

Office of the City Engineer
Los Angeles, California

To the Public Works Committee
Of the Honorable Council

Of the City of Los Angeles

October 17, 2022

Honorable Members:

CD No. 8

SUBJECT:

Termination of Covenant & Agreement Regarding Lot-Tie Agreement -
8500 S. Vermont Avenue - Right of Way No. 36000-2377

RECOMMENDATIONS:

- A. That the petitioner's request for the termination of covenant and agreement Recorded as Document No. 20201715294, regarding the recorded covenant and agreement in conjunction with the vacation of "Vermont Avenue and 85th Street Vacation District", under Council File No. 18-1005-S1, Work Order E1401352, shown colored red on Exhibit "A" be approved, subject to the following condition:
 1. That petitioner make satisfactory arrangements 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. 20201715294.
- 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. VM Mixed Use, LLC
333 S. Hope Street, 43rd Floor
Los Angeles, CA 90071

2. Sheppard Mullin
Attn: Aram Basmajian
333 S. Hope Street, 43rd Floor
Los Angeles, CA 90071

FISCAL IMPACT STATEMENT:

A fee of \$6,006.98 was paid for processing this request pursuant to Section 7.41.5 of the Administrative Code.

TRANSMITTALS:

1. Application dated August 4, 2022 from Aram Basmajian
2. Exhibit "A", location map.
3. Copy of Covenant and Agreement Document No. 20201715294, recorded on December 23, 2020.
4. Copy of Grant of Waiver and Certificate of Compliance, Document No. 20210341325, recorded on March 3, 2021.

DISCUSSION:

That petitioner, Aram Basmajian, representing the applicant and developer of the property, VM Mixed Use, LLC, is requesting the City to terminate the covenant and agreement, recorded on December 23, 2020 as Document No. 20201715249, recorded in conjunction with the vacation of "Vermont Avenue and 85th Street Vacation District", under Council File No. 18-1005-S1, Work Order E1401352, shown colored red on Exhibit "A".

The petitioner has requested the City Council of Los Angeles to release its rights under the Agreement since a Grant of Waiver and Certificate of Compliance was recorded per document no. 20210341325 on March 2, 2021 therefore the Agreement is no longer necessary.

This Covenant and Agreement over the property shown colored red on Exhibit "A" is no longer necessary. A Grant of Waiver and Certificate of Compliance, Request for Waiver of Parcel Map No. RPPL 2020010060 was recorded per document no. 20210341325 on March 2, 2021. The Grant of Waiver and Certificate of Compliance was recorded with the intention to divide the property into the described parcels included within this document, including the parcels described in the Lot-Tie Agreement.

The agreement also has a clause, in which, the "covenant and agreement shall run with the land and shall be binding upon the undersigned, and future owners, encumbrancers, its and their successors and assigns, and shall continue in effect 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".

The request for the termination of this Covenant and Agreement may be granted since a Grant of Waiver and Certificate of Compliance was recorded per document no. 20210341325 on March 2, 2021 and the Agreement is no longer necessary.

The Central District Office of the Bureau of Engineering stated in its communication dated June 30, 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 July 8, 2022, that it does not oppose the proposed termination of the covenant and agreement.

The Department of City Planning stated in its communication dated July 21, 2022 that "The subject existing covenant (20201715294) will be replaced by instrument # 20210341325 for Grant of Waiver and Certificate of Compliance. As such, City Planning has no issues, additional comments or recommendations to the Proposed Termination of Covenant and Agreement (Right-of-Way No. 36000-2377) located at 8500 South Vermont 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 the Lot-Tie Agreement 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 December 23, 2020 as Document No. 20201715294.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Modlebus".

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

BM/BG/AA