



CITY OF LONG BEACH

C-9

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard • Long Beach, CA 90802

March 7, 2006

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution of intention to vacate subterranean and aerial portions of The Promenade, Broadway and Alta Way adjacent to 200 East Broadway, and set a date for a public hearing on the vacation for April 4, 2006. (District 2)

DISCUSSION

Lennar Long Beach Promenade Partners, LLC, is in the process of developing a 5-story, 62-unit residential condominium building at the southeast corner of The Promenade and Broadway. The building design approved by the Redevelopment Agency includes subterranean and aerial projections into the adjacent street and alley rights-of-way. The subterranean projection accommodates additional parking garage space under The Promenade, and the aerial portions accommodate balconies over The Promenade, Broadway and Alta Way. The spaces proposed for vacation, which would then become a part of the project site, are 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:

The Redevelopment Agency reviewed and approved the development plans for this project including the projecting underground parking garage and balconies.

1. An artist's rendering showing the proposed balconies over The Promenade and Broadway is attached as Exhibit B. The maximum projection is four feet.

**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 Flr
Long Beach, CA 90802
Ph. (562) 570-6331
Fax (562) 570-7161

2. This project is conditioned with a requirement to dedicate four feet along the east side of the parcel to widen the adjacent 16-foot wide north-south alley (Waite Court) to the City's 20-foot standard. This dedication, shown on Exhibit C, is to be made on the subdividing map for this project (Tract Map No. 62186).
3. On July 5, 2005, the City vacated an area along the west side of The Promenade to facilitate the development at 133 The Promenade (Olson Company development). Subsequent to the completion of this vacation, the width of The Promenade below surface will be 38 feet (20 feet wide west of centerline and 18 feet wide east of centerline).
4. On October 6, 2005, the 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, Negative Declaration Number ND 30-04 was certified for this project. The Planning Department staff report is included as Exhibit D.
5. On December 13, 2005, the City Manager was authorized to execute the Disposition and Development Agreement for this project.
6. The interested City Departments, including Fire and Police, have reviewed the proposed building projections and right-of-way vacation and have no objections to this construction. Project conditions of approval are shown on Exhibit E. No public utilities exist in the areas to be vacated and thus no easements need be reserved in the areas.

The public hearing on this matter, to be held on April 4, 2006, 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 February 15, 2006.

TIMING CONSIDERATIONS

City Council action is requested on March 7, 2006, to allow the construction of this project to proceed on schedule.

FISCAL IMPACT

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

HONORABLE MAYOR AND CITY COUNCIL

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

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Attachments

APPROVED:



GERALD R. MILLER
CITY MANAGER