

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

JUN 25 2014

Honorable Members:

C. D. No. 2

SUBJECT:

VACATION APPROVAL - VAC- E1401241 - Council File No.14-0328 Alley Northerly of  
Riverside Drive Between Ben Avenue and Gentry Avenue

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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":

Alley Northerly of Riverside Drive Between Ben Avenue and Gentry Avenue

- 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.

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- 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 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. Marc Kogan  
12348 Magnolia Boulevard, #107  
Valley Village, CA 91607
2. Kevin and Sai-Ling Michael  
4816 Ben Avenue North  
Hollywood, CA 91607
3. Carol C. Smotherman  
4819 Gentry Avenue North  
Hollywood, CA 91607
4. Riverben Villas, LLC  
14540 Arminta St.  
Van Nuys, CA 91402

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 E1401241 be paid.
2. That a suitable map, approved by the Valley 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 improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

Close the alley intersection at both Ben Avenue and Gentry Avenue with standard street improvements including full height curbs and gutters.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Department of Water and Power and AT &T 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 consents to the vacation be secured from the owner of Lot 201 Tract 8627 and from the owner of Lot 207, Tract 8627, adjoining the area to be vacated.
8. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, agreements be recorded satisfactory to the Bureau of Engineering to hold each parcel of land under one 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 sufficient progress be made under Tract No. 65985 for the final map checking and tract map conditions clearance in conjunction with the merger of the southerly 10-foot wide alley in a manner satisfactory to the City Engineer.

TRANSMITTAL:

Application dated March 3, 2014, from Marc Kogan.

DISCUSSION:

Request: The petitioner, Marc Kogan, representing the owner of the property 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 vacate remaining portion of alley not being merged by Vesting Tentative Tract Map No. 65985, as a condition of said Tentative Tract Map.

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 March 25, 2014, under Council File No. 14-0328 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the north are zoned R1-1 and are developed with single-family dwellings. The properties adjoining to the south are tentatively proposed to be developed as townhouses.

Description of Area to be Vacated: The area sought to be vacated is northerly half of the alley northerly of Riverside Drive between Ben Avenue and Gentry Avenue. The alley is dedicated 20 feet wide and currently unimproved, with some encroaching structures.

Adjoining Streets: Ben Avenue is a Local Street dedicated 60 feet wide and improved with a 36-foot wide roadway with curb and gutter. Gentry Avenue is a Local Street dedicated 60 feet wide and improved with a 32-foot wide roadway with curb and gutter. Riverside Drive is a Major Highway Class II dedicated 100 feet wide and improved with an 80-foot wide roadway with curb and 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: There should be no adverse effect on vehicular circulation or access since the southerly half of the alley is proposed to be merged with the adjoining properties to the south under Vesting Tentative Tract Map No. 65985. The alley is currently unimproved.

The alley is 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 maintains facilities within the area proposed to be vacated. AT&T did not respond to the Bureau of Engineering's referral letter dated March 11, 2014.

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 agreements satisfactory to the Bureau of Engineering to hold each adjoining parcel of land under one 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 did not respond to the Bureau of Engineering's referral letter dated March 11, 2014.

City Fire Department: The Fire Department stated in its communication dated April 3, 2014 that they have no objection to this Street Vacation.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated March 11, 2014.

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:

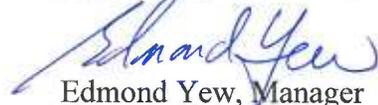
LAND DEVELOPMENT GROUP

Dale Williams  
Civil Engineer  
(213) 202-3491

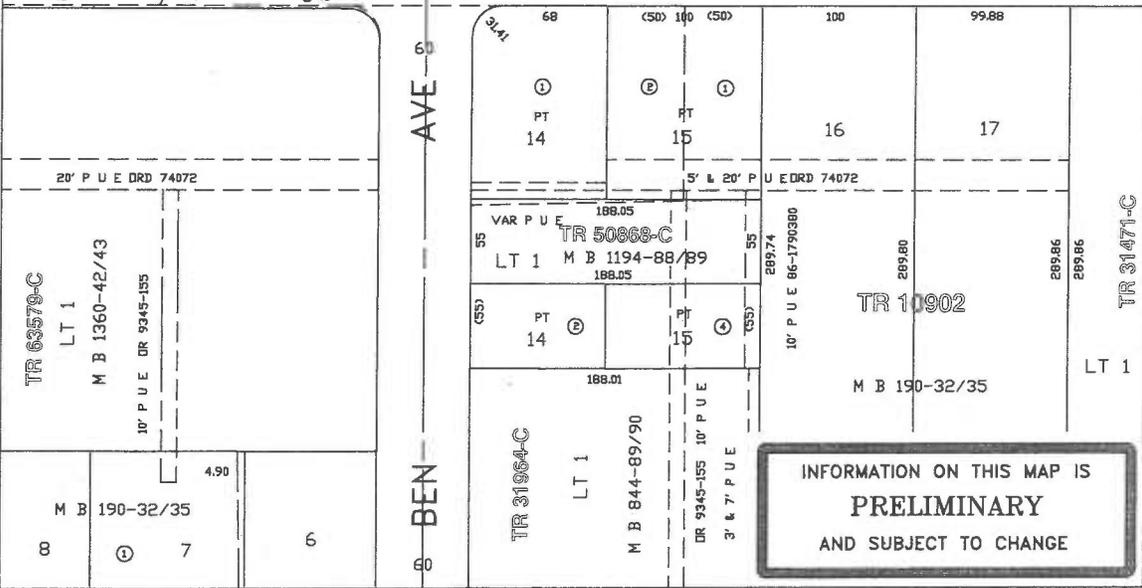
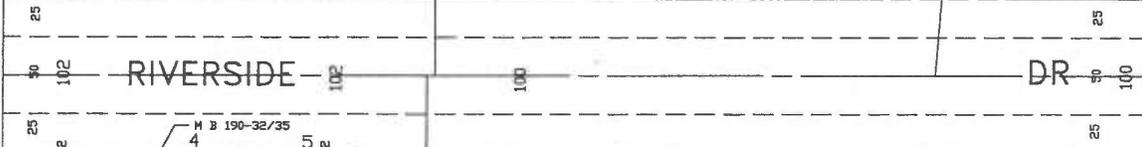
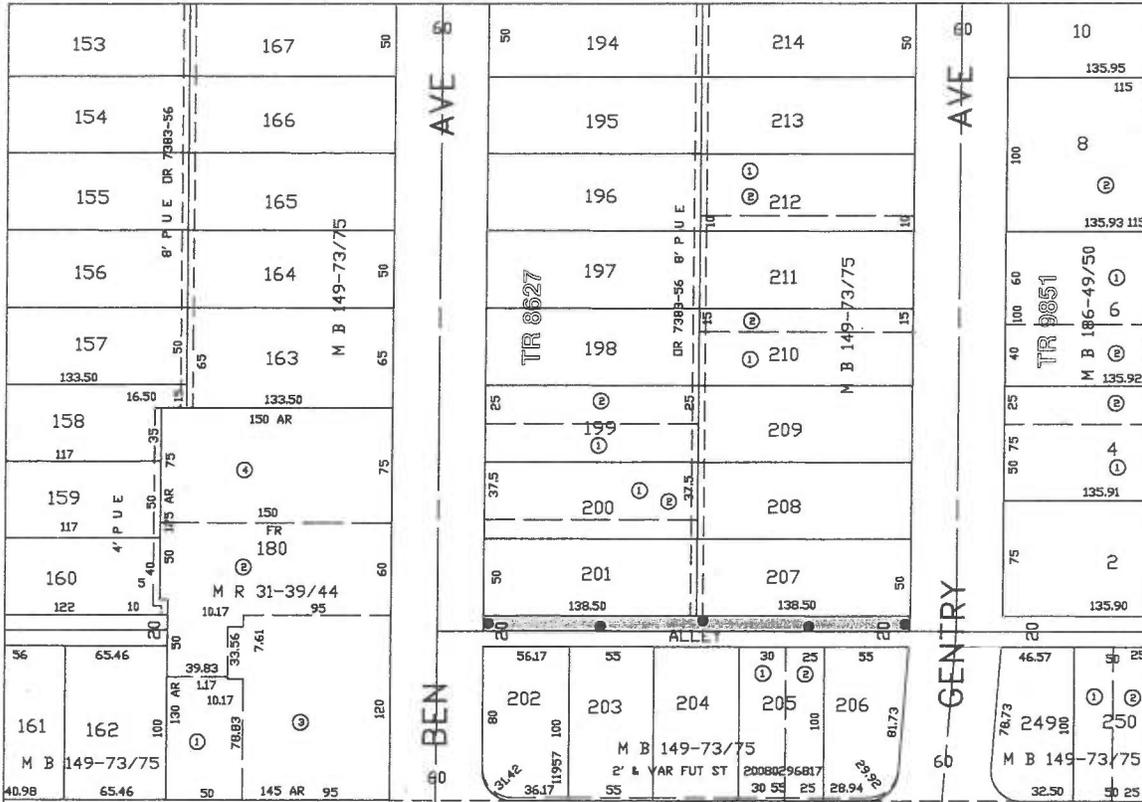
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Respectfully submitted,



Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering



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

TITLE: ALLEY NORTHERLY OF RIVERSIDE DRIVE BETWEEN BEN AVENUE  
AND GENTRY AVENUE.

WORK ORDER NO. VAC- E1401241  
 COUNCIL FILE NO. 14-0328  
 COUNCIL DIST. 02 DIV. INDEX 1286  
 ENG. DIST. VALLEY T.G. 562-G3  
 DISTRICT MAP 168 B 165



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

10 MAR -3 PM 1:41

**APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY**  
ORIGINAL - (No copies or faxes)

DATE: 02/07/14

**PROJECT LOCATION AND DESCRIPTION:**

(1) Area proposed to be vacated is: 10' x 277' section of alley  
(Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)  
and is located between:  
Ben Ave and Gentry 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 (x) Valley ( ) West Los Angeles
- (b) Council District No. 2
- (c) District Map No. 168B165
- (d) A CRA Redevelopment Area: \_\_\_\_\_ OR X  
(YES) (NO)

(3) Area (in sq. ft.) of the proposed vacation area is approx. 2,770 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: to vacate remaining portion of alley not being vacated by Tentative Tract map no. 65985

(5) Vacation is in conjunction with: (Check appropriately)  
( ) Revocable Permit (x) Tract Map ( ) Parcel Map ( ) Zone Change  
( ) Other \_\_\_\_\_