

Office of the City Engineer

Los Angeles, California

To the Public Works and Gang Reduction Committee

Of the Honorable Council

Of the City of Los Angeles

AUG 08 2017

Honorable Members:

C. D. No. 9

SUBJECT:

VACATION REQUEST - VAC- E1400772 - Council File No. 01-1833 – L-Shaped Alley (Portion of) Easterly of McKinley Avenue and Southerly of 42<sup>nd</sup> Street (Re-application)

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RECOMMENDATIONS:

- A. That street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on the attached Exhibit “ A”:

A portion of the L-shaped alley adjacent to Lots 4 through 6, John Taylor Tract and Lots 20 through 22, Mettlers Central Avenue Tract, lying easterly of McKinley Avenue and southerly of 42<sup>nd</sup> Street

- B. That the Council find that the vacation is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City’s Environmental Guidelines.
- C. That the City Council find that there is a public benefit to this street vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the street. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easements.
- D. That, in conformance with Section 556 of the City Charter, the Council make the finding that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan.
- E. That, in conformance with Section 892 of the California Streets and Highways Code, the Council determine that the vacation areas are not necessary for non-motorized transportation facilities.

- F. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determine that the vacation areas are not necessary for present or prospective public use.
- G. That the Council adopt the City Engineer's report with the conditions contained therein.
- H. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works and Gang Reduction Committee approval based on the Initiation of the Street Vacation Proceedings adopted by City Council on June 13, 2017 so the City Clerk and Bureau of Engineering can process the Public Notification pursuant to Section 8324 of the California Streets and Highways Code.

FISCAL IMPACT STATEMENT:

The petitioner has paid a fee of \$32,100.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code will be required of the petitioner.

Maintenance of the public easement by City forces will be eliminated.

NOTIFICATION:

That notification of the time and place of the Public Works Committee and the City Council meetings to consider this request be sent to:

1. Los Angeles Unified School District  
Attn: Al Grazioli  
333 South Beaudry Avenue, 23<sup>rd</sup> Floor  
Los Angeles, CA 90017
2. Edgar C Villanueva  
992 E 42<sup>nd</sup> Street  
Los Angeles, CA 90011
3. Elizabeth Feregrino  
1002 E 42<sup>nd</sup> Street  
Los Angeles, CA 90011
4. Sandra Aguirre  
997 E 42<sup>nd</sup> Place  
Los Angeles, CA 90011

5. Juan and Luz Munoz  
1003 E 42nd Place  
Los Angeles, CA 90011
6. Isabel Cortez  
1008 E 42nd Street  
Los Angeles, CA 90011
7. Pascual and Petra Huerta  
1018 E 42nd Street  
Los Angeles, CA 90011
8. Marco Castillo  
1026 E 42nd Street  
Los Angeles, CA 90011
9. Oraceil Irvin  
1032 E 42nd Street  
Los Angeles, CA 90011
10. Jose Hernandez  
1007 E 42nd Place  
Los Angeles, CA 90011
11. Rafael and Maria Duenas  
1017 E 42nd Place  
Los Angeles, CA 90011
12. Miguel and Estela Martinez  
1027 E 42nd Place  
Los Angeles, CA 90011
13. Donaciana Bello  
1033 E 42nd Place  
Los Angeles, CA 90011
14. Yoland Sosa and Florentino Campos  
1039 E 42nd Place  
Los Angeles, CA 90011

CONDITIONS:

The Conditions specified in this report are established as the requirements to be complied with by the petitioner for this vacation. Vacation proceedings in which the conditions have not been completed within 2 years of the Council's action on the City Engineer's report shall be terminated, with no further Council action.

1. That any fee deficit under Work Order E1400772 be paid.
2. That a suitable map, approved by the Central District Engineering office, delineating the limits, including bearings and distances, of the areas to be vacated be submitted to the Land Development and GIS Division prior to the preparation of the Resolution to Vacate.
3. That a suitable legal description describing the areas being vacated and all easements to be reserved, including copies of all necessary supporting documentation, be submitted to the Land Development and GIS Division of the Bureau of Engineering prior to preparation of the Resolution to Vacate.
4. That a title report indicating the vestee of the underlying fee title interest in the areas to be vacated be submitted to the City Engineer.
5. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
  - a. Repair any broken, off-grade, or bad order curb, gutter, sidewalk, and pavement on 42<sup>nd</sup> Street, McKinley Avenue and 42<sup>nd</sup> Place.
  - b. That all drainage matters be addressed to the satisfaction of the City Engineer.
  - c. Bureau of Engineering, Central District Office, B-Permit clearance shall be submitted to the Land Development and GIS Division.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Department of Water and Power and Southern California Gas Company for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
7. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.
8. That street trees be planted and tree wells to be installed as may be required by the Urban Forestry Division of the Bureau of Street Services.

TRANSMITTAL:

Application dated September 21, 2016 from Al Grazioli from Los Angeles Unified School District.

DISCUSSION:

Request: The petitioner, Los Angeles Unified School District, owner of the properties shown outlined in yellow on Exhibit "A", is requesting the vacation of the public alley

area shown colored blue. The purpose of the vacation request is to consolidate the proposed vacation area into Harmony Elementary School.

This vacation procedure is being processed under procedures established by Council File No. 01-1459-S1 adopted by the Los Angeles City Council on January 31, 2017.

Resolution to Vacate: The Resolution to Vacate will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on November 15, 2002 conditionally adopted the City Engineer's report dated September 10, 2002. Since the petitioner failed to complete all conditions of the vacation within the time limit, the vacation request expired. On September 21, 2016, the petitioner submitted a new application. The Council on June 13, 2017 under Council File No. 01-1833 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the areas to be vacated to the north and south are zoned R2-1 and are developed with school facilities. The properties to the northeast and southeast are zone R2-1 and are developed with residential buildings.

Description of Areas to be Vacated: The areas sought to be vacated are a portion of the L-shaped alley adjacent to Lots 4 through 6, John Taylor Tract and Lots 20 through 22, Mettlers Central Avenue Tract, lying easterly of McKinley Avenue and southerly of 42<sup>nd</sup> Street and currently developed with school facilities and recreational facilities.

Adjoining Streets: 42<sup>nd</sup> Street is an improved local street dedicated 50 feet and 57 feet in width with a 34-foot wide roadway, curbs, gutters and 10-foot wide sidewalks on both sides. McKinley Avenue and 42<sup>nd</sup> Place are improved local streets dedicated 60 feet in width with a 40-foot wide roadways, curbs, gutters, and 10-foot wide sidewalks on both sides.

Surrounding Properties: The owners of lots adjoining the vacation areas have been notified of the proposed vacation.

Effects of Vacation on Circulation and Access: The vacation of the alleys should have no adverse effect on vehicular circulation or access since the affected alleys are no longer exist and are now developed with school facilities.

The alleys are also not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the vacation: There were no objections to the vacation submitted for this project.

Reversionary Interest: No determinations of the underlying fee interest of the vacation areas have been made as to title or reversionary interest.

Dedications and Improvements: It will be necessary that the petitioner provide for the improvements as outlined in the conditions of this report.

Dedications and improvements were provided per previous vacation conditions adopted by Council in November 15, 2002 by Document No. 20161187690 and per City plan P-34869. A Bureau of Engineering, Central District office clearance memo will be required as part of the conditions of this vacation.

Sewer and Storm Drain: There are no existing sewer or storm drain facilities within the areas proposed to be vacated.

Public Utilities: The Department of Water and Power and Southern California Gas Company did not respond to the Bureau of Engineering's referral letter dated December 6, 2016.

Tract Map: Since there are no dedications required, and the necessary improvements can be constructed under separate permit processes, the requirement for the recordation of a new tract map could be waived.

City Department of Transportation: The Department of Transportation (DOT) states in its communication dated February 27, 2017 that the vacation is not opposed provided that all abutting property owners are in agreement with the proposed vacation, and provisions are made for lot consolidation, driveway and access approval by DOT, and any additional dedications and improvements necessary to bring all adjacent streets into conformance with City's new Mobility Element of the General Plan.

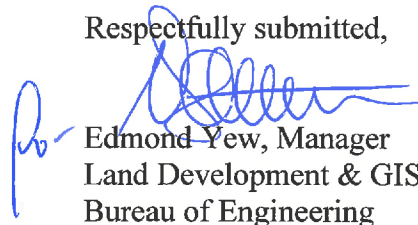
City Fire Department: The Fire Department states in its letter dated February 7, 2017 that they have no objection to this street vacation.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated December 6, 2016.

Conclusion: The vacation of the public alley areas as shown colored blue on attached Exhibit "A" could be conditionally approved based upon the following:

1. They are unnecessary for present or prospective public use.
2. They are not needed for vehicular circulation or access.
3. They are not needed for non-motorized transportation purposes.

Respectfully submitted,

  
Edmond Yew, Manager  
Land Development & GIS Division  
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

Thein Crocker  
Civil Engineer  
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