

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

March 15, 2018

Honorable Members:

C. D. No. 13

SUBJECT:

VACATION REQUEST - VAC- E1401316 - Council File No. 17-0809 – North/South Alley between Fruitdale Street and Fletcher Drive from the East/West Alley Northerly of Riverside Drive to its Northerly Terminus

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”:

North /south alley between Fruitdale Street and Fletcher Drive from the east/west alley northerly of Riverside Drive to its northerly terminus

- 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 Committee approval based on the Initiation of the Street Vacation Proceedings adopted by City Council on September 20, 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. Nicholas Melillo
931 Micheltorena Street
Los Angeles, 90026
2. James Melillo
11 Shailor Hill Road
Colchester, Connecticut CA 06415
3. Renate E. Buerner TR ET AL/ Buerner Family Trust
C/O Michael C. Doyle
611 Foxwood Road
La Canada Flintridge, CA 91011
4. Renate Buerner
2451 Riverside Drive
Los Angeles, CA 90039
5. John E. and Helen M. Michaels TR
2400 Amelgado Drive
Hacienda Heights, CA 91745

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 E1401316 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 area to be vacated be submitted to the City Engineer.
5. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
 - a. Repair damaged curb, gutter and sidewalk along Fruitdale Street.
 - b. Repair any damaged concrete pavement on the east/west alley northerly of Riverside Drive.
 - c. Repair curb return at the northwesterly corner of the intersection of Fruitdale Street and east/west alley northerly of Riverside Drive.
 - d. Close all unused driveways with full height curb, gutter and 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 consents to the vacation be secured from the owner of Lots 25, 26, 27 and portion of Lot 28 of Tract No. 6558 adjoining the area to be vacated.
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 each 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 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 June 26, 2017 from Nicholas Melillo.

DISCUSSION:

Request: The petitioners, Nicholas Melillo, owner of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of the public alley areas shown colored blue. The purpose of the vacation request is to gain parking spaces for the property.

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 September 20, 2017 under Council File No. 17-0809 adopted Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned CM-1VL and are developed with parking areas to the northwest and residential housings to the southeast.

Description of Area to be Vacated: The area sought to be vacated is the north/south alley between Fruitdale Street and Fletcher Drive from the east/west alley northerly of Riverside Drive to its northerly terminus. The proposed vacation area is a standard alley dedicated 20-foot wide and is improved with concrete pavement. The Golden State I-5 Freeway is located northeasterly of the proposed vacation area. The alley does not provide a through traffic but does serve as the primary entrance to the adjacent properties.

Adjoining Street and Alleys: Fruitdale Street is a limited local street dedicated 50 feet wide with a 30-foot wide roadway, curbs, gutters and 10-foot sidewalk on the north side of the street. East/West alley northerly of Riverside Drive is dedicated 20 feet wide and it is fully improved with concrete 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 north/south alley between Fruitdale Street and Fletcher Drive from the east-west alley northerly of Riverside Drive to its Northerly Terminus should have no effect on access rights or circulation as it terminates at the Golden State I-5 Freeway and it only serves as the entrance to the adjoining properties.

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

Objections to the vacation: Renate Buerner, one of the owners of Lot 25, 26, 27 and portion of Lot 28 of Tract No. 6558 adjoining the area to be vacated, stated in a letter dated July 24, 2017 that she would need to discuss the matter with the two additional partners and will get back to us in a few weeks. To date, no subsequent communication was received.

Consents from the abutting property owners would be required as one of the conditions of the vacation.

Reversionary Interest: No determinations of the underlying fee interest of the vacation area has been made as to title or reversionary interest.

Improvements: It will be necessary that the petitioner provides for the improvements as outlined in the conditions of this report.

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

Public Utilities: The Department of Water and Power, Southern California Gas Company, Time Warner Cable and AT&T did not respond to the Bureau of Engineering's referral letter dated June 30, 2017.

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 records 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 (LADOT) stated in its communication dated August 22, 2017 that it does not oppose the requested vacation provided that all abutting property owners are in agreement 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 new Mobility Element of the General Plan.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated June 30, 2017.

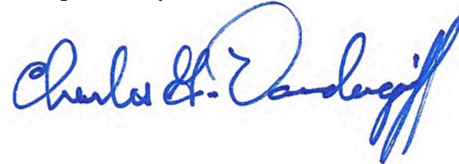
State Department of Transportation (Caltrans): The State Department of Transportation stated in its letter dated September 15, 2017 that it does not object to the proposed vacation as "the project site does not affect the I-5 freeway".

Department of City Planning: The Department of City Planning stated in its communication dated September 19, 2017 that "vacation of this alley would help prevent use of surrounding streets and alleys for parking related to the associated property and would not restrict access to any other properties or streets. The Department therefore concludes that the proposed vacation is consistent with the General Plan."

Conclusion: The vacation of the public alley 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,



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

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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