

Agenda Report

October 28, 2013

TO: Honorable Mayor and City Council
FROM: Department of Public Works
SUBJECT: ADOPT RESOLUTION OF INTENTION TO VACATE MERIDITH AVENUE FROM WALNUT STREET TO NORTH END

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a Resolution of Intention to vacate Meridith Avenue from Walnut Street to North End;
2. Set a public hearing for Monday, November 18, 2013, at 7:00 p.m. to consider the proposed street vacation prior to adoption of the Resolution Ordering 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, October 23, 2013, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation as presented by the Department of Public Works. The Department of Public Works memorandum to the Planning and Community Development Department, dated September 23, 2013, is included in Attachment A.

EXECUTIVE SUMMARY:

As part of the private development under Conditional Use Permit No. 6036 with the Planning and Community Development Department, an application has been filed for the street vacation of Meridith Avenue from Walnut Street to North End. The proposed street vacation is needed to facilitate construction and eliminate a substandard cul-de-

sac. Staff has determined that the proposed street vacation will not cause any negative impacts to the City's transportation system and it is unnecessary for present or future public use for street purposes. It is therefore recommended that the subject street vacation proceed in accordance with the Streets and Highways Code Sections 8320, et seq., and the requirements and recommendations contained in this report and subject to the conditions herein.

BACKGROUND:

The proposed vacation portion of Meridith Avenue is 80 feet wide, from Walnut Street to approximately 120 feet north. It is a dead-end street located one block west of Allen Avenue, between the properties at 1727 and 1757 East Walnut Street, as shown in an aerial map in Attachment B. The location of the proposed vacation is also shown in a vicinity map in Attachment C. The application for this street vacation was submitted in conjunction with a proposed development at the northwest corner of Allen Avenue and Walnut Street. An application for the development was filed with the Planning and Community Development Department as Conditional Use Permit No. 6036. The project includes the demolition of four existing buildings and the new construction of a mixed-use development with 128 apartments, community room, and retail space with subterranean parking. If the street vacation for Meridith Avenue is approved, a portion of the vacated area will be used for the new building construction while the rest will be used as a private driveway to the new development and additional on-site parking spaces.

The applicant for the street vacation, AMCAL Equities, LLC, is the property owner at 1727 East Walnut Street and the developer for the proposed development. The property owner at 1757 East Walnut Street, Mr. Joseph Davis, has submitted a letter to the Department of Public Works in support of the proposed street vacation. Mr. Davis provided a conditional consent to the application on the street vacation, subject to the successful ownership transfer of his property to AMCAL Equities, LLC. Mr. Davis further understands that all rights of the vacated properties will be reverted to the resulting abutting property owners and their successors upon completion of the process.

The City's interest in the subject portion of Meridith Avenue is in easement only for public street purposes. The fee title of the proposed vacation area is currently vested in AMCAL Equities, LLC and Mr. Joseph Davis in equal shares. At the time of the street vacation process, AMCAL Equities, LLC and Mr. Joseph Davis are negotiating on the sale of the property at 1757 East Walnut Street. Mr. Davis has requested that the final vacation document only be recorded upon proof of ownership and fee title transfer of said property from Mr. Davis to AMCAL Equities, LLC.

The subject portion of Meridith Avenue currently consists of a 17-foot wide sidewalk on both sides and a 46-foot wide roadway. The street terminates abruptly at the north end and provides access only to the two abutting properties at 1727 and 1757 East Walnut Street. The existing condition is not in conformance with Pasadena Standard Plan S-410, the standard design for a cul-de-sac. The existing right-angled configuration does

not provide a sufficient turn-around space for public and street maintenance vehicles, rendering it unsafe for motorists.

The existing curb ramps at the northwest and northeast corners of Meridith Avenue and Walnut Street do not comply with Pasadena Standard Plan S-414. According to the proposed development plans, the 46-foot wide crossing will be replaced with a private driveway, reducing its width by half. Walnut Street along the frontage of the proposed development has a substandard sidewalk width of seven feet. To provide for a standard ten-foot wide sidewalk, the applicant shall dedicate to the City a three-foot wide strip of land along the Walnut Street frontage for street purposes. The widening will create greater safety and improve the environment for pedestrians. Due to the existing unsafe street configuration and substandard curb ramps, it is in the City's best interest to vacate the subject portion of Meridith Avenue and relinquish the rights.

The subject portion of land to be vacated is legally described in Exhibit A and is shown on Exhibit B (Department of Public Works Drawing No. 6089), which are referenced and attached in the Resolution.

The City's interest in the subject portion of land proposed for vacation is in easement only, for public street purposes; and that the land is not owned by the City as fee title. Upon the successful ownership transfer for the property at 1757 East Walnut Street, the final vacation will eventually convey and relinquish the easement rights to the abutting property owner, AMCAL Equities, LLC. The Department of Public Works has determined that there is no need, present or future, to retain this area for its intended public purpose. Relinquishing all easement rights of the proposed vacated area will relieve the City from future maintenance responsibilities and any liability associated with the vacated area.

Neighborhood Meetings

In addition to the Planning Commission public hearing on October 23, 2013, the developer has conducted separate neighborhood meetings for the proposed development. On March 11, 2013, there was a preliminary consultation with the Design Commission. On March 23, 2013, there was a community meeting with 16 people in attendance. There was support for the project from those who attended, along with questions about traffic, parking, and any affordable housing component. On May 20, 2013, the pre-development review was presented to the City Council as an informational item. On October 12, 2013, a second community meeting with 11 people in attendance was conducted, where the revised design of the project was discussed and well received.

Upon the adoption of the Resolution of Intention to vacate the subject proposed area, the property owners within a 500-foot radius will be notified about the public hearing on Monday, November 18, 2013, at 7:00 p.m.

Conditions

The street vacation has been reviewed by other City departments, County agencies, various utilities, and the California Department of Transportation (Caltrans). The following agencies have no specific comments or objections to the proposed street vacation:

- California American Water Company
- California Department of Transportation
- City of Pasadena Departments:
 - Department of Information Technology
 - Fire Department
 - Police Department
 - Department of Transportation
- County Sanitation Districts of Los Angeles County
- Foothill Transit
- Kinneloa Irrigation District
- Level 3 Communications
- Metropolitan Water District
- Qwest Network Construction Services
- Southern California Edison
- Southern California Gas Company
- Verizon

The following comments and requirements have been received from the agencies and City departments listed below and will be incorporated as conditions of approval for the subject street vacation:

AT&T

AT&T has facilities within the proposed vacated area. If the existing facilities remain in place, two easements will be required for access over their facilities. Said easements shall be located at the easterly six feet of the westerly 18 feet, and the northerly six feet of the proposed vacated area.

If the applicant chooses to abandon the existing facilities in the proposed vacation area, the applicant will be required to reconfigure and/or relocate the aerial and underground facilities, including but not limited to, poles, anchors, guys, cables, wires, crossarms, conduits, manholes, handholes, markers, pedestals, terminal equipment cabinets, electrical conductors and necessary fixtures and appurtenances, in a manner acceptable to AT&T.

Charter Communications

Charter Communications has existing underground fiber and trunk cables within the proposed vacation area. If the applicant chooses to abandon the facilities, the applicant will be required to reconfigure and/or relocate the mainline(s), all appurtenant laterals, valves, and/or vaults, in a manner acceptable to Charter Communications

Pasadena Water and Power– Water Division:

The Water Division has a four-inch mainline and two service laterals with meters within the proposed vacated area. A five-foot wide easement will be required for complete access over the facilities. If the applicant chooses to abandon the existing water service in the proposed vacation area, the applicant will be required to reconfigure and/or relocate the mainline(s), all appurtenant laterals, valves, and/or vaults in a manner acceptable to the Pasadena Water and Power.

Pasadena Water and Power– Power Division:

The Power Division has a utility pole with overhead power facilities located at the northwest corner of the subject area and requires an easement for ingress and egress over this portion of Meridith Avenue. Two easements are required for service and access to the utility pole and overhead power facilities. A ten-foot wide easement shall be located at ten feet south of the northerly line of the vacated area. A 30-foot wide easement shall be located at 30 feet east of the westerly line of the vacated area.

The Power Division also has a ventilation vent located on the southeast corner of the subject area and requires an easement over this portion of Meridith Avenue for purpose of service to the vent. The easement shall be 15 feet by 20 feet and shall be located at 20 feet west of the easterly line of the vacated area, extending 15 feet north from the southerly line of the vacated area.

If the applicant chooses to abandon the existing power facilities in the proposed vacation area, the applicant will be required to reconfigure and/or relocate the affected poles, facilities, vents, and other necessary appurtenances in a manner acceptable to the Pasadena Water and Power.

Pasadena Public Works:

Street: The opening of Meridith Avenue north of Walnut Street shall be replaced with standard concrete curb, gutter, drive approach, and sidewalk. Walnut Street along the frontage of the proposed development has a substandard sidewalk width of seven feet. To provide for a standard ten-foot wide sidewalk, the applicant shall dedicate to the City a three-foot wide strip of land along the Walnut Street frontage for street purposes. A ten-foot wide sidewalk on Walnut Street shall be constructed at the applicant's expense.

Sewer: There is an existing eight-inch sewer main line and a terminal manhole in the proposed vacated area. A ten-foot wide public utility easement shall be required for complete access to the facilities. If the applicant chooses to abandon the subject facilities, the applicant will be required to reconfigure and/or relocate the mainline(s), all appurtenant laterals, valves, and/or vaults, in a manner acceptable to the Department of Public Works.

Street Trees: There are three street trees in the proposed vacated area. If the three street trees are to be removed as part of the development and street vacation, the removal will be subject to the review and approval by Urban Forestry Advisory Committee (UFAC), in accordance with Chapter 8.52 of the Pasadena Municipal Code.

The applicant shall also be responsible for the total assessed value of the trees which is \$38,700.

If the proposed removals do not obtain approvals by from UFAC, the two camphor trees on the east side of Meridith Avenue can be preserved and incorporated into the new development. The applicant shall enter into a covenant which shall preserve the trees and run with the land and shall be binding on the property owners' heirs, successors and assigns, and all subsequent owners of the properties.

The camphor tree on the west side of Meridith Avenue will be relocated. The applicant shall be responsible for the relocation cost, and shall coordinate with the Parks and Natural Resources (PNR) Division for the new tree location. The proposed tree relocation will be subject to the review and approval by UFAC.

Street Light: There is a concrete street light pole on the northeast corner of Meridith Avenue and Walnut Street. The applicant is responsible for the salvage and removal of said street light pole or shall pay the City an estimated cost of \$3,000 for the work.

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 the construction of required public improvements and public utilities abandonments and relocations that arise as a result of all conditions noted in this report. Plans, supporting documents, reports, and specifications for the above improvements and relocations shall be prepared by an engineer registered with the State of California and shall be reviewed and approved by the Department of Public Works and the corresponding utility agencies.

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

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 the subject portion of Meridith Street.

Recordation of the vacation resolution with the Los Angeles County Recorder Office 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 and the affected utility agencies.

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

Ownership and Fee Title of the property at 1757 East Walnut Street: The applicant shall submit proof of ownership and fee title for said property, which shall be AMCAL Equities, LLC, prior to the recordation of the final street vacation resolution document with the Los Angeles County Recorder Office.

COUNCIL POLICY CONSIDERATION:

The proposed street vacation will facilitate the proposed mixed-use project and is consistent with the following City Council goals and objectives: improve mobility and accessibility throughout the City of Pasadena, ensure public safety, and support and promote the quality of life and local economy. This development will advance the below listed objectives and policies of the General Plan Land Use Element.

- Objective 3 (Affordable Housing): Encourage the retention and creation of affordable housing throughout Pasadena by providing sufficient land and densities to develop new affordable housing;
- Policy 1.3 (Transit-Oriented and Pedestrian-Oriented Development): Within targeted development areas, cluster development near light rail stations and along major transportation corridors thereby creating transit oriented development "nodes" and encouraging pedestrian access;
- Policy 1.4 (Mixed-Use): Authorize and encourage mixed use development in targeted areas, including in-town housing, live-work spaces, and in-town commercial uses;
- Policy 15.2 (Increase Supply): Increase the total number of market rate and affordable housing units within the City;
- Policy 22.1 (Urban Design): Urban design programs shall encourage pedestrian-oriented development, including encouragement of pedestrian circulation among parcels, uses, transit stops, and public or publicly accessed spaces; requiring human scale; encouraging varied and articulated facades; requiring regular visual (as in the use of first floor windows and clear glass) and physical access for pedestrians; requiring that ground floor residential and commercial entries face and engage the street; and encouraging pedestrian-oriented streetscapes and amenities; and

- Policy 27.4 (Consultation): Encourage project applicants to contact the surrounding neighborhood prior to submitting a formal application for the project. Applicants will be encouraged to seek comments from residents and work with them to resolve conflicts on design, traffic, noise, use of the site and other impacts specifically related to the project.

ENVIRONMENTAL ANALYSIS:

It was concluded in the development's Initial Environmental Study that the project, including the street vacation, will have less than significant impacts on the environment because mitigation measures will be incorporated into the project. Therefore, a Mitigated Negative Declaration has been prepared. The action proposed herein is not a final discretionary action, thus no CEQA findings are necessary at this point. Should the City Council adopt the Resolution Ordering the Vacation, as will be proposed on November 18, 2013, Council will first be asked to make the appropriate CEQA findings.

There are possible impacts on two areas of analysis identified in the Initial Environmental Study: Cultural Resources, and Hazards and Hazardous Materials. The possible impacts on Cultural Resources are due to the potential, although unlikely, discovery of archeological and/or paleontological resources during excavation and grading of the site. The possible impacts on Hazards and Hazardous Materials are due to the former uses of portions of the site as auto repair and railroad right-of-way, resulting in some soil contamination. Any contaminated soils will be remediated during excavation and grading of the site.

The Planning Commission has taken comments on the proposed Mitigated Negative Declaration at the October 23, 2013 public hearing.

FISCAL IMPACT:

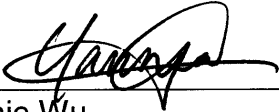
All costs for processing the vacation are at the applicant's expense. The applicant shall be responsible for all costs associated with meeting all the conditions set forth in the street vacation.

Respectfully submitted,



SIOBHAN FOSTER
Director of Public Works

Prepared by:



Yannie Wu
Principal Engineer

Approved by:



MICHAEL J. BECK
City Manager

Attachment A – Public Works Memorandum to the Planning and Community
Development Department

Attachment B – Aerial Map

Attachment C – Vicinity Map