

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 5, 2017

Honorable Members:

C. D. No. 1

SUBJECT:

VACATION REQUEST - VAC- E1400841R- Council File No. 17-0611 – Miramar Street and 3rd Street (Airspace Vacation) Vacation District (Re-application)

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 “ C”:
1. Miramar Street between Lucas Avenue and Bixel Street;
 2. Emerald Street between Emerald Drive and Miramar Street;
 3. Bixel Street from Miramar Street to its northerly terminus;
 4. Huntley Drive from Bixel Street to approximately 525 feet easterly thereof;
 5. Alley southwesterly of Emerald Drive between Lucas Avenue and Emerald Street;
 6. Alley northeasterly of Miramar Street between Emerald Street and Bixel Street;
 7. L-shaped alley easterly of Bixel Street and southwesterly of Emerald Street;
 8. Alley northerly of Huntley Drive between Bixel Street and 2nd Street;
 9. Alley southerly of Huntley Drive from Miramar Street and its easterly terminus;
 10. The limited airspace of a portion of 3rd Street lying between approximately 404 feet to approximately 442 feet northwesterly of the centerline of Bixel Street from approximately 17 feet to 35 feet above the finished street surface.

- B. That the vacation of the areas shown colored orange on Exhibit “C”, be denied.
- 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 Initiation of the Street Vacation Proceedings adopted by City Council on June 7, 2017, 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 \$32,100.00 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. Los Angeles Unified School District
Attn: Aaron Bridgewater
333 South Beaudry Ave, 23rd Floor
Los Angeles, CA 90017
2. Pacifica Huntley LP
1775 Hancock Street, Suite 200
San Diego, CA 92110
3. 1141 Huntley Drive LLC
233 S Beaudry Avenue, Suite 1100
Los Angeles, CA 90012

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 E1400841 be paid.
2. That a suitable map, approved by the Central District Engineering office, delineating the limits, including bearings and distances, of the areas 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 areas 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 areas to be vacated be submitted to the City Engineer.
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 areas to be vacated, unless easements are reserved from the vacation for their protection.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the AT &T, Time Warner Cable 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.

7. That a Covenant and Agreement be recorded satisfactory to the City Engineer binding the petitioners and all successors to the following relating to the airspace vacation over the street:
 - a) That the owners be required to maintain and support all elements of the pedestrian bridge within the proposed airspace vacation as well as structures in the private property that support the pedestrian bridge for safety and usability to the satisfaction of the City Engineer. An annual fee of \$0.10 per plan square foot (with automatic annual escalation proportioned to the cost of Living index) shall be paid to the City Engineer for the purposes of City inspection of the facilities. The City shall be given reasonable access to the structure within and adjacent to the vacation area for this purpose upon request during normal business hours. The City may request the owners to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable conditions at the owner's expense if the owner elects not to do so or does not respond within a reasonable time. Owner shall grant reasonable access to City's contractor to make said repairs.
 - b) The owners shall obtain a B-Permit from the City Engineer for any substantial structural modification above the street right-of-way area and for any structural modification areas and for any structural element outside said areas which provides lateral or vertical support to structures within the areas.
8. That the petitioner execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the proposed development above the limited street in connection within the use, connection and maintenance operations within said street easements.

TRANSMITTAL:

Application dated June 22, 2016 from Los Angeles Unified School District.

DISCUSSION:

Request: The petitioner, Los Angeles Unified School District, owner of the properties shown outlined in yellow on Exhibit "C", is requesting the vacation of the public streets and alley areas shown colored blue and orange. The portion of the street shown colored blue and crosshatched indicates the area of the requested airspace vacation. The purpose of the vacation request is to consolidate the properties and adjoining right-of-way to create a campus for Central Los Angeles High School #10. The air space vacation is for the pedestrian bridge spanning over 3rd Street to connect the two campus sites.

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 January 24, 2004 under Council File No. 02-2839 conditionally adopted the City's Engineer report dated July 29, 2003. Conditions were not complied and vacation request expired. LAUSD re-submitted the vacation application dated June 9, 2006. The City Council on March 23, 2011 under Council File No. 02-2839 conditionally adopted the City Engineer's report dated August 29, 2007. The petitioner failed to complete all conditions of the vacation within the time limit, the vacation request expired. On June 22, 2016, the petitioner re-submitted a new application. The City Council on June 7, 2017 under Council File No. 17-0611, adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the areas to be vacated are zoned CW and are currently developed with school facilities, buildings, and surface parking lots. The area adjoining the proposed air space vacation area for the pedestrian bridge, along 3rd Street between Lucas Avenue and Bixel Street, are zoned CW and currently developed with school facilities.

Description of Areas to be Vacated: All areas to be vacated are improved with school facilities. The limited airspace of a portion of 3rd Street lying between approximately 404 feet to approximately 442 feet northwesterly of the centerline of Bixel Street from approximately 17 feet to 35 feet above the finished street surface are developed with the pedestrian bridge spanning over 3rd Street to connect the two campus sites.

Adjoining Streets and Alleys: Lucas Avenue is an improved Avenue II dedicated 80 feet and variable width with a 60-foot and variable width roadway and a 10-foot sidewalk on each side. Miramar Street is an improved Collector Street dedicated 55 feet wide with a 55-foot roadway and a 10-foot sidewalk on each side. Huntly Drive is an improved local street dedicated 55-foot and variable width with 27-foot and variable width roadway and 10-foot and variable width sidewalks. Emerald Street is an improved Collector Street dedicated 55-foot and 60-foot with 30-foot roadway and 15-foot sidewalk on south side of the street. Emerald Drive is an improved Local Street dedicated 55 feet wide with a 30-foot wide roadway and a 15-foot sidewalk on south side of the street. 3rd Street is an improved Avenue II dedicated 90 feet wide with a 56-foot roadway and 17-foot sidewalk on both sides of the street. 2nd Street is an improved Avenue II dedicated 90 feet wide and variable width with a 70-foot roadway and 10-foot concrete sidewalk on both sides. 4th Street is an improved Collector street dedicated 68 feet and variable width with a 38-foot wide roadway and 18-foot wide concrete sidewalk on north side of the street.

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

Effects of Vacation on Circulation and Access: The vacation of the subject streets and alleys should not have adverse effect on circulation since the streets and alleys to be vacated are already developed with school facilities.

The streets and alleys are 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 areas have been made as to title or reversionary interest.

Dedications and Improvements: Dedications and improvements were done under previous vacation conditions recorded by Document No. 03-2808476 and per City Plan P-36097.

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

Public Utilities: The AT&T, Time Warner Cable and Southern California Gas Company did not respond to Bureau of Engineering's referral letter dated October 7, 2016.

City Department of Transportation: The Department of Transportation states in its communication dated February 15, 2017 that the vacation is not opposed provided that all abutting property owners are in agreement with the proposed vacation, and provisions are 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 City's standard street dimensions

City Fire Department: The Fire Department stated in its communication dated September 8, 2016 that it has no objection to this vacation.

Department of City Planning: The Department of City Planning stated in a letter dated November 22, 2016 that "Street vacations can be designed for consistency with the General Plan, and this request is generally consistent".

It also stated that the "subject vacation is currently developed as part of a Los Angeles Unified School District School stadium, tennis court, and basketball court. This vacation is consistent with the Westlake Community Plan policies and objectives, set forth below, because it would facilitate the ongoing use of the educational and recreational functions."

Conclusion: The vacation of the public street and alley areas as shown colored blue on attached Exhibit "C" could be conditionally approved based upon the following:

1. They are unnecessary for present or prospective public use.
2. They are not needed for vehicular circulation or access.
3. They are not needed for non-motorized transportation purposes.

The areas shown colored orange should not be vacated because they are needed for public streets and alleys purposes.

Respectfully submitted,



Edmond Yew, Manager
Land Development & GIS Division
Bureau of Engineering

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

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