

Office of the City Engineer

Los Angeles, CA

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

July 22, 2021

Honorable Members:

CD No. 13

SUBJECT:

VACATION REQUEST - VAC- E1401387- Council File No. 20-1112 - Temple Street and Westlake Avenue Vacation District

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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 southerly 2-foot wide portion of Temple Street from Westlake Avenue to Bonnie Brae Street, and the easterly 2-foot wide portion of Westlake Avenue from Temple Street to approximately 270 feet southerly thereof.
- 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.

FISCAL IMPACT STATEMENT:

The petitioner has paid a fee 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 Administration 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 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. South Echo Apartments LLC  
Attn: Tony Ditteaux  
5790 Fleet Street, Suite 140  
Carlsbad, CA 92008

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 E1401387 be paid.
2. That a suitable map, approved by Engineering's Central District Engineering office, delineating the limits, including bearings and distances, of the area 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 the 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 property in a manner satisfactory to the City Engineer
  - a. Dedicate a 1-foot wide strip of land as public street along the westerly side of Bonnie Brae Street to complete a 33-foot wide half right-of-way as required for Collector Street Standards, together with a 20-foot radius property line return at the intersection with Temple Street.
6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
  - a. Reconstruct the existing curb ramp at the southeast corner of the intersection of Temple Street and Westlake Avenue in accordance to ADA requirements and the latest Engineering Standard Curb Ramp (Standard Plan S-442-6).
  - b. Fill in the newly dedicated area along Bonnie Brae Street with concrete sidewalk to join to the existing improvements including any necessary transitions to join the existing improvements.
  - c. Repair and/or replace damaged/cracked, off-grade sidewalk, curb, gutter, and pavement along the frontage in a manner satisfactory to the City Engineer along Temple Street, Westlake Avenue and Bonnie Brae Street.
  - d. Close any unused driveways with full height curb, 2-foot gutter, and concrete sidewalk.

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

7. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Department of Water and Power, AT&T, Charter

Communications, 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.

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 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 may be required by the Bureau of Street Lighting.
10. 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:

1. Application dated May 5, 2020, from Jason Ballow, representing the owner of the property, South Echo Apartments, LLC.
2. Exhibit A, location map.

DISCUSSION:

Request: The petitioner, Jason Ballow, representing South Echo Apartments, LLC, the owner of the property shown outlined in yellow on Exhibit A, is requesting the vacation of the public right-of-way area shown colored blue. The purpose of the vacation request is to return the overdedicated area to the owner that was dedicated through an Irrevocable Offer to Dedicate (IOD) #20160727139 and accepted through Resolution #20160962139.

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 December 2, 2020, under Council File No. 20-1112 adopted an Initiation of Vacation Proceedings for this vacation request.

Zoning and Land Use: The property adjoining the area to be vacated is zoned RAS4 and is developed with a mixed-use building.

Description of Area to be Vacated: The area sought to be vacated is a 2-foot wide strip of land along the southern portion of Temple Street between Westlake Avenue and Bonnie Brae Street, and a 2-foot wide strip of land along the eastern portion of Westlake Avenue from Temple Street to approximately 270-feet southerly thereof.

Adjoining Streets: Westlake Avenue is a Local Street dedicated 62 feet wide with a 20-foot wide half roadway, curb and gutter, and 12-foot wide concrete sidewalk. Temple Street is an Avenue II dedicated 88 feet wide with a 28-foot half roadway, curb and gutter, and 17-foot wide concrete sidewalk. Bonnie Brae Street is a Collector Street dedicated 62-feet wide with a 20-foot wide half roadway, curb and gutter, and 12-foot wide concrete sidewalk.

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 2-foot wide strip of land along the southern portion of Temple Street between Westlake Avenue and Bonnie Brae Street, and a 2-foot wide strip of land along the eastern portion of Westlake Avenue from Temple Street to approximately 270-feet southerly thereof will have no adverse effects on access rights or circulation. There is sufficient right of way to provide the necessary roadway and sidewalk to serve this area.

The vacation area is 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 has been made as to title or reversionary interest.

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

Public Utilities: The Department of Water and Power, AT&T, Charter Communications, and Southern California Gas Company 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 record 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 its communication dated June 25, 2020 that it does not oppose the proposed 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 the Department of Transportation; and any 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 communication dated July 1, 2020 that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning stated in its communication dated July 24, 2020 that the proposed street vacation is consistent with the Mobility Plan and the Westlake Community Plan policies and objectives. The vacation will facilitate a more efficient street network.

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,



Bert Moglebust, P.E.  
Principal Civil Engineer  
Permit Case Management Division  
Bureau of Engineering

Report prepared by:

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