



Staff Report

File #: REPORT 18-0593, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of September 25, 2018**

**RECOMMENDATION TO VACATE -
100 FOOT PORTION OF AN ALLEY EASEMENT
BETWEEN 30TH STREET AND GOULD AVENUE**
(Public Works Director Glen W.C. Kau)

Recommended Action:

Staff recommends that the City Council:

1. Adopt the Resolution of Vacation finding that the public service easement as described in Exhibit "A" and incorporated by reference ("Subject Easement") is unnecessary for present or prospective use; abandonment of the Subject Easement is in the public interest; and, the Subject Easement is not useful as a non-motorized transportation facility;
2. Reserve a utility easement pursuant to Streets and Highways Code § 8340; and
3. Order the City Clerk to record the Resolution of Vacation with the Los Angeles County Recorder.

Executive Summary:

The City possesses the Subject Easement which is approximately 100 feet in length by 20 feet in width (approximately 2,000 sq. ft.) located in an alley between 30th Street and Gould Avenue and west of Sepulveda Boulevard. The Subject Easement was originally dedicated for public street and utility purposes. The City received an application from Skechers ("Applicant") to vacate the Subject Easement. The proposed vacation would require a portion of the existing City sewer line to be relocated to accommodate construction. As a condition of approval of the project, Skechers will relocate and replace the existing sewer. In order to ensure the City's ability to access, maintain, construct, and repair its utilities, the City will reserve a utility easement, pursuant to Streets and Highways Code § 8340. This new reserved easement is described in Exhibit "C" and incorporated by reference ("Reserved Easement"). The result of this vacation would effectively reduce the width of the Subject Easement from 20 feet to 10 feet.

Background:

On March 3, 2016 the City received a request from the Applicant to vacate the Subject 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 Subject Easement was dedicated to the City by recorded instrument on December 22, 1952 for public street and utility purposes. The Subject Easement is not presently utilized as a public right-of-way. Public access is limited by

fencing and barricades erected by the property owners. The westerly portion of the Subject Easement, which is not proposed for vacation, is occupied by vehicle parking spots and utility poles and supports. Beneath the portion of the Subject Easement to be vacated is a City sewer line, which will need to be relocated at Applicant's expense to the location of the City's Reserved Easement. The City is to reserve the Reserved Easement so that the City may continue to access, maintain, construct, and repair the sewer.

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 Subject 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.

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 Subject Easement.

On October 20, 2017, the City obtained a legal description of the Subject Easement by licensed land surveyor Robert S. Rogers (Exhibit "A"). 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 Subject 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.

On August 28, 2018, the City Council adopted Resolution 18-7143, which declared the City Council's intention to vacate the Subject Easement. Resolution 18-7143 gave notice that at its regularly scheduled meeting for September 25, 2018 at 7:00 p.m., or as soon as possible thereafter, this Council would hear any and all testimony and evidence submitted by interested persons.

Notice and publication was conducted in accordance with Streets and Highways Code § 8300 *et seq.*

Public notice for this hearing was posted to the City's website on September 13, 2018. Notices were mailed out to residents and property owners within a 500 ft. radius of the alley on September 12, 2018. The Notice was published for two successive weeks in the Beach Reporter on September 13 and September 20, 2018. The Notice was also posted along the Subject Easement location on September 13, 2018. The Public Works Director signed an affidavit demonstrating proof of publication and notice which is attached as Exhibit "B" and incorporated by reference.

Analysis:

At this hearing, the City Council must consider all pertinent testimony and submitted evidence by interested persons. After consideration of such evidence and testimony, the City Council may adopt the Resolution of Vacation. The City Council must find the following to adopt a Resolution of Vacation: (1) The Subject Easement is unnecessary for present or prospective future public use; (2) The abandonment is in the public interest; and, (3) The Subject Easement is not useful as a non-motorized transportation facility. Streets and Highways Code § 8300, *et seq.*

Staff has found that the existing 20-foot wide Subject Easement is unnecessary for present and future use as it is wider than necessary to house the sewer pipe that lies within the Subject Easement. The 20-foot wide Subject Easement can easily be reduced in width to a 10-foot easement where the sewer pipe can be relocated and centered in the new Reserved Easement for better access. The Subject Easement is also unnecessary for the City to access, maintain, construct, or repair its utilities, as the City can reserve the necessary easement under Streets and Highways Code § 8340.

The Subject Easement is located in a small portion of the alley, the rest which was vacated by the City in 1985, and is a dead-end that does not provide the City with any necessary uses. This vacation would complete the vacation of this alley from over 30 years ago. Attached as Exhibit "D" is a color coded map that demonstrates the relationship of the previous vacation, the current vacation, as well as the location of the Subject Easement and the Reservation Easement.

The abandonment of the current 20-foot Subject Easement and the creation of the new 10-foot Reserved Easement is beneficial for the public because, as part of the construction of the Skechers' buildings, the Applicant will remove the aged and deteriorated sewer pipes and appurtenances to construct a new sewer line in the center of the new 10-foot Reserved Easement. A new sewer line, manholes and appurtenances will benefit the city and the public as the cost of maintaining and repairing the old sewer pipes keeps increasing and creating nuisances to the users in general. The new sewer line in this area will be constructed and funded by the Applicant, and it will be installed and operational prior to the construction of the new Skechers' buildings.

The vacation has no impact on public access nor will it affect the City's level of traffic. The alley is not a public right of way and thoroughfare is impossible because the alley is divided by fencing and barricades. A vacation of the Subject Easement also has no impact on any property owner's access to his or her property.

It is recommended the City Council adopt the Resolution of Vacation to (1) make the requisite

findings according to law; (2) order vacation of the Subject Easement; and, (3) reserve the Reserved Easement.

The Resolution of Vacation will be effective once the Resolution is recorded with the Los Angeles County Recorder. Once effective, the underlying land reverts to the underlying property owners, Skechers, except for those rights reserved under Streets and Highways Code § 8340.

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. Legal description and map of area of requested vacation (Exhibit "A")
2. Affidavit of notice (Exhibit "B")
3. Legal description and map of area of new utility easement (Exhibit "C")
4. Color coded map showing the Subject Easement and Reserved Easement (Exhibit "D")

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

Legal Review: Mike Jenkins, City Attorney

Noted for Fiscal Impact: Viki Copeland, Finance Director

Approved: Suja Lowenthal, City Manager