

Office of the City Engineer

Los Angeles, CA

To the Public Works and Gang Reduction Committee

Of the Honorable Council

Of the City of Los Angeles

September 30, 2020

Honorable Members:

CD No. 1

SUBJECT:

VACATION REQUEST – VAC-E1401290 – Council File No. 16-1211 – Portion of northwesterly side of Bixel Street from 6th Street to approximately 150 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 A:

Portion of northwesterly side of Bixel Street from 6th Street to approximately 150 feet northeasterly thereof adjoining Lots 1 to 3, of the Bixel Street Tract.

- 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 Public Works and Gang Reduction (PWGR) Committee approval based on the initiation of the street vacation proceedings adopted by City Council on November 2, 2016, so the City Clerk and 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 deposit of \$14,980 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit to the deposit will be required of the petitioner to recover the cost pursuant to Section 7.44 of the Administrative Code.

Maintenance of the public easement by City forces will be eliminated.

NOTIFICATION:

That notification of the time and place of the PWGR Committee and the City Council meetings to consider this request be sent to:

Sapphire Equity, LLC
Attn: Albert Taban
888 S. Figueroa Street, Suite 1900
Los Angeles, CA 90017

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 deficit under Work Order E1401290 be paid.
2. That a suitable map, approved by Engineering's Central District office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Permit Case Management 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 Permit Case Management Division 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 dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a) Dedicate 1.75 feet as public street along the northeasterly side of 6th Street adjoining Lot 1 of the Bixel Street Tract; and Lots 4 through 7, and Lot 18 of the Sixth St. and Lucas Ave. Tract, to provide for a 43-foot wide half right-of-way, together with a 15-foot by 15-foot corner cut at the intersection with Bixel Street.
 - b) Dedicate 4-feet as public alley along the southwesterly side of the existing 12-foot alley adjoining Lot 3 of the Bixel Street Tract; and Lots 4 through 7, and Lot 18 of the Sixth St. and Lucas Ave. Tract, to provide for a 10-foot wide half alley dedication.
 - c) Dedicate a standard hammerhead turnaround area near the alley's (northeasterly of 6th Street) southeasterly terminus.
6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a) Bixel Street:

Repair and/or replace any broken or off-grade concrete curb, gutter and sidewalk,
 - b) 6th Street:
 1. Construct concrete sidewalk in the newly dedicated area.
 2. Repair and/or replace any broken or off-grade concrete curb, gutter and sidewalk.
 - c) Alley (northeasterly of 6th Street):
 1. Construct asphalt pavement in the newly dedicated 4-foot area.
 2. Construct a standard turnaround area at the southeasterly terminus.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or unpraised by more than ¼ inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or unpraised by more than ¼ inch from the surrounding concrete work or has a full concrete depth cracks that have separations greater than 1/8

inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk, curb, and gutter shall conform to Engineering's Standard Plans S410-2, S440-4, S442-5, and S444-0.

7. That arrangements be made with all utility agencies maintaining facilities in the area including but not limited to the Southern California Gas Company, 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 upon the reviews of the title report identifying the underlying fee title interest of the vacation area, an agreement be recorded satisfactory to Engineering to hold the adjoining parcel of land, and its adjoining portion of the area 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 area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
9. That satisfactory arrangements be made with Los Angeles Fire Department for the access to the public fire hydrant.
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.

TRANSMITTAL:

Application dated November 19, 2015, from Albert Taban, representatives of Sapphire Equity, LLC.

DISCUSSION:

Request: The petitioner, Albert Taban, representing the owner of the properties shown outlined in yellow on Exhibit **Error! Reference source not found.**, is requesting the vacation of the public street area shown colored blue. The Applicant has stated that the purpose of the vacation is to decrease the half right-of-way width from 38 feet to 36 feet as required by the City of Los Angeles Mobility Plan 2035.

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 will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on November 2, 2016, under Council File No. 16-1211 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned C4(CW) and are developed with commercial buildings.

Description of Area to be Vacated: The area sought to be vacated is a variable width portion of the northwesterly side of Bixel Street adjoining Lots 1 through 3, of the Bixel Street Tract. This portion of Bixel Street lies along from 6th Street to approximately 150 feet northeasterly thereof.

Adjoining Streets: Bixel Street is an improved Modified Avenue II dedicated 80 feet wide with an existing 40 feet wide half right of way. 6th Street is an improved Avenue II dedicated 82.50 feet wide right of way with an existing 41.25 feet wide half right of way.

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

Objections to the vacation: There were no objections to the vacation submitted for this project.

Effects of Vacation on Circulation and Access: The proposed vacation of that portion of the street area should have no adverse effect on circulation and access since the proposed vacation area is excess right of way.

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

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 provide for the dedications and improvements as outlined in the conditions of this report.

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

Public Utilities: AT&T stated in its communication dated February 10, 2016 that it does not maintains facilities in the area proposed to be vacated. Time Warner Cable, Inc. stated in its communication dated February 9, 2016 that it maintains facilities within the proposed vacation area. Southern California Gas Company did not respond to the Engineering's referral letter dated January 29, 2016.

Tract Map: Since the required dedications 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

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 a new subdivision map is recorded over the area, a parcel map exemption is permitted or until released by authority of the City.

City Department of Transportation: The Department of Transportation (DOT) stated in its communication dated January 25, 2017 that it does not oppose the proposed vacation 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.

City Fire Department: The Fire Department states that they have no objection to this street vacation.

Department of City Planning: The Department of City Planning stated in its communication dated September 18, 2020 that the subject vacation is consistent with the Westlake Community Plan policies and objectives because it would facilitate a more efficient street network.

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,



Bert Moglebust, P.E.
Principal Civil Engineer
Permit Case Management Division
Bureau of Engineering

Report prepared by:

PERMIT CASE MANAGEMENT DIVISION
LAND DEVELOPMENT GROUP

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