

Office of the City Engineer

Los Angeles, CA

To the Public Works Committee

Of the Honorable Council
Of the City of Los Angeles

November 12, 2021

Honorable Members:

CD No. 13

SUBJECT:

VACATION REQUEST - VAC- E1401400 - Council File No. 21-0827 – Portion of Park Drive
Adjacent to Lot 7 of Elysian View Tract Between Ewing Street and Baxter 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 “ B”:

Portion of West side of Park Drive from approximately 320 feet south of Baxter Street to approximately 380 feet south of Baxter 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 vacation of the area shown colored orange on Exhibit “B”, be denied
- H. 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 the Public Works (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. Peter Tolkin Architecture Inc.
Attn: Peter Tokin
1024 Wilde Street
Los Angeles, CA 90021
2. Lisa Gunning
2021 Park Drive
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 deficit under Work Order E1401400 be paid.
2. That a suitable map, approved by Bureau of Engineering (Engineering)’s Central District 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.
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 BOE 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 any damaged/cracked or off-grade roadway pavement, sidewalk, curb and gutter along the frontage in a manner satisfactory to the City Engineer.
 - d. Any proposed driveway apron shall conform and be constructed per Engineering's latest Standards (Standard Plan No. S-440-4) in a manner satisfactory to the City Engineer.
 - e. 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 utilities agencies maintaining facilities in the area including but not limited to DWP 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 each adjoining parcels of land, and its adjoining portions 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 areas, 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.

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 July 1, 2021, from Peter Tolkin Architecture Inc.
2. Exhibit "B", location map.

DISCUSSION:

Request: The petitioner, Peter Tolkin Architecture Inc, representing the owner of the property shown outlined in yellow on Exhibit "B", is requesting the vacation of the street area shown colored blue and orange. The purpose of the vacation is to consolidate the unused portion of the street with the single-family residential property located at 2021 Park Drive.

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 Council on September 15, 2021, under Council File No. 21-0827, adopted an Initiation of Vacation proceeding for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated to the north are zoned R1-1VL and are developed with single family homes and the property to the south is zoned OS-1XL developed as open space.

Description of Area to be Vacated: The area sought to be vacated is approximated 3,000 square feet and developed as part of the single-family property.

Adjoining Street and Alley: Park Drive is a Hillside Local - Standard dedicated 110 ft wide with a 30 foot wide roadway, curbs, gutters and a variable width sidewalks.

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 approximately 3,000 square feet of the street will have no adverse effects on access rights or circulation.

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 provide for the improvements as outlined in the conditions of this report.

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

Public Utilities: DWP may maintain facilities in the area proposed to be vacated.

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 records 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 their communication dated September 30, 2021, that they do not approve of the proposed 60 feet wide vacation area and will only approve 50 feet in width in order to maintain a right-of-way width of 110 feet along Park Drive, per Mobility Plan 2035. This is providing that all abutting property owners are in agreement with the proposed vacation. Provisions should be made for: (1) lot consolidation, (2) driveway and access approval by DOT, and (3) 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 September 12, 2021 that it has no objection to the subject request.

Department of City Planning: The Department of City Planning, in its communication dated July 29, 2021, stated that the request is consistent with the General Plan and will enhance the character of the single-family neighborhood by aligning front yards with this block segment and provide additional development potential to a single family lot.

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

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:

PERMIT CASE MANAGEMENT DIVISION

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