

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

April 6, 2020

Honorable Members:

C. D. No. 4

SUBJECT:

VACATION REQUEST - VAC- E1401330 - Council File No. 17-1423 – East-West Alley Northerly of Wilshire Boulevard between Norton Avenue and the North-South Alley Easterly of Norton Avenue (Airspace)

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” (Revised):

The air space vacation of East-West Alley Northerly of Wilshire Boulevard between Norton Avenue and the North-South Alley Easterly of Norton Avenue, lying approximately 15 feet above the finished grade alley.

- B. 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.
- 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 Initiation of the Street Vacation Proceedings adopted by City Council on March 26, 2019, 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 \$14,980.00 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 and Gang Reduction Committee and the City Council meetings to consider this request be sent to:

1. 4055 Wilshire LLC
3424 Wilshire Boulevard, No 1200
Los Angeles, CA 90010
2. 4055 Wilshire LLC
1000 Lexington Road
Beverly Hills, CA 90210
3. 4041 Wilshire LLC
C/O Jamison Services Inc
3470 Wilshire Boulevard, Suite 700
Los Angeles, CA 90010

4. City of Los Angeles
General Services Department
Asset Management Division
111 E. First Street, #201
Los Angeles, CA 90012
5. Hillary Caviness
601 S. Van Ness Avenue, Unit 1
Los Angeles, CA 90005
6. Wonil and Seunghee Seo
629 Groveview Lane
La Canada, CA 91011
7. JKEK Investment Inc
1100 S Saint Andrews Place
Los Angeles, CA 90019
8. Margaret M Sowma TR
17151 Corbina Lane, APT 110
Huntington Beach, CA 92649
9. Byung J and Kwang M Jun TR
601 S. Van Ness Avenue #5
Los Angeles, CA 90005
10. Samuel B and Yeong K Kim TR
601 S. Van Ness Avenue #6
Los Angeles, CA 90005
11. Eric C and Mee O Lee
601 S. Van Ness Avenue, #7
Los Angeles, CA 90005
12. City of Los Angeles
Bureau of Engineering, Metro Transit Division
Attn: Lawrence Hsu
1149 S. Broadway, 6th Floor
Los Angeles, CA 90012
13. Fuscoe Engineering
Attn: Andrew Willrodt
600 Wilshire Boulevard, Suite 1470
Los Angeles, CA 90017

14. Janice Watson, Manager
LB Enterprises
519 W. Manchester Boulevard
Los Angeles, CA 90301

15. Los Angeles Fire Department Station 29
4029 Wilshire Boulevard
Los Angeles, CA 90010

CONDITIONS:

The Conditions specified in this report are established as the requirements to be complied with by the petitioner for this airspace 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 E1401330 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 and 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 and 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 dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer.
 - a. Dedicate a 2.5-foot wide strip of land along the property to complete a 10-foot wide half right-of-way on the north-south alley easterly of Norton Avenue southerly of 6th Street in accordance with ally standards of Mobility Plan 2035.
 - b. Dedicate a 15-foot by 15-foot diagonal or 20-foot radius cut corner at the intersections of 6th Street and the north-south alley easterly of Norton Avenue.
 - c. Dedicate sufficient turning area at the intersection of newly dedicated north-south alley and east-west alley to the satisfactory of the City Engineer, City Fire Department and Department of Transportation.

6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a. Repair and/or replace any broken, off-grade curb, gutter and sidewalk along the Wilshire Boulevard, Norton Avenue, and 6th Street in a manner satisfactory to the City Engineer.
 - b. Reconstruct the north-south alley southerly of 6th Street easterly of Norton Avenue to provide 10-foot wide half alley along the property, including asphalt concrete pavement and a 2-foot wide longitudinal concrete gutter and sufficient turning area at alleys intersection per latest BOE Standard. Also reconstruct the alley intersection with 6th Street. The improvements shall suitably transition to join the existing improvements.
 - c. Reconstruct the east-west alley northerly of Wilshire Boulevard easterly of Norton Avenue to provide 20-foot wide alley, including asphalt concrete pavement and a 2-foot wide longitudinal concrete gutter per latest BOE Standard. Also reconstruct the alley intersection with Norton Avenue. The improvements shall suitably transition to join the existing improvements
 - d. Reconstruct existing curb ramp, at the northeast corner of the intersection of Wilshire Boulevard and Norton Avenue and southeast corner of the intersection of 6th Street and Norton Avenue, per latest Bureau of Engineering curb ramp standard (Standard Plan S-442-5).
 - e. Address all drainage matters to the satisfactory of the City Engineer.

Note: Broken curb and/or gutter includes segments within existing score lines that are depressed or unpraised by more than ¼ inch from the surrounding concrete work or are separated from the main body of the concrete piece by a crack through the entire vertical segment and greater than 1/8 inch at the surface of the section.

Non-ADA compliant sidewalk shall include any sidewalk that has a cross slope that exceeds 2% and/or is depressed or unpraised by more than ¼ inch from the surrounding concrete work or has a full concrete depth cracks that have separations greater than 1/8 inch at the surface. The sidewalk also includes that portion of the pedestrian path of travel across a driveway.

All new sidewalk, curb, and gutter shall conform to the Bureau of Engineering Standard Plans S410-2, S440-4, S442-5, and S444-0.

7. That arrangements be made with all utilities agencies maintaining facilities, cable companies and franchises in the area including but not limited to the Department of Water and Power, AT&T, Time Warner Cable, 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 airspace vacation areas, agreements be recorded satisfactory to the Bureau of Engineering to hold each or one of the adjoining parcels of land, and its adjoining portions of the areas to be vacated under the same ownership, as one parcel as necessary 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 areas, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
9. That the owner record a Covenant and Agreement satisfactory to the City Engineer to run with the land pertaining to the proposed structures to be located at the airspace alley vacation area.
 - a) That the owner be required to maintain the supports to all elements of the building structure(s) within the proposed airspace vacation areas as well as structures in the private property for safety and usability to the satisfaction of the City Engineer. If necessary, the City shall be given reasonable access to the structure(s) within and adjacent to the airspace vacation areas for purposes of inspection upon request during normal business hours. The City may request the owner to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable conditions at the owner's expense. The City may make such repairs at the owner's expense if the owner elects not to do so or does not respond within a reasonable time. Owners shall grant reasonable access to the City's contractor to make said repairs.
 - b) The owner shall be required to limit the use of the structure(s) within the airspace vacation areas. No storage of combustibles will be allowed.
 - c) That the owner provide and maintain a policy of general liability insurance in an amount not less than \$2,000,000.00 combined single limit per occurrence. Evidence of such insurance shall be on the City's General Liability Special Endorsement form or other form acceptable to the City Attorney and shall provide coverage for premises/operations and contractual liability.
 - d) That a Waiver of Damages agreement and an Indemnification Agreement Covenant to run with the land be executed by the owner and submitted to the Bureau of Engineering for approval, and subsequently be recorded relieving the City of any liability arising from the construction, maintenance and use of the proposed structure(s) within the airspace vacation area.
10. That a minimum clearance of 15 feet under the proposed structure to the alley surface be provided at all points of the structure at all time.

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 street lighting facilities be installed as required by the Bureau of Street Lighting.

TRANSMITTAL:

- Application dated February 16, 2018 from 4055 Wilshire, LLC.
- Updated airspace vacation request on November 2, 2018 from Andrew Willrodt from Fuscoe Engineering representing the owner of the properties.

DISCUSSION:

Request: The petitioner, 4055 Wilshire, LLC, owner of the properties shown outlined in yellow on Exhibit "A" (Revised), is requesting the airspace vacation of the public alley area shown colored blue. The purpose of the airspace vacation request is to gain additional area for future development.

Later, petitioner resubmitted a new proposed vacation (airspace) at same location on November 02, 2018.

This vacation procedure is being processed under procedures established by Council File No. 01-1459-S1 adopted by the Los Angeles City Council on January 31, 2017.

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

Previous Council Action: The City Council on February 13, 2018, under Council File No. 17-1423 adopted an Initiation of Vacation Proceedings. Later, City Council on March 26, 2019 under same Council File adopted an Initiation of Vacation Proceedings for the new proposed airspace vacation.

Zoning and Land Use: The properties adjoining the area to be vacated to the south are zoned CR(PKM)-1 and are developed with commercial buildings and to the north are zoned RD3-1 and developed with parking areas.

Description of Area to be Vacated: The area sought to be vacated is the airspace vacation of the portion of east-west alley northerly of Wilshire Boulevard between Norton Avenue to the north-south alley easterly of Norton Avenue lying approximately 15 feet above the alley finished grade. The alley is dedicated 20 feet wide and is currently improved as an alley. It primarily serves as an entrance to the adjacent parking areas.

Adjoining Streets and Alley: Norton Avenue is a standard local street dedicated 70 feet wide with a 40-foot wide roadway, curbs, gutters, 14-foot wide sidewalk on the westerly

side and 16-foot wide sidewalk on the easterly side. Wilshire Boulevard is an Avenue I dedicated 100 feet wide with a 70-foot wide roadway, curbs, gutters, and 15-foot wide sidewalks on both sides. 6th Street is an Avenue II dedicated 83 feet and variable width with a 63-foot wide roadway, curbs, gutters, and 10-foot wide sidewalks on both sides. The north/south alley easterly of Norton Avenue is an improved, concrete paved alley dedicated 15 feet wide.

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

Effects of Vacation on Circulation and Access: The airspace vacation of the east-west alley northerly of Wilshire Boulevard between Norton Avenue to the north-south alley should have no adverse effect on vehicular circulation or access as it functions primarily as ingress and egress to the existing surface parking lot serving the commercial buildings south of the alley, all of which are under the same ownership. Furthermore, the easterly entrance of the alley at Van Ness Avenue is restricted by an existing gate and wall.

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

Objections to the vacation: There were objections to the street vacation prior to the modification at the request of the applicant. The adjacent association were concerned with the vacation, creating a turnaround, leaving residents and commercial owners with one exit route. The modification will serve as an airspace street vacation, which will not terminate the access point at the easterly Norton Avenue entry way.

Eric Lee, president of the Van Ness Townhomes Owner's Association, stated in his letter dated December 27, 2017 that the association strongly opposes the proposed vacation as the vacation will terminate the alley entrance from Norton Avenue creating a turnaround situation at the southerly terminus of the north/south alley easterly of Norton Avenue. Moreover, the proposed vacation area serves as an alternative exit for emergency vehicles leaving from the fire station located at 4029 Wilshire Boulevard.

Janice Watson, Manager of L.B Enterprises representing the owner of the property, unit #4, stated in her letter mailed on March 07, 2018 that she strongly objects to the proposed vacation as the current L shaped alley access provides safer expedient traffic flow. There is a concern with the safety of residents and commercial owners as they will lose an emergency exit. It is also stated that there is an ongoing issue with loitering and squatting in the area, which the vacation will create a favorable setting for the ongoing issue.

Hilary Caviness stated in her letter dated November 13, 2018 that she objects to the proposed vacation, due to "the increase risk to the public and the impact on the quiet enjoyment of my private property which adjoins the proposed alley vacations."

Eric Lee stated in his second letter dated December 08, 2018 that he is still opposed to the vacation. He mentioned that vacation will create an unnecessary public hardship by

eliminating an exit for the 6th Street alleyway and blocking a vehicle exit of Fire Station 29.

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

Dedications and Improvements: It will be necessary that the petitioner provides 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: AT&T maintains facilities in the area proposed to be vacated. The Department of Water and Power stated in its communication dated November 28, 2018 that the Department is not maintaining facilities within the area sought to be vacated. The Time Warner Cable stated in its communication dated December 29, 2017 that they “have in place public underground utility facilities located within the vacation area.” The Southern California Edison stated in its communication dated December 17, 2018 that “there are no SCE facilities in the project area.” The Southern California Gas Company did not respond to the Bureau of Engineering’s referral letter dated November 29, 2017.

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 records an agreement satisfactory to the Bureau of Engineering to hold the 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 (LADOT) stated in its communication dated February 8, 2018, that the vacation is not opposed if all abutting property owners are in agreement with the proposed vacation and that provisions are made for lot consolidation, driveway and access approval by DOT and additional dedication and improvements necessary to bring all adjacent streets into conformance with the City’s Mobility Element of the General Plan.

The LADOT provided the response for updated request for airspace on December 11, 2018 that LADOT does not oppose the revised alley vacation request and the evaluation response dated 02-08-18 still remains the same. In addition, LADOT stated that “in the situation where the vehicle access from Norton Ave will be restricted in the future, we recommend enough turn around space is available allowing vehicle to exit the alleyway back into 6th Street.”

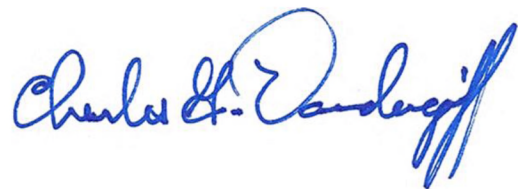
City Fire Department: The Fire Department stated in its letter dated January 12, 2018 and November 28, 2018 that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning (DCP), stated in its letter dated December 21, 2017, that the request to vacate the portion of the alleyway is generally consistent with the City's General Plan as the portion of the alleyway currently has little functionality to the public. In response to the airspace vacation request, DCP stated in a communication dated November 21, 2018 that our initial response, which is supportive of the request, stands unchanged.

Conclusion: The airspace vacation of the public alley area as shown colored blue on attached Exhibit "A (revised)" 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.

Respectfully submitted,



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

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

Gregg Vandergriff
Senior Civil Engineer
(213) 808-8874

EY/GV/TC/aa
Q:\LANDDEV\STREET VACATIONS\E1401300-E1401399\E1401330\E1401330
Report_airspace revised.doc