

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

July 22, 2015

Honorable Members:

C. D. No. 4

SUBJECT:

VACATION APPROVAL - VAC- E1401254 - Council File No. 15-0360 - Future Street Easements and a Portion of the Southeasterly Side of Fairfax Avenue from San Vicente Boulevard to Approximately 143 feet Northeasterly Thereof

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”:
- 1) A 3-foot wide portion of the southeasterly side of Fairfax Avenue from San Vicente Boulevard to approximately 143 feet northeasterly thereof.
 - 2) The 5-foot wide, 8-foot wide, and 10-foot wide future street easements on the southeasterly side of Fairfax Avenue from San Vicente Boulevard to approximately 290 feet northeasterly thereof.
- 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.
- 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 Rule 16 motion adopted by City Council on April 1, 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 \$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. Broadstone Fairfax LLC
ATTN: Jonas Bronk
450 Newport Center Dr, Ste 550
Newport Beach CA 92660
2. Shalhevet High School
910 S Fairfax Av
Los Angeles CA 90036
3. Armbruster Goldsmith & Delvac LLC
ATTN: Matt Dzurec
11611 San Vicente Bl. Ste 900
Los Angeles CA 90049

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 E1401254 be paid.
2. That a suitable map, approved by the Central District Engineering office, delineating the limits, including bearings and distances, of the areas 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 areas 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 areas to be vacated be submitted to the City Engineer.
5. That the following dedications be provided adjoining the petitioner's property in a manner satisfactory to the City Engineer:
 - a) Dedicate, as necessary, 2-feet as public street on the southeasterly side of Fairfax Avenue to provide a 42-foot wide half right-of-way, in accordance with Condition 21.b. of ZA 2013-1165-ZAA-SPR-1A.
 - b) Dedicate 2.5 feet as public street on the northwesterly side of Orange Grove Avenue, adjoining Lots 28 and 29 of Tract 6826.
 - c) Dedicate 8 feet as public street on the northwesterly side of Fairfax Avenue adjoining lot 219 of Tract 5542, in accordance with Condition 21.b. of ZA 2013-1165-ZAA-SPR-1A, together with a 20-foot radius property line return at the northwesterly corner of the intersection with San Vicente Boulevard. (Dedication to be provided by the owner of Lot 219 of Tract 5542).
 - d) Dedicate or retain from the vacation, a 20-foot radius property line return at the northeasterly corner of the intersection of Fairfax Avenue with San Vicente Boulevard.

6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
 - a) Provide all roadway improvements as required under Conditions 21, a through e of ZA 2013-1165-ZAA-SPR-1A.
 - b) Repair or replace any broken, off-grade, or missing curb, gutter and sidewalk along Fairfax Avenue, San Vicente Boulevard, and Orange Grove Avenue.
7. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to AT & T 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 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 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.
9. That street lighting facilities be installed as required by the Bureau of Street Lighting.
10. 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 21, 2014, from Jonas Bronk.

DISCUSSION:

Request: The petitioner, Jonas Bronk on behalf of Broadstone Fairfax, LLC, owner of the property shown outlined in yellow on Exhibit "B", is requesting the vacation of the public street and future public street easement areas shown colored blue. The purpose of the vacation request is to provide a sidewalk/parkway area on the property. The vacation is required as a condition of ZA-2013-1165-ZAA-SPR-1A, which was approved by the Central Area Planning Commission on December 10, 2013.

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 April 1, 2015, under Council File No. 15-0360 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The property adjoining the areas to be vacated to the east is zoned C2-1-O and is developed with school facilities.. A mixed-use development is proposed at the site. The neighboring properties to the north and east are zoned C2-1-O and R3-1-O and are developed with school facilities and parking.

Description of Areas to be Vacated: The areas sought to be vacated are a 3-foot wide portion of the southeasterly side of Fairfax Avenue from San Vicente Boulevard to approximately 143 feet northeasterly thereof, and 5-foot wide, 8-foot wide, and 10-foot wide future street easements on the southeasterly side of Fairfax Avenue from San Vicente Boulevard to approximately 290 feet northeasterly thereof. The areas to be vacated are beyond the existing improved sidewalk area.

Adjoining Streets and Alleys: Fairfax Avenue is a Secondary Highway dedicated 80, 82, and 85 feet wide with a 28-foot wide half roadway, curb and gutter, and 12-foot and 14-foot sidewalk. San Vicente Boulevard is a divided Major Highway Class II, dedicated 50-feet wide along the northerly roadway, and improved with a 45-foot wide half roadway, curb and gutter, and 10-foot wide sidewalk. Orange Grove Avenue is a Local Street dedicated 55 and 57.5 feet wide, and improved with 17.5-foot wide half roadway, curb and gutter and 10-foot to 12.5-foot wide sidewalk. The alley northeasterly of San Vicente Boulevard is dedicated 20 feet wide and partially improved.

Effects of Vacation on Circulation and Access: The vacation of the 3-foot wide portion of the southeasterly side Fairfax Avenue, and the 5-foot, 8-foot and 10-foot wide future street easements on the southeasterly side of Fairfax Avenue should not have an adverse effect on circulation or access since the areas to be vacated are currently beyond the improved sidewalk area. Upon dedication of additional right-of-way on the westerly side of Fairfax Avenue, and further dedication and widening on the easterly side, as required under ZA 2013-1165-ZAA-SPR-1A and the conditions of this report, the areas to be vacated would be in excess of the required total right-of-way width of Fairfax Avenue.

The street and future street easement 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 areas have been made as to title or reversionary interest.

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

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

Public Utilities: AT&T maintains 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 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 did not respond to the Bureau of Engineering's referral letter dated August 15, 2014.

City Fire Department: The Fire Department stated in its memo dated March 10, 2015 that it has no objection to the proposed street vacation.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated August 15, 2014.

Conclusion: The vacation of the public street and future public street easement areas as shown colored blue on attached Exhibit "B" 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.

Report prepared by:

Respectfully submitted,

LAND DEVELOPMENT GROUP


Edmond Yew, Manager
Land Development Group
Bureau of Engineering

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Civil Engineer
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