

# Agenda Report

**TO:** CITY COUNCIL

**Date:** OCTOBER 22, 2007

**FROM:** CITY MANAGER

**SUBJECT:** ADOPT A RESOLUTION OF INTENT TO VACATE A STRIP OF LAND ALONG THE SOUTH SIDE OF BELLEVUE DRIVE FROM ARROYO PARKWAY TO APPROXIMATELY 125 FEET WEST OF ARROYO PARKWAY AND SET A PUBLIC HEARING THEREON

## **RECOMMENDATION**

It is recommended that the City Council:

1. Adopt a Resolution of Intention to Vacate a seven-foot-wide strip of land along the south side of Bellevue Drive from Arroyo Parkway to approximately 125 feet west of Arroyo Parkway;
2. Set a public hearing for Monday, November 19, 2007, at 7:30 p.m., to consider the proposed street vacation prior to adoption of the Resolution to Order the Vacation in accordance with the requirements and recommendations contained in this report and subject to conditions herein; and
3. Direct the City Clerk to publish and post a Notice of Hearing in accordance with the requirements of Streets and Highways Code Sections 8320, et seq.

## **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 Attachment 1. If the City Council approves the vacation at the Public Hearing that is recommended for November 19, 2007, 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

Attachments:

- Attachment 1 – Memo to Planning and Development dated August 17, 2007

**MEMORANDUM - CITY OF PASADENA**  
**Department of PUBLIC WORKS**

**DATE:** August 17, 2007

**TO:** Richard Bruckner, Director  
Department of Planning and Development

**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

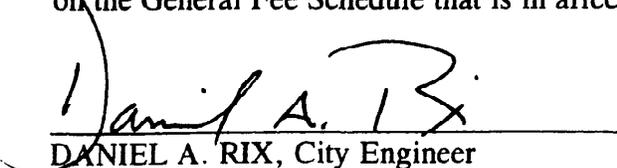
**Drive.** The parkway along the south side of Bellevue Drive, between Arroyo Parkway and the MTA right-of-way shall be increased by narrowing the roadway. The curb and gutter on the south side of Bellevue Drive shall be reconstructed to eliminate the existing curb with sub-standard curb face height.

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.

  
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DANIEL A. RIX, City Engineer  
Department of Public Works



CIVIL ENGINEERING  
SURVEYING • MAPPING  
LAND DEVELOPMENT

**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

DRAFT

March 19, 2007

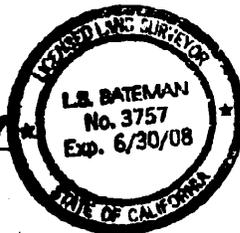
EXHIBIT A

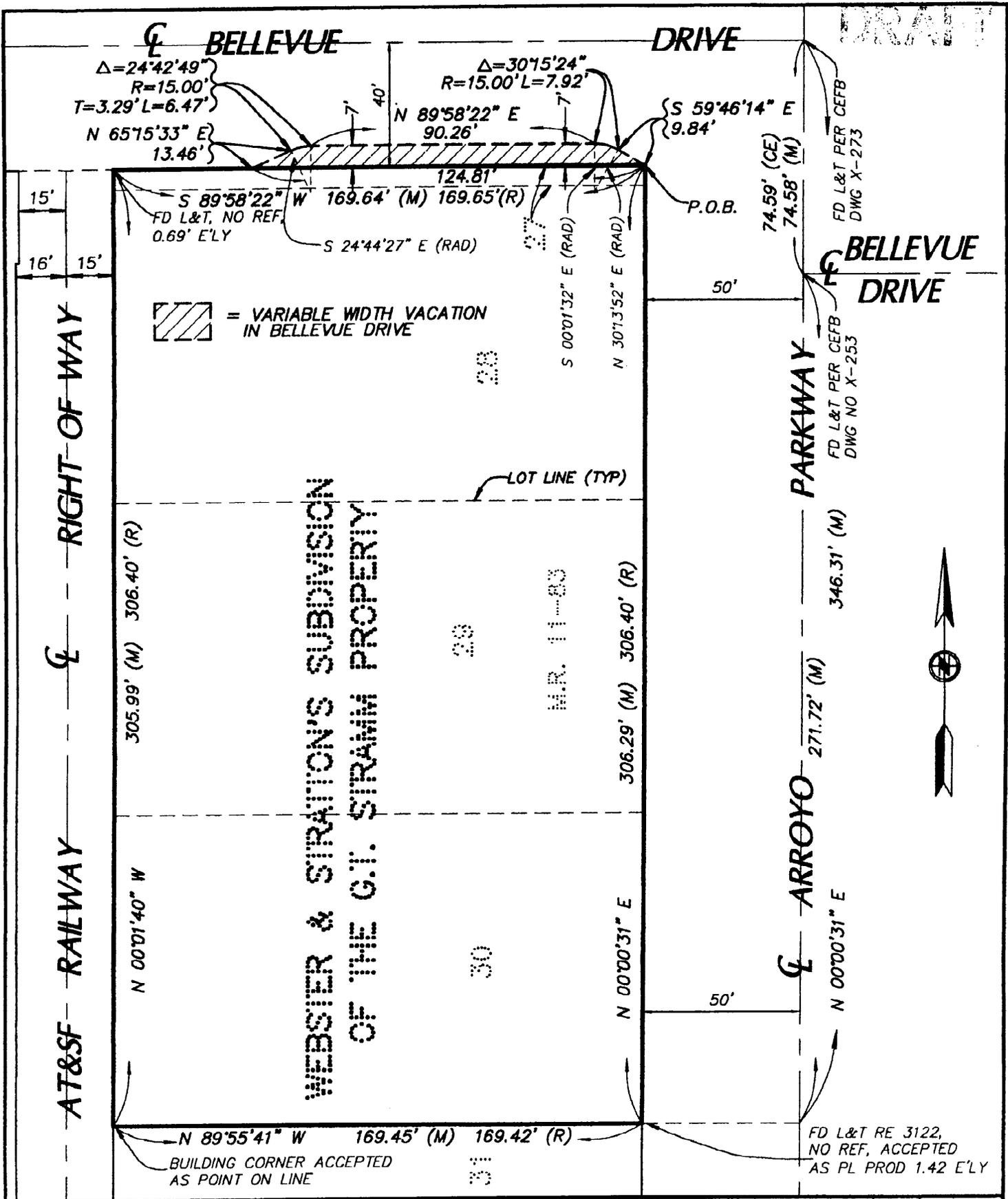
THAT PORTION OF THE SOUTHERLY ONE HALF OF BELLEVUE DRIVE, 80 FEET IN WIDTH, BEING A PORTION OF LOT 27 OF WEBSTER & STRATTON'S SUBDIVISION OF THE G.T. STAMM PROPERTY, IN LOTS 10 AND 11, BLOCK "H" OF THE SAN PASQUAL TRACT, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED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





= VARIABLE WIDTH VACATION IN BELLEVUE DRIVE

AT&SF RAILWAY RIGHT-OF-WAY

WEBSTER & STRATION'S SUBDIVISION OF THE C.T. STRAMM PROPERTY

LOT LINE (TYP)

ARROYO PARKWAY BELLEVUE DRIVE

FD L&T RE 3122, NO REF, ACCEPTED AS PL PROD 1.42 E'LY



707 WILSHIRE BOULEVARD, 40TH FLOOR  
LOS ANGELES, CA 90017  
213 824 2881 TEL  
213 814 1883 FAX

CIVIL ENGINEERING  
SURVEYING-MAPPING  
LAND DEVELOPMENT

**EXHIBIT B**  
DWG. NO. 5756  
**STREET VACATION**

PREPARED FOR:  
**BELLEVUE VENTURES, LLC**  
  
CITY OF PASADENA  
COUNTY OF LOS ANGELES

DATE:	03-19-07
JOB #	30025
DRAWN	S.D.N.
CAD	vac.dwg
SCALE	1" = 40'
SHEET	1 OF 1

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA DECLARING ITS INTENTION TO ORDER THE VACATION OF A STRIP OF LAND ALONG THE SOUTH SIDE OF BELLEVUE DRIVE FROM ARROYO PARKWAY TO APPROXIMATELY 125 WEST OF ARROYO PARKWAY AND SETTING A PUBLIC HEARING THEREON**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA**

WHEREAS, the City has received a request 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 vacation proceeding is and will be conducted pursuant to the requirements of the Streets and Highways Code Sections 8320, et seq.:

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

1. The City Council of the City of Pasadena hereby declares its intention to vacate the above described portion of Bellevue Drive subject to certain conditions being met prior to vacation; and

2. A hearing is hereby set for 7:30 p.m. on Monday, November 19, 2007, in the City Hall Council Chambers, Room S249, 100 North Garfield Avenue, Pasadena, to consider the proposed street vacation. All persons interested in the vacation are invited to attend and give testimony if desired.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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JANE L. RODRIGUEZ, City Clerk

Approved as to form:



A handwritten signature in black ink, appearing to read 'Nicholas', is written over a horizontal line. To the right of the signature, the date '10/18/07' is handwritten.

Nicholas George Rodriguez  
Assistant City Attorney

# EXHIBIT "A"



CIVIL ENGINEERING  
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LAND DEVELOPMENT

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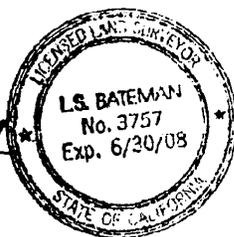
March 19, 2007

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*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

