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August 4, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka, Chief Executive Officer
P. Michael Freeman, Fire Chief
Gail Farber, Director of Public Works
Richard J. Bruckner, Director of Planning

REPORT ON ISSUES RELATING TO THE CERRITOS ISLAND (FOURTH DISTRICT) COMMUNITY STANDARDS DISTRICT (ITEM NO. 68-5, AGENDA OF JUNE 9, 2010)

On June 9, 2010, your Board instructed the Chief Executive Officer (CEO) to coordinate with the Director of Public Works, the Fire Marshall (Fire Department), the Director of Planning, and County Counsel to provide a report to the Board within 60 days. Attached is the report from the departments, and their respective counsel, in response to issues identified in the motion.

MOTION ITEMS

(1) Identify the various options, implementation steps, timelines and cost estimates to expeditiously complete the paving and fire-safety access improvements on Elmcroft Avenue;

(2) Identify and evaluate the issues and potential options for extending 167th Street westward from Mapes Avenue to Elmcroft Avenue to improve circulation and access within the neighborhood, and to include a detailed analysis of existing ownerships and identification of existing improvements (by mapped exhibit and text inventory) within the existing and/or future right-of-way;

(3) Provide a detailed analysis of the zoning and legal issues and an estimate of potential financial cost to the establishment of a minimum 40-foot setback requirement along the length of Elmcroft Avenue as measured from the City of Cerritos boundary on the west; and

(4) Provide an overview of the existing property maintenance requirements and zoning code and building code enforcement efforts for the unincorporated Cerritos Island area and identify both an action plan and an annual cost estimate for a proactive enforcement program for this area.

If you have any questions, attached are the department responses with the appropriate contacts.

WTF:BC
DSP:TH:acn

Attachment (1)

c: Executive Office, Board of Supervisors
County Counsel

REPORT ON ISSUES RELATING TO THE CERRITOS ISLAND COMMUNITY STANDARDS DISTRICT (CSD) (ITEM NO. 68-5, AGENDA OF JUNE 9, 2010)

CERRITOS ISLAND BACKGROUND

In the 1920s, a Record of Survey that created the current Cerritos Island subdivision reserved the westerly and southerly boundaries as the future centerlines of Elmcroft Avenue and 167th Street respectively, and reserved 20 feet within the "Island" as a private street. The established practice was for future adjoining subdivisions to make similar dedications on their side to allow for full-width roadway dedications on Elmcroft Avenue and 167th Street to ensure orderly development, and improved access and traffic circulation.

However, when the City of Cerritos ("City") approved Tract No. 27958 to the south of the Cerritos Island (recorded July 11, 1967), and Tract No. 26907 to the west (recorded October 31, 1975), the City did not require those subdivisions to include the 20-foot roadway dedication adjacent to the existing street easements for Elmcroft Avenue and 167th Street. These dedications would have represented these tract's "fair share" of the street improvement pattern already established by the existing recorded Cerritos Island subdivision. Also, contrary to usual practice, Tract Number 27958 did not provide for the continuation of the North-South streets within the Cerritos Island subdivision (Elmcroft, Alora, Graystone, and Mapes Avenues, etc.) to ensure appropriate traffic circulation.

The approvals of the Cerritos tracts in this manner have limited overall access and circulation within the Cerritos Island.

1. IDENTIFY THE VARIOUS OPTIONS, IMPLEMENTATION STEPS, TIMELINES, AND COST ESTIMATES TO EXPEDITIOUSLY COMPLETE THE PAVING AND FIRE-SAFETY ACCESS IMPROVEMENTS ON ELMCROFT AVENUE

Fire Department Analysis

After reviewing the current conditions along Elmcroft Avenue, numerous violations of the 2008 County of Los Angeles Fire Code (County Fire Code) have been identified as follows:

> County Fire Code, Section 503, Fire Apparatus Access Road, Subsection 503.1.1, Building and Facilities, requires that "Approved fire access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access roads shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility."

County Fire Code, Subsection 503.2.1, Dimensions, states that "Fire Apparatus Access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance clear to the sky."

The Elmcroft Avenue easement does not provide adequate width to provide for parking on either side of the roadway and still comply with the above referenced Code Sections. Therefore, by default and design, Elmcroft Avenue is in fact a designated "Fire Lane" as defined by the County Fire Code. Per County Code Section 15.24.010, the provisions of the California Vehicle Code apply to privately owned and maintained roads such as Elmcroft Avenue.

Section 22500.1 of the California Vehicle Code provides that "no person shall stop, park, or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device along the edge of any highway, at any curb, or in any location in a publicly or privately owned or operated off-street parking facility, designated as a fire lane by the fire department or fire district with jurisdiction over the area in which the place is located."

Therefore, based on the above, the following actions are required:

1. Post a sign immediately adjacent to, and visible from, the designated road clearly stating in letters not less than one inch in height that the road is a fire lane.

2. Outline or paint the road in red and, in contrasting color, mark the road with the words "FIRE LANE", which are clearly visible from a vehicle, or by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE".

Additionally, all development that has occurred on Elmcroft Avenue through the permitting and approval process received a County Fire Department Form 195, Fire Flow Availability for Building Permit, which indicated in Part III, Conditions for Approval by the Building Department that the "proposed construction must be within 150 feet of a vehicular access roadway that is a minimum of 20 feet wide, paved with concrete or asphalt and does not exceed 15 percent grade."

The Fire Department currently has an enforcement action underway regarding this situation and the owners of 16712, 16724, 16728, and 16732 Elmcroft Avenue received Official Inspection Reports requiring the following corrective action by the property owner(s) to be completed immediately with a re-inspection scheduled for July 23, 2010 (see re-inspection update below):

1. Provide and maintain a proper vehicular access roadway that is a minimum of 20 feet wide, paved with concrete or asphalt that can support the imposed loads of fire apparatus, per the County Fire Department Form 195 dated April 2003;

2. Provide NO PARKING FIRE LANE signs on Elmcroft Avenue from 166th Street to the end of the property in accordance with County Fire Code, Section 503.3; and

3. Fire apparatus access roads are not to be obstructed in any manner, including the parking of vehicles or the placement of speed bumps. The minimum width and clearances established in County Fire Code, Subsection 503.2.1 shall be maintained at all times in accordance with Section 22500.1 of the California Vehicle Code and County Fire Code, Section 503.4.

A follow-up inspection was conducted on July 23, 2010 for Elmcroft Avenue. As of this date, there has been no observed compliance to the Official Inspection Notice dated June 29, 2010. A second notice was issued on July 23, 2010 to 16712, 16724, 16728, and 16732 Elmcroft Avenue, with a re-inspection scheduled for August 6, 2010. A report will be provided to the Board on the status of the re-inspection. An Official Inspection Report was issued to 16608 Elmcroft Avenue to remove a planter on the west side of the property at the base of the block wall and to reiterate that no parking on that section of Elmcroft Avenue is permitted.

Fire Department Contact: Assistant Fire Chief Roy Dull Phone: (323) 890-4144
County Counsel Contact: Scott Kuhn Phone: (213) 974-1852

<u>Department of Public Works (DPW) Analysis</u>

The Department of Public Works developed the following analysis and options in addition to continued enforcement of the Fire Department's requirements.

Current County standards for a full width local street require a 34 foot paved section within a 58 foot right-of-way. Based on existing field conditions, significant right-of-way, and several residential structures would have to be removed to allow for Elmcroft Avenue to be improved to current standards, causing a hardship to residents, and making this option not feasible.

An alternate option would involve the construction of a 20 foot wide asphalt concrete alley roadway from 166th Street southerly, and a connection to the publically maintained Eric Avenue through 167th Street. The existing broken concrete pavement on Elmcroft Avenue would need to be reconstructed, as well as the pavement, curb, gutter and sidewalk around the bulb on Eric Avenue. In addition, an existing catch basin on Eric Avenue would need to be relocated, and a sewer manhole would need to be reconstructed. Certain properties outside of the 20 foot easement on Elmcroft Avenue and Eric Avenue would need to be acquired in order to allow for an adequate turning radius.

Department of Public Works Cost and Timelines

The cost to design and construct the 20 foot wide alley is estimated at $650,000 not including any cost for right-of-way processing and acquisition.

The County Improvement (CI) process is an option for financing the improvement to Elmcroft Avenue, should the Board of Supervisors determine that it is in the public's interest to dedicate Elmcroft Avenue as a public street. In order for the Elmcroft Avenue improvements to occur, the CI process requires a vote of the property owners within a designated area of benefit. By a lack of majority protest, the property owners would allow a self-assessment for the cost of the improvements. The assessments would be levied on the property tax bills for each parcel within the assessment district, for a specified number of years. The County would construct Elmcroft Avenue as a public roadway and would be reimbursed through the assessment district. The estimate to process a CI and form an assessment district would be approximately $75,000. The formation process would take approximately two years to complete and the design and construction would be approximately 18 months after the formation of the district.

Public Works Contact: Phil Doudar **Phone: (626) 458-5926**
County Counsel Contact: Mark Yanai **Phone: (213) 974-1907**

2. IDENTIFY AND EVALUATE THE ISSUES AND POTENTIAL OPTIONS FOR EXTENDING 167TH STREET WESTWARD FROM MAPES AVENUE TO ELMCROFT AVENUE TO IMPROVE CIRCULATION AND ACCESS WITHIN THE NEIGHBORHOOD, AND INCLUDE A DETAILED ANALYSIS OF EXISTING OWNERSHIPS AND IDENTIFICATION OF EXISTING IMPROVEMENTS (BY MAPPED EXHIBIT AND TEXT INVENTORY) WITHIN THE EXISTING AND/OR FUTURERIGHT-OF-WAY (SEE MAP ATTACHMENT).

Department of Public Works Analysis

167th Street from Mapes Avenue to Elmcroft Avenue is an unimproved private street that ranges in width from 18 to 20 feet. (167th Street, from Harvest Avenue to Mapes Avenue is maintained as a paved private street). Based on DPWs' analysis of title documents, the underlying property owners are within their right to use the designated private street, subject to the permission of their neighbors, for ingress and egress. Most of the eight underlying property owners have used 167th Street for an extension of their landscaping and/or side yards, addition of structures, parking of recreational vehicles, and other uses. In order to obtain the necessary right-of-way for a full width dedication, the acquisition of six existing residential homes would be required.

The Department of Public Works' estimate to improve 167th Street to meet current County standards is approximately $2.0 million, not including right-of-way acquisition (please see attached map that depicts property lines and property owners within the Cerritos Island).

Due to the impediments to extending 167th Street, the Department of Regional Planning (DRP) and DPW reviewed other options to improve overall circulation within the Cerritos Island. Some of the most restricted traffic flow areas within the Cerritos Island are on its eastern end along Harvest and Longworth Avenues. Harvest Avenue is an improved public alley on the north and a private street on the south that dead ends into the wall at the City boundary. Longworth Avenue is a private street, which dead ends on the north at a church parking lot that fronts 166th Street between Mapes Avenue and Harvest Avenue. At the south, Longworth connects to 167th Street. The single ingress and egress out of the Cerritos Island for Longworth Avenue is via 167th Street and Harvest Avenue.

The conditional use permit (CUP) for the aforementioned church required the permittee to dedicate to the County "the right to restrict access to 166th Street and access rights to Longworth and Harvest Avenues." In light of this condition, to increase Fire Department access, DPW and the Fire Department will explore the possibility of creating a Fire Department-only ingress and egress onto Longworth Avenue through the church parking lot and will report back to the Board. DRP also looked at the possibility of creating a fire lane access on Harvest Avenue through an existing condominium development. It was determined that establishing such access was not feasible due to the lack of a CUP for the condominium development which would have allowed the County the opportunity to address access and circulation.

Another option for increasing circulation in the Cerritos Island is by connecting Harvest Avenue directly to Park Avenue in the City of Cerritos. This option will require approval by the City of Cerritos as a minor property acquisition.

Public Works Contact: Phil Doudar **Phone: (626) 458-5926**
County Counsel Contact: Mark Yanai **Phone: (213) 974-1907**

Fire Department Analysis

The Fire Department's position on the improvement of 167th Street from Elmcroft Avenue to Mapes Avenue is that this would improve overall emergency vehicle access, circulation and response safety. However, in order to provide the necessary minimum fire lane width of 20 feet and a turning radius of 32 feet on centerline, right-of-way acquisition of properties would be required. Right-of-way acquisition could also potentially include properties within the 167th Street easements from Mapes Avenue to Longworth Avenue which do not currently meet access requirements. The road is 16 feet wide with an inadequate turning radius at both Mapes Avenue and

Longworth Avenue. The street must have the intersections designated as fire lanes to ensure clear access for emergency vehicles. Even designating these intersections as fire lanes would still not allow for the safe access of a truck company (ladder truck). During an inspection of the area on July 19, 2010, the Fire Department observed parked vehicles obstructing emergency vehicle access within the turning points of these intersections. The Fire Department plans to complete the fire lane designation by August 15, 2010.

Designated fire lanes at the end of all streets within the designated area have been reviewed. The County Fire Code requires that emergency fire response equipment reach within 150 feet of all exterior portions of the structure via vehicular access. This requirement establishes the Fire Departments' ability to properly deploy fire hose lines around the structure for firefighting purposes. Due to the 167th Street easement, it is not necessary to drive all the way to the end of 167th Street to meet this requirement. The Fire Department can stop 20 feet short of the end and still meet the access requirements. Parking regulations would most likely result in a reasonable road condition within the area.

Fire Department Contact: Assistant Fire Chief Roy Dull Phone: (323) 890-4144
County Counsel Contact: Scott Kuhn Phone: (213) 974-1852

3. PROVIDE A DETAILED ANALYSIS OF THE ZONING AND LEGAL ISSUES AND AN ESTIMATE OF POTENTIAL FINANCIAL COST TO THE ESTABLISHMENT OF A MINIMUM 40-FEET SET BACK REQUIREMENT ALONG THE LENGTH OF ELMCROFT AVENUE AS MEASURED FROM THE CITY OF CERRTOS BOUNDARY ON THE WEST.

Department of Regional Planning Analysis

Establishing a 40-foot wide setback on Elmcroft Avenue, between the City boundary and the front yards of parcels on Elmcroft Avenue essentially makes the parcels on the R-1 zoned Elmcroft Avenue undevelopable with single family homes.

The newly enacted Cerritos Island Community Standards District (CSD) requires a minimum 20-foot wide unobstructed access on Elmcroft Avenue. Changing that to a 40-foot minimum would significantly reduce the buildable area of the parcels to the point where building a minimum 800 square-foot house, the smallest size allowed by the County within the CSD's two-story limit, would be infeasible given the requirements in the zoning code for minimum setbacks, two covered parking spaces (400 square-foot standard), and a ground level entrance.

For example, if a typical 82.5-foot x 25-foot parcel on Elmcroft Avenue were to lose 40 feet of its depth for the road, another 20 feet for the front and back yards, and six feet for the side yards, that would leave a buildable area of 22.5 feet by 19 feet, or 427.5 square feet. In addition, the ground floor would need to utilize 400 square feet for two parking spots, leaving only 27.5 square feet on the ground floor, thereby allowing

455-square feet for a two story home. Therefore, achieving the minimum required 800 square feet of habitable area within the two-story height limit would be infeasible on Elmcroft Avenue.

Regional Planning Contact: Lisbeth Sinclair **Phone: (213) 974-6425**
County Counsel Contact: Elaine Lemke **Phone: (213) 974-1930**

4. PROVIDE AN OVERVIEW OF THE EXISTING PROPERTY MAINTENANCE REQUIREMENTS AND ZONING CODE AND BUILDING CODE ENFORCEMENT EFFORTS FOR THE UNINCORPORATED CERRITOS ISLAND AREA AND IDENTIFY BOTH AN ACTION PLAN AND AN ANNUAL COST ESTIMATE FOR A PROACTIVE ENFORCEMENT PROGRAM FOR THIS AREA.

Overview of Property Maintenance Requirements

Department of Regional Planning

The Department of Regional Planning's Zoning Enforcement Division is responsible for enforcing the planning and zoning code, Title 22, throughout the unincorporated communities of Los Angeles County. Zoning Enforcement helps preserve property values, enhance neighborhood quality, and maintain the health, safety and welfare of residents. DRP conducts reactive enforcement in response to complaints from citizens. Complaints of immediate health or safety hazards are investigated promptly. When property owners are cited with noncompliance, they are given adequate time, (generally 30 to 120 days), to comply or risk an assessment of noncompliance fees or, if noncompliance persists, filing of civil or criminal charges.

Department of Public Works

The Department of Public Works' Building and Safety Division is responsible for enforcing Titles 26 through 29 of the Los Angeles County Code. The Property Rehabilitation/Code Enforcement Section of Building and Safety investigates complaints pertaining to building code violations such as unpermitted structures and/or substandard buildings/structures/property conditions. The prescribed process allows for voluntary compliance and if this fails a formal process may be started that allows for the Declaration of Substandard Property. The formal process gives appropriate timelines, assesses fees, and offers property owners the right of appeal with a hearing. At the hearing, the property owner may be given an order. If the owner fails to meet the order then the County may perform abatement action and record a lien against the property for the costs incurred. Building and Safety's code enforcement efforts are typically complaint driven. The complaints generally originate from the Board Offices, constituents, or other agencies.

In communities where code violations are a major and persistent issue, the County has formed Nuisance Abatement Teams (NATs), to investigate and address the violations in a coordinated and collaborative manner. The team functions like a multi-agency task force, typically with the following participating agencies: DRP; DPW (Building and Safety); Public Health; Sheriff; District Attorney Investigator; and Fire.

Existing Enforcement Practice in the Cerritos Island

Enforcement activity in Cerritos Island has been in response to stakeholder's complaints. During the last five years these complaints have been very minimal. DRP has received one request for service per year in 2006, 2007, 2008, and one thus far in 2010. No requests were made in 2009. Upon inspection, the following zoning code violations were found: inoperable vehicle; expired CUP for childcare; construction on a vacant lot/structure encroaching on neighboring lot; and inoperable vehicle and junk/salvage. Currently, one DRP zoning enforcement person has responsibility for the Cerritos Island community. DPW received three complaints for unsightly properties in 2005 and one complaint regarding an empty storage container on a vacant lot in 2009. Currently, DPW has a code enforcement inspector assigned to handle all unsightly property complaints in the unincorporated Whittier area and the Cerritos Island.

Regional Planning Contact: Alex Garcia **Phone: (213) 974-6483**
County Counsel Contact: Elaine Lemke **Phone: (213) 974-1930**

Proactive Enforcement Action Plan and Costs

A proactive enforcement plan for Cerritos Island, to supplement ongoing reactive enforcement would involve:

1. A public relations, education and community outreach program: Generally, residents within Cerritos Island currently maintain their properties in reasonably good condition. Periodic reminders of property maintenance responsibilities, however, may be helpful for some residents to accurately recognize common zoning and building violations. Enforcement brochures tailored to unincorporated communities exist and can be distributed to all Cerritos Island residents. Periodic community meetings or information fairs could also serve as helpful reminders to residents about the benefits of code enforcement. Costs would include printing materials for distribution, notifying residents, and conducting the events (e.g. staff time, rental fees).

2. A one-time survey of all Cerritos Island properties to identify substandard property conditions. Similar to a Nuisance Abatement Team, an inter-departmental team with the appropriate agencies could be assembled to conduct a comprehensive one-time evaluation of each property in the Cerritos Island. In cases where violations are identified, County staff would work with residents to delineate the steps and timing for bringing the property into compliance. Costs would include staff time for the sweep in addition to time for processing and follow-up for violations until resolved.

The Department of Public Works estimates an annual cost of approximately $37,000 and DRP estimates an annual cost of approximately $25,000 in staff time to provide the above-mentioned proactive code enforcement.

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County Counsel (Public Works): Mark Yanai	**Phone: (213) 974-1907**
Regional Planning Contact: Alex Garcia	**Phone: (213) 974-6483**
County Counsel (Regional Planning): Elaine Lemke	**Phone: (213) 974-1930**

Legend

- Parcels
- County / City Boundary Line

CERRITOS ISLAND
167th Street Ownership Map

Feet
0 25 50 100 150 200