

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

October 26, 2017

Honorable Members:

C. D. No.13

SUBJECT:

VACATION APPROVAL - VAC- E1401311- Council File No. 17-0544 – Fountain Avenue (Portion of Southerly Side) between Vermont Avenue and the North/South Alley Westerly of Vermont Avenue

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”:

A 12 feet wide and variable width portion of the southerly side of Fountain Avenue between Vermont Avenue and the north/south alley westerly of Vermont 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 exempted 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 vacation. Upon vacation of the ingress/egress easement, the City is relieved of any potential liability that might result from continued ownership of the involved ingress/egress easement.
- 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 Initiation of the Street Vacation Proceedings adopted by City Council on May 24, 2017, 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 and Gang Reduction Committee and the City Council meetings to consider this request be sent to:

1. Vermont Fountain LLC
Attn: Farzad Halavi
11040 Santa Monica Boulevard, Suite 400
Los Angeles, CA 90025

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 E1401311 be paid.
2. That a suitable map, approved by the Central District Engineering Office, delineating the limits, including bearings and distances, of the 12-foot wide and variable width street 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:
 - a. Repair any broken, off-grade or missing curb, gutter or concrete sidewalk along Vermont Avenue and Fountain Avenue.
 - b. Close any unused driveways with full height curb, gutter, and concrete sidewalk.
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, AT&T, Time Warner Cable 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 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 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 areas, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
8. 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 March 10, 2017, from Farzad Halavi, representing the owner of the properties, Vermont Fountain LLC.

DISCUSSION:

Request: The petitioner, Farzad Halavi, representing the owner of the properties shown outlined in yellow on Exhibit "B", is requesting the vacation of the public street area shown colored blue and orange. The purpose of the vacation request is to consolidate the proposed vacation area with the adjoining properties and to provide a parking area for the shopping center.

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

Previous Council Action: The City Council on May 24, 2017, under Council File No. 17-0544 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated to the south is zoned C2-CSA1 and developed with a commercial building.

Description of Area to be Vacated: The area sought to be vacated is an 12 feet wide strip of land adjoining the southerly side of Fountain Avenue between Vermont Avenue and the north/south alley westerly of Vermont Avenue. Fountain Avenue is a Collector Street dedicated 85 feet wide with a 50-foot wide roadway, curbs, gutters and sidewalks.

Adjoining Streets and Alley: Vermont Avenue is an Avenue I dedicated 100 feet wide with a 70 feet wide roadway, curbs, gutters and sidewalks. The north/south alley west of Vermont Avenue is dedicated 20 feet wide and improved with asphalt pavement.

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 12-foot wide and the area within a 20-foot radius property line return at the intersection with Vermont Avenue portions of the southerly side of Fountain Avenue between Vermont Avenue and the north/south alley westerly of Vermont Avenue will not have any adverse effect on vehicular circulation or access since it is an excess right-of-way and currently improved as a parking area for the adjoining properties.

The portion of the street 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 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 improvements as outlined in the conditions of this report.

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

Public Utilities: The Department of Water and Power, AT&T, Time Warner Cable and the Southern California Gas Company did not respond to the Bureau of Engineering's referral letter dated March 21, 2017. The Southern California Edison Company maintains no facilities in the area proposed to be vacated.

Tract Map: Since 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 each adjoining parcel of land under one 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 (LADOT) stated in its communication dated June 5, 2017 that it does not oppose the requested 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 stated in its communication dated March 28, 2017 that they have no objection to the street vacation.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated March 21, 2017.

Conclusion: The vacation of the public street 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 non-motorized transportation purposes.

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

Respectfully submitted,



Edmond Yew, Manager
Land Development and GIS Division
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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