



CITY OF POMONA COUNCIL REPORT

March 20, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Meg McWade, Public Works Director

Subject: **Public Hearing Regarding the Vacation of a Portion of Gordon Street, Located Between Second and Third Streets, and the Adjacent Public Alleys, Located North of Third Street, Between Park Avenue and Main Street, Vacation No. V-316 related to the Maya Cinemas project; Adoption of a Resolution Ordering Vacation No. V-316 (Council Districts 1 and 2)**

OVERVIEW

Recommendation – That the City Council:

1. Conduct a Public Hearing regarding the vacation of a portion of Gordon Street, located between Second and Third Streets, and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street, within Block 39 and Block 40 of Map of Pomona, recorded in Book 3, pages 90 and 91 of Miscellaneous Records, in the Office of County Recorder of the Los Angeles County, Vacation No. V-316, to consider evidence presented, pursuant to Sections 8324 of California Streets and Highways Codes; and
2. Upon finding that the street and alleys to be vacated are unnecessary for present or future public street use, adopt a Resolution (Attachment 1) to take the following actions:
 - a. Ordering the vacation of a portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street, and
 - b. Approving the California Environmental Quality Act (CEQA) Article 5, Section 15061(b)(3) Review for Exemption findings contained herein under "Environmental Impact."

Fiscal Impact – With this vacation of portions of the street and alleys, the City will no longer be responsible for pavement maintenance costs. While the annual pavement maintenance costs are minimal, there will be an avoided future replacement cost of approximately \$52,000.

Public Noticing Requirements – California Streets and Highways Code Sections 8322-8323 requires the notice of public hearing to be published in a local newspaper for at least two successive weeks, the first publication being at least fifteen days prior to the hearing. The

notice of public hearing for the proposed vacation was published on March 3 and March 10, 2017 in the Inland Valley Daily Bulletin. Also, in accordance with Section 8323, notices were posted on site at least two weeks before the hearing.

Previous City Council Action – On February 6, 2017, City Council adopted Resolution No. 2017-016 approving the Disposition and Development Agreement (DDA) with Maya Cinemas North America, Inc. for the sale, option and development of City-owned Vehicle Parking District (VPD) Lots 6 and 7, the Gist Building Property and the development of a parking garage on VPD Lot 10 (see Attachment 2).

Previous Planning Commission Actions – On March 8, 2017, Planning Commission adopted Resolution No. 17-008 approving General Plan Conformity Assessment GPC 6936-2017 and making the finding that the proposed street and alley vacation would not adversely affect the General Plan of the City (see Attachment 3). The proposed vacation was determined to be consistent with the following goals and policies found in the Mobility and Access Element of the General Plan:

1. Goal: Align the amount of parking available and the amount of parking provided by new development with the real pattern of anticipated parking demand. Policy: Avoid the appearance of a “sea of asphalt” in surface parking lot design and maximize shading with large trees planted throughout parking areas.
2. Goal: Cultivate Downtown as the “Heart of the City” where residential, shopping, employment, entertainment, educational, art, cultural, and civic activities are supported by transit, parks, parking, and a walkable environment. Policy: Consolidate parking in structures or off-street parking lots located behind buildings or away from the street edge.
3. Goal: Use the Downtown Pomona Specific Plan as the guide for development in Downtown. Policy: Provide additional entertainment and cultural venues within the Arts District

Environmental Impact – Pursuant to Article 5, Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the Planning Commission determined that this project was exempt from further CEQA review and documentation. Section 15061(b)(3) exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

EXECUTIVE SUMMARY

Adoption of the attached Resolution will approve the vacation of a portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street. This vacation is related to the Maya Cinemas North America, Inc. (MCNA) development of a movie theater complex and will record only if MCNA closes escrow on the adjacent City land that MCNA is purchasing.

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DISCUSSION

Beginning in the fall of 2015, the City Council received reports from Staff regarding the interest of Maya Cinemas of North America, Inc. in building a multiplex theater in downtown Pomona. The City Council was receptive to the idea of a multi-screen cinema in the downtown, as a theater of this size would bring synergy to the downtown business climate and allow the downtown to take a step forward as a dynamic, family friendly destination to be enjoyed by the entire community. Staff worked closely with MCNA owners to refine a set of business terms regarding the sale and use of the City VPD Lots 6 and 7 land assets and the Gist Building property, and construction of a multi-level parking structure on VPD Lot 10 (Vicinity Map included as Attachment 4), which would provide additional parking for Maya Cinemas, and other downtown uses and new development opportunities. The resulting DDA, approved by City Council on February 6, 2017, requires that the City process the vacation of a portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street.

The City of Pomona and VEJ Pomona 2, owners of the property within Block 39 and Block 40 of Map of Pomona, recorded in Book 3, pages 90 and 91 of Miscellaneous Records, in the Office of County Recorder of the Los Angeles County, submitted a request to the Public Works Department to initiate proceedings for the vacation of a portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street related to the Maya Cinemas development (Aerial Map included as Attachment 5). The application has been processed and Planning Commission, at its March 8, 2017 Meeting, made the finding that the proposed street and alley vacation would not adversely affect the General Plan of the City.

Pursuant to Section 8324 of the California Streets and Highways Code, evidence is presented for the proposed street and alley vacation as follows:

1. Pursuant to the California Streets and Highways Code Sections 8322- 8323, notice of the Public Hearing on the proposed vacation was published and notices were posted at least two weeks before the hearing, and an affidavit filed as required by law.
2. No protests have been received.
3. The proposed vacation is exempt from further CEQA review and documentation.
4. The Planning Commission has made a General Plan Conformity Assessment.
5. The proposed street vacation will facilitate the development of a commercial complex consisting of a multiplex theater and retail space.

The public street and alley Vacation No. V-316, as described in EXHIBIT "A" and depicted in EXHIBIT "B" to the Resolution, is proposed for approval, subject to the following conditions that the property owners are responsible to comply with:

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1. A public utility easement shall be reserved over the entire public street and alley areas proposed for vacation, as described in EXHIBIT "A", and shown on EXHIBIT "B", in compliance with the California Streets and Highways Code Sections 8340 and 8341.
2. No buildings and/or permanent structures are allowed to be constructed within the aforementioned public utility easement.
3. Unrestricted access during and after business hours to any/all proposed gate lock boxes shall be provided to all public utilities that have requested easement rights, including, but not limited to: City of Pomona Water and Wastewater Operations Department, Southern California Edison (SCE), and Southern California Gas Company.

Approval of the requested street and alley vacation will allow the future development of the City-owned property as outlined in the City Council-approved DDA between the City and MCNA. The vacation resolution, if approved by the City Council, will be recorded subject to the close of escrow on the City-owned property acquisition by Maya Cinemas.

Attachments: 1. Resolution with Legal Description, Map, and VEJ Pomona 2 Request as EXHIBIT "A" through "C"
2. City Council Resolution 2017-016
3. Planning Commission Resolution 17-008
4. Vicinity Map
5. Aerial Map

Prepared by: Carmen Barsu, Engineering Associate

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