

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

September 2, 2015

Honorable Members:

C. D. No. 15

SUBJECT:

Vacation Approval - VAC-E1400999 - Council File No. 06-1125 - McFarland Avenue between D Street and E Street.

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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 "B":  

McFarland Avenue between D Street and E Street.
- B. That the City Council reaffirm the determination of BE-456-07, which was approved by the City Council on February 13, 2008, under Council File No. 06-1125.
- 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 Rule 16 motion adopted by City Council on May 15, 2015, 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 \$32,597.94 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. Potential Industries, Inc.  
Attn: Daniel J. Domonoske  
922 East E Street  
Wilmington, CA 90744
2. Wilmington Properties  
Attn: Tony Fan  
17705 S. Main Street  
Gardena, CA 90248
3. Pacific Harbor Line  
Attn: Otis L. Cliatt, President  
705 N Henry Ford Av.  
Wilmington CA 90744
3. BNSF Railway  
Attn: Gregory C. Fox, Executive VP Operations  
2650 Lou Menk Drive, AOB-3  
Fort Worth, TX 76131-2828

5. The Port of Los Angeles  
Attn: Gene Seroka  
P.O. Box 151  
425 S. Palos Verdes Street  
San Pedro, CA 90733-0151
6. Metropolitan Stevedore Company, Inc.  
P.O. Box 547  
Wilmington CA 90748
7. Metropolitan Stevedore Company, Inc.  
Attn: Frank Divona  
720 East E Street  
Wilmington, CA 90744
8. HT Investment, LLC  
922 E Street  
Wilmington, CA 90744
9. The Port of Los Angeles  
Attn: Regner Globus  
P.O. Box 151  
425 S Palos Verdes Street  
San Pedro CA 90733-0151

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 E1400999 be paid.
2. That a suitable map, approved by the Harbor District Engineering office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Land Development Group 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 Group 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) Construct standard street improvements to close the street intersections of McFarland Avenue at D and E Streets.
  - b) That any surface flows be diverted or collected from the area to be vacated.
6. 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 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.
7. That satisfactory arrangements be made with Pacific Harbor Line and BNSF Railway for the protection of the existing railroad tracks within the area to be vacated.
8. That the petitioner comply with the conditions of the Port of Los Angeles letter to the Bureau of Engineering dated July 30, 2015 to the satisfaction of the Port of Los Angeles.
9. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer and storm drain facilities located within the area to be vacated, unless easements are reserved from the vacation for their protection.
10. That satisfactory arrangement be made with the Department of Transportation relating to the railroad intersections at D Street and E Street and any roadway modification, re-striping and traffic control devices in conjunction with the street vacation.
11. That consents to the vacation be secured from the owners of property adjoining the area to be vacated.
12. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, agreements be recorded satisfactory to the Bureau of Engineering to hold each 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 said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.

13. That the petitioner provide suitable evidence that, through lot-tie or other suitable means, Lot 10 and Lot 12 of Block 19 of New San Pedro will have legal frontage after the vacation.
14. That street lighting facilities be installed as required by the Bureau of Street Lighting.
15. 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 April 23, 2014, from Dan Domonoske.
2. Negative Declaration No. BE-456-07.

DISCUSSION:

**Request:** The petitioner, Daniel J. Domonoske of Potential Industries, Inc., representing the owners of the properties shown outlined in yellow on Exhibit "B", is requesting the vacation of the public street area shown colored blue. The purpose of the vacation request is to consolidate the proposed vacation area with the adjoining properties for expansion of the petitioner's facilities.

This vacation procedure is being processed under procedures established by Council File No. 01-1459 adopted by the Los Angeles City Council on March 5, 2002.

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 February 13, 2008 conditionally adopted the City Engineer's report dated October 2, 2007, under Council File No. 06-1125. Since the petitioner failed to complete all conditions of the vacation within the time limit, the vacation request expired. On April 23, 2014, the petitioner submitted a new application. The Council on May 15, 2015, also under Council File No. 06-1125, adopted a new Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the proposed vacation area is zoned M2-1VL-0 and are developed with light industry.

Description of Area to be Vacated: The area sought to be vacated is McFarland Avenue between D Street and E Street. The street is a partially improved local street dedicated 66

feet wide with a 42-foot wide asphalt concrete roadway but no curbs, gutters or sidewalks. There is an existing active railroad track along the street centerline.

Adjoining Streets: E Street is an improved collector street dedicated 100 feet wide with an asphalt concrete roadway, concrete curbs, gutters and sidewalks. D Street is an unimproved local street dedicated 66 feet wide.

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 McFarland Avenue between D Street and E Street should not have any negative impacts upon rail traffic since a railroad easement is to be reserved to provide for the passage of trains and for maintenance of the track.

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

Objections to the Vacation: In a letter dated May 5, 2006, Mr. Dalen E. Wintermute of BNSF Railway strongly opposes the vacation until he is satisfied that the proposed vacation will not negatively impact his company's railroad operations.

In a letter dated March 24, 2006 and addressed to the petitioner, Mr. Andrew C. Fox of Pacific Harbor Line has expressed his concern that visibility may be reduced by the construction of block walls along the rail easement at the intersection of D and E Streets.

In a second letter dated April 26, 2006, Mr. Andrew C. Fox indicates the vacation is acceptable provided a 25-foot easement is retained.

There were no objections submitted for the vacation in response to the Bureau of Engineering's notification letters sent on May 7, 2014.

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 provides for the improvements as outlined under Conditions. There are no dedications required.

Sewers and Storm Drains: There are existing sewer and storm drain facilities within the area proposed to be vacated.

Public Utilities: The Department of Water and Power and Southern California Gas Company maintain facilities in the area proposed to be vacated.

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

agreements 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 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.

City Harbor Department: The Harbor Department in a letter dated May 15, 2006 to Mr. Daniel Domonoske, the petitioner, indicated the support of the vacation if: 1) the railroad right-of-way issue; 2) no obstruct to the line of right to the tracks and 3) review of future of construction in the vacation area by the Harbor Department are addressed.

The Harbor Department in a letter dated May 11, 2015, objected to the vacation based on impact to the operation of the railroad easement on McFarland Avenue.

In a letter dated July 30, 2015, the Harbor Department after further review reconsidered the request and stated that it has no objections to the vacation, provided:

“1) that the railroad right-of-way shall remain unencumbered for a distance of twelve and one half feet (12 ½ ft.) east and west of othe rail center-line; 2) No trees shall be planted in the vacation area and Applicant shall be responsible to maintain overgrown vegetation encroaching into the railroad right-of-way; and 3) that there shall be no obstruction of line of sight to the tracks from vehicles approaching McFarland from any direction between D Street and E Street for a distance consistent with local agency terms and California State Public Utilities Commission standards.”

City Department of Transportation: The Department of Transportation (LADOT) stated in its communication dated June 3, 2014, that it does not oppose the requested vacation provided that all abutting property owners are in agreement with the vacation and that provisions are made for lot consolidation, driveway and access approval by LADOT, and any additional dedications and improvements necessary to being all adjacent streets into conformance with the City’s Standard Street Dimensions. LADOT further stated that the applicant should be responsible to modify the “All-Way Stop” control operations currently in effect at the intersection of E Street and McFarland Avenue (per DOT design standards).

City Fire Department: The Fire Department did not respond to the Bureau of Engineering’s referral letter dated May 7, 2014.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering’s referral letter dated May 7, 2014.

Conclusion: The vacation of the public street area as shown colored blue on the 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.

Report prepared by:

Respectfully submitted,

LAND DEVELOPMENT GROUP



Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering

Dale Williams  
Civil Engineer  
(213) 202-3491

EY/ DW /

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