

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

April 6, 2018

Honorable Members:

C. D. No.1

SUBJECT:

VACATION REQUEST - VAC- E1401302- Council File No. 17-0542 – Temple Street  
(Portion of Southwesterly Side) from Beaudry Avenue to approximately 350 feet  
Southeasterly Thereof

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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”:  

A 2-foot strip portion of the southwesterly side of Temple Street from Beaudry Avenue to approximately 350 feet southeasterly thereof
- 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 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 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 \$14,980.00 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 and Gang Reduction Committee and the City Council meetings to consider this request be sent to:

1. David Evans & Associates, Inc.  
Attn: Alex Moore  
145 S. Spring Street, Suite 120,  
Los Angeles, CA 90012
2. Palmer Beaudry Avenue Properties, LP  
Attn: Darrel Malamut  
270 N. Canon Drive, Penthouse  
Beverly Hills, CA 90210
3. Department of Transportation  
Attn: Dianna Watson  
Community Planning  
District 7 – Office of Regional Planning  
100 S. Main Street, MS 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 E1401302 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 dedications be provided adjoining the petitioner's property in a manner satisfactory to the City Engineer:
  - a. Dedicate 5-foot, variable and 7-foot wide strip as a public street on the southeasterly side of Beaudry Avenue to provide a 50-foot half right-of-way in accordance with Avenue I standard together with 20-foot radius property line returns at the intersections with Temple Street and Mignonette Street.
6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
  - a. Narrow the existing 35-foot half roadway on the southwesterly side of Temple Street to 33-foot with the construction of additional pavement, new integral curb and gutter and 10-foot wide sidewalk together with handicapped access ramp and bus pad lane.
  - b. Fill in the newly dedicated area with concrete sidewalk, repair any damaged curb, gutter or sidewalk along Beaudry Avenue.
  - c. Close any unused driveways.
  - d. Any existing broken or off-grade concrete curb, gutter or sidewalk immediately adjacent to or within the public right of way frontage area of new construction shall be removed and replaced with new concrete curb, gutter, or sidewalk. Broken and/or off-grade sidewalk, curb, and gutter shall be

defined as any sidewalk, curb and gutter segment within existing score lines that is depressed or upraised by more than 1/4" from the surrounding concrete work and has separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8" at the surface of the section. Regardless of integrity any sidewalk with a cross-slope in excess of 2% and/or otherwise determined to be non-ADA compliant shall be deemed off-grade. All new sidewalk curb and gutter shall conform to the Bureau of Engineering Standard Plans: S410-2, S440-4, S442-5, S444-0.

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 the Southern California Gas 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 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 the adjoining parcel of land, and its adjoining portion of the area to be vacated under the same ownership, 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 areas, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
9. That satisfactory arrangement be made with Fire Department for the relocation of fire hydrants.
10. That street lighting facilities be installed as required by the Bureau of Street Lighting.
11. 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.

TRANSMITTAL:

Application dated May 10, 2016 from David Evans & Associates, Inc.

DISCUSSION:

Request: The petitioner, David Evans & Associates, Inc., representing the 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 add a requested vacation area to the adjoining property for the development of new residential apartments.

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 24, 2017, under Council File No17-0542, adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned CW and are developed with a building and a parking structure to the south.

Description of Area to be Vacated: The area sought to be vacated is a 2-foot strip of land southwesterly of Temple Street from Beaudry Avenue to approximately 350 feet southeasterly thereof and located within a sidewalk area. Temple Street is an improved Avenue II dedicated 85-foot and variable width right of way with a 61-foot roadway, curbs, gutters and 10-foot sidewalk on the southwesterly side.

Adjoining Streets: Mignonette Street is an improved local street dedicated 62 feet wide with a 42-foot roadway, curbs, gutters and 10-foot sidewalks. Beaudry Avenue is an improved Avenue I dedicated 97-foot with a 72 feet wide roadway, curbs, gutters and 12-foot wide sidewalk on the easterly side.

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 vacation of a 2-foot strip portion of the southwesterly side of Temple Street from Beaudry Avenue to approximately 350 feet southeasterly thereof will not have any adverse effect on vehicular circulation since it is an excess right-of-way provided that reconstruction of roadway and a 10 feet wide sidewalk along Temple Street adjoining the petitioner's new property line. In addition, the I-110 Harbor Freeway overpass at Temple Street will not be widened in any foreseeable future. Thus the 2-foot strip portion is not required.

A reconstruction of the 33-foot half roadway (reduce the roadway width by 2 feet), including asphalt concrete pavement, integral concrete curb, gutter, and a 10-foot wide concrete sidewalk from the new property line along southwesterly side of Temple Street is one of the conditions of this vacation.

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

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 no existing sewer or storm drain facilities within the area proposed to be vacated.

Public Utilities: The Department of Water and Power maintain facilities in the area proposed to be vacated. Southern California Gas Company did not respond to the Bureau of Engineering's referral letter dated June 9, 2016.

Tract Map: Since the required dedication 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 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 (LADOT) stated in its communication dated February 13, 2017, that it does not oppose the requested vacation provided that all abutting property owners are in agreement with the proposed vacation and that vacation would result in roadway and right-of-way dimensions that are consistent with the new street standards identified in the Mobility Element of the General Plan.

In a recent communication dated March 20, 2018, LADOT stated that "DOT has met with the applicant and has agreed upon a 2 foot reduction in the roadway in lieu of the originally requested 5 feet. The 2 foot reduction is acceptable to obtain a 10 foot sidewalk."

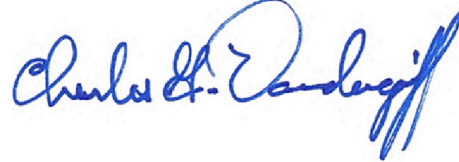
City Fire Department: The Fire Department stated in its communication dated July 13, 2016 that they have no objection to this street vacation.

Department of City Planning: The Department of City Planning stated in its communication dated March 1, 2018 that "vacation of a two-foot width would not be inconsistent with the City's General Plan. However, given the range of high-density commercial and residential uses that are permissible per the surrounding Central City West Specific Plan, and that are proposed for the abutting property. It is important that a minimum 10-foot sidewalk width be retained to ensure adequate pedestrian amenities are provided."

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.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles H. Yew". The signature is fluid and cursive, with a large initial "C" and "Y".

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

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

Thein Crocker  
Civil Engineer  
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