

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

September 1, 2022

Honorable Members:

CD No. 15

SUBJECT:

Termination of Covenant and Agreement Regarding Tentative Tract No. 43946 - 1661 South Crescent Avenue - Right of Way No. 36000-2365

RECOMMENDATIONS:

- A. That the petitioner's request for the termination of covenant and agreement Recorded as Document No. 92-127628, regarding the covenant and agreement related to Tentative Tract No. 43946, shown colored red on Exhibit "A" be approved, subject to the following condition:
 1. That petitioner makes satisfactory arrangement with the Real Estate Division of the Bureau of Engineering with respect to the payment of document recording fee.
- B. That the City Engineer be authorized to execute and record a suitable release from the covenant and agreement recorded as Document No. 92-127628.
- C. That pursuant to Section 96.5(5) of the City Charter, the Council find that the release of the existing covenant and agreement is in substantial conformance with the purpose, intent and provisions of the General Plan.
- D. That the Real Estate Division of the Bureau of Engineering record the necessary termination document.
- E. That notification of the time and place of the Public Works Committee and Council meetings to consider this matter be

sent to:

1. Yubin Tao
16575 Ventura Blvd, Suite 201
Encino, CA 91436
2. 1627 Beacon LLC
8001 Osage Ave
Los Angeles, CA 90045

FISCAL IMPACT STATEMENT:

A fee of \$7,075.91 was paid for processing this request pursuant to Section 7.40 of the Administrative Code.

TRANSMITTALS:

1. Application dated February 24, 2022 from Yubin Tao.
2. Exhibit "A", location map.
3. Copy of Covenant and Agreement Document No. 92-127628, recorded on January 24, 1992.

DISCUSSION:

That petitioner, Yubin Tao, representing the owner of the property, 1627 Beacon LLC, is requesting the City to terminate the covenant and agreement, recorded on January 24, 1992 as Document No. 92-127628, recorded in conjunction with the proposed Tentative Tract No. 43946, shown colored red on Exhibit "A".

The petitioner has requested the City Council of Los Angeles to release its rights under the Agreement since the condo development was never built and the Agreement is no longer necessary.

This Covenant and Agreement require the owners of the subject properties to file with the City Engineer a protective liability policy of insurance, obtain a class "B" (construction) permit and construct the required public improvements of Tentative Tract 43946. It also states that a Certificate of Occupancy will not be issued until all of the required public improvements are completed and accepted by the improvements are City Engineer.

The agreement also has a clause, in which, the covenant and agreement shall continue in effect until the City Engineer of the City of Los Angeles approves its termination.

The request for the termination of this Covenant and Agreement may be granted since the condo development approved in 1992 was never built, and its retention is no longer necessary.

The Harbor District Office of the Bureau of Engineering stated in its communication dated August 11, 2022, that it does not oppose the proposed termination of the covenant and agreement.

The Los Angeles Department of Transportation (LADOT) stated in its communication dated May 25, 2022, that it does not oppose the proposed termination of the covenant and agreement.

The Los Angeles Fire Department stated in its communication dated April 25, 2022 that it has no objection to this request.

Council District 15 stated in its communication dated May 18, 2022 that it has no objection to this request.

The Department of City Planning stated in its communication dated April 8, 2022 that "the subject covenant is associated with an expired tract for condominiums that never got constructed. As such, City Planning has no issues, additional comments or recommendations to the Proposed Termination of Covenant and Agreement (Right-of-Way No. 36000-2365) located at 1661 South Crescent Avenue."

The City Engineer is also requiring the petitioner to provide payment of the recording fee as outlined under Recommendation "A" in a manner satisfactory to the City Engineer.

ENVIRONMENTAL DETERMINATION:

The Bureau of Engineering has determined that the termination of covenant and agreement regarding Tentative Tract 43946 is exempt from the California Environmental Quality Act of 1970, pursuant to the categorical exemptions included in the City of Los Angeles Guidelines under Article III, Class 5(22).

CONCLUSION:

Based on the communications mentioned above from various City

Agencies, retention of the agreement over the property shown outlined in red on Exhibit "A" is no longer necessary. Therefore, Bureau of Engineering is recommending the City Council to terminate the Covenant and Agreement recorded on January 24, 1992 as Document No. 92-127628.

Respectfully submitted,



Bert Moklebust
Principal Civil Engineer
Permit Case Management Division
Bureau of Engineering

BM/BG/SM