

# Agenda Report

February 25, 2013

**TO:** Honorable Mayor and City Council  
**FROM:** Department of Public Works  
**SUBJECT: ADOPT RESOLUTION TO CLOSE SOUTH 74 FEET OF MICHENER ALLEY**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the closure of the south 74 feet of Michener Alley is categorically exempt from California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 – Existing Facilities; and
2. Adopt a resolution to close the south 74 feet of Michener Alley pursuant to Section 21102.1 of the California Vehicle Code.

## **BACKGROUND:**

Michener Alley is a dead-end alley in the northwest part of the City, as shown in the location map in Attachment A. The alley is located between Marengo Avenue and Summit Avenue, from Orange Grove Boulevard to 350 feet south. The proposed closure is at the southern end of the alley, as shown in Exhibit A (Public Works Drawing No. 6100) as referenced and attached in the Resolution. The proposed closure area is approximately 74 feet by 15.8 feet.

Multiple incidents have been recorded by both the Police Department and the Department of Public Works to indicate that the southern end of Michener Alley is frequented with illegal activities, creating an unsafe and unhealthy environment. These illegal activities include graffiti markings, drug dealings, dumpings, homeless people establishing camps, loitering, and minor disturbances.

The proposed closure area is currently surrounded by chain link fence on the east and south sides and a concrete block wall on the west side. It provides no access to the four abutting private properties. If the City Council approves of the proposed closure, a set of chain link fence double-swing gates will be installed on the north side as a barrier

to prevent public vehicular and pedestrian access. There is an existing power pole at the south end of the proposed closure area. The pole is owned and maintained by the Pasadena Department of Water and Power. The gates will be equipped with a combination lock to provide access for facility maintenance purposes.

By means of closing the south 74 feet of Michener Alley, the City does not rescind its rights to the use of the alley right-of-way, but only institutes the closure to vehicular and pedestrian traffic at a specific location. This enables the City to retain access and the right to reopen the alley as a public street in the future.

In December 2012, courtesy notices regarding the proposed closure were sent to affected utility agencies and other City departments. In January 2013, notices were also sent to property owners, residents, and business proprietors within a 300-foot radius of the proposed closure area. On February 1, 2013, a public board sign regarding the proposed closure and the opportunity for public comments was posted at the entrance of Michener Alley at Orange Grove Boulevard.

Since Michener Alley is not a through alley and there is no private access adjoining the proposed closure area, there will be no impact on any pedestrian or vehicular travel. There are also no street trees in the proposed closure area. Closing the south 74 feet of Michener Alley will eliminate a public area readily available to illegal activities. This will minimize the City's monitoring and enforcement costs, maintenance responsibilities, and liability associated with the potential unlawful undertakings. Based on the above, the Department of Public Works recommends the closure of the south 74 feet of Michener Alley.

#### **CALIFORNIA VEHICLE CODE COMPLIANCE:**

In accordance with Section 21102.1 of the California Vehicle Code, local authorities may, by ordinance or resolution, adopt rules and regulations restricting vehicular and/or pedestrian traffic through any alley by means of gates, barriers, or other control devices, when, in the opinion of the local authority having jurisdiction over the alley, the restriction is necessary for the protection or preservation of the public peace, safety, health, or welfare, subject to the following conditions:

- (a) No ordinance or resolution adopted pursuant to this section shall be enforceable until appropriate signs giving notice of the restriction are posted at every entrance to the alley.
- (b) In the coastal zone, as defined in subdivision (a) of Section 30103 of the Public Resources Code, where the alley provides direct access to any public beach or state waters, the local authority shall comply with Division 20 (commencing with Section 30000) of the Public Resources Code.
- (c) In the area administered by the San Francisco Bay Conservation and Development Commission, where the alley provides direct access to any public beach, state waters, or wetlands, the local authority shall first obtain the concurrence by, or on behalf of, the San Francisco Bay Conservation and Development Commission.

The concurrence or objection shall be based on the permits issued by the San Francisco Bay Conservation and Development Commission and in conformance with the policies contained in Title 7.2 (commencing with Section 66600) of the Government Code and Division 19 (commencing with Section 29000) of the Public Resources Code.

- (d) The local authority shall provide access to utility vehicular or pedestrian traffic in order that the utility may maintain, operate, replace, remove, or renew existing and functioning utility facilities.
- (e) No ordinance or resolution adopted pursuant to this section shall prohibit the delivery of freight by commercial vehicles.
- (f) No ordinance or resolution adopted pursuant to this section shall be implemented in a manner that adversely affects the operation of emergency vehicles or the performance of municipal services.
- (g) No ordinance or resolution adopted pursuant to this section shall restrict the access of certain members of the public to the alley, while permitting others unrestricted access to the alley.

Conditions (a) and (d) have been met. Conditions (b) and (c) are not applicable as Pasadena is neither located in the coastal zone where the alley provides direct access to any public beach or state waters, nor is the City administered by the San Francisco Bay Conservation and Development Commission, where the alley provides direct access to any public beach, state waters, or wetlands. Conditions (e) and (f) are not applicable as the proposed closure area offers no access to any private properties and therefore does not require delivery or emergency services. Condition (g) is met since the area will be closed to all general public.

#### **COUNCIL POLICY CONSIDERATION:**

The proposed partial alley closure is consistent with the following City Council goals and objectives: ensure public safety, support and promote the quality of life and local economy, and maintain fiscal responsibility and stability.

The approval of the closure will also support Policy 4.1.3 of the Mobility Element of the General Plan, which is to improve the safety and convenience of neighborhoods and to increase the quality of life.

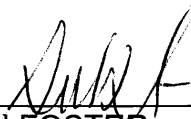
#### **ENVIRONMENTAL ANALYSIS:**

The City's Environmental Administrator determined that the project is categorically exempt under the California Environmental Quality Act in accordance with Title 14 Chapter 3, Section 15301 – Existing Facilities. All existing facilities will remain in place, with only the installation of a new chain link fence gates as barrier. A Notice of Exemption for the closure will be filed with the Los Angeles County Registrar-Recorder/County Clerk upon the adoption of a resolution to close the southern portion of the alley.

**FISCAL IMPACT:**

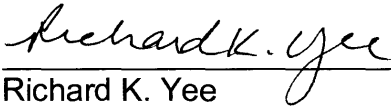
The closure of the south 74 feet of Michener Alley will reduce the City's monitoring and enforcement costs, maintenance responsibilities and liability to the City. The cost of fabrication and installation for the chain link fence double-swing gates, as well as staff time expended, is estimated to be \$5,000. Sufficient funds for this project are available in the Department of Public Works, Engineering Division (Budget Account 101-762300).

Respectfully submitted,



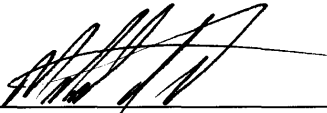
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SIOBHAN FOSTER  
Director of Public Works

Prepared by:



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Richard K. Yee  
Principal Engineer

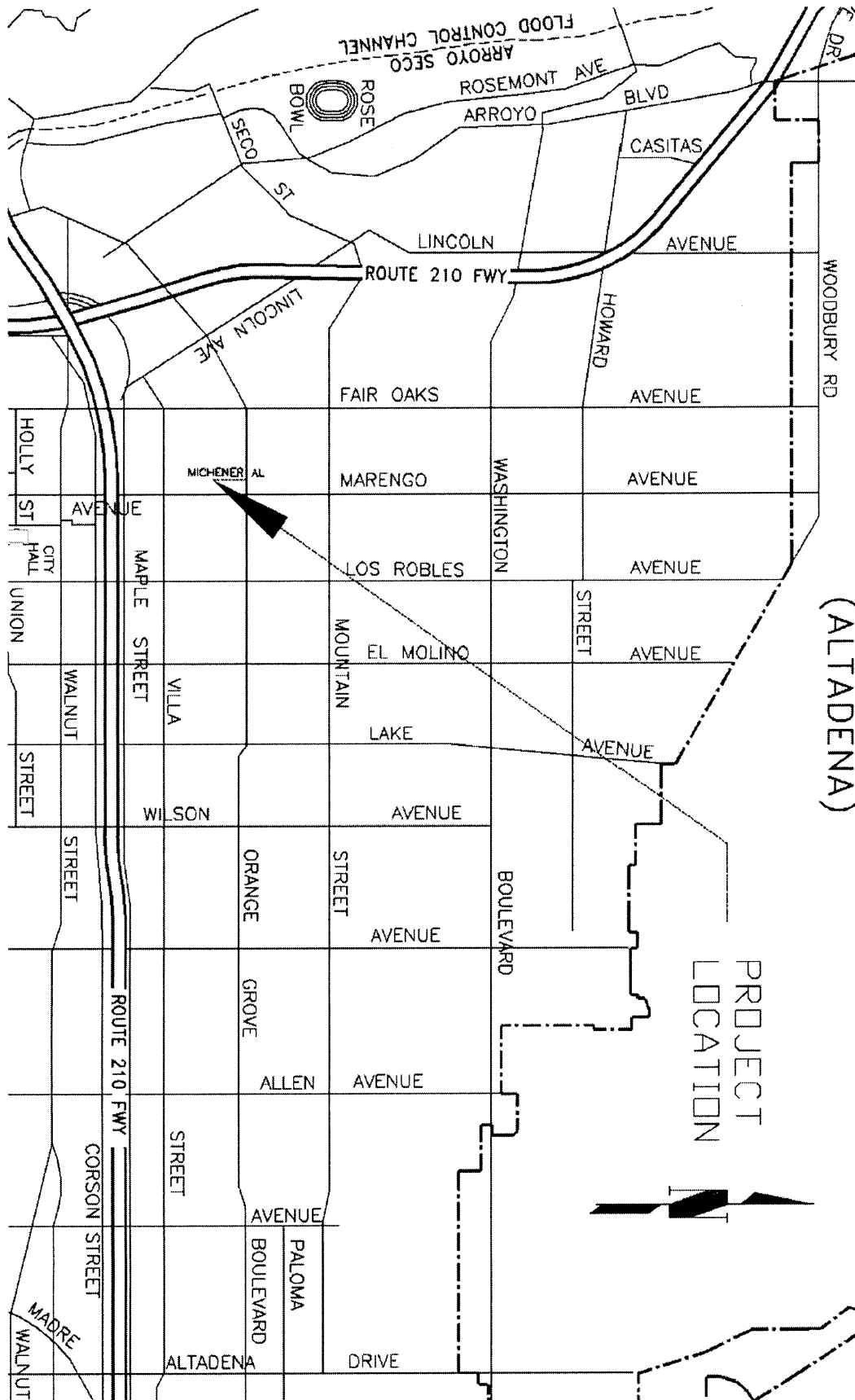
Approved by:



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MICHAEL J. BECK  
City Manager

Attachment A – Location Map

Attachment A – Location Map



## **RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CLOSING THE SOUTH 74 FEET OF MICHENER ALLEY IN ACCORDANCE WITH CALIFORNIA VEHICLE CODE SECTION 21102.1 BY INSTALLING A CHAIN LINK FENCE DOUBLE SWING GATE**

WHEREAS, Section 21102.1 of the California Vehicle Code provides that local authorities may, by ordinance or resolution, adopt rules and regulations restricting vehicular or pedestrian traffic through any alley by means of gates, barriers, or other control devices, when, in the opinion of the local authority having jurisdiction over the alley, the restriction is necessary for the protection or preservation of the public peace, safety, health, or welfare; and

WHEREAS, the proposed closure area is shown on Exhibit A (Department of Public Works Drawing No. 6100) on file in the office of the Director of Public Works; and

WHEREAS, City records indicate that the southern end of Michener Alley is frequented with illegal activities, including graffiti markings, drug dealings, dumping, homeless people establishing camps, loitering, and minor disturbances; and

WHEREAS, Michener Alley is a dead-end alley with no private access adjoining the proposed closure area, and there will be no impact on any pedestrian or vehicular travel as a result of the closure; and

WHEREAS, the City Council finds that there will be public benefits from the partial alley closure, and the City shall be relieved from enforcement and maintenance costs and responsibility and the associated liability for the closure area;

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

1. The following findings are made:
  - a. That appropriate signs giving notice of the restriction are posted at every entrance to the alley.
  - b. That the City of Pasadena is not in the coastal zone, as defined in subdivision (a) of Section 30103 of the Public Resources Code, where the alley provides direct access to any public beach or state waters.
  - c. That the City of Pasadena is not administered by the San Francisco Bay Conservation and Development Commission, where the alley provides direct access to any public beach, state waters, or wetlands.
  - d. That the City will provide access to utility vehicular or pedestrian traffic in order that the utility may maintain, operate, replace, remove, or renew existing and functioning utility facilities.
  - e. That the proposed closure area will not require the services of any delivery of freight by commercial vehicles.
  - f. That the proposed closure will not affect the operation of emergency vehicles or the performance of municipal services.
  - g. That the proposed closure will restrict the access of all members of the general public to the alley.
  - h. That the public interest will be served by this closure, including being relieved of enforcement and maintenance costs and responsibilities and the avoidance of potential liability expenses to the City.
  - i. That the vacation is categorically exempt from CEQA requirements, pursuant to Article 19, CEQA Guidelines Section 15301 – Existing Facilities.

2. The City Council of the City of Pasadena hereby approves the closure of the south 74 feet of Michener Alley.
3. The City Manager is authorized and directed to execute any necessary alley closure documents.
4. The Department of Public Works is authorized to procure the fabrication and installation of the alley closure barrier by means of a chain link fence double-swing gate.
5. The City Clerk shall certify to the adoption of this resolution, shall permanently maintain a copy thereof in the records of the City, and shall record a certified copy thereof in the Office of the County Recorder of Los Angeles.

Adopted at the regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2013,  
by the following vote:

AYES:

NOES:

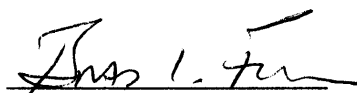
ABSENT:

ABSTAIN:

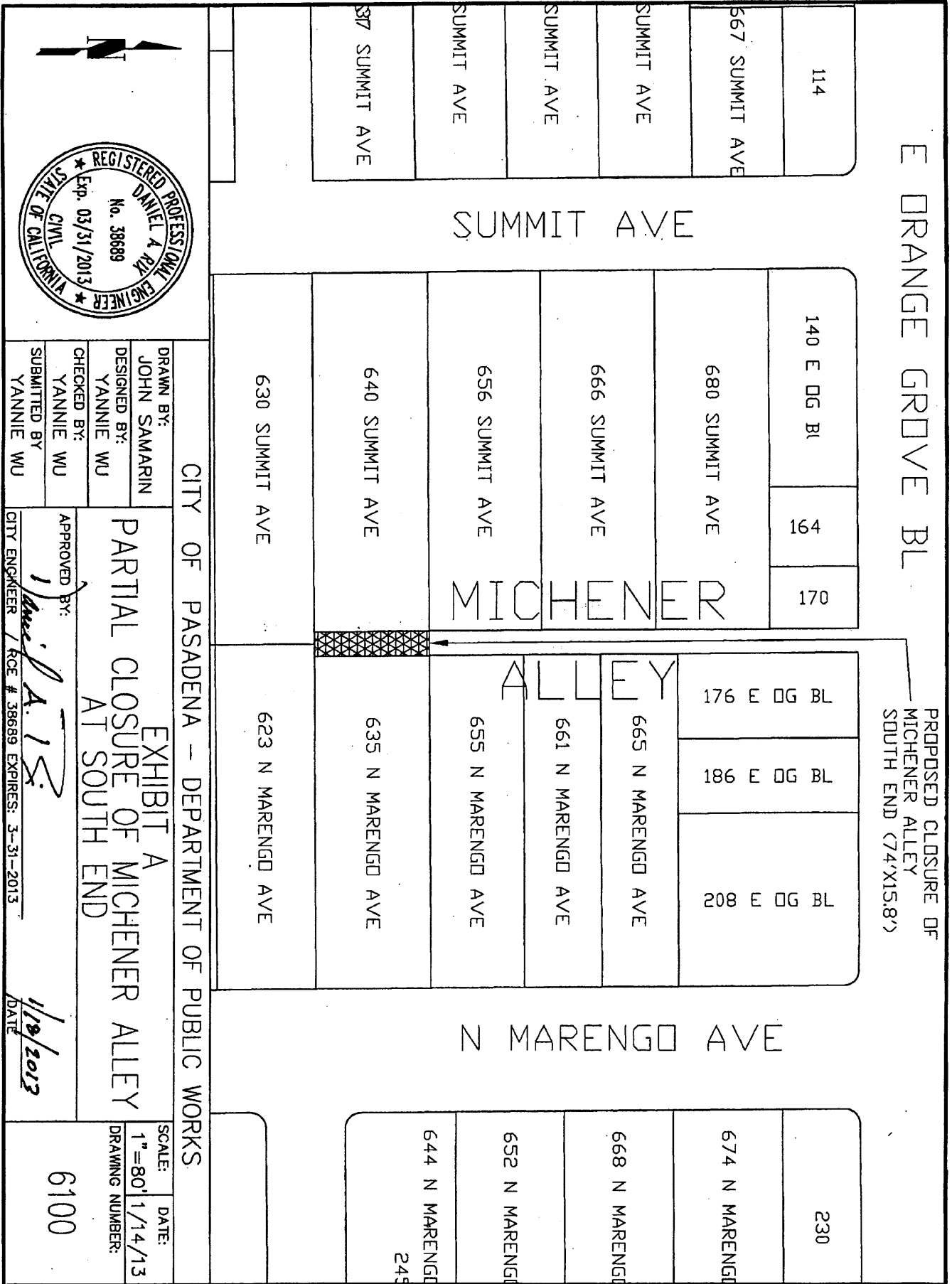
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MARK JOMSKY, City Clerk

Approved as to form:

 1/23/13  
Brad L. Fuller  
Assistant City Attorney





E ORANGE GROVE BL

PROPOSED CLOSURE OF  
MICHENER ALLEY  
SOUTH END (74'X15.8')

SUMMIT AVE

MICHENER

ALLEY

N MARENGO AVE



DRAWN BY:  
JOHN SAMARIN  
DESIGNED BY:  
YANNIE WU  
CHECKED BY:  
YANNIE WU  
SUBMITTED BY:  
YANNIE WU

CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

EXHIBIT A  
PARTIAL CLOSURE OF MICHENER ALLEY  
AT SOUTH END

APPROVED BY:  
*[Signature]*  
CITY ENGINEER  
RCE # 38689 EXPIRES: 3-31-2013

SCALE: 1"=80'  
DATE: 1/14/13  
DRAWING NUMBER:  
6100

114

667 SUMMIT AVE

SUMMIT AVE

SUMMIT AVE

SUMMIT AVE

637 SUMMIT AVE

140 E OG BL

164

170

680 SUMMIT AVE

666 SUMMIT AVE

656 SUMMIT AVE

640 SUMMIT AVE

630 SUMMIT AVE

176 E OG BL

186 E OG BL

208 E OG BL

665 N MARENGO AVE

661 N MARENGO AVE

655 N MARENGO AVE

635 N MARENGO AVE

623 N MARENGO AVE

230

674 N MARENGO

668 N MARENGO

652 N MARENGO

644 N MARENGO  
245