

Office of the City Engineer

Los Angeles, CA

To the Public Works and Gang Reduction Committee

Of the Honorable Council

Of the City of Los Angeles

July 23, 2020

Honorable Members:

CD No. 8

SUBJECT:

VACATION REQUEST – VAC-E1401352 – Council File No. 18-1005-S1 – Vermont Avenue and 85<sup>th</sup> Street Vacation District (Airspace and Street Vacation)

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 exact limits of the vacation areas be permitted to be adjusted based on the final approved design of the adjoining street improvements:
1. An approximately 30.5 feet wide portion of the easterly side of Vermont Avenue between 84<sup>th</sup> Street and Manchester Avenue.
  2. 85<sup>th</sup> Street from Vermont Avenue to approximately 137 feet easterly thereof.
  3. The alley easterly of Vermont Avenue between 84<sup>th</sup> Street and 85<sup>th</sup> Street.
  4. The alley southerly of 84<sup>th</sup> Street from the alley easterly of Vermont Street to approximately 27 feet easterly thereof.
  5. The limited airspace of the corner of Vermont Avenue and 84<sup>th</sup> Street, above a lower limit of 15 feet above the sidewalk surface.
- B. Review and consider the Vermont Avenue and 85<sup>th</sup> Street Vacation District Notice of Exemption (NOE), which was prepared by the Bureau of Engineering (Engineering) with supporting documentation provided by the County of Los Angeles (Transmittal No. 2).
- C. Find the vacation, which is a component of the Vermont and Manchester Transit Priority Project previously adopted by the County of Los Angeles Board of Supervisors on December 5, 2017, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Sections 21155 and 21155.1. The

transit priority development project and the associated street and alley vacation meet all the requirements of sections 21151.1 subdivisions (a) and (b) and a requirement of subdivision (c) as detailed in the NOE attachments. As such, this project is declared to be a sustainable communities project.

- D. Specify that Engineering's Permit Case Management Division, located at 201 N. Figueroa Street, Suite 290, Los Angeles, CA 90012, is the custodian of the documents or other relevant material which constitute the record of the proceedings upon which the Council's decision is based.
- E. 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.
- 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 schedule the vacation for public hearing at least 30 days after the Public Works and Gang Reduction (PWGR) Committee approval based on the initiation of the street vacation proceedings adopted by City Council on March 19, 2019, so the City Clerk and Engineering can process the Public Notification pursuant to Section 8324 of the California Streets and Highways Code.
- K. That the vacation of the area shown colored orange on Exhibit B be denied.

**FISCAL IMPACT STATEMENT:**

The petitioner has paid a deposit of \$64,200 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit to the deposit will be required of the petitioner to recover the cost pursuant to Section 7.44 of the Administrative Code.

Maintenance of the public easement by City forces will be eliminated.

NOTIFICATION:

That notification of the time and place of the PWGR Committee and the City Council meetings to consider this request be sent to:

- a) Bridge Housing  
1301 Dove Street, Suite 920  
Newport Beach, CA 92660
- b) Community Development Commission of the County Los Angeles  
Attn: Monique King-Viehland  
700 West Main Street  
Alhambra, CA 90803
- c) Kimberlina Whettam & Associates  
Attn: Emiko Issa  
241 S. Figueroa Street, Suite 250  
Los Angeles, CA 90012
- d) Trifiletti Consulting, Inc  
Attn: Omar Pulido  
1541 Wilshire Boulevard, Suite 560  
Los Angeles, CA 90017
- e) City of Los Angeles  
Department of General Services  
Asset Management Division  
111 E. 1<sup>st</sup> Street, Rm 201, CHS  
Los Angeles, CA 90012
- f) 812 West 83<sup>rd</sup> Street, LLC  
2034 Hanscom Drive  
South Pasadena, CA 91030
- g) Ofelia Perfecto  
12220 Carmenita Road  
Whittier, CA 90605
- h) Newmeyer & Dillion LLP  
895 Dove Street, Fifth Floor  
Newport Beach, CA 92660

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 deficit under Work Order E1401352 be paid.
2. That a suitable map, approved by Engineering's Central District 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 dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
  - a. Vermont Avenue:
    - Retain 15-ft by 15-ft cut corner or 20-ft curved corner radius at the intersections with 84<sup>th</sup> Street and Manchester Avenue.
  - b. North-South Alley easterly of Vermont Avenue between 84<sup>th</sup> Street and 85<sup>th</sup> Street:
    - Dedicate a minimum of 20 feet along the easterly lot line of Lot 37 for a new alley.
  - c. North-South Alley easterly of Vermont Avenue between 85<sup>th</sup> Street and Manchester Avenue:
    - Dedicate a suitable area approximately 46 feet in width for a new Standard Local Street to redirect traffic from 85<sup>th</sup> Street to Manchester Avenue.
  - d. East-West Alley southerly of 84<sup>th</sup> Street between the North-South Alley easterly of Vermont Avenue and Hoover Street:
    - Dedicate a suitable area for alley turn around purposes.
    - Dedicate a suitable drainage easement as needed for proper drainage outlet of alley to the satisfaction of the City Engineer.

e. 85<sup>th</sup> Street:

- If needed, dedicate a suitable area for street elbow purposes.

## 6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

## a. Vermont Avenue:

- Eliminate the frontage street along Vermont Avenue in a manner satisfactory to the City Engineer. Provide improvements as needed to maintain an approximate 36 feet wide existing roadway to accommodate the existing northbound traffic lanes, measured from the east side of curb of the center median, with integral concrete curb and gutter, and a 15 feet wide sidewalk per Engineering's latest Standard Street Dimension (Standard Plan No. S-470-1) through a Class B Permit in a manner satisfactory to the City Engineer.
- Close the street intersection at proposed vacated 85<sup>th</sup> Street with full height curb, gutter, and sidewalk.

b. North-South Alley easterly of Vermont Avenue between 85<sup>th</sup> Street and Manchester Avenue:

- Provide a minimum 36 feet wide roadway that provides one travel lane in each direction with on-street parking on one side of the street, integral concrete curb and gutter, and 12 feet wide sidewalks per Engineering's latest Standard Street Dimension (Standard Plan No. S-470-1) through a Class B Permit in a manner satisfactory to the City Engineer.

c. 84<sup>th</sup> Street:

- Remove and replace damaged/cracked and off-grade sidewalk along the frontage of the property.
- Construct new integral concrete curb and 2-ft gutter per Engineering's latest Standard Curb and Gutter (Standard Plan No. S-410-2) through a Class B Permit in a manner satisfactory to the City Engineer.
- Close the existing alley intersection with full height curb, gutter, and sidewalk per Engineering's latest Standard Alley Intersection (Standard Plan No S-420-2) in a manner satisfactory to the City Engineer.
- Construct new access ramp per Engineering's latest Standard Curb Ramp (Standard Plan S-442-5) in a manner satisfactory to the City Engineer.

d. North-South Alley easterly of Vermont Avenue between 84<sup>th</sup> Street and 85<sup>th</sup> Street:

- Construct a 20 feet wide replacement alley connecting 84<sup>th</sup> Street and the East-West Alley southerly of 84<sup>th</sup> Street. These improvements shall be constructed under a Class B Permit in a manner satisfactory to the City Engineer.
- e. East-West Alley southerly of 84<sup>th</sup> Street between the North-South Alley easterly of Vermont Avenue and Hoover Street:
- Construct a standard turning area at the alley terminus with proper drainage of the alley through a Class B Permit in a manner satisfactory to the City Engineer.
  - Turn around area may be modified per the Los Angeles County Fire Department (LACFD) requirements. An access easement will be provided as required by LACFD.
- f. 85<sup>th</sup> Street:
- Construct a street elbow designed for adequate turning radii for large vehicles and fire trucks. These improvements shall be constructed under a Class B Permit in a manner satisfactory to the City Engineer.
  - Remove and/or replace damaged/cracked and off-grade sidewalk, curb, and gutter on the northerly side of 85<sup>th</sup> Street along the frontage of Lots 77 to 80 in a manner satisfactory to the City Engineer.
- g. Manchester Avenue:
- Construct new access ramps at the northeast corner of Vermont Avenue and Manchester Avenue and the intersection of the proposed street and Manchester Avenue, per Engineering's latest Standard Curb Ramp (Standard Plan S-442-5) in a manner satisfactory to the City Engineer.
  - Remove and/or replace damaged/cracked and off-grade sidewalk, curb, and gutter along the property.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or unpraised by more than ¼ inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or unpraised by more than ¼ inch from the surrounding concrete work or has a full concrete depth cracks that have separations greater than 1/8 inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk, curb, and gutter shall conform to Engineering's Standard Plans S410-2, S440-4, S442-5, and S444-0.

7. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer located within the area to be vacated unless easements are reserved from the vacation for its protection.
8. That all drainage matters be addressed to the satisfaction of the City Engineer.
9. That arrangements be made with all utility agencies, cable companies and franchises maintaining facilities in the area including but not limited to the Department of Water and Power, AT&T, Southern California Gas Company, AT&T and Time Warner for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
10. That upon the reviews of the title report identifying the underlying fee title interest of the vacation areas, agreements be recorded satisfactory to Engineering 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 of Los Angeles.
11. That the owner record a Covenant and Agreement satisfactory to the City Engineer to run with the land pertaining to the proposed structures to be located at the airspace vacation area.
  - a) That the owner be required to maintain the supports to all elements of the building structure(s) within the proposed airspace vacation areas as well as structures in the private property for safety and usability to the satisfaction of the City Engineer. If necessary, the City shall be given reasonable access to the structure(s) within and adjacent to the airspace vacation areas for purposes of inspection 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) The owner shall be required to limit the use of the structure(s) within the airspace vacation areas. No storage of combustibles will be allowed.
  - c) That the owner provide and maintain a policy of general liability insurance in an amount not less than \$2,000,000 combined single limit per occurrence. Evidence of such insurance shall be on the City's General Liability Special Endorsement form or other form acceptable to the City Attorney and shall provide coverage for premises/operations and contractual liability.

- d) That a Waiver of Damages Agreement and an Indemnification Agreement Covenant to run with the land be executed by the owner and submitted to Engineering for approval, and subsequently be recorded relieving the City of any liability arising from the construction, maintenance and use of the proposed structure(s) within the airspace vacation area.
12. That plot plans be submitted to the Los Angeles Fire Department (LAFD) for their review and approval, unless LAFD defers approval to LACFD.
13. That street lighting facilities be installed as required by the Bureau of Street Lighting.
14. That street trees be planted and tree wells be installed as may be required by the Urban Forestry Division of the Bureau of Street Services.
15. That plot plans be submitted to LACFD for their review and approval of the proposed fire lane and turnaround easement.
16. Establish the street name for new roadway connecting 85<sup>th</sup> Street to Manchester Avenue.

TRANSMITTAL:

1. Application dated December 28, 2018 from Bridge Housing.
2. Vermont Avenue and 85th Street Vacation District NOE, prepared by Engineering's Environmental Management Group, with CEQA Review Memo dated February 19, 2020 from Maria Martin, and supporting documentation provided by the County of Los Angeles.
3. Department of Transportation (LADOT) Traffic Analysis assessment letter dated May 1, 2020.

DISCUSSION:

Request: The petitioner, Bridge Housing, representing the owner Community Development Commission of the County Los Angeles of the properties shown outlined in yellow on Exhibit B, is requesting the vacation of the public street areas shown colored blue and orange (Transmittal no. 1). The purpose of the vacation request is to facilitate a County of Los Angeles project serving commercial retail, a public charter college-preparatory boarding school, a publicly accessible transit plaza, and vehicular parking.

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



Previous Council Action: The City Council on April 23, 2014 conditionally adopted the City Engineer's report dated August 23, 2013 under Council File No. 13-0571. The vacation conditions were not complied with prior to the expiration and the vacation application expired. A new application was submitted on December 28, 2018. The City Council on March 19, 2019, under Council File No. 18-1005-S1, adopted an Initiation of Vacation proceeding for this proposed vacation.

Zoning and Land Use: The subject street vacation is located within the South Los Angeles Community Plan area and serves an area zoned C2-1 with a Community Commercial land use designation. The subject vacation abuts the Rita D. Walters Learning Complex, an education and family support organization on city-owned lots.

Description of Areas to be Vacated: The area sought to be vacated are:

1. An approximately 30.5 feet wide portion of the easterly side of Vermont Avenue between 84<sup>th</sup> Street and Manchester Avenue.
2. 85<sup>th</sup> Street from Vermont Avenue to approximately 137 feet easterly thereof.
3. The alley easterly of Vermont Avenue between 84<sup>th</sup> Street and 85<sup>th</sup> Street.
4. The alley southerly of 84<sup>th</sup> Street from the alley easterly of Vermont Street to approximately 27 feet easterly thereof.
5. The limited airspace of the corner of Vermont Avenue and 84<sup>th</sup> Street, above a lower limit of 15 feet above the sidewalk surface.

Vermont Avenue is a Modified Avenue I dedicated 177.5 feet wide with an 80 feet wide roadway, 5-foot traffic islands, and variable width frontage roads, curb, gutter and sidewalk. 85<sup>th</sup> Street is a Local Street, dedicated 60 feet and improved with a 40-foot roadway, curb and gutter and 10-foot sidewalks. The alley easterly of Vermont Avenue between 84<sup>th</sup> Street and 85<sup>th</sup> Street is dedicated 17 feet wide and improved with asphalt concrete pavement and longitudinal gutter. The east-west alley southerly of 84<sup>th</sup> Street is dedicated 20 feet wide and improved with asphalt concrete pavement and longitudinal gutter.

Adjoining Streets: 84<sup>th</sup> Street is an improved Local Street-Standard dedicated 60 feet wide with a 40-foot wide roadway, curbs, gutters, and 10-foot sidewalks on both sides. Manchester Avenue is an Avenue I dedicated 100 feet wide with a 70-foot wide roadway, curbs, gutters, and 15-foot sidewalks on both sides. 85<sup>th</sup> Street is a Local Street-Standard dedicated 60 feet wide with a 40-foot wide roadway, curbs, gutters, and 10-foot sidewalks on both sides. The alley east of Vermont Avenue, northerly of 85<sup>th</sup> Street, is dedicated 17 feet wide and is fully improved. The alley east of Vermont Avenue, southerly of 85<sup>th</sup> Street, is dedicated 14 feet wide and is 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 Vermont Avenue and 85<sup>th</sup> Street Vacation District should have a minimal impact on circulation and access. A replacement alley connecting the alley southerly of 84<sup>th</sup> Street to the north-south alley east of Vermont Avenue will be required as a condition of the vacation. A replacement New Street connecting 85<sup>th</sup> Street to Manchester Avenue will also be required as a condition of the vacation. An elbow curve will be required at the new terminus of 85<sup>th</sup> Street connecting to New Street. The proposed vacation area along Vermont Avenue is in excess of the required half right-of-way for a Modified Avenue I. The vacation areas were included in LADOT's traffic assessment for the Vermont Manchester Transit Priority Project.

The street and alleys are also not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the vacation: Ofelia Perfecto, property owner of 926 W. 85<sup>th</sup> Street, opposes the vacation of the north-south alley easterly of Vermont Avenue between 85<sup>th</sup> Street and Manchester Avenue. This alley is within the vacation area shown colored orange on Exhibit B that is recommended for denial.

Newmeyer & Dillon, LLP, representing 722-728 S. Broadway, L.P., property owner of 8521 S. Vermont Avenue, opposes the proposed vacation. The objection stated that: there are errors in the vacation application; there is no final project work scope and plans of the proposed development that is noted as the purpose of this vacation application; there is no finding that the proposed vacation is consistent with the General Plan; there is no finding that the proposed vacation area is not necessary for non-motorized transportation facilities; there is no finding that the proposed vacation area is not necessary for present or prospective public use; and, there is no finding that the proposed vacation is in compliance with CEQA requirements.

Further review of the application did not find errors that would impact the initiation/continuation of current vacation proceedings. Additionally, final project work scope and plans are not necessary to initiate/continue the vacation proceedings. Lastly, the listed missing findings will be adopted via this report.

Reversionary Interest: No determination of the underlying fee interest of the vacation areas have been made as to title or reversionary interest.

Dedications and Improvements: It will be necessary that the petitioner provide for the dedications and improvements as outlined in the conditions of this report.

Sewers and Storm Drains: There are existing sewer facilities within the areas proposed to be vacated.

Public Utilities: The Department of Water and Power, Southern California Gas Company, and AT&T maintain facilities in the areas proposed to be vacated. Time Warner Cable did not respond to Engineering's referral letter dated January 7, 2019.

Tract Map: Since the required dedications can be acquired by separate instruments 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 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 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.

Department of Transportation: LADOT stated in its communication dated May 1, 2020 (Transmittal no. 3), that they are not opposed to the vacation application. LADOT has reviewed the traffic analysis prepared by Gibson Transportation Consultants, dated January 29, 2020, for the Street Vacation for the Vermont Manchester Transit Priority Project.

In accordance with LADOT's Transportation Assessment Guideline and based on the Level of Service (LOS) review conducted at the three signalized intersections immediately adjacent to the Project site, LADOT has determined that the analysis adequately assesses the potential traffic conditions resulting from the addition of Project vehicle trips and concurs with the determination that the operating condition at each of the study locations will continue to function at an acceptable level of service (e.g. LOS D or better).

Los Angeles Fire Department: LAFD stated in its communications dated January 14, 2019 that all public fire hydrants within the proposed Street Vacation must be relocated at the petitioner's expense with the approval of Department of Water and Power. On November 6, 2019, LAFD also stated that based on LAFC Appendix D D105.2, a 26-foot wide alley/fire lane is acceptable.

Los Angeles County Fire Department: LACFD stamped and approved a fire hydrant & access plan on October 2, 2019. This exhibit includes approval of fire hydrant locations and access requirements with easement dimensions and a modified fire apparatus turn around along the newly dedicated north-south alley off 84<sup>th</sup> Street.

Department of City Planning: The Department of City Planning stated in its communication dated March 14, 2019, that the subject vacation is consistent with the South Los Angeles Community Plan goals and policies because it would facilitate the construction of a mix of uses consistent with the land use designation. As the closure of a portion of 85<sup>th</sup> Street would limit access to Vermont Avenue, passageways or paseos are recommended to be incorporated into the site plan to break up the long block and facilitate pedestrian movement. The Department therefore concludes that the proposed vacation is consistent with the 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 Moklebust, P.E.  
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Report prepared by:

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BM/HH/aa