

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

AUG 08 2017

Honorable Members:

C. D. No. 11

SUBJECT:

VACATION REQUEST - VAC- E1401309 - Council File No. 17-0546 Rose Avenue
(Portion of Northwesterly Side) from 43.95 feet to 93.95 feet Northeasterly of 6th Avenue

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 10-foot wide portion of northwesterly side of Rose Avenue from 43.95 feet to 93.95 feet northeasterly of 6th Avenue

- 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 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 Committee and the City Council meetings to consider this request be sent to:

1. Igottatelya, LLC
Stephen Doniger
603 Rose Avenue
Venice, CA 90291
2. Victoria Yust and Ian McIlvaine
601 Rose Avenue
Venice, CA 90291
3. 613 Rose Avenue, LLC
101 California Ave, Unit 501
Santa Monica, CA 90403

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 E1401309 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 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 improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a. Repair and/or replace any broken, off-grade or bad order concrete curb, gutter and sidewalk on Rose Avenue.
 - b. Repair and/or replace any broken, off-grade or bad order concrete, gutter, and asphalt concrete pavement on the northeast-southwest alley northwesterly of Rose Ave.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the 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.
7. 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 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 area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
8. 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 January 18, 2017 from Stephen Doniger on behalf of Igottatellya, LLC.

DISCUSSION:

Request: The petitioner, Stephen Doniger, manager of Igottatellya, LLC, 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 gain additional land along the frontage of the properties to be used as an outdoor landscaped area for a law office and dining seating for a restaurant.

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 Council on May 24, 2017 under Council File No. 17-0546 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned C4-1 and are developed with commercial buildings.

Description of Area to be Vacated: The area sought to be vacated is a 10-foot wide portion of northwesterly side of Rose Avenue from 43.95 feet to 93.95 feet northeasterly of 6th Avenue. Rose Avenue is a Collector Street dedicated 63 to 86 feet wide with a 46-foot wide roadway, curbs, gutters and 7-foot and variable width sidewalks. The portion sought to be vacated is located behind the sidewalk and is currently used as the front seating areas for the adjacent properties.

Adjoining Alley: Alley adjoining the property is a standard alley dedicated 20 feet wide improved with asphalt pavement and concrete gutter.

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 10-foot wide portion of northwesterly side of Rose Avenue from 43.95 feet to 93.95 feet northeasterly of 6th Avenue should not have any adverse effect on vehicular circulation or access since it is an excess right of way and currently used as a landscaped area and outdoor dining for the restaurant.

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 determinations of the underlying fee interest of the vacation area has been made as to title or reversionary interest.

Improvements: It will be necessary that the petitioner provides for the 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: AT&T did not respond to the Bureau of Engineering's referral letter dated February 1, 2017.

Tract Map: Since 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 records 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 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 stated in its communication dated May 1, 2017, that it does not oppose the requested vacation if 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.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated February 1, 2017.

Department of City Planning: The Department of City Planning (DCP), in its communication dated February 27, 2017 states that " we do not recommend a vacation at this time. While a new roadway classification has been assigned to Rose Avenue which would indicate a lesser need for dedication, this new classification has yet to be evaluated for appropriateness under an update of the Venice Community Plan."

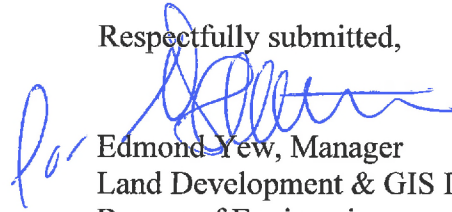
Later, a letter dated July 27, 2017 states that DCP has no objection to the proposed vacation at this time. Based on the further research, proposed vacation does not conflict with long-term plans for the Community.

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 & GIS Division
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

Thein Crocker
Civil Engineer
(213) 202-3493

EY/ RS /
Q:\LANDDEV\STREET VACATIONS\E1401300-E1401399\E1401309\VAC
E1401309 - Report.doc