

Office of the City Engineer

Los Angeles, CA

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

February 2, 2021

Honorable Members:

CD No. 13

SUBJECT:

VACATION REQUEST - VAC- E1401384- Council File No. 20-1128 – Northwesterly Side of Park Drive from 128 Feet of Ewing Street to Approximately 184 Feet Northeasterly Thereof

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.

The 50-foot northwesterly portion of Park Drive from 158 feet of Ewing Street to approximately 184 feet northeasterly thereof.

- 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 (PW) Committee approval based on the initiation of the street vacation proceedings adopted by City Council on December 2, 2020, so the City Clerk and Bureau of Engineering (Engineering) can process the public notification pursuant to Section 8324 of the California Streets and Highways Code.
- I. That the vacation of the area shown colored orange on Exhibit B be denied.

FISCAL IMPACT STATEMENT:

The petitioner has paid a deposit of \$14,980 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit to fee to recover the cost pursuant to Section 7.44 of the Administration 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 PW Committee and the City Council meetings to consider this request be sent to:

1. Wells Fargo Bank
Attn: Rey F. Benjamin, Assistant Vice President
707 Wilshire Boulevard, 54th Floor
Los Angeles, CA 90017

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 E1401384 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 (PCM) prior to the preparation of the Resolution to Vacate (Resolution).

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 PCM prior to preparation of the Resolution.
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. Roadway widening is required.
 - b. Construct additional AC pavement and a 2-ft wide integral concrete curb and gutter adjoining the project site's street frontage per latest Engineering Curb and Gutter standards (Standard Plan S-410-2) to provide a 36-ft wide roadway. These improvements shall be constructed under a Class B Permit in a manner satisfactory to the City Engineer.
 - c. Repair and/or replace damaged/cracked, off-grade sidewalk, curb, gutter, and pavement along the frontage in a manner satisfactory to the City Engineer along Park Drive.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised by more than $\frac{1}{4}$ 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 $\frac{1}{8}$ 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 upraised by more than $\frac{1}{4}$ inch from the surrounding concrete work or has full concrete depth cracks that have separations greater than $\frac{1}{8}$ 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 the Engineering's Standard Plans S410-2, S440-4, S442-5 and S444-0

6. 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 (LADWP), Charter Communications, 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 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 lighting facilities be installed as may be required by the Bureau of Street Lighting.
9. 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 March 15, 2020, from Rey f. Benjamin representing Wells Fargo Bank.

DISCUSSION:

Request: The petitioner, Rey F. Benjamin, representing Wells Fargo Bank, the owner of the property shown outlined in yellow on Exhibit B, is requesting the vacation of the public right-of-way area shown colored blue and orange (Transmittal no 1). The purpose of the vacation request is to consolidate the unused portion of the street with the single-family residential 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 will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on December 2, 2020, under Council File No. 20-1128 adopted an Initiation of Vacation Proceedings for this vacation request.

Zoning and Land Use: The property adjoining the area to be vacated to the north is zoned R1-1VL and is developed with a single-family residential use.

Description of Area to be Vacated: The area sought to be vacated is a 50-foot wide strip of land along the northwesterly portion of Park Drive between Ewing Street and Baxter Street.

Adjoining Streets: Park Drive is a Local Street dedicated 110 feet wide with a 55-foot wide half 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 vacation of the 50-foot wide strip of land along the northwesterly portion of Park Drive between Ewing Street and Baxter Street will have no significant effects on access rights of circulation.

The vacation 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 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: LADWP, Southern California Gas Company, and Charter Communications maintain facilities in the area proposed to be vacated.

Tract Map: Since there are no dedications 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 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.

City Department of Transportation: The Department of Transportation stated in its communication dated June 25, 2020 that it does not oppose the proposed vacation provided that all abutting property owners are in agreement with the proposed vacation and that provisions are made for lot consolidation, driveway and access approval by the Department of Transportation; and any additional dedication 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 communication dated May 20, 2020 that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning stated in its communication dated May 21, 2020 that the proposed street vacation is consistent with the Mobility Plan and the Silver Lake - Echo Park - Elysian Valley Community Plan policies and objectives. The vacation will facilitate a more efficient street network.

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,



Bert Moklebust, P.E.
Principal Civil Engineer
Permit Case Management Division
Bureau of Engineering

Report prepared by:

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BM/HH/GP