

Office of the City Engineer

Los Angeles, California

To the Public Safety Committee

Of the Honorable Council

Of the City of Los Angeles

October 23, 2018

Honorable Members:

C. D. No. 10

SUBJECT:

VACATION REQUEST - VAC- E1401318 - Council File No. 17-0943 – La Cienega Boulevard (Portion of) Southerly of Wrightcrest Drive (Airspace Vacation)

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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”:

The airspace vacation of a portion of La Cienega Boulevard Southerly of Wrightcrest Drive from approximately 50 feet to approximately 75 feet of the easterly prolongation of the southerly property line of Lot 21, Tract No. 22611, lying approximately 17 feet to 50 feet above the finished street surface.

- B. Review and consider the Project Revised Initial Study / Mitigated Negative Declaration (IS/MND), dated November 2016 (Transmittal No. 2), which was prepared in compliance with CEQA.
- C. Find under the California Public Resources Code, Section 21166 and CEQA Guidelines Section 15162, on the basis of substantial evidence contained in the whole record, that since issuance of the IS/MND, there have been no changes to the Project, changes with respect to the circumstances or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, no subsequent environmental document is needed and the Project IS/MND is recommended for City Council adoption.
- D. Adopt the applicable mitigation measures in the November 2016 Revised IS/MND as it pertains to construction impacts, specifically, the following regulatory requirements and mitigation measures included in the CEQA Review Memo dated

July 6, 2018 (Transmittal No. 3): RR 4.6-2, MM 4.8-2, RR 4.12-1, MM 4.1-1, MM 4.1-2, MM 4.4-6, MM 4.5-1, MM 4.5-2, MM 4.8-1, MM 4.8-2, MM 4.8-3, MM 4.8-4, MM 4.12-1, MM 4.12-2, MM 4.12-3, MM 4.12-4, MM 4.12-5, RR 4.16-3, MM 4.16-1.

- E. That the City Council find that there is a public benefit to this street vacation. Upon vacation of the airspace, 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 airspace.
- F. 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.
- G. 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.
- H. 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.
- I. That the Council adopt the City Engineer's report with the conditions contained therein.
- J. That the City Clerk be directed to coordinate and schedule the public hearing for the Public Safety Committee's consideration at the appropriate time, 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 \$32,100.00 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 Safety Committee and the City Council meetings to consider this request be sent to:

1. Rick Sun  
County of Los Angeles, Department of Public Works  
900 South Fremont Avenue, 5<sup>th</sup> Floor  
Alhambra, CA 91803
2. Vincent Yu  
County of Los Angeles, Department of Public Works  
900 South Fremont Avenue, 5<sup>th</sup> Floor  
Alhambra, CA 91803
3. Ryan Kristan  
County of Los Angeles, Department of Public Works  
900 South Fremont Avenue, 5<sup>th</sup> Floor  
Alhambra, CA 91803
4. Karly Katona  
Baldwin Hills Regional Conservation Authority  
500 West Temple Street  
Los Angeles, CA 90012
5. Jordan Beroukhim  
Council District 10  
City of Los Angeles  
200 N. Spring Street, Room 430  
Los Angeles, CA 90012
6. David Roberts  
Property Manager, Department of General Services  
City of Los Angeles  
111 E. 1<sup>st</sup> Street, 2<sup>nd</sup> Floor  
Los Angeles, CA 90012
7. Lawrence Hsu  
Metro Transit Division, Bureau of Engineering  
City of Los Angeles  
1149 S. Broadway, Suite 640  
Los Angeles, CA 90015
8. Chevron U S A Inc.  
P.O. Box 1392  
Bakersfield, CA 93302
9. State of California  
C/O Attn: Department of Parks and Rec  
1925 Las Virgenes Road  
Calabasas, CA 91302

10. Mate Gaspar  
Engineering Services Manager  
City of Culver City  
9770 Culver Blvd., 2<sup>nd</sup> Floor  
Culver City, CA 90232

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 E1401318 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 arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the AT &T, Southern California Edison 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.
6. That the petitioner record a Covenant and Agreement to comply with Regulatory Requirements and Mitigation Measure (RR and MM) specifically RR 4.6-2, MM 4.8-2, RR 4.12-1, MM 4.1-1, MM 4.1-2, MM 4.4-6, MM 4.5-1, MM 4.5-2, MM 4.8-1, MM 4.8-2, MM 4.8-3, MM 4.8-4, MM 4.12-1, MM 4.12-2, MM 4.12-3, MM 4.12-4, MM 4.12-5, RR 4.16-3, MM 4.16-1 as identified in the Bureau of Engineering, Environmental Management Group memo dated July 6, 2018 titled California Environmental Quality Act (CEQA) Review: Summary of Relevant Findings and Mitigation Measures for La Cienega Blvd (Portion of) Southerly of Wrightcrest Dr (Airspace Vacation) E1401318.

7. That the petitioner record a covenant and agreement to run with the land pertaining to the pedestrian bridges over La Cienega Boulevard to include the following:
  - a) That the owners be required to maintain and support all elements of the pedestrian bridge within the proposed airspace vacation as well as structures in the private property that support the pedestrian bridge for safety and usability to the satisfaction of the City Engineer. An annual fee of \$0.10 per plan square foot (with automatic annual) escalation proportioned to the cost of Living Index) shall be paid to the City Engineer for the purposes of City inspection of the facilities. The City shall be given reasonable access to the structure within and adjacent to the vacation area for this purpose upon request during normal business hours. The City may request the owner to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable conditions at the owner's expense. The City may make such repairs at the owner's expense if the owner elects not to do so or does not respond within a reasonable time. Owners shall grant reasonable access to the City's contractor to make said repairs.
  - b) That the owners be required to limit use of the structure within the vacated airspace to pedestrian traffic. No storage of combustibles will be allowed, nor will any other use or occupancy be allowed except as approved in writing by the Department of Building and Safety and the Department of Public Works.
  - c) That the owners obtain approval of the City Engineer for any substantial structural modification within the vacation area and for any structural element outside the vacation area which provides lateral or vertical support to the structures within the vacation area.
  - d) That plans of structural details shown on standard size City sheets and structural calculations of the bridge structures, both signed by a Civil or Structural Engineer registered in the State of California, be submitted to the City Engineer for review and approval.
  - e) That a Class "B" permit be obtained from the Bureau of Engineering and that a deposit be made with said Bureau sufficient to cover the City's cost for plan checking, construction inspection, and incidental costs relative thereto.
  - f) That the owners agree to waive any damages and indemnify the City of any liability arising from the construction, maintenance and use of the proposed structure.

- g) That a minimum clearance of 17 feet under the bridge based upon a suitable reference point be provided at all points of the bridge over La Cienega Boulevard.
  - h) If applicable, that street lighting plans be submitted to and approved by the Bureau of Street Lighting as to the relocation of any existing electroliers and the installation of any additional electroliers.
8. That evidence of the contiguous vacation request be secured from the City of Culver City, over the westerly half of La Cienega Boulevard within the Culver City jurisdiction substantially shown as colored Green in Exhibit A adjoining the area to be vacated, be submitted to the Bureau of Engineering.

TRANSMITTAL:

1. Application dated April 20, 2017 from Los Angeles County Department of Public Works.
2. Revised Initial Study/Mitigated Negative Declaration (IS/MND) SCH No. 2015121007 dated November 2016.
3. California Environmental Quality Act (CEQA) Review Memo dated July 6, 2018 from Maria Martin, Environmental Management Group, Bureau of Engineering, City of Los Angeles.

DISCUSSION:

Request: The petitioner, Rick Sun of the Los Angeles County Department of Public Works, representing the owner of the properties shown outlined in yellow on Exhibit "A", is requesting the airspace vacation over the public street area shown colored blue. The purpose of the vacation request is to construct a pedestrian bridge connecting the Kenneth Hahn State Recreation area to the Stoneview Nature Center in Culver City as part of the Park to Playa Trail project. The Los Angeles County Department of Public Works indicated that a separate vacation application was submitted to the City of Culver City for the vacation of the area substantially shown in Green on the Exhibit A.

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. 17-0943 adopted the initiating street vacation proceedings.

Zoning and Land Use: The property adjoining the vacation area to the east is zoned OS-1XL and is developed as a park. La Cienega Boulevard west of the centerline is located within the City of Culver City.

Description of Area to be Vacated: The area sought to be vacated is the airspace of a portion of La Cienega Boulevard southerly of Wrightcrest Drive from approximately 50 feet to approximately 75 feet of the easterly prolongation of the southerly property line of Lot 21, Tract No. 22611, lying approximately 17 feet to 50 feet above the finished street surface. The east of the centerline of La Cienega Boulevard is within City of Los Angeles and west of the centerline of La Cienega Boulevard is located within City of Culver City.

Adjoining Street: La Cienega Boulevard is an improved Boulevard II dedicated 120 feet and variable width right-of-way with 104 feet wide roadway.

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 airspace vacation of a portion of the La Cienega Boulevard southerly of Wrightcrest Drive will have no effect on vehicular circulation or access since the proposed bridge is bridging over La Cienega Boulevard and allows for the continued use of the subject street.

The street airspace area is 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 provide for the improvement 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 Southern California Edison and AT&T maintain facilities in the area proposed to be vacated. The Southern California Gas Company did not respond to the Bureau of Engineering's referral letter dated August 2, 2017. The Department of Water and Power stated in its communication dated March 28, 2018 that "The Department of Water and Power is not maintaining facilities within the area sought to be vacated."

Tract Map: Since the necessary improvement can be constructed under separate permit process, the requirement for the recordation of a new tract map could be waived.

City Department of Transportation: The Department of Transportation did not respond to the Bureau of Engineering's referral letter dated August 2, 2017.

City Fire Department: The Fire Department stated in its communication dated August 29, 2017 that they have no objection to the proposed airspace vacation.

Department of City Planning: The Department of City Planning stated in its communication dated October 24, 2017 that “This vacation is consistent with the Mobility Plan 2035 and West Adams-Baldwin Hills – Leimert Community Plan policies and objectives, set forth below. The new pedestrian bridge will improve public access to recreational and open space facilities in addition to providing safe and improved pedestrian infrastructure. The vacation of this segment would positively affect the larger circulation network by connecting the Stoneview Nature Center to the Kenneth Hahn State Recreation Area and also by providing a needed connection for a contiguous trail network.”

Conclusion: The vacation of the airspace over La Cienega Boulevard 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 and GIS Division  
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT AND GIS DIVISION

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