

BOARD OF PUBLIC WORKS
MEMBERS

KEVIN JAMES
PRESIDENT

MONICA RODRIGUEZ
VICE PRESIDENT

MATT SZABO
PRESIDENT PRO TEMPORE

MICHAEL R. DAVIS
COMMISSIONER

BARBARA ROMERO
COMMISSIONER

ARLEEN P. TAYLOR
EXECUTIVE OFFICER

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
PUBLIC WORKS

BUREAU OF
ENGINEERING

GARY LEE MOORE, P.E.
CITY ENGINEER

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

<http://eng.lacity.org>

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

Public Works and Gang Reduction Committee

Transmittal:

NOV 26 2013

Council File No. 13-1491
Council District: 1
Contact Person: Dale Williams
Phone: (213) 202-3491

Transmitted herewith, is the City Engineer's report dated **NOV 26 2013** for Council review and approval of:

VACATION APPROVAL - VAC- E1401180 - Council File No. 13-1491 - A Portion of the East/West Alley Southeasterly of Douglas Street between East Kensington Road and the North/South Alley Easterly of East Edgeware Road.

RECOMMENDATIONS:

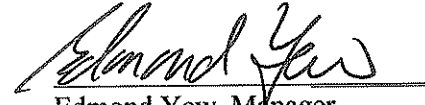
1. Adopt the findings of the City Engineer on the attached City Engineer report relative to initiating vacation proceedings. This vacation is exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
2. Adopt the City Engineer's report dated **NOV 26 2013** 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. Rigo Macias, owner of the property at 789 East Kensington Road, in a letter dated September 23, 2011 objected to the vacation. Mr. Macias withdrew his objection in a letter dated June 5, 2012. Tad Yenawine, owner of the property at 813 East Kensington Road, in a letter dated October 6, 2011 objected to the vacation but subsequently withdrew his objection in a letter dated September 17, 2012.

Attachment:



Edmond Yew, Manager
Land Development Group
Bureau of Engineering

EY/DW/
H:\

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

NOV 26 2013

Honorable Members:

C. D. No. 1

SUBJECT:

VACATION APPROVAL - VAC- E1401180 - Council File No. 13-1491 - A Portion of the East/West Alley Southeasterly of Douglas Street between East Kensington Road and the North/South Alley Easterly of East Edgeware Road.

RECOMMENDATIONS:

A. That street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted by a two-thirds vote of the entire Council for the vacation of the public right-of-way indicated below and shown colored blue on the attached Exhibit "A":

A portion of the east/west alley southeasterly of Douglas Street between East Kensington Road and the north/south alley easterly of East Edgeware Road.

- 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 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. Nathan Freeman, FMG
440 S Vermont Av., Ste 201
Los Angeles CA 90010
2. William J. Heffernan
1320 Carroll Av
Los Angeles CA 900026
3. Occidental Rentals LLC
2235 Hyperion Av
Los Angeles CA 90027
4. Rigo Macias
789 East Kensington Rd
Los Angeles CA 90026
5. Tad Yenawine
813 East Kensington Rd
Los Angeles CA 90016

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 E1401180 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 petitioners' properties in a manner satisfactory to the City Engineer:
 - a) Reserve from the vacation or dedicate a 10-foot wide and variable width public walk easement from East Kensington Road to the north/south alley easterly of East Edgeware Road.
6. That the following improvements be constructed adjoining the petitioners' properties in a manner satisfactory to the City Engineer:
 - a) Close the intersection of the east/west alley southeasterly of Douglas Street with East Kensington Road with construction of full height integral curb, gutter and sidewalk or with a standard driveway apron.
 - b) Repair or replace all broken, off-grade or missing curb, gutter and sidewalk along East Kensington Road.
 - c) Construct standard alley improvements including asphalt concrete pavement and 2-foot longitudinal gutter along the north-south alley easterly of East Edgeware Road.

- d) Construct a 10-foot wide and variable width sidewalk within the public walk easement from East Kensington Road to the north/south alley easterly of East Edgeware Road.
 7. That upon the reviews of the title report 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 one 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.
 8. That street lighting facilities be installed as required by the Bureau of Street Lighting.
 9. 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.
 10. That the design of the future use of the vacation area be reviewed by the Director of Planning and the HPOZ Board in accordance with L.A.M.C. Section 12.20.3 (Historic Preservation Overlay Zone).
-

TRANSMITTAL:

Application dated September 6, 2011, from Nathan Freeman, FMG.

DISCUSSION:

Request: The petitioner, Nathan Freeman, FMG, representing the owners 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 permit the use and maintenance of the alley for the private use of the abutting property owners.

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 19, 2013, under Council File No. 13-1491 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned RD2-1VL-HPOZ and are developed with residences.

Description of Area to be Vacated: The area sought to be vacated is the east/west alley southeasterly of Douglas Street between East Kensington Road and the north/south alley easterly of East Edgeware Road. The alley is dedicated 20 feet wide and is partially improved with asphalt pavement over a portion of the alley.

Adjoining Street and Alley: East Kensington Road is a Local Street dedicated 60 feet wide with a 40-foot wide roadway, curb and gutter, and 10-foot wide border area with 5-foot wide sidewalk. The north-south alley easterly of East Edgeware Road is dedicated 20-feet wide and is partially improved.

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

Angelino Heights Historical Overlay Zone Board: In a letter dated June 5, 2012, the Angelino Heights Historical Overlay Zone Board found that the proposed vacation, together with its proposed improvements, is in keeping with the established Angelino Heights HPOZ Preservation Plan as to the submitted landscape and lighting plan and recommended approval of the alley vacation plan "upon the understanding that a sign will be erected bearing the historical name of the alley so as to invite pedestrian passage and that the current owners will not seek to exclude pedestrian traffic between their properties."

Effects of Vacation on Circulation and Access: There is currently no vehicular connection from the vacation area to the north/south alley. The vacation of the east/west alley southeasterly of Douglas Street between East Kensington Road and the north/south alley easterly of East Edgeware Road would adversely affect pedestrian circulation and access by eliminating a portion of the network of pedestrian linkages in Angelino Heights. As a condition of the vacation the petitioner would be required to dedicate or have reserved from the vacation, a 10-foot public walk easement which would preserve the pedestrian access.

The vacation would eliminate a potential access point for vehicular traffic to the north/south alley easterly of East Edgeware Road. However, this north/south alley easterly of East Edgeware Road can still be accessed from Douglas Street, from the east/west alley northerly of Bellevue Avenue, and from Bellevue Avenue.

Objections to the vacation: Rigo Macias, owner of the property at 789 East Kensington Road, in a letter dated September 23, 2011 objected to the vacation. Mr. Macias withdrew his objection in a letter dated June 5, 2012. Tad Yenawine, owner of the property at 813 East Kensington Road, in a letter dated October 6, 2011 objected to the vacation but subsequently withdrew his objection in a letter dated September 17, 2012.

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

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

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

Public Utilities: There are no public facilities in the area proposed to be vacated.

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 petitioners record agreements satisfactory to the Bureau of Engineering to hold each 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 substandard or 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 did not respond to the Bureau of Engineering's referral letter dated September 20, 2011.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated September 20, 2011.

Department of City Planning: The City Planning Department, on April 15, 2013, found that proposed project is not in substantial conformance with the purposes, intent, and provisions of the City's General Plan, the Silverlake-Echo Park-Elysian Valley Community Plan, an element of the General Plan, and the Angelino Heights Historic Preservation Overlay Zone (HPOZ) Preservation Plan, and recommended that it not be approved by the City Council.

The Planning Department found that vacating the subject alley would adversely affect the historical network of pedestrian linkages in Angelino Heights by eliminating a key access point from the staircase leading from Sunset Boulevard to East Kensington Road and into the Angelino Heights community. The alley historically and currently serves as an access point which connects the steeply sloped hillside neighborhood of Angelino Heights to the west to a major commercial corridor along Sunset Boulevard. Its vacation would be inconsistent with adopted policies in both the Silverlake-Echo Park-Elysian Valley Community Plan and the Angelino Heights Preservation Plan.

The Planning Department also recommended that, should the alley vacation be approved, the design of the alley, including but not limited to any landscape or hardscape features, shall be reviewed by the Director of Planning and the HPOZ Board in accordance with LAMC Section 12.20.3 procedures. In addition, the Director of Planning recommends that the approval of the alley vacation be subject to a public easement in perpetuity.

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

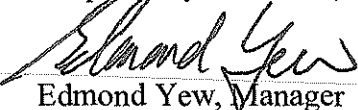
1. It is unnecessary for present or prospective public use.
2. It is not needed for vehicular circulation or access.
3. It is not needed for non-motorized transportation purposes.

Report prepared by:

LAND DEVELOPMENT GROUP

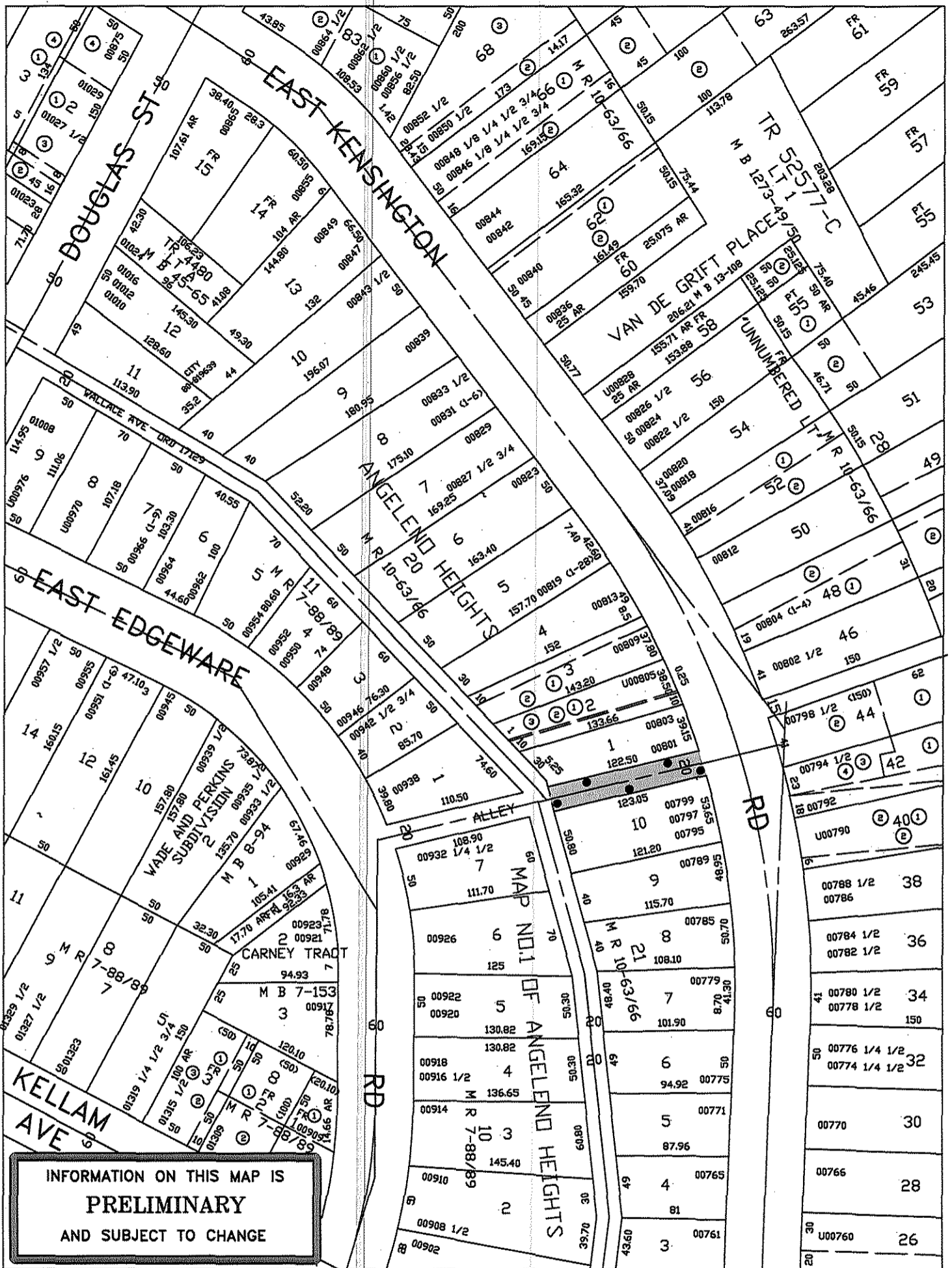
Dale Williams
Civil Engineer
(213) 202-3491

Respectfully submitted,


Edmond Yew, Manager
Land Development Group
Bureau of Engineering

EY/ DW /

Q:\LANDDEV\STREET VACATIONS\E1401100-E1401199\E1401180 -
douglas\E1401180RevisedReport.doc



INFORMATION ON THIS MAP IS
PRELIMINARY
 AND SUBJECT TO CHANGE

TITLE: POR/O THE EAST-WEST ALLEY SELY/O DOUGLAS ST BETWEEN
EAST KENSINGTON RD AND THE NORTH-SOUTH ALLEY ELY/O EAST EDGEWARE RD

WORK ORDER NO. VAC- E1401180
 COUNCIL FILE NO. 13-1491
 COUNCIL DIST. 01 DIV. INDEX 35
 ENG. DIST. CENTRAL T.G. 634-F1
 DISTRICT MAP 138 A 211



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

EXHIBIT A Legend: Vacation boundary as shown

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

DATE: 09-06-11

PROJECT LOCATION AND DESCRIPTION:

(1) Area proposed to be vacated is: Portion of the east/west alley, south-
easterly of Douglas Street (Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)
and is located between:

East Kensington Road and the north/south alley easterly of
(Street, Avenue, Boulevard or other limit) (Street, Avenue, Boulevard or other limit)
East Edgeware Road

(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. 1

(c) District Map No. 138A 211

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

(3) Area (in sq. ft.) of the proposed vacation area is approx. _____ 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: See attached

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

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

RECEIVED
LAND DEVELOPMENT GROUP
11 SEP -6 AM 9:24