

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

JUN 14 2017

Honorable Members:

C. D. No. 14

SUBJECT:

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

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 and Gang Reduction Committee approval based on the Initiation of the Street Vacation Proceedings adopted by City Council on May 24, 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 \$29,980.00 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. GH Palmer Associates
Attn: Drue Preissman
270 N. Canon Dr.
Beverly Hills, CA 90210
2. Palmer Temple Street Properties, LLC
Geoff Palmer
270 N. Canon Dr.
Beverly Hills, CA 90210
3. State of California/Department of Transportation
Attn: Jonathan Palacio
100 S. Main Street, M.S. 16
Los Angeles, CA 90012

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 and GIS Division 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 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 area to be vacated be submitted to the City Engineer.
5. That the following dedication be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer

Accept the 5-foot and variable width future street dedication on Temple Street provided by Instrument No. 20131153766.

6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to Time Warner Cable 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 satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing storm drain facilities located within the area to be vacated, unless easements are reserved from the vacation for their protection.
8. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, 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 substandard or 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.

TRANSMITTAL:

Application dated September 24, 2015, from Drue Preissman on behalf of G.H. Palmer & Associates.

DISCUSSION:

Request: The petitioner, Drue Preissman on behalf of 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-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 May 15, 2013 conditionally adopted the City Engineer's report dated November 29, 2013, under Council File No. 11-1999. Since the petitioner failed to complete all conditions of the vacation within the time limit, the vacation request expired. On September 24, 2015, the petitioner submitted a new application. The City Council on May 24, 2017 under Council File No. 11-1999 adopted an Initiation of Vacation Proceedings for this proposed vacation.

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 mixed-used apartments complex 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 proposed vacation area is currently improved as a landscape area.

Adjoining Street: Fremont Avenue is an improved Local Street dedicated 60-foot wide right-of-way with 36-foot roadway, curb, gutter and sidewalk. Temple Street is an Avenue II dedicated 80 to 85 feet wide with 28-foot wide half roadway, curb, gutter and 12-foot wide concrete sidewalk.

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 I-110, Harbor 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: Dedications and improvements were provided per previous vacation conditions adopted by City council on May 15, 2013. Dedications and improvements have been done by Document No. 20131153766 and per City Plan P-37973, B-Permit No. BR003022.

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

Public Utilities: Time Warner Cable maintains facilities in the area proposed to be vacated.

Tract Map: Since the required dedications 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 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 lot consolidation, driveway and access approval by DOT and any additional dedications and improvements necessary to bring all adjacent streets into conformance with the City's Standard Street Dimensions.

The Department of Transportation did not respond to the Bureau of Engineering's referral letter dated October 7, 2015

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letters dated November 18, 2011 and October 7, 2015.

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.

The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated October 7, 2015

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.

Respectfully submitted,



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

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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Civil Engineer
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