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JUN 16 2010

To the Public Works Committee
Of the Honorable Council
Of the City of Los Angeles

Council File No. 06-2821 -
Council District: 11 -
Contact Person: Dale Williams
Phone #(213)977-7096.

Public Works Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated JUN 16 2010
for Council review and approval of:

VACATION REQUEST - VAC- E1401025 - Council File No. 06-2821 -
Thornton Place from Pacific Avenue to Royal Court

RECOMMENDATIONS:

1. That the City 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.
2. Adopt the City Engineer report dated JUN 16 2010 with the conditions contained therein.
3. Fiscal Impact Statement:

The petitioner has paid a fee of \$29,364.49 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.

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 right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.

5. James Murez submitted an appeal to the Coastal Development Permit granted for the proposed vacation. Mr. Murez maintained that the Coastal Development Permit was inconsistent with the Certified Land Use Plan for Venice, and the Venice Specific Plan, and proposed an alternate use for the area proposed to be vacated. Mr. Murez's appeal was denied by the Board of Public Works and the Coastal Development Permit was issued.

Attachment:



Edmond Yew, Manager
Land Development Group

EY/DS/gt
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Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

Honorable Members:

JUN 16 2010

C. D. No. 11

SUBJECT:

VACATION REQUEST - VAC- E1401025 - Council File No. 06-2821 - Thornton Place from Pacific Avenue to Royal Court

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":

Thornton Place from Pacific Avenue to Royal Court.

- 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 III, Class 5(3) of the City's Environmental Guidelines.
- D. 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.
- 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 determines that the vacation area is not necessary 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 \$29,364.49 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.

NOTIFICATION:

That notification of the time and place of the Public Works Committee meeting(s) to consider this request be sent to:

1. Rick Gunderson
P.O. Box 5669
Santa Monica CA 90409
2. LACMTA
ATTN: Dir. of Real Estate
One Gateway Plaza, 14th Floor
Los Angeles CA 90012-2932
3. James Murez
804 Main St.
Venice CA 90291
4. Bureau of Engineering
Environmental Management Group
ATTN: Norman Mundy
1149 S. Broadway, 6th Floor

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 and without proper time extension, shall be terminated, with no further Council action.

1. That any fee deficit under Work Order No. E1401025 be paid.
2. That a suitable map, approved by the West Los Angeles District Engineering office, delineating the limits, including bearings and distances, of the areas to be vacated be submitted to the Land Development Group 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 Group 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 an agreement be recorded satisfactory to the City Engineer stipulating that should the site be redeveloped, the owner at that time will be required to provide dedications and street improvements according to standard dimensions.
6. That in accordance with Coastal Development Permit 09-01, II.A., the petitioner provide for the construction of a 5-foot wide walkway for public access between Royal Court and Pacific Avenue to the satisfaction of the City Engineer. This walkway shall be on the portion of Thornton Place not being vacated.
7. That arrangements be made with the Department of Water and Power for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
8. That consent to the vacation be secured from the owner of the unnumbered lot of the Rafael and Andres Machado Tract adjoining the area to be vacated.
9. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, an agreement 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.

10. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.
11. That street trees be planted and tree wells be installed as may be required by the Street Tree Division of the Bureau of Street Services.

TRANSMITTALS:

1. Application dated September 21, 2006, from Rick Gunderson.
2. Coastal Development Permit 09-01, dated December 23, 2009.

DISCUSSION:

Request: The petitioner, Rick Gunderson, owner of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of the public street area shown colored blue. The purpose of the vacation request is to incorporate the vacated area into the adjoining lot.

This vacation procedure is being processed under procedures established by 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 November 22, 2006, under Council File No. 06-2821 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The property southeasterly of the area proposed to be vacated is zoned RD1.5-1 and is developed as a single family dwelling. The property northwesterly of the area proposed to be vacated is zoned M1-1 and is developed as a bus facility.

Description of Area to be Vacated: The area sought to be vacated is Thornton Place from Pacific Avenue to Royal Court. Thornton Place from Pacific Avenue to Royal Court is an unimproved local street dedicated to a variable width.

Adjoining Streets and Alleys: Pacific Avenue is a secondary highway, dedicated 55 feet wide with a 45-foot wide roadway, with curb, gutter and sidewalk on both sides of the street. Royal Court is a local street, dedicated 15 feet wide with a 15-foot wide asphalt concrete roadway.

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

Effects of Vacation on Circulation and Access: The vacation of the public street should not have any adverse effect on vehicular circulation or access since the street is currently unimproved and inaccessible. Pedestrian access will be provided as a condition of the vacation and of the Coastal Development Permit.

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

Coastal Development Permit: A public hearing was held on September 23, 2009 and a Notice of Decision approving the permit was issued on October 21, 2009. An appeal was filed and denied by the Board of Public Works on December 21, 2009. The approved permit was issued on December 23, 2009.

Objections to the vacation: James Murez submitted an appeal to the Coastal Development Permit granted for the proposed vacation. Mr. Murez maintained that the Coastal Development Permit was inconsistent with the Certified Land Use Plan for Venice, and the Venice Specific Plan, and proposed an alternate use for the area proposed to be vacated. Mr. Murez's appeal was denied by the Board of Public Works and the Coastal Development Permit was issued.

Reversionary Interest: No determinations 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 provide for the improvements as outlined in the conditions of this report. There are no dedications required.

Public Utilities: The Department of Water and Power did not respond to the Bureau of Engineering's referral dated October 23, 2006. Southern California Gas, Time Warner Cable, and AT&T do not maintain facilities in the area to be vacated.

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. However, it will be necessary that the petitioner record an agreement satisfactory to the Bureau of Engineering to hold the adjoining parcel of land under one 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 the area, a parcel map exemption is permitted or until released by authority of the City of Los Angeles.

City Department of Transportation: The Department of Transportation states that based on field investigation and traffic considerations, the vacation is not opposed if all abutting property owners are in agreement with the proposed vacation, and in addition, provisions are made for (1) lot consolidation, (2) driveway and access approval by DOT and (3) any additional dedications and improvements necessary to bring all adjacent streets into conformance with the City's Standard Street Dimensions.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated October 23, 2006.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated October 23, 2006.

Conclusion: The vacation of the public street area as shown colored blue on 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 17.5-foot wide and 2.5-foot wide areas shown colored orange should not be vacated because they are needed for public street purposes, and the 5-foot wide area shown colored orange should not be vacated because it is needed for public walk purposes.

Report prepared by:

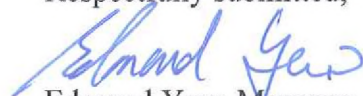
LAND DEVELOPMENT GROUP

Dale Williams
Civil Engineer
(213) 977-7096

EY/DW /

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Respectfully submitted,



Edmond Yew, Manager
Land Development Group
Bureau of Engineering

9/21/06

APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY

ORIGINAL - (No copies or faxes)

DATE: 9/21/06

PROJECT LOCATION AND DESCRIPTION:

(1) Area proposed to be vacated is: Thornton Place (Street/Avenue/Boulevard/alley/walk:N/S/E/Wof) and is located between:

Royal Court and Pacific Avenue (Street, Avenue, Boulevard or other limit) (Street, Avenue, Boulevard or other limit)

(2) The vacation area lies within or is shown on:

(a) Engineering District: (check appropriately)

() Central () Harbor () Valley (x) West Los Angeles

(b) Council District No. 11

(c) District Map No. 109.5A 143

(d) A CRA Redevelopment Area: (YES) OR (X) (NO)

(3) Area (in sq. ft.) of the proposed vacation area is approx. 1500 sq. ft. If over 10,000 sq. ft. of buildable area, the vacation is not categorically exempt from the California Environmental Quality Act Guidelines and will require a higher level of environmental review. Contact a Vacation staff member to discuss the effect of this on the processing of your application prior to submittal.

- If the vacation is located within a Coastal Development Zone, prior approval from the California Coastal Commission will be required before the vacation application can be submitted.
• If the proposed vacation is only for a portion of the Right-of-Way or a partial block, contact a vacation staff member prior to submitting application.

(4) Purpose of vacation (future use of vacation area) is: None. Incorporation into lot at 702 Pacific Avenue

(5) Vacation is in conjunction with: (Check appropriately)

() Revocable Permit () Tract Map () Parcel Map () Zone Change

(X) Other No related permit application

PETITIONER / APPLICANT:

(6) Petitioner(s): Rick Gunderson (Print Name(s) of Petitioner(s) in full - Name or Company Name)

Signature(s): [Signature] (If Company, Name and Title)

(7) Mailing Address: P.O. Box 5669, Santa Monica, CA 90409 (Address, City, State, Zip Code)

(8) Daytime phone number of petitioner is: (310) 399-7370
FAX number: (310) 452-7274
E-mail number: rickgunderson@verizon.net

(9) Petitioner is: (check appropriately) (X) Owner OR () Representative of Owner

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COASTAL DEVELOPMENT PERMIT 09-01

(under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public () Private

APPLICATION NUMBER: 09-01 Thornton Place Street Vacation (W.O. E1401025)

NAME OF APPLICANT: City of Los Angeles

PROJECT LOCATION: The project is located in the community of Venice, California.

DEVELOPMENT DESCRIPTION: The project is the street vacation of a portion of Thornton Place between Pacific Avenue and Royal Court in the community of Venice. The area proposed for vacation is approximately 15 feet wide by 75 feet long and is adjacent to the north western lot line of 702 Pacific Avenue.

The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

- (a) Notice of Receipt and Acknowledgment: The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the City Engineer's office.
- (b) Expiration: If development has not commenced, the permit will expire two years from the permit date as reported from the Coastal Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.



- (c) Interpretation: Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
- (d) Assignment: The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
- (e) Terms and Conditions Run with the Land: These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
- (f) Other approvals: Obtain permit form the State Coastal Commission if project is determined to be a Major Public Works.

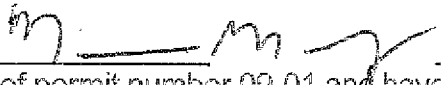
II. The following are conditions of approval for the Thornton Place Street Vacation (W.O. E1401025):

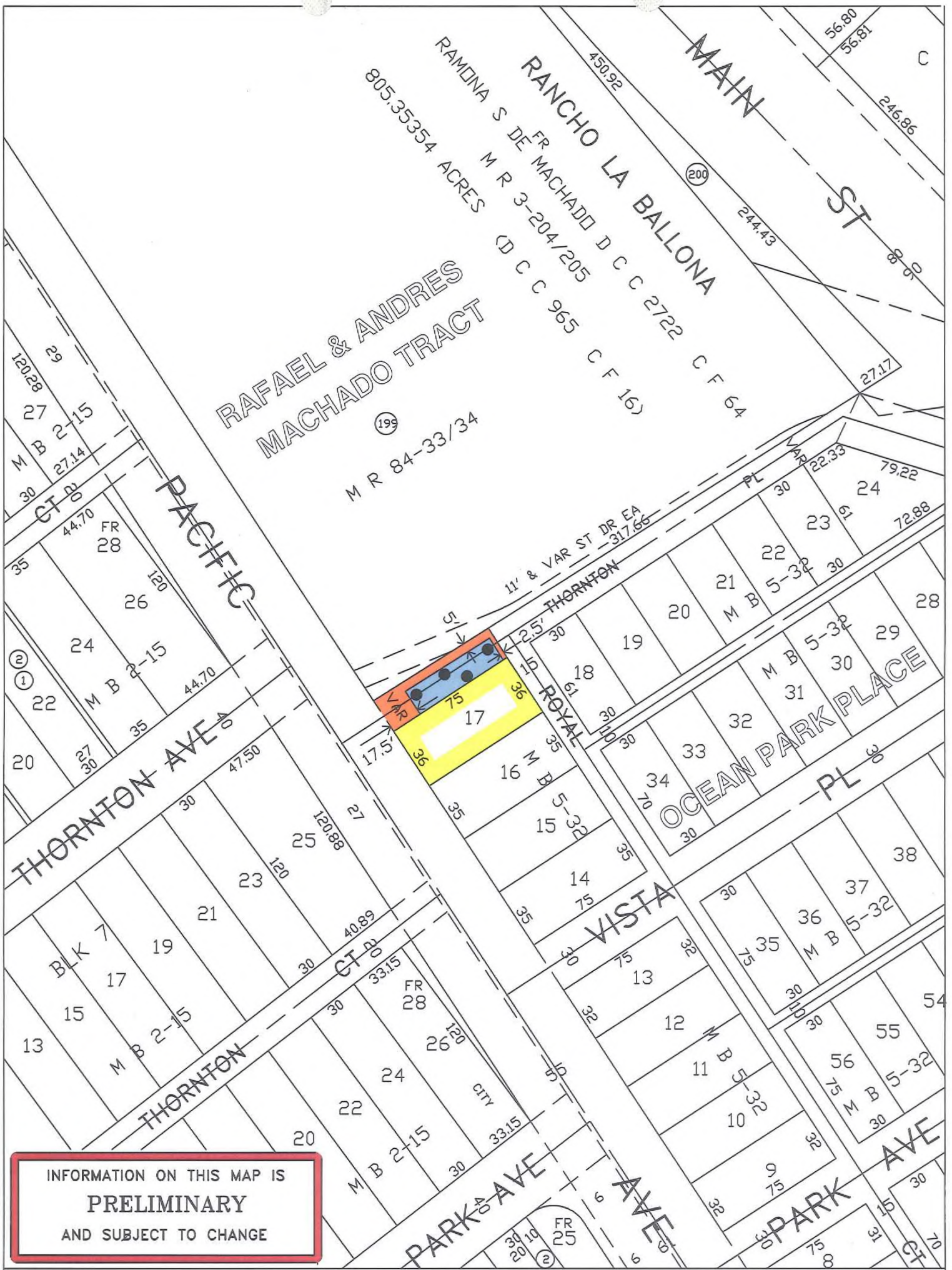
- A. If the street vacation is granted, Rick Gunderson be required to maintain public access by constructing a walkway for public access between Royal Court and Pacific Avenue. This walkway will be on the portion of Thornton Place which is not included in the vacation. Once completed, the walkway will be maintained by the City of Los Angeles.

III. FINDINGS: In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:

- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.
- (b) The Interpretative Guidelines established by the Coastal Commission dated August 14, 1978 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.
- (c) If the development is located between the nearest public road and the sea of shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
- (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under the power granted to it which would substantially

lessen any significant adverse impact that the development, as finally permitted, may have on the environment.

- IV. Pursuant to the public hearing held on September 23, 2009, a Notice of Decision on October 21, 2009, and following the denial on December 21, 2009, by the Board of Public Works of the appeal of the permit approval, permit application number 09-01 is hereby approved.
- V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- VI. This permit shall not become effective until the expiration of 20 working days after a COPY of this permit has been received by the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the executive director shall not accept any application for the extension of the permit.
- VII. Work authorized by this permit must commence within two years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VIII. Issued: December 23, 2009, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.
- IX. I, , permittee/agent, hereby acknowledge receipt of permit number 09-01 and have accepted its content.



TITLE: THORNTON PLACE FROM PACIFIC AVENUE TO THE ALLEY NORTH-EASTERLY THEREOF.

WORK ORDER NO. VAC- E1401025
 COUNCIL FILE NO. 06-2821
 COUNCIL DIST. 11 DIV. INDEX 1428
 ENG. DIST. W.L.A. T.G. 671-G5
 DISTRICT MAP 109-5 A 143



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