



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

PUBLIC HEARING
December 5, 2006

Honorable Mayor and
Members of the City Council

Title: Summary Vacation of a segment of the Alley Bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue, and the Temporary Closure of the remaining segment of the Alley

Location/Council District: The alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue located in Council District 2 (see Attachment 2, Page 6).

Recommendation: 1) Adopt a **Resolution** vacating a segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue subject to the conditions in the Resolution and reserving to the City a public service easement over the vacated segment; and 2) conduct a Public Hearing and upon conclusion adopt a **Resolution** temporarily closing the portion of the subject alley not vacated for 18 months.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician, (916) 808-7929

Presenters: Thomas Adams, Engineering Technician

Department: Development Services

Division: Development Engineering

Organization No: 4881

Description/Analysis

Issue: Zion Church in Jesus Christ requests the partial vacation of a segment of the subject alley to facilitate their plan to build a multi-purpose youth center. The other adjacent owners and residents to the subject alley request the temporary closure of the remaining segment of the alley not vacated to stop criminal activity within the said alley.

A summary of the project's history is included in Attachment 1, Page 4.

Policy Considerations: The Council actions recommended in this report supports the City Strategic Plan goal to promote and support economic vitality. The State of California, Streets and Highways Code, Section 8330-8336 allows for the vacation of streets, alleys, and easements. The temporary closure

is in accordance with California Vehicle Code Section 21101.4 and Sacramento City Code Chapter 12.16. allowing the temporary closure of through streets or alleys.

Committee/Commission Action: The City Planning Division has reviewed and determined that the vacation of a segment of the subject alley is consistent with the City's General Plan.

Environmental Considerations: The Environmental Planning Services, section of the Development Services Department has reviewed the previously described segment of the alley subject for vacation and temporary closure, and has determined that both the vacation and temporary closure are exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. Projects exempted under Section 15061(b)(3) are determined to have no significant effect on the environment. Any future development of the property must comply with all regulatory requirements.

Rationale for Recommendation: The vacation of a segment of the subject alley will contribute to the positive development of the community. In addition, the temporary closure of a segment of the subject alley will help assist in securing the subject alley from future criminal activity.

Financial Considerations: This request is processed under the Problem Alley Abatement Program of the City. The program, which provides for the construction of gates and necessary signs on alleys with crime-related problems, was approved for FY 2006/2007 by City Council and will be funded by the approved Development Services Department, Development Engineering and Finance Division's FY 2006/2007 operating budget. The City will be responsible for the processing costs associated with this vacation and temporary closure proceedings. Under the Problem Alley Abatement Program the City will also fund the cost of installing and maintaining one wrought iron gate and the necessary signage for the temporary street closure at the west end of the alley near Knightlinger Street at a cost of \$3,000. Zion Church in Jesus Christ will pay for the installation and maintenance of the two gates enclosing the vacated segment of the alley. All other costs, fees and improvements associated with the vacation and closure other than mentioned above will be the responsibility of the applicant.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: 
Edward Williams
Manager, Development Engineering

Respectfully Submitted by: 
William Thomas
Director of Development Services Department

Recommendation Approved:

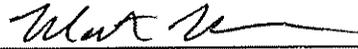

for RAY KERRIDGE
City Manager

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Background

Summary Vacation of a segment of the Alley Bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue, and The Temporary Closure of the remaining segment of the Alley

Zion Church in Jesus Christ, the owner of the adjacent properties to the subject segment of the subject alley proposed for vacation, has requested this vacation proceeding. This eastern segment of the alley will be incorporated with their proposed parking lot to facilitate their proposed development of a multi-purpose youth center. The other adjacent owners and residents have requested the temporary street closure of the remaining segment of the alley not part of the proposed vacation. Currently the subject alley is unimproved and does not indicate that it has been used regularly for vehicle and pedestrian traffic. Owners and residents have complained about illegal dumping and activities in the alley. The Police Department has also documented that this alley has been utilized for illegal storing of vehicles and different acts of criminal activity (see attachment 3, Page 7, Police documentation of crime in this alley).

The vacated segment of the subject alley will revert back to the adjacent owner which is Zion Church in Jesus Christ. To secure this vacated alley, Zion Church in Jesus Christ will install gates at the entrance of the alley at Altos Avenue and the other side of the vacated alley (see Attachment 2, Page 6). Access to this vacated alley will be provided to the City, Utility companies, emergency personnel and the owners and residents adjacent to the subject alley. Public service easement which includes public utility easement is retained in this vacated portion of the alley.

This request is processed under the Problem Alley Abatement Program of the City. The program, which provides for the construction of gates and necessary signs on alleys with crime-related problems, was approved for FY 2006/2007 by City Council and will be funded by the approved Development Services Department, Development Engineering and Finance Division's FY 2006/2007 operating budget.

Staff finds that this request for vacation is in conformance with the State of California Streets and Highways Code (S&HC) Section 8334 because this alley is an excess right-of-way not required for street or highway purposes. Various City agencies and utility companies reviewed and support this vacation.

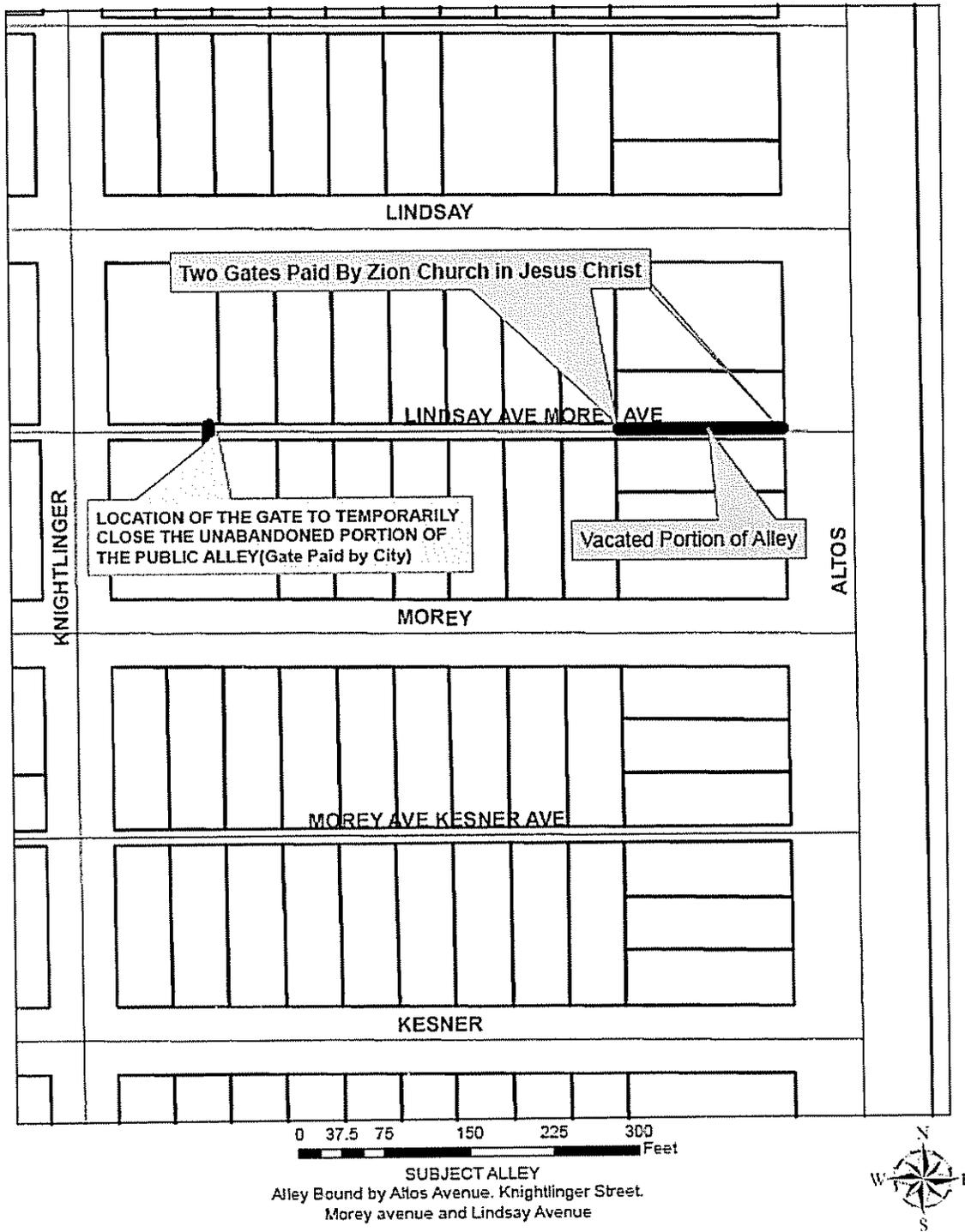
In addition, staff recommends that the City Council approve the request for temporary closure of the remaining portion of the alley not vacated.

Clearance verification has been obtained from the City of Sacramento Fire Department in which the proposed temporary closure will not adversely impact their operation or the safety within the surrounding neighborhoods (see Attachment 4, Page 9).

Clearance has also been obtained from the Department of Transportation in which the proposed temporary closure does not include a through highway or arterial street. The alley closure allows adequate and safe traffic circulation on the adjacent streets (see Attachment 5, Page 10).

The temporary (street) closure is not to exceed (18) months unless the closure is properly extended. Once approved, the closure may be extended for an additional five (5) consecutive periods of not more than eighteen (18) months each. Prior to each extension, City Council must hold a Public Hearing. Noticing to the public regarding the temporary street closure has been completed prior to this City Council meeting in accordance with City Code section 12.16.220

Vacation and Temporary Street Closure



Attachment 3



POLICE DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

5770 FREEFORD BLVD #100
SACRAMENTO, CA 95822

Phone: (916) 2645471

MEMORANDUM

TO: City of Sacramento
Development Services
915 I Street, Room 300
Sacramento, CA 95814

SUBJECT: **TEMPORARY CLOSURE OF TRAFFIC THROUGH THE ALLEY
BOUNDED BY ALTOS AVENUE, KNIGHTLINGER STREET,
LINDSAY AVENUE AND MOREY AVENUE (See Attached map)**

I have reviewed the material on the subject alley proposed for restriction of traffic. On behalf of the Police Department, I find that the area of the proposed temporary closure of traffic on the subject alley suffers from serious and continual criminal activity. Vehicular and pedestrian traffic contributes to this activity. Given the ongoing criminal activity in the area of this alley, I recommend that the proposed temporary closure of traffic on the alley be implemented. Such action would substantially alleviate the serious and continual criminal activity in the area. Additional comments may follow below.

COMMENTS:

see comments attached



Police Department Signature

11-07-06

Date

Subject: The Clearance for the restriction of traffic through the Alley bounded by Lindsay Avenue, Altos Avenue, Morey Avenue and Knightlinger Street.

I have reviewed the material on the subject alley proposed for restriction of traffic. On behalf of the Police Department, I find that the area of the proposed restriction of traffic on the subject alley suffers from serious and continual criminal activity. Vehicular and pedestrian traffic contributes to this activity. Given the ongoing criminal activity in the area of this alley, I recommend that the proposed restriction of traffic on the alley be implemented. Such action would substantially alleviate the serious and continual criminal activity in the area. Additional comments listed below.

COMMENTS:

Crime related activities within the past 3 months, that have been documented in the area of the subject alley are as follow:

- Stolen Vehicle 8
- Suspicious subject 15
- Felony Assault 1
- Disturbance 17
- Disturbance / with a weapon 1
- Burgulary 3
- Domestic Violence 9
- Misd. Assault 2
- Vandalism 1
- Suspicious Vehicle 5

Numerous other calls in the area may be related to the subject alley.

Police Department Signature: Judith Kovanda Date: 11/06/06



FIRE DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

5770 Freeport Blvd., # 200
SACRAMENTO, CA 95822

Phone (916) 433-1621

MEMORANDUM

TO: City of Sacramento
Development Services
915 I Street, Room 300
Sacramento, CA 95814

SUBJECT: TEMPORARY CLOSURE OF TRAFFIC THROUGH THE ALLEY
BOUNDED BY ALTOS AVENUE, KNIGHTLINGER STREET,
LINDSAY AVENUE AND MOREY AVENUE (See Attached map)

I have reviewed the material on the subject alley proposed for restriction of traffic. On behalf of the Police Department, I find that the area of the proposed temporary closure of traffic on the subject alley suffers from serious and continual criminal activity. Vehicular and pedestrian traffic contributes to this activity. Given the ongoing criminal activity in the area of this alley, I recommend that the proposed temporary closure of traffic on the alley be implemented. Such action would substantially alleviate the serious and continual criminal activity in the area. Additional comments may follow bellow.

COMMENTS:

Gate must have a Knox Lock installed.

Fire Department Signature

Date 11-8-06

Attachment 5



DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING

CITY OF SACRAMENTO
CALIFORNIA

915 I STREET, FLOOR 200
SACRAMENTO CA 95814

Phone (916) 808-6307

MEMORANDUM

TO: City of Sacramento
Development Services
915 I Street, Room 300
Sacramento, CA 95814

SUBJECT: TEMPORARY CLOSURE OF TRAFFIC THROUGH THE ALLEY
BOUNDED BY ALTOS AVENUE, KNIGHTLINGER STREET,
LINDSAY AVENUE AND MOREY AVENUE (See Attached map)

I have reviewed the material on the subject alley proposed for restriction of traffic. On behalf of the Police Department, I find that the area of the proposed temporary closure of traffic on the subject alley suffers from serious and continual criminal activity. Vehicular and pedestrian traffic contributes to this activity. Given the ongoing criminal activity in the area of this alley, I recommend that the proposed temporary closure of traffic on the alley be implemented. Such action would substantially alleviate the serious and continual criminal activity in the area. Additional comments may follow below.

COMMENTS:

No OBJECTIONS

Wendy B...
Traffic Department Signature

11-13-06
Date

RESOLUTION NO.

Adopted by the Sacramento City Council

RESOLUTION SUMMARILY VACATING A SEGMENT OF THE ALLEY BOUNDED BY ALTOS AVENUE, KNIGHTLINGER STREET, MOREY AVENUE AND LINDSAY AVENUE WITHIN COUNCIL DISTRICT 2

VACATION PROCEEDING NO. VP06-07

BACKGROUND

- A. "Zion Church in Jesus Christ" requested that the City vacate a segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue located within the City of Sacramento.
- B. The City of Sacramento Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 2.112.080 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the City's General Plan and applicable Community Plan.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Subject to the reservation below in Section 2, the segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue within Council District 2, specifically described in Exhibit A and Exhibit B of this Resolution, is hereby ordered vacated subject to the conditions specified in Section 5.
- Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340 the City reserves a public service easement in the segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue within Council District 2, specifically described in Exhibit A and Exhibit B for all the purposes and reasons described in Streets and Highways Code Sections 8306 and 8340 including but not limited to the right at any time, or from time to time to construct, maintain, operate, replace, remove, or renew any public service facilities in, upon, or over and across the public road/alley right-of-way to be vacated.
- Section 3. The vacation of the segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue within Council District 2, specifically described in Exhibit A and Exhibit B is made pursuant to State of California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code

Section 8334, the City Council finds that the segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue within Council District 2, specifically described in Exhibit A and Exhibit B is an excess right-of-way not required for street purposes.

Section 4. The City Council finds that the said vacation has been submitted to and reported on by the City's Planning Division and finds that the said vacation is consistent with the City's General Plan and applicable Community Plan.

Section 5. This vacation is subject to the following conditions:

- a) The applicant must raise to grade the water main valve within the vacated portion of the alley and keep it accessible at all times to the satisfaction of the City's Department of Utilities.
- b) The applicant shall provide ingress, egress and maneuvering easement agreement over the vacated portion of the alley to the adjacent owners to the subject alley to the satisfaction of Development Services Department-Development Engineering Division.
- c) The applicant shall install two gates, one at the alley entrance of Altos Avenue and the second at the other side of the vacated segment of the alley to the City's specifications. A gate security device approved by the Sacramento Fire Department will be installed on these gates.

Section 6. The conditions specified in Section 5 of this Resolution must be completed within two years of the date of this Resolution. If all conditions are not completed within the two years specified, this Resolution approving the vacation shall become void, unless the City Council grants one or more time extensions.

Section 7. Once the conditions in Section 5 are met, the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

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Exhibit A: Legal Description
Exhibit B: Exhibit Plat/Map

Exhibit "A"

Legal description
Vacation of portion of public alley

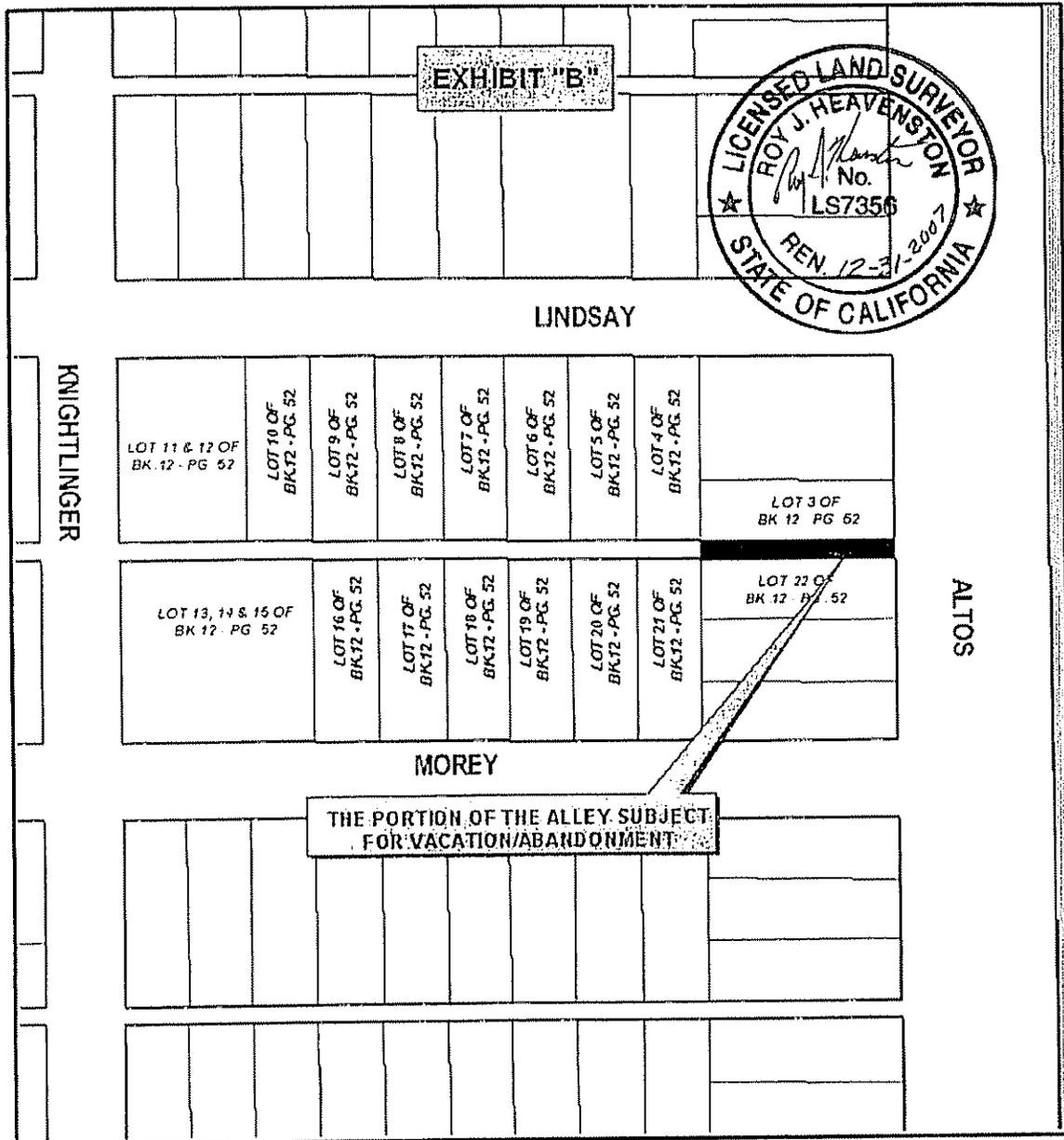
All the real property situate in the City of Sacramento, State of California, State of California, described as follows:

The easterly 150.00 feet of the 14 foot wide Public Alley bounded by Lindsay Avenue, Altos Avenue, Morey Avenue and Knightlinger Street, as said Alley is shown on the Amended Plat of "West Del Paso Heights" filed for record in Book 12 of Maps, at Page 52, official records of said County.



Roy Heavenston
L.S. 7356





VACATION,
 Portion of the alley bounded by Lindsay Avenue,
 Altos Avenue, Morey Avenue and Knightlinger
 Street



RESOLUTION NO.

Adopted by the Sacramento City Council

RESOLUTION APPROVING THE TEMPORARY CLOSURE OF A SEGMENT OF THE ALLEY BOUNDED BY ALTOS AVENUE, KNIGHTLINGER STREET, MOREY AVENUE AND LINDSAY AVENUE WITHIN COUNCIL DISTRICT 2

TEMPORARY CLOSURE PROCEEDING NO. TSC06-07

BACKGROUND

- A. The City received a request from the property owners and residents adjacent to the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue to temporarily close a segment of the subject alley to stop the occurrences of crime related activities.
- B. The Vehicle Code of the State of California Section 21101.4 and the Sacramento City Code Chapter 12.16 authorizes the City Council to temporarily close streets and alleys to prevent occurrences of crime related activities.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Based upon substantial evidence present in the record of the proceedings regarding this matter, City Council hereby makes the following findings:
 - a) There is serious and continual criminal activity in the area of the alley recommended for closure. This finding is based upon a recommendation of the Police Department.
 - b) The alley recommended for closure is under the City's jurisdiction and has not been designated as a through highway or arterial street.
 - c) Vehicle or pedestrian traffic in the recommended alley closure contributes to the criminal activity that is occurring there.
 - d) The alley closure will not substantially adversely affect traffic flow, safety on the streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the alley closure.
- Section 2. The Council finds and determines that the alley closure of a segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue

and Lindsay Avenue will substantially alleviate the existing serious and continual criminal activity within that alley.

Section 3. City Council grants the temporary closure of the segment of the alley bounded by Altos Avenue, Knightlinger Street, Morey Avenue and Lindsay Avenue with the following conditions:

- a) A gate security device approved by the Sacramento Fire Department will be installed on the gates.
- b) City departments and utility companies will have twenty-four (24) hour access to their facilities within the road.
- c) In the event that the gate security device requires construction by a private entity for improvements in the public right-of-way, a revocable encroachment permit and an excavation permit must be obtained from the Development Services Department. The revocable encroachment permit is to be issued simultaneously with this Resolution. The excavation permit, if required, may be issued subsequent to this Resolution, but must be obtained prior to the construction of improvements in the public right-of-way.

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Exhibit A: Map of Subject Alley

Temporary Street Closure

