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FEB 13 2014

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

Council File No. 14-0076
Council District: 14
Contact Person: Dale Williams
Phone: (213) 202-3491

Public Works and Gang Reduction Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated FEB 13 2014 for Council review and approval of:

VACATION APPROVAL - VAC- E1401217 - Council File No. 14-0076 Portion of Alley Northwesterly of Main Street between 9th Street and Olympic Boulevard.

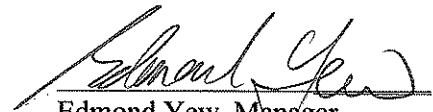
RECOMMENDATIONS:

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. Adopt the City Engineer's report dated FEB 13 2014 with the conditions contained therein.
3. 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.
4. 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.
5. 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

FEB 13 2014

Honorable Members:
SUBJECT:

C. D. No. 14

VACATION APPROVAL - VAC- E1401217 - Council File No. 14-0076 Portion of
Alley Northwesterly of Main Street between 9th Street and Olympic Boulevard.

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”:

A portion of the alley northwesterly of Main Street between 9th Street and Olympic Boulevard.

- 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 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. Palmer/L&R Broadway Properties
ATTN: Darrel Malamut
11740 San Vicente Bl., Ste 208
Los Angeles CA 90049
2. 918 Broadway Associates LLC
ATTN: Harry Lumer
845 S Figueroa St., Ste. 500
Los Angeles CA 90017
3. Broadway 900 LLC
11949 Jefferson Bl. #101
Culver City CA 90230

4. Carl E Simonian
PO Box 641397
Los Angeles CA 90064
5. Danny S. Shaoulian Tr.
828 Thayer Av.
Los Angeles CA 90024
6. David Brewer Investments Inc.
950 S Broadway
Los Angeles CA 90015
7. Tarina Tarantino Mgmt.
ATTN: Alfonso Campos
860 S Los Angeles St., Ste 109
Los Angeles CA 90014
8. Demetriou, Del Guercio, Springer & Francis, LLP
ATTN: Stephen Del Guercio
700 S. Flower ST., Ste 2325
Los Angeles CA 90017-4209
9. Block & Block
ATTN: Justin Block
1880 Century Park East, Ste 415
Los Angeles CA 90067-1604

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 E1401217 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 4 feet on the southeasterly side of the alley northwesterly of Main Street to provide a 10-foot half right-of-way.
 - b) Dedicate, or retain from the vacation, sufficient land as necessary as limited right-of-way, between 1 foot below the finished grade and 14 feet above the finished grade, to provide for turning areas at the proposed southwesterly terminus and at the proposed northeasterly terminus of the remaining alley northwesterly of Main Street.
 - c) Dedicate variable width to provide a minimum 45-foot wide half right-of-way on the northwesterly side of Main Street, together with a 20-foot radius property line return or 15-foot by 15-foot corner cut at the intersection with Olympic Boulevard.
 - d) Dedicate 5 feet on the northeasterly side of Olympic Boulevard to provide a 55-foot half right-of-way.
 - e) Dedicate an average 8-foot wide sidewalk easement along Olympic Boulevard in accordance with the Downtown Street Standards.
 - f) Dedicate an average 5-foot wide sidewalk easement along Broadway in accordance with the Downtown Street Standards.
 - g) Dedicate any necessary drainage easement to drain the new terminus of the alley.
6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a) Construct a 10-foot wide half alley with concrete longitudinal gutter along the southeasterly side of the remaining portions of the alley northwesterly of Main Street.

- b) Construct a turning area at the proposed southwesterly terminus and at the proposed northeasterly terminus of the remaining alley northwesterly of Main Street.
 - c) Fill in the newly dedicated area with concrete sidewalk to provide a 15-foot wide sidewalk on the northeasterly side of Olympic Boulevard.
 - d) Repair or replace any broken, off-grade, or missing curb, gutter and/or sidewalk and close any unused driveway aprons with full height curb, gutter and sidewalk along Main Street, Broadway, and 9th Street.
 - e) Construct any necessary drainage facility within suitable easement to drain the new terminus of the alley.
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 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 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 structures to be located above the limited right-of-way at the turning areas at the southwesterly and northeasterly termini of the remaining alley northwesterly of Main Street between 9th Street and Olympic Boulevard.
 - a) That the owner be required to maintain the supports to all elements of the building structures above the limited right-of-way 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 alley surface area of the building structure (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 structures above and adjacent to the limited right-of-way 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 structures above the limited right-of-way areas to mixed use residential, commercial and parking. No storage of combustibles will be allowed.

12. That the following conditions regarding the building structures above the limited right-of-way at the turning areas at the southwesterly and northeasterly termini of the remaining alley northwesterly of Main Street between 9th Street and Olympic Boulevard 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 above the limited right-of-way area and for any structural element outside the limited right-of-way area which provides lateral or vertical support to the structures above the limited right-of-way.
- b) That plans of structural details shown on standard size City sheets and structural calculations of the proposed building structures, 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 structures above the limited right-of-way.

13. 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 at the turning areas at the southwesterly and northeasterly termini of the remaining alley northwesterly of Main Street between 9th Street and Olympic Boulevard 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 turning areas at the southwesterly and northeasterly termini of the remaining alley northwesterly of Main Street between 9th Street and Olympic Boulevard for parking 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 turning areas at the southwesterly and northeasterly termini of the remaining alley northwesterly of Main Street between 9th Street

and Olympic Boulevard and for any structural modification of any structural element outside said areas which provides lateral or vertical support to structures within the areas.

14. 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 turning areas at the southwesterly and northeasterly termini of the remaining alley northwesterly of Main Street between 9th Street and Olympic Boulevard in connection with the use and maintenance operations within said alley easement.

TRANSMITTAL:

Application dated November 7, 2012, from Darrell Malamut.

DISCUSSION:

Request: The petitioner, Darrell Malamut, representing 918 Broadway Associates, LLC, the owner of the properties shown outlined in yellow on Exhibit "A", is requesting the vacation of the public alley area shown colored blue. The purpose of the vacation request is to use the area as part of a mixed-use residential and commercial/retail development with parking.

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 28, 2014, under Council File No. 14-0076 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned C2-4D and [Q] C24D-CDO and are currently developed as parking lots.

Description of Area to be Vacated: The area sought to be vacated is a portion of the alley northwesterly of Main Street between 9th Street and Olympic Boulevard adjoining Lots 16 through 22, Arb 2, of John G Downey Tract. The alley is dedicated 12-foot wide and improved with asphalt pavement.

Adjoining Streets: Broadway is a Modified Two-Way Secondary Highway dedicated at variable width, with a 35-foot half roadway, curb and gutter, and variable width sidewalk. Main Street is a Modified One-Way Secondary Highway with a required 45-foot wide half right-of-way, and is improved with a 34 to 38-foot wide half roadway, curb and gutter, and variable width sidewalk. Olympic Boulevard is a Modified Two-Way Major Highway Class II dedicated 100 feet wide with a 40-foot wide half roadway, curb and gutter, and 10-foot wide sidewalk. 9th Street is a Modified One-Way Secondary Highway dedicated 70 feet wide with a 35-foot wide half roadway, curb and gutter, and 12-foot wide sidewalk.

Surrounding Properties: The owners of lots adjoining the vacation area and lots located within the block bounded by Broadway, 9th Street, Main Street, and Olympic Boulevard have been notified of the proposed vacation. Objection letters from Danny Shaoulian, Carl Edward Simonian, Alfonso Campos and David Brewer Investment, owners of some of the properties adjoining this alley were received. All of these objections were subsequently withdrawn.

Effects of Vacation on Circulation and Access: The vacation of the portion of the alley northwesterly of Main Street between 9th Street and Olympic Boulevard would prevent through traffic between Olympic Boulevard and 9th Street along the alley. Turning areas would be required at the new northwesterly terminus and southeasterly terminus of the alley as a condition of the vacation.

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

Objections to the vacation: All objections to the vacation submitted for this project were withdrawn.

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 and Time Warner Cable maintain facilities in the area proposed to be vacated. Southern California Gas Company and AT&T did not respond to the Bureau of Engineering's referral letter dated November 29, 2012.

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 November 22, 2013 that it does not oppose the vacation, provided that all abutting property owners are in agreement with the proposed vacation. Since the requested vacation may affect access and loading for the properties at each end of the alley, the applicant should conduct outreach to these property owners and address any access concerns in the design of the remaining alley segments. Also, a suitable and safe turnaround should be provided at the two new terminus points of the unvacated segments of the alley. The turnaround must be constructed satisfactory to the Department of Transportation and the Bureau of Engineering.

City Fire Department: The Fire Department stated in its memo dated January 4, 2013 that it has no objection to this street vacation.

Department of City Planning: The Director of Planning, in his memo to the Bureau of Engineering dated December 10, 2013, found the project is consistent with the General Plan and recommended that it be approved by the City Council.

The memo stated that the proposed project is in substantial conformance with the purposes, intent and provisions of the City's General Plan and the Central City Community Plan, an element of the General Plan. In addition, the project is in conformance with the Central City Community Plan, the Downtown Design Guide, the Broadway Community Design Overlay, and Transportation Element of the General Plan.

The City Planning Department finds that vacating the respective alley as proposed would not adversely affect transportation patterns and neighboring businesses. The subject alley is paved, free of debris and functions as a throughway for pedestrians and vehicles. The alley creates an alternative means for loading and unloading for adjacent commercial uses, thereby relieving the north-south corridors of Broadway and Main Street, as well as the east-west corridors of 9th Street and Olympic Boulevard of further congestion resulting from loading activities. The proposed plan would still allow for loading from the alley for the proposed project and adjacent businesses. In addition a proposed paseo would provide an east-west pedestrian connection.

Conclusion: The vacation of the public alley 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 /

Q:\LANDDEV\STREET VACATIONS\E1401200-E1401299\E1401217\E1401217.doc

Respectfully submitted,


Edmond Yew, Manager
Land Development Group
Bureau of Engineering



INFORMATION ON THIS MAP IS
PRELIMINARY
 AND SUBJECT TO CHANGE

TITLE: PORTION OF ALLEY NORTHWESTERLY OF MAIN STREET
 BETWEEN 9TH STREET AND OLYMPIC BOULEVARD

WORK ORDER NO. VAC- E1401217
 COUNCIL FILE NO. 14-0076
 COUNCIL DIST. 14 DIV. INDEX 114
 ENG. DIST. CENTRAL T.G. 634-E5
 DISTRICT MAP 126 A 209



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

EXHIBIT A

Legend: Vacation boundary as shown

APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY

ORIGINAL - (No copies or faxes)

DATE: November 7, 2012

PROJECT LOCATION AND DESCRIPTION:

- (1) Area proposed to be vacated is: Alley - north of Olympic Blvd and south of 9th St.

(Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)

and is located between:

South Broadway and South Main Street

(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. 14

- (c) District Map No. 126A209

- (d) A CRA Redevelopment Area; (YES) OR (NO)

- (3) Area (in sq. ft.) of the proposed vacation area is approx. 4,008 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: Mixed-use residential and commercial/retail development with parking

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

Revocable Permit Tract Map Parcel Map Zone Change
 Other Case number pending - for 928 South Broadway