

Office of the City Engineer
Los Angeles, California

To the Honorable Council
Of the City of Los Angeles
Honorable Members:

October 18, 2019
C. D. No. 4

SUBJECT:

VACATION REQUEST - VAC- E1401310 - Council File No. 17-0545 – Wilshire Boulevard (Portion of) between Spaulding Avenue and Stanley Avenue (Airspace 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 “ A”:
- Wilshire Boulevard (Portion of) between Spaulding Avenue and Stanley Avenue (Airspace vacation), above a lower limit of approximately 19 feet above the finished grade and below an upper limit of approximately 197 feet above the finished grade.
- B. Review and consider the Final Environmental Impact Report for the Los Angeles County Museum of Art (LACMA) Building for the Permanent Collection (FEIR) (State Clearinghouse No. 2016081014), dated October 2017 (Transmittal No. II) and March 2019 (Transmittal No. III), which was prepared by the County of Los Angeles in compliance with CEQA and certified by Los Angeles County on April 9, 2019
- C. Find under CEQA Guidelines Section 15091 (a)(1) that changes or alterations have been required in, or incorporated into, the airspace 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-38 and in the City’s CEQA review Memo, dated September 16, 2019 (Transmittal IV) which is attached and incorporated herein, and as set forth on pages 69 through 84 of the Los Angeles County Museum of Art (LACMA) Building for the Permanent Collection: CEQA Findings of Facts and Statement of Overriding Considerations, a copy of which is attached (Transmittal V) and incorporated herein.

- D. Find under CEQA Guidelines Section 15091(a)(3) that regarding the significant air quality, noise and traffic impacts during construction that would remain even after mitigation, specific economic, legal, social, technological, or other considerations make infeasible additional mitigation or the alternatives considered in the Final EIR, as set forth on pages 85 through 112 of the Los Angeles County Museum of Art (LACMA) Building for the Permanent Collection: CEQA Findings of Fact and Statement of Overriding Considerations (Transmittal V).
- E. Further find under CEQA Guidelines Section 15093, that regarding the significant air quality, noise and traffic impacts during construction that would remain even after mitigation, specific overriding economic, legal, social, technological, or other benefits on the airspace vacation outweigh the unavoidable significant effects on the environment. These specific overriding considerations are described on pages 113 through 118 of the Los Angeles county Museum of Art (LACMA) Building for the Permanent Collection: CEQA Findings of Fact and Statement of Overriding Considerations (Transmittal V)
- F. 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 airspace vacation.
- G. Specify that the Land Development and GIS Division of the Bureau of Engineering located at 201 N. Figueroa Street, Suite 290, Los Angeles, CA 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.
- H. That the City Council find that there is a public benefit to this airspace vacation. The proposed action is limited to an airspace vacation which will be used for a public art museum.
- I. 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.
- J. 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.
- K. 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.
- L. That the Council adopt the City Engineer's report with the conditions contained therein.

- M. 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 \$50,000.00 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:

BREATHE CALIFORNIA OF
5858 WILSHIRE BLVD #300
LOS ANGELES, CA 90036

CRAFT AND FOLK ART MUSEUM
5814 WILSHIRE BLVD
LOS ANGELES, CA 90036

L A COUNTY PARK
500 W TEMPLE ST RM 754
LOS ANGELES, CA 90012

SUBUD CALIFORNIA
5828 WILSHIRE BLVD
LOS ANGELES, CA 90036

LA TOUR 5800 INC
5800 WILSHIRE BLVD
LOS ANGELES, CA 90036

MUSEUM ASSOCIATES
5905 WILSHIRE BLVD

LOS ANGELES, CA 90036

STERN, CHANTAL TR
5820 WILSHIRE BLVD STE 204
LOS ANGELES, CA 90036

5900 WILSHIRE LLC
800 WILSHIRE BLVD # 1425
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 E1401310 be paid.
2. That a suitable map, approved by the Central 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 property in a manner satisfactory to the City Engineer:
 - a. Dedicate a 6-foot wide sidewalk easement on the northerly side of Wilshire Boulevard (Avenue I) to match the existing sidewalk in order to accommodate proper pedestrian passage. The limits of the sidewalk easement dedication shall be from approximately 105 feet east of the centerline of Spaulding Avenue to approximately 350 feet east of same centerline. The easterly limits of the dedication shall correspond to the east boundary of an existing driveway apron and shall be verified by survey.

- b. Dedicate 2.5 feet as a public street on the easterly side of Spaulding Avenue to provide a 30-foot half right away in accordance with the Local Street standard.
 - c. Dedicate a 15-foot by 15-foot or 20-foot radius cut-corner area of the easterly corner of Spaulding Avenue and Wilshire Boulevard to match the new property line.
 6. That the following improvements be constructed adjoining the petitioner's property or suitably guaranteed in a manner satisfactory to the City Engineer:
 - a. Remove and replace damaged sidewalk, curb and gutter on the easterly side of Spaulding Avenue. Construct a concrete sidewalk in the newly dedicated area.
 - b. Remove and replace damaged sidewalk, curb, roadway, and gutter along Wilshire Boulevard.
 - c. All required pedestrian improvement shall comply with American with Disabilities Act (ADA) as well as state or local standards.
 - d. Close any unused driveways with full height curb.
 - e. Provide landscaping within the sidewalk area and within the street median.
 7. That the petitioner record a covenant and agreement to comply with the mitigation measures described in the EIR and Mitigation Monitoring Plan dated March 2019, pages IV-1 through IV-38 and also identified in the Bureau of Engineering, Environmental Management Group memo dated September 16, 2019 titled California Environmental Quality Act (CEQA) Review: Summary of Relevant Findings and Mitigation Measures for Wilshire Blvd (Portion of) BTWN Spaulding Ave and Stanley Ave (Airspace VAC) (Project) W.O. E1401310
 8. That if necessary, satisfactory arrangements be made with the City Engineer for the protection, relocation or abandonment of the existing sewer facilities located adjacent to the area to be vacated unless easements are reserved from the vacation for its protection.
 9. 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, Southern California Gas Company, AT&T, Southern California Edison and Time Warner Cable for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
 10. That upon the reviews of the title report identifying the underlying fee title interest of the vacation areas, agreements be recorded satisfactory to the Bureau

- of Engineering to hold each or one 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 of Los Angeles.
11. That the petitioner record a covenant and agreement to run with the land pertaining to the pedestrian bridge over Wilshire Boulevard to include the following:
 - a) That the owners be required to limit use of the structure within the vacated airspace to a public art museum use which will be permitted by the County Department of Building and Safety. No storage of combustibles will be allowed except as approved in writing by the Department of Building and Safety and the Department of Public Works.
 - b) That the owners agree to waive any damages and indemnify the City of any liability arising from the construction, maintenance and use of the proposed structure.
 - c) That a minimum clearance of 19 feet under the bridge based upon a suitable reference point be provided at all points of the bridge over Wilshire Boulevard.
 12. That the petitioner comply with the requirements of the Department of City Planning letter to the Bureau of Engineering dated June 5, 2019, in particular relating to fencing and signage, to the satisfaction of the Department of City Planning. A clearance letter from the Department of City Planning to the Bureau of Engineering is required.
 13. That the petitioner comply with the requirements of the Bureau of Street Lighting letter to the Bureau of Engineering dated May 11, 2017, to the satisfaction of Bureau of Street Lighting. A clearance letter from the Bureau of Street Lighting to the Bureau of Engineering is required.
 14. That the Metro Transit Division of the Bureau of Engineering is provided with future plans showing what components of the project will be constructed within the airspace and the ground below in order to confirm that there will be no impacts to the subway system. A clearance letter from the Metro Transit Division is required.
 15. That the petitioner comply with the requirements of the Los Angeles Department of Transportation (LADOT) communication to the Bureau of Engineering dated May 1, 2017, to the satisfaction of LADOT. A clearance letter from the LADOT to the Bureau of Engineering is required.

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.

TRANSMITTAL:

- I. Application dated January 26, 2017 from Museum Associates, dba Los Angeles County Museum of Art and a request letter dated December 14, 2018.
- II. Draft Environmental Impact Report (EIR) SCH No. 2016081014 for the LACMA Building for the Permanent Collection dated October 2017.
- III. Final Environmental Impact Report (EIR) SCH No. 2016081014 for the LACMA Building for the Permanent Collection dated March 2019.
- IV. California Environmental Quality Act (CEQA) Review Memo dated September 16, 2019 from Maria Martin, Environmental Management Group, Bureau of Engineering, City of Los Angeles titled California Environmental Quality Act (CEQA) Review: Summary of Relevant Findings and Mitigation Measures for Wilshire Blvd (Portion of) BTWN Spaulding Ave and Stanley Ave (Airspace VAC) (Project) W.O. E1401310
- V. LACMA Building for the Permanent Collection: CEQA Findings of Fact and Statement of Overriding Considerations

DISCUSSION:

Request: The petitioner, Michael Govan, CEO and Wallis Annenberg Director of the Museum Associates, dba Los Angeles County Museum of Art, representing the owner of the properties shown outlined in yellow on Exhibit "A," is requesting the vacation of the public street area shown colored blue. The purpose of the vacation request is to construct a new Los Angeles County Museum building for permanent collection.

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 May 24, 2017, under Council File No. 17-0545 adopted the initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the vacation area to the north are zoned PF-1D and is developed with public facilities/museums. The properties adjoining the vacation to the south are zoned (Q)C4-2-CDO and are developed with parking lots.

Description of Area to be Vacated: The areas sought to be vacated are in the airspace above Wilshire Boulevard (Portion of) between Spaulding Avenue and Stanley Avenue. Wilshire Boulevard is dedicated 100 feet wide including a 70-foot wide roadway with

curb, gutter and sidewalks on both sides. Spaulding Avenue is dedicated 60 feet wide including a 36-foot wide roadway with curb, gutter and sidewalks on both sides.

Adjoining Street: 6th Street is an improved Avenue II dedicated between 86 feet wide right-of-way including a 56-foot width roadway with curbs, gutters, and sidewalks on both sides. Curson Avenue is an improved Collector Street dedicated 66 feet wide right-of-way including a 40 feet wide roadway with curbs and gutters and sidewalks on both sides.

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 airspace vacation of Wilshire Boulevard (Portion of) between Spaulding Avenue and Stanley Avenue should not have a significant adverse impact on vehicular circulation or access since the proposed bridge is above Wilshire Blvd not affecting the usage of the current roadway.

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 dedications and improvement as outlined in the conditions of this report.

Sewers and Storm Drains: There are existing sewers facilities adjacent to the areas proposed to be vacated.

Public Utilities: The communication from the Department of Water and Power (DWP) dated May 31, 2017 states that DWP maintains facilities in the area proposed to be vacated. However, the Department of Water and Power (DWP) did not respond to the Bureau of Engineering's second referral letter dated December 26, 2018. Per communication dated March 3, 2017, Charter/Spectrum does not maintain facilities within the area proposed to be vacated. However, Charter/Spectrum did not respond to the Bureau of Engineering's second referral letter dated December 26, 2018. The Southern California Gas Company and AT&T did not respond to the Bureau of Engineering's referral letter dated February 23, 2017 and December 26, 2018.

Metro Transit Division of the Bureau of Engineering: The communication from the Metro Transit Division dated March 4, 2019 states that "Metro approves the vacation request with the condition that Metro is provided future plans showing what components of the project will be constructed within the airspace and the ground below in order to confirm that there will be no impacts to the subway system."

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 may 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 May 1, 2017 that DOT does not oppose the vacation if the abutting property owners are in agreement with the proposed vacation and that the vacation would result in roadway and right-of-way dimensions that are consistent with the new street standard identified in the Mobility Element of the General Plan. The Mobility Element (also known as Mobility Plan 2035) was adopted by the City Council on August 11, 2015.

In addition, the Los Angeles Department of Transportation (LADOT) stated that “through the requirements of a tract map or by other means, provisions are 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 new Mobility Element of the General Plan.

A clearance letter from LADOT would be required as one of the conditions of this vacation.

LADOT did not respond to the Bureau of Engineering’s second referral letter dated December 26, 2018.

City Fire Department: The Fire Department provided a letter dated February 20, 2019 that they have no objection to the proposed street vacation. The Fire Department also provided a letter dated June 10, 2019 stating that the February 20, 2019 letter supersedes the previous Fire Department letter dated August 1, 2017.

Department of City Planning: The Department of City Planning (DCP) stated in its communication dated June 5, 2019 that The Department of City Planning recommends the following conditions to be included in this report:

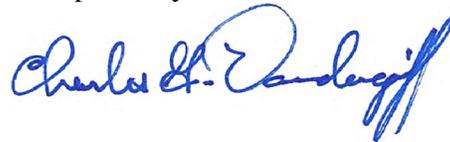
- **Signage:** No signage, temporary or otherwise, shall be permitted on the exterior of the proposed structure, within the area that extends over the Wilshire Boulevard public right-of-way. Signs related to way-finding and building operation would be exempt.
- **Lighting:** Work with The Department of Public Works to provide additional lighting within the area underneath the subject airspace vacation, including appropriately placed up-lighting.

- Landscaping: Obtain approval of any landscaping plans from The Department of Public Works in a manner satisfactory to the City Engineer
- Fencing: Implement modified perimeter fencing along the south side of the project's Wilshire Boulevard frontage, such that fencing is recessed from the front property line to accommodate a public gathering space and a public art feature that is not enclosed within fencing.

Conclusion: The vacation of the public streets 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,



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

Report prepared by:

LAND DEVELOPMENT AND GIS DIVISION

Spencer Yu
Civil Engineer
(213) 808-8618

EY/ GV / SY
Q:\LANDDEV\STREET VACATIONS\E1401300-E1401399\E1401310\VAC
E1401310 Report.doc