

Agenda Report

TO: CITY COUNCIL **Date:** April 4, 2005
FROM: CITY MANAGER
SUBJECT: VACATION OF A PORTION OF PICO STREET BETWEEN RAYMOND AVENUE AND THE METROPOLITAN TRANSPORTATION AUTHORITY RIGHT-OF-WAY

RECOMMENDATION:

It is recommended that the City Council take the following actions:

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 Mitigated Negative Declaration has been adopted for the project (57,946 square-foot medical office building) 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.
 - (b) Finds that the proposed vacation of the subject portion of Pico Street is consistent with the General Plan Mobility Element, the South Fair Oaks Specific Plan, and is unnecessary for present or prospective public use for traffic purposes,

- (c) Orders the vacation of the subject portion of Pico Street based on certain conditions set forth in Exhibit "C", if and only if those certain conditions are met,
3. Declare that the City's interest in the proposed vacated street is an easement only with a fair 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;
4. Authorize the City Manager to execute a Condition Satisfaction Contract between the City and the applicants.

PLANNING COMMISSION REVIEW:

On February 9, 2005, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation as presented by staff.

BACKGROUND:

The proposed vacation of a portion of Pico Street between Raymond Avenue and the MTA right-of-way is for Pasadena Physicians LLC, located at 630 S. Raymond Avenue, and for 650 S. Raymond, LLC (current tenant is Silver Birches), located at 650 S. Raymond Avenue. Pursuant to PMC Section 2.105.110 (4.a.), the Planning Commission has considered and made recommendations to the City Council regarding the proposed vacation of the public right-of-way. The California Streets and Highways Code establishes a two-step process for the City Council. The first step is adoption of a Resolution of Intention and setting of a public hearing which took place at its March 14, 2005 meeting. The second step is the holding of a public hearing and adoption of a Resolution Ordering the Vacation. Staff has prepared a report and set of recommendations for the hearing on April 4, 2005. Staff has contacted all utilities, county agencies, MTA, Caltrans and City departments and there are no objections to the proposed vacation. Any requirements for easements will be incorporated into the Condition Satisfaction Contract upon the approval of the vacation.

Pasadena Physicians LLC, the property owners of the property on the north side of Pico Street, and 650 South Raymond LLC, the property owners on the south side of Pico Street, have requested the vacation of a portion of Pico Street from Raymond Avenue to the MTA right-of-way.

The developers for the property adjacent to the north side of Pico Street, located at 630 South Raymond Avenue, propose to develop the property with a three-story medical office building and three levels of subterranean parking. Without the proposed vacation, the development would require the installation of a cul-de-sac on Pico Street that would eliminate the existing parking on the street that is primarily used by Silver Birches, the tenant at 650 South Raymond Avenue. Together, the property owners determined that the vacation of Pico Street would benefit both property owners. 650 South Raymond LLC would be able to gain private parking that is needed for their site and current tenant, and Pasadena Physicians LLC would be able to develop their property to accommodate a loading zone and provide the area needed for their proposed subterranean parking garage.

The City's interest in the subject portion of Pico Street is in easement, only, for public purposes. The vacation will convey all rights to the abutting property owners except for an easement for public utilities and traffic signals, and for private ingress/egress easements for the property owners, including an ingress/egress easement for MTA to service their property. As a result of the easements, no structures will be allowed on the subject portion that is reserved for easements. In addition, the property owners are not proposing any changes in usage for the subject portion of Pico Street which is currently being used for access to their parking and loading areas.

In addition to the reasons stated above, Section 5.2.1 of the South Fair Oaks Specific Plan recommends that Pico Street, between Raymond Avenue and the MTA right-of-way, be vacated or closed to allow for development opportunities on adjacent parcels.

Pico Street, from Raymond Avenue to the MTA right-of-way, is approximately 150 feet in length and 50 feet in width. A review by the Departments of Public Works and Transportation determined that the proposed vacation of Pico Street will not have an adverse impact on traffic circulations in the area.

The subject portion of Pico Street to be vacated is legally described in Exhibit "A" and shown on Exhibit "B" (Department of Public Works Drawing No. 5524), both attached hereto.

GENERAL PLAN CONSISTENCY:

The objective of the proposed street vacation is to provide additional land area to accommodate access to an approved project's loading spaces and parking structure. The proposed vacation is consistent with one of the South Fair Oaks Specific Plan's provisions that vacation of the subject portion of Pico Street will provide opportunity for development of adjacent private properties.

The proposed street vacation will implement the medical office development, which in turn, furthers Objection 10 of the General Plan Land Use Element, Diverse Economy: "Pasadena shall promote a diverse economic base that serves local residents by providing jobs, by providing city revenue ...and by meeting the needs of international competition."

The proposed street vacation will implement the medical office development, which is anticipated to provide new employment opportunities, in a location that is within the Central District's Transit-Oriented Development Area. Objection 4.4 of the Mobility Element states: "Focus new employment in key transit corridors..." Thus, it furthers the objectives and strategies of the Mobility Element of the General Plan.

ENVIRONMENTAL CLEARANCE:

The environmental initial study and Mitigated Negative Declaration that was adopted by the Design Commission in July 2004, for the proposed new development at the adjacent north property, cited in its project description that the project (the new three-story building) was designed with the street vacation of a segment of Pico Street and that the environmental assessment of the proposed vacation will be reviewed under a separate application. The proposed street vacation is deemed a subsequent step to implement the approved project. Under this circumstance, CEQA provides guidelines to determine whether a subsequent Negative Declaration is required or not. After reviewing the conditions that will trigger the need for a subsequent Negative Declaration, staff finds that none of the conditions apply to the proposed street vacation; therefore, such that no further environmental documentation is necessary.

NEIGHBORHOOD MEETINGS:

Other than the Planning Commission public hearing on February 9, 2005, no separate neighborhood meeting was held for the proposed street vacation. However, the new medical office building at the north adjacent property obtained a concept Design approval through a public hearing process, wherein property owners within a 300-foot radius were notified about the public hearing, and the project description in the public notice contained language that the proposed development was designed with street vacation of the adjacent segment of Pico Street. Therefore, the surrounding property owners had been made aware of the subsequent request for the vacation of the subject portion of Pico Street.

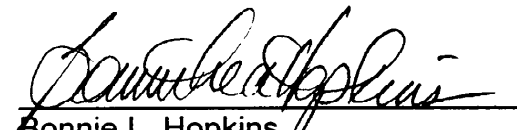
FISCAL IMPACT:

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.

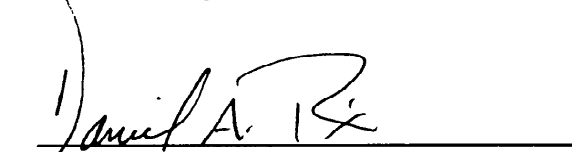
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

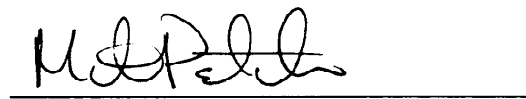
Prepared by:


Bonnie L. Hopkins
Principal Engineer

Reviewed by:


Daniel A. Rix
City Engineer

Approved by:


Martin Pastucha, Director
Department of Public Works

BLH
Attachments

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ORDERING THE VACATION OF A PORTION OF PICO STREET FROM RAYMOND AVENUE TO THE METROPOLITAN TRANSPORTATION AUTHORITY RIGHT-OF-WAY

WHEREAS, Resolution No. 8445 was adopted by the City Council of the City of Pasadena on March 14, 2005, declaring the intention of the City of Pasadena to vacate a portion of Pico Street from Raymond Avenue to the Metropolitan Transportation Authority (MTA) right-of-way and which said portion of said street shall be referred to in this resolution as Pico Street; and

WHEREAS, Pico Street, from Raymond Avenue to the MTA right-of-way, is approximately 150 feet in length and 50 feet in width; and

WHEREAS, Drawing No. 5524 (Exhibit "B") on file in the office of the Director of the Department of Public Works identifies in detail the subject street to be vacated; and

WHEREAS, the City Council has approved the finding that there is substantial evidence that the vacation of the subject portion of Pico Street, as described herein in Resolution No. 8445, will have no significant effect on the environment based on the acknowledgment, of the City Council, that the Mitigated Negative Declaration 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 Section 83290, et seq.; and

WHEREAS, the City Council finds that the vacation of the subject portion of Pico Street, as described herein and in Resolution No. 8445, is consistent with the General Plan Mobility Element, the South Fair Oaks Specific Plan, and is unnecessary for present or prospective public use for traffic purposes:

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

1. Said Pico Street, 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 only after the attached conditions have been satisfied by the applicant, through completion of a Condition Satisfaction Contract.

Adopted at the _____ meeting of the City Council on the _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

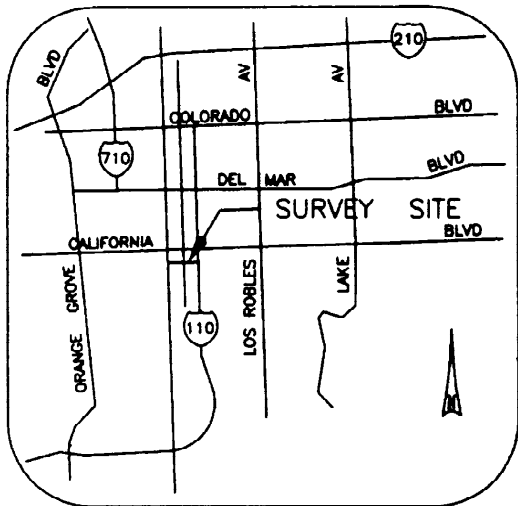
JANE L. RODRIGUEZ, City Clerk

Approved as to form:

 3/21/04

Nicholas G. Rodriguez
Assistant City Attorney

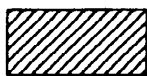
EXHIBIT "B"



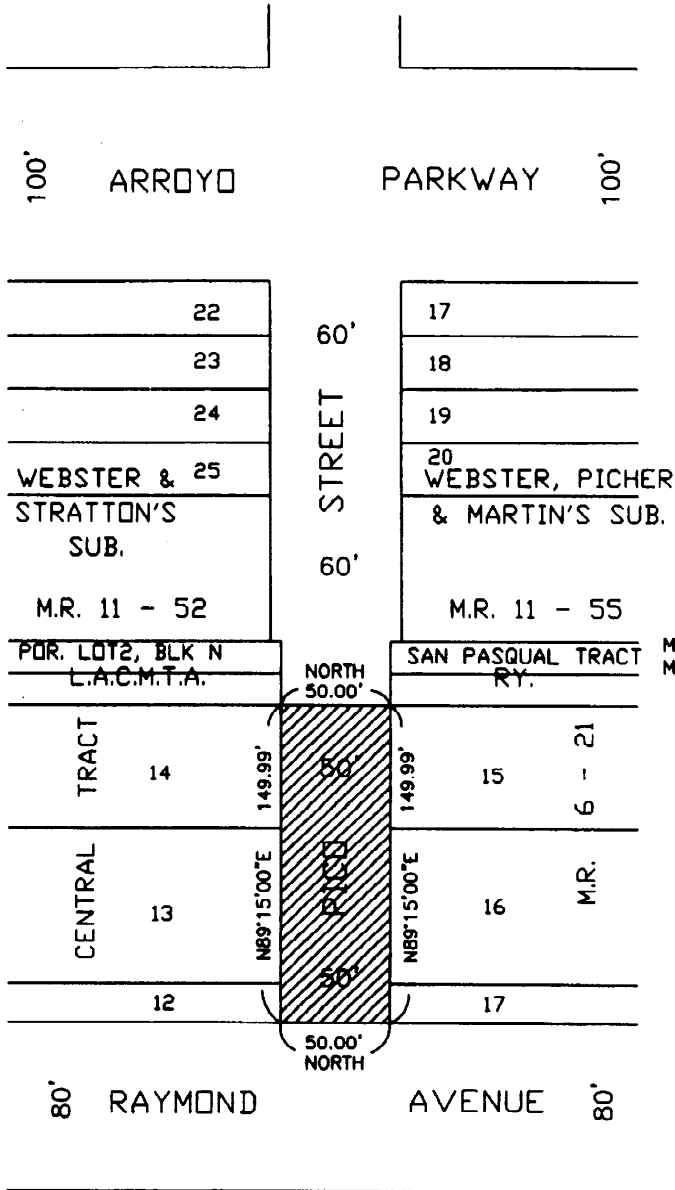
VICINITY MAP



SCALE: 1" = 80'



PROPOSED VACATION AREA



M.R.32-81
M.R.3-315

CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PVT.

CHECKED BY: B.L.H.

SUBMITTED BY: B.L.H.

FIELD BOOK NO. NONE

VACATION OF PICO STREET FROM RAYMOND TO M.T.A. RIGHT OF WAY

APPROVED BY:

Daniel A. Ricci
CITY ENGINEER

2/14/2005
DATE

SCALE:

NTS

DATED:

02/08/05

5524

SHEET 1 OF 1

EXHIBIT "C"

MEMORANDUM - CITY OF PASADENA
Department of PUBLIC WORKS

DATE: January 13, 2005

TO: Richard Bruckner, Director
Department of Planning and Permitting

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

RE: **Vacation of Pico Street from Raymond Avenue to the Metropolitan Transportation Authority Right-of-Way**

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 the subject portion of Pico Street from Raymond Avenue to the MTA right-of-way, in accordance with the requirements and recommendations contained in this report and subject to the conditions herein;
2. Find that the subject portion of Pico Street proposed for vacation is consistent with the General Plan Mobility Element, the South Fair Oaks Specific Plan, and is unnecessary for present or prospective public use for traffic purposes;
3. Declare that the City's interest in the proposed vacated portion of Pico Street is an easement only with a market value of less than \$1,000. 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 this chapter;
4. Adopt a resolution vacating the subject portion of Pico Street 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
January 13, 2005
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BACKGROUND:

Pasadena Physicians LLC, the property owners of the property on the north side of Pico Street and 650 South Raymond LLC, the property owners on the south side of Pico Street, have requested the vacation of Pico Street between Raymond Avenue and the MTA right-of-way.

The developers for the property adjacent to the north side of Pico Street, located at 630 South Raymond Avenue, propose to develop the property with a three-story medical office building and three levels of subterranean parking. Without the proposed vacation, the development would require the installation of a cul-de-sac on Pico Street which would eliminate the existing parking on the street that is primarily used by Silver Birches, the tenant of 650 South Raymond LLC. Together, the property owners determined that the vacation of Pico Street would benefit both property owners. 650 South Raymond LLC would be able to gain private parking that is needed for their site and benefit their current tenant, and Pasadena Physicians LLC would be able to develop their property to accommodate a loading zone and provide the area needed for their proposed subterranean parking garage.

The City's interest in the subject portion of Pico Street is in easement, only, for public purposes. The vacation will convey all rights to the abutting property owners except for public utility easements required as described below and private ingress/egress easements. As a result, no structures will be allowed on the subject portion that is reserved for easements and ingress/egress. In addition, the property owners are not proposing any changes in usage for the subject portion of Pico Street which is currently being used for access to their parking and loading areas.

The subject portion of the Pico Street to be vacated is legally described in Exhibit "A" and shown on Exhibit "B" (Department of Public Works Drawing No. 5524), 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.

Pico Street, from Raymond Avenue to the MTA right-of-way, is approximately 150 feet in length and 50 feet in width. A review by the Departments of Public Works and Transportation determined that the proposed vacation of Pico Street will not have an adverse impact on traffic circulation in the area.

Section 5.2.1 of the South Fair Oaks Specific Plan recommends that Pico Street between Raymond Avenue and the MTA right-of-way be vacated or closed to allow for development opportunities on adjacent parcels.

Richard Bruckner, Director
Department of Planning and Development
January 13, 2005
Page 3

OTHER CITY DEPARTMENTS, PUBLIC AGENCIES, AND OTHERS:

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

Caltrans
Southern California Gas Company
SBC
Southern California Edison
California American Water Company
County Sanitation Districts of Los Angeles County
Metropolitan Water District
Atrio/Champion
Charter Communications
City of Pasadena Departments and Divisions:
 Police Department
 Fire Department

The following have comments and requirements:

1. **Metropolitan Transportation Authority:**

The Metropolitan Transportation Authority (MTA) has right-of-way adjacent to the proposed vacation of Pico Street. As a result, the applicant shall retain an easement for ingress/egress to allow MTA access to their property.

2. **Water and Power Department – Water Division:**

The Water Division has facilities within the proposed vacation of Pico Street and requires an easement to maintain their facility. The existing 6-inch water main is located 18 feet north of the south property line of Pico Street.

3. **Water and Power Department – Power Division:**

The applicant shall retain an easement for the existing power vault located approximately 14 feet south of the north property line of Pico Street and any power connections to the vault.

4. **Department of Public Works:**

A. **Street:**

- (1) The installation of new PCC curb, gutter and sidewalk and required AC paving along the east side of Raymond Avenue shall be constructed to close Pico Street, unless otherwise approved by the City Engineer. In addition, only standard driveway approaches may be installed along the east side of Raymond Avenue, unless otherwise approved by the City Engineer.
- (2) The applicant shall retain an ingress/egress easement for all adjacent properties, including the MTA property.

B. **Storm Drain:**

- (1) There is an existing 24 inch storm drain located along the north side of Pico Street. A 10 foot easement is required to maintain the storm drain.
- (2) The existing catch basin on the south side of Pico Street, and connector pipe to the storm drain, will no longer be a City facility. If the applicant chooses to use this catch basin, they will be responsible for maintenance associated with the catch basin and connector pipe. If the applicant chooses not to use this as a private facility, they must remove the catch basin and seal the connector pipe.

C. **Drainage:** The applicant will not be allowed to discharge water from the vacation street to Raymond Avenue.

D. **Sewer:** The applicant shall retain an easement for the existing sewer located along the centerline of Pico Street.

E. **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

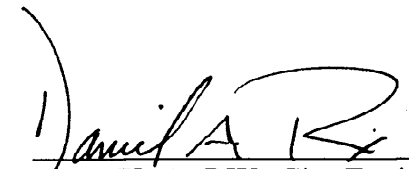
conditions noted in this report. Plans, supporting documents, reports, and specifications for the above improvements shall be prepared by an engineer registered with the State of California and shall be approved by the Department of Public Works. Plans must be submitted in AutoCAD format with the City 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.

- F. 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 Pico Street.

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.

- G. 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

DRAFT

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land in the City of Pasadena, County of Los Angeles, State of California, being contained within the right of way of Pico Street, 50 feet wide, formerly known as San Pascual Street, as shown on map of the Central Tract, as per map recorded in Book 6, Page 121 of Miscellaneous Records, in the Office of the County Recorder of said County, bounded as follows:

Westerly by the easterly line of Raymond Avenue, 80 feet wide as it now exists;

Easterly by the easterly line of Pico Street (formerly San Pascual Street) as shown on said map of the Central Tract.

RESERVING THEREFROM an easement over said parcel for utility purposes and all incidents thereto.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof

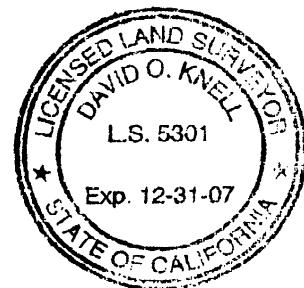
This legal description was prepared by me or by my direction

David O. Knell

David O. Knell PLS 5301

1-12-05

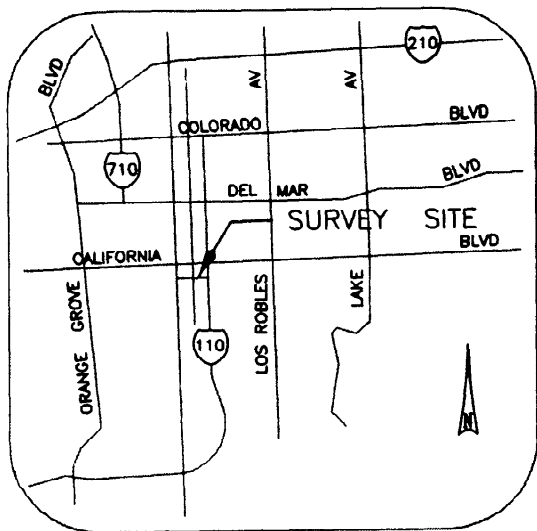
Date



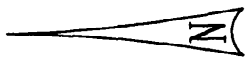
Reviewed by:

EXHIBIT "B"

DRAFT



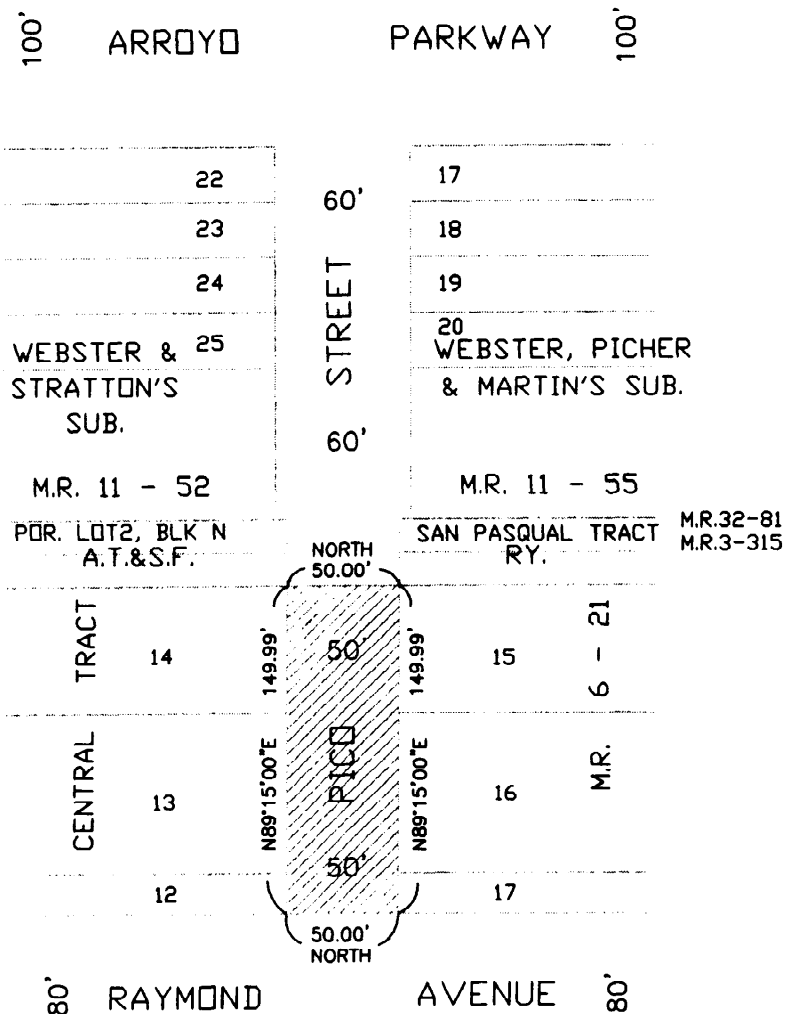
VICINITY MAP



SCALE: 1" = 80'



PROPOSED
VACATION
AREA



CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: XX

CHECKED BY: XXX

SUBMITTED BY: XXX

FIELD BOOK NO. NONE

VACATION OF PICO STREET FROM RAYMOND TO M.T.A. RIGHT OF WAY

APPROVED BY:

CITY ENGINEER

DATE

SCALE:

NTS

DATED:

XXXXXX

5524

SHEET 1 OF 1