Transmittal:

Transmitted herewith, is the City Engineer's report dated March 15, 2006 for Council review and approval of:

VACATION APPROVAL - VAC-E1400974 - Council File No. 05-2637 - Magnolia Avenue from Olympic Boulevard to approximately 130 feet southerly thereof.

RECOMMENDATIONS:

1. Adopt the findings by the City Engineer on the attached City Engineer report relative to initiating vacation proceedings. This vacation is exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(3) of the City's Environmental Guidelines.

2. Adopt the City Engineer report dated March 15, 2006 with the conditions contained therein.

3. Fiscal Impact Statement:

The petitioner has paid a fee of $6,420.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. An additional processing fee to recover the cost pursuant to Section 7.44 of the Administrative Code may be required of the petitioner.
4. That there is a public benefit to this 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 easement.

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

Attachment:

Edmond Yew, Manager
Land Development Group

EY/DS/gt
H:\ldg3\gtwp726
To the Public Works Committee
Of the Honorable Council
Of the City of Los Angeles
Honorable Members: C. D. No. 1

SUBJECT:
Vacation Approval - VAC-E1400974 - Council File No. 05-2637 - Magnolia Avenue from Olympic Boulevard to Approximately 130 Feet Southerly Thereof.

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 "B": Magnolia Avenue from Olympic Boulevard to approximately 130 feet southerly thereof.

B. That the vacation of the area shown colored orange on Exhibit "B", be denied.

C. That the Council find that the vacation is exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(3) of the City's Environmental Guidelines.

D. That there is a public benefit to this 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 easement.

E. That, in conformance with Section 556 of the City Charter, the Council make the findings that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan.

F. That, in conformance with Section 892 of the California Streets and Highways Code, the Council determine that the vacation area is not needed for nonmotorized transportation facilities.
G. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determines that the vacation area is not necessary for present or prospective public use.

H. That the Council adopt the City Engineer’s report with the conditions contained therein.

I. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works Committee approval so the City Clerk and 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 $6,420.00 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 may 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. Phillip Kaainoa
   660 S. Figueroa Street, Suite 1280
   Los Angeles, CA 90017

2. Dai R. Lee
   444 S. Vermont Avenue
   Los Angeles, CA 90027

3. Los Angeles Unified School District
   Demographic and Boundary Unit
   450 N. Grand Avenue, Room G-360
   Los Angeles, CA 90051
CONDITIONS FOR STREET VACATION:

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 180 days of the Council's action on the City Engineer's report, and without proper time extension, shall be terminated, with no further Council action.

1. That title reports indicating the vestee of the underlying fee title interest in the area to be vacated be submitted to the City Engineer.

2. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
   a) Repair and/or replace any broken/off-grade or missing concrete sidewalk along the southerly side of Olympic Boulevard.
   b) Construct concrete sidewalk within a 2-foot wide strip of the easterly half street of Magnolia Avenue being retained as public street.

3. Provide for the collection or diversion of all surface flows which may impound within the area to be vacated.

4. That arrangements be made with the Department of Water and Power, Southern California Gas Company and MCI for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.

5. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer facilities located within the area to be vacated, unless an easement is reserved from the vacation for its protection.

6. That consents to the vacation, be secured from the Los Angeles Unified School District, owners of Lots 64 and 65, Clark and Bryan's Westmoreland Tract, adjoining the area to be vacated.
7. That upon the review of the title reports identifying the underlying fee title interest of the vacation area, agreements be recorded satisfactory to the Bureau of Engineering to hold each parcel of land under the same ownership and its adjoining portion of the area to be vacated, as one parcel to preclude the creation of landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.

8. That plot plans be submitted to the Fire Department for their review and approval. Additional conditions may be imposed with the plot plan reviews.

9. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.

10. That street trees be planted and tree well covers be installed as may be required by the Street Tree Division of the Bureau of Street Services.

TRANSMITTAL:

Application dated September 27, 2005, from Phillip Kaainoa.

DISCUSSION:

Request: The petitioner, Phillip Kaainoa, representing the owner of the properties shown outlined in yellow on Exhibit "B", is requesting the vacation of the public street area shown colored blue and orange. The purpose of the vacation request is to consolidate the vacation area with the adjoining properties to clarify the reversionary rights of ownership of the adjoining parcels.

This vacation procedure is being proposed under Council File No. 01-1459 adopted by the Los Angeles City Council on March 5, 2002.

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 December 13, 2005, under Council File No. 05-2637 adopted a Rule 16 Motion initiating street vacation proceedings. The City Council under Council File No. 88-1383 and 89-2223 previously and conditionally approved the vacation of Magnolia Avenue between Olympic Boulevard and 11th Street, said vacation requests were not completed prior to the vacation time limits.

Zoning and Land Use: The properties adjoining the proposed vacation area to the west are zoned (Q)C2-1 and developed with an automobile dealership. The properties adjoining to the southwest and to the southeast are both zone PF-1 and developed as Los Angeles Unified School District's property.

Description of Area to be Vacated: The area sought to be vacated is Magnolia Avenue from Olympic Boulevard to approximately 130 feet southerly thereof. The westerly half of the street is encroached upon by a building housing a automobile dealership. The easterly remaining half street is improved and dedicated 35 feet wide and it is serving as a driveway to the adjacent Los Angeles Unified School District School.

Adjoining Streets: Olympic Boulevard is an improved major highway-Class II dedicated 100 feet wide with a 74-foot wide roadway and with curbs, gutters and sidewalk or both sides. Magnolia Avenue is a local street dedicated 70 feet wide and that portion southerly of the northerly 130 feet is gated and developed as school facilities.

Surrounding Properties: Los Angeles Unified School District, the adjoining owners to the proposed vacation site has been notified of the proposed street vacation.

Effects of Vacation on Circulation and Access: There should be no adverse effect on vehicular circulation and access since a commercial building presently encroaches upon the westerly half of the street dedication. The easterly half street is gated approximately 60 feet southerly of Olympic Boulevard and provides access to Los Angeles Unified School District property.

The street is not needed for the use of pedestrians, bicyclists or equestrians.

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

Reversionary Interest: No determination of the underlying fee interest of the vacation area has been made as to title or reversionary interest.
Dedications and Improvements: It will be necessary that the petitioner provides for the dedication and improvements as outlined under Conditions.

Sewers and Storm Drains: There are no existing storm drain facilities within the area proposed to be vacated. There are, however, existing sewer facilities within this area.

Public Utilities: The Department of Water and Power, Southern California Gas Company and MCI maintain facilities in the area proposed to be vacated.

Tract Map: Since the required dedication can be acquired by separate instrument and the necessary improvements can be constructed under separate permit processes, the requirement for the recordation of a new tract map could be waived. However, it will be necessary that the petitioner records agreements satisfactory to the Bureau of Engineering to hold each adjoining parcel of land under the same ownership and its adjoining portion of the area to be vacated, as one parcel to preclude the creation of landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.

City Department of Transportation: The Department of Transportation did not respond to the Bureau of Engineering's referral letter of October 17, 2005.

City Fire Department: The Fire Department states that the subject property has been investigated by members of their department and that they recommend the following:

Submit plot plans for Fire Department review and approval prior to recordation of Street Vacation Action.

Private streets and entry gates shall be built to City Standards to the satisfaction of the City Engineer and the Fire Department.

All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.
Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

Plans showing areas to be posted and/or painted, '"FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.

Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter of October 17, 2005.

Conclusion: The vacation of the public street area as shown colored blue on the attached Exhibit "B" could be conditionally approved based upon the following:

1. It is unnecessary for present or prospective public use.
2. It is not needed for vehicular circulation or access.
3. It is not needed for nonmotorized transportation purposes.

The area shown colored orange should not be vacated because it is needed for public street purpose.

Report prepared by: Respectfully submitted,

LAND DEVELOPMENT GROUP

Edmond Yew, Manager
Land Development Group
Bureau of Engineering

Don Sakamoto
Civil Engineering Associate III
(213) 977-6192

EY/DS/qt
H:\ldg3\GTWP726