

Office of the City Engineer

Los Angeles, California

To the Public Works and Gang Reduction Committee

Of the Honorable Council

Of the City of Los Angeles

MAY 16 2017

Honorable Members:

C. D. No. 14

SUBJECT:

VACATION APPROVAL - VAC- E1401184 - Council File No. 12-0131 – Harlem Place between Fourth Street and Fifth Street.

RECOMMENDATIONS:

- A. That street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on the attached Exhibit “ B”:

Harlem Place between Fourth Street and Fifth Street.

- B. That the City Council:
1. Review and consider the Initial Study/Mitigated Negative Declaration for Alley Vacation – Harlem Place, between 4th Street and 5th Street (Transmittal No. 3) which was prepared in compliance with the California Environmental Quality Act (CEQA).
 2. Find that, on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City’s independent judgment and analysis and adopt the Mitigated Negative Declaration.
 3. Adopt the Mitigation Monitoring and Reporting Program (Transmittal No. 4).
 4. Specify that the documents constituting the record of proceedings in this matter are in the custody of the City Clerk located at 200 North Spring Street, Los Angeles, CA 90012.
 5. Direct the Bureau of Engineering to file a Notice of Determination with the Los Angeles City Clerk and Los Angeles County Clerk within five (5) working days of the Council adopting the Mitigated Negative Declaration.

- C. That the City Council find that there is a public benefit to this street vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the street. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easements.
- D. That, in conformance with Section 556 of the City Charter, the Council make the finding that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan.
- E. That, in conformance with Section 892 of the California Streets and Highways Code, the Council determine that the vacation area is not necessary for non-motorized transportation facilities.
- F. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determine that the vacation area is not necessary for present or prospective public use.
- G. That the Council adopt the City Engineer's report with the conditions contained therein.
- H. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works and Gang Reduction Committee approval based on the Rule 16 motion adopted by City Council on February 1, 2012, so the City Clerk and Bureau of Engineering can process the Public Notification pursuant to Section 8324 of the California Streets and Highways Code.

FISCAL IMPACT STATEMENT:

The petitioner has paid a fee of \$25,787.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code will be required of the petitioner.

Maintenance of the public easement by City forces will be eliminated.

NOTIFICATION:

That notification of the time and place of the Public Works Committee and the City Council meetings to consider this request be sent to:

1. Hamid Bedhad
Central City Development Group
1010 Wilshire Bl, Ste 101
Los Angeles CA 90017

2. Gilmore Associates/Old Bank District
411 S Main St, Ste M100
Los Angeles CA 90013
3. Old Financial District, LP
411 S Main St, Ste M100
Los Angeles CA 90013
4. Bankhouse, LLC
411 S Main St, Ste M100
Los Angeles CA 90013
5. Fred & Judith Lambert Trust
330 N Alfred St.
Los Angeles CA 90048
6. System Property Development
845 S Figueroa St., Ste 500
Los Angeles CA 90017
7. City of Los Angeles
111 E 1st St., #201
Los Angeles CA 90012
8. MSGG Rowan Realty Partners, LLC
818 W 7th St., Ste 410
Los Angeles CA 90017
9. MSGG El Dorado Realty Partners LLC
818 W 7th St., Ste 410
Los Angeles CA 90017
10. Rosslyn Lofts Housing Partners, LP
111 W 5th St
Los Angeles CA 90013

CONDITIONS:

The Conditions specified in this report are established as the requirements to be complied with by the petitioner for this vacation. Vacation proceedings in which the conditions have not been completed within 2 years of the Council's action on the City Engineer's report shall be terminated, with no further Council action.

1. That any fee deficit under Work Order E1401184 be paid.
2. That a suitable map, approved by the Central District Engineering office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Land Development & GIS Division prior to the preparation of the Resolution to Vacate.
3. That a suitable legal description describing the area being vacated and all easements to be reserved, including copies of all necessary supporting documentation, be submitted to the Land Development & GIS Division of the Bureau of Engineering prior to preparation of the Resolution to Vacate.
4. That a title report indicating the vestee of the underlying fee title interest in the area to be vacated be submitted to the City Engineer.
5. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

Repair and/or replace all broken, off-grade, or missing concrete curb, gutter and sidewalk along Spring Street, Main Street and 4th Street.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Department of Water and Power, AT & T, Southern California Gas Company and Time Warner Cable for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
7. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing storm drain facilities located within the area to be vacated, unless easements are reserved from the vacation for their protection.
8. That consents to the vacation be secured from the owners or representative organizations of all properties adjoining the area to be vacated.
9. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, agreements be recorded satisfactory to the Bureau of Engineering to hold each parcel of land under the same ownership, and its adjoining portion of the area to be vacated, as one parcel to preclude the creation of substandard or landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
10. That street lighting facilities be installed as required by the Bureau of Street Lighting.

11. That street trees be planted and tree wells to be installed as may be required by the Urban Forestry Division of the Bureau of Street Services.
12. That a covenant and agreement be recorded from the owners or representative organizations of each property adjoining the area to be vacated binding the owners and all successors to the following:
 - 1) Public access shall be provided over the vacation area, and it shall remain open and accessible to the public during the hours of 6AM to 12AM.
 - 2) Improvements of the vacation area shall be constructed in accordance with the plans as shown on Exhibit A of the City Planning Department Letter to the Bureau of Engineering dated April 1, 2015, to the satisfaction of the City Planning Department.
 - 3) Gates, if installed, must remain fully open during the hours of 6AM to 12AM, and shall be designed to complement the historic character of the surrounding buildings, to the satisfaction of the City Planning Department.
13. That the owners or representative organizations of all properties adjoining the area to be vacated record agreements satisfactory to the City Engineer stating that they will grant the necessary easements for ingress and egress over the vacated area, and that they will maintain the vacated area free and clear of obstructions and in a safe condition for vehicular use at all times.

TRANSMITTAL:

1. Application dated October 7, 2011, from Gilmore Associates.
2. City Planning Letter with Exhibit
3. Final Initial Study/Mitigated Negative Declaration for Alley Vacation – Harlem Place, between 4th Street and 5th Street , dated March 2016
4. Mitigation Monitoring and Reporting Program, dated March 2016.

DISCUSSION:

Request: The petitioner, Ashil Ann on behalf of Gilmore Associates, owner of the properties shown outlined in yellow on Exhibit “B”, is requesting the vacation of the public alley area shown colored blue. The purpose of the vacation request is to “pedestrianize” the alley in conjunction with the Spring Street Park development for public safety. In a letter dated September 11, 2014, Tom Gilmore, on behalf of Gilmore

Associates, revised the vacation request to include the full block of Harlem Place between Fourth Street and Fifth Street.

This vacation procedure is being processed under procedures established by Council File No. 01-1459 adopted by the Los Angeles City Council on March 5, 2002.

Resolution to Vacate: The Resolution to Vacate will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on February 1, 2012, under Council File No. 12-0131 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the northwest and southeast are zoned [Q]C4-4D and are developed with a park on the northwesterly side and mixed use buildings on both sides.

Description of Area to be Vacated: The area sought to be vacated is Harlem Place between Fourth Street and Fifth Street. Harlem Place is a fully improved alley dedicated 20 feet wide. It is currently gated at the intersections with Fourth Street and Fifth Street.

Adjoining Streets: Fourth Street is a Modified One-Way Secondary Highway dedicated 60 feet wide with a 38-foot wide roadway, curb and gutter, and 11-foot wide sidewalks. Spring Street is a Modified One-Way Secondary Highway dedicated 80 feet wide with a 52-foot wide roadway, curb and gutter, and 14-foot wide sidewalks. Fifth Street is a Modified One-Way Secondary Highway dedicated 65 feet wide, with a 35-foot wide half right-of-way on the northeasterly side, and improved with a 40-foot wide roadway, curb and gutter, and 15-foot wide sidewalk on the northeasterly side. Main Street is a Modified One-Way Secondary Highway dedicated 80 feet wide with a 50-foot wide roadway, curb and gutter, and 15-foot wide sidewalks.

Effects of Vacation on Circulation and Access: The vacation of Harlem Place between Fourth Street and Fifth Street would eliminate part of the community's circulation grid, as well as direct pedestrian and vehicular access to the rear of the adjacent Spring Street Park. As a condition of vacation, a public access easement over the alley during the hours of 6 AM to 12 AM would be required, and any gates would be required to remain open during said hours.

Surrounding Properties: The owners of lots adjoining the vacation area have been notified of the proposed vacation.

Support for the Vacation: In a letter dated December 5, 2014, Steven S Dornbusch, owner of the property at 460 S Spring St. #205, supported the proposed vacation so that Harlem Place and the Spring Street Park "may live up to its social, architectural, and economic potential." Mr. Dornbusch also stated "I would hope the Park's strong diagonal access may finally be open to Harlem Place. Please take care to mitigate any safety issues

stemming from occasional vehicular cross traffic entering Bank House across Harlem Place.”

In a letter dated March 16, 2015 Councilmember Jose Huizar of the 14th District expressed his support for the vacation of Harlem Place. Mr. Huizar indicated that his office has reviewed the request and is in full support. Mr. Huizar stated that “the intent behind this alley vacation is not to build over the vacated land, rather to improve, maintain and utilize the alley as an active public place consistent with the City’s recently adopted General Plan Amendment to the Central City Community Plan. The alley vacation fulfills the Council Office’s vision for a pedestrian-oriented Downtown and is aligned with the ongoing revitalization that is happening in Downtown Los Angeles.”

Objections to the vacation: In a letter dated December 10, 2014, Seong Kwon, owner of the property at 460 S. Spring St. #909, objected to the vacation, stating that the “area is currently a private and secured alley that provides safe access for residents of all property owners affected in the proposed area” and listed various reasons that pedestrianizing the alley would be unsafe.

Reversionary Interest: No determination of the underlying fee interest of the vacation area has been made as to title or reversionary interest.

Dedications and Improvements: It will be necessary that the petitioner provide for the improvements as outlined in the conditions of this report. There are no additional dedications required.

Sewers and Storm Drains: There are no existing sewer facilities within the area proposed to be vacated. There are, however, existing storm drain facilities within this area.

Public Utilities: The Department of Water and Power, Southern California Gas Company, and Time Warner Cable maintain facilities in the area proposed to be vacated. AT&T did not respond to the Bureau of Engineering referral letters dated December 9, 2011 and October 1, 2014.

Tract Map: Since there are no dedications required and the necessary improvements can be constructed under separate permit processes, the requirement for the recordation of a new tract map could be waived. However, it will be necessary that the petitioner record agreements satisfactory to the Bureau of Engineering to hold each adjoining parcel of land and its adjoining portion of the area to be vacated under the same ownership, as one parcel to preclude the creation of substandard or landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over the area, a parcel map exemption is permitted or until released by authority of the City of Los Angeles.

City Department of Transportation: The Department of Transportation (LADOT) stated in its communication dated December 16, 2014 that it does not oppose the vacation provided that all abutting property owners are in agreement with the proposed vacation. LADOT further stated that since the purpose of the vacation is to “pedestrianize” the

alley in conjunction with the Spring Street Park, the applicant should work with LADOT to ensure that the vacated alley is designed to ensure that pedestrian and bicycle access is suitably maintained to facilitate access to and from the Spring Street Park.

City Fire Department: The Fire Department stated in its memo dated November 25, 2014 that it has no objection to the vacation.

Department of City Planning: The City Planning Department in its letter dated April 1, 2015 stated that it finds the project, with the inclusion of conditions listed in the letter, consistent with the General Plan, and recommends approval. The City Planning Department found that vacating the alley would adversely affect transportation patterns unless it was conditioned on the applicant being required to maintain public access through the alley through the provision of a public easement. The City Planning Department found that with the inclusion of the following conditions, the alley vacation is consistent with the intent, goals and provisions of the General Plan:

1. The applicant shall provide the City with a public access easement over the alley indicating that it shall remain open and accessible to the public during the hours of 6 AM to 12 AM.
2. Improvements shall be constructed in accordance with the plans as shown on Exhibit A, stamped and signed by the Department of City Planning (see attached).
3. Gates, if installed, must remain fully open during the above hours, and shall be designed to complement the historic character of the surrounding buildings.

Conclusion: The vacation of the public alley area as shown colored blue on attached Exhibit "B" could be conditionally approved based upon the following:

1. It is unnecessary for present or prospective public use.
2. It is not needed for vehicular circulation or access.
3. It is not needed for non-motorized transportation purposes.

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

Dale Williams
Civil Engineer
(213) 202-3491

EY/ RS / DW

Respectfully submitted,



Edmond Yew, Manager
Land Development & GIS Division
Bureau of Engineering

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