

Office of the City Engineer

Los Angeles, California

To the Public Safety Committee

Of the Honorable Council

Of the City of Los Angeles

July 27, 2018

Honorable Members:

C. D. No. 14

SUBJECT:

VACATION REQUEST - 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 (Re-application)

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”:

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

- 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 based on the Initiation of the Street Vacation Proceedings adopted by City Council on March 2, 2018, 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 \$29,960.00 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 Safety 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 Street, Suite 1900
Los Angeles CA 90017
2. L.A. Main Affiliates LLC
ATTN: Nick Kazemi
888 S Figueroa Street. Suite 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 Boulevard, Suite 200
Los Angeles CA 90034

5. Morad LLC
ATTN: Payman Jevahery
1915 E 7th Street
Los Angeles CA 90021
6. 533 South Los Angeles Investment LLC
ATTN: Greg Yaris
625 N West Knoll Drive
West Hollywood CA 90069
7. 533 South Los Angeles Investment LLC
ATTN: Abe Kash
625 N West Knoll Drive
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 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 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.

6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to 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.
7. 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.
8. That plot plans be submitted to the Fire Department for their review and approval.
9. That street lighting facilities be installed as 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 records 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 January 12, 2018, from L.A. Main Affiliates, LLC, a California Limited Liability Company.

DISCUSSION:

Request: The petitioner, L.A. Main Affiliates LLC, owner of the property 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 consolidate the vacation area with the parcels to the north and south of the alley for a new building.

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 July 29, 2014 conditionally adopted the City Engineer's report dated April 25, 2014. Since the petitioner failed to complete all

conditions of the vacation within the time limit, the vacation request expired. On January 12, 2018, the petitioner submitted a new re-application. The City Council on March 2, 2018, under Council File No. 13-0342 adopted an Initiation of Vacation Proceedings for this proposed vacation.

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 with mixed-use building.

Description of Area to be Vacated: The area sought to be vacated is a portion of the alley (Werdin Place) northwesterly of Los Angeles Street from approximately 386 feet southwesterly of 5th Street to its southwesterly terminus. The portion of the alley proposed to be vacated is dedicated 20 feet wide and is currently developed with a mixed-use building.

Adjoining Street and Alley: Main Street is an Avenue II dedicated 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 an Avenue II 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 (Werdin 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 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 5th 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: Morad LLC, in its letter dated January 29, 2018 stated that “our property located at 533 South Los Angeles Street, Los Angeles CA does have in place Public Utilities in use in the proposed area and also Easement Rights to area. For the uninterrupted operation of our property, we firmly object to the Vacation of this area.”

Abe Kash, Kash Co. Venture Capital & Investment, in his communication dated March 28, 2018 stated that “any consent letter to you for the vacation of the alley at 534-552 S. Main St, 549-537 S. Los Angeles St., should be by a notarized letter by our building owners.”

In a recent communication (notarized letter) dated July 16, 2018 that “we are authorized representatives of 533 South Los Angeles Investment, LLC & Morad, LLC, and we own the property located at 531 -533 S. Los Angeles Street (APN 5148-020-001). It also stated that “we hereby withdraw our prior objection to the proposed alley vacation, and we fully support the proposed valley 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: Dedications were completed under previous vacation conditions adopted by the City Council in July 29, 2014 by Document No. 20180232671. It will be necessary that the petitioner provide the 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 stated in a communication dated February 12, 2018 that “satisfactory arrangements have been made for the disposition of the Department of Water and Power’s (LADWP) Power Distribution facilities. Therefore, the Department has no further objection of the proposed vacation.” Southern California Gas Company stated in its communication dated April 10, 2018 that “Southern California Gas Company maintains no gas piping facilities within the area of the proposed street vacation”.

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 in its communication dated February 8, 2018 stated that it does not oppose the requested vacation provided that 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 any additional dedications and improvements necessary to bring all adjacent streets into conformance with the City’s General Plan.

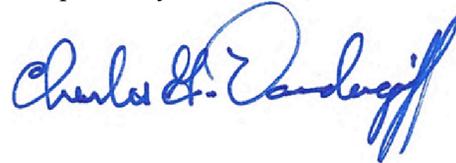
City Fire Department: The Fire Department stated in its letter dated February 27, 2018 that it has no objection to this street vacation.

Department of City Planning: The Department of City Planning stated in its communication dated February 27, 2018 that “vacation of this alley would continue to provide adequate circulation, allows for building efficiencies with the new development, and would not restrict access to any other properties or streets. The Department therefore concludes that the proposed vacation is consistent with the General Plan.”

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.

Respectfully submitted,



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

Report prepared by:

LAND DEVELOPMENT & GIS DIVISION

Thein Crocker
Civil Engineer
(213) 202-3493

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