

Agenda Report

TO: CITY COUNCIL

Date: NOVEMBER 19, 2007

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION FOR THE VACATION OF VIOLA ALLEY FROM DAISY STREET TO ITS TERMINUS 100 FEET EAST OF DAISY STREET

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 determined that the proposed vacation of Viola Alley will have no significant effect on the environment; therefore, it is declared to be Categorically Exempt (Class 4) pursuant to the guidelines of the California Environmental Quality Act, CEQA Section 15304; Minor Alterations to Land;
 - b. Finds the proposed vacation of Viola Alley consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use;
 - c. Orders the vacation of Viola Alley 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 with an additional condition that the alley will not be built on and that the alley will be maintained as a vehicle access.

BACKGROUND

The property owner of the Light of Love Mission Church, located at 2801-2803 East Colorado Boulevard, has requested the vacation of Viola Alley from Daisy Street east to its terminus. There are two properties that have frontages along the proposed vacation area. Both properties are owned by the Light of Love Mission Church. The existing roadway width of Viola Alley is 20 feet and the public right-of-way dead-ends at the west property line of 2801-2803 East Colorado Boulevard.

The property owner proposes to use the vacated alley as a secondary driveway to access their parking lot located at the existing terminus of Viola Alley. The alley is not a through alley and only serves the properties located at 40 Daisy Street and 2801-2803 East Colorado Boulevard, both owned by the Light of Love Mission Church.

Viola Alley has been gated and used by the church as a driveway since the church purchased the properties in 2000. There are no City records that show when or under what permit the existing gate was installed. The benefit of having the alley gated, authorized or not, has been to secure the area from becoming a public nuisance and from causing confusion to the general public as it is a dead-end alley and does not allow through-traffic. If the alley were to remain public right-of-way, the City would require the removal of the gate from the alley. This would allow the general public to access the alley and create a potentially hazardous traffic condition in that they would be required to back out onto Daisy Street in order to exit the alley.

The public benefit to approving the vacation of Viola Alley would be to eliminate a potential public nuisance and relieve the cost of maintaining a dead-end alley that only serves two properties owned by the same owner.

The City's interest in Viola Alley is in easement, only, for public purposes. The vacation will convey all rights to the abutting property owner except for any public utility easements that may be required to maintain existing public utilities. As a result, no building structures will be allowed on Viola Alley.

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

A review by both the Departments of Public Works and Transportation determined that the proposed vacation of a portion of Viola Alley will not have an adverse impact on traffic circulation in the area.

General Plan Consistency

Viola Alley is not designated as a functional roadway because it terminates at the property line of a private property. The proposed vacation of the alley helps further the following policies of the Mobility Element:

Policy 3.5 of the Mobility Element provides for the promotion of safe travel in neighborhoods. The proposed street vacation is consistent with this policy in that the vacated alley will continue to be used as a secondary access driveway to the abutting property's parking lot in accordance with the City's construction standards, such as installation of a new gate at least 20 feet east of the back of sidewalk; and installation of a standard dustpan in accordance with Public Works Standard Drawing No. S-403.

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

Policy 5.5.10 – Promote continuous improvement in user safety by addressing safety features in the design and delivery of all services.

Environmental Clearance

The proposed street vacation has been determined to be Categorically Exempt (Class 5) from preparation of environmental documents pursuant to the guidelines of the California Environmental Quality Act, CEQA (Section 15305; Minor Alterations to Land Use Limitation), specifically, (c) Reversion to acreage in accordance with Subdivision Map Act. The proposed vacation of Viola Alley constitutes virtually no change in the manner that the alley has been used. It has been used as a secondary access to the surrounding property's parking lot. It will continue to be used as a secondary access driveway to the same parking lot in the abutting property. It is an existing roadway facility involving negligible or no expansion of use beyond the existing conditions; therefore it does not have a significant effect on the environment.

Neighborhood Meetings

A neighborhood meeting was held for this request on Wednesday, August 1, 2007. The only persons in attendance were staff from both the Department of Public Works and the Planning and Development Department, and the representative for the applicant.

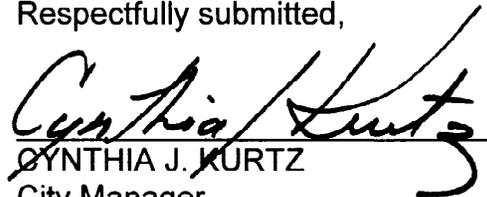
Conditions

The proposed vacation of Viola Alley 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.

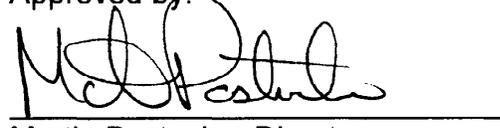
Respectfully submitted,


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 Viola Alley and Set a Public Hearing
- Exhibit "A" to the Resolution – Legal Description
- Exhibit "B" to the Resolution – Department of Public Works Drawing No. 5710
- Exhibit "C" to the Resolution – Memo to Planning and Development
dated May 14, 2007

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ORDERING THE VACATION OF VIOLA ALLEY FROM DAISY STREET TO ITS TERMINUS 100 FEET EAST OF DAISY STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, Resolution No. 8787 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 Viola Alley from Daisy Street to its terminus 100 feet east of Daisy Street and which said portion shall be referred to in this Resolution as Viola Alley; and

WHEREAS, Viola Alley, from Daisy Street to its terminus east of Daisy Street, is approximately 100 feet in length and 20 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 Viola Alley, as described herein and in Resolution No. 8787, will have no significant effect on the environment based on the determination of the City Council that Viola Alley is declared to be Categorically Exempt (Class 4) pursuant to the guidelines of the California Quality Act, CEQA Section 15304, 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 Viola Alley, as described herein and in Resolution No. 8787, is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use; and

WHEREAS, the City Council finds that there is a public benefit from the vacation of Viola Alley 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 Viola Alley, 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 for the 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:

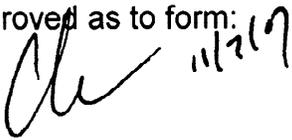
AYES:

NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, City Clerk

Approved as to form:


Nicholas George Rodriguez
Assistant City Attorney

EXHIBIT "A"

**LEGAL DESCRIPTION
VIOLA ALLEY - CITY OF PASADENA**

ALL THAT CERTAIN PROPERTY IN LOTS 41 THROUGH 44 INCLUSIVE IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS SHOWN ON A MAP OF "SUBDIVISION OF BLOCKS SIX AND ELEVEN IN LAMANDA PARK" AS SHOWN ON A MAP FILED IN BOOK 7, PAGE 93 OF MISCELLANEOUS RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

20.00 FOOT STRIP OF LAND 100.00 FEET IN LENGTH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 12.75 FEET OF SAID LOTS 41 AND 42 TOGETHER WITH THE NORTH 7.25 FEET OF LOTS 43 AND 44.

CONTAINING 2000.000 SQUARE FEET, MORE OR LESS

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY DIRECTION:
WILLIAMS CONSULTING, INC.

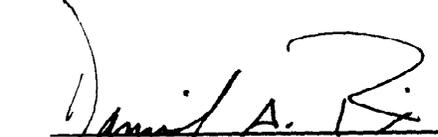


DAVID H. WILLIAMS, P.L.S. 4131
LICENSE EXPIRES 6/30/08

9/22/06

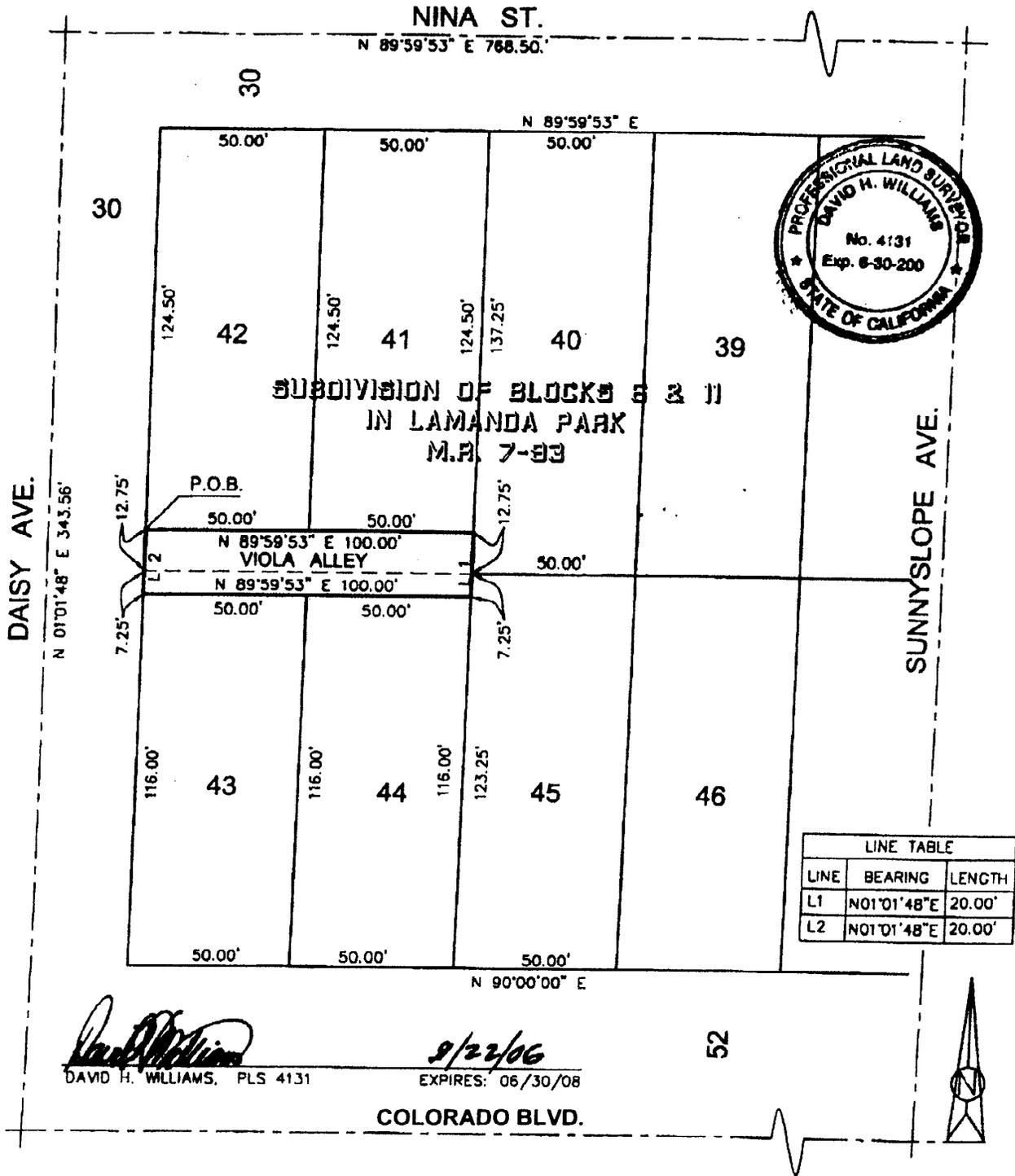


Reviewed by:



DANIEL A. RIX, City Engineer
City of Pasadena

EXHIBIT "B"



LINE TABLE		
LINE	BEARING	LENGTH
L1	N01°01'48"E	20.00'
L2	N01°01'48"E	20.00'

David H. Williams
 DAVID H. WILLIAMS, PLS 4131

9/22/06
 EXPIRES: 06/30/08

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CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

DRAWN BY: CM / P.V.T.	VACATION OF VIOLA ALLEY FROM DAISY AVENUE TO 100 FEET EAST OF DAISY AVENUE	SCALE: N.T.S.
CHECKED BY: BH		DATED: 1/25/07
SUBMITTED BY: BH	APPROVED BY: <i>Daniel A. Ri</i>	5710 SHEET 1 OF 1
FIELD BOOK NO. NONE	CITY ENGINEER 10/15/2007 DATE	

EXHIBIT "C"

MEMORANDUM - CITY OF PASADENA
Department of PUBLIC WORKS

DATE: May 14, 2007

TO: Richard Bruckner, Director
Department of Planning and Development

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

RE: **Vacation of Viola Alley from Daisy Street to its Terminus 100 Feet East of Daisy Street**

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 Viola Alley from Daisy Street to the east end of Viola Alley, in accordance with the requirements and recommendations contained in this report and subject to the conditions herein;
2. Find that Viola Alley 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 Viola Alley 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 Viola Alley in accordance with the requirements and recommendations contained in this report and subject to the conditions described herein;

Richard Bruckner, Director
Department of Planning and Development

May 14, 2007

BACKGROUND:

Light of Love Mission Church, the property owner of the two parcels surrounding Viola Alley, has requested the vacation of Viola Alley from Daisy Street to the east end of its terminus. The existing roadway width of Viola Alley is 20 feet and the public right-of-way dead ends at the west property line of 2801-2803 East Colorado Boulevard.

The property owner proposes to use the vacated alley as a secondary driveway to access their parking lot located at the existing terminus of Viola Alley. The alley is not a through alley and only serves the properties that are owned by Light of Love Mission Church.

The City's interest in Viola Alley is in easement, only, for public purposes. The vacation will convey all rights to the abutting property owners except for any public utility easements required as described below. As a result, no structures will be allowed on the alley that is reserved for easements.

Viola Alley is legally described in Exhibit A and is shown on Exhibit B (Department of Public Works Drawing No. 5710), 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.

Viola Alley, from Daisy Street to its terminus, is approximately 100 feet in length and 20 feet in width. A review by the Departments of Public Works and Transportation determined that the proposed vacation of Viola Alley 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
Southern California Gas Company
Southern California Edison
California American Water Company
County Sanitation Districts of Los Angeles County
Metropolitan Water District
Champion
Verizon

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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. **AT&T California:**

AT&T California has existing communication facilities within the subject area. The applicant shall remove the facilities and relocate them in a manner acceptable to AT&T California and the City. The applicant shall be responsible for all costs associated with this work. The work must be completed prior to the recordation of the vacation.

2. **Charter Communications:**

Charter Communications has existing facilities within the subject area. The applicant shall remove the facilities and relocate them in a manner acceptable to Charter Communications and the City. The applicant shall be responsible for all costs associated with this work. The work must be completed prior to the recordation of the vacation.

3. **Department of Transportation:**

Any adjustments to the alley approach, required by the Department of Public Works, may impact curb markings and signage along the alley and Daisy Avenue from Colorado Boulevard to Nina Street.

4. **Department of Public Works:**

- A. **Alley:** The applicant shall remove the existing gate that blocks the entrance to Viola Alley. If the vacation is approved, a new gate may be installed at least 20 feet east of the back of sidewalk as approved by the City Engineer.
- B. **Alley Approach:** The applicant shall remove the existing alley approach and install our standard dustpan driveway in accordance with Public Works Standard Drawing No. S-403.

May 14, 2007

C. Drainage: The applicant will not be allowed to discharge water from Viola Alley to the public right-of-way. The applicant shall construct a non-sump grate drain in the alley at the back of the sidewalk. This drain shall discharge to the street at an approved angle in a cast iron curb drain or an approved curb outlet.

D. 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.

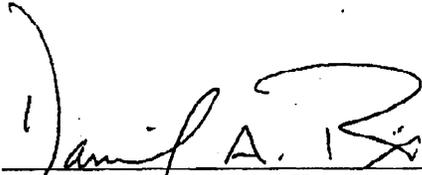
E. Condition Satisfaction Contract between the City and the Applicant: A condition satisfaction contract ("contract") between the City and the applicant will be reviewed, approved and executed by both parties. The contract shall outline the applicant's obligations to provide security for performance of the conditions listed in this report. The request for approval of the City entering into a contract with the applicant will be included with the recommendations to the City Council to vacate Viola Alley.

Recordation of the vacation resolution will occur only after the conditions of the contract and all conditions in this report have been met to the satisfaction of the Department of Public Works.

Richard Bruckner, Director
Department of Planning and Development

May 14, 2007

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