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CALIFORNIA

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BUREAU OF  
ENGINEERING

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1149 S. BROADWAY, SUITE 700  
LOS ANGELES, CA 90015-2213

<http://eng.lacity.org>

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

NOV 29 2012

Council File No. 11-1999  
Council District: 14  
Contact Person: Dale Williams  
Phone: (213) 202-3491

Public Works Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated NOV 29 2012 for Council review and approval of:

VACATION REQUEST - VAC- E1401181 - Council File No. 11-1999 - Mignonette Street Westerly of Fremont Avenue between Temple Street and Diamond Street.

RECOMMENDATIONS:

1. Adopt the findings of 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 III, Class 5(3) of the City's Environmental Guidelines.
2. Adopt the City Engineer's report dated NOV 29 2012 with the conditions contained therein.
3. Fiscal Impact Statement:

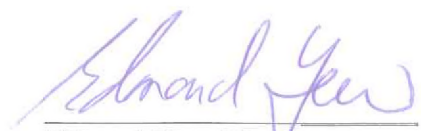
The petitioner has paid a fee of \$10,700.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code may be required of the petitioner.

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

Attachment:



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Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering

EY/DW/  
H:\

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

NOV 29 2012

Honorable Members:

C. D. No. 14

SUBJECT:

VACATION APPROVAL - VAC- E1401181 – Council File No. 11-1999 – Mignonette Street Westerly of Fremont Avenue between Temple Street and Diamond Street.

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":

Mignonette Street westerly of Fremont Avenue between Temple Street and Diamond 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 easement.
- 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 area is 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 area is 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 Committee approval 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 \$10,700.00 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. Greg Smith  
GH Palmer Associates  
11470 San Vicente Bl., Ste 208  
Los Angeles CA 90049

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 E1401181 be paid.
2. That a suitable map, approved by the Central District Engineering office, delineating the limits, including bearings and distances, of the area 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 area 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 area to be vacated be submitted to the City Engineer.
5. That the following dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer
  - a. Dedicate 5 feet along Temple Street as public street to provide a 45-foot half right-of-way.
  - b. Dedicate a 15-foot radius property line return at the intersection of Temple Street and Fremont Avenue.
6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
  - a. Close any unused driveway aprons with full height curb and gutter.
  - b. Close the intersection of Mignonette Street with Fremont Avenue with standard street improvements including a standard driveway apron.
  - c. Repair or replace any broken, off-grade or missing sidewalk, curb, and gutter along Fremont Avenue and along Temple Street.
7. 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 AT & T 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 satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer and storm drain facilities located within the area to be vacated, unless easements are reserved from the vacation for their protection.
9. That all drainage matters be addressed to the satisfaction of the City Engineer.
10. That arrangements be made with the Department of Transportation for the payment of any necessary fee pursuant to Ordinance No. 180,542.
11. That street lighting facilities be installed as required by the Bureau of Street Lighting.

12. That street trees be planted and tree wells be installed as may be required by the Urban Forestry Division of the Bureau of Street Services.

TRANSMITTAL:

Application dated September 16, 2011, from G.H. Palmer & Associates.

DISCUSSION:

Request: The petitioner, G.H. Palmer & Associates, representing the Palmer/Temple Street Properties LP, owner of the properties 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 create a driveway for a new apartment building.

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 December 7, 2011, under Council File No. 11-1999 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the north and to the west are zoned PF-1 and are part of the Harbor Freeway right-of-way. The properties to the east are zoned C4-2D, and are currently developed with parking facilities.

Description of Area to be Vacated: The area sought to be vacated is Mignonette Street from Fremont Avenue to its northwesterly terminus. The street is improved with asphalt concrete pavement and provides parking for nearby businesses.

Adjoining Street: Fremont Avenue is a fully improved local street with a 60-foot wide right-of-way.

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

Effects of Vacation on Circulation and Access: The proposed vacation of Mignonette Street from Fremont Avenue to its northwesterly terminus should not have any adverse impacts on either circulation or access since the street is non-continuous and terminates at a dead end near the Harbor (110) Freeway.

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

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 provide for the dedications and improvements as outlined in the conditions of this report.

Sewers and Storm Drains: There are existing sewer and storm drain facilities within the area proposed to be vacated.

Public Utilities: The Department of Water and Power and AT&T did not respond to the Bureau of Engineering's referral letter dated November 18, 2011.

Tract Map: Since the required dedications can be acquired by separate instruments 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 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 the area, a parcel map exemption is permitted or until released by authority of the City of Los Angeles.

State Department of Transportation: The California State Department of Transportation in its letter dated August 9, 2012, stated that it does not object to the vacation.

City Department of Transportation: The Department of Transportation in its communication dated December 23, 2011, stated that it does not oppose the requested vacation provided that all abutting property owners are in agreement with the proposed vacation and that 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 November 18, 2011.

Department of City Planning: The Los Angeles City Planning Commission, in its memo dated September 13, 2012, stated that it finds the proposed project to be in substantial conformance with the purposes, intent and provisions of the City's General Plan and the Central City Community Plan, an element of the General Plan, in that it would serve the public interest and the objectives of the Community Plan, and would not adversely impact the surrounding community, and recommended that the vacation be approved by the City Council.

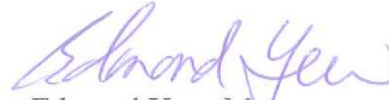
Conclusion: The vacation of the public street area as shown colored blue on attached Exhibit "A" could be conditionally approved based upon the following:

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 non-motorized transportation purposes.

Report prepared by:

Respectfully submitted,

LAND DEVELOPMENT GROUP



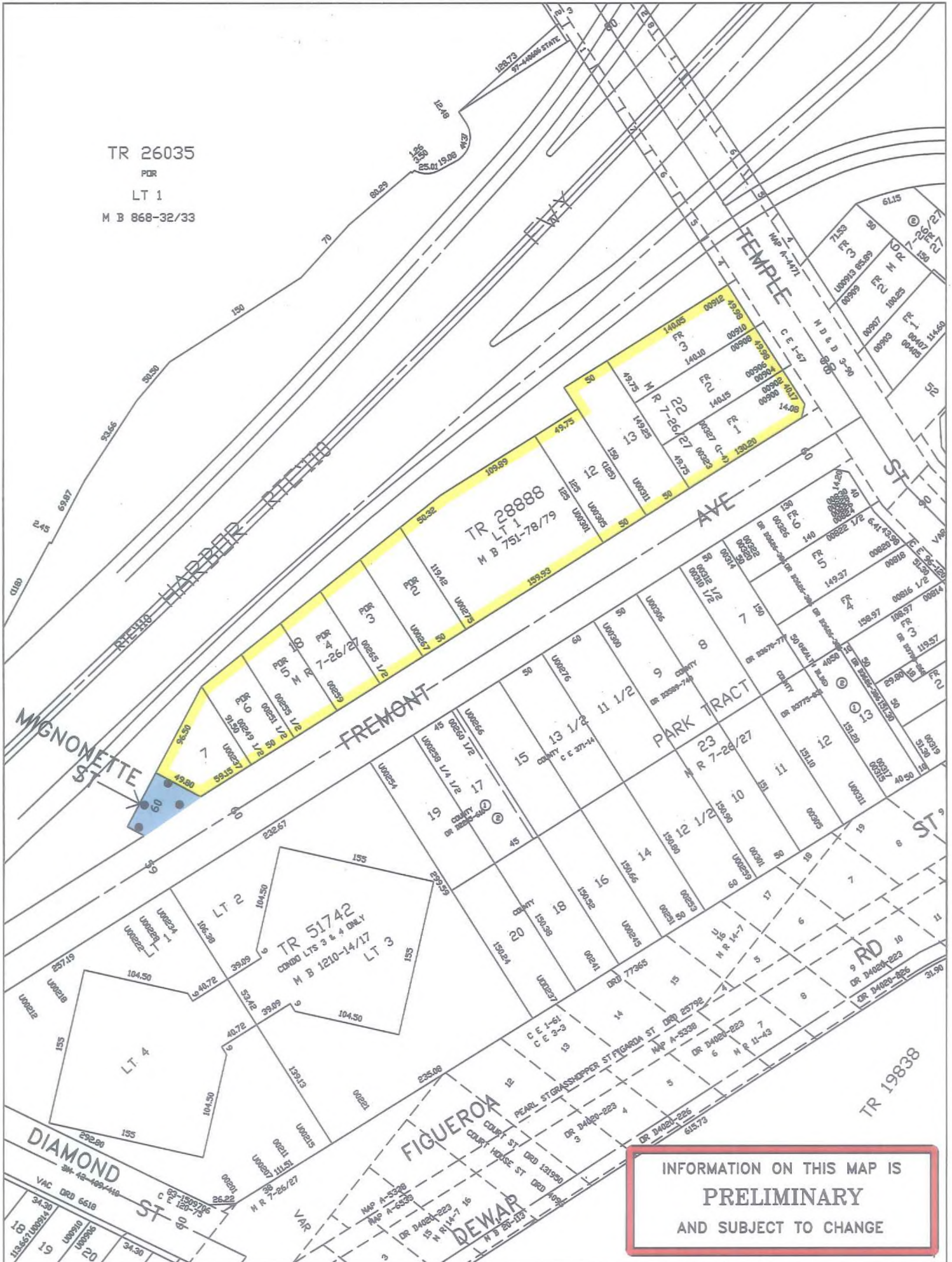
Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering

Dale Williams  
Civil Engineer  
(213) 202-3491

EY/ DH/  
Q:\LANDDEV\STREET VACATIONS\E1401181\mwrptE1401181



TR 26035  
 FOR  
 LT 1  
 M B 868-32/33



**TITLE:** MIGNONETTE STREET WESTERLY OF FREMONT AVENUE BETWEEN  
 TEMPLE STREET AND DIAMOND STREET

WORK ORDER NO. VAC- E1401181  
 COUNCIL FILE NO. 11-1999  
 COUNCIL DIST. 14 DIV. INDEX 66  
 ENG. DIST. CENTRAL T.G. 634-F3  
 DISTRICT MAP 133-5 A 211



DEPT. OF PUBLIC WORKS  
 BUREAU OF ENGINEERING  
 CITY OF LOS ANGELES



APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY  
ORIGINAL - (No copies or faxes)

DATE: 9/15/2011

PROJECT LOCATION AND DESCRIPTION:

(1) Area proposed to be vacated is: Mignonette Street West of Fremont Ave.  
(Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)

and is located between:

Temple Street and 1st Street  
(Street, Avenue, Boulevard or other limit) (Street, Avenue, Boulevard or other limit)

- Attach a map if necessary.

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

(a) Engineering District: (check appropriately)

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

(b) Council District No. 9

(c) District Map No. \_\_\_\_\_

(d) A CRA Redevelopment Area: \_\_\_\_\_ OR No  
(YES) (NO)

(3) Area (in sq. ft.) of the proposed vacation area is approx. 1,970 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 applicant is required to have an environmental determination performed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit. This will also increase the processing time by approximately 6 months.

- If the vacation is located within a Coastal Development Zone, a Coastal Development Permit will be required for the project. The applicant should be aware that vacations within a Coastal Development Zone will take longer to process and will be considerably more expensive. If the applicant is required to have a Coastal Development Permit processed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit.

- Some city agencies, including LADOT, may require additional fees to be deposited to cover costs during the referral and investigation process. The applicant is responsible for paying the fees to the agency directly. Referral fees paid to other city agencies are separate from the Bureau of Engineering processing fees.

- 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: Private drive  
for new apartment building DIR-2009-1508 SPR

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

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

Other DIR-2009-1508 SPR  
909 w. Temple Street, Los Angeles 90012

PETITIONER / APPLICANT:

(6) Petitioner(s): Greg Smith, Giff Palmer Associates  
Print Name(s) of Petitioner(s) in full -- Name or Company Name

Signature(s): GpD8t Vice President of Development  
If Company, Name and Title

(7) Mailing Address: 11740 San Vicente Blvd, Suite 208  
(Address, City, State, Zip Code) Los Angeles 90049

(8) Daytime phone number of petitioner is: (  ) 310 597-0500  
FAX number: ( ) 310 207-2162  
E-mail number: greg@ghpalmer.com

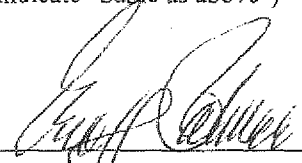
(9) Petitioner is: (check appropriately) ( ) Owner OR (  ) Representative of Owner

OWNERSHIPS:

(10) Name(s) and address of the Owner(s) applying for vacation is/are:

Palmer / Temple Street Properties L.P.  
11740 San Vicente Blvd. #208  
Los Angeles, CA 90049

Print Name(s) and Address of Owner(s) in Full  
(If Owner is Petitioner, Indicate "Same as above")

Signature(s)   
Geoff Palmer  
Managing Partner

(11) Petitioner is owner or representative of owner of: (check appropriately)

(  ) The property described in attached copy of Grant Deed OR

( ) \_\_\_\_\_

(Lot, Tract No.) (Parcel, Parcel Map L.A. No.) (Other)