

Agenda Report

June 5, 2023

TO: Honorable Mayor and City Council
FROM: Department of Public Works
SUBJECT: **ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF A PORTION OF AN EXISTING EASEMENT AND A PORTION OF PARKWOOD AVENUE FRONTING PROPERTY AT 1880 EAST WALNUT STREET**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") in accordance with Article 19, Sections 15332, Class 32 (In-Fill Development Projects), 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;
2. Adopt a resolution summarily vacating an 8-foot wide portion of land from an existing easement along the frontage of property located at 1880 East Walnut Street and an irregular portion of land located at the southeast corner of Walnut Street and Parkood Avenue, pursuant to California Streets and Highways Code Section 8330 *et seq.*, to become effective upon recordation, which resolution shall be recorded with the County Recorder only when and if the curb ramp reconstruction detailed in this Agenda Report is completed; and
3. Authorize the City Manager, or his or her designee, to execute any necessary documentation as may be required to accomplish said summary vacation.

BACKGROUND:

The property located at 1880 East Walnut Street is being developed into a new 58-unit multi-family residential project with one level of subterranean parking under building permit BLDMF2022-00352. The property is bounded by Walnut Street, Parkwood Avenue, and Greenwood Avenue. As part of the Conditions of Approval for Conditional Use Permit No. 6846 issued in 2021, the City is requiring the project to provide a 12-foot wide sidewalk along its Walnut Street frontage and to maintain the 10-foot wide

sidewalk along its Parkwood Avenue and Greenwood Avenue frontages in accordance with the City's Street Design Guide.

In order to make the public right-of-way consistent with the City's Street Design Guide and with the Conditions of Approval for Conditional Use Permit No. 6846, the applicant is pursuing the summary vacation process, which will allow the City to relinquish and revert all excess public right-of-way rights to the abutting property owner. The proposed vacation area consists of an 8-foot wide portion of land along the property's Walnut frontage and an irregular portion of Parkwood Avenue at the southeast corner of Walnut Street and Parkwood Avenue. The area is legally described in Exhibit A and shown on Exhibit B (Department of Public Works Drawing No. 6,715), which are referenced in the attached proposed Resolution.

As a condition of a Zoning Use Permit issued in 1975, a 10-foot wide strip of land on the south side of Walnut Street was dedicated to the City as public easement for future street widening purposes. The land is owned in fee title by HHP-WALNUT, LLC, who is the current abutting property owner. The City's interest in the proposed vacation area is in easement rights only for public street purposes, but is, and has been, excess right-of-way. In addition, an 8.5-foot wide strip of land on the easterly side of Parkwood Avenue was summarily vacated to the abutting property owners by the City in 1985. This 1985 vacation left an incongruence (when compared to the 1975 dedication) at the southeast corner of Walnut Street and Parkwood Avenue, and will be addressed with this summary vacation.

The 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 originally-intended public purpose. The summary vacation request has been reviewed by pertinent City departments, Los Angeles County agencies, and various utilities without comments or any objections. Furthermore, the City's Real Property Office has determined that the area to be summarily vacated has negligible market value since it was originally obtained as an easement for public purposes only at no cost.

As part of the public improvements imposed through the 2021 Conditional Use Permit for the development, the curb return radius will be reduced at the property's Walnut Street and Parkwood Avenue corner, extending out the curb ramp and sidewalk into the intersection as a traffic calming enhacement as shown in Attachment A. There will be no resulting impact on vehicular travel as the effective roadway will remain the same and the pedestrian path will be in accordance with both Americans with Disabilities Act (ADA) standards and the adopted Street Design Guide by the City Council.

Upon City Council's adoption of the proposed resolution approving the summary vacation, the property owner shall acquire a Public Works encroachment permit and reconstruct the ADA-compliant curb ramp and sidewalk extensions at the southeast corner of Walnut Street and Parkwood Avenue, as approved by the City Engineer. Upon staff's acceptance of these constructed public improvements, the approved summary vacation will be recorded with the County Recorder's Office conveying all rights to the abutting property owner.

Relinquishing the easement rights of the proposed vacated area will also relieve the City from all future maintenance responsibilities and liabilities. As a result, staff recommends the adoption of a summary vacation, subject to the aforementioned upgraded curb ramp.

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.

The easement to be vacated qualifies for summary vacation under Section 8330 *et seq.* of the California Streets and Highways Code, for several reasons, each of which is an independent basis for summary vacation.

First, 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.

Second, Section 8333 has three conditions, only one of which must be met. In accordance with Section 8333(a), "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.

Third, Section 8334 has two conditions, only one of which must be met. In accordance with Section 8334(a), "The excess right-of-way of street or highway is not required for street or highway purposes." This condition has been met.

COUNCIL POLICY CONSIDERATION:

The subject summary vacation is consistent with the City Council's goals to maintain fiscal responsibility and stability, and to support and promote the quality of life and local economy. The project is consistent with the objectives and policies of the applicable Design Guidelines and the Citywide Design Principles in the General Plan. Design related policies in the Land Use Element of the General Plan and Design Guidelines for Neighborhood Commercial and Multi-family residential districts are applicable. This includes policies 4.11 (Development that is Compatible), 7.1 (Architectural Quality), 7.2 (Architectural Diversity & Creativity), 23.3 (Landscaped Setbacks and Walkways) as well as guidelines that pertain to context, visibility from the public realm, and courtyard design.

ENVIRONMENTAL ANALYSIS:

This project, under Conditional Use Permit No. 6856, has been determined on April 21, 2021 by the Hearing Officer to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA) Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects. Section 15332 specifically exempts from environmental review infill development where: 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services. There are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

FISCAL IMPACT:

The summary vacation will eliminate 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.

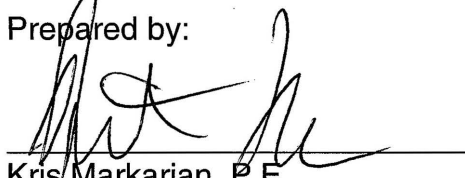
Respectfully submitted,



TONY OLMOS, P.E.

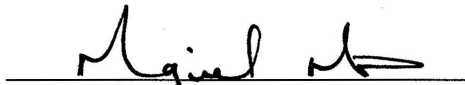
Director of Public Works

Prepared by:



For Kris Markarian, P.E.
Deputy Director of Public Works/City Engineer

Approved by:



MIGUEL MARQUEZ

City Manager

Attachment A – Aerial View of Proposed Summary Vacation and Public Improvements