



# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS

**C-22**

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June 14, 2005

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Accept a dedication for public alley purposes and adopt a Resolution of Intention to Vacate both above-ground and underground portions of The Promenade and Alta Way adjacent to 133 The Promenade North, and set the date for a public hearing on July 5, 2005. (District 2)

### DISCUSSION

The Olson Company is developing the site on the west side of The Promenade between Broadway and First Street as a five-story mixed-use building with two levels of subterranean parking. The building design approved by the Redevelopment Agency projects into the existing 80-foot wide Promenade right-of-way. The aboveground projection is designed to enhance the streetscape appearance of the building and the underground projection contributes to the space needed to provide the parking required for this project. The underground parking garage is to be built up to the current west boundary of the site, while the adjacent Tribune Court will be widened from 16 feet to 20 feet on the surface only. This necessitates the vacation of a remaining 2-foot wide underground portion of Alta Way, most of which was vacated in 1986. Vacations are requested to entitle the developer to proceed with private development over the parcels 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 Redevelopment Agency of the City of Long Beach entered into a Disposition and Development Agreement for this project on October 29, 2004. The Agency has reviewed and approved these development plans with facade projections into The Promenade in the context of the redesign of The Promenade streetscape from First Street to Broadway, and they support the building design with projections as an enhancement to the architectural character of that space. The proposed facade is shown on the attached Exhibit B.

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2. On April 7, 2005, the City of Long Beach Planning Commission determined that the subject vacation is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. The Planning Department staff report is included as Exhibit C.
3. The interested City Departments, including Fire and Police, have 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 June 2, 2005. A public hearing on the vacation should be set on July 5, 2005, in the City Council chambers, to allow all persons interested in or objecting to the proposed vacation to appear and be heard. In conformance with the California Environmental Quality Act, Negative Declaration Number ND 07-04 was certified on October 21, 2004, for this project. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

#### TIMING CONSIDERATIONS

City Council action is requested on June 14, 2005, as a necessary step in carrying out the development agreement between the Redevelopment Agency and Olson 737 - Long Beach 2, LLC (developer).

#### FISCAL IMPACT

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

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

GMM:SC:km

Attachments

APPROVED:



GERALD R. MILLER  
CITY MANAGER