



Legislation Text

File #: 17-0078, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 West Willow Street, not in conformance with the adopted goals and policies of the City's General Plan and uphold the Planning Commission's determination of nonconformance; or

Receive supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and find the proposed vacation of 117.62 feet of an east/west alley located east of Daisy Avenue and south of Willow Street, behind 520 West Willow Street, in conformance with the adopted goals and policies of the City's General Plan and overturn the Planning Commission's determination of nonconformance, and approve Categorical Exemption No. 14-007. (District 7)

On December 1, 2016, the Planning Commission considered a General Plan Conformity determination for a proposed alley vacation as required by State law (Gov.65402.A) (Exhibit A - Planning Commission Staff Report for December 1, 2016). The project was reviewed by staff and found to be in conformance with the adopted goals and policies of the General Plan given that the portion of the alley proposed to be vacated was determined to not be necessary for public use or convenience. The Public Works Department determined that access to existing residential and commercial uses in the area would continue to be provided by means of the existing north/south and east/west alley segment that abuts the proposed vacated alley. After public testimony and deliberation, the Planning Commission determined that the proposed alley vacation would not be in conformance with the General Plan and requested that staff bring back findings reflecting their determination.

Staff prepared findings of nonconformance that were presented to the Planning Commission on January 5, 2017 (Exhibit B - Planning Commission Staff Report for January 5, 2017 - Findings of Nonconformance). After reviewing the revised findings and deliberating, the Planning Commission voted 5-1, to find that the alley's use to provide local circulation outweighed the proposed use of the alley for private purposes. Staff noted in the revised findings that the proposed alley vacation had the potential to be detrimental in that, if vacated, the alley would no longer be available for public use for circulation.

The appellants, Yanki Greenspan and Geovany Mendoza, appealed the Planning Commission decision on January 13, 2017. The appellants contended that the Planning Commission improperly characterized the subject property as having the same conditions as surrounding properties: both the parking lot and the building are owned by the same entity, separated by the alley. The applicants felt that the Planning Commission did not recognize

the life and safety issues that exist for pedestrians walking from the parking lot, crossing the alley, and entering the business (Exhibit C - Appeal Application).

Staff is required to provide the Planning Commission's determination of nonconformance to the City Council. However, given staff's original determination of conformance with the General Plan, staff is also presenting to the City Council the alternative recommendation of conformance for City Council's consideration.

Public hearing notices are not required for General Plan Conformity Findings. Nevertheless, on January 25, 2017, notices were sent to all persons that had standing to appeal, both appellants, and the applicant. No responses have been received as of the date of preparation of this report.

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 14-007 was prepared for the proposed alley vacation. The Categorical Exemption is not required with a determination of inconsistency with the General Plan. However, it is required for a finding of consistency. Therefore, the Categorical Exemption (Exhibit D - Categorical Exemption) is included with this letter, in the event the City Council overturns the Planning Commission's decision.

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Management Officer Rhutu Amin Gharib on January 30, 2017.

City Council action is requested on February 14, 2017. Section 21.25.103.A.1 of the Zoning Regulations requires presentation of this request to the City Council within 60 days of the Planning Commission hearing, which took place on January 5, 2017.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER