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PUBLIC WORKS

BUREAU OF
ENGINEERING

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To the Public Works Committee
Of the Honorable City Council
Of the City of Los Angeles

Public Works Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated **JUL 30 2013** for Council review and approval of:

JUL 30 2013

Council File No. 12-1922
Council District: 13
Contact Person: Dale Williams
Phone: (213) 202-3491

VACATION APPROVAL - VAC- E1401220 - Council File No. 12-1922 - Portion of the Alley Easterly of Highland Avenue from Selma Avenue to 25 Feet Northerly Thereof (Airspace)

RECOMMENDATIONS:


1. Adopt the findings of the City Engineer on the attached City Engineer report relative to initiating vacation proceedings. This vacation is exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
2. Rescind the Bureau of Engineering report dated June 18, 2013 under Council File 12-1922
3. Adopt the City Engineer's report dated **JUL 30 2013** with the conditions contained therein.
4. 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 may be required of the petitioner.



5. That there is a public benefit to this vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.
6. There were no objections to the vacation submitted for this project.

Attachment:



Edmond Yew, Manager
Land Development Group
Bureau of Engineering

EY/DW/
H:\

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

JUL 30 2013

Honorable Members:

C. D. No. 13

SUBJECT:

VACATION APPROVAL - VAC- E1401220 - Council File No. 12-1922 - Portion of the Alley Easterly of Highland Avenue from Selma Avenue to 25 Feet Northerly Thereof (Airspace)

RECOMMENDATIONS:

- A. Rescind the Bureau of Engineering report dated June 18, 2013 under Council File 12-1922.
- B. 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 easterly of Highland Avenue from Selma Avenue to 25 feet northerly thereof, above a lower limit of approximately 25 feet above the finished grade and below an upper limit of approximately 85 feet above the finished grade.
- 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 \$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 Committee and the City Council meetings to consider this request be sent to:

1. Highland Selma Venture, LLC
ATTN: Robert D Champion, Manager
11601 Wilshire Bl. Ste 1650
Los Angeles CA 90025
2. Sheppard, Mullin, Richter & Hampton
ATTN: Jerry Neuman
333 S Hope St, 43rd Floor
Los Angeles CA 90071-1422
3. Sheppard, Mullin, Richter & Hampton
ATTN: Kyndra Casper
333 S Hope St, 43rd Floor
Los Angeles CA 90071-1422

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 E1401220 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 properties in a manner satisfactory to the City Engineer:
 - a. Dedicate 2 feet as a limited public alley above the elevation of 14 inches below the alley roadway surface on the east and west sides of the alley easterly of Highland Avenue. Adjacent to the airspace vacation area, the limited alley dedication shall also have limits matching the vacation limits.
6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a. Reconstruct the existing alley easterly of Highland Avenue to provide a 20-foot alley with longitudinal gutter adjoining lots 19 through 23 and lot 29 of G.F Stevenson Tract and an 18-foot alley with longitudinal gutter adjoining lots 16 through 18 of said tract.
 - b. Repair and/or replace any broken, off-grade or missing curbs, gutters and concrete sidewalk and close any unused driveways along Highland Avenue and Selma Avenue.

7. 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 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.
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 street lighting facilities be installed as may be required by the Bureau of Street Lighting.
10. 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.
11. That the owner record a Covenant and Agreement satisfactory to the City Engineer to run with the land pertaining to the proposed structure to be located above the limited right-of-way at the alley easterly of Highland Avenue:
 - 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. An annual fee of \$0.10 per plan square foot of the roadway surface area of the building structure(s) (with automatic annual escalation proportioned to the Cost of Living Index) shall be paid to the City Engineer for the purposes of City inspection of the facilities. The City shall be given reasonable access to the structure(s) within and adjacent to the airspace vacation areas for this purpose 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 to pedestrian bridge. No storage of combustibles will be allowed.
12. That the following conditions regarding the building structure(s) above the limited right-of-way at the alley easterly of Highland Avenue be complied with

satisfactory to the City Engineer. A Covenant and Agreement shall be recorded agreeing to comply with the conditions prior to issuance of a building permit.

- a. That the owner obtain approval of the City Engineer for any substantial structural modification within the airspace vacation and for any structural element outside the airspace vacation area which provides lateral or vertical support to the structure(s) within the airspace vacation.
 - b. That plans of structural details shown on standard size City sheets and structural calculations of the proposed building structure(s), both signed by a Civil or Structural Engineer registered in the State of California, be submitted to the City Engineer for review and approval.
 - c. That a Class "B" Permit be obtained from the Bureau of Engineering and that a deposit be made with said Bureau sufficient to cover the City's cost for plan checking, construction inspection, and incidental costs relative thereto.
 - d. That a building permit from the Department of Building and Safety be obtained for the construction of the portion of the structure located within private property.
 - e. 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.
 - f. 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.
13. That a Covenant and Agreement be recorded satisfactory to the City Engineer binding the owner and all successors to the following:
- a. Any subterranean construction beneath the limited right-of-way of the alley easterly of Highland Avenue shall be subject to the review and approval of the Bureau of Engineering Structural Division, and no building permit shall be issued for such construction without said approval.

14. That a Covenant and Agreement be recorded satisfactory to the City Engineer binding the owner and all successors to the following:
 - a. That the owner shall be required to maintain all elements of the structure below the limited alley right-of-way of the alley easterly of Highland Avenue in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure and adjacent to the limited alley right-of-way areas for any necessary inspection, upon request during normal business hours. The City may request the owners to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractor to make said repairs.
 - b. That the owner shall be required to limit use and occupancy the structures below the limited alley right-of-way of the alley easterly of Highland Avenue for parking structure only. No combustible material shall be stored below the limited right-of-way, nor shall any other use or occupancy be allowed except as approved in writing by the Department of Public Works and the Department of Building and Safety.
 - c. That the owner shall obtain a B-Permit from the City Engineer for any substantial structural modification below the limited alley right-of-way of the alley easterly of Highland Avenue and for any structural modification of any structural element outside said areas which provides lateral or vertical support to structures within the areas.
15. That the owner execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the structures underneath the limited right-of-way of the alley easterly of Highland Avenue in connection with the use and maintenance operations within said alley easement.

TRANSMITTAL:

Application dated October 16, 2012, from Robert D. Champion.

DISCUSSION:

Request: The petitioner, Robert D. Champion, representing Highland Selma Venture LLC, the owner of the properties shown outlined in yellow on Exhibit "A", is requesting the vacation of the public alley airspace area shown colored blue. The purpose of the vacation request is to allow for a pedestrian bridge over the alley to connect mixed-use buildings.

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 January 4, 2013, under Council File No. 12-1922 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the west are zoned C4-2D-SN and are currently developed with commercial buildings and parking lots. The property adjoining the area to be vacated to the east is zoned C4-2D and is currently developed with a residential building.

Description of Area to be Vacated: The area sought to be vacated is a portion of the alley easterly of Highland Avenue from Selma Avenue to 25 feet northerly thereof, above a lower limit of approximately 25 feet above the finished grade and below an upper limit of approximately 85 feet above the finished grade. The alley easterly of Highland Avenue is dedicated 16 feet wide and developed with asphalt pavement.

Adjoining Streets and Alley: Highland Avenue is a Modified Major Highway Class II, dedicated 100 feet wide with a 50-foot half right-of-way, and improved with a 70-foot roadway, curb and gutter, and 15-foot wide sidewalks. Selma Avenue is a Local Street dedicated 60 feet wide with a 30-foot half right-of-way, and improved with a 40-foot roadway, curb and gutter, and 10-foot wide sidewalks. The alley easterly of Highland Avenue is dedicated 16 feet wide and developed with asphalt pavement.

Surrounding Properties: The owners of lots adjoining the vacation area and along the alley easterly of Highland Avenue between Hawthorn Avenue and Selma Avenue have been notified of the proposed vacation.

Effects of Vacation on Circulation and Access: The vacation of a portion of the alley easterly of Highland Avenue from Selma Avenue to 25 feet northerly thereof, above a lower limit of approximately 25 feet above the finished grade and below an upper limit of approximately 85 feet above the finished grade should not have a significant impact on circulation or access as it is for limited airspace only.

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

Objections to the vacation: There were no objections to the vacation submitted for this project.

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 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: The Department of Water and Power, AT&T, and Time Warner Cable maintain facilities in the area proposed to be vacated.

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 requested airspace vacation.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated December 11, 2012.

Department of City Planning: The City Planning Department in its communication dated January 9, 2013 stated that the proposed project is in substantial conformance with the City's General Plan and the recently updated Hollywood Community Plan, an element of the General Plan, and recommended that it be approved by Council.

Conclusion: The vacation of the public alley limited airspace 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.

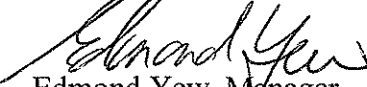
Report prepared by:

LAND DEVELOPMENT GROUP

Dale Williams
Civil Engineer
(213) 202-3491

EY/DW /
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Respectfully submitted,


Edmond Yew, Manager
Land Development Group
Bureau of Engineering

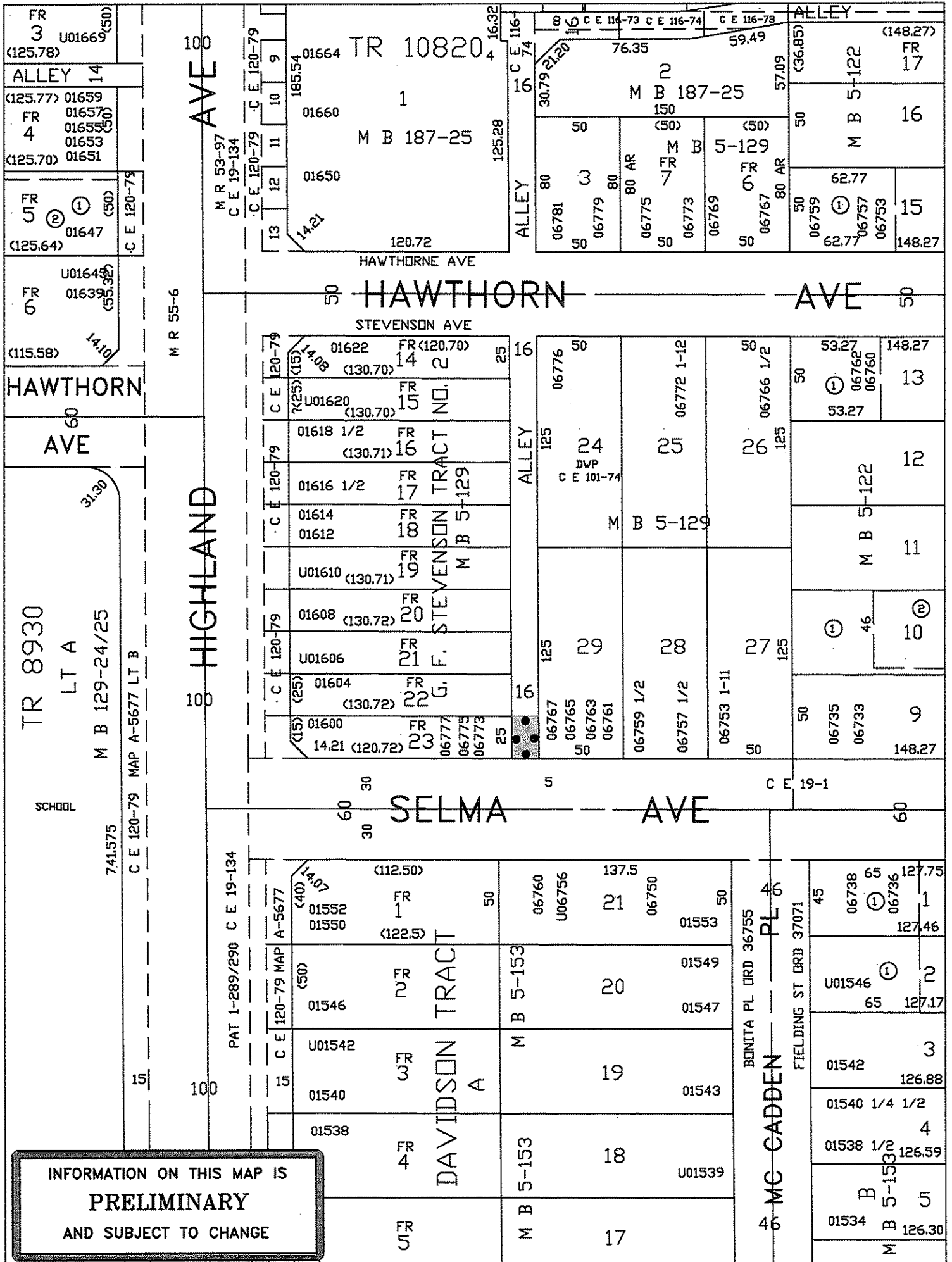
APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY

ORIGINAL - (No copies or faxes)

DATE: 10/16/12

PROJECT LOCATION AND DESCRIPTION:

- (1) Area proposed to be vacated is: AIRSPACE OVER ALLEY
(Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)
and is located between:
HIGHLAND AVE/MCCARTEN and SELMA AVE/HAWTHORN AVE
(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. 13
 - (c) District Map No. 148-5A185
 - (d) A CRA Redevelopment Area: OR
(YES) (NO)
- (3) Area (in sq. ft.) of the proposed vacation area is approx. 500 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: Airspace to be vacated to allow for pedestrian bridge to connect mixed-use building over alley.
- (5) Vacation is in conjunction with: (Check appropriately)
 - Revocable Permit () Tract Map () Parcel Map () Zone Change
 - () Other _____



TITLE: PORTION OF ALLEY EASTERLY OF HIGHLAND AVENUE FROM SELMA AVENUE TO 25 FEET NORTHERLY THEREOF (AIRSPACE)

WORK ORDER NO. VAC- E1401220
 COUNCIL FILE NO. 12-1922
 COUNCIL DIST. 13 DIV. INDEX 362
 ENG. DIST. CENTRAL T.G. 593-E4
 DISTRICT MAP 148.5 A 185



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