendation to adopt 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, at 5:00 P.M. (District 2)

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 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.

City Council action is requested on December 19, 2006, to allow the construction of this project to proceed on schedule.

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

Approve recommendation.

A 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, 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

CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

APPROVED:

GERALD R. MILLER
CITY MANAGER