

Office of the City Engineer

Los Angeles, California

To the Honorable Council

Of the City of Los Angeles

April 12, 2019

Honorable Members:

C. D. No. 2

SUBJECT:

VACATION REQUEST - VAC- E1401317 - Council File No. 17-0962 - Ventura Boulevard (Portion of Southwesterly Side) from approximately 190 feet to 312 feet Westerly of Whitsett Avenue (Vacation District) - (Revised)

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 (Revised)”, and that the limits of the vacation area be permitted to be adjusted based on the location of the public improvements on Ventura Boulevard:
1. A portion of southwesterly side of Ventura Boulevard from approximately 190 feet to 312 feet westerly of Whitsett Avenue, adjoining Lots 8 and 9, Tract No. 5896, in excess of a 105-foot right-of-way from the existing northerly right-of-way line of Ventura Boulevard.
 2. A 6-foot walk, from Ventura Boulevard to 70 feet southwesterly thereof, adjacent to Lot 8, Tract No. 5896.
 3. The 6-foot wide storm drain easement from Ventura Boulevard to Sunswept Drive, adjacent to Lot 9, Tract No. 5896.
- 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 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 and Gang Reduction Committee and the City Council meetings to consider this request be sent to:

1. Kimberlina Whettam & Associates
Attn: Emiko Isa
241 South Figueroa Street, #370
Los Angeles, CA 90012
2. 12564 Ventura Boulevard LLC
Attn: Peter Austin
4385 Ambercrest Place
Thousand Oaks, CA 91362

3. 12582 Ventura Boulevard LLC
4385 Ambercrest Place
Westlake Village, CA 91362
4. Peter D. Austin Trust
4385 Ambercrest Place
Westlake Village, CA 91362
5. Margaret Kurkian TR
15589 Briarwood Drive
Sherman Oaks, CA 91403
6. Adi and Rivka Harari
4029 Sunswept Drive
Studio City, CA 91604

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 E1401317 be paid.
2. That a suitable map, approved by the Valley District Engineering office, delineating the limits, including bearings and distances, of the areas 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 areas 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 areas to be vacated be submitted to the City Engineer.
5. That the following dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer
 - a. Dedicate 5 feet as a public street on the southerly side of Ventura Boulevard that adjoining Lots 5, 6 and 7 of Tract Map No. 5896 to complete a 55-foot half right-of-way in accordance with Boulevard II standards per Mobility Plan 2035.
 - b. Dedicate any additional drainage easement as necessary.

6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a. Widen the southerly side of Ventura Boulevard to provide for a 40-foot half roadway in accordance with Boulevard II standards per Mobility Plan 2035, including asphalt concrete pavement, integral concrete curb, gutter, and a 15-foot wide concrete sidewalk together with proper transitions to join the existing improvements.
 - b. Remove and replace the existing 12" corrugated metal pipe (CMP) with a permanent storm drain in a dedicated drainage easement satisfactory to the City Engineer.
 - c. That all drainage matters be addressed to the satisfactions of the City Engineer. Submit hydrology and hydraulic calculations, drainage plans, grading plans, and storm drain plans to the Bureau of Engineering.
7. That arrangements be made with all utility agencies, cable companies and franchises 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.
8. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing storm drain facilities located within the areas to be vacated.
9. That upon the reviews of the title report identifying the underlying fee title interest of the vacation areas, agreements be recorded satisfactory to the Bureau of Engineering to hold each of the adjoining parcels of land, and its adjoining portions of the areas 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.
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.
12. That a survey showing the right-of-way and existing roadway improvements on Ventura Boulevard be submitted to the Land Development and GIS Division.

TRANSMITTAL:

1. Application dated July 10, 2017 from Emiko Isa of Kimberlina Whettam & Associates.
2. Request letter to adjust the vacation boundary dated February 20, 2019 from Kimberlina Whettam & Associates.

DISCUSSION:

Request: The petitioner, Kimberlina Whettam & Associates, representing the owner of the properties shown outlined in yellow on Exhibit “B (Revised)”, is requesting the vacation of the public street, walk and storm drain easement shown colored blue. The purpose of the vacation request is to obtain the adjacent lands for the development of a commercial building and on-site parking spaces. Recently, applicant submitted a revised request dated February 20, 2019 requesting to change the limit of the walk as well as the clarifying the boundary of the area.

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. 17-0962 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the areas to be vacated are zoned C1.5-1VL-RIO and R1-1-RIO and are developed with commercial buildings and residential housings.

Description of Areas to be Vacated: The areas sought to be vacated are a portion of the southwesterly side of Ventura Boulevard from approximately 190 feet to 312 feet westerly of Whitsett Avenue, the portion of 6-foot walk, from the Ventura Boulevard to 70 feet southwesterly thereof, adjacent to Lot 8, Tract No. 5896 and the 6-foot storm drain easement from Ventura Boulevard to Sunswept Drive. The proposed vacation areas are currently undeveloped and are covered with vegetations. The walk easement and storm drain easement are located on an undeveloped steep hill.

Adjoining Street and Alley: Ventura Boulevard is an improved Boulevard II dedicated 100-foot and variable width right-of-way, 70-foot and variable width roadway, curbs, gutters and variable width sidewalks on the southwesterly side of Ventura Boulevard. Sunswept Drive is an improved Hillside Limited Standard Street with dedicated 30-foot right-of-way, 22-foot roadway and a 3-foot wide sidewalk along the north side of the street.

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

Effects of Vacation on Circulation and Access: The proposed vacation of the portion of the southwesterly side of Ventura Boulevard from approximately 190 feet to 312 feet westerly of Whitsett Avenue, adjoining Lots 8 and 9, Tract No. 5896, in excess of the 55-foot half right-of-way, should not have any adverse effects on vehicular circulation or access since it is considered as excess right-of-way. The 6-foot wide walk, from Ventura Boulevard to 70 feet southwesterly thereof, adjacent to Lot 8, Tract No. 5896 is not needed for pedestrian access due to its steep slope and unimproved. The proposed vacation of the 6-foot wide storm drain easement from Ventura Boulevard to Sunswept Drive adjoining Lot 9 will not have an adverse impact since the replacement storm drain easement has been proposed for this project.

The street and walk are 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 areas have been made as to title or reversionary interest.

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

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

Public Utilities: The Department of Water and Power and AT&T maintain facilities in the areas 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 petitioner records agreements satisfactory to the Bureau of Engineering to hold each of the adjoining parcels 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 August 30, 2017 that the vacation is not opposed if all abutting property owners are in agreement with the proposed vacation.

City Fire Department: The Fire Department stated in its letter dated August 29, 2017 that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning in a communication dated October 31, 2017 that “regarding the segment of Ventura Boulevard frontage, vacation of any land area left over once improvements have been established would generally be consistent with the goals and policies of the General Plan, however, any action to vacate land area that would be inconsistent with the widening required by the current street designation would be inappropriate.” Regarding the walks, “the exceptional grade change between Sunswep Drive and Ventura Boulevard make any future walk-streets at this location practically infeasible. Therefore, vacation of the unimproved walk-street would not be inconsistent with the goals and policies of the General Plan.”

Conclusion: The vacation of the public street and walk area as shown colored blue on attached Exhibit “B (Revised)” could be conditionally approved based upon the following:

1. They are unnecessary for present or prospective public use.
2. They are not needed for vehicular circulation or access.
3. They are 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

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