

Office of the City Engineer

Los Angeles, CA

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

May 12, 2022

Honorable Members:

CD No. 14

SUBJECT:

VACATION REQUEST - VAC- E1401407 - Council File No. 21-1306 - Portion of Alley Northerly of Weaver Street Between Milwaukee Avenue and Toledo Street

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”:  

Portion of Alley Northerly of Weaver Street Between Milwaukee Avenue and Toledo Street.
- 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.

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 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:

To satisfy Sections 8320 through 8323 of the California Streets and Highways Code, the City Clerk shall schedule the vacation for public hearing at least 30 days after PW Committee approval of this report, so the City Clerk and BOE may process the required Public Notification.

Additionally, City Clerk shall send notification of the time and place of the PW Committee and the City Council meetings to consider this request be sent to:

1. McCulloch R. Sutphin  
3603 E. Raymond Street  
Indianapolis, MN 46203
2. Phillip Kaainoa  
61 S. Baldwin Avenue #1388  
Sierra Madre, CA 91024
3. Manijeh Mahmoodzadeh  
5811 Weaver Street  
Los Angeles, CA 90042
4. Kayhan Ahmadi  
5811 Weaver Street  
Los Angeles, CA 90042
5. John Umbanhowar  
58 Windward Avenue  
Venice, CA 90291
6. KORVER,BENN  
1018 MILWAUKEE AVE  
LOS ANGELES CA  
90042

7. GILL,DANIEL CO TR  
1022 MILWAUKEE AVE  
LOS ANGELES CA  
90042
8. PEREZ,RONALD E CO TR  
1026 MILWAUKEE AVE  
LOS ANGELES CA  
90042
9. IBARRA,ANTONIO AND LYNNIE A  
1034 MILWAUKEE AVE  
LOS ANGELES CA  
90042
10. FRAGOSO,JOSE L AND OLIVIA  
1042 MILWAUKEE AVE  
LOS ANGELES CA  
90042
11. LAWSON,MAX C AND JESSICA R  
1048 MILWAUKEE AVE  
LOS ANGELES CA  
90042
12. THUESON,YUAN HUA AND JON C  
1052 MILWAUKEE AVE  
LOS ANGELES CA  
90042
13. ULIBARRI,RUDOLPH E CO TR  
1056 MILWAUKEE AVE  
HIGHLAND PARK CA  
90042
14. INFRANCA,CHAD AND ANGELA  
1119 TOLEDO ST  
LOS ANGELES CA  
90042
15. PINKAVA,THOMAS AND ELIZABETH B  
1123 TOLEDO ST  
LOS ANGELES CA

90042

16. AGGARWAL,KARAN AND SAPNA K  
1133 TOLEDO ST  
LOS ANGELES CA  
90042

17. QUON,HANG S TR  
1139 TOLEDO ST  
LOS ANGELES CA  
90042

18. RIVERA,JOHN Z AND  
1143 TOLEDO ST  
LOS ANGELES CA  
90042

19. MANJIKIAN,GARO J AND CASSANDRA  
1151 TOLEDO ST  
LOS ANGELES CA  
90042

20. LAGMAN,MARIA G  
1163 TOLEDO ST  
LOS ANGELES CA  
90042

21. RAMOS,FIDEL A AND IRMA TRS  
18783 LOS ALIMOS ST  
PORTER RANCH CA  
91326

22. BIEJO,SIMON B AND LITA Z TRS  
9555 W LOS ANGELES AVE  
MOORPARK CA  
93021

23. SAWYER,CHAD B AND  
1002 MILWAUKEE AVE

LOS ANGELES CA  
90042

24. CORTEZ,SEGUNDO H AND ESPERANZA  
1014 MILWAUKEE AVE  
LOS ANGELES CA  
90042

25. MORGAN,SIMON AND TARA TRS  
1107 TOLEDO ST  
LOS ANGELES CA  
90042

26. ASAI,KYLE AND MACKENZI TRS  
1113 TOLEDO ST  
LOS ANGELES CA  
90042

27. SUTPHIN,MCCULLOCH R  
3603 E RAYMOND ST  
INDIANAPOLIS IN  
46203

28. SHATKIN,JESSE  
3627 EFFIE ST  
LOS ANGELES CA  
90026

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 E1401407 be paid.
2. That a suitable map, approved by Bureau of Engineering (Engineering) Central District Engineering office, delineating the limits, including bearings and distances, of the areas 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 PCM 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 properties in a manner satisfactory to the City Engineer:
  - a. Weaver Street (Hillside Limited Standard):  
Existing  $\frac{1}{2}$  =10-ft; Existing Full roadway = 20-ft.  
Required  $\frac{1}{2}$  roadway =14-ft; Required Full roadway =28-ft.
    - No roadway widening is required at this time due to the existing structures and hillside ordinance.
  - b. Alley (N/O Weaver St):  
Existing  $\frac{1}{2}$  =10-ft; Existing Full roadway = 20-ft.  
Required  $\frac{1}{2}$  roadway =10-ft; Required Full roadway =20-ft.
    - No roadway widening is required.
    - Due to the existing unimproved condition with a high slope in the hillside area that is not feasible for vehicle access, a turning area is not applicable at this time.
  - c. Any proposed driveway apron shall conform and be constructed per latest Bureau of Engineering Driveway Standards (Standard Plan No. S-440-4) in a manner satisfactory to the City Engineer and require a Department of Transportation (LADOT) approval.
  - d. Close any unused driveway with full height curb, gutter, and sidewalk in a manner satisfactory to city engineer.
6. That arrangements be made with all utility agencies maintaining facilities in the area including but not limited Charter, 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, agreements be recorded satisfactory to 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 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.
10. City Planning requests that a Covenant and Agreement shall be recorded by the two property owners associated with this request, which include the following two property addresses 5811 E Weaver Street and 5817 E Weaver Street. Prior to the recordation of the street vacation, the applicants (shall prepare and execute a covenant and agreement) in a manner satisfactory to the Bureau of Engineering to run with the land pertaining to the vacation area:
  - a. Limit disturbance to soils and vegetation. No grading in excess of one cubic yard of earth per four square feet of lot area within the vacated former alley area. However, corrective grading as determined by the Department of Building and Safety is not to be included in this calculation.
  - b. Structures. No buildings or structures shall be erected within 10 feet of the side property line established subsequent to the street vacation (i.e. the property line established within the vacated former alley area). However, a wall structure required for corrective support/preventive failure of the former alley area above the property to west of alley, APN 5485023022, lot 24, Arb 2 as approved by the Department of Building and Safety, will be allowed within a 8-10' setback of the subsequent property line as long as the top of wall is no higher than 24" above the grade being retained.
  - c. Wildlife-Friendly Fencing. Only fencing that supports habitat connectivity and wildlife movement through appropriate location, extent, and design may be utilized within the vacated former alley area. Fencing shall be no higher than six feet and have an overall opacity not greater than 50%. Prohibited materials include spikes, glass, chain link, barbed wire, razor wire, and concertina wire, or other similar sharp-edged security devices. All hollow fence posts or fences with top holes, such as metal pipes, shall be capped to prevent trapping or injuring wildlife.
  - d. Landscaping - New landscaping within the vacated former alley shall consist of fire and drought resistant, native species to promote biodiversity and reduce fire hazard risk.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or upraised 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 upraised by more than ¼ inch from the surrounding concrete work or has 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 the Engineering's Standard Plans S410-2, S440-4, S442-6 and S444-0

TRANSMITTAL:

1. Application dated August 23, 2021 from Phillip Kaainoa.
2. Exhibit "A", location map.
3. Objection from the Neighbor, Kyle Asai, dated November 26, 2021.

DISCUSSION:

Request: The petitioner, Phillip Kaainoa, representing the owners of the properties shown outlined in yellow on Exhibit "A", is requesting the vacation of the portion of public alley area shown colored blue. The purpose of the vacation request is to add lot area to the adjacent lots for single family use.

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.

Zoning and Land Use: The properties adjoining the area to be vacated to the east, west, north, and south are zoned R1-1 and are developed with low scale single family homes.

Description of Area to be Vacated: The area sought to be vacated is an undeveloped alleyway approximately 2,000 square feet between single family homes.

Adjoining Street and Alley: Weaver Street is a Hillside Local dedicated 40-foot wide, and improved with a roadway, curb and gutter, and sidewalks. The alley north of Weaver Street is a dedicated 20-foot wide and is unimproved.

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 approximately 2,000 square feet of alleyway will have no adverse effects on access rights or circulation. However, City Planning recommends that the requested right-of-way be vacated in a manner that would not impact wildlife linkages by providing an appropriate lighting and limiting grading, fencing and structures within a 5 feet of the new property line / side yards setback along the alley to create a 10-foot resource buffer.

The vacation area is not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the vacation:

Kyle Asai, owner of Lot 3 of Tract 160, 1113 Toledo Street, in an email dated November 26, 2021, attached herein as Transmittal 3, objected to the vacation.

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

Dedications and Improvements: It will be necessary that the petitioner provides for the improvements as outlined in the conditions of this report. There are no dedications required.

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

Public Utilities: Charter Communications maintains facilities in the area proposed to be vacated.

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 Engineering to hold each 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 November 22, 2021 that based on traffic considerations, the vacation is not opposed if all abutting property owners are in agreement with the proposed vacation and would result in roadway and right-of-way dimensions that are consistent with the new street standards identified in the Mobility Element of the General Plan. The Mobility Element (also known as Mobility Plan 2035) was adopted on August 11, 2015 and amended on September 7, 2016 by the City Council. In addition, that through the requirements of a tract map or by other means, 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 Mobility Element of the General Plan.

City Fire Department: The Fire Department stated in its communication dated February 17, 2022 that they have no objection.

Department of City Planning: The Department of City Planning in its communication dated February 28, 2022, stated that they do not object to the requested vacation as long as the conditions are met. City Planning recommends that the requested right-of-way be vacated in a matter that would not impact wildlife linkages by providing appropriate lighting and limiting grading, fencing and structures within a 5 feet of the new property line / side yards setback along the alley to create a 10-foot resource buffer. A Covenant and Agreement shall be recorded by the two property owners associated with this request, which include the following two property addresses 5811 E Weaver Street and 5817 E Weaver Street. Prior to the recordation of the street

vacation, the applicants (shall prepare and execute a covenant and agreement) in a manner satisfactory to the Bureau of Engineering. The subject vacation is generally consistent with the Northeast Los Angeles Community Plan policies and objectives.

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,



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

Report prepared by:

PERMIT CASE MANAGEMENT DIVISION

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