

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

September 11, 2024

Honorable Members:

C. D. No. 9

SUBJECT:

VACATION APPROVAL - VAC-E1401376 - Council File No. 21-0458 – Portions of Pico Boulevard, and LA Live Way (Subsurface Space, Air Space, 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 by the City Engineer based on the final design of the private facilities to be constructed within the proposed vacation areas:
1. Pico Boulevard, from LA Live Way to approximately 785 feet southeasterly thereof:
 - a. The limited air space, with a lower limit of 15 feet above street surface and an upper limit of 200 feet above the street surface;
 - b. On northerly side, the 20-foot-wide limited air and subsurface space, with an upper limit of 15 feet above street surface and a lower limit of 100 feet below street surface;
 - c. On and along centerline, the 14-foot-wide limited air and subsurface space, with an upper limit of 15 feet above street surface and a lower limit of 1 foot below street surface;
 - d. On and along centerline, the 41-foot-wide limited subsurface space, with an upper limit of 1 foot below street surface and a lower limit of 100 feet below street surface; and,
 - e. On southerly side, the 12-foot-wide limited air and subsurface space, with an upper limit of 15 feet above street surface and a lower limit of 100 foot below street surface.

2. LA Live Way, from Pico Boulevard to approximately 222 feet southwesterly thereof, the variable width limited air space, with a lower limit of 15 feet above street surface and an upper limit of 40 feet above street surface.
 3. LA Live Way, from Pico Boulevard to approximately 234 feet northeasterly thereof, the variable width limited air space, with a lower limit of 15 feet above street surface and an upper limit of 40 feet above street surface.
- B. That the vacation of the areas described below and shown colored orange on Exhibit B, be denied. The applicant has requested that these areas be withdrawn from their request.
1. Chick Hearn Court, from approximately 41 feet westerly of Georgia Street to 67 feet westerly thereof,
 - a. The limited air space, with a lower limit of 15 feet above street surface and an upper limit of 70 feet above street surface; and,
 - b. The 15-foot-wide limited air and subsurface space, with an upper limit of 15 feet above street surface and a lower limit of 100 foot below street surface.
 2. Bond Street, from Pico Boulevard to easterly terminus at LA Live Way.
 3. Pico Boulevard, an area approximately 64 feet by 97 feet westerly of LA Live Way, the limited air space, with a lower limit of 15 feet above street surface and an upper limit of 70 feet above street surface.
- C. Review and consider the Draft and Final Environmental Impact Report for the Convention and Event Center Project (FEIR), which were prepared by the City of Los Angeles in compliance with the California Environmental Quality Act (CEQA), and certified by City of Los Angeles in October 2012; the December 2021 Addendum to the Convention and Event Center Project Environmental Impact Report; and, the December 2021 Joint Analysis for the Convention Center Expansion and Modernization Project and JW Marriott Hotel and Conference Center Expansion Project (Transmittal Nos. 3, 4, 5, 6).
- D. Find under CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the subsurface space, air space, and street vacation that reduce or substantially lessen the significant environmental effects as identified in Chapter IV, Mitigation Monitoring and Reporting Program of the FEIR, pages IV-1 through IV-110 and in the City's CEQA review Memo, dated April 13, 2022 (Transmittal 7) which is attached and incorporated herein.
- E. 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 this subsurface space, air space, and street vacation.

- F. Specify that the Permit Case Management Division (PCM) of the Bureau of Engineering (Engineering), located at 201 N. Figueroa Street, Suite 200, L.A. 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.
- G. 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.
- 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 Engineering be authorized to issue a revocable permit to the petitioner of this vacation request, or its representative, subject to satisfaction of the conditions for issuing such permit, to close, fence, occupy, demolish, excavate, grade, and construct in the public right-of-way of a portion of Pico Boulevard within the conditionally approved vacation area, prior to finalizing and recording the street vacation of a portion of this street.

FISCAL IMPACT STATEMENT:

On November 10, 2020, under Council File 20-0600-S82, the City Council adopted the Financial Status Report Fiscal Year 2020-2021. The document identifies funding in the amount of \$79,430.72 to be reappropriated by the Controller to MICLA Fund 29B Account No. 50T178 and transferred to Engineering Fund No. 100/78 Account No. 001010, 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 Public Works Committee approval of this report, so the City Clerk and Engineering 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 the addresses listed in Transmittal 8.

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 E1401376 be paid.
2. That a suitable map, approved by Engineering's Central District (CEN), delineating the limits, including bearings and distances, of the areas to be vacated be submitted to PCM prior to the preparation of the Resolution to Vacate (Resolution).
3. That a suitable legal description describing the areas 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 dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer. A clearance letter from CEN shall be required:

LA Live Way (south of Pico Boulevard): Dedicate a variable width strip of land adjoining the property to complete a 60-foot wide right of way in accordance with Local Street Standards, along with a 15-foot by 15-foot cut corner or 20-ft curved corner radius at the intersection with Pico Boulevard.

6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer. A clearance letter from CEN shall be required:
 - a. Pico Boulevard:
 - i. Repair and/or replace any broken, off-grade curb, gutter, sidewalk, and AC roadway.
 - ii. The petitioner shall submit street improvement plans to CEN.
 - iii. The petitioner shall obtain permitting, including but not limited to B-Permit, from the City Engineer for any street improvement activities and substantial structural modifications which provides lateral or vertical support to the proposed structures. The applicant shall complete the requirements of the permits in a satisfactory manner.

- b. LA Live Way (north of Pico Boulevard):
 - i. Repair and/or replace any broken, off-grade curb, gutter, sidewalk, and AC roadway.
 - ii. Reconstruct the existing curb ramps the northwest and northeast corner of the intersection with Pico Boulevard, per latest Engineering curb ramp standard (Standard Plan S-442-6).
- c. LA Live Way (south of Pico Boulevard):
 - i. Repair and/or replace any broken, off-grade curb, gutter, sidewalk, and AC roadway.
 - ii. Reconstruct the existing curb ramp at the southeast corner of the intersection with Pico Boulevard, per latest Engineering curb ramp standard (Standard Plan S-442-6).

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 crack 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 Standard Plans S410-2, S440-4, S442-6, and S444-0.

- 7. That arrangements be made with all utility agencies, cable companies, and franchises maintaining facilities in the area, including but not limited to the Los Angeles Department of Water and Power (LADWP), AT&T, Verizon, Charter/Spectrum, and Southern California Gas Company, for the removal of facilities or establishment of easements rights for the protection of facilities to remain in place.
- 8. That upon the review of the title report identifying the underlying fee title interest of the vacation areas, that satisfactory arrangements be made in regard to any areas that are not vested in the adjoining owner in fee.
 - a. If the City is identified as holding title interest, satisfactory arrangement must made with the identified City Agency (typically is the Department of General Services). A clearance letter from the identified City agency will be required, if applicable.
- 9. That upon the review 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, as necessary 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.

10. That the owner records a Covenant and Agreement to run with the land, satisfactory to the City Engineer, for any proposed structures to be located in any air or substructure space vacation areas.
11. That the owner be required to maintain the supports to all elements of the building structures within the proposed air and substructure space 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 structures within, and adjacent to, the air space 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. Furthermore, 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. The owner shall grant reasonable access to the City's contractor to make said repairs.
12. The owner shall be required to limit the use of the structures within the air and substructure space vacation areas. No storage of combustibles will be allowed.
13. The owner shall provide and maintain a policy of general liability insurance in an amount no 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.
14. 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 prior to recordation, and subsequently be recorded, relieving the City of any liability arising from the construction, maintenance and use of the proposed structures within the air and substructure space vacation areas.
15. That a minimum vertical clearance of 15 feet be provided below any built structures within the proposed air space vacation areas.
16. 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.
17. That street lighting facilities be removed, relocated, or installed, as may be required by the Bureau of Street Lighting (BSL). If applicable, that street lighting plans be submitted to and approved by BSL as to the relocation of any existing electroliers and the installation of any additional electroliers.
18. That satisfactory arrangements be made with the Los Angeles Fire Department (LAFD) for the relocation of fire hydrants. A clearance letter from LAFD will be required.

19. That satisfactory arrangements be made with the Los Angeles Department of Transportation (LADOT) for the approval of proposed street design, striping plans, and any plans necessary for the reconfiguration of streets impacted by this request. A clearance letter from the LADOT will be required.
20. That satisfactory arrangements be made with CEN for the approval of proposed street improvement plans, and any plans necessary for the reconfiguration of streets and sidewalks impacted by this request. A clearance letter from CEN will be required.

TRANSMITTAL:

1. Application dated September 17, 2019, from the City of Los Angeles Department of Convention and Tourism Development.
2. Exhibit B, location map.
3. Draft Environmental Impact Report for the Convention and Event Center Project.
4. Final Environmental Impact Report for the Convention and Event Center Project which were prepared by the City of Los Angeles in compliance with CEQA and certified by City of Los Angeles in October 2012.
5. Addendum to the Convention and Event Center Project Environmental Impact Report dated December 2021.
6. Joint Analysis for the Convention Center Expansion and Modernization Project and JW Marriott Hotel and Conference Center Expansion Project dated December 2021.
7. CEQA Review Memo dated April 13, 2022, from Maria Martin, Environmental Management Group, Engineering.
8. List of addresses to receive notification of the time and place of the PW Committee and City Council meetings.

DISCUSSION:

Request: The petitioner, the City Department of Convention and Tourism Development, representing the owner of the properties shown outlined in yellow on Exhibit B, is requesting the vacation of the street areas shown colored blue. The purpose of the request is for the construction of the Los Angeles Convention Center (LACC) Expansion Project (Project). The request includes a combination of air space, surface, and subsurface space vacation to accommodate the construction of, and to improve pedestrian and vehicular circulation for, the Project. The applicant, with the assistance of AEG Plenary Conventions Los Angeles LLC (APCLA), proposes to expand and modernize the LACC and surrounding areas by means of a Public-Private Partnership Development. Additional details are provided on Transmittal 1.

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 of the conditions established for this vacation request.

Previous Council Action: The Council on February 13, 2018, under Council File No. 21-0458, adopted a new initiation report to initiate the related street vacation proceedings. Details for the LACC Expansion Project may be found under Council File No. 15-1207-S1.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned (Q)CEC-4D-O (Convention and Event Center Specific Plan Zone) and is developed with the LACC.

The properties adjoining the areas to be vacated to the west are zoned PF-1 (Public Facilities) and the area is developed with state highway improvements, including the Interstate 110 Harbor Freeway. The Interstate 110 separates parcels west of the freeway with an overpass, medians, and freeway walls. Pico Boulevard crosses beneath the freeway and connects the Project to the Pico Union neighborhood which includes a mix of residential, commercial, and industrial uses.

The properties adjoining the areas to be vacated to the North and East are zoned LASED (Los Angeles Sports and Entertainment District) and improved with L.A. Live, an entertainment, hotel and residential complex to the north, along with hotels, parking structures, retail, and similarly related structures. Figueroa Street, primarily characterized by newly developed and under construction high-rise residential and mixed-use towers, abuts the Project to the east.

The properties adjoining the areas to be vacated to the South are zoned C2 (Commercial Zone) and is bound by commercial uses on Venice Boulevard and the 10 freeway with an overpass that links to a mix of uses within University Park and neighborhoods of South LA.

Description of Area to be Vacated: The areas sought to be vacated are:

- a. The following areas of Pico Boulevard, from LA Live Way to approximately 785 feet southeasterly. This segment of Pico Boulevard is dedicated 102 feet wide:
 1. The limited air space, with a lower limit of 15 feet above street surface and an upper limit of 200 feet above street surface.
 2. The 20-foot-wide limited air and subsurface space, with an upper limit of 15 feet above street surface and a lower limit of 100 feet below street surface, on the northerly side.
 3. The 14-foot-wide limited air and subsurface space, with an upper limit of 15 feet above street surface and a lower limit of 1 foot below street surface, on and along the center.
 4. The 41-foot-wide limited subsurface space, with an upper limit of 1 foot below street surface and a lower limit of 100 feet below street surface, on and along the center.

5. The 12-foot-wide limited air and subsurface space, with an upper limit of 15 feet above street surface and a lower limit of 100 foot below street surface, on the southerly side.
- b. The variable width limited air space of a portion of LA Live Way, with a lower limit of 15 feet above street surface and an upper limit of 40 feet above street surface, from Pico Boulevard to approximately 222 feet southwesterly. This segment of LA Live Way is dedicated 54-feet wide and variable width.
- c. The variable width limited air space of a portion of LA Live Way, with a lower limit of 15 feet above street surface and an upper limit of 40 feet above street surface, from Pico Boulevard to approximately 234 feet northeasterly. This segment of LA Live Way is dedicated 102 feet wide and variable width.

Adjoining Streets and Alley:

Pico Boulevard easterly of LA Live Way is a Modified Avenue II dedicated 102-feet wide with a two way fully improved street with concrete curbs, gutters, and sidewalks. The full roadway width is 82-feet including a 15-foot wide median.

LA Live Way north of Pico Boulevard is a Collector Street dedicated 102-feet and variable width with 82-feet wide improved roadway with concrete curbs, gutters, and sidewalks.

LA Live Way south of Pico Boulevard is a Local Street – Standard dedicated 70-feet wide and variable width with improved roadway, concrete curbs, gutters, and sidewalks.

Surrounding Properties: The owners of lots adjoining the vacation areas have been notified of the proposed vacation.

Effects of Vacation on Circulation and Access: The vacation of the subject portions of Pico Boulevard, and LA Live Way should have no adverse effect on vehicular circulation or access provided that the access conditions of this report are met.

The subject portions of Pico Boulevard, and LA Live Way are also not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the vacation: There are no objections to this revised vacation request. Under the original vacation request, the California Department of Transportation (Caltrans) objected the vacation of a portion of Bond Street. Bond Street has since been removed from this overall vacation request by the petitioner, deeming the objection as no longer applicable.

Reversionary Interest: No determinations 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 the dedications and improvements as outlined in the conditions of this report.

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

Public Utilities: AT&T stated in its communication dated March 2, 2020, that it maintains facilities in the area proposed to be vacated. LADWP stated in its communication dated May 19, 2020, that it maintains facilities within the area sought to be vacated. Verizon stated in its communication dated February 25, 2020, that it does have facilities in the area. Charter stated in its communication dated February 26, 2020, that there is currently no existing Charter aerial/or underground facilities within the project limits. The Southern California Gas Company did not respond to Engineering's referral letter dated February 19, 2020.

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 parcels 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: LADOT stated in its communication dated June 17, 2020, that the vacation is not opposed if all abutting property owners are in agreement with the proposed vacation and that provisions are made for lot consolidation, driveway and access approval by DOT and 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: LAFD stated in its letter dated July 10, 2020, that it has no objection to this street vacation provided that all public fire hydrants within the proposed street vacation are relocated at the petitioner's expense with the approval of LADWP.

Department of City Planning: The Department of City Planning, stated in its letter dated March 24, 2020, that the Department finds the proposed vacations to be in substantial conformance with the purposes, intent, and provisions of the City's General Plan, including the Central City Community Plan and the Transportation Element. The vacations will enable further development of the Convention Center and Event Center uses while allowing for efficient circulation patterns. As development and revitalization continue in this area, the existing and reconfigured streets will provide valuable and essential services for the community.

Conclusion: The vacation of the portions of Pico Boulevard, and LA Live Way areas 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 those areas are requested to be withdrawn from consideration by the petitioner.

Respectfully submitted,



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Report prepared by:

PERMIT CASE MANAGEMENT DIVISION

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HMH/BG:sm