

RESOLUTION

WHEREAS, on November 1, 2016, the City Council approved a mixed-use project located at 8150 Sunset Blvd.; and

WHEREAS, the November 1, 2016 project approvals included a Conditional Use Permit, Vesting Tentative Tract Map and Site Plan Review; and

WHEREAS, the approved project is located adjacent to a dedicated right-turn traffic lane and traffic island at the intersection of Sunset Blvd. and Crescent Heights Blvd.; and

WHEREAS, plans for the project contemplated that the dedicated right-turn traffic lane and traffic island would be reconfigured such that the dedicated right turn lane would be relocated and the traffic island would be reconfigured as a part of a public pedestrian plaza for access to the project site; and

WHEREAS, prior to the project approval, the project applicant was advised that the street reconfiguration could be accomplished through the use of a Bureau of Engineering B-Permit process; and

WHEREAS, the City certified an Environmental Impact Report for the project that studied the potential environmental impacts from the project and the street reconfiguration; and

WHEREAS, after the City's approval, project opponents brought a legal action against the City, challenging the City's approval of the Project; and

WHEREAS, the legal action resulted in a ruling by the California Court of Appeal that the proposed street reconfiguration constitutes a street vacation, which vacation must proceed according to the public hearing requirements of Cal. Streets and Highways Code section 8300 et seq.; and

WHEREAS, based on the Court of Appeal's decision, a peremptory writ was issued commanding the City to "vacate the November 1, 2016 approval of the Project on the sole ground that, with regard to the conversion of non-vehicle use of the traffic lane dedicated to right turns for vehicles traveling east on Sunset Blvd. onto Crescent Heights Blvd, a street vacation hearing consistent with Streets and Highway Code section 8300 et seq. must be held"; and

WHEREAS, the peremptory writ further states that the Court of Appeal's "disposition does not change or modify any other approvals already in place"; and

WHEREAS, although the City's approvals on November 1, 2016 of a Conditional Use Permit, Vesting Tentative Tract Map and Site Plan Review do not authorize a street reconfiguration, the Letter of Determination approving the project referenced the creation of the public pedestrian plaza in the project Findings and in a landscaping condition of approval for the site plan; and

WHEREAS, the Project applicant may not undertake any construction or demolition activities that will permanently convert the aforementioned right hand turn lane to non-vehicle use unless and until the City of Los Angeles, or the appropriate department of said City, complies with the street vacation requirements of Streets and Highways Code section 8300 et



seq., including conducting a street vacation hearing, and approves the conversion of the turn lane; and

WHEREAS, the City wishes to comply with the Court's Peremptory Writ and clarify that its November 1, 2016 project approval did not authorize a street vacation;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby declares that:

- 1) the City Council will comply with the Court's order to follow the street-vacation process consistent with Streets and Highway Code section 8300 *et seq.* by holding a hearing on an application to remove the dedicated right-turn lane from Sunset Blvd. to Crescent Heights Blvd.;
- 2) the City Council clarifies that the project Findings and all references to the public pedestrian plaza in the conditions of approval for the project do not authorize a street vacation;
- 3) the Project applicant shall record a covenant on the property, as reflected in Exhibit A attached hereto and incorporated herein, agreeing not to undertake any construction or demolition activities that will permanently convert the dedicated right-hand turn lane from Sunset Boulevard to southbound Crescent Heights Boulevard to non-vehicle use unless and until the City conducts a street vacation hearing in accordance with Streets and Highways Code section 8300 *et seq.* and approves the conversion of the turn lane;
- 4) consistent with the peremptory writ, all other project approvals already in place are not affected by the City's action; and
- 5) upon adoption of this Resolution, the City Attorney's Office shall present a true and correct copy to the Court, demonstrating the City's compliance with the Court's Peremptory Writ.

Presented By: De 3

Seconded By: [Signature]

DEC 05 2018

ORIGINAL

RECORDING REQUESTED BY
Los Angeles Department of City Planning

When Recorded Mail to:

Name: _____

Address: _____

Space Above This Line Reserved For Recorder's Use

MASTER COVENANT AND AGREEMENT

The undersigned hereby certifies I am (we are) the owner(s) of the hereinafter legally described property located in the City of Los Angeles, County of Los Angeles, State of California:

Legal Description (lot, block, tract) _____

Site Address 8150 Sunset Boulevard, Los Angeles, CA

In recognition of the City's obligation established by the Court of Appeal's decision in *Fix the City, Inc. v. City of Los Angeles*, Case No. B284089 (Mar. 23, 2018) to vacate the November 1, 2016 approval by the City of Los Angeles of a mixed use development at the aforementioned property on the sole ground that, with regard to the conversion to non-vehicle use of the traffic lane dedicated to right turns for vehicles traveling east on Sunset Boulevard onto southbound Crescent Heights Boulevard, a street vacation hearing consistent with Streets and Highways Code section 8300 *et seq.*, must be held, I (we) do hereby promise, covenant and agree to and with the City of Los Angeles and the Department of City Planning of said City that I (we) will not undertake any construction or demolition activities that will permanently convert the aforementioned right hand turn lane to non-vehicle use unless and until the City of Los Angeles, or the appropriate department of said City, complies with the street vacation requirements of Streets and Highways Code section 8300 *et seq.*, including conducting a street vacation hearing, and approves the conversion of the turn lane.

This covenant and agreement shall run with the land and shall be binding upon any future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until the City of Los Angeles, or the appropriate department of said City, conducts the hearing directed by the Court of Appeal and shall automatically expire once such hearing is held and conversion of the turn lane is approved. This covenant and agreement is not intended to, and thus does not, change or modify any approvals granted by any public entity for development of the property except as expressly stated herein.

Print Name of Property Owner

Signature of Property Owner

Print Name of Property Owner

Signature of Property Owner

Print Name of Property Owner

Signature of Property Owner

Dated this _____ day of _____, 20_____.

For Los Angeles Department of City Planning Use Only

Case Number: _____

Approved For Recording By The Undersigned On This Date: _____

Print Name: _____

Signature: _____

This Page For Notary's Use

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE • 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____ before me, _____
Here Insert Name and Title of the Officer

Personally appeared _____
Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

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WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

INSTRUCTIONS: FILING A COVENANT AND AGREEMENT

1. Fill out one copy of the Covenant and Agreement form. Documents must be clearly legible in order to produce a readable photographic record. This pertains to the document text, notary seals, certificates and other attachments such as conditions of approval, plans, and legal descriptions.
2. Property owner(s) must print and sign their name(s). Signature(s) must be original unless the document is a certified copy issued by the appropriate custodian of the public record. Signature(s) must be notarized.
3. The legal description must be in compliance with LA Bureau of Engineering Land Records Division. If the lot, block, and tract number of the site are not available, or the legal description is complex, or contains a lot cut reference (i.e. "ARB" number) attach metes and bounds of the property (from Title Report, Grant Deed or an engineer survey).
4. Prior to recordation, submit the completed Covenant and Agreement form, including attached exhibits, to the Department of City Planning for approval and signature at either of the following addresses:

Location

Address

Los Angeles / Downtown

Figueroa Plaza
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

Van Nuys / Valley

Marvin Braude San Fernando Valley Constituent Services Center
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401

West LA

Coming soon. Until then contact the Downtown or Valley offices.

5. Record the Covenant and Agreement form with the Los Angeles County Registrar-Recorder and obtain a CERTIFIED copy. The original form is kept by the County Recorder and will be returned to you at a later date. Documents presented for recording to the County Recorder must comply with their requirements. Documents may be presented for recording at the following addresses:

12400 Imperial Highway,
Norwalk, CA 90650

14340 Sylvan Street,
Van Nuys, CA 91401

11701 S. La Cienega Blvd.
6th Floor
Los Angeles, CA 90045

44509 16th Street West,
Suite 101
Lancaster, CA 93534

6. Return the certified copy of the recorded Covenant and Agreement form to the City Planning Office requiring the covenant as specified in your entitlement action.

If you have any questions, please contact the Department of City Planning's Development Services Center; office locations, telephone numbers and hours are available in the Development Services Centers portion of City Planning's website at <http://planning.lacity.org>.