



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** City Manager's Office

**MEETING DATE:** August 1, 2017

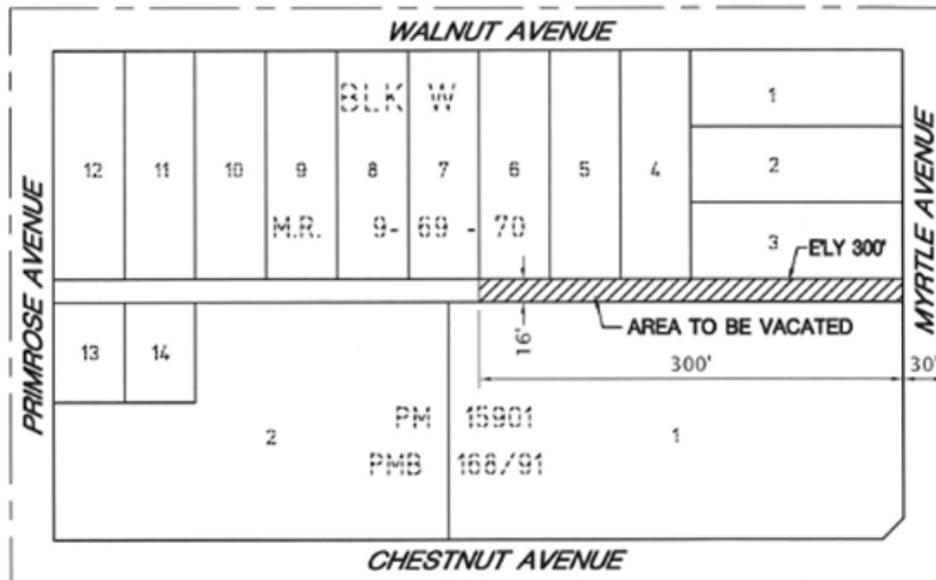
**PREPARED BY:** Tina Cherry, Public Services Director

**AGENDA LOCATION:** PH-1

**TITLE:** Vacating a Portion of the Alley Located North of Chestnut Avenue Between Primrose Avenue and Myrtle Avenue to Facilitate the Development of a Public Use Parking Structure, Resolution No. 2017-30

**OBJECTIVE:** Hold a public hearing and adopt Resolution No. 2017-30, thereby approving the vacation of a portion of the alley located north of Chestnut Avenue between Primrose Avenue and Myrtle Avenue to facilitate the development of a public use parking structure.

**BACKGROUND:** During the past several months, staff has been working with the owners of 815 South Myrtle Avenue and 825 South Myrtle Avenue on a proposed development project which would include a parking structure to increase the available supply of public parking in Old Town. However, in order for the proposed project to move forward, it will be necessary to vacate a portion of the City's alley located north of Chestnut Avenue and in between Myrtle Avenue and Primrose Avenue, as further shown in the graphic below. The area to be vacated is unnecessary for present or prospective use because, with the development of the adjacent and surrounding properties and a new circulation pattern in the vicinity, the alley is not and will not be necessary for vehicular traffic or access to nearby properties. Vacating the alley will make possible the construction of additional public parking without adversely affecting vehicular traffic.



# PH-1

One of the major complexities associated with the proposed public benefit project involves the required relocation of underground utilities that are in the City's alley. There are electrical, water, sewer, and gas utilities that will have to be moved in order to allow the proposed project to proceed. And in order to initiate the requisite utility relocation process, it will be necessary for the City Council to approve the vacation of the identified alley.

It is also important to note that the Planning Commission on May 10, 2017, reviewed and assessed the proposed vacation of the alley in question and found that the vacation of the alley conforms to the General Plan while also recommending approval of vacating the alley.

**ANALYSIS:** Vacating the alley in question is authorized under the California Streets and Highways Code Section 8324. The alley is unnecessary for present or prospective use because, with the development of the adjacent and surrounding properties and a new circulation pattern in the vicinity, the alley is not and will not be necessary for vehicular traffic or access to nearby properties. Vacating the alley will make possible the construction of additional public parking without adversely affecting vehicular traffic.

In order to facilitate the overall process, staff developed published notices that a public hearing regarding the proposed alley vacation would be held on August 1, 2017, at 7:30 p.m. (Attachment B). Furthermore, the City posted three (3) copies of the required notices not more than 300 feet apart in the alley, beginning July 18, 2017, through August 1, 2017.

Pursuant to the vacation process that has been developed, should the City Council authorize vacating the identified alley, staff will proceed with all of the requisite administrative processes. Importantly, this will include delay of recordation of the actual alley vacation until the City receives the following confirmations:

- All requisite replacement public utility and public access easements and locations have been provided by the property owners and recorded, as necessary
- Confirmation that all of the utilities in the alley will be relocated as needed to facilitate the construction of the parking structure
- Agreements are executed guaranteeing public parking in the proposed parking structure

**FISCAL IMPACT:** There is no fiscal impact associated with vacating the identified alley.

**ENVIRONMENTAL IMPACT:** The vacation of an unnecessary alley is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15312 and 15332.

**OPTIONS:** The following options are presented for consideration:

- 1) Adopt Resolution No. 2017-30, thereby approving the vacation of a portion of the alley located north of Chestnut Avenue and in-between Primrose Avenue and Myrtle Avenue subject to conditions.
- 2) Do not adopt Resolution No. 2017-30 and provide staff with additional direction.

**RECOMMENDATION:** Staff recommends that, following the public hearing, the City Council select Option 1, thereby approving the vacation of a portion of the alley located north of Chestnut Avenue and in-between Primrose Avenue and Myrtle Avenue subject to conditions.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, the appropriate action would be a motion to adopt Resolution No. 2017-30.

## RESOLUTION NO. 2017-30

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, APPROVING THE VACATION, WITH CONDITIONS, OF A PORTION OF THE ALLEY LOCATED NORTH OF CHESTNUT AVENUE AND IN-BETWEEN PRIMROSE AVENUE AND MYRTLE AVENUE.

#### RECITALS

**WHEREAS**, the City owns and maintains the alley located north of Chestnut Avenue and in-between Primrose Avenue and Myrtle Avenue, as described in the attached Exhibit A, and as shown on the attached Exhibit B, each of which is incorporated herein by this reference; and

**WHEREAS**, the alley is located in the City's Historic Old Town area, and bisects the properties located at 815 South Myrtle Avenue and 825 South Myrtle Avenue; and

**WHEREAS**, the City desires to create additional public parking in Old Town for public benefit; and

**WHEREAS**, the owners of the properties located at 815 South Myrtle Avenue and 825 South Myrtle Avenue have agreed to facilitate the development of a parking structure on their properties, and the proposed parking structure would allow for public parking; and

**WHEREAS**, the portion of the alley as described in attached Exhibit A and shown on attached Exhibit B must be vacated in order to allow for the construction of the parking structure with public parking access; and

**WHEREAS**, the Community Development Department has considered the alley vacation to facilitate the development of a parking structure for public benefit and has approved of the development concept; and

**WHEREAS**, the Planning Commission at its meeting of May 10, 2017, considered the conformity of the proposed vacation of the alley with the City's General Plan, and the City Planning Commission found that the vacation of the alley conforms to the General Plan and recommended approval of the vacation; and

**WHEREAS**, all necessary procedural pre-requisites have been met, and all necessary notices have been posted as provided by applicable law; and

**WHEREAS**, the City Council conducted a duly-noticed public hearing on August 1, 2017 at which the City Council received evidence, both written and oral, from interested persons.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROVIA DOES HEREBY FIND, DETERMINE, ORDER AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council hereby finds that the alley described in the attached Exhibit A and shown on the attached Exhibit B is unnecessary for present or prospective use because, with the development of the adjacent and surrounding properties and a new circulation pattern in the vicinity, the alley is not and will not be necessary for vehicular traffic or access to nearby properties. Vacating the alley will make possible the construction of additional public parking without adversely affecting vehicular traffic.

**SECTION 2.** This alley vacation is being made pursuant to Streets and Highways Code Section 8324 and other applicable statutes.

**SECTION 3.** The City Council hereby approves the proposed vacation, attached hereto as Exhibit A and shown on Exhibit B.

**SECTION 4.** Pursuant to Streets and Highways Code Section 8324(b), the City Council hereby directs the City Manager or his designee to delay recordation of this Resolution until such time as all requisite replacement public utility and public access easements and locations have been granted and recorded as necessary, that adequate assurance is received by the City to guarantee the relocation of all utilities in the alley on a timely basis, and that agreements guaranteeing public benefits and public use of the proposed parking structure are received by the City.

**SECTION 5.** Once the City Manager or his designee has determined that the reservations and conditions in Section 5 of this Resolution are in place, the City Council hereby authorizes the City Clerk to cause a certified copy of this resolution, attested by the City Clerk under the seal of the City, to be recorded in the office of the Los Angeles County Recorder.

**SECTION 6.** From and after the date that this resolution is recorded with the Los Angeles County Recorder, the right-of-ways being vacated shall no longer constitute public right-of-ways and the underlying property shall be re-conveyed in accordance with applicable law.

**PASSED, APPROVED and ADOPTED** this 1<sup>st</sup> day of August, 2017.

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Tom Adams, Mayor  
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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Alice D. Atkins, CMC, City Clerk  
City of Monrovia

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Craig A. Steele, City Attorney  
City of Monrovia

**CITY OF MONROVIA  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the City Clerk of the City of Monrovia, California, has set a hearing date for the City Council of the City of Monrovia, to consider vacating a portion of the alley way north of Chestnut Avenue, located between Primrose and Myrtle Avenues, in the City of Monrovia, California.

Tuesday, August 1, 2017, at 7:30 p.m. in the Council Chambers located at 415 South Ivy Avenue in Monrovia, California, has been fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation.

These proceedings shall be conducted pursuant to the provisions of Section 8320 et, seq., of the Streets and Highways Code of the State of California.

On May 10, 2017, the Planning Commission determined that the proposed vacation was in conformity with the General Plan.

The City Engineer shall cause this notice of Street Vacation to be conspicuously posted along the Easterly three hundred (300) feet of the alley way located between Primrose and Myrtle Avenues *north of Chestnut Avenue* for at least two weeks before the date of the aforementioned public hearing. This notice shall be posted not more than three hundred (300) feet apart, but in no event shall fewer than three (3) notices be posted.

The public hearing is to be held as follows:

- WHEN:** August 1, 2017
- TIME:** 7:30 p.m.
- WHERE:** City Hall Council Chambers  
415 South Ivy Avenue  
Monrovia, CA 91016
- TELEPHONE:** (626) 932-5505

**PERSONS INTERESTED IN THIS MATTER** are invited to attend this hearing to express their opinion on the above matter. Drafts are available for public review in the Office of the City Clerk at 415 South Ivy Avenue, Monrovia, CA 91016.

If a challenge is made by any party in court from actions arising out of the public meeting and the public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Monrovia City Clerk at, or prior to, the public hearing.

