

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

June 22, 2020

Honorable Members:

C. D. No. 11

SUBJECT:

VACATION REQUEST - VAC- E1401343 – Council File No. 18-0736 – Cum Laude Avenue between St. Bernard Street and 92<sup>nd</sup> Street – (REVISED REPORT)

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RECOMMENDATIONS:

- A. That the Bureau of Engineering (BOE) report dated February 20, 2020 under Council File No. 18-0736 not be considered.
- B. 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 limit of the vacation area be permitted to be adjusted based on the final design of the cul-de-sac on 92<sup>nd</sup> Street:

Cum Laude Avenue between St Bernard Street and 92<sup>nd</sup> Street

- C. Review and consider the Los Angeles International Airport (LAX) Northside Plan Update (Project) Draft and Final Environmental Impact Reports (EIR) (State Clearinghouse No. 2012041003) dated May 2014 and February 2015, respectively (Transmittals No. 1 and 2). The Project EIR was prepared by the Los Angeles World Airport (LAWA) in compliance with the California Environmental Quality Act (CEQA) and included the street vacation of Cum Laude Avenue between St Bernard Street and 92<sup>nd</sup> Street (Vacation).
- D. Find that changes or alterations have been required in, or incorporated into, the Vacation that mitigate or avoid significant effects on the environment. Project mitigation measures are described in the Project EIR and the Mitigation Monitoring and Reporting Plan (MMRP) dated February 2015. A fully enforceable program for reporting or monitoring the changes required in the Vacation, or made a condition of approval to avoid or substantially lessen significant environmental effects, has been required by the City of Los Angeles

(City). A copy of BOE's Summary of Relevant Findings and Mitigation Measures, included in the CEQA Recommendations for Council Referral Letter dated September 11, 2019 (EMG Memo), is attached and incorporated herein (Transmittal No. 3)

- E. Concur with the Board of Airport Commissioners' finding that the unavoidable significant adverse operational and construction air quality related impacts associated with the proposed Project are acceptable in light of the economic, legal, social, technological, and other benefits the Project will bring to the surrounding community and LAWA. These specific overriding considerations are described in the Statement of Overriding Considerations for the Project dated February 2015 and is attached and incorporated herein (Transmittal No. 4).
- F. Find that no new information exists to show that the Project or circumstances of the Project have been changed to require additional environmental review, as described in State CEQA Guidelines Section 15162, and therefore the existing environmental documents adequately describe the potential impacts for the Vacation.
- G. That the City Council find that there is a public benefit to this Vacation. Upon vacation of the streets, 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.
- H. 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.
- I. 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.
- J. 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.
- K. That the Council adopt the City Engineer's report with the conditions contained therein.
- L. 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 March 06, 2019, so the City Clerk and BOE can process the Public Notification pursuant to Section 8324 of the California Streets and Highway Code.
- M. That the vacation of the area shown colored orange on Exhibit B be denied.

FISCAL IMPACT STATEMENT:

The petitioner has paid a fee of \$69,400 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. VTN West, Inc  
Attn: George Colvin  
9255 Deering Ave, Suite 200  
Chatsworth, CA 91311
2. Los Angeles World Airport  
Attn: Samantha J. Bricker  
1 World Way  
Los Angeles, CA 90045
3. City of Los Angeles  
111 E. 1<sup>st</sup> Street, #201  
Los Angeles, CA 90012
4. Archdiocese of Los Angeles Education & Welfare Corporation  
3424 Wilshire Boulevard, 4<sup>th</sup> Floor  
Los Angeles, CA 90010
5. Roman Catholic Archbishop of Los Angeles  
1531 W. 9<sup>th</sup> Street  
Los Angeles, CA 90015

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 E1401343 be paid.

2. That a suitable map, approved by the West Los Angeles District Engineering 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 improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
  - a. Close the intersection of the vacated street with St. Bernard Street with standard street improvements, including full height curb, gutter and sidewalk.
  - b. Construct a cul-de-sac at the south end of Cum Laude Avenue with curb, gutter and sidewalk.
  - c. If vehicular access is desired, construct a driveway per BOE's Standard Plan S-440.
6. That the petitioner records a Covenant and Agreement agreeing to comply with mitigation measures pertaining specifically to the requested Vacation as described in the EMG Memo. Such mitigation measures are a summary of the complete mitigation measures described in the Project EIR and MMRP that are applicable to the Vacation.
7. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer facilities located within the area to be vacated unless easements are reserved from the vacation for its protection.
8. That arrangements be made with all utilities agencies, cable companies and franchises maintaining facilities in the area including but not limited to the Department of Water and Power, Charter and Verizon for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
9. That consent to the vacation be secured from the owner of Lot 25 of Tract No. 24000 adjoining the area to be vacated.
10. That upon the reviews of the title report identifying the underlying fee title interest of the vacation areas, agreements be recorded satisfactory to BOE to hold

each of the adjoining parcels of land, and its adjoining portions of the areas 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 a new subdivision map is recorded over said areas, a parcel map exemption is permitted or until released by the authority of the City.

11. That the petitioner complies with the requirements of the Los Angeles Fire Department (LAFD) letter to BOE dated July 29, 2019 to the satisfaction of LAFD. A clearance letter from LAFD to BOE will be required.
12. That the petitioner complies with the requirements of the Bureau of Street Lighting letter (BSL) to BOE dated August 20, 2019 to the satisfaction of BSL (remove 8 street lights). A clearance letter from BSL to BOE will be required.
13. That street trees be planted and tree wells to be installed as required by the Urban Forestry Division of the Bureau of Street Services.

TRANSMITTAL:

1. Application dated July 2, 2018 from VTN West, Inc.
2. Project Draft Environmental Impact Report SCH No. 2012041003 dated May 2014.
3. Project Final Environmental Impact Report SCH No. 2012041003 dated February 2015.
4. California Environmental Quality Act Review Memo dated September 11, 2019 from Maria Martin, Environmental Management Group, BOE.
5. Statement of Overriding Considerations for the LAX Northside Plan Update dated February 2015 from the Board of Airport Commissioners.

DISCUSSION:

Request: The petitioner, VTN West, Inc, 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 allow for development of a portion of the LAX Northside Campus District that is planned for open space. The vacated area will be used for more efficient layout and interface between the open space area and the east side of the St. Bernard High School campus, and could include development of or extension of existing infrastructure, including new parking lots, drainage and sewer systems, and other infrastructure needed to support the LAX Northside Campus District.

This vacation procedure is being processed under procedures established by Council File No. 01-1459-S1 adopted by the 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 March 6, 2019, under Council File No. 18-0736, adopted an Initiation of Vacation proceeding for this proposed vacation.

Zoning and Land Use: The properties adjoining the vacation area to the west are zoned R1-1 and are developed with a school, and to the east and south are zoned LAX and are developed by LAX. The properties adjoining the vacation to the north are zoned R3-1 and developed with multifamily residential units.

Description of Area to be Vacated: The area sought to be vacated is Cum Laude Avenue from 92<sup>nd</sup> Street to St. Bernard Street. Cum Laude Avenue is a dedicated 60 feet wide right-of-way with a 36-foot wide roadway, curb, gutter and sidewalks on both sides.

Adjoining Street: St. Bernard Street is an improved Local Street-Standard dedicated 60 feet wide right-of-way with 36 feet wide roadway, curbs, gutters, and sidewalks on both sides. 92<sup>nd</sup> Street is an improved Local Street-Standard dedicated 60 feet wide right-of-way with 36 feet wide roadway, curbs and gutters and sidewalk on both sides.

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 Cum Laude Avenue between St. Bernard St. and 92<sup>nd</sup> Street shall not have significant effect on vehicular circulation or access since the east side of the street is owned by the applicant (LAWA) and the west side of the street is owned by the school, Archdiocese of Los Angeles. The consent from the school will be required as one of the conditions of the vacation.

Objections to the vacation: There were no objections to the vacation application.

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 improvements as outlined in the conditions of this report. There are no additional dedications required.

Sewers and Storm Drains: There are no existing storm drain facilities within the area proposed to be vacated. However, there are existing sewers facilities within the proposed vacation area.

Public Utilities: The Department of Water and Power stated in its communication dated September 14, 2018 that their Water Service Organization is maintaining facilities in the area proposed to be vacated. Charter Communications stated in its communication dated July 24, 2018 that they maintain facilities in the proposed vacation area. AT&T, Southern California Edison and Southern California Gas Company do not maintain facilities within the area proposed to be vacated. Verizon did not respond to BOE's referral letter dated July 12, 2018.

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 BOE 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 (LADOT) stated in its communication dated August 8, 2018 that it does not oppose the vacation if the abutting property owners are in agreement with the proposed vacation and provisions are made for lot consolidation, driveway and access approval by LADOT, and any additional dedications and improvements necessary to bring all adjacent streets into conformance with the City's Mobility Element of the General Plan.

Bureau of Street Lighting: BSL stated in its communication dated August 20, 2019 that it had no objection to the proposed vacation but did recommend the removal of the existing eight (8) street lights.

City Fire Department: LAFD provided in its communications dated July 29, 2019 that they have no objection to the proposed street vacation provided the applicant meet the following recommendation:

- All public fire hydrants within the proposed vacation area must be relocated at the petitioner's expense with the approval of DWP.

Department of City Planning: The Principal City Planner, on February 13, 2020, recommended that the vacation be approved since the vacation will provide additional frontage to the private school and other portions of the LAX Northside Campus. The public right-of-way is improved with an asphalt roadway with a concrete curb and gutter on the west side of the street. The right-of-way also has a concrete curb, gutter and sidewalk on the east side of the street. There are not curb cuts or other vehicular entryways along Cum Laude Avenue. The vacation would not result in the loss of any access. Therefore, the vacation is consistent with the goals and policies of the City's General Plan.

Conclusion: The vacation of the public streets 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 areas shown colored orange should not be vacated because they are needed for public street 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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