

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

APR 25 2014

Honorable Members:

C. D. No. 14

SUBJECT:

VACATION APPROVAL - VAC- E1401219 - Council File No. 13-0342 – Portion of the Alley Northwesterly of Los Angeles Street from Approximately 386 Feet Southwesterly of Fifth Street to its Southwesterly Terminus.

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 "A":

A portion of the alley (Werdin Place) northwesterly of Los Angeles Street from approximately 386 feet southwesterly of Fifth Street to its southwesterly terminus.

- C. That the Council find that the vacation is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
- D. 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.
- E. 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.
- F. 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.

- G. 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.
- H. That the Council adopt the City Engineer's report with the conditions contained therein.
- I. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works Committee approval 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 \$10,700.00 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. L.A. Main Affiliates LLC
ATTN: Daniel Taban
888 S Figueroa St., Ste 1900
Los Angeles CA 90017
2. L.A. Main Affiliates LLC
ATTN: Nick Kazemi
888 S Figueroa St. Ste 1900
Los Angeles CA 90017
3. Kenneth Aslan
P.O Box 4
Somis CA 93066

4. Craig Lawson & Co., LLC
ATTN: Benjamin Fiss
8758 Venice Bl., Ste 200
Los Angeles CA 90034
5. Morad LLC
ATTN: Payman Jevahery
1915 E 7th St
Los Angeles CA 90021
6. 533 South Los Angeles Investment LLC
ATTN: Greg Yaris
625 N West Knoll Dr.
West Hollywood CA 90069
7. 533 South Los Angeles Investment LLC
ATTN: Abe Kash
625 N West Knoll Dr.
West Hollywood CA 90069

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 E1401219 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 Group 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 Group 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 dedications be provided adjoining the petitioner's property in a manner satisfactory to the City Engineer:
 - a) Dedicate 3 feet as a public street on the southeasterly side of Main Street.

- b) Dedicate 3 feet as a public street on the northwesterly side of Los Angeles Street.
 - c) Dedicate, as necessary, a 2-foot average width sidewalk easement on the southeasterly side of Main Street, in accordance with the Downtown Design Guidelines.
 - d) Dedicate, as necessary, a 3-foot average width sidewalk easement on the northwesterly side of Los Angeles Street, in accordance with the Downtown Design Guidelines.
6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
 - a) Fill in the newly dedicated public right-of-way on Main Street with concrete sidewalk to complete a 15-foot wide sidewalk.
 - b) Fill in the newly dedicated public right-of-way on Los Angeles Street with concrete sidewalk to complete a 15-foot wide sidewalk.
 7. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to AT &T and Southern California Gas Company for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
 8. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, an agreement 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.
 9. That plot plans be submitted to the Fire Department for their review and approval.
 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 the owner record a covenant and agreement to run with the land to keep a portion of the vacation area and a portion of the property adjoining the alley (Werdin Place) open for others to use for turning area purposes, substantially as shown on exhibits "A" and "B" of the petitioner's correspondence dated March 3, 2014.

TRANSMITTAL:

Application dated November 26, 2012, from Enayat Taban, representing L.A. Main Affiliates LLC.

DISCUSSION:

Request: The petitioner, Enayat Taban, representing L.A. Main Affiliates LLC, owner of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of the public alley area shown colored blue. The purpose of the vacation request is to consolidate the vacation area with the parcels to the north and south of the alley for a future building.

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 April 2, 2013, under Council File No. 13-0342 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the north and south are zoned C2-2D and are currently developed as a parking lot.

Description of Area to be Vacated: The area sought to be vacated is a portion of the alley (Werding Place) northwesterly of Los Angeles Street from approximately 386 feet southwesterly of Fifth Street to its southwesterly terminus. The portion of the alley proposed to be vacated is dedicated 20 feet wide and is improved with asphalt concrete pavement and longitudinal gutter.

Adjoining Street and Alley: Main Street is a Modified One-Way Secondary Highway dedicated to 85-foot and variable width with a 40-foot half right-of-way, and improved with a 56-foot wide roadway, curb and gutter and 12-foot wide sidewalk. Los Angeles Street is a Modified Two-Way Secondary Highway dedicated 80 feet wide with a 40-foot wide half right-of-way, and improved with a 56-foot wide roadway, curb and gutter, and 12-foot wide sidewalk. The alley (Werding Place) northwesterly of Los Angeles Street is dedicated 20 feet wide and partially improved with asphalt concrete pavement and longitudinal gutter.

Surrounding Properties: The owners of lots adjoining the vacation area and along the alley (Werding Place) from 5th Street to its southwesterly terminus have been notified of the proposed vacation.

Effects of Vacation on Circulation and Access: The vacation of the portion of the alley (Werdin Place) northwesterly of Los Angeles Street from approximately 386 feet southwesterly of Fifth Street to its southwesterly terminus would eliminate an approximately 22-foot long area currently used as a turning area by neighboring properties. The alley does not currently have a standard or minimum turning area. As a condition of the vacation, the petitioner would be required to covenant and agree to keep a portion of the vacation area and property adjoining the alley (Werdin Place) open as a turning area.

The alley is also not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the vacation: Greg Yaris, on behalf of 533 South Los Angeles Investment LLC, owner of Lots 12(Arb 2), 13, 14, and 15 (Arb1) of Block D of Rivara and Vignolo Tract objected to the vacation in a letter dated December 19, 2012. Payman Javahery, managing member of Morad LLC at 1915 East 7th Street objected to the vacation in a letter dated December 19, 2012.

Abe Kash, on behalf of 533 South Los Angeles Investment LLC, and Payman Javahery, manager of Morad LLC, in a letter dated August 5, 2013 stated that they met with the applicant and based on a turnaround area proposal provided by the applicant, their concerns are satisfied and they support the alley vacation, with the proposed turnaround.

Mr. Kash and Mr. Javahery reconfirmed their support for the proposed vacation and a revised proposed turning area in letters dated March 14, 2014.

A letter was also received from Kenneth Aslan, owner of Lot 17 of Block D of Rivara and Vignolo Tract, dated January 7, 2013 objecting to the vacation.

Reversionary Interest: No determinations 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 dedications and improvements as outlined in the conditions of this report.

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

Public Utilities: Southern California Gas Company and AT&T did not respond to the Bureau of Engineering's referral letter dated November 26, 2012.

Tract Map: Since the required dedications can be acquired by separate instruments 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 an agreement satisfactory to the Bureau of Engineering to hold each adjoining 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 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 stated in its communication dated January 29, 2013 that it does not oppose the vacation provided that: all abutting property owners are in agreement with the proposed vacation, a suitable turnaround is provided at the new terminus of the unvacated portion of the alley, and that provisions are made for: lot consolidation, driveway and access approval by DOT, and any additional dedications and improvements necessary to bring all adjacent streets into conformance with the City’s Standard Street Dimensions.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering’s referral letter dated November 26, 2012.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering’s referral letter dated November 26, 2012.

Conclusion: The vacation of the public alley area as shown colored blue on attached Exhibit “A” 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:

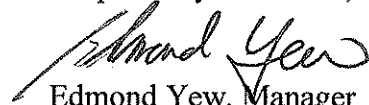
LAND DEVELOPMENT GROUP

Dale Williams
Civil Engineer
(213) 202-3491

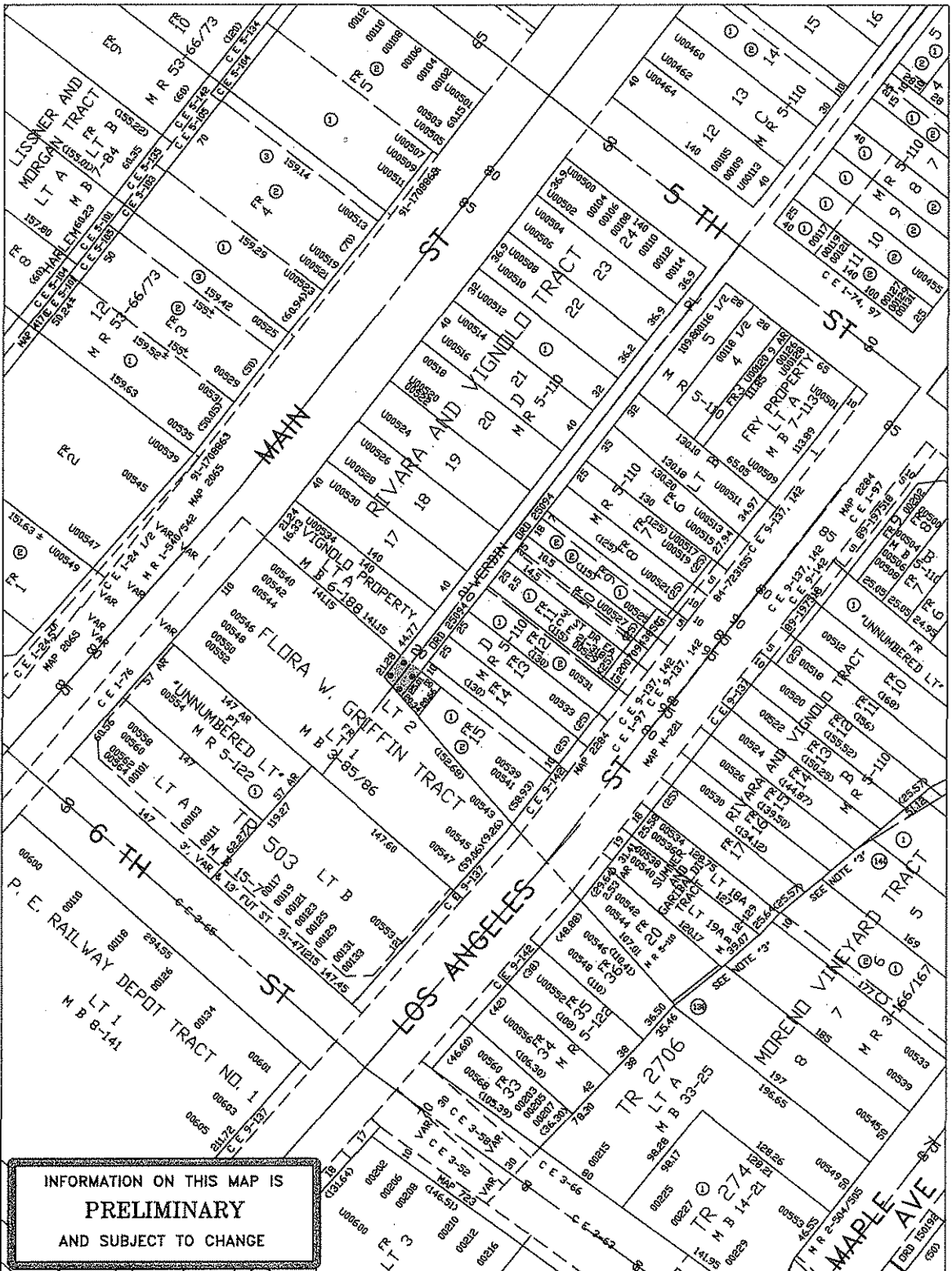
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Respectfully submitted,



Edmond Yew, Manager
Land Development Group
Bureau of Engineering



INFORMATION ON THIS MAP IS
PRELIMINARY
 AND SUBJECT TO CHANGE

TITLE: PORTION OF ALLEY NORTHWESTERLY OF LOS ANGELES STREET FROM APPROX. 386 FEET SOUTHWESTERLY OF 5TH STREET TO ITS SOUTHWESTERLY TERMINUS.

WORK ORDER NO. VAC- E1401219
 COUNCIL FILE NO. 13-0342
 COUNCIL DIST. 14 DIV. INDEX 94
 ENG. DIST. CENTRAL T.G. 634-F5
 DISTRICT MAP 127.5 A 211



DEPT. OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 CITY OF LOS ANGELES

APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY
ORIGINAL - (No copies or faxes)

DATE: 11-26-2012

PROJECT LOCATION AND DESCRIPTION:

(1) Area proposed to be vacated is: WERDIN PLACE S of 5th ST.
(Street/Avenue/Boulevard/alley/walk: N/S/E/Wof)
and is located between:
5th ST. and 6th ST.
(Street, Avenue, Boulevard or other limit) (Street, Avenue, Boulevard or other limit)

• Attach a map if necessary.

(2) The vacation area lies within or is shown on:

(a) Engineering District: (check appropriately)

Central () Harbor () Valley () West Los Angeles

(b) Council District No. 9

(c) District Map No. 127-5 A 211

(d) A CRA Redevelopment Area: (YES) OR (NO) Z12316 City Center Redev.

(3) Area (in sq. ft.) of the proposed vacation area is approx. 463 sq. ft. If over 10,000 sq. ft. of buildable area, the vacation is not categorically exempt from the California Environmental Quality Act Guidelines and will require a higher level of environmental review. Contact a vacation staff member to discuss the effect of this on the processing of your application prior to submittal. If the applicant is required to have an environmental determination performed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit. This will also increase the processing time by approximately 6 months.

• If the vacation is located within a Coastal Development Zone, a Coastal Development Permit will be required for the project. The applicant should be aware that vacations within a Coastal Development Zone will take longer to process and will be considerably more expensive. If the applicant is required to have a Coastal Development Permit processed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit.

• Some city agencies, including LADOT, may require additional fees to be deposited to cover costs during the referral and investigation process. The applicant is responsible for paying the fees to the agency directly. Referral fees paid to other city agencies are separate from the Bureau of Engineering processing fees.

• If the proposed vacation is only for a portion of the Right-of-Way or a partial block, contact a vacation staff member prior to submitting application.

(4) Purpose of vacation (future use of vacation area) is: Proposing new building on the parcels North & South of the Alley

(5) Vacation is in conjunction with: (Check appropriately)

() Revocable Permit () Tract Map () Parcel Map () Zone Change

Other there will be a proposal for a new building