

Office of the City Engineer

Los Angeles, CA

To the Public Works Committee

Of the Honorable Council  
Of the City of Los Angeles

November 24, 2021

Honorable Members:

CD No. 09

SUBJECT:

VACATION REQUEST - VAC- E1401398 - Council File No. 21-0586 – Portion of Vermont Avenue North of 43<sup>rd</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”:

Portion of Vermont Avenue North of 43<sup>rd</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.

FISCAL IMPACT STATEMENT:

The petitioner has paid a deposit 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 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 (PW) Committee approval of this report, so the City Clerk and Bureau of Engineering (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:

1. Michael Pauls Associates  
Attn: Alicia Ley  
6475 E Pacific Coast HWY # 135  
Long Beach, CA 90803
2. Vermont Capital Fuel LLC  
Attn: Parviz Shamtooub  
1107 Somera Rd  
Los Angeles, CA 90077

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 deficit under Work Order E1401398 be paid.
2. That a suitable map, approved by Engineering's Central District office, delineating the limits, including bearings and distances, of the areas 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 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 dedication be provided adjoining the petitioner's property in a manner satisfactory to the City Engineer:

A 2.5-ft dedication is required along the alley north of 43<sup>rd</sup> St and East of Vermont Ave.

6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

a. Vermont Ave:

- i. Construct a new AC pavement, integral concrete curb and gutter, new sidewalk to provide a minimum 35-ft half roadway along lot 2 to 4 to meet Modified street dimensions for Modified Avenue I with appropriate transitions to the existing improvements. These improvements shall be constructed under a Class "B" Permit in a manner satisfactory to the City Engineer.
- ii. Reconstruct the curb ramp at the intersection of Vermont Ave and 43<sup>rd</sup> to meet Engineering's current standard for curb ramps (standard Plan No. S-442-6) after roadway widening with appropriate transitions to the existing improvements. These improvements shall be constructed under a Class "B" Permit in a manner satisfactory to the City Engineer.

b. 43<sup>rd</sup> St:

- i. Repair and/or replace any damaged/cracked or off-grade concrete curb, gutter, sidewalk, and AC pavement adjoining the project site's street frontage in a manner satisfactory to the City Engineer.

c. Alley north of 43<sup>rd</sup> St and east of Vermont Ave:

- i. Construct new AC pavements to provide for a minimum 10-ft half roadway along lot 2 to 4 to meet Engineering's latest standard street dimensions for an alley (standard Plan No. S-470-1) with appropriate transitions to the existing improvements. These improvements shall be constructed under a Class "B" Permit in a manner satisfactory to the City Engineer.

- d. Any proposed driveway apron shall conform and be constructed per Engineering's latest Driveway Standards (Standard Plan No. S-440-4) in a manner satisfactory to the City Engineer.

- e. Any proposed driveway aprons along Vermont Ave and 43rd St require a Department of Transportation (DOT) approval.
- f. Close any unused driveway with full height curb, gutter, and sidewalk in a manner satisfactory to City Engineer.

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 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 Engineering's Standard Plans S410-2, S440-4, S442-5, and S444-0.

- 7. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to AT&T 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 each adjoining parcels of land, and its adjoining portions 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 areas, 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 March 30, 2021, from Michael Paul's Associates.
- 2. Exhibit "A", location map.

DISCUSSION:

Request: The petitioner, Michael Paul's Associates, representing the owner of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of the street area shown colored blue. The purpose of the vacation is to increase usable land area for development consistent with the South Los Angeles Community Plan Implementation Overlay District.

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 with the conditions established for this vacation.

Previous Council Action: The City Council on July 30, 2021, under Council File No. 21-0586 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated to the north, west, and south are zoned C2-1VL-CPIO "State Enterprise Zone" and are developed with businesses. The properties to the east are zoned R3-1 "Multiple Dwelling Zone" and is developed as multi-family dwellings.

Description of Area to be Vacated: The area sought to be vacated is approximated 410 square feet and developed with commercial use.

Adjoining Streets and Alley: Vermont Ave is a Modified Avenue I - Standard dedicated 102-foot wide with a 56-foot wide roadway, curbs, gutters and 13-foot wide sidewalks, and with encroachments due to planter areas. 43<sup>rd</sup> St is a Standard Local Street with a 60 foot right of way. Alley north of 43<sup>rd</sup> St and east of Vermont Ave has an existing right of way of 15 feet.

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 approximately 410 square feet of the street will have no adverse effects on access rights or circulation.

Reversionary Interest: No determinations of the underlying fee interest of the vacation area 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 storm drain or sewer facilities within the area proposed to be vacated.

Public Utilities: AT&T and Southern California Gas Company did not respond to Engineering's referral letter dated May 6, 2021.

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 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: DOT stated in their communication dated May 20, 2021 that they do not oppose to the requested street vacation providing that: all abutting property owners are in agreement with the proposed vacation; and, the result in roadway and right-of-way dimensions are consistent with the new street standards identified in the Mobility Element of the General Plan. In addition, that through the requirements of a tract map or by other means, that provisions should be made for lot consolidation, driveway and access approval by DOT, 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 October 29, 2021 that it has no objection to the subject request.

Department of City Planning: The Department of City Planning in its communication dated June 03, 2021, stated that the vacation request is generally consistent with the standards for a Modified Avenue I and also with the South Los Angeles Community Plan's policies and objectives.

Objections to the vacation: There were no objections to the vacation request.

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

Report prepared by:

PERMIT CASE MANAGEMENT DIVISION

Hui Huang  
Civil Engineer  
(213) 378-1281

BM/HH/ND

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