

# Agenda Report

October 24, 2016

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF A PORTION OF LAND OF APPROXIMATELY 75 FEET LONG AND NINE FEET WIDE FRONTING PROPERTY AT 645 EAST WALNUT STREET ON EL MOLINO AVENUE FRONTAGE**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a resolution summarily vacating a portion of land of approximately 75 feet long and nine feet wide fronting the property at 645 East Walnut Street on El Molino Avenue frontage pursuant to Sections 8331, 8333, and 8334 of the California Streets and Highways Code; and
2. Certify the summary vacation to be categorically exempt from the California Environmental Quality Act ("CEQA") in accordance with Title 14, Chapter 3, Section 15303 - New Construction or Conversion of Small Structures, and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the summary vacation with the Los Angeles County Recorder's Office.

## **BACKGROUND:**

In May 2015, the applicant applied for a Consolidated Design Review as PLN 2015-00094 with the City. The project consists of the demolition of an existing vacant structure and the construction of a new medical office and dental building. A portion of the proposed building construction is within the public right of way. The property is located at the northwest corner of Walnut Street and El Molino Avenue, as shown on the location map in Attachment A. The proposed vacated area was previously dedicated to the City as public right of way in 1966 for future street widening purposes. The easement was accepted by the City at no cost. The easement was recorded with the Los Angeles County Clerk's Office and filed as City's Easement No. 6,709, as shown in Attachment B. The easement area has been improved with asphalt concrete paving, used as a parking area within the private property, and maintained by the abutting property owner.

In order to allow the construction of private improvements within the public right-of-way, the applicant has filed for the summary vacation process, which will allow the City to relinquish and return all rights to the abutting property owner. The proposed vacation area is approximately 75 feet long and nine feet wide. It is legally described in Exhibit A and shown on Exhibit B (Department of Public Works Drawing No. 6,420), which are referenced in the attached Resolution.

The summary vacation request has been reviewed by other City departments, county agencies, and various utilities. There are no specific comments or objections to the proposed summary vacation. The Department of Transportation has requested that the sidewalk width on El Molino be increased from 10 feet to 15 feet. Therefore, only a portion of the public street easement is being proposed for the summary vacation. The remaining area will facilitate a resulting 15-foot wide public sidewalk.

The City's interest in the proposed vacation area is in easement rights only for public street purposes. The land is owned in fee title by Sean Ky and Richard Lord, LLC, a California Limited Liability Company, the current abutting property owner. The summary vacation, if approved, will convey all rights to the abutting property owner. The City's Real Property Office has determined that the area to be summarily vacated has nil to negligible market value since it was originally obtained at no cost as an easement for public purposes only. There will be no impact on any vehicular travel as the effective roadway will remain the same. The pedestrian path will increase from 10 feet to 15 feet. In addition, both Department of Public Works and the Department of Transportation have determined that there is no need, present or future, to retain this area for its intended public purpose. Relinquishing the ownership of the proposed vacated area will relieve the City from all future maintenance responsibilities and any liabilities. As a result, the Department of Public Works recommends the adoption of a summary vacation.

#### AUTHORITY FOR SUMMARY VACATION

Chapter 4 of the California Streets and Highways Code, entitled "Summary Vacation," provides for summary vacations by adoption of a resolution without prior notice.

Vacation of this area may be directed under Sections 8331(a) and (b), 8333(a), and 8334(a) of the California Streets and Highways Code. The vacation takes effect immediately upon the recording of the resolution.

Section 8331 has two conditions that must be met during the period of five consecutive years: (1) The portion has been impassable for vehicular travel, and (2) no public money was expended for maintenance on the easement. Both conditions are met.

Section 8333 has three conditions, only one of which must be met: The easement has not been used for its dedicated purpose for a period of five consecutive years immediately preceding the proposed summary vacation. This condition has been met. The second condition of Section 8333 is that the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation,

and the easement was not used continuously since that date. The easement was granted in 1972 and is more than five years; therefore this condition is not met. The third condition of Section 8333 is that the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement. This condition is not met.

Section 8334 has two conditions, only one of which must be met: The excess right-of-way of street or highway is not required for street or highway purposes. This condition has been met. The second condition of Section 8334 is that a portion of a street or highway that lies within the property under one ownership does not continue through such ownership or end touching property of another. This condition is not met.

If any evidence is presented at the time the City Council votes to adopt the resolution which indicates that the portion does not meet any of the requirements of Sections 8331, 8333, and 8334, then that portion should be removed and considered for vacation using other statutory procedures.

**COUNCIL POLICY CONSIDERATION:**

The subject summary vacation is consistent with the following City Council's goals to maintain fiscal responsibility and stability, and to support and promote the quality of life and local economy.

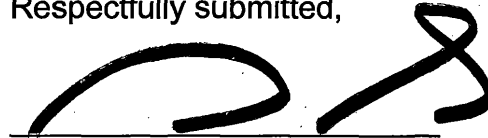
**ENVIRONMENTAL ANALYSIS:**

On February 23, 2016, the approval decision for Consolidated Design Review No. PLN 2015-00094 indicated that the project was categorically exempt under the California Environmental Quality Act in accordance with Title 14 Chapter 3, Section 15303 – New Construction and Conversion of Small Structures. In urbanized areas, this exemption applies to the construction of up to four office or commercial buildings less than 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The project involves the construction of a 4,950-square-foot medical and dental office building in an urbanized area. The City's Environmental Coordinator determined that such finding is applicable to the related summary vacation. A Notice of Exemption for the vacation will be filed with the Los Angeles County Clerk upon the adoption of a resolution to summarily vacate the area.

**FISCAL IMPACT:**

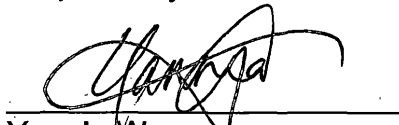
The summary vacation will eliminate any potential responsibility for maintenance or liabilities to the City. The applicants have paid the costs for preparation, process, and recordation of the summary vacation. No revenue will be expended or generated by the adoption of this summary vacation.

Respectfully submitted,



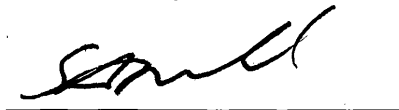
ARA MALOYAN, P.E.  
Director of Public Works

Prepared by:



Yannie Wu  
Principal Engineer

Approved by:



STEVE MERMELL  
City Manager

Attachment A – Location Map  
Attachment B – City Easement No. 6,709