



Staff Report

File #: REPORT 18-0512, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of August 28, 2018**

**INTENT TO VACATE - 100 FOOT PORTION OF AN ALLEY
EASEMENT BETWEEN 30TH STREET AND GOULD AVENUE**

(Public Works Director Glen W.C. Kau)

Recommended Action:

It is recommended that the City Council:

- 1) Adopt the Resolution of Intention declaring the City of Hermosa Beach's ("City") intent to vacate the public service easement as shown on Exhibit "B" attached hereto and by this reference made a part hereof; and
- 2) Direct the City Clerk to set a hearing date, time, and place to consider all pertinent testimony and submitted evidence in order to determine if the public service easement is unnecessary for present and prospective public use and publish and post the required notices.

Executive Summary

The City possesses a public service easement approximately 100 ft. in length by 20 ft. in width (approximately 2,000 sq. ft.) ("Easement") located in an alley between 30th Street and Gould Avenue and west of Sepulveda Boulevard. The Easement was originally dedicated for public street and utility purposes. The City received an application from Skechers ("Applicant") to vacate the Easement. The proposed vacation would require a portion of the existing City sewer line to be relocated to the western portion of the Easement to accommodate construction. Skechers would then grant the City an easement to access and maintenance the sewer line. The result of this vacation would effectively reduce the width of the Easement from 20 ft. to 10 ft. Due to the potential effect on a public utility and termination of a public service easement, a public hearing must be held to consider pertinent testimony and submitted evidence and adopt a Resolution of Vacation.

Background:

On March 3, 2016 the City received a request from the Applicant to vacate the Easement. The area proposed for vacation is located approximately 250 feet south of 30th Street, in a portion of alley abutting the property at 2901 Pacific Coast Highway. The Easement was dedicated to the City by recorded instrument on December 22, 1952 for public street and utility purposes. The Easement is not presently utilized as a public right-of-way. Public access is limited to the south by fencing and barricades erected by the property owners. The westerly portion of the Easement, which is not proposed for vacation, is occupied by vehicle parking spots and utility poles and supports. Beneath the portion of the Easement to be vacated is a City sewer line, which will need to be relocated at

Applicant's expense within a new easement to be dedicated by the Applicant so that the City may continue to access and maintain the sewer. As a result of the proposed vacation, the existing Easement would effectively be reduced from approximately 20 ft. in width to approximately 10 ft. in width.

The Applicant's development team plans to use the vacated easement area in conjunction with the proposed adjacent Design Center project. The Applicant has also requested that the City execute a quitclaim deed, the effect of which would be to extinguish any ownership interest that the City has in the portion of the property to be vacated. City Staff is unable to locate any documentation suggesting that the City has any interest in the property aside from the Easement which would be removed by the vacation. Because the City is not conveying an ownership interest in the property at issue, no consideration is due from the Applicant for the vacation.

Analysis:

Pursuant to *Government Code* § 65402 and *Streets and Highways Code* §§ 8300 *et seq.*, after a Request for Vacation is processed, the Planning Commission reviews the proposed vacation for consistency with the City's General Plan. If the Planning Commission finds that the proposed vacation conforms with the General Plan, then the City Council may initiate vacation proceedings, through a Resolution of Intention, by directing the City Clerk to (1) administratively set a hearing date, time and place; and, (2) publish and post the required notices.

The vacation request was circulated to pertinent City departments, including Community Development, Fire Department, Police Department and the City Attorney's office. The Fire Department, Police Department and Community Development had no objections to vacation of the easement.

On October 20, 2017, the City obtained a legal description of the Easement by licensed land surveyor Robert S. Rogers (Exhibit "B"). On January 31, 2018, the Applicant's Request for Vacation was heard by the City Planning Commission, and Resolution 18-5 was adopted, which determined that the location, purpose, and extent of the Easement's vacation is in conformance with the City's General Plan.

An Environmental Impact Report ("EIR") was prepared by Skechers to meet all of the substantive and procedural requirements of the California Environmental Quality Act ("CEQA"). The EIR submitted by Skechers evaluated the entire proposed project, which included this proposed alleyway vacation. The EIR did not identify any significant environmental effects regarding the use of the alleyway.

The public hearing must be scheduled for a date that is at least 15 days after the date the proceedings were initiated. Additionally, the notice of the public hearing must be published for two successive weeks prior to the public hearing. Based upon these time constraints, if the City Council adopts this Resolution of Intention, City Staff anticipates that the public hearing on the vacation will

occur on September 25, 2018.

Once the City Council holds a hearing and considers all pertinent testimony and submitted evidence, the City Council may adopt a Resolution of Vacation. The City Council must find the following to adopt a Resolution of Vacation: (1) The street, highway, or public service easement is unnecessary for present or prospective future public use; and, (2) The abandonment is in the public interest. *Sts. & Hy. Code § 8300, et seq.*

Through adoption of this Resolution of Intention, the City intends to vacate the proposed area of the Easement. It is recommended the City Council adopt this Resolution and initiate vacation proceedings.

The Resolution of Vacation will be effective once the Resolution is recorded with the Los Angeles County Recorder. Once effective, the Easement would revert to the underlying property owners, Skechers. *Sts. & Hy. Code § 8351.*

A resolution of intent to vacate the easement has been prepared by the City Attorney for adoption by the City Council and is included as "Exhibit C."

Fiscal Impacts:

There are no fiscal impacts related to the vacation of this property.

Environmental Impacts:

The EIR submitted by Skechers evaluated the entire proposed project, which included this proposed alleyway vacation. The EIR did not identify any significant environmental effects regarding the use of the alleyway.

Attachments:

1. Applicant's request for vacation (Exhibit "A")
2. Legal description and map of area of requested vacation (Exhibit "B")
3. Resolution No. 18-xxx (Exhibit "C")

Respectfully Submitted by: Glen W. C. Kau, P.E., Public Works Director/City Engineer

Legal Review: Mike Jenkins, City Attorney

Noted for Fiscal Impact: Viki Copeland, Finance Director

Approved: John Jalili, Interim City Manager