

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

February 20, 2020

Honorable Members:

C. D. No. 9

SUBJECT:

VACATION REQUEST - VAC- E1401340 - Council File No. 11-0122-S3 – Portion of McKinley Place Southerly of 87<sup>th</sup> Street

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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”:

The northerly 32.5-foot by 135-foot portion of Lot 12 of Tract 473 of McKinley Place southerly of 87<sup>th</sup> 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.
- H. 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 \$14,980.00 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 Safety Committee and the City Council meetings to consider this request be sent to:

1. North East Trees  
Attn: George Ballteria  
570 West Avenue 26, Suite 200  
Los Angeles, CA 90065
2. Heal the Bay  
Attn: Shelley Luce  
1444 9<sup>th</sup> Street  
Santa Monica, CA 90401
3. Council District 9  
Attn: Paloma Perez  
200 N. Spring Street, Rm. 420  
Los Angeles, CA 90012
4. Department of General Services  
Asset Management Division

111 E. 1<sup>st</sup> Street, Room 201  
Los Angeles, CA90012

5. Recreation and Parks  
Attn: Darryl Ford  
221 N. Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012
6. Bureau of Sanitation  
1149 S. Broadway Street, Suite 900  
Los Angeles, CA 90015

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 E1401340 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. McKinley Avenue (Collector)  
Dedicate 3 feet along the project to meet the current classification of a Collector with a required half right of way of 33 feet. The existing half right of way on the project side is 30 feet wide.
6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

a. McKinley Place

- Construct asphalt pavement to provide a 10-foot wide half roadway.
- Construct new curb and gutter per the latest Bureau of Engineering Standards (Standard Plan No. S-410-2).
- Construct 10-foot full width sidewalk per latest Bureau of Engineering Standards (Standard Plan No. S-440-0)

b. 87<sup>th</sup> Street

- Construct 12-foot full width sidewalk per latest Bureau of Engineering Standards (Standard Plan No. S-440-0).
- Remove and replace damaged curb and gutter per the latest Bureau of Engineering Standards (Standard Plan No. S-410-2).
- Construct new curb ramp at intersection of 87<sup>th</sup> Street and McKinley Place per the latest Bureau of Engineering Standards (Standard Plan No. S-442-5).
- Construct new curb ramp at intersection of 87<sup>th</sup> Street and McKinley Avenue per the latest Bureau of Engineering Standards (Standard Plan No. S-442-5).
- Remove and replace damaged cross gutter intersection with McKinley Avenue per the latest Bureau of Engineering Standards (Standard Plan No. S-410-2).

c. McKinley Avenue

- Construct asphalt pavement to provide a 20-foot half roadway width.
- Fill in the newly dedicated right of way with concrete sidewalk from the new property line along the project in a manner satisfactory to the City Engineer.
- Repair and/or replace any damaged/cracked as well as off-grade/missing sidewalk, curb, and gutter along the frontage of the property.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or unraised 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 unraised by more than ¼ inch from the surrounding concrete work or has a 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 Bureau of Engineering Standard Plans S410-2, S440-4, S442-5, and S444-0.

7. That arrangements be made with all utilities agencies as well as cable companies and franchises maintaining facilities in the area including but not limited to the

Department of Water and Power, AT&T, Southern California Gas Company, 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.

8. 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 such time as 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.
9. That street lighting facilities be installed as required by the Bureau of Street Lighting.
10. That street trees be planted and tree wells to be installed as required by the Urban Forestry Division of the Bureau of Street Services.

TRANSMITTAL:

Application dated March 29, 2018, from George Ballteria on behalf of North East Trees.

DISCUSSION:

Request: The petitioner, George Ballteria on behalf of North East Trees, representing Heal the Bay, lessee of the property 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 provide a neighborhood park by constructing improvements that will include shade trees, a garden, fitness stations, a walking track and outdoor classrooms. The improvements will enhance the under-utilized property and provide the public a much needed outdoor recreational facility for Wisdom Academy for Young Scientists (WAYS) students and the under-served surrounding community.

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.

Previous Council Action: The City Council on February 6, 2019, under Council File No. 11-0122-S3 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are currently zoned R2-1 and are developed low to medium density residential buildings.

Description of Area to be Vacated: The area sought to be vacated is the northerly 32.5-foot by 135-foot portion of Lot 12 of Tract 473 of McKinley Place southerly of 87<sup>th</sup> Street. McKinley Place is an improved Local Street dedicated 20 feet wide right of way with a 16-foot roadway with a 4-foot sidewalk on the west side.

Adjoining Streets: McKinley Avenue is an improved Collector dedicated 63 feet wide with a 20-ft wide half roadway, curb, gutter, and 13-foot sidewalks. 87<sup>th</sup> Street is an improved Local Street dedicated 60 feet wide and improved with an 18-foot wide half roadway, curb, gutter, and 12-foot 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 the northerly 32.5-foot by 135-foot portion of Lot 12 of Tract 473 of McKinley Place southerly of 87<sup>th</sup> Street should not have an adverse impact on circulation or access since this portion is not currently part of the improved section of McKinley Place.

The street is also not needed for the use of pedestrians, bicyclists, or equestrians.

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(s) has/have been made as to title or reversionary interest.

Dedications and Improvements: It will be necessary that the petitioner provide for the dedication 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 area proposed to be vacated.

Public Utilities: The Department of Water and Power, Southern California Gas Company, AT&T, and Time Warner Cable did not respond to the Bureau of Engineering's referral letters dated April 5, 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 June 8, 2018 that it does not oppose to the vacation provided that 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: The Fire Department stated in its letter dated April 18, 2018 that it has no objection to the vacation.

Department of City Planning: The City Planning Department in its communication dated May 1, 2018 stated that the vacation of the street is consistent with the intents and purposes of the City's General Plan, and consistent with Southeast Los Angeles Community Plan's goal of facilitating ongoing use of open space and recreational functions.

Conclusion: The vacation of the public street 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,



Edmond Yew  
Land Development & GIS Division  
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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