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# CITY OF POMONA

# COUNCIL REPORT

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April 3, 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 Public Alley, Located North of Commercial Street, Between Gordon and Main Streets, Vacation No. V-314; Adoption of a Resolution Ordering Vacation No. V-314 (Council District 1)**

## OVERVIEW

### **Recommendation** – That the City Council:

1. Conduct a Public Hearing regarding the vacation of a public alley located north of Commercial Street, between Gordon and Main Streets, within Block 9 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-314, to consider evidence presented, pursuant to Section 8324 of California Streets and Highways Code; and
2. Upon receiving public comment and testimony, conclude the public hearing. Adopt a Resolution to take the following actions:
  - a. Finding that the alley to be vacated is unnecessary for present or future public street use;
  - b. Ordering the vacation of public alley located north of Commercial Street, between Gordon and Main Streets; and
  - c. Finding that the project is exempt from further California Environmental Quality Act (CEQA) review and documentation pursuant to Article 5, Section 15061(b)(3). 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.

**Fiscal Impact** – With the vacation of this public alley, 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

\$10,000.

**Public Noticing Requirements** – California Streets and Highways Code Section 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 17 and March 24, 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 Actions** – No previous action.

**Previous Planning Commission Actions** – On January 25, 2017, Planning Commission adopted Resolution No.17-005 (Attachment 2) approving General Plan Conformity Assessment GPC 6197-2016 and making the finding that the proposed public alley vacation would not adversely affect the General Plan of the City. The proposed vacation was determined to be consistent with the following policy found in the Noise/Safety Plan Component of the General Plan: Promote the integration of Crime Prevention Through Environmental Design (CPTED) principles into new development and public spaces.

**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 (Attachment 1) will approve the vacation of a public alley located north of Commercial Street, between Gordon and Main Streets, as requested by all contiguous property owners. The property owners will be required to reserve a utility easement, install fencing, and maintain the alley in perpetuity. Approval of the requested public alley vacation is intended to promote public safety, and eliminate dumping of trash and criminal activities that are negatively impacting the property owners within this downtown City block.

## **DISCUSSION**

Stephen Escalante, applicant and owner of one of the real properties located within Block 9 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, has submitted petition letters on behalf of all property owners within said Block 9, requesting the vacation of the 20-foot wide public alley located north of Commercial Street, between Gordon and Main Streets (Vicinity Map and Aerial Map included as Attachments 3 and 4), due to illegal activities and trash dumping. Subject to the

City Council approval of public alley Vacation No. V-314, the property owners are responsible for the completion of all work related to the public alley closure, including the installation of open style, non-opaque, tubular steel fencing and the reconstruction of all associated improvements within the public right-of-way.

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 alley vacation will facilitate the removal of an existing public safety and crime nuisance, and promote the integration of the CPTED design principles, which include natural surveillance, natural access control, and territorial reinforcement.

The public alley Vacation No. V-314, 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:

1. A public utility easement shall be reserved over the entire public alley area 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 Public Works Department, Southern California Edison (SCE), and Southern California Gas Company.

Approval of the requested public alley vacation will promote public safety, and eliminate dumping of trash and criminal activities that are negatively impacting the property owners within this downtown City block.

Attachments: 1. Resolution with Legal Description and Map as EXHIBIT "A" and "B"  
2. Planning Commission Resolution 17-005  
3. Vicinity Map  
4. Aerial Map

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