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PUBLIC WORKS

BUREAU OF  
ENGINEERING

GARY LEE MOORE, P.E.  
CITY ENGINEER

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**OCT 02 2007**

To the Public Works Committee  
Of the Honorable Council  
Of the City of Los Angeles

Council File No. 06-1125 -  
Council District: 15 -  
Contact Person: Don Sakamoto  
Phone #(213) 977-6192.

Public Works Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated  
**OCT 02 2007** for Council review and approval of:

VACATION APPROVAL - VAC-E1400999 - Council File No. 06-1125 -  
McFarland Avenue between D Street and E Street.

RECOMMENDATIONS:

1. That the Council adopt the attached Negative Declaration No. BE-456-07, filed with the City Clerk on June 18, 2007.
2. Adopt the City Engineer's report dated **OCT 02 2007** with the conditions contained therein.
3. Fiscal Impact Statement:

The petitioner has paid a fee of \$6,420.00 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 may be required of the petitioner.

4. That there is a public benefit to this 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 easement.

**OCT 09 2007  
PUBLIC WORKS**



5. In a letter dated May 5, 2006, Mr. Dalen E. Wintermute of BNSF Railway strongly opposes the vacation until he is satisfied that the proposed vacation will not negatively impact his company's railroad operations.

In his letter dated March 24, 2006 and addressed to the petitioner, Mr. Andrews Fox of Pacific Harbor Line has expressed his concern that visibility may be reduced by the construction of block walls along the rail easement at the intersection of D and E Streets.

Second letter dated April 26, 2006 indicates vacation is acceptable provided a 25-foot easement is retained.

Attachment:



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Edmond Yew, Manager  
Land Development Group

EY/DS/gt  
H:\ldg4\gtwp22

Office of the City Engineer  
Los Angeles, California

To the Public Works Committee  
Of the Honorable Council  
Of the City of Los Angeles

**OCT 02 2007**

Honorable Members:

C. D. No. 15

SUBJECT:

Vacation Approval - VAC-E1400999 - Council File No. 06-1125 -  
McFarland Avenue between D Street and E Street.

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":

McFarland Avenue between D Street and E Street.

- B. That the Council:

1. Consider the initial study prepared in accordance with the California Environmental Quality Act (CEQA), which finds that the project will not have a significant effect on the environment.
2. Find on the basis of the whole record, that there is no substantial evidence that the project will have a significant effect on the environment.
3. Find that the negative declaration reflects the City's independent judgment and analysis;
4. Adopt the Negative Declaration No. BE-456-07, filed with the City Clerk on June 18, 2007;
5. Approve the project as described in the initial study;
6. Instruct the City Clerk to immediately notify Julie Van Wagner of the Bureau of Engineering's Environmental Management Group at (213) 485-5754 of the adoption of the negative declaration so that the notice of determination can be filed with the Office of the County Clerk within five (5) working days.

- C. That there is a public benefit to this 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 easement.
- D. That, in conformance with Section 556 of the City Charter, the Council make the findings 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 needed for nonmotorized transportation facilities.
- F. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determines 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 Committee approval so the City Clerk and 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 \$6,420.00 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 may 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 Committee and the City Council meetings to consider this request be sent to:

1. Potential Industries, Inc.  
Attn: Daniel J. Domonoske  
922 East E Street  
Wilmington, CA 90744

2. Wilmington Properties  
Attn: Tony Fan  
17705 S. Main Street  
Gardena, CA 90248
3. Pacific Harbor Line  
Attn: Andrew C. Fox, President  
340 Water Street  
Wilmington, CA 90744
4. BNSF Railway  
2500 Lou Menk Drive, AOB-3  
Fort Worth, TX 76131-2828
5. The Port of Los Angeles  
Attn: Geraldine Knatz  
P.O. Box 151  
425 S. Palos Verdes Street  
San Pedro, CA 90733-0151
6. Metropolitan Stevedore Company, Inc.  
Attn: Frank Divona  
720 East E Street  
Wilmington, CA 90744
7. HT Investment, LLC  
922 E Street  
Wilmington, CA 90744
8. Columbus Building Association of Long Beach  
4104 Vermont Street  
Long Beach, CA 90814
9. Richard & Bonnie Leaver  
9393 Sierra Mar Drive  
Los Angeles, CA 90069

CONDITIONS FOR STREET VACATION:

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 180 days of the Council's action on the City Engineer's report, and without proper time extension, shall be terminated, with no further Council action.

1. That title reports indicating the vestee of the underlying fee title interest in the area to be vacated be submitted to the City Engineer.

2. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
  - a) Construct standard street improvements to close the street intersections of McFarland Avenue at D and E Streets.
  - b) That any surface flows be diverted or collected from the area to be vacated.
3. That arrangements be made with the Department of Water and Power, AT&T and the Southern California Gas Company for the removal of any affected facilities or the providing of easements or rights for the protection of any affected facilities to remain in place.
4. That satisfactory arrangements be made with the City Harbor Department, Pacific Harbor Line and BNSF Railway for reserving appropriate railroad right-of-way easement, construction in the vacation area impacting line of sight to the tracks and review of future construction plan within the vacation area in conjunction with the currently active railroad tract with the McFarland Avenue vacation area.
5. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer and storm drain facilities located within the area to be vacated, unless easements are reserved from the vacation for their protection.
6. That satisfactory arrangement be made with the Department of Transportation relating to the railroad intersections at D Street and E Street and any roadway modification, re-striping and traffic control devices in conjunction with the street vacation.
7. That consents to the vacation be secured from the owners of property adjoining the area to be vacated.
8. That upon the review of the title reports identifying the underlying fee title interest of the vacation area, agreements be recorded satisfactory to the Bureau of Engineering to hold each 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 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 well covers be installed as may be required by the Street Tree Division of the Bureau of Street Services.

TRANSMITTALS:

1. Application dated March 10, 2006, from Daniel J. Domonoske.
2. Negative Declaration No. BE-456-07.

DISCUSSION:

Request: The petitioner, Daniel J. Domonoske of Potential Industries, Inc., representing the owners 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 consolidate the proposed vacation area with the adjoining properties for expansion of the petitioner's facilities.

This vacation procedure is being proposed under Council File No. 01-1459 adopted by the Los Angeles City Council on March 5, 2002.

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 19, 2006, under Council File No. 06-1125 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the proposed vacation area is zoned M2-1VL-0 and are developed with light industry.

Description of Area to be Vacated: The area sought to be vacated is McFarland Avenue between D Street and E Street. The street is a partially improved local street dedicated 66 feet wide with a 42-foot wide asphalt concrete roadway but no curbs, gutters or sidewalks. There is an existing active railroad track along the street centerline.

Adjoining Streets: E Street is an improved collector street dedicated 100 feet wide with a asphalt concrete roadway, concrete curbs, gutters and sidewalks. D Street is an unimproved local street dedicated 66 feet wide. It is gated at McFarland Avenue and at the Southern Pacific Railroad Company's right-of-way. D Street is being vacated between McFarland Avenue and the railroad right-of-way under Council File No. 93-1582.

Surrounding Properties: The adjoining owners have been notified of the proposed street vacation.

Effects of Vacation on Circulation and Access: The vacation of McFarland Avenue between D Street and E Street should not have any negative impacts upon rail traffic since a railroad easement is to be reserved to provide for the passage of trains and for maintenance of the track.

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

Objections to the Vacation: In a letter dated May 5, 2006, Mr. Dalen E. Wintermute of BNSF Railway strongly opposes the vacation until he is satisfied that the proposed vacation will not negatively impact his company's railroad operations.

In a letter dated March 24, 2006 and addressed to the petitioner, Mr. Andrew C. Fox of Pacific Harbor Line has expressed his concern that visibility may be reduced by the construction of block walls along the rail easement at the intersection of D and E Streets.

In a second letter dated April 26, 2006, Mr. Andrew C. Fox indicates the vacation is acceptable provided a 25-foot easement is retained.

Reversionary Interest: No determination 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 improvements as outlined under Conditions. There are no dedications required.

Sewers and Storm Drains: There are existing sewer and storm drain facilities within the area proposed to be vacated.

Public Utilities: The Department of Water and Power and Southern California Gas Company maintains facilities in the area proposed to be vacated. AT&T did not respond to the Bureau of Engineering's referral letter dated April 17, 2006.

Tract Map: Since there are no dedications required 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 agreements 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 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.

Community Redevelopment Agency: In a communication dated July 20, 2006, the CRA and the Wilmington Industrial Park Advisory Committee are in support of this vacation application. This will facilitate the expansions of two local businesses, potential industries and Metropolitan Stevedore and help to deter chronic, illegal dumping occurring along that segment.

City Harbor Department: The Harbor Department in a letter dated May 15, 2006 to Mr. Daniel Domonoske, the petitioner, indicated the support of the vacation if: 1) the railroad right-of-way issue; 2) no obstruct to the line of right to the tracks and 3) review of future of construction in the vacation area by the Harbor Department are addressed.

City Department of Transportation: The Department of Transportation did not respond to the Bureau of Engineering's referral letter dated April 17, 2006.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated April 17, 2006.

Department of City Planning: The Planning Department did not respond to the Bureau of Engineering's referral letter dated April 17, 2006.

Conclusion: The vacation of the public street area as shown colored blue on the attached Exhibit "A" could be conditionally approved based upon the following:

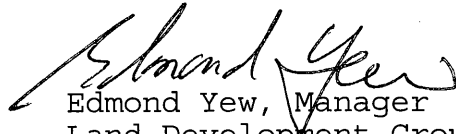
1. It is unnecessary for present or prospective public use.
2. It is not needed for vehicular circulation or access.

3. It is not needed for nonmotorized transportation purposes.

Report prepared by:

Respectfully submitted,

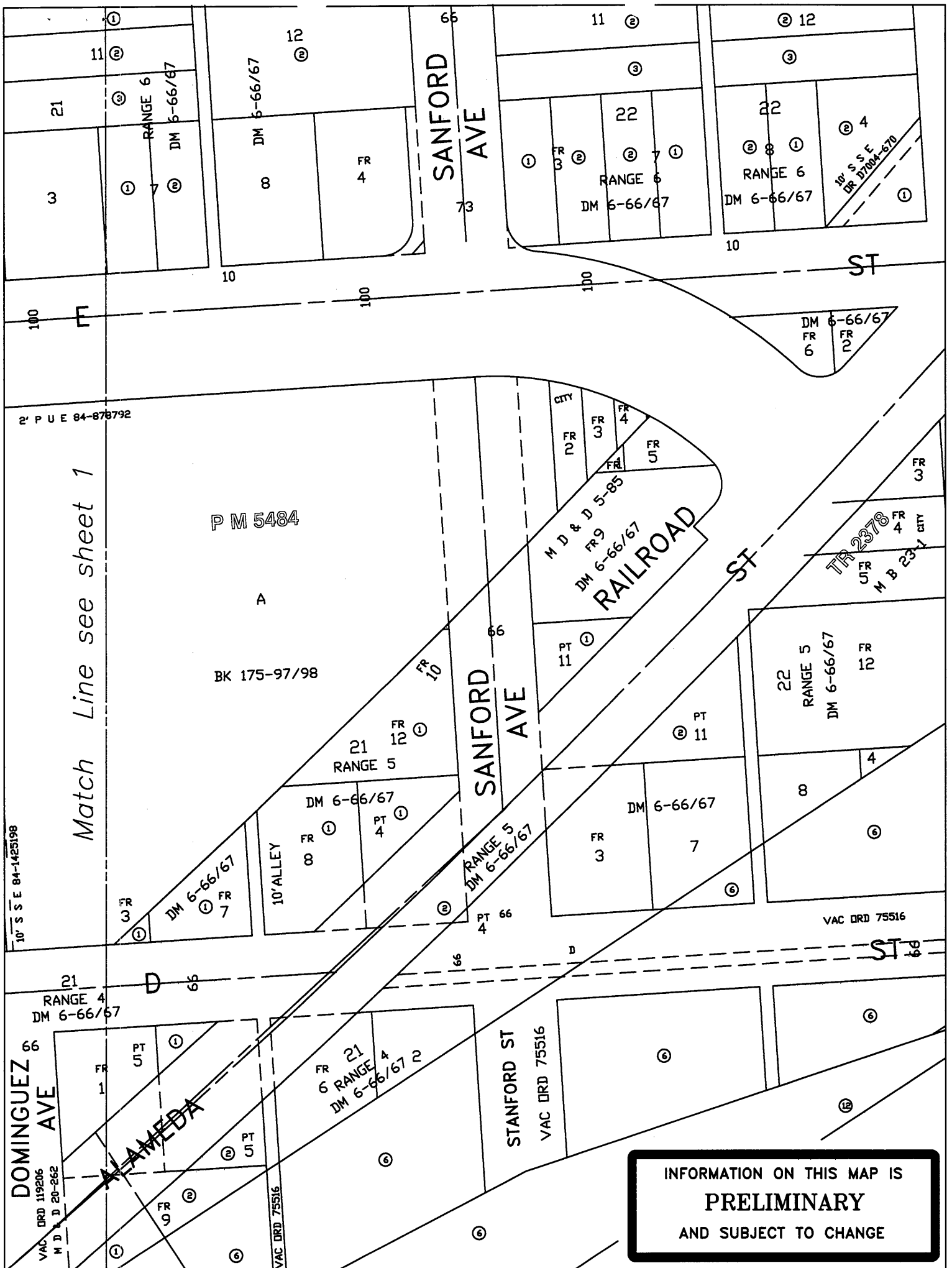
LAND DEVELOPMENT GROUP

  
Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering

Don Sakamoto  
Civil Engineering Associate III  
(213) 977-6192

EY/DS/qt  
H:\ldg4\GTWP22





**TITLE:** MCFARLAND AVENUE BETWEEN "D" STREET AND "E" STREET.

WORK ORDER NO. VAC- E1400999  
 COUNCIL FILE NO. 06-1125  
 COUNCIL DIST. 15 DIV. INDEX 300  
 ENG. DIST. HARBOR T.G. 794-F7  
 DISTRICT MAP 030 B 209



DEPT. OF PUBLIC WORKS  
 BUREAU OF ENGINEERING  
 CITY OF LOS ANGELES  
 Sheet 2 of 2 Sheets

EXHIBIT A

Legend: Vacation boundary as shown