

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

JAN 16 2015

Honorable Members:

C. D. No. 4

SUBJECT:

VACATION APPROVAL - VAC- E1401228 - Council File No. 13-0805 – Portion of L-Shaped Alley Northerly of Wilshire Boulevard and Westerly of La Brea Avenue

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”, and that the limits of the vacation area be permitted to be adjusted based on the final design of the adjoining public improvements.:

A portion of the L-Shaped alley northerly of Wilshire Boulevard and westerly of La Brea Avenue.

- B. That the vacation of the area shown colored orange on Exhibit “B”, be denied.
- 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.
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- 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 and Gang Reduction 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 \$32,100.00 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. LACMTA
ATTN: Velma Marshall, Deputy Executive Officer, Real Estate
1 Gateway Plaza
Los Angeles CA 90012
 2. LACMTA
ATTN: Bryan Hancock
1 Gateway Plaza (Mailstop 99-16-10)
Los Angeles CA 90012-2952
 3. RIF Investments LLC
671 S La Brea Av
Los Angeles CA 90036
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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 E1401228 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 a 30 foot wide replacement alley along the northerly 30 feet of the petitioner's property between La Brea Avenue and the north-south alley westerly of La Brea Avenue.
 - b. Dedicate 2 feet as public street along the westerly side of La Brea Avenue to complete a 52-foot wide half right-of-way, on Lot 49 of Tract 5723.
 - c. Dedicate 2 feet as public street along the northerly side of Wilshire Boulevard to complete a 52-foot wide half right-of-way, together with 20-foot radius property line return or 15-foot by 15-foot corner cut at the intersection with Detroit Street.
 6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a. Construct a new 30-foot wide alley within the newly dedicated 30-foot wide alley right-of-way along the northerly 30 feet of the petitioners
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property between La Brea Avenue and the north-south alley westerly of La Brea Avenue.

- b. Widen the existing 35-foot wide half roadway on the westerly side of La Brea Avenue to 40 feet with the construction of additional pavement, new integral curb and gutter, and 10-foot wide sidewalk, together with handicapped access ramp and bus pad lane.
 - c. Close the existing intersection of the alley being vacated with La Brea Avenue with standard street improvements.
 - d. Construct additional sidewalk and repair and/or replace all broken, off-grade, or missing curb, gutter and sidewalk along Wilshire Boulevard.
 - e. Repair and/or replace all broken, off-grade, or missing curb, gutter and sidewalk along Detroit Street.
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, Southern California Gas Company 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 consents to the vacation be secured from the current owner of that portion of Lots 49 of Tract 5273, adjoining the area to be vacated.
 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 a temporary alley for public use be constructed and opened prior to any closure of the vacation area to traffic, between the north-south alley westerly of La Brea Avenue and Detroit Street.
 12. That the petitioner record a Covenant and Agreement to maintain the temporary alley between the north-south alley westerly of La Brea Avenue and Detroit Street open and accessible to the public until a 30-foot wide replacement alley between the north-south alley westerly of La Brea Avenue and La Brea Avenue has been dedicated, constructed, and accepted by the City. All maintenance of the temporary alley shall be the responsibility of the petitioner.
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TRANSMITTAL:

Application dated May 23, 2013, from Los Angeles County Metropolitan Transit Authority (LACMTA).

DISCUSSION:

Request: The petitioner, Velma Marshall, on behalf of LACMTA, owner of the properties shown outlined in yellow on Exhibit "B", is requesting the vacation of the public alley area shown colored blue and orange. The purpose of the vacation request is to provide for the future location of the LACMTA La Brea subway station as part of the Purple Line extension project.

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 July 2, 2013, under Council File No. 13-0805 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the south and southwest are zoned [Q]C4-2-CDO and are presently developed with a commercial building and parking. The properties adjoining to the east are zoned C2-1 and are presently developed with commercial buildings. The properties adjoining to the west are zoned P-2 and are presently developed with a parking lot.

Description of Area to be Vacated: The area sought to be vacated is the 30-foot wide east-west leg of the L-shaped alley northerly of Wilshire Boulevard and westerly of La Brea Avenue, and the 20-foot wide north-south leg of said alley from the east-west-leg to approximately 65 feet northerly thereof. The alley is dedicated 30-feet and 20-feet wide and is improved with concrete pavement.

Adjoining Streets: Wilshire Boulevard is a Modified Scenic Major Highway Class II dedicated 100 feet wide with a 40-foot wide half roadway, curb and gutter, and 10-foot wide sidewalk on the northerly side. La Brea Avenue is a Major Highway Class II dedicated 100 feet wide with a 35-foot wide half roadway, curb and gutter, and 15-foot wide sidewalk on the westerly side.

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 this portion of the L-shaped alley northerly of Wilshire Boulevard and westerly of La Brea Avenue should not

have an adverse effect on circulation or access. As a condition of the vacation, a 30-foot wide replacement east-west alley is required to be dedicated and constructed to connect the remaining portion of the north-south alley to La Brea Avenue.

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

Objections to the vacation: In a letter dated September 27, 2013, John S. Peterson, representing the owners of Lots 48 and 49 of Tract 5723, stated that his clients own the property and no offer is pending for the purchase and sale of same, no acquisition of said property through eminent domain is pending, and so long as they remain owners, his clients object to the proposed alley vacation. In a letter dated August 8, 2014, Mr. Peterson, representing the owners of said lots, stated that his clients have resolved matters with MTA including date of possession of the property as of December 17, 2014 and on that basis withdraw the objection to the alley vacation provided the alley remain open until at least December 17, 2014.

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: Southern California Gas Company and Time Warner Cable maintain facilities in the area proposed to be vacated. The Department of Water and Power and AT&T did not respond to the Bureau of Engineering's referral letter dated June 12, 2013.

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

City Department of Transportation: The Department of Transportation stated in its communication dated September 17, 2013 that it does not oppose the requested vacation provided that all abutting property owners along the entire alley are in agreement with the proposed vacation and 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. In response to the proposed replacement alley, the Department of Transportation stated in its communication dated January 28, 2014 that it did not see any issues with MTA's proposal and had no further comments.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated June 12, 2013.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated June 12, 2013.

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.

The area shown colored orange should not be vacated because it is needed for public street purposes.

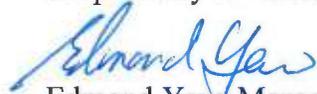
Report prepared by:

LAND DEVELOPMENT GROUP

Dale Williams
Civil Engineer
(213) 202-3491

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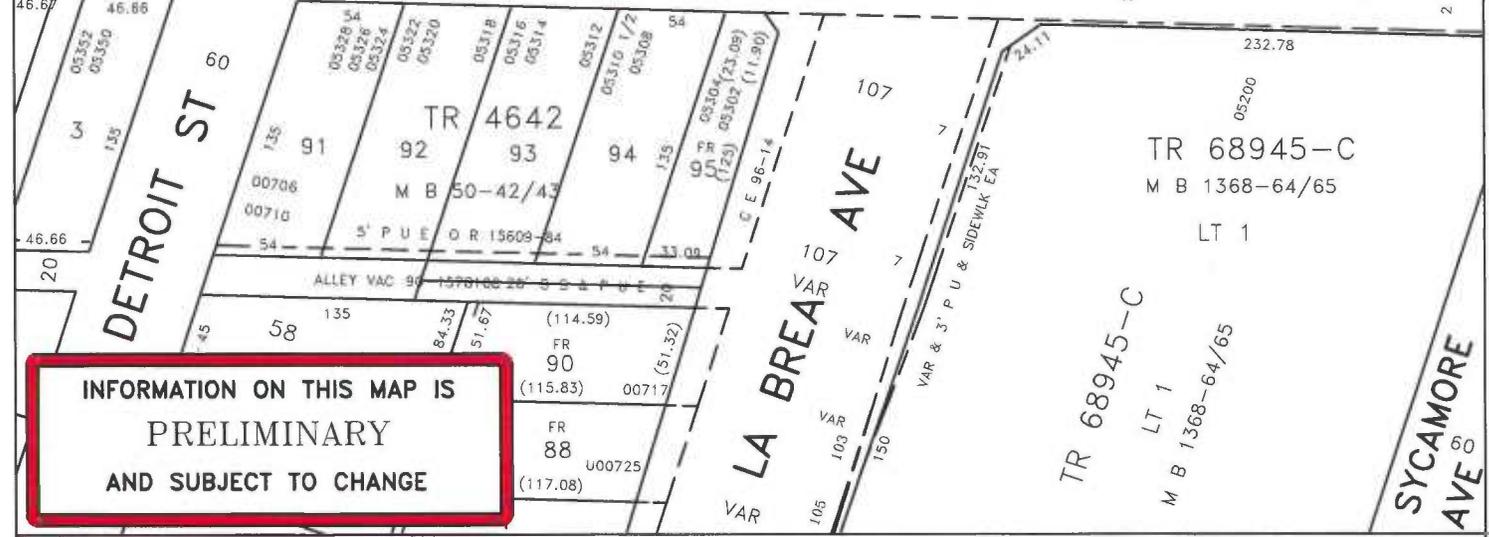
Respectfully submitted,



Edmond Yew, Manager
Land Development Group
Bureau of Engineering



100 WILSHIRE 100 102 BLVD 102



**INFORMATION ON THIS MAP IS
PRELIMINARY
AND SUBJECT TO CHANGE**

TITLE: PORTION OF L-SHAPED ALLEY NORTHERLY OF WILSHIRE BOULEVARD AND WESTERLY OF LA BREA AVENUE

WORK ORDER NO. VAC- E1401228
 COUNCIL FILE NO. 13-0805
 COUNCIL DIST. 4 DIV. INDEX 1307
 ENG. DIST. CENTRAL T.G. 633-D2
 DISTRICT MAP 135B181



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: 5/23/13

PROJECT LOCATION AND DESCRIPTION:

(1) Area proposed to be vacated is: CARLING WAY (ALLEY)
(Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)

and is located between:

LA BREA AVE. and DETROIT 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. 4

(c) District Map No. 135B181

(d) A CRA Redevelopment Area: _____ OR X
(YES) (NO)

(3) Area (in sq. ft.) of the proposed vacation area is approx. 5150 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 \$32,100 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 \$32,100 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: FUTURE LOCATION OF METRO'S LA BREA SUBWAY STATION AS PART OF THE PURPLE LINE EXTENSION PROJECT.

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

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