

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

December 4, 2015

Honorable Members:

C. D. No. 11

SUBJECT:

VACATION APPROVAL - VAC- E1401252 - Council File No. 15-1396 – Abbot Kinney Boulevard (Portion of Northerly Side) from Approximately 120 Feet to 200 Feet Westerly of Westminster Avenue

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”:

A 15-foot wide portion of the northerly side of Abbot Kinney Boulevard from approximately 120 feet to 200 feet westerly of Westminster Avenue.

- C. 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.
- D. 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.
- E. 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.
- F. 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.

- G. 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.
- H. That the Council adopt the City Engineer's report with the conditions contained therein.
- I. 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 Rule 16 motion adopted by City Council on December 1, 2015, 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 \$47,080.00 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 Committee and the City Council meetings to consider this request be sent to:

1. 1041 Abbot Kinney LLC
5660 Kelvin Av
Woodland Hills CA 91367
2. Manatt, Phelps, and Phillips, LLP
ATTN: Chris Burt
11355 Olympic Bl.
Los Angeles CA 90064
3. Manatt, Phelps, and Phillips, LLP
ATTN: Ellen M. Czerwinsky
11355 Olympic Bl.
Los Angeles CA 90064

4. Second Community Baptist Church of Venice
ATTN: Charles E. Norwood, President
1041 Abbot Kinney Bl.
Venice CA 90291

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 E1401252 be paid.
2. That a suitable map, approved by the West Los Angeles District Engineering office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Land Development Group 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 Group 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 improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

Repair or replace any broken, off-grade or missing curb, gutter, and sidewalk along Abbot Kinney Boulevard.

6. 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 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 said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.

7. 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:

Application dated July 14, 2014, from Brady McShane.

DISCUSSION:

Request: The petitioner, Brady McShane of Manatt, Phelps and Phillips, LLP, representing Second Community Baptist Church of Venice, the owner 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 allow for the continued use of the area by the adjoining parcels for parking.

This vacation procedure is being processed under procedures established by 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 December 1, 2015, under Council File No. 15-1396 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the north are zoned C2-1-CA, and are developed with a church facility and accessory parking.

Description of Area to be Vacated: The area sought to be vacated is the 15-foot wide portion of the northerly side of Abbot Kinney Boulevard from approximately 120 feet to 200 feet westerly of Westminster Avenue adjoining Lots 4 and 5 of Ocean Park Villa Tract No. 2. The area to be vacated is not improved as a street and is currently used for parking for the site.

Adjoining Street: Abbot Kinney Boulevard is a Modified Avenue III, dedicated 70 feet wide with a 50-foot wide roadway with 4-foot wide parkway and 5-foot wide sidewalk on the northerly side.

Effects of Vacation on Circulation and Access: The vacation of the 15-foot wide portion of the northerly side of Abbot Kinney Boulevard from approximately 120 feet to 200 feet westerly of Westminster Avenue should have no effect on circulation or access since it is currently being used as parking for the adjoining lot and is not improved as part of the street. The area to be vacated is in excess of the required 70 feet for Abbot Kinney Boulevard as a Modified Avenue III.

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

Coastal Development Permit: Coastal Development Permit No. 14-07 was issued on May 29, 2015 for this vacation pursuant to the public hearing held on May 14, 2015 and Notice of Decision on May 18, 2015. No appeals were filed.

Objections to the vacation: There were no objections to the vacation submitted for this project.

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 provide for the improvements as outlined in the conditions of this report. There are no dedications required.

Sewers and Storm Drains: There are no existing sewer or storm drain facilities within the area proposed to be vacated

Public Utilities: There are no public facilities in the area proposed to be vacated.

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 record an agreement satisfactory to the Bureau of 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 of Los Angeles.

City Department of Transportation: The Department of Transportation stated in its communication dated December 1, 2014 that it does not oppose the requested vacation, that the vacation would not result in any site access or circulation impacts, and that it would reduce the right-of-way width to the adopted modified right-of-way dimension.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated September 5, 2014.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated September 5, 2014.

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.

Report prepared by:

Respectfully submitted,

LAND DEVELOPMENT & GIS DIVISION

Dale Williams
Civil Engineer
(213) 202-3491



Edmond Yew
Land Development & GIS Division
Bureau of Engineering

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