

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

November 13, 2017

Honorable Members:

C. D. No. 13

SUBJECT:

VACATION REQUEST - VAC- E1401315 - Council File No. 17- 0857 – Park Drive (Portion of Northwesterly Side) from approximately 260 feet Southwesterly of Baxter Street to approximately 323 feet Southwesterly of Baxter 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 “B”:
The northwesterly 50 feet of Park Drive from approximately 260 feet southwesterly of Baxter Street to approximately 323 feet southwesterly of Baxter Street
- B. That the vacation of the area shown colored orange on Exhibit “B”, be denied.
- C. 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.
- D. 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.
- E. 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.

- F. 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.
- G. 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.
- H. That the Council adopt the City Engineer's report with the conditions contained therein.
- I. 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 September 20, 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. Ehrlich Group Law Office
Attn: Bruce Ehrlich
601 S. Figueroa Street, Suite 4450
Los Angeles, CA 90017
2. Alexis Hall
2027 Park Drive
Los Angeles, CA 90026

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 E1401315 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 arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Department of Water and Power, AT&T and 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.
6. 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 area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
7. That street lighting facilities be installed as required by the Bureau of Street Lighting.
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 June 8, 2017, from Ehrlich Group Law Office.

DISCUSSION:

Request: The petitioner, Ehrlich Group Law Office, representing the owner of the property shown outlined in yellow on Exhibit “B”, is requesting the vacation of the public street area shown colored blue and orange. The purpose of the vacation request is to gain the yard area for the adjacent property at 2027 Park Drive.

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 September 20, 2017, under Council File No. 17-0857 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned R1-1VL and are developed with residences.

Description of Area to be Vacated: The area sought to be vacated is the northwesterly 60-foot wide portion of Park Drive from approximately 260 feet southwesterly of Baxter Street to approximately 323 feet southwesterly of Baxter Street. Park Drive is a local street dedicated 110-foot at this location with a 30-foot and variable width roadway located on the southeasterly portion of the right-of-way. The area proposed to be vacated is developed as a landscaped front yard and garage area for the adjoining property.

Adjoining Street: Park Drive is a local street dedicated 110-foot at this location with a 30-foot and variable width roadway. Several portions of Park Drive in this area were previously vacated.

Effects of Vacation on Circulation and Access: The vacation of a portion of the northwesterly side of Park Drive from approximately 260 feet southwesterly of Baxter Street to approximately 323 feet southwesterly of Baxter Street should have no effect on access rights or circulation since the area is not currently improved as a public street and the proposed vacation area is an excess right of way. Over the years, several portions of Park Drive in this area were previously vacated. The widths of those vacation areas varied from 40 feet to 60 feet based on the actual location of the roadway. In this instance, the actual location of the Park Drive roadway is closer to the northwesterly edge of the existing 110-foot right of way as compared to the recent vacation processed under Council File 14-0115, south of this proposed vacation area. Vacating more than 50 feet would impact the ability of the City to improve Park Drive in the future. Therefore, based on the location of the roadway, only the northwesterly 50 feet of Park Drive should be vacated. The southeasterly 10 feet of the proposed vacation area along Park Drive is recommended to be retained from this vacation.

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.

Dedications and Improvements: In general, street improvements should be provided for along this portion of Park Drive. However, based on the 2015 City's Council action under Council File 14-0115, the City Council deleted the improvement requirements for the construction of concrete curb, gutter and roadway as recommended by the Bureau of Engineering. Therefore, Bureau of Engineering is not recommending the improvement along Park Drive at this time.

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

Public Utilities: The Department of Water and Power maintains facilities in the area proposed to be vacated. AT&T and Time Warner Cable did not respond to the Bureau of Engineering's referral letter dated June 20, 2017.

Tract Map: Since there are no dedications required 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 the 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 July 19, 2017 that the vacation is not opposed provided that all abutting property owners are in agreement with the proposed vacation.

City Fire Department: The Fire Department, in its letter dated September 15, 2017, stated that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning in its communication dated September 13, 2017 that the requested vacation of the subject site would not result in inconsistencies with the General Plan.

Conclusion: The vacation of the public street area as shown colored blue on attached Exhibit "B" 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.

The area shown colored orange should not be vacated because it is needed for public street purposes.

Respectfully submitted,



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

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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