

# Agenda Report

August 26, 2024

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: HOLD A PUBLIC HEARING ON THE PROPOSED VACATION AND HEAR EVIDENCE OFFERED BY INTERESTED PARTIES AND ADOPT A RESOLUTION ORDERING THE VACATION OF NINA STREET FROM SUNNYSLOPE AVENUE TO ITS EAST TERMINUS**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that on July 15, 2024, the City Council adopted a Mitigated Negative Declaration for the Pasadena Rusnak Porsche project, which includes the vacation of Nina Street from Sunnyslope Avenue to East terminus, in accordance with the California Environmental Quality Act (CEQA);
2. Hold a public hearing on the proposed vacation and hear evidence offered by interested parties;
3. Find that the subject portion of land proposed for vacation is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use for street purposes;
4. Declare that the City's existing interest in the subject portion of land proposed for vacation is an easement dedicated for public street purposes; the land is not owned by the City in fee title; and it is not subject to the provisions of Chapter 4.02, Sale of Surplus Real Property, of the Pasadena Municipal Code;
5. Adopt a Resolution ordering the vacation of Nina Street from Sunnyslope Avenue to its East terminus, in accordance with the conditions and recommendations contained in this report; and
6. Authorize the City Manager to execute a Condition Satisfaction Contract between the City and the applicant, Rusnak Daimler Chrysler Center Inc., a Delaware Corporation.

**PLANNING COMMISSION RECOMMENDATION:**

On May 8, 2024, the Planning Commission voted unanimously in support of the City Council approving the vacation of Nina Street from Sunnyslope Avenue to its East terminus subject to fulfillment of the conditions set forth in Exhibit C of the attached Resolution for the Order to Vacate. The Commission also found unanimously that the subject portion of land proposed for vacation is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use for street purposes.

**BACKGROUND:**

The proposed vacation portion of Nina Street is 60 feet wide, from Sunnyslope Avenue to approximately 276 feet east to its terminus. It is a dead-end street located one block north of Colorado Boulevard, as shown on the vicinity map, Attachment A. The application for this street vacation was submitted in conjunction with the proposed Rusnak Porsche development as part of Conditional Use Permit No. 6926. The development is located on the east side of Sunnyslope Avenue between Walnut Street and Colorado Boulevard. The proposed development includes the construction of new automobile sales, leasing, services, and parts buildings with a paved parking lot. The subject portion of Nina Street conflicts with the proposed building footprint, as shown on the development site plan, Attachment B.

The applicant requesting the street vacation, Rusnak Daimler Chrysler Center Inc., a Delaware Corporation (Rusnak), is the property owner of all abutting properties along both sides of the subject street segment, as well as the developer for the proposed development. The City's interest in the subject portion of Nina Street is in an easement dedicated for public street purposes. As the sole owner of all the abutting properties, Rusnak currently holds the underlying fee title of the proposed vacation area. The subject portion of land to be vacated is legally described as Proposed Vacated Area in Exhibit A and is shown in Exhibit B of the attached Resolution for the Order to Vacate.

The subject portion of Nina Street currently consists of a 10-foot-wide sidewalk on both sides and a 40-foot-wide roadway. The subject portion of the street terminates abruptly at its east terminus and provides access to the abutting properties which are all owned by Rusnak. The existing roadway configuration is not in conformance with Pasadena Standard Plan S-410, the standard design for a cul-de-sac. The existing straight-angled configuration does not provide sufficient turn-around space for public, emergency, and maintenance vehicles, rendering it substandard.

Public Works has determined that there is no need, present or future, to retain this area for its intended public purpose. If the City Council approves the Order to Vacate Nina Street, the action will convey all rights to the abutting property owner, Rusnak. Relinquishing all rights of the Proposed Vacated Area will relieve the City from future maintenance responsibilities and any liability associated with the vacated area.

### Public Noticing

The vacation proceeding for the subject street vacation is conducted pursuant to the California Streets and Highways Code Section 8320, et seq, which establishes a two-step process for the vacation of a public street. The first step is the adoption of a Resolution for the Intention to Vacate by the City Council and the setting of a public hearing. The second step is the holding of a public hearing and adoption of a Resolution for the Order to Vacate (Resolution).

Resolution No. 10,064 for the intention to vacate Nina Street was adopted by the City Council on July 15, 2024 (see Attachment C). The City Clerk was directed to publish and post a Notice of Hearing. The Notice of Hearing was published in the *Pasadena Press* on August 1 and August 15, 2024. Individual notices about the public hearing were sent to the property owners within a 500-foot radius of the Proposed Vacated Area. Three notices were posted on poles along the subject portion of Nina Street.

### Condition Satisfaction Contract between the City and the Applicant

A Condition Satisfaction Contract (Contract) between the City and the applicant, Rusnak, will be prepared and executed by both parties. The Contract shall outline the applicant's obligations to provide security for the performance of the conditions listed in Exhibit C of the Resolution. The request for approval of the City entering into a contract with the applicant is hereby included with the recommendations to the City Council to vacate the subject portion of Nina Street.

Recordation of the vacation resolution with the Los Angeles County Recorder's Office will occur only after all conditions of the Contract have been met to the satisfaction of the Department of Public Works and all 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 effect at the time these conditions are being met.

### COUNCIL POLICY CONSIDERATION:

The proposed project supports the guiding principles of the General Plan by targeting new development in underutilized infill areas; and providing jobs, housing, and services. Additionally, the project would further the City Council's Strategic Plan goals through the creation of job opportunities, as part of its construction and operation, that would support and promote the local economy, as well as result in the contribution of sales tax to the City.

The proposed street vacation is consistent with the following City Council goals and objectives: improve, maintain, and enhance public facilities and infrastructure; improve mobility and accessibility throughout the City of Pasadena, ensure public safety; and support and promote the quality of life and local economy.

### **ENVIRONMENTAL ANALYSIS:**

Michael Baker International conducted the environmental review of the Pasadena Rusnak Porsche project, for Conditional Use Permit No. 6926, in compliance with the California Environmental Quality Act (CEQA); the project included the proposed vacation. The analysis of the project resulted in the preparation of a Mitigated Negative Declaration. All impacts identified in the Initial Study were found to be less than significant, or less than significant with the implementation of mitigation measures. The Initial Study identified potentially significant effects related to the following topics: Cultural Resources, Hazardous Materials, and Tribal Cultural Resources. However, with the incorporation of mitigation measures, all potentially significant effects would be reduced to a less-than-significant level. On July 15, 2024, the City Council adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Conditional Use Permit No. 6926, and that there are no changed circumstances or new information which would require further environmental. The full analysis of these topics, as well as those found to have a less-than-significant impact, can be found in the Initial Study and Mitigated Negative Declaration.

**FISCAL IMPACT:**

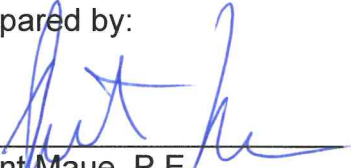
All costs for processing the vacation are at the applicant’s expense. The applicant shall be responsible for all costs associated with meeting all the conditions outlined in the street vacation. The development would generate revenue for the City through tax revenue and would also generate job opportunities. The vacation of the easement will also eliminate associated street maintenance costs.

Respectfully submitted,



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Approved by:



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City Manager

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Development Site Plan
- Attachment C – Resolution No. 10,064 - Intention to Vacate