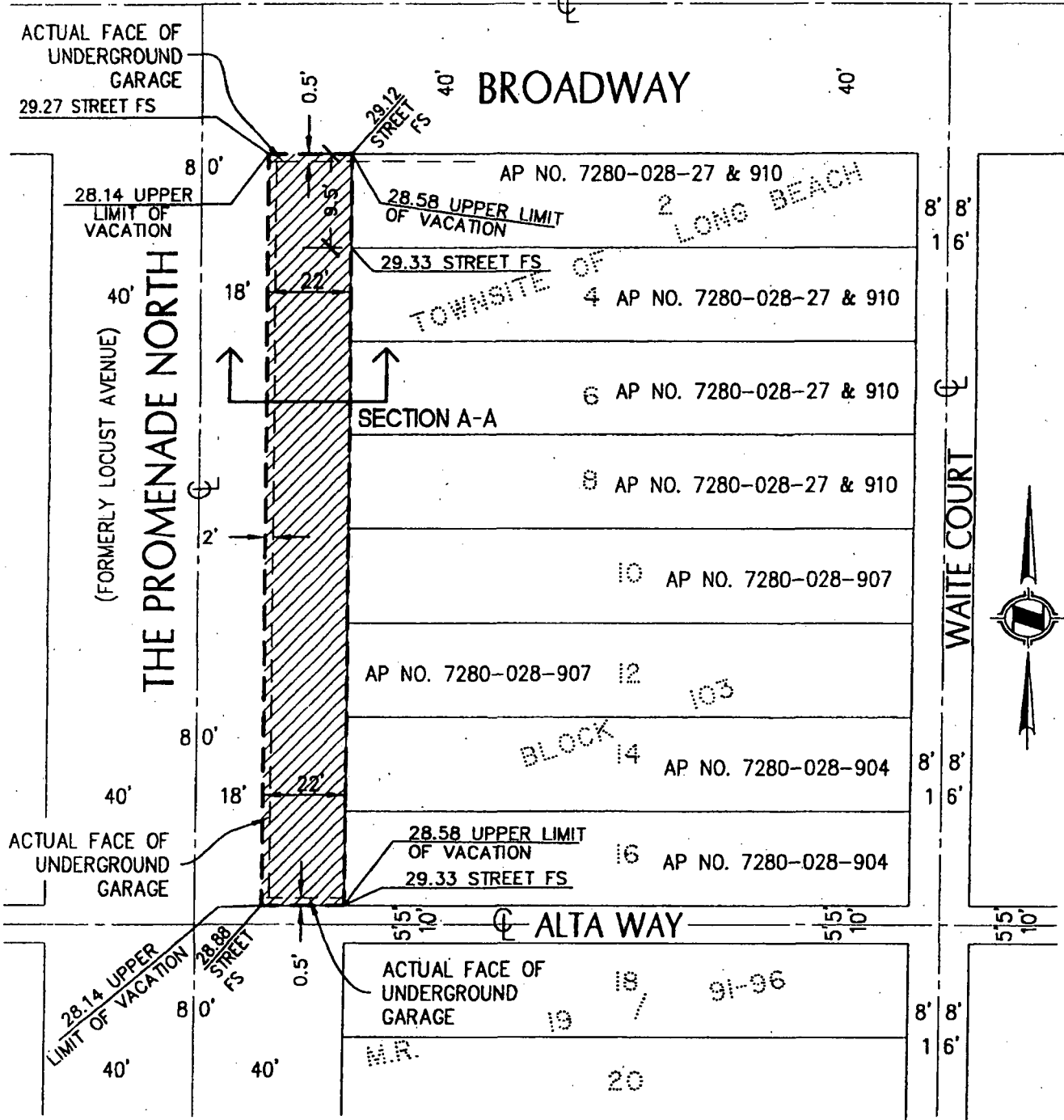


Sketch to Accompany Legal Description

THE UPPER ELEVATIONS OF THIS VACATION BEING A PLANE ESTABLISHED BY ELEVATIONS 28.58 FEET AND 28.14 FEET ABOVE MEAN SEA LEVEL AS SHOWN HEREON. SAID VACATION HAS NO LOWER LIMITS.

BENCHMARK: CITY OF LONG BEACH
 BENCH MARK NO. 1386
 ELEV. 29.503
 DATUM: NGVD 29 1985 CLB ADJUSTMENT

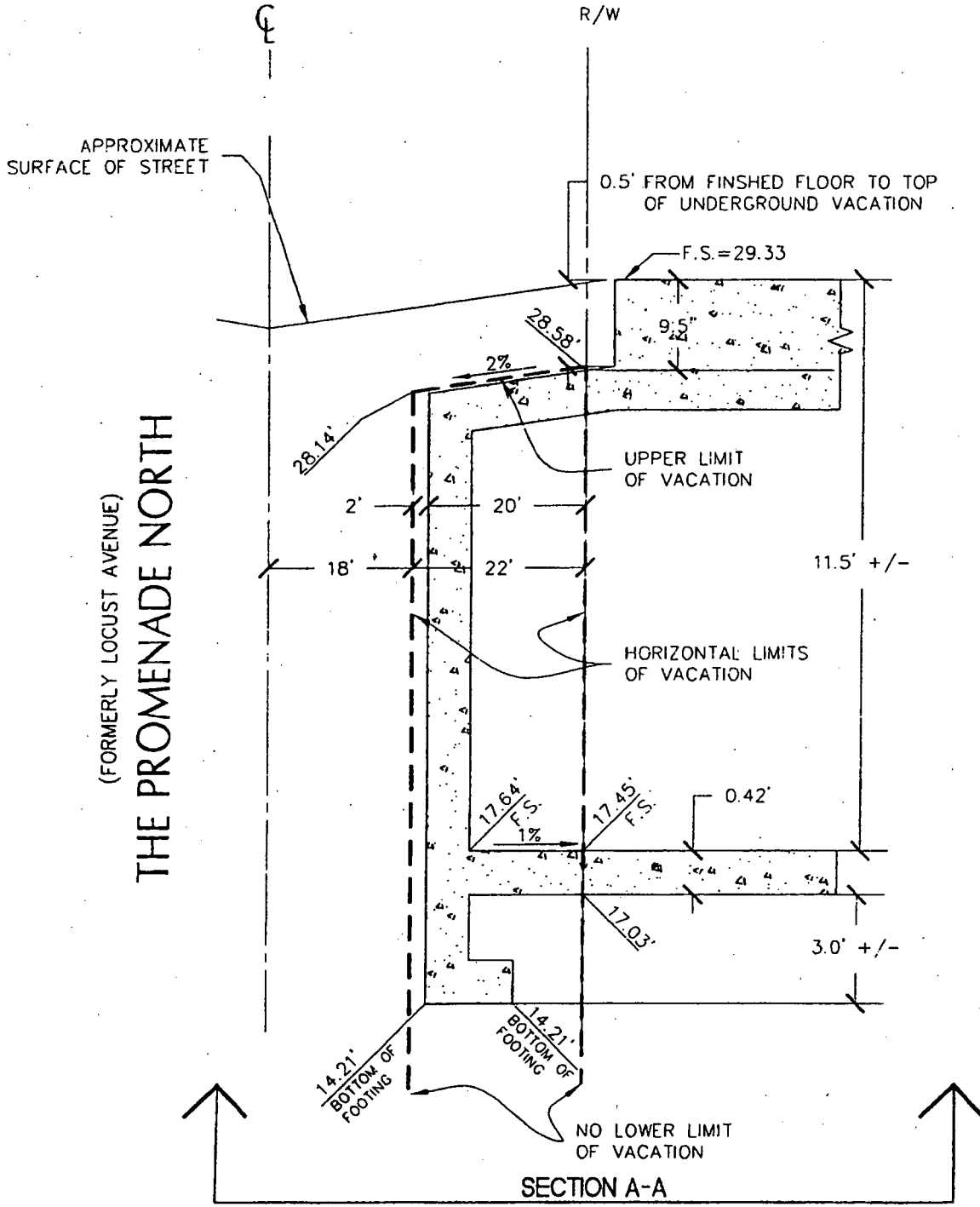
H-3



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 Three Hughes • Irvine, CA 92618 • PH: (949) 583-7070 • FX: (949) 583-0759

VACATION OF A SUBTERRANEAN PORTION OF THE PROMENADE

DATE: 3-29-05	REV. DATE: 12-22-05	DWG. BY: T. VO	CHK'D BY: J. STABLEIN	SCALE: 1" = 40'
FILE: I:\Promenade\LD\6333\SHT01.dwg			H&A LEGAL No. 6333	



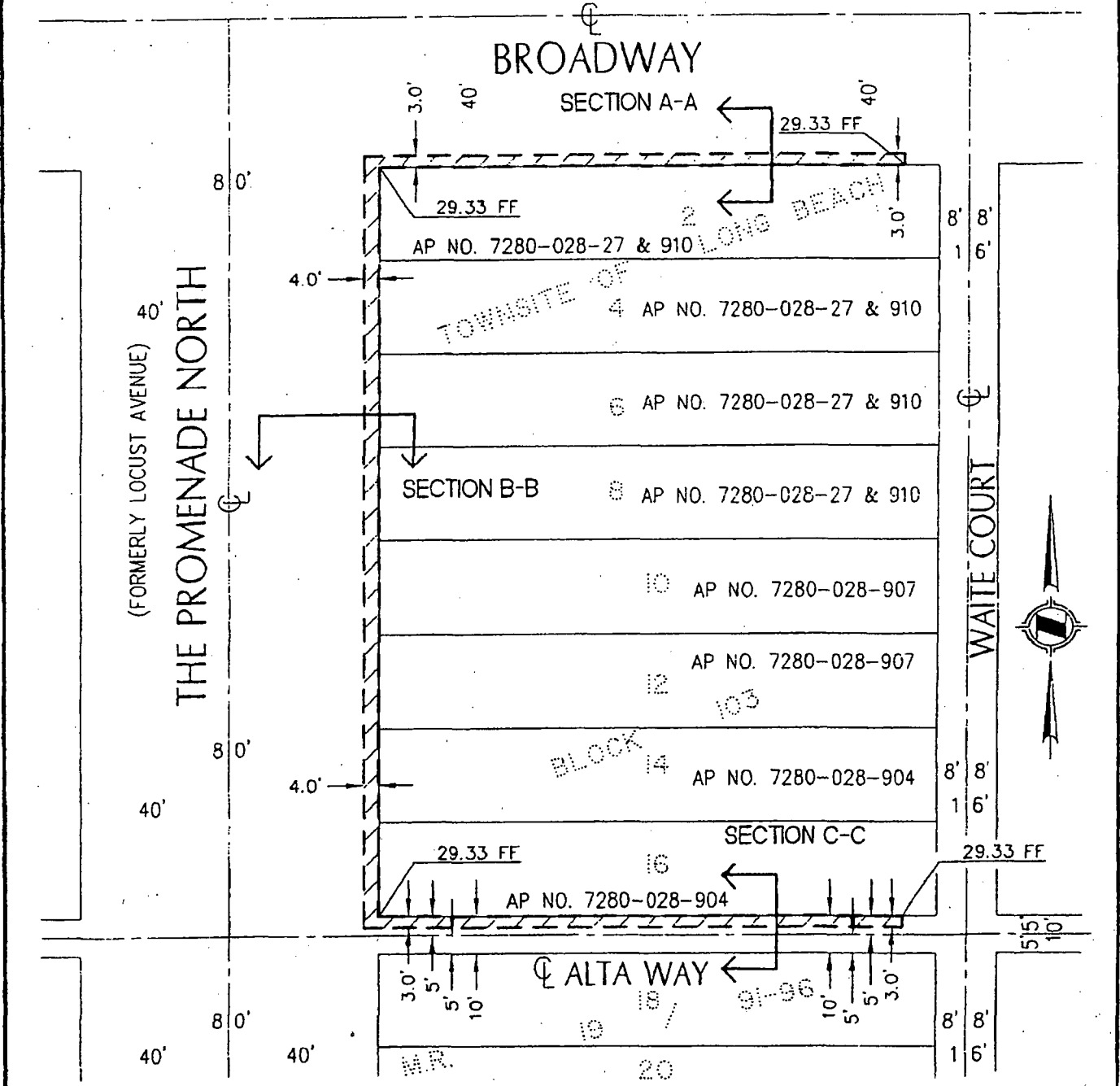
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VACATION OF A SUBTERRANEAN PORTION OF THE PROMENADE

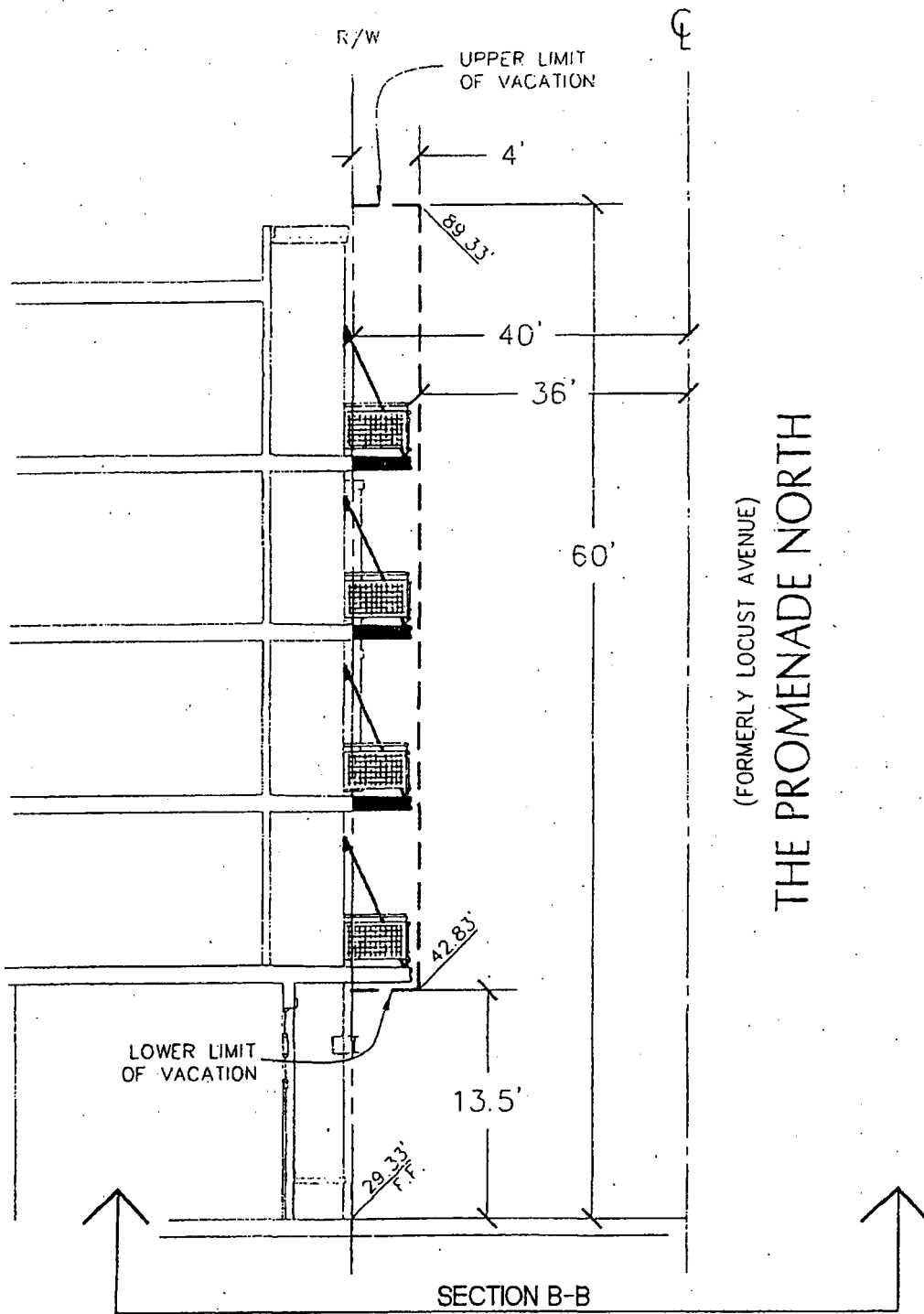
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THE UPPER ELEVATIONS OF THIS VACATION BEING A PLANE ESTABLISHED BY ELEVATION 89.33 FEET ABOVE MEAN SEA LEVEL AS SHOWN HEREON. THE LOWER LIMIT OF THIS VACATION BEING A PLANE ESTABLISHED BY ELEVATION 42.83 FEET ABOVE MEAN SEA LEVEL.

BENCHMARK: CITY OF LONG BEACH
 BENCH MARK NO. 1386
 ELEV. 29.503
 DATUM: NGVD 29 1985 CLB ADJUSTMENT



 HUNSAKER & ASSOCIATES IRVINE, INC. PLANNING • ENGINEERING • SURVEYING Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759		VACATION OF AERIAL PORTIONS OF THE PROMENADE, BROADWAY AND ALTA WAY		
DATE: 10-24-05	REV. GATE	DWG. By: R. WHEELER	CHK'd By: R. WILLIAMS	SCALE: 1" = 40'
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**DETAIL OF AERIAL PORTION OF
 THE PROMENADE TO BE VACATED**

DATE: 10-24-05

REV. DATE

DWG By: R. WHEELER

CK'd By: R. WILLIAMS

SCALE: NTS

W.O. 1108-48

FILE: I:\Promenade\LD\6516\SHTO3.dwg

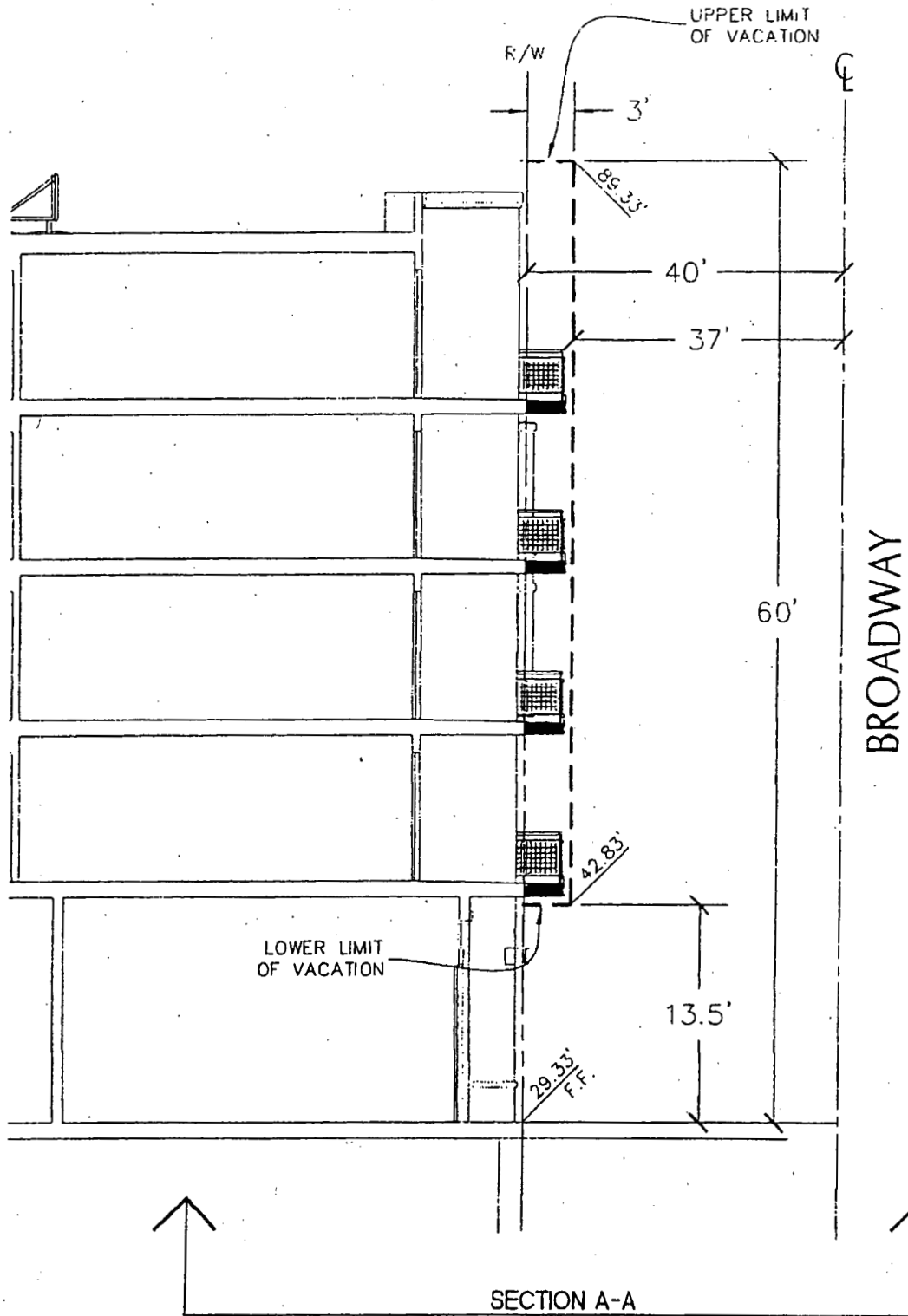
H&A LEGAL No. 6516

SHEET 3 OF 4

SECTION

SKETCH NO. 967V

Page 5 of 6



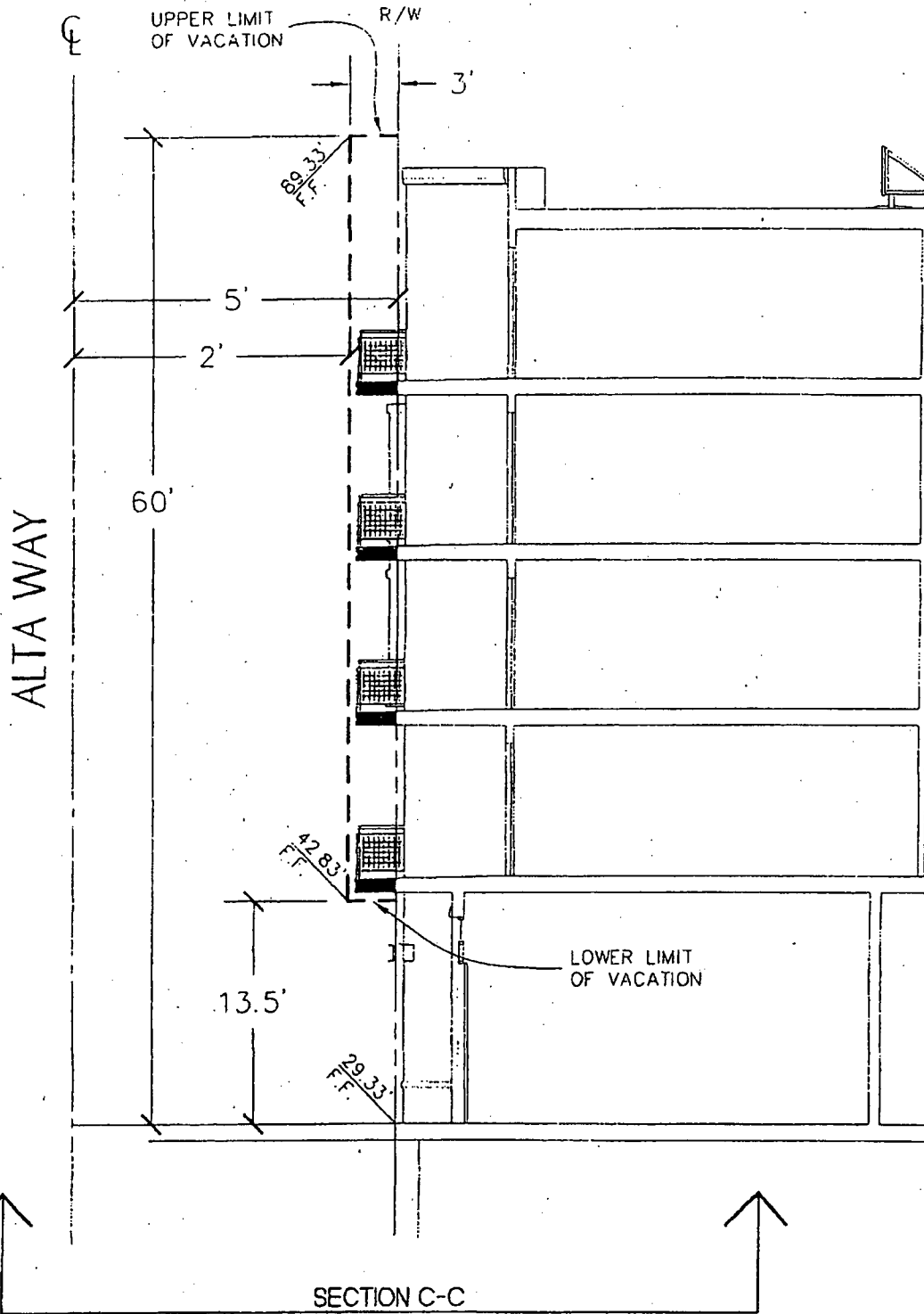
BROADWAY


SECTION A-A

H&A HUNSAKER & ASSOCIATES
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DETAIL OF AERIAL PORTION OF BROADWAY TO BE VACATED

DATE: 10-24-05	REV. DATE:	DWG By: R. WHEELER	CHK'd By: R. WILLIAMS	SCALE: NTS
FILE: I:\Promenade\LD\6516\SHT02.dwg			H&A LEGAL No. 6516	



 HUNSAKER & ASSOCIATES IRVINE, INC. PLANNING • ENGINEERING • SURVEYING Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759		DETAIL OF AERIAL PORTION OF ALTA WAY TO BE VACATED		
DATE: 10-24-05	REV. DATE	DWG By: R. WHEELER	CK'd By: R. WILLIAMS	SCALE: NTS
FILE: i:\Promenade\LD\6516\SHT04.dwg			H&A LEGAL No. 6516	



CITY OF LONG BEACH

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. (582) 570-6383
Fax (582) 570-6012.

AIRPORT
4100 Donald Douglas Dr.
Long Beach, CA 90808
Ph. (582) 570-2600
Fax (582) 570-2801

**ENGINEERING & STREET
MAINTENANCE**
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (582) 570-8834

**ENVIRONMENTAL
SERVICES**
2929 E. Willow Street
Long Beach, CA 90808
Ph. (582) 570-2850
1-2861

FLEET SERVICES
2800 Temple Avenue
Long Beach, CA 90806
Ph. (562) 570-5400
Fax (562) 570-5414

**TRAFFIC &
TRANSPORTATION**
333 W. Ocean Blvd., 10th Fl
Long Beach, CA 90802
Ph. (562) 570-6331
Fax (562) 570-7181

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).

March 7, 2006

Page 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

GMM:SC:km

P:\CLRW Lennar 200 Prom CL Res of Int.doc

Attachments

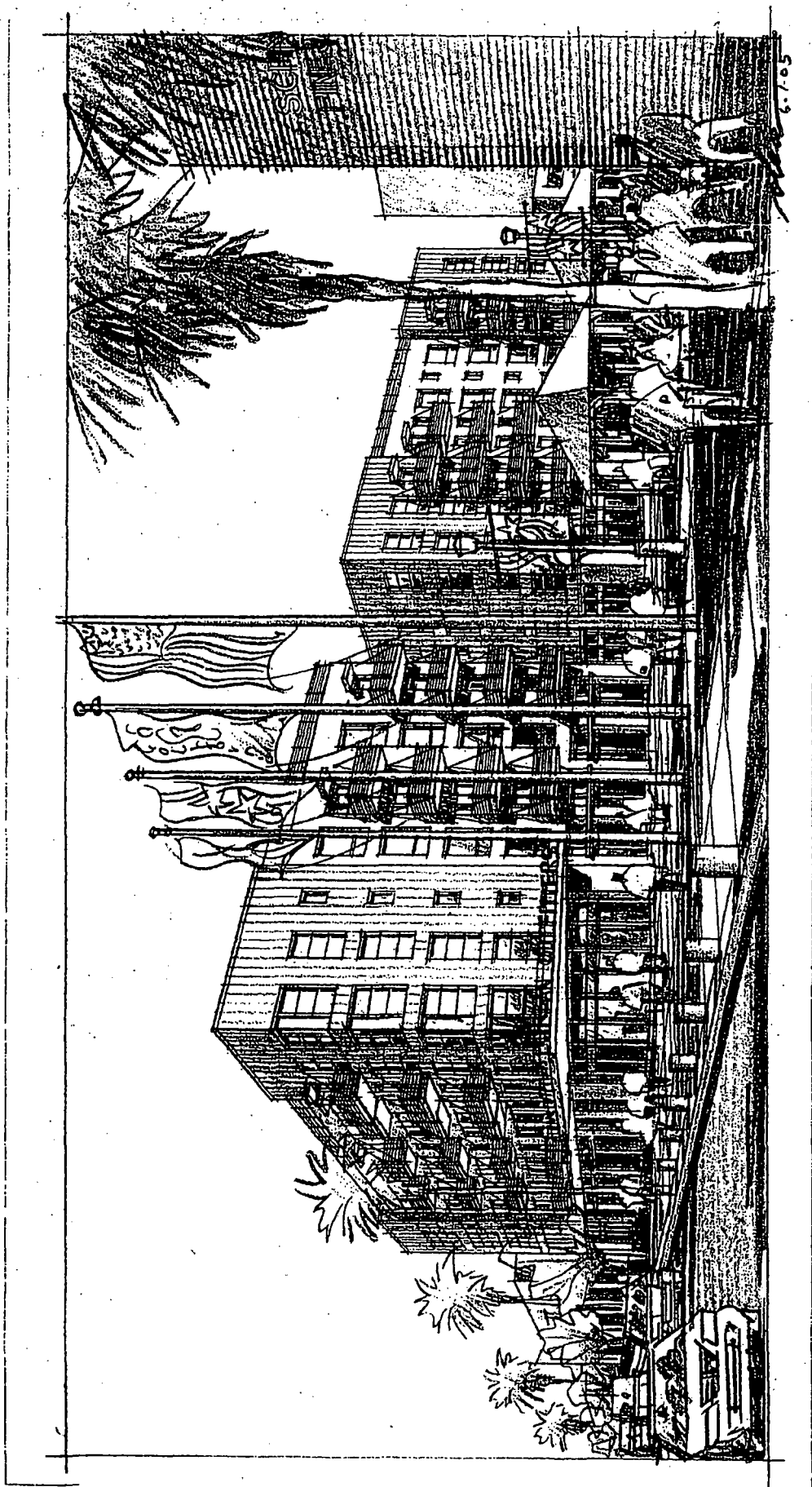
APPROVED:



GERALD R. MILLER
CITY MANAGER

**FOR THE EXHIBIT SHOWING THE SPACES TO BE VACATED,
SEE EXHIBIT A**

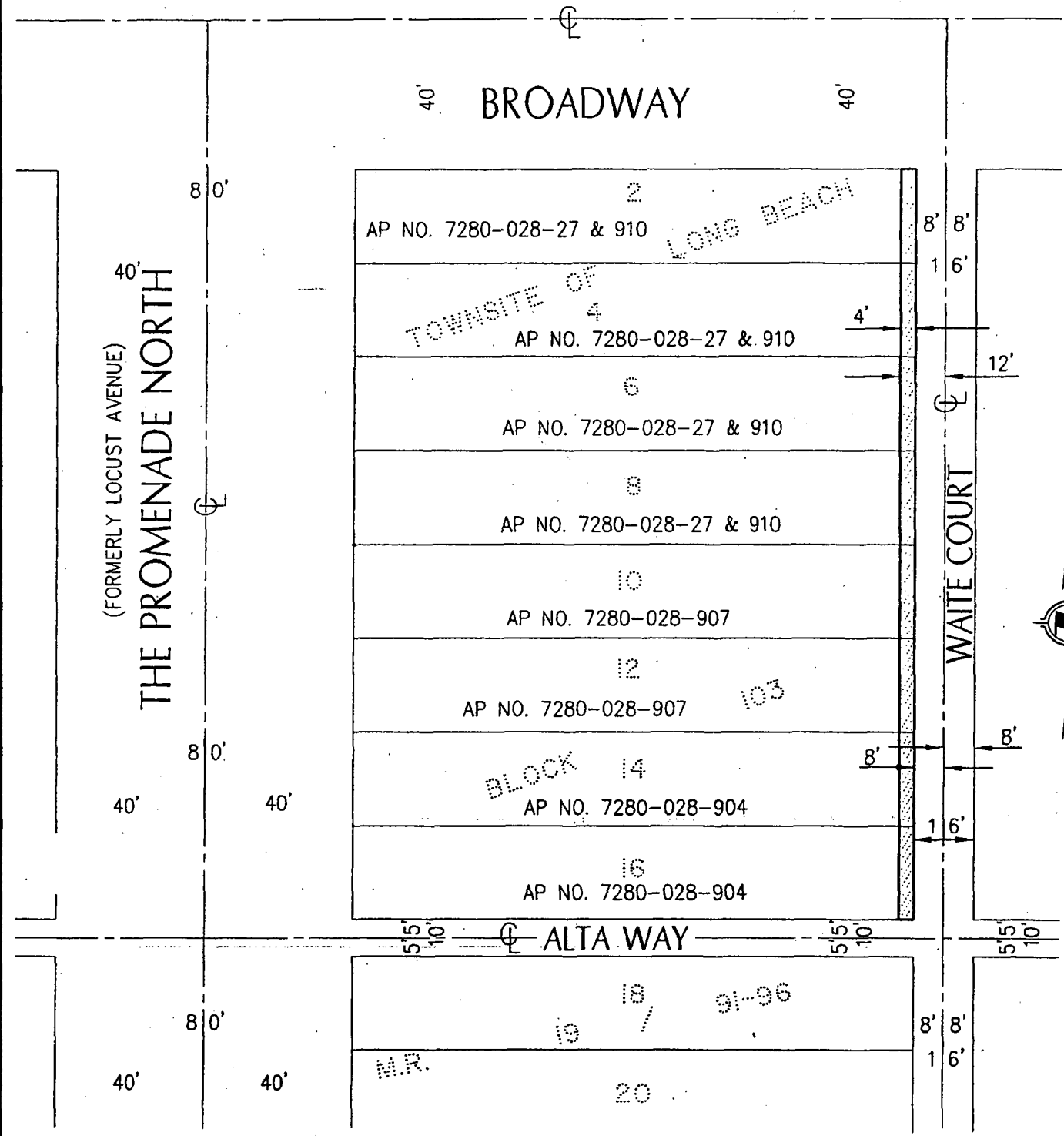
SHOWING BALCONIES OVER THE PROMENADE AND BROADWAY



VIEW FROM 3RD STREET AND THE PROMENADE

EXHIBIT "B"

Sketch to Accompany Legal Description

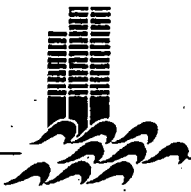


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**PUBLIC STREET RIGHT OF WAY
 FOR A PORTION OF WAITE COURT**
 CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

DATE: 10-10-05	REV. DATE: -----	DWG By: T. VO/JJS	CK'd By: J. STABLEIN	SCALE: 1" = 40'	W.O. 1108-48
FILE: I:\Promenade\LD\6509\SHT01.dwg			H&A LEGAL No. 6509		SHEET 1 OF 1

Original Exhibit C to March 7, 2006 Council letter



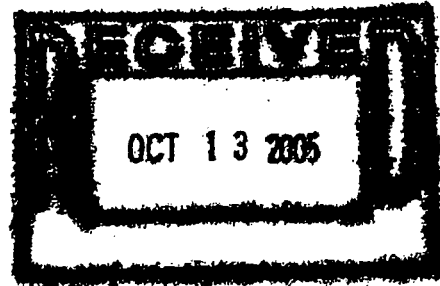
CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

ADVANCE PLANNING

October 6, 2005



CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Finding of Conformity with the *General Plan* for subterranean and aerial space vacation (Council District 2)

LOCATION: 200 East Broadway

APPLICANT: Gary Hildabrand
Lennar South Coast Homebuilding

RECOMMENDATION

Find the proposed subterranean space vacation along The Promenade North, as depicted in Exhibit A, and public rights-of-way aerial vacation, as depicted in Exhibit B, 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 subterranean space vacation and aerial vacation are herein submitted for such review.

The applicant is requesting the vacation of a 22-foot wide subterranean space along The Promenade North for the extension of the proposed underground parking structure and for the aerial vacation of the public rights-of-way for planter, deck, and bay window projections.

A finding of conformity 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

First page of Planning Commission finding letter (original Exhibit D to March 7, 2006 council letter

Exhibit B, Page 7 of 8

CONDITIONS OF APPROVAL

SKETCH NO. 967V

The development proposal for 200 E. Broadway was created with the assistance of the Redevelopment Agency of the City of Long Beach, and development plans were reviewed by the Department of Planning and Building, the Department of Public Works, the Fire Department and other interested city departments and public agencies. The following conditions of approval were attached to this project during the right-of-way vacation review process.

1. The developer is required to dedicate and improve an additional 4 feet to widen the adjacent north-south alley, Waite Court, to the satisfaction of the Director of Public Works
2. The developer is required to improve the adjacent portions of The Promenade, Broadway, and Alta Way to the satisfaction of the Redevelopment Agency and the Director of Public Works.
3. All publicly-owned street light standards in the portion of The Promenade to be vacated must be returned to City Light and Power, and the power supply circuits to these street light standards must be modified as necessary to the satisfaction of the Director of Public Works.
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.

GM:SC

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF
SUBTERRANEAN AND AERIAL PORTIONS OF THE
PROMENADE, BROADWAY AND ALTA WAY ADJACENT
TO 200 E. BROADWAY, 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, subterranean and aerial portions of The Promenade,
Broadway and Alta Way adjacent to 200 E. Broadway in the City of Long Beach, County
of Los Angeles, State of California, described more particularly as follows:

Subterranean Portion of The Promenade

A strip of land in the City of Long Beach, County of Los Angeles, State of California, being the easterly 22.00 feet of The Promenade North, 80.00 feet wide, formerly Locust Avenue, as per map of "Townsite of Long Beach" recorded in Book 19, Pages 91 through 96, inclusive of Miscellaneous Records of said County, said strip bounded on the north by the westerly prolongation of the northerly line of Lot 2 of Block 103 of said map and bounded on the south by the westerly prolongation of the southerly line of Lot 16 of said Block 103, and bounded by an upper elevation of 28.58 feet at the northeasterly and southeasterly corner of said strip and bounded by an upper elevation of 28.14 feet at the northwesterly and southwesterly corner of said strip. Said strip has no lower limit.

Said elevations being based on City of Long Beach Benchmark No. 1386, located at the northeast corner of The Promenade North and Broadway. Lead and Tack in east end of catch basin, 75 feet east of the centerline of Promenade North, Elevation 29.503 feet, Datum 1929 NGVD 1985 CLB Adjustment.

Aerial Portions of The Promenade, Broadway and Alta Way

A strip of land in the City of Long Beach, County of Los Angeles, State of California, being the easterly 4.00 feet of The Promenade North, 80.00 feet wide, formerly Locust Avenue, as per map of "Townsite of Long Beach" recorded in Book 19, Pages 91 through 96, inclusive of Miscellaneous Records of said County, together with the southerly 3.00 feet of Broadway,

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Long Beach, California 90802-4664
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80.00 feet wide, per said map, and the northerly 3.00 feet of Alta Way, 10.00 feet wide, per said map, said strip bounded on the north by a line which is parallel with and northerly 3.00 feet from the northerly line of Lot 2 of Block 103 of said map and its westerly prolongation, bounded on the south by a line which is parallel with and southerly 3.00 feet from the southerly line of Lot 16 of Block 103 of said map and it's westerly prolongation, bounded on the east by a line which is parallel with and westerly 9.00 feet from the easterly line of Lot 2 of Block 103 of said map and it's northerly and southerly prolongations, and bounded on the west by a line which is parallel with and westerly 4.00 feet from the westerly line of Lot 2 of Block 103 of said map and it's northerly and southerly prolongations, and bounded by a lower elevation of 42.83 feet and bounded by an upper elevation of 89.33 feet.

Said elevations being based on City of Long Beach Benchmark No. 1386, located at the northeast corner of The Promenade North and Broadway. Lead and Tack in east end of catch basin, 75 feet east of the centerline of The Promenade North, Elevation 29.503 feet, Datum 1929 NGVD 1985 CLB Adjustment.

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

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

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

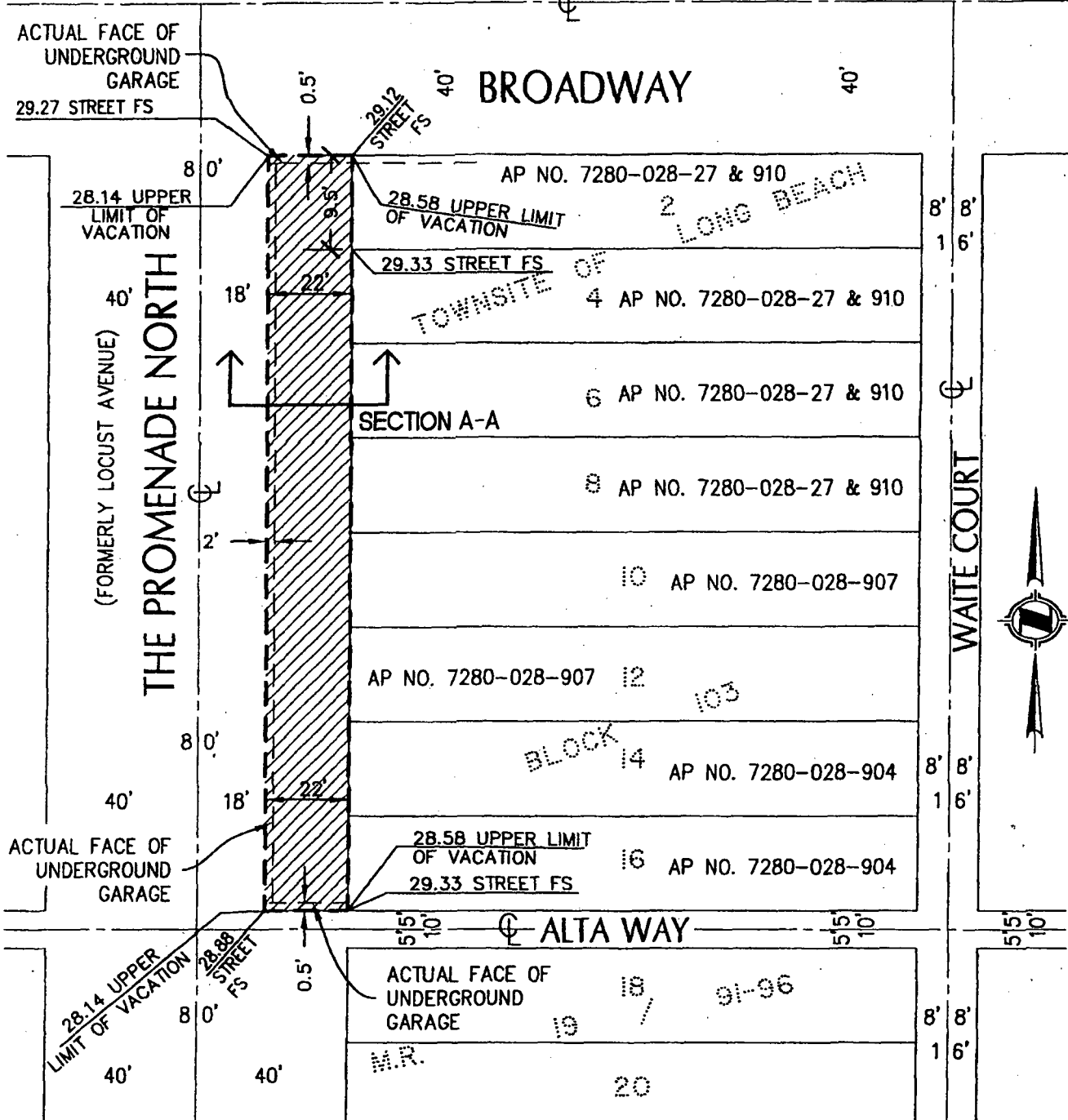
NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. Pursuant to the foregoing resolution of intention, the proceedings had thereunder, the "SKETCH SHOWING VACATION OF THE SUBTERRANEAN PORTION OF THE PROMENADE AND AERIAL PORTIONS OF THE PROMENADE, BROADWAY AND ALTA WAY TO BE VACATED BY THE CITY OF LONG BEACH" attached hereto as Exhibit "A", and the City Council Findings attached hereto as Exhibit

Sketch to Accompany Legal Description

THE UPPER ELEVATIONS OF THIS VACATION BEING A PLANE ESTABLISHED BY ELEVATIONS 28.58 FEET AND 28.14 FEET ABOVE MEAN SEA LEVEL AS SHOWN HEREON. SAID VACATION HAS NO LOWER LIMITS.

BENCHMARK: CITY OF LONG BEACH
 BENCH MARK NO. 1386
 ELEV. 29.503
 DATUM: NGVD 29 1985 CLB ADJUSTMENT



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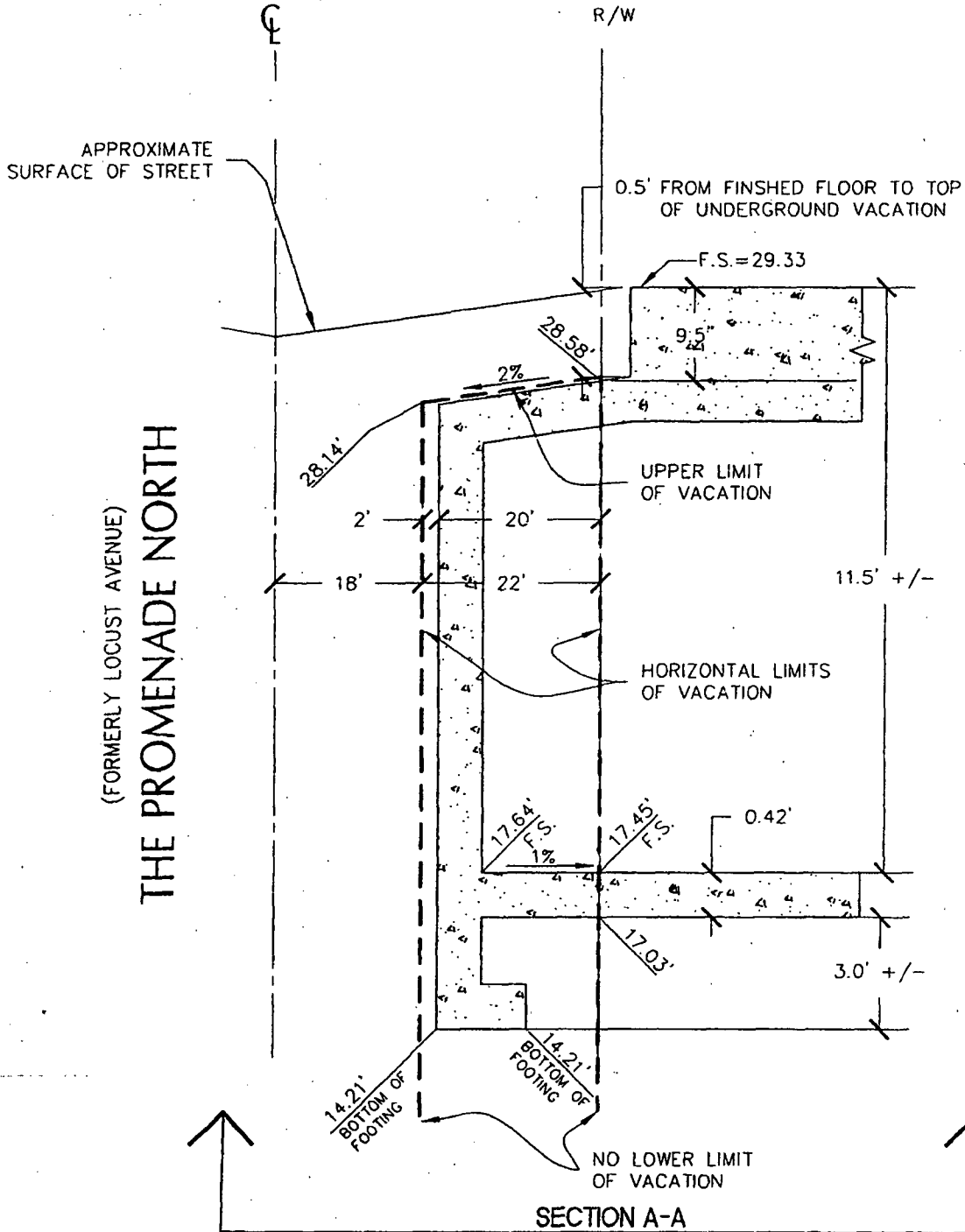
VACATION OF A SUBTERRANEAN PORTION OF THE PROMENADE

DATE: 3-29-05	REV. DATE: 12-22-05	DWG. By: T. VO	CHK'd By: J. STABLEIN	SCALE: 1" = 40'
FILE: I:\Promenade\LD\6333\ SHT01.dwg			H&A LEGAL No. 6333	

SECTION

SKETCH NO. 967V

Page 2 of 6



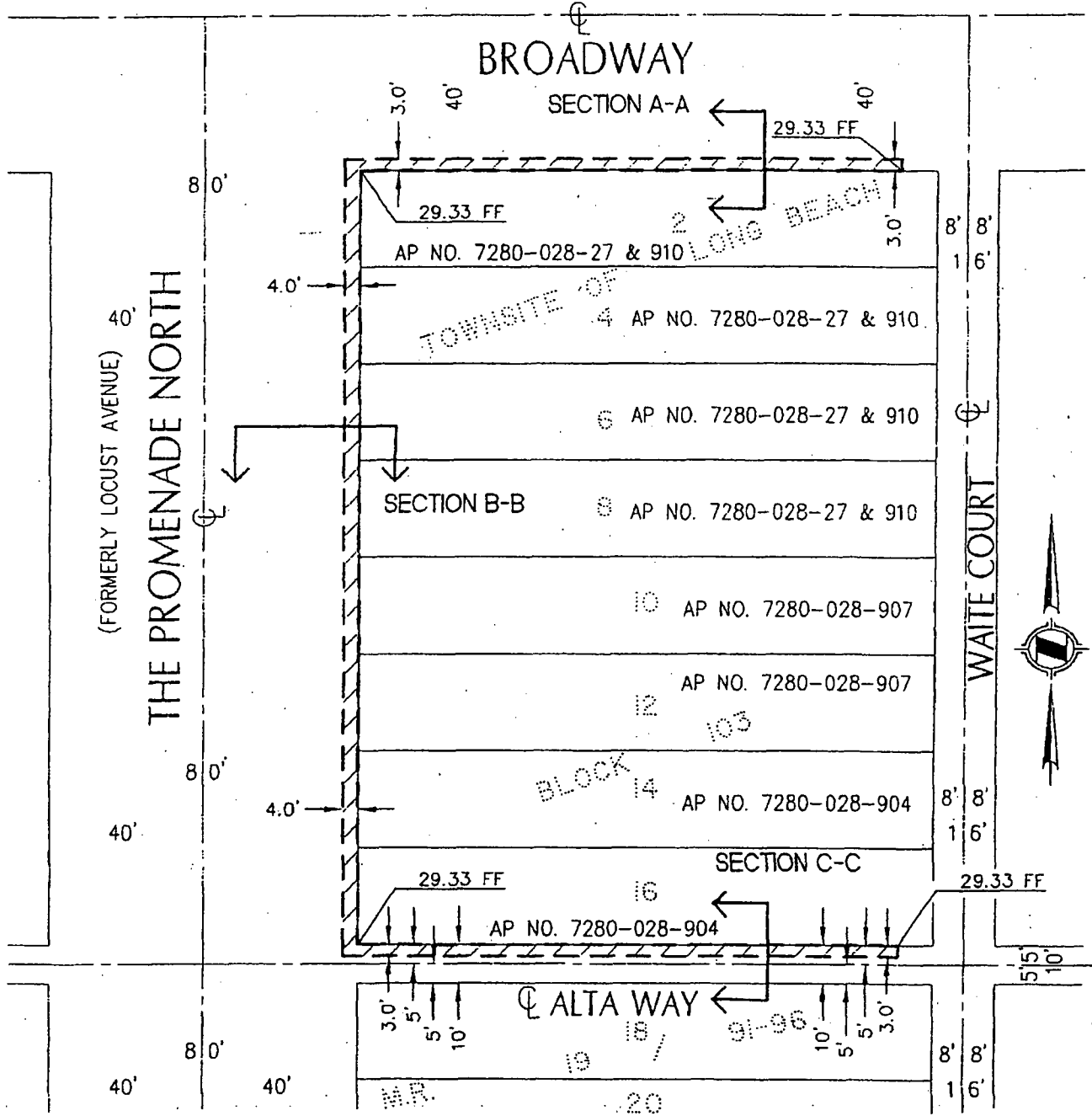
HUNSAKER & ASSOCIATES
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VACATION OF A SUBTERRANEAN PORTION OF THE PROMENADE

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FILE: I:\Promenade\LD\6333\SHT02.dwg				H&A LEGAL No. 6333

THE UPPER ELEVATIONS OF THIS VACATION BEING A PLANE ESTABLISHED BY ELEVATION 89.33 FEET ABOVE MEAN SEA LEVEL AS SHOWN HEREON. THE LOWER LIMIT OF THIS VACATION BEING A PLANE ESTABLISHED BY ELEVATION 42.83 FEET ABOVE MEAN SEA LEVEL.

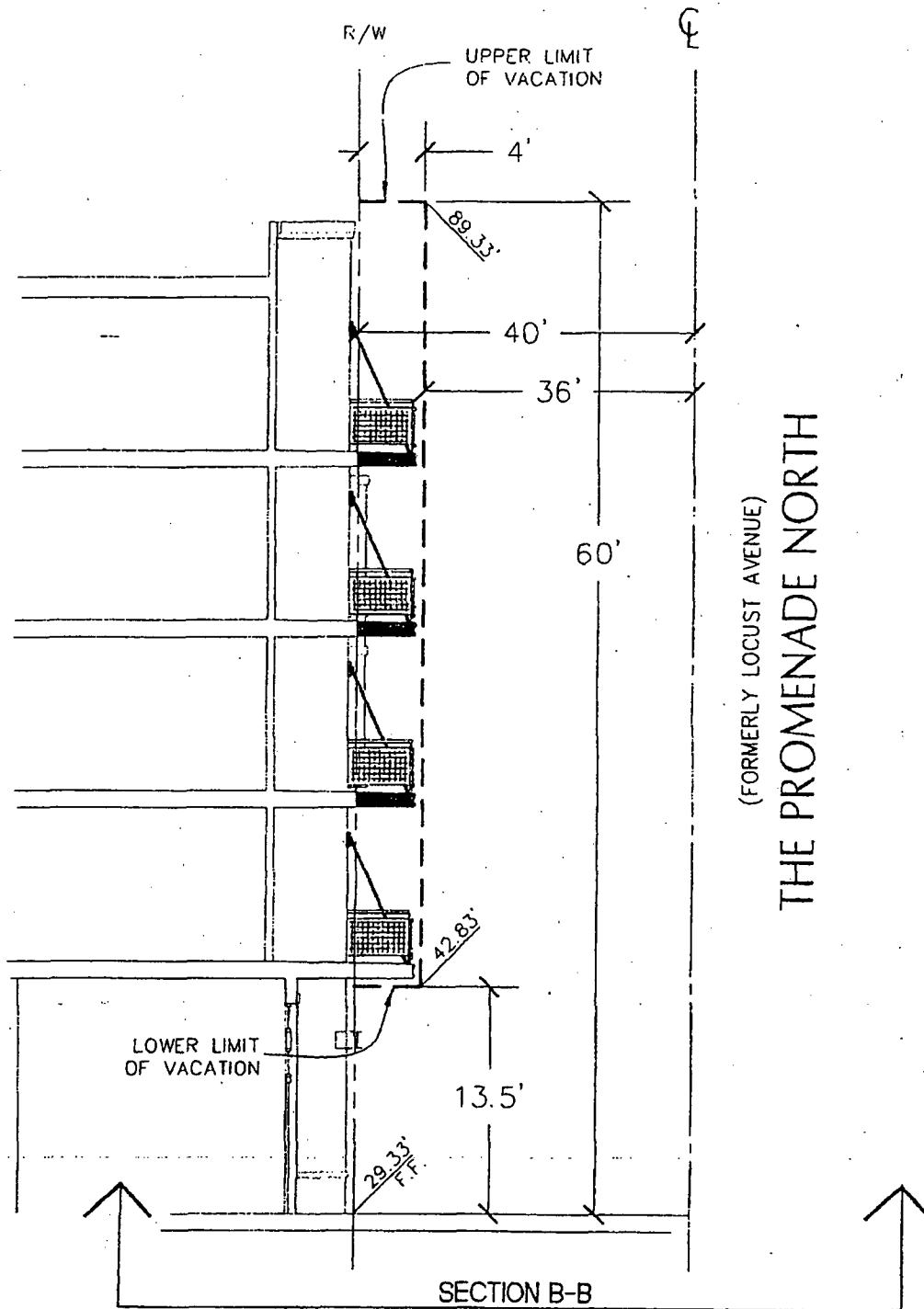
BENCHMARK: CITY OF LONG BEACH
 BENCH MARK NO. 1386
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VACATION OF AERIAL PORTIONS OF THE PROMENADE, BROADWAY AND ALTA WAY

DATE: 10-24-05	REV. DATE:	.DWG By: R. WHEELER	CK'd By: R. WILLIAMS	SCALE: 1" = 40'
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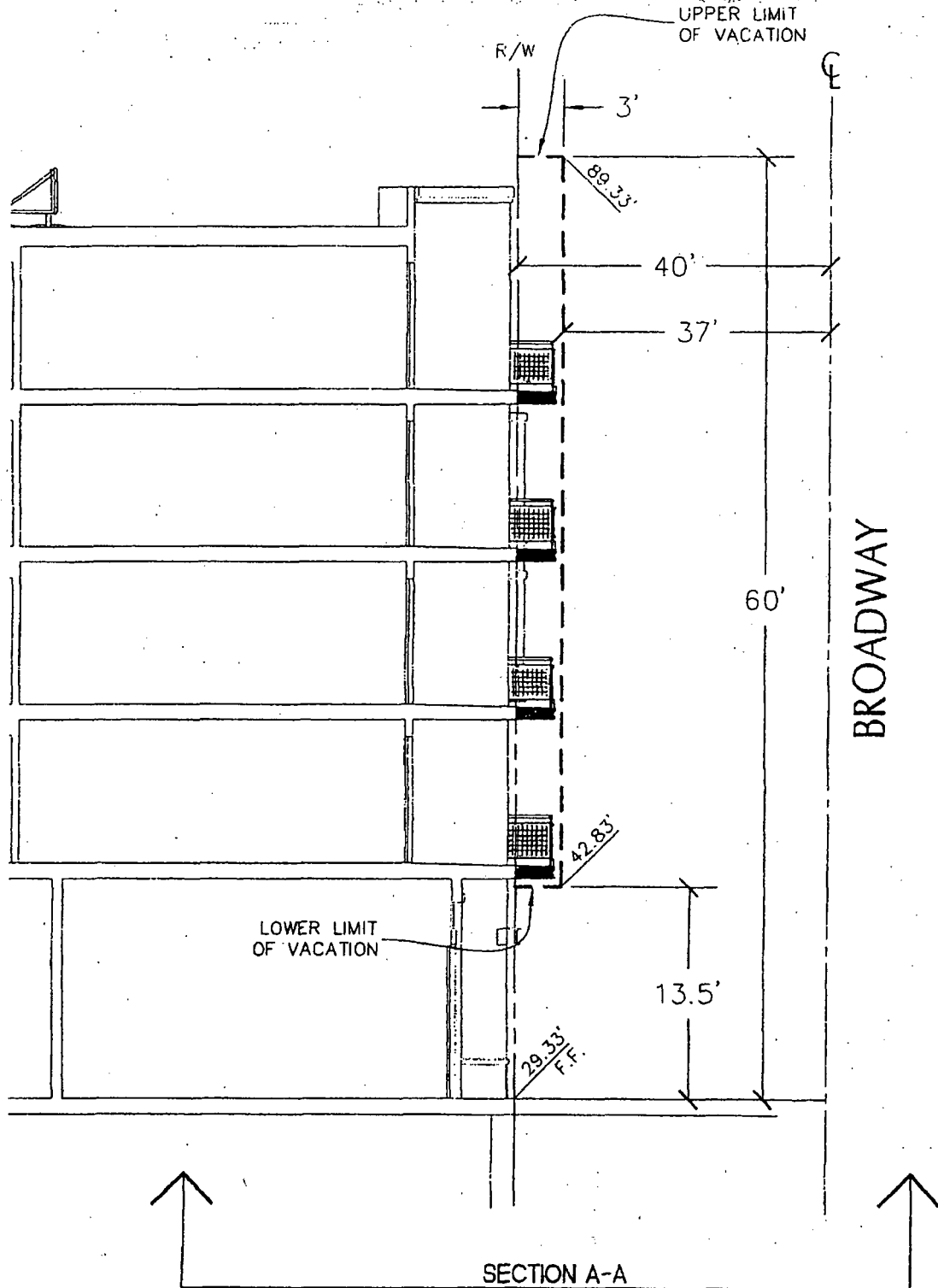
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 THE PROMENADE TO BE VACATED**


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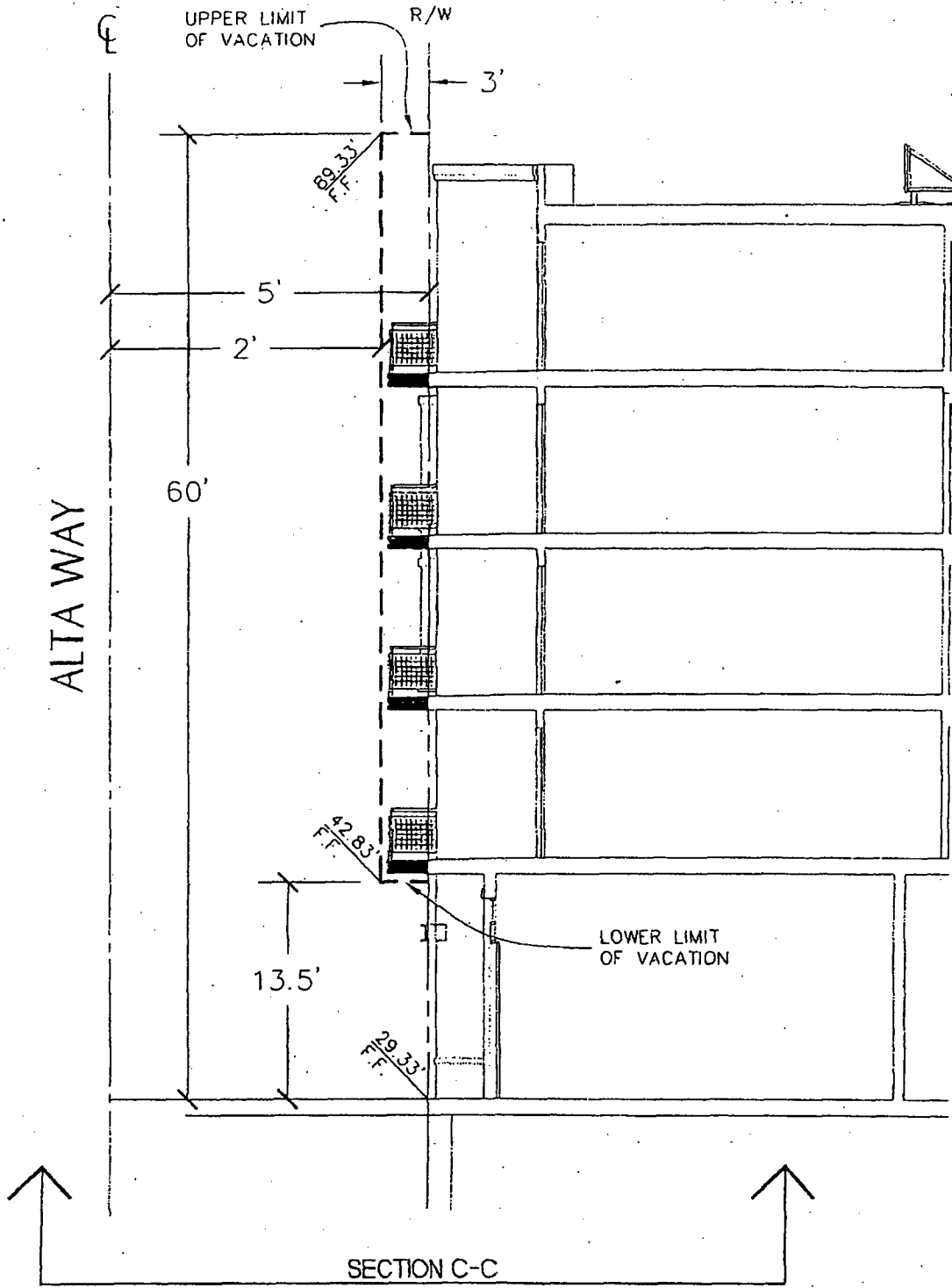
SECTION

SKETCH NO. 967V

Page 5 of 6



 HUNSAKER & ASSOCIATES IRVINE, INC. PLANNING ■ ENGINEERING ■ SURVEYING Three Hughes • Irvine, CA 92618 • Pht (949) 583-1010 • Fax (949) 583-0759	DETAIL OF AERIAL PORTION OF BROADWAY TO BE VACATED		
	DATE: 10-24-05 REV. DATE:	.DWG By: R. WHEELER CK'd By: R. WILLIAMS	SCALE: NTS
FILE: I:\Promenade\LD\6516\SHT02.dwg			



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**DETAIL OF AERIAL PORTION OF
 ALTA WAY TO BE VACATED**

DATE: 10-24-05	REV. DATE:	.DWG By: R. WHEELER	CK'd By: R. WILLIAMS	SCALE: NTS
FILE: I:\Promenade\LD\6516\SHT04.dwg			H&A LEGAL No. 6516	

CITY COUNCIL FINDINGS

VACATION OF SUBTERRANEAN AND AERIAL PORTIONS OF THE PROMENADE, BROAWAY AND ALTA WAY - Reference Sketch No. 967V

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 March 7, 2006 City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as RES-06-0019.
 - 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.
- b) In conformance with the California Environmental Quality Act, Negative Declaration Number ND 30-04 was certified for this project.