

BOARD OF PUBLIC WORKS
MEMBERS

CAPRI W. MADDOX
PRESIDENT

VALERIE LYNNE SHAW
VICE PRESIDENT

STEVEN T. NUTTER
PRESIDENT PRO TEMPORE

WARREN T. FURUTANI
COMMISSIONER

JERILYN LÓPEZ-MENDOZA
COMMISSIONER

ARLEEN P. TAYLOR
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
PUBLIC WORKS

BUREAU OF
ENGINEERING

GARY LEE MOORE, P.E.
CITY ENGINEER

1149 S. BROADWAY, SUITE 700
LOS ANGELES, CA 90015-2213

<http://eng.lacity.org>

To the Public Works Committee
Of the Honorable Council
Of the City of Los Angeles

Date: **MAY 22 2013**
Council File No.: 13-0317
Council District: 4
Contact Person: Danny Ho
Phone No.: (213) 202- 3489

Public Works Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated **MAY 22 2013** for Council review and approval of:


VACATION APPROVAL - VAC-E1401207 - Council File No. 13-0317 -
Walkway southerly of 8th Street between Ogden Drive and Genesee Avenue.

RECOMMENDATIONS:

1. Adopt the findings by the City Engineer on the attached City Engineer report relative to initiating vacation proceedings. This vacation is exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
2. Adopt the City Engineer's report dated MAY 22 2013 with the conditions contained therein.
3. Fiscal Impact Statement:

The petitioner has paid a fee of \$10,700.00 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 may be required of the petitioner.

4. That there is a public benefit to this vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.
5. There were no objections to the vacation submitted for this project.



Edmond Yew, Manager
Land Development Group

EY/DH/

H:\landvel\stvac\newrptE1401207

Office of the City Engineer
Los Angeles, California

To the Public Works Committee
Of the Honorable Council
Of the City of Los Angeles

MAY 22 2013

Honorable Members:

C. D. No. 4

SUBJECT:

VACATION APPROVAL - VAC- E1401207 - Council File No. 13-0317
– Walkway southerly of 8th Street between Ogden Drive and Genesee Avenue.

Recommendations:

- A. That 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 and orange on the attached Exhibit “B”:

A walkway southerly of 8th Street between Ogden Drive and Genesee Avenue.
- 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 there is a public benefit to this vacation. Upon vacation of the walk, the City is relieved of its ongoing obligation to maintain the right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved walk easement.
- E. That, in conformance with Section 556 of the City Charter, the Council make the findings that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan as determined by the Director of Planning on March 31, 2009.
- F. That, in conformance with Section 892 of the California Streets and Highways Code, the Council determine that the vacation area is not needed for nonmotorized transportation facilities.

- G. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determines 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 Committee approval so the City Clerk and the 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 \$10,700.00 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 may 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 meeting to consider this request be sent to:

1. Marc Mechaly and Noema Mechaly
842 S. Ogden Drive,
Los Angeles, CA 90036
2. David and Michelle Soffer
902 S. Ogden Drive,
Los Angeles, CA 90036
3. Eva Gardos
853 S. Genesee Avenue,
Los Angeles, CA 90036
4. Justine Frieden
903 S. Genesee Avenue,
Los Angeles, CA 90036
5. Gibbs, Giden, Locher, Turner & Senet LLP
1880 Century Park East, 12th Floor
Los Angeles, CA 90067
Attn: Luke Eaton

CONDITIONS FOR STREET VACATION:

The Conditions specified in this report are established as the requirements to be complied with by the petitioners for this vacation. Vacation proceedings in which the conditions have not been completed within two 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 No. E1401207 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 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 title reports 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 dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer:

Dedicate 2.5 feet as public street along the southeasterly side of Ogden Drive adjoining the petitioner's property to provide a 30-foot half right-of-way.
6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
 - a. Repair or replace any broken, off-grade, or missing curb, gutter or sidewalk along Ogden Drive.
7. 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 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.
8. That consents to the vacation be secured from the owners of Lot 151, of Lot 152, and of Lot 178 of Tract No. 6421 adjoining the area to be vacated.
9. That new sewer house connections be constructed connecting Lots 177 and 178 of Tract No. 6421 to the mainline sewer in Ogden Drive, unless evidence is submitted to the satisfaction of the City Engineer indicating that suitable private

easements will be provided over the vacation area allowing existing sewer house connections from Lots 177 and 178 of Tract 6421 to the mainline sewer in Genesee Avenue.

10. That agreements be recorded satisfactory to the Bureau of Engineering to hold each parcel of land under one 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.
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.

TRANSMITTAL:

Application dated July 11, 2012, from Marc Mechaly and Noema Mechaly.

DISCUSSION:

Request: Marc Mechaly and Noema Mechaly, owners of the property shown outlined in yellow on Exhibit "B", is requesting the vacation of the public walk easement shown colored blue. The purpose of the vacation is to clear title and eliminate the existing encroachment in the vacation area.

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 March 26, 2013 under Council File No. 13-0317 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the proposed vacation area are zoned R1-1-0 and are developed with single family residences.

Description of Area to be Vacated: The area sought to be vacated is the 10-foot wide public walk between Odgen Drive and Genesee Avenue, lying southerly of 8th Street. The public walk is dedicated 10 feet wide and unimproved.

Adjoining Streets and Alleys: Both Odgen Drive and Genesee Avenue are fully improved local streets, dedicated with an existing width of 55 feet right of way.

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

Effects of Vacation on Circulation and Access: The vacation of the public walkway will not have any adverse effect on vehicular circulation or access since the walkway is unimproved and not possible to pedestrians.

The walkway is also not needed for the use of vehicles, 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: It will be necessary that the petitioner provide for the dedication and improvements outlined under the conditions of this report.

Sewers and Storm Drains: There are existing sewer laterals within the walkway connecting properties fronting on Ogden Drive to the mainline sewer on Genesee Avenue. There is no existing storm drain line within the area proposed to be vacated.

Public Utilities: The Department of Water and Power, AT&T and Southern California Gas Company did not respond to the Bureau of Engineering referral letter dated July 25, 2012.

Tract Map : Since the required dedication can be acquired by separate instrument 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 an agreement satisfactory to the Bureau of Engineering to hold each adjoining parcel of land under the one 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 Department of Transportation: The Department of Transportation did not respond to the Bureau of Engineering's referral letter dated July 25, 2012.

City Fire Department: The Fire Department in its communication dated August 29, 2012 states that they have no objection to this vacation.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated July 25, 2012.

Conclusion: The vacation of the public walkway easement 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 nonmotorized transportation purposes.

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

Report prepared by:

Respectfully submitted,

Land Development Group

Danny Ho
Civil Engineering Associate III
(213) 202-3489



Edmond Yew, Manager
Land Development Group
Bureau of Engineering

EY/dh
Q:\LandDev\StVac\E1401207

APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY

ORIGINAL - (No copies or faxes)

DATE: May 2, 2012

PROJECT LOCATION AND DESCRIPTION:

- (1) Area proposed to be vacated is: an easement for a ten-foot wide public walkway. The area to be vacated is depicted on the Map attached as Exhibit "A."

(Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)

and is located between:

Ogden Drive AND Genessee Avenue in Los Angeles

(Street, Avenue, Boulevard or other limit)

(Street, Avenue, Boulevard or other limit)

* Attach a map if necessary.

- (2) The vacation area lies within or is shown on:

(a) Engineering District: (check appropriately)

Central Harbor Valley West Los Angeles

(b) Council District No. 4

(c) District Map No. 132B177

(d) A CRA Redevelopment Area: OR
(YES) (NO)

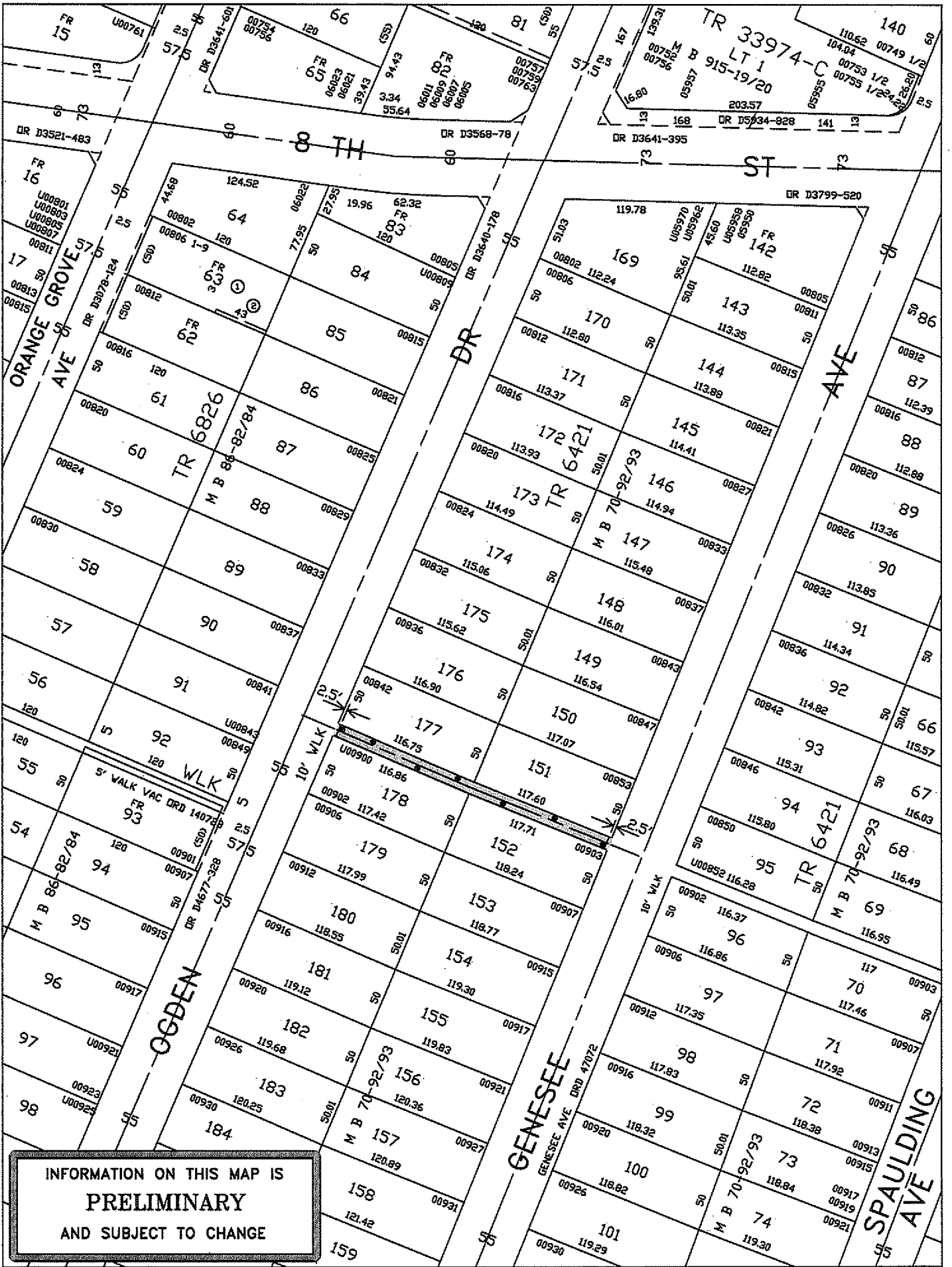
- (3) Area (in sq. ft.) of the proposed vacation area is approx. 2,343.5 sq. ft. If over 10,000 sq. ft. of buildable area, the vacation is not categorically exempt from the California Environmental Quality Act Guidelines and will require a higher level of environmental review. Contact a vacation staff member to discuss the effect of this on the processing of your application prior to submittal. If the applicant is required to have an environmental determination performed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit. This will also increase the processing time by approximately 6 months.

- If the vacation is located within a Coastal Development Zone, a Coastal Development Permit will be required for the project. The applicant should be aware that vacations within a Coastal Development Zone will take longer to process and will be considerably more expensive. If the applicant is required to have a Coastal Development Permit processed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit.
- Some city agencies, including LADOT, may require additional fees to be deposited to cover costs during the referral and investigation process. The applicant is responsible for paying the fees to the agency directly. Referral fees paid to other city agencies are separate from the Bureau of Engineering processing fees.
- If the proposed vacation is only for a portion of the Right-of-Way or a partial block, contact a vacation staff member prior to submitting application.

- (4) Purpose of vacation (future use of vacation area) is:

to clear title and eliminate the encroachment.

RECEIVED
LAND DEVELOPMENT GROUP
12 JUL 11 AM 11:02



INFORMATION ON THIS MAP IS
PRELIMINARY
 AND SUBJECT TO CHANGE

TITLE: WALKWAY SOUTHERLY OF 8TH STREET BETWEEN OGDEN DRIVE AND GENESEE AVENUE

WORK ORDER NO. VAC- E1401207
 COUNCIL FILE NO. 13-0317
 COUNCIL DIST. 4 DIV. INDEX 1304
 ENG. DIST. CENTRAL T.G. 633-B3
 DISTRICT MAP 132 B 177



DEPT. OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 CITY OF LOS ANGELES