

Agenda Report

TO: CITY COUNCIL

June 29, 1998

FROM: Acting City Manager

SUBJECT: Covering the East Side Storm Drain
between Belvidere Street and Mountain Street

RECOMMENDATION:

It is recommended that the City Council adopt a resolution:

- (1) Adopting a Negative Declaration for covering the East Side Storm Drain between Belvidere Street and Mountain Street prepared pursuant to the provisions of the California Environmental Quality Act and the Environmental Guidelines of the City of Pasadena and directing the City Clerk to file a Notice of Determination therefor with the Los Angeles County Clerk.
- (2) Approving a De Minimis Impact Finding that there is no evidence that the proposed covering of the East Side Storm Drain between Belvidere Street and Mountain Street will individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code, and directing the Planning and Permitting Director to execute a Certificate of Fee Exemption therefor and the City Clerk to file same with the Los Angeles County Clerk.
- (3) Approving the creation of a 25-foot wide public alley, Gladys Court, between Belvidere Street and a point about 233 feet southerly therefrom. The lines of the alley will be coincidental with the lines of the City's existing drainage easement for the East Side Storm Drain.
- (4) Authorizing the acquisition of fee title to Lot A of Tract No. 265 for the subdivision and sale to the owners of the abutting properties of the southerly 50 feet thereof and for the construction of the proposed public alley, Gladys Court, over the balance of said Lot A.
- (5) Declaring the City-owned property comprising the southerly 50 feet of Lot A and all of Lot B of Tract No. 265, which are coincidental with the City's existing drainage easement for the East Side Storm Drain between Mountain Street and a point about 233 feet south of Belvidere Street - the terminus of the proposed public alley - to be surplus real property in accordance with Chapter 4.02 of the Pasadena Municipal Code.

- (6) Declaring the sale of the above described City-owned surplus real property to be exempt from the competitive sale requirements of Chapter 4.02 of the Pasadena Municipal Code pursuant to Section 4.02.040F thereof (sale to adjoining landowner of undersized residential property).
- (7) Authorizing the Acting City Manager or her designee to approve the appraisal reports made by a qualified independent appraiser for the subdivided surplus real property parcels that are proposed to be conveyed to the owners of the abutting properties.
- (8) Authorizing the Acting City Manager or her designee to execute on behalf of the City, the agreements, deeds, or other documents required to convey the City's interest in said surplus land parcels, subject to the reservation of the existing drainage easement, to the owners of the various adjoining properties.

PLANNING COMMISSION ACTION:

On May 13, 1998, the Planning Commission voted to approve the project with a recommendation that efforts be made to preserve in place or transplant as many of the trees interfering with the proposed construction as feasible.

SUMMARY:

The report describes the setting, purpose, details, right-of-way activities, environmental processing, and schedule for the project that proposes to cover the City-owned open channel, known as the East Side Storm Drain, that runs behind and along the residential properties in the block between Belvidere Street and Mountain Street in order to provide improved security for local residents, eliminate problems due to illegal dumping and overgrown vegetation, extend the useful service life of the channel, and improve access to abutting lots by creating a public alley, Gladys Court, between Belvidere Street and a point about 233 feet southerly therefrom.

The Initial Study prepared pursuant to the provisions of the California Environmental Quality Act, which is attached hereto as Exhibit "A," discusses these subjects in greater detail and includes maps and photographs illustrating various aspects of the project.

BACKGROUND:

Project Setting

The East Side Storm Drain between Belvidere Street and Mountain Street is a City-owned and maintained concrete drainage channel constructed circa 1915. It is a 10 to 11-foot wide open channel within a 25-foot wide drainage easement that runs behind and along the residential properties on this block.

At the northerly end of the block, the channel is bordered on its west side by a 10 to 11-foot wide deteriorated asphalt concrete driveway that runs from Belvidere Street to a point about 233 feet southerly therefrom. The driveway provides access to the side or rear of six lots: one on Belvidere Street, four on El Molino Avenue, and one on Palm Terrace via a privately-constructed concrete bridge spanning the channel. Two of these sites have no other means of

vehicular ingress and egress, while two others have vehicular access from both the street and the driveway. There is no record of when or by whom the driveway was built. It is not maintained by either the City or the owners of the adjacent lots.

The ground surface within the 25-foot wide right-of-way, except for the deteriorated driveway, is occupied by "volunteer" vegetation consisting of a variety of unkempt trees, shrubs and vines. "Volunteer" vegetation is vegetation that was not planted by humans, but grew due to seeds carried by the actions of wind, water, animals, or birds. Individual plants developed where conditions were suitable for their germination and growth needs.

The "volunteer" vegetation along the channel is separated from the adjacent residential properties by fences or walls at the rear or side of the abutting lots. Thus, this vegetation is in a "no man's land" and is inaccessible and untended. This lack of care has led to overgrown limbs and vines. That overgrowth, plus deadwood that falls into the channel, poses a continual maintenance and clean-up problem.

The portions of the abutting properties immediately adjacent to the channel vary in elevation from level with or slightly below to as much as four feet higher than the top of the channel walls. At most locations, the ground surface within the 25-foot wide right-of-way is fairly level or moderately slopes towards the channel. The areas adjacent to the right-of-way are primarily backyards with a variety of lawns and other landscaping.

The block bounded by Belvidere Street, Palm Terrace, Mountain Street, and El Molino Avenue is classified as "Low Density Residential" (0-6 dwelling units per net acre) by the General Plan and is zoned RS-6 (Single Family Residential District - 6 units per acre).

The properties abutting the East Side Storm Drain between Belvidere Street and Mountain Street are fully developed with residential uses. The 32 abutting properties consist of 24 lots with single-family homes, five lots with two separate dwelling units, one lot with three separate dwelling units, one lot with a duplex structure, and one lot with a four-unit apartment house.

Project Purpose

The East Side Storm Drain between Belvidere Street and Mountain Street has been the source of numerous complaints from local residents about trespassing, noise, graffiti, vandalism, and other criminal activities. Illegal dumping and debris from untended "volunteer" vegetation along the sides of the channel and on the edges of the adjacent lots constitute a constant burden on the City's shrinking maintenance resources. The channel itself suffers from decades of neglect and deferred maintenance.

Covering the channel will curtail its use as a gathering place and passageway for individuals with no legitimate reason for being there and, thereby, improve security for local residents. It will also eliminate maintenance problems due to illegal dumping and overgrown vegetation. Repair of the channel's invert and walls will extend the facility's useful service life.

Covering the channel will allow the 25-foot wide City-owned strip between Mountain Street and a point about 233 south of Belvidere Street - the terminus of a proposed public alley - to be incorporated with the adjacent lots thereby allowing the property owners to enjoy full use

and control of their backyards. The City will return its permanent drainage easement for maintenance of the covered channel.

The covered channel between Belvidere Street and a point about 233 feet southerly therefrom will be improved and used as a public alley, Gladys Court. This will improve access to the side or rear of the five lots along the west side of the channel and the one on the east side compared to that provided by the existing deteriorated driveway. In addition, the creation of the 25-foot wide public alley will facilitate the provision of public services, especially emergency services, to the ten abutting properties.

Project Details

The proposed project calls for covering the East Side Storm Drain between Belvidere Street and Mountain Street – a distance of approximately 925 feet as measured along the channel – by the construction of a reinforced concrete deck atop the channel walls. Deteriorated channel wall sections will be repaired or replaced and the eroded channel invert will be repaired by the application of a polymer-modified portland cement mortar overlay.

At locations where the lots along the channel are higher than the top of the channel walls, imported fill material and topsoil will be placed over the covered channel and the adjacent ground surface to match the grade of abutting backyards. At other locations, the top of the deck will be exposed and level with the adjacent backyards. Minor grading will be done to maintain surface flows away from the residences and towards the channel. Grate inlets will be constructed as needed to drain the yards along the channel.

Existing vegetation along the sides of the channel interfering with the proposed construction will have to be removed. Trees and other plants within the 25-foot wide right-of-way whose roots would be covered by grading operations will also have to be removed where covering their roots would be detrimental to them. Replacement trees and other landscaping atop and/or adjacent to the covered channel will be planted in accordance with the wishes of each directly affected property owner.

Existing fences interfering with the proposed construction will be removed and a new 6-foot high fence installed that runs along the length of the covered channel from Mountain Street to the terminus of the proposed Gladys Court. Existing side property line fences and walls will be extended to intersect the new rear property line fence. Other construction details will be developed in consultation with each of the directly affected property owners.

The 25-foot wide right-of-way between Belvidere Street and a point 233 feet southerly therefrom will be developed for use as a public alley, Gladys Court. This use of the right-of-way was the consensus choice among five options discussed at a neighborhood meeting held on May 12, 1997 at the residence of one of the affected property owners and attended by the owners of eight of the ten lots abutting this northerly section of the right-of-way.

The alley will be constructed of portland cement concrete – the reinforced concrete deck will comprise a portion of the new alley pavement. Grate inlets will be installed to drain the alley into the covered channel. Lighting will be provided by the installation of utilitarian lighting (mast arm and luminaire) on new wooden power poles that will replace the two existing undersized telephone poles on the west side of the alley. Vegetation along the west side of the

channel as well a Camphor tree within the Belvidere Street parkway at the entrance to the proposed alley will be removed.

Right of Way Activities

The 25-foot wide right-of-way that encompasses the East Side Storm Drain between Belvidere Street and Mountain Street is coincidental with Lots A and B of Tract No. 265 recorded in 1908. The City possesses fee title to Lot B which extends northerly from Mountain Street to a point about 283 feet south of Belvidere Street. The City possesses fee title to two small strips within Lot A which extends southerly from Belvidere Street to the north line of Lot B. Title to the major portion of Lot A is vested in the heirs or devisees (persons left real property by a will) of the subdividers of Tract No. 265.

In order to carry out the proposed project, it will be necessary to account for the future ownership of the 25-foot wide City-owned right-of-way between Mountain Street and the southerly terminus of the proposed public alley, Gladys Court. This will require the subdivision and sale for its nominal fair market appraised value of the entire right-of-way between these limits to the owners of the abutting lots. It is proposed to subdivide the strip into equal 12.5-foot wide parcels. If some of the property owners decline to purchase these parcels, full width parcels will be offered to their neighbors on the opposite side of the channel.

It will also be necessary for the City Council to take the following other actions as recommended herein:

- Authorize the acquisition of fee title to the portion of the 25-foot wide right-of-way not already owned by the City (Lot A of Tract No. 265).
- Declare the portion of the 25-foot wide right-of-way to be subdivided and sold (the southerly 50 feet of Lot A and all of Lot B of Tract No. 265) to be surplus real property in accordance with Chapter 4.02 of the Pasadena Municipal Code.
- Declare the sale of said surplus real property to be exempt from the competitive sale requirements of Chapter 4.02 of the Pasadena Municipal Code pursuant to Section 4.02040F thereof (sale to adjoining landowner of undersized residential property).
- Authorize the Acting City Manager or her designee to approve appraisal reports for said subdivided surplus land parcels and to execute, on behalf of the City, any and all documents required to convey the City's interest in said parcels, subject to reservation of the City's existing drainage easement.

It will further be necessary, after establishment of the exact configuration for the subdivision of the surplus real property, for the Subdivision Committee to approve a Certificate of Exception for the lot line adjustment required to effect the subdivision and sale of the southerly 50 feet of Lot A and all of Lot B of Tract No. 265 to all or some of the owners of the adjoining properties.

CEQA Processing

Based on an Initial Study prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) and the Environmental Guidelines of the City of Pasadena, the Environmental Administrator found that the proposed project could not have a significant effect on the environment. The Initial Study is attached hereto as Exhibit "A;" the Draft Negative Declaration prepared pursuant to this finding is attached as Exhibit "B."

Notices of Intent to Adopt a Negative Declaration were delivered or sent by first-class mail to 73 agencies, organizations, and individuals deemed to have a potential interest in the proposed project. In addition, letters discussing the project in detail were sent to the owners of the 32 lots abutting the existing open channel. The public review period commenced March 2, 1998 and ended April 3, 1998. Written responses were received from the Southern California Association of Governments, the owner of the single-family home at 1000 North El Molino Avenue, and the County Sanitation Districts of Los Angeles County. No issues or concerns were raised in these letters, copies of which are attached to this report.

On May 13, 1998, the Planning Commission found that the proposal to cover the East Side Storm Drain between Belvidere Street and Mountain Street, including the creation of a 25-foot wide public alley, is consistent with the General Plan and necessary for public health, safety, and welfare. The Commission, therefore, recommended adoption of the Negative Declaration, approval of the De Minimis Impact Finding, and providing authorization for staff to perform the various right-of-way activities needed to carry out the project. In approving the project, the Commission asked that staff work with the City Arborist to preserve as many trees as feasible; to transplant to the adjacent yards or to available sites provided by the City those trees that must be removed or, failing that, to offer them to commercial tree brokers.

Findings

On the basis of the Initial Study, the Draft Negative Declaration, and the absence of any objections, it appears that there is no substantial evidence that the proposed project could have a significant effect on the environment. It is, therefore, recommended that the Negative Declaration be adopted and the City Clerk directed to file a Notice of Determination therefor with the Los Angeles County Clerk.

The Initial Study also indicates that there is no evidence that the proposed project will have any potential for adverse effect, either individually or cumulatively, on wildlife resources. Accordingly, it is recommended that a De Minimis Impact Finding be approved and the Planning and Permitting Director directed to execute a Notice of Fee Exemption therefor and the City Clerk to file same with the Los Angeles County Clerk.

Project Schedule

The activities needed to complete the project and their scheduled dates of occurrence are shown below. It should be noted, however, that the duration of the discussions with the affected property owners for the disposition of the entire 25-foot wide right-of-way between Mountain Street and the southerly terminus of the proposed public alley is largely beyond the staff's control since it is based on voluntary participation by the property owners.

<u>Activity</u>	<u>Time Period</u>
Right-of-Way	July 1998 to March 2000
Design Engineering	January 1999 to March 2000
Advertise and Award	April 2000 to June 2000
Construction	July 2000 to October 2000

FISCAL IMPACT:

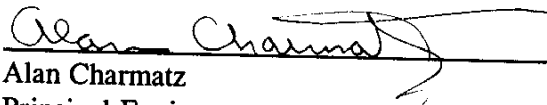
Sufficient funds are available in Budget Account 76325 (East Side Storm Drain Improvements) to complete the project.

Cash payments received from the owners of the abutting properties will be placed in a special deposit account and appropriated by journal voucher to Budget Account 76325 at the time of construction contract award. If the project is not undertaken, these payments will be returned, with interest, to the property owners. The sale of the subdivided surplus real property will result in a modest increase in future property tax revenues.

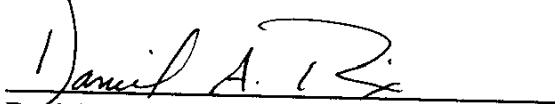
Respectfully submitted,


 CYNTHIA J. KURTZ
 Acting City Manager


Prepared by:


 Alan Charmatz
 Principal Engineer

Reviewed by:


 Daniel A. Rix
 City Engineer

Approved by:


 Jack A. Lidyord, Acting Director
 Public Works and Transportation

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Attachments