



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 20 - 0 1 8 5
JUN 15 2020

REPORT RE:

**DRAFT ORDINANCE APPROVING THE TRANSFER OF JURISDICTION
AND CONTROL OF A PORTION OF RAILROAD RIGHT-OF-WAY FROM
THE CITY OF LOS ANGELES HARBOR DEPARTMENT TO THE
GENERAL SERVICES DEPARTMENT**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance incorporates the Order of the Board of Harbor Commissioners declaring certain property located on Channel Street west of Pacific Avenue (Subject Property), which is a remnant portion of a railroad right-of-way, as surplus property, and approving the transfer of the Subject Property to the General Services Department. The Subject Property is not needed for maritime purposes and the transfer of the property is in the public's interest in that it will create public benefits, including, but not limited to, providing a space for the City of Los Angeles to develop a public skate park.

CEQA Findings

The draft ordinance approves an Order of the Los Angeles Board of Harbor Commissioners approving the transfer of jurisdiction and control of the Subject Property to the General Services Department, finding the property to be surplus property and as it is no longer required for use by the Harbor Department and is not needed for maritime purposes. As such, the Harbor Department Director of Environmental Management has

determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article II, Section 1 and Article III, Class 12 of the Los Angeles City CEQA Guidelines.

Background

The Harbor Department and the Port of Long Beach owned the Subject Property and the rest of the railroad right-of-way for the purpose of operating a rail line from 1994 until January 2020. In January 2020, the Harbor Department acquired the Port of Long Beach's interest, making the Harbor Department the 100 percent owner of the Subject Property interest. Because of its location and access limitations, the Subject Property is undevelopable for maritime purposes and, as such, has negligible value and utility. Further it is not needed for port rail operations.

Currently, the Subject Property is partially improved with a non-permitted skate park. The skate park has been closed since April 2014 due to a lack of appropriate permits and real estate entitlement. Due to Tidelands Trust restrictions, the Harbor Department is precluded from issuing a real estate entitlement for this use. The Harbor Department supports the Council District's strong desire to make the site a public skate park and is in favor of the transfer of the jurisdiction and control of the Subject Property to the General Services Department, which is able to appropriately control and oversee the Subject Property as a skate park. The remainder of the right-of-way outside of the skate park is required for Harbor Department operations and will remain under the jurisdiction of the Harbor Department.

On June 4, 2020, of Harbor Commissioners adopted Order No. 20-7281, approved the enclosed draft ordinance and recommended that the City Council adopt it.

Summary of Ordinance Provisions

The draft ordinance approves the Board of Harbor Commissioners Order No. 20-7281, which declares that the Subject Property is surplus and approves the transfer of jurisdiction and control of the Subject Property to the General Services Department.

Council Rule 38 Referral

The Real Estate Division of the Harbor Department is the proposing department, and the approval of the Order of surplus declaration and transfer of jurisdiction and control to the General Services Division and accompanying Notice of Transfer of Jurisdiction and Control was discussed and debated before the Board of Harbor Commissioners with Harbor Department management and staff present in a public hearing of the Board of Harbor Commissioners on June 4, 2020.

The Honorable City Council
of the City of Los Angeles
Page 3

If you have any questions regarding this matter, please contact Deputy City Attorney Estelle M. Braaf at (310) 732-3750. She or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:EMB:pj
Transmittal