

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

January 9, 2019

Honorable Members:

C. D. No. 14

SUBJECT:

VACATION REQUEST - VAC- E1401329- Council File No. 17-1428 - Portion of
Flower Street between 3rd Street and Hope 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 "A":

Portion of Flower Street between 3rd Street and Hope Street

- B. Review and consider the Project Environmental Impact Report (EIR) (State Clearinghouse No. 2009031043) dated January 20, 2012 (Transmittal No. II) which was prepared in compliance with CEQA.
- C. Find that changes or alterations have been required in, or incorporated into, the street vacation that mitigate or avoid significant effects on the environment. Those mitigation measures are described in the EIR and Mitigation Monitoring Plan dated January 20, 2012, pages 8-1 through 8-73, are attached and incorporated herein. A fully enforceable program for reporting or monitoring the changes required in the street vacation or made a condition of approval to avoid or substantially lessen significant environmental effects has been required by the City of Los Angeles Bureau of Engineering (BOE). A copy of the BOE findings adopting this program for reporting or monitoring as set forth in the CEQA Review Memo, dated October 29, 2018 is attached and incorporated herein (Transmittal No. III).
- D. Find that no new information exists to show that the project or circumstances of the project have been changed to require additional environmental review, as described in State CEQA Guidelines Section 15162, and therefore the existing

environmental documents adequately describe the potential impacts for this street vacation.

- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. That the Council adopt the City Engineer's report with the conditions contained therein.
- J. That the City Clerk be directed to coordinate and schedule the public hearing for the Public Works and Gang Reduction Committee's consideration at the appropriate time, 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 \$64,200.00 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. Los Angeles County Metropolitan Transportation Authority
Attn: Alvin Trotter, Jr.
1 Gateway Plaza
Los Angeles, CA 90012

2. David Roberts
Property Manager, Department of General Services
City of Los Angeles
111 E. 1st Street, 2nd Floor
Los Angeles, CA 90012
3. Lawrence Hsu
Metro Transit Division, Bureau of Engineering
City of Los Angeles
1149 S. Broadway, Suite 640
Los Angeles, CA 90015
4. Fiveplants Associates (ET AL)
101 Ash Street
San Diego, CA 92101
5. Los Angeles County Metropolitan Transportation Authority
C/O Real Estate Department
1 Gateway Plaza,
Los Angeles, CA 90012
MS 99184

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 E1401329 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 improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer (Metro Transit Division):

- i. The petitioner construct improvements on the public right of ways per the Regional Connector Transit Corridor Design Unit 04 Civil Segment A Plans approved by BOE on July 25, 2018. All other future proposed plans are subject to review and approval by the Bureau of Engineering (BOE) for conformance to City Standards
 - ii. Reconstruct any damaged sidewalk, pavement, curb and gutter and construct new sidewalk, curb and gutter where there is no existing sidewalk along 3rd Street, Flower Street and Hope Street.
 - iii. Close off any intersections of vacated streets with Flower Street, 2nd Place, and Hope Street with full height curb. If vehicular access is desired, Metro shall construct a driveway per City of Los Angeles's Standard Plan S-440.
 - iv. All required pedestrian improvements shall be complied with Americans with Disabilities Act (ADA) as well as any state or local standards.
 - v. All drainage matters be addressed to the satisfactory of the City Engineer, including the relocation of storm drain pipes and catch basins.
 - vi. Construct proposed rearrangement of the storm drain as shown on the Regional Connector Transit Corridor Design Unit 04 Civil Segment A Plans approved by BOE on July 25, 2018.
 - vii. Construct all the proposed sewer rearrangements for Metro's RCTC Project within the public right of ways as shown on the Regional Connector Transit Corridor Design Unit 04 Civil Segment A Plans approved by BOE on July 25, 2018.
6. That the petitioner record a Covenant and Agreement agreeing to comply Mitigation Measure described in the EIR and Mitigation Monitoring Plan dated January 20, 2012, pages 8-1 through 8-73 and also identified in the Bureau of Engineering, Environmental Management Group memo dated October 29, 2018 titled CEQA Review: Summary of Relevant Findings and Mitigation Measures of Metro's Street Vacation Approval Request – Regional Connector Transit Corridor Project, W.O. VAC E1401329 - Flower St (Por Of) between 3rd St and Hope St – Vacation (also known as General Thaddeus Kosciuszko Way/GTK).
 7. That any fee interest of the area being vacated which may be vested in the City of Los Angeles be acquired.
 8. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the AT &T and Southern California Gas Company for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.

9. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing storm drain facilities located within the area to be vacated unless easements are reserved from the vacation for its protection.
10. 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.
11. That the petitioner submit an application for public street name establishment with the Bureau of Engineering for the proposed street between Flower Street and Hope Street easterly of 3rd Street, currently known as 2nd Place, to be named as General Thaddeus Kosciuszko Way (GTK Way).
12. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.
13. 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:

1. Application dated September 5, 2017 from Los Angeles County Metropolitan Transportation Authority.
2. Environmental Impact Report (EIR) State Clearing House No. 2009031043 dated January 20, 2012.
3. California Environmental Quality Act (CEQA) Review Memo dated October 29, 2018 from Maria Martin, Environmental Management Group, Bureau of Engineering, City of Los Angeles, titled CEQA Review: Summary of Relevant Findings and Mitigation Measures of Metro's Street Vacation approval request – Regional Connector Transit Corridor Project, W.O. VAC E1401329 – Flower Street (Port of) between 3rd St and Hope St – Vacation (also known as General Thaddeus Kosciuszko Way/ GTK).

DISCUSSION:

Request: The petitioner, Los Angeles County Metropolitan Transportation Authority, owner of the property 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 obtain the ownership of the proposed vacation area for its landscape maintenance.

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 March 21, 2018 under Council File No. 17-1428 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated to are zoned R5-4D and are developed with residential facilities to the north and public infrastructure to the south.

Description of Area to be Vacated: The area sought to be vacated is the southerly portion of Flower Street between 3rd Street and Hope Street. Flower Street is an improved Avenue II dedicated 100 feet and variable width with a 32-foot and variable width roadway, curbs, gutters, 10-foot wide concrete sidewalk on the northerly side, and variable width parkway on the southerly side. The proposed vacation area is currently occupied as construction lay down area.

Adjoining Streets: Hope Street is a Modified Avenue I dedicated 90 feet wide with a 70-foot wide roadway, curbs, gutters and 10-foot and variable width sidewalks on both sides. 3rd Street is a Modified Avenue II dedicated 78 feet wide with a 66-foot wide roadway, curb, gutter and 12-foot sidewalk on the northeasterly 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 the southerly portion of Flower Street between 3rd Street and Hope Street should not have an adverse effect on vehicular access or circulation since the area is an excess right-of-way and is currently blocked from public access for construction.

The street is 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: There are no dedications required. However, 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 facilities within the area proposed to be vacated. There are, however, existing storm drain facilities within the proposed vacation area.

Public Utilities: Southern California Gas Company and AT&T maintain facilities in the area proposed to be vacated. The Department of Water and Power stated in its communication dated May 30, 2018 that they are not maintaining the facilities within the area sought to be vacated and has no objection to the proposed vacation. Charter/Spectrum Cable stated in its communication dated December 12, 2017 that “Charter/Spectrum Cable does not have in place public utility facilities within the vacation area.”

Tract Map: Since the necessary improvement can be constructed under separate permit process, the requirement for the recordation of a new tract map could be waived.

City Department of Transportation: The Department of Transportation (DOT) stated in its communication dated June 28, 2018 that the vacation is not opposed provided that all abutting property owners are in agreement with the proposed vacation and provisions are made for lot consolidation, driveway and access approval by DOT and any additional dedication and improvements necessary to bring all adjacent streets into conformance with the City’s Mobility Element of the General Plan.

Later communication dated June 29, 2018, DOT stated that “Metro to process a street name change of 2nd Place between Flower Street and Hope Street to General Thaddeus Kosciuszko Way (GTK Way).

City Fire Department: The Fire Department stated in its letter dated January 12, 2018 that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning, in its letter dated December 6, 2017, stated that the proposed vacation area “is not used for circulation, and rather is excess right-of-way that was created following the reconfiguration of streets and properties by the Community Redevelopment Agency in the late 1960s. The request to vacate this portion of Flower Street is consistent with the City’s General Plan as expressed by the goals, objectives and policies of the Central City Community Plan, as well as its companion Downtown Design Guide.”

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

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