

Office of the City Engineer

Los Angeles, California

To the Public Works and Gang Reduction Committee

Of the Honorable Council

Of the City of Los Angeles

March 14, 2019

Honorable Members:

C. D. No. 6

SUBJECT:

VACATION REQUEST - VAC- E1401332 - Council File No. 18-0194 – Sherman Circle (Northeasterly Side) from Gault Street to approximately 445 feet Northwesterly 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” and the exact limits of the vacation areas be permitted to be adjusted based on the survey of the existing improvements:

Northeasterly side of Sherman Circle from Gault Street to approximately 445 northwesterly thereof.

- B. That the vacation area shown colored orange on Exhibit “B”, be denied.
- C. That the Council find that the vacation is exempt from the California Environmental Quality Act (CEQA) of 1970, pursuant to the State CEQA Guidelines Article 19, Section 15305, Minor Alterations in Land Use Limitations, Class 5. The project is also exempt under the City of Los Angeles CEQA Guidelines Article III, Section 1, Class 5, Alterations in Land Use Limitations, Category 3.
- D. That the City Council direct staff to file a Notice of Exemption with the Los Angeles County Registrar/Recorder within 5 days of the Council's approval.
- 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 Committee approval based on the Initiation of the Street Vacation Proceedings adopted by City Council on February 6, 2019, so the City Clerk and Bureau of Engineering can process the Public Notification pursuant to Section 8324 of the California Streets and Highways Code.

FISCAL IMPACT STATEMENT:

The petitioner has paid a fee of \$47,080.00 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:

That notification of the time and place of the Public Works and Gang Reduction Committee and the City Council meetings to consider this request be sent to:

1. Courtney Ross Tait  
Skane Wilcox LLP  
1055 W 7<sup>th</sup> Street, Suite 1700  
Los Angeles, CA 90017
2. Nized Khalili Trust  
10551 Wilshire Boulevard, Ste. #804  
Los Angeles, CA 90024

3. San Fernando Valley Community Mental Health Center LLC  
16360 Roscoe Boulevard, 2<sup>nd</sup> Floor  
Van Nuys, CA 91406
4. Madison Investment Properties LLC  
P.O. Box 5962  
Beverly Hills, CA 90209
5. First Avenue Realty Co, Inc.  
C/O Walgreen Co.  
P.O. Box 1159  
Deerfield, IL 60015

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 E1401332 be paid.
2. That a suitable map, approved by the Valley District Engineering office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Land Development and GIS 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 Land Development and GIS Division of the Bureau of Engineering 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. Dedicate 5 feet as a public street on Van Nuys Boulevard to provide a 55-foot half right-of-way in accordance with the Boulevard II Standards. If there is an existing building, provide dedication up to the building.
  - b. Dedicate 4 feet as a sidewalk easement on Van Nuys Boulevard to complete a 15-foot sidewalk in accordance with the Boulevard II Standards. If there is an existing building, provide dedication up to the building.

6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
  - a. Remove and replace any broken/off grade curb, gutter and sidewalk along Sherman Circle, Gault Street and Van Nuys Boulevard.
  - b. Construct/fill in concrete sidewalk at newly dedicated area on Van Nuys Boulevard. Provide proper sidewalk transition to comply with ADA requirements.
  - c. Remove and reconstruct non-ADA-compliant driveways to provide ADA-compliant driveways along Sherman Circle, Gault Street and Van Nuys Boulevard.
  - d. Remove and replace existing curb ramps with ADA compliant curb ramps adjoining the petitioner's properties.
7. 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, Time Warner Cable, and AT&T for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
8. That satisfactory arrangements be made with the Los Angeles County Department of Public Works (letter dated March 1, 2018) for the reservation of easement for covered storm drain and appurtenant structures with ingress and egress purpose in favor of the District.
9. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing storm drain facilities located within the area to be vacated, unless easements are reserved from the vacation for their protection.
10. That consents to the vacation be secured from the owners of Parcel B of Parcel Map Los Angeles No. 1791, Parcel A of Parcel Map Los Angeles No. 2630, and Parcel A of Parcel Map Los Angeles No. 1573 adjoining the area to be vacated.
11. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, an agreement be recorded satisfactory to the Bureau of 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 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.
12. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.

13. 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.
14. That a survey showing the existing building, property line, roadway, sidewalk and existing improvements on Van Nuys Boulevard and Gault Street adjoining the petitioner's properties be submitted to the Land Development and GIS Division and Valley District Engineering Office to determine the dedication and the exact area to be vacated at the intersection of Van Nuys Boulevard and Gault Street and Sherman Circle and Gault Street.

TRANSMITTAL:

1. Application dated January 11, 2018 from Courtney Ross-Tait of Skane Wilcox LLP.
2. California Environmental Quality Act (CEQA) Review Memo dated March 14, 2019 from Maria Martin, Environmental Management Group, Bureau of Engineering, City of Los Angeles.
3. Notice of Exemption document dated March 8, 2019, Project Title: Sherman Circle (Northeasterly Side) from Gault Street to Approximately 445-feet Northeasterly thereof - Vacation

DISCUSSION:

Request: The petitioner, Courtney Ross-Tait, representing the owner of the properties shown outlined in yellow on Exhibit "B", is requesting the vacation of the public street area shown colored blue and orange. The purpose of the vacation request is to unencumber the property owner from a 50-year old public right-of-way easement that has not been utilized.

Resolution to Vacate: The Resolution to Vacate will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on February 6, 2019, under Council File No. 18-0194 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated to north and west are zoned as C2-1L and OS-1XL, respectively. The property to the north is developed with commercial buildings and the property to the west is currently being used for public street purposes.

Description of Area to be Vacated: The area sought to be vacated is a strip of land approximately 37.5-foot wide northeasterly side of Sherman Circle from Gault Street to approximately 445 northwesterly thereof. Sherman Circle is designated as a Local Street. The proposed vacation area is currently used as a parking lot, and driveway access for the

adjoining properties, and the southeasterly portion is occupied by an undeveloped piece of land.

Along Gault Street, a portion beyond a 12-foot strip of land measured from the existing curb, together with a 20-foot radius property line return at the intersection of Van Nuys Boulevard can be vacated. A survey as required under Condition No. 14 will be needed to establish the exact limit of the vacation.

Adjoining Street: Gault Street is a Standard Local Street dedicated 60 feet wide with a 36-foot wide roadway, curbs, gutters and 10-foot and 14-foot wide sidewalks. Van Nuys Boulevard is a Boulevard II dedicated 100 feet wide with 50-foot half right of way, 44-foot roadway, curbs, gutter and 6-foot sidewalk. Sherman Circle is a Local Street dedicated 50 feet wide and currently improved as a divided street. The Lot A, Arb 2 is under City control per Instrument No. 928 in Book 29260, Page 336 of Official Records, recorded on January 27, 1949 (CE 206-113).

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 northeasterly side of Sherman Circle from Gault Street to approximately 445 feet northwesterly thereof should not have an adverse effect on circulation or access since it is an excess right of way. The proposed vacation area is currently improved as a parking lot, driveway, and unimproved land.

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 provides for the dedications and improvements as outlined in the conditions of this report.

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

Public Utilities: The AT&T stated in its communication dated March 6, 20018 that AT&T maintains facilities in the area proposed to be vacated. The Southern California Gas Company stated in its communication dated January 30, 2018 that it does not maintain facilities within the proposed vacation area. The Los Angeles Department of Water and Power stated in its communication dated August 29, 2018 that the Water Services Organization (WSO) of the Department of Water and Power does maintain pipes in the vacation area. Time Warner Cable did not respond to the Bureau of Engineering's referral letter dated January 22, 2018.

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 the Bureau of 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 of Los Angeles.

City Department of Transportation: The Department of Transportation stated in its communication dated March 16, 2018, that based on traffic considerations, the vacation is not opposed if the abutting property owners are in agreement with the proposed vacation and provisions are made for lot consolidation, driveway and access approval by LADOT, 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 27, 2018, that it has no objections to the proposed street vacation.

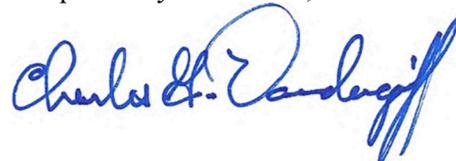
Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter, dated January 22, 2018.

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 they are needed for public street purposes.

Respectfully submitted,



Edmond Yew, Manager  
Land Development & GIS Division  
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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