

Agenda Report

TO: CITY COUNCIL

Date: NOVEMBER 19, 2007

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION FOR THE VACATION OF A STRIP OF LAND ALONG THE SOUTH SIDE OF BELLEVUE DRIVE FROM ARROYO PARKWAY TO APPROXIMATELY 125 FEET WEST OF ARROYO PARKWAY

RECOMMENDATION

It is recommended that the City Council:

1. Hold a public hearing on the proposed vacation and hear evidence offered by persons interested;
2. Adopt the attached resolution that:
 - a. Affirms that the City Council has acknowledged that the Environmental Impact Report (EIR) has been adopted for the project associated with the proposed street vacation and that no further environmental review is required because no significant changes in the environment would result from the street vacation pursuant to the guidelines of the California Environmental Quality Act, CEQA Section 15162;
 - b. Finds the proposed vacation of the subject portion of Bellevue Drive consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use;
 - c. Orders the vacation of the subject portion of Bellevue Drive based on certain conditions set forth in Exhibit "C", if and only if those certain conditions are met; and

3. Declares that the City's interest in the proposed vacated street is an easement only with a reasonable market value of less than \$1,000, and therefore, the City's interest in the property is not subject to the provisions of Chapter 4.02 of the Pasadena Municipal Code as indicated in Section 4.02.040(A) of said chapter; and
4. Authorize the City Manager to execute a Condition Satisfaction Contract between the City and the applicant.

PLANNING COMMISSION REVIEW

On Wednesday, September 26, 2007, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation as presented by staff.

BACKGROUND

The property owner of the Whole Foods Market project, located at 445 South Arroyo Parkway, has requested the vacation of a seven-foot-wide strip of land along the south side of Bellevue Drive, adjacent to their project.

Through Conditional Use Permit No. 4425 (CUP No. 4425), approved by the Zoning Hearing Officer on September 21, 2005, the property owner was required to narrow the exiting roadway along their Bellevue Drive frontage and install a new traffic signal at the intersection of Bellevue Drive and Arroyo Parkway. By doing this, a public benefit is achieved by aligning the traffic in appropriately sized lanes and establishing phasing with the traffic signals allowing for safe movement of traffic. The narrowing of the roadway also allows for the installation of a curb cut on the southwest corner which would not otherwise be allowed due to the location of the historical building.

The public benefit of approving the vacation will be to achieve the realignment as required in the conditions set forth in CUP No. 4425; provide for a standard 10-foot parkway on the south side of Bellevue Drive and provide for a standard curb cut at the southwest corner of Bellevue Drive and Arroyo Parkway. The property owner proposes to use the vacated portion for the placement of their public art project (a condition of CUP No. 4425) and for sidewalk dining.

The City's interest in Bellevue Drive is in easement, only, for public purposes. The vacation will convey all rights to the abutting property owner.

Bellevue Drive is legally described in Exhibit "A" and is shown on Exhibit "B", which are attached to the Resolution.

The portion of Bellevue Drive to be vacated is seven feet wide and approximately 125 feet in length. A review by both the Departments of Public Works and Transportation

determined that the proposed vacation of a portion of Bellevue Drive will not have an adverse impact on traffic circulation in the area.

General Plan Consistency

The subject site is located within an area designated as Central District Specific Plan in the 2004 Land Use Element of the General Plan.

The proposed street vacation helps further the following policies of the Mobility Element:

Policy 2.7 – Promote improvements for pedestrians to support vibrant and active streets and major places of activity.

Policy 4.5 – Ensure safe and efficient travel and traffic management throughout the City, while providing adequate access for all users.

Policy 4.15 – Limit the intrusion of commercial truck traffic on City Streets by directing truck traffic to major arterials and enforcing related regulations on local streets.

Policy 4.16 – Recognize and accommodate the distinctive needs of the users of multimodal corridors as well as the particular needs of Major destinations.

Environmental Clearance

On September 21, 2005, the Zoning Hearing Officer certified an Environmental Impact Report (EIR) for the Whole Foods Market project (Conditional Use Permit No. 4425) located at 455 South Arroyo Parkway (located on the southwest corner of Arroyo Parkway and Bellevue Drive) and adopted corresponding EIR Findings, a Statement of Overriding Consideration, and a Mitigation Monitoring and Reporting Program. No subsequent or supplemental environmental review is required for the proposed street vacation because none of the scenarios which would trigger additional CEQA review have occurred, pursuant to Section 15162 of the State CEQA Guidelines, as follows:

- (1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at

the time the previous EIR was certified as complete or the Negative Declaration was adopted is present, and specifically:

- (a) The project will not have one or more significant effects not discussed in the previous EIR or Negative Declaration;
- (b) Significant effects previously examined will not be substantially more severe than shown in the previous EIR;
- (c) No mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (d) No mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Neighborhood Meetings

No neighborhood meeting was held for this request because this proposed vacation is associated with, and is an implementation of certain conditions of approval of Conditional Sue Permit No. 4425. The Zoning Hearing Officer approved CUP No. 4425 and certified an EIR with an overriding consideration after conducting a public hearing on September 21, 2005.

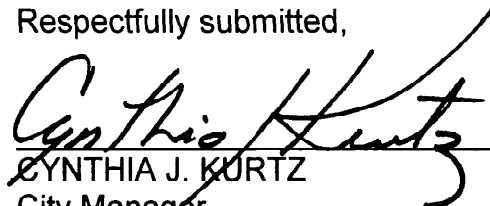
Conditions

The proposed vacation of the subject portion of Bellevue Drive is subject to conditions as described in Exhibit "C", which is attached to the Resolution. If the City Council approves the vacation, the applicant must meet all conditions that are imposed upon the vacation prior to its recordation with the County Assessor's office.

FISCAL IMPACT

All costs for processing the vacation and construction of public improvements are at the applicant's expense. The applicant shall be responsible for all costs associated with the design, review and construction of the new public improvements and costs associated with meeting all the conditions set forth in the street vacation.


Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

Prepared by:


Bonnie L. Hopkins
Principal Engineer

Approved by:


Martin Pastucha, Director
Department of Public Works

Enclosure:

- Resolution of Intent to Vacate a Portion of Bellevue Drive and Set a Public Hearing
- Exhibit "A" to the Resolution – Legal Description
- Exhibit "B" to the Resolution – Department of Public Works Drawing No. 5756
- Exhibit "C" to the Resolution - Memo to Planning and Development dated August 17, 2007

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ORDERING THE VACATION OF A STRIP OF LAND ALONG THE SOUTH SIDE OF BELLEVUE DRIVE FROM ARROYO PARKWAY TO APPROXIMATELY 125 WEST OF ARROYO PARKWAY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, Resolution No. 8786 was adopted by the City Council of the City of Pasadena on October 22, 2007, declaring the intention of the City of Pasadena to vacate a 7-foot strip of land along the south side of Bellevue Drive from Arroyo Parkway to approximately 125 feet west of Arroyo Parkway and which said portion shall be referred to in this Resolution as Bellevue Drive; and

WHEREAS, Bellevue Drive, from Arroyo Parkway to approximately 125 feet west of Arroyo Parkway, is approximately 170 feet in length from Arroyo Parkway to its west terminus at the Metropolitan Transportation Authority right-of-way and 80 feet in width, and is legally described in Exhibit "A" and as shown on Exhibit "B" on file in the office of the Director of Public Works; and

WHEREAS, the City Council has approved the finding that there is substantial evidence that the vacation of the subject portion of Bellevue Drive, as described herein and in Resolution No. 8786, will have no significant effect on the environment based on the acknowledgement, of the City Council, that the Environmental Impact Report has been adopted for the project associated with the proposed street vacation and no further environmental review is required and that the vacation proceeding for said street is and will be conducted pursuant to the California Streets and Highways Code, Sections 8320, et seq.;

WHEREAS, the City Council finds that the vacation of the subject portion of Bellevue Drive, as described herein in Resolution No. 8786, is consistent with the

General Plan mobility element, as is unnecessary for present or prospective public use;
and

WHEREAS, THE City Council finds that there is a public benefit from the vacation of the subject portion of Bellevue Drive in that it will relieve the public of maintenance responsibility and associated liability.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena:

1. Said Bellevue Drive, as described in Exhibit "A: and shown on Exhibit "B", attached hereto and incorporated herein by reference, is hereby ordered vacated and abandoned, subject to fulfillment of the conditions adopted with the resolution set forth in Exhibit "C", attached hereto and incorporated herein by reference; and

2. It is further ordered that the City Clerk shall cause a certified copy of this Resolution to be recorded in the office of the County Recorder of Los Angeles upon written notice to her by the City Engineer that all of the conditions set forth in Exhibit "C" have been fully satisfied and met.

Adopted at the _____ meeting of the City Council on the _____ day of _____, 2007, by the following vote:

AYES:

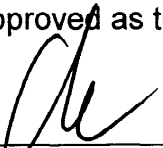
NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, City Clerk

Approved as to form:



Nicholas George Rodriguez
Assistant City Attorney

11/7/07



CIVIL ENGINEERING
SURVEYING+MAPPING
LAND DEVELOPMENT

EXHIBIT "A"

MOLLENHAUER GROUP
CIVIL ENGINEERING, SURVEYING+MAPPING, LAND DEVELOPMENT
707 Wilshire Blvd, Fortieth Floor, Los Angeles, California 90017
Phone 213.624.2661 - Fax 213.614.1863

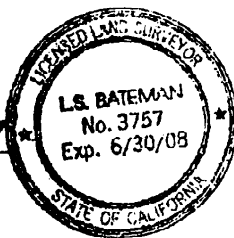
March 19, 2007

THAT PORTION OF THE SOUTHERLY ONE HALF OF BELLEVUE DRIVE, 80 FEET IN WIDTH, BEING A PORTION OF LOT 27 OF WEBSTER & STRATTON'S SUBDIVISION OF THE G.T. STAMM PROPERTY, IN LOTS 10 AND 11, BLOCK "H" OF THE SAN PASQUAL TRACT, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 11 PAGE 83 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID BELLEVUE DRIVE WITH THE WESTERLY LINE OF ARROYO PARKWAY, 100 FEET IN WIDTH; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, S 89°58'22" W 124.81 FEET; THENCE DEPARTING SAID LINE, N 65°15'33" E 13.46 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 15 FEET; THENCE EASTERLY ALONG SAID CURVE 6.47 FEET TO A LINE 7 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY OF SAID BELLEVUE DRIVE; THENCE ALONG SAID PARALLEL LINE, N 89°58'22" E 90.26 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 15 FEET; THENCE EASTERLY ALONG SAID CURVE TO A TANGENT LINE THAT BEARS N 59°46'14" W FROM THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG SAID LINE TO THE POINT OF BEGINNING.

L.S. Bateman 3/19/07

Lawrence S. Bateman, L.S. 3757

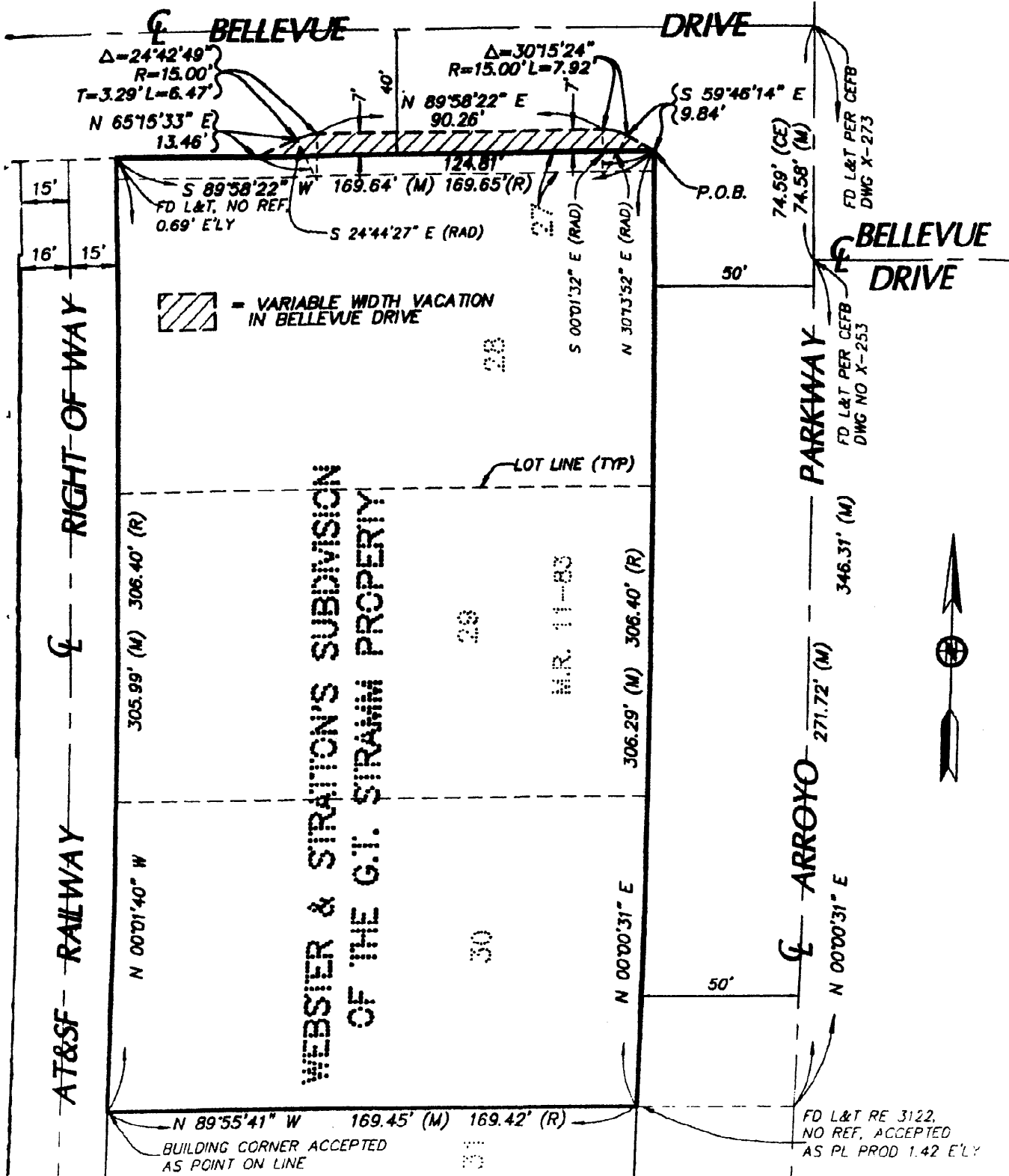


Reviewed by:

Daniel A. Rix

DANIEL A. RIX, City Engineer
City of Pasadena

EXHIBIT "B"



CITY OF PASADENA — DEPARTMENT OF PUBLIC WORKS

DRAWN BY: CM	<p>VACATION OF BELLEVUE DRIVE</p> <p><i>Daniel A. R.</i></p> <p>CITY ENGINEER</p>	SCALE: NTS
CHECKED BY: BH		DATED:
SUBMITTED BY: BH	APPROVED BY: <i>Daniel A. R.</i> 10/15/2007	5756
FIELD BOOK NO. NONE	DATE	

EXHIBIT "C"

MEMORANDUM - CITY OF PASADENA
Department of PUBLIC WORKS

DATE: August 17, 2007

TO: Richard Bruckner, Director
Department of Planning and Permitting

FROM: Daniel A. Rix, City Engineer
Department of Public Works

RE: **Vacation of a 7 Foot Wide Strip of Land along Bellevue Drive
Between the MTA Right-of-Way and Arroyo Parkway**

RECOMMENDATION:

In accordance with the authority conferred upon the Planning Commission by Section 2.105.110(B)(4)(a) of the Pasadena Municipal Code, the Department of Public Works recommends that the Planning Commission recommend that the City Council:

1. Take the appropriate action and make the appropriate findings to vacate a 7 foot wide strip of land along the south side of Bellevue Drive between the MTA right-of-way and Arroyo Parkway, in accordance with the requirements and recommendations contained in this report and subject to the conditions herein;
2. Find that the portion of Bellevue Drive proposed for vacation is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use;
3. Declare that the City's interest in this portion of Bellevue Drive is an easement only with a market value of less than \$1,000. Therefore, the City's interest in the proposed vacation is not subject to the provisions of Chapter 4.02 of the Pasadena Municipal Code as indicated in Section 4.02.040(A) of this chapter;
4. Adopt a resolution vacating this portion of Bellevue Drive in accordance with the requirements and recommendations contained in this report and subject to the conditions described herein;

BACKGROUND:

The property owner of the Whole Foods project, located at 445 South Arroyo Parkway, has requested the vacation of a 7-foot strip of land along the south side of Bellevue Drive, adjacent to their project.

Through their discretionary action review, the property owner was conditioned to reduce the exiting roadway of 60 feet and install a new traffic signal at the intersection of Bellevue Drive and Arroyo Parkway. By doing this, a public benefit is achieved by aligning the traffic in appropriate sized lanes and establishing phasing with the traffic signals allowing for safe movement of traffic. The narrowing of the roadway also allows for the installation of a curb cut on the southwest corner which would not otherwise be allowed due to the location of the historical building.

After narrowing the roadway, as described above, the new curb alignment for Bellevue Drive will provide a 17-foot parkway on the south side and maintain a 10-foot parkway on the north side. The property owner proposes to vacate the 7-foot strip of land adjacent to their property which will provide for a standard 10-foot parkway to remain on the south side for public purposes. The property owner proposes to use the vacated portion of Bellevue Drive for sidewalk dining and for the placement of their public art project.

The City's interest in Bellevue Drive is in easement, only, for public purposes. The vacation will convey all rights to the abutting property owner except for any public utility easements required as described below. As a result, no building structures will be allowed on the portion of Bellevue Drive that is reserved for easements, except for the public art.

Bellevue Drive is legally described in Exhibit A and is shown on Exhibit B (Department of Public Works Drawing No. 5756), both attached hereto. Both exhibits are in draft form. Final minor adjustments to the exhibits will be made and forwarded prior to the Planning Commission Public Hearing.

The portion of Bellevue Drive to be vacated is 7 feet wide and approximately 125 feet in length. A review by the Departments of Public Works and Transportation determined that the proposed vacation of a portion of Bellevue Drive will not have an adverse impact on traffic circulation in the area.

OTHER CITY DEPARTMENTS, PUBLIC AGENCIES, AND OTHERS:

The street vacation has been reviewed by other City departments, County/State Agencies, and various utilities. The following have no specific comments or objections to the proposed street vacation:

Caltrans
AT&T
Charter Communications
Southern California Gas Company
Southern California Edison
California American Water Company
County Sanitation Districts of Los Angeles County
Metropolitan Water District
Champion
Verizon

City of Pasadena Departments and Divisions:

Police Department
Fire Department
Public Works – Street Lighting and Traffic Signals
Public Works – Multi-Discipline (Storm Drain/Sewer)
Public Works – Parks & Natural Resources
Water & Power – Water Division and Power Division

The following have comments and requirements:

1. **Department of Transportation:** In accordance with conditions set forth and approved for Conditional Use Permit No. 4425, the property owner is responsible for the installation of a new traffic signal at the intersection of Arroyo Parkway and Bellevue Drive.
2. **Department of Public Works:** In accordance with conditions set forth and approved for Conditional Use Permit No. 4425, the property owner is responsible for the following:
 - A. **Street Improvements:** The applicant shall construct street improvements on Bellevue Drive as determined by the Department of Public Works. The street improvements shall include the construction of a cul-de-sac with a radius approved by the City Engineer at the east of the Metropolitan Transportation Authority (MTA) right-of-way and the reconstruction of pavement, curb, gutter, sidewalk, drive approaches, planting of trees, relocation of street lights and installation of new street lights, if necessary, affected utilities, and other necessary related work on Bellevue

August 17, 2007

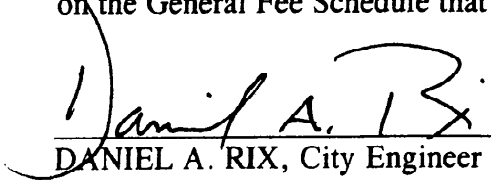
Drive. The parkway along the south side of Bellevue Drive, between Arroyo Parkway and the MTA right-of-way shall be increased by narrowing the roadway. The curb and gutter on the south side of Bellevue Drive shall be reconstructed to eliminate the existing curb with sub-standard curb face height.

The applicant shall construct street improvements consisting of concrete curb, gutter, sidewalk, wheelchair ramp, and other work necessary in accordance with Department of Public Works Drawing No. 5671.

- B. **Drive Approach:** The applicant shall construct a drive approach in accordance with Department of Public Works Drawing No. 5671.
- C. **Plans, Design, Review, and Construction Costs:** The applicant is responsible for design, preparation of plans, specifications, and any supporting documents and reports. The applicant is also responsible for construction of all required public improvements that arise as a result of all conditions noted in this report. Plans, supporting documents, reports, and specifications for the above improvements shall be prepared by an engineer registered with the State of California and shall be approved by the Department of Public Works. Plans must be submitted in AutoCAD format with the City standard borders.

Upon submission of improvement plans, specifications, reports, and supporting documents to the Department of Public Works for review and checking, the applicant shall be required to place a deposit with the Department to cover these costs. Prior to construction of the improvements, the applicant shall be required to place a deposit with the Department to cover construction inspection.

The applicant shall be responsible for all costs associated with these conditions. Unless otherwise noted in this memo, all costs will be determined when submissions are received and will be based upon the estimated cost to the Department for the work and on the General Fee Schedule that is in affect at the time these conditions are met.



DANIEL A. RIX, City Engineer
Department of Public Works

DAR:BH
Attachments