

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

February 1, 2018

Honorable Members:

C. D. No. 5

SUBJECT:

VACATION REQUEST - VAC- E1401314 - Council File No. 17-0790 -Fairfax Avenue (Portion of Westerly Side) between Pico Boulevard and the East-West Alley Northerly of Pico Boulevard

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” and that the limits of the vacation area be permitted to be adjusted based on the location of the public improvements on Fairfax Avenue:

Portion of westerly side of Fairfax Avenue between Pico Boulevard and the east-west alley northerly of Pico Boulevard in excess of the area needed to provide a 13-foot sidewalk along the Fairfax Avenue in accordance with the Avenue III Standard.

- 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 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 Initiation of the Street Vacation Proceedings adopted by City Council on July 26, 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 Committee and the City Council meetings to consider this request be sent to:

1. 5871 W. Pico Blvd. LLC
28990 W. Pacific Coast Highway, Suite 208
Malibu, CA 90265
2. Latigo Capital Inc.
Attn: Dave Mercer
717 Latigo Canyon Road
Malibu, CA 90265

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 E1401314 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 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 areas 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. Widen the existing sidewalk to 13 feet and repair and/or replace damaged curb, gutter and sidewalk along Fairfax Avenue.
 - b. Repair damaged curb, gutter, and sidewalk along Pico Boulevard.
 - c. Close all unused driveways with full height curb, 2-foot gutter, and concrete sidewalk along Pico Boulevard.
 - d. Construct a new full alley cross section adjoining the petitioner's properties and provide proper transition to existing improvements.
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, 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 area, 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.
9. That a survey showing the roadway and sidewalk improvements on Fairfax Avenue and Pico Boulevard adjoining the petitioner's properties be submitted to the Land Development and GIS Division to determine the area to be retained from the vacation along Fairfax Avenue.

TRANSMITTAL:

Application dated June 1, 2017 from 5871 W. Pico Blvd. LLC.

DISCUSSION:

Request: The petitioner, 5871 W. Pico Blvd. LLC, owner 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 and maintain the existing parking lot located within a public right of way with the adjoining properties.

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 July 26, 2017, under Council File No. 17-0790 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned R3-1-O and C4-1-O and are developed with commercial buildings.

Description of Area to be Vacated: The area sought to be vacated is the westerly portion of Fairfax Avenue between Pico Boulevard and the east-west alley northerly of Pico Boulevard and is currently developed as part of the parking area for the adjoining properties.

Adjoining Streets and Alley: Fairfax Avenue is an improved Avenue III dedicated variable width right-of-way and 76-foot and variable width roadway, curbs, gutters and 8-foot sidewalks on both sides. Pico Boulevard is an improved Avenue I dedicated 100 feet wide with a 70-foot wide roadway, curbs, gutters and 15-foot wide sidewalks on both

sides. East-west alley northerly of Pico Boulevard is an improved standard alley dedicated 20-foot 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 portion of westerly side of Fairfax Avenue between Pico Boulevard and the east-west alley northerly of Pico Boulevard in excess of the area needed to provide a 13-foot sidewalk along the Fairfax Avenue have no effect on access or circulation since the proposed vacation area is an excess right-of-way and it is currently developed as part of the parking area for the adjoining properties.

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 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 provides for 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 and Southern California Gas Company maintain facilities in the area proposed to be vacated. The Time Warner Cable does not maintain facilities in the area proposed to be vacated. AT&T did not respond to the Bureau of Engineering's referral letter dated June 8, 2017.

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 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 stated in its communication dated July 21, 2017 that the vacation is not opposed if all abutting property owners are in agreement with the proposed vacation, and that provisions are made for lot consolidation, driveway and access approval by DOT and any additional

dedications 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 letter dated August 1, 2017 that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning stated in its communication dated October 24, 2017 that "vacation of the subject area would be consistent with the goals and policies of the General Plan". It further stated that "the provision of adequate parking for commercial uses is consistent with the Wilshire Community Plan policies and objectives" and "the vacation would not only facilitate the ongoing use of the parking lot, but would also provide needed retail parking space for the area."

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 & GIS Division
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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