

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

August 4, 2015

Honorable Members:

C. D. No. 13

SUBJECT:

VACATION APPROVAL - VAC- E1401156 - Council File No. 15-0760 – Portion of Alley Southwesterly of Beverly Boulevard from Lucas Avenue to approximately 170 feet Northwesterly Thereof.

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”:

The alley southwesterly of Beverly Boulevard from Lucas Avenue to the northeasterly/southwesterly alley northwesterly of Lucas 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 Council find that there is a public benefit to this vacation. Upon vacation of the alley, 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 alley easement.
- E. That, in conformance with Section 556 of the City Charter, the Council make the findings 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 needed for nonmotorized transportation facilities.
- G. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determines 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 based on the Rule 16 motion adopted by City Council on June 23, 2015, 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 \$10,700.00 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.

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. Beverly Lucas, LLC
2275 East Huntington Drive, #241
San Marino, CA 91108
- 2. LINC –Westlake Apartments, LP
ATTN: Suny Lay Chang
555 E Ocean Bl. Ste 900
Long Beach CA 90802-5056
- 3. KPFF
ATTN: Dan Krief
6080 Cneter Dr., Ste 700
Los Angeles CA 90045

4. Ernesto Martinez
104 Witmer Street
Los Angeles, CA 90026
5. Witmer Heights Partners LP
5670 Wilshire Boulevard, Suite 2490
Los Angeles, CA 90036
6. Los Angeles Unified School District
355 S. Grand Avenue, Suite 500
Los Angeles, CA 90071
7. Roy S. Choi
136 Witmer Street
Los Angeles, CA 90026
8. Ernesto G. Martinez Jr.
1425 W. 2nd Street
Los Angeles, CA 90026
9. Martir Benitez
1407 W. 2nd Street
Los Angeles, CA 90026
10. Luis and Vilma Guzman
1405 W. 2nd Street
Los Angeles, CA 90026
11. Sabikeh Jafaezadegan
2846 Colorado Bl.
Santa Monica CA 90404
12. Michele and Natalina Capra
1801 Glendale Boulevard
Los Angeles, CA 90026

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 E1401156 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 sufficient right-of-way to provide a 15-foot by 15-foot property line corner cut or 20-foot radius property line corner at the intersection with Beverly Boulevard and Lucas Avenue.
 - b) Dedicate 15-foot and variable width right-of-way to provide a 45-foot half right-of-way dedication along Lucas Avenue adjoining the petitioner's properties.
6. That the following improvements be constructed adjoining the petitioner's properties in a manner satisfactory to the City Engineer:
 - a) Repair or replace any off-grade/broken curb, gutter or sidewalk along the southwesterly side of Beverly Boulevard. Construct slough wall along the easterly 200 feet of frontage to keep dirt off sidewalk.
 - b) Construct a 35-foot wide half roadway, integral curb and gutter, and 10-foot wide sidewalk along the westerly side of Lucas 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 and Southern California Gas Company 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 agreements 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 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 arrangements be made with the Department of Transportation for the payment of any necessary fee pursuant to Ordinance No. 180,542.

TRANSMITTAL:

Application dated August 5, 2009, from Hall & Foreman, Inc., Attn: Alex Moore.

DISCUSSION:

Request: The original petitioner, Hall & Foreman, representing Beverly and Lucas, LLC, former owner of the properties shown outlined in yellow on Exhibit "B", is requesting the vacation of a portion of the public alley area shown colored blue. The purpose of the vacation is to construct a new apartment building over the paper alley. In a letter dated June 9, 2015, LINC-Westlake Apartments LLC, stated that they had acquired the property and wished to continue with the vacation application, assuming responsibility as the petitioner.

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 June 23, 2015, under Council File No. 15-0760 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties northeasterly of the proposed vacation area are zoned CW and are undeveloped. The properties southwesterly of the proposed vacation area are zoned CW and are developed with residential units.

Description of Area to be Vacated: The area sought to be vacated is an unimproved portion of the 20-foot wide T-shaped alley lying southwesterly of Beverly Boulevard from Lucas Avenue to approximately 170 feet northwesterly of Lucas Avenue. There is an existing stairway constructed within the right-of-way.

Adjoining Streets and Alleys: Beverly Boulevard is an improved Major Highway dedicated 130 feet wide with a service road 24 feet in width, concrete curbs, gutters, and sidewalks. Lucas Avenue is an improved Secondary Highway dedicated 67 feet in width

with a half roadway width of 23 feet and a 7foot wide sidewalk, concrete curbs and gutters. The adjoining alleys not being vacated southwesterly of Beverly Boulevard and northwesterly of Lucas Avenue are dedicated 20 feet in width and are improved.

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 public alley will not have any adverse effect on vehicular circulation or access since the area is not passable.

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: Southern California Gas Co. maintains facilities in the area proposed to be vacated. The Department of Water and Power did not respond to the Bureau of Engineering's referral letter dated October 28, 2009.

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 one ownership and its adjoining portion of the area to be vacated, as one parcel to preclude the creation of 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 authority of the City of Los Angeles.

City Department of Transportation: The Department of Transportation states that they are not opposed to this vacation provided that all abutting property owners are in agreement with the proposed vacation. In addition, that through the requirements of a tract map or by other means, provisions are made for 1) lot consolidation, 2) driveway and access approval by DOT and 3) any additional dedications and improvements necessary to bring all adjacent streets into conformance with the City's standard street dimensions. Department of Transportation in the correspondence dated December 18, 2009 also stated that the Department of Transportation fee pursuant to Ordinance No. 180,542 be paid.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated October 28, 2009.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated October 28, 2009.

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:

Respectfully submitted,

LAND DEVELOPMENT GROUP

Dale Williams
Civil Engineer
(213) 202-3491



Edmond Yew, Manager
Land Development Group
Bureau of Engineering

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