

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

June 23, 2015

Honorable Members:

C. D. No. 4

SUBJECT:

VACATION APPROVAL - VAC- E1401169 - Council File No. 14-1370 - Las Alturas Street Northerly of Mulholland Drive Adjoining Lots 28 &30 of Tract 8628

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”, and that the limits of the vacation area be permitted to be adjusted based on the final design of the street improvements:

Las Alturas Street Northerly of Mulholland Drive Adjoining Lots 28 &30 of Tract 8628
- 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.

- 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 based on the Rule 16 motion adopted by City Council on October 14, 2014 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 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. John Lyons  
2924 Las Alturas St.  
Los Angeles CA 90068
2. James T Green  
15233 Ventura Bl #720  
Sherman Oaks CA 91403
3. Ali Helmy  
10432 Eastborne Av #305  
Los Angeles CA 90024
4. Barbara J Barany  
1904 S Hatch St  
Spokane WA 99203

5. Fereshteh Haghghi  
PO Box 15955  
Beverly Hills CA 90209
6. Richard F Gerber  
2890 Las Alturas St  
Los Angeles CA 90068
7. Sandra Vidal  
2873 Las Alturas St.  
Los Angeles CA 90068
8. Gilbert & Louise Simon  
2928 Las Alturas St.  
Los Angeles CA 90068
9. Arthur Berrick  
2828 Greenfield Av  
Los Angeles CA 90064
10. Judith McDowell  
2591 Daisy Ln  
Fallbrook CA 92028
11. Luna & Glushon  
ATTN: Steve Kaplan  
15760 Ventura Bl, Ste 1520  
Encino CA 91436

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 E1401169 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 dedications be provided adjoining the petitioner's property in a manner satisfactory to the City Engineer:
    - a. Dedicate sufficient right-of-way to provide a turning area at the new southerly terminus of Las Alturas Street in the vicinity of Lot 28, Tract No. 8628 adjoining the vacation area to the northwest.
  6. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
    - a. Construct a turning area at the new southerly terminus of of Las Alturas Street adjoining the vacation area to the northwest.
  7. That consents to the vacation be secured from the owners of Lots 23, 27, 31 and 32 of Tract No. 8628.
  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 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 trees be planted and tree wells to be installed as may be required by the Urban Forestry Division of the Bureau of Street Services.
  10. That a sewer easement and a storm drain easement be reserved over the vacation area.

TRANSMITTAL:

Application dated September 2, 2010, from John Lyons.

DISCUSSION:

Request: The petitioners, John Lyons, owner of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of the public street area shown colored blue. The purpose of the vacation request is to provide area for parking and landscaping.

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 October 14, 2014, under Council File No. 14-1370 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the area to be vacated to the east and west are zoned R1-1 and are developed with single family residences.

Description of Area to be Vacated: The area sought to be vacated is Las Alturas Street Adjoining Lots 28 & 30 of Tract 8628. The area is partially improved with street improvements to be completed and inspected under City Plan P-37564 as required by ZA 2006-9781/DIR 2006-10519.

Adjoining Street: Las Alturas Street is a Hillside Limited Street dedicated 31 feet wide with a 24-foot and variable width roadway with curbs, and gutter on one side.

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 Las Alturas Street adjoining Lots 28 and 30 of Tract 8628 would have a certain impact for future street access to Lots 31 and 32 of Tract No. 8628. However, if the applicant is able to obtain the necessary consent from owners of said properties, the street vacation can proceed since it is unlikely that other property owners will then need to use the vacation area. A turning area at the new southerly terminus would be required as a condition of the vacation.

The street is also not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the vacation: Judith McDowell, on behalf of Barbara Barany, Pauline Bradley, and herself, owners of Lot 32 of Tract 8628, in letters dated September 12, 2011 and February 15, 2013 stated that they are opposed to the vacation. Ms. McDowell stated that the approval of the request would landlock their lot making it unbuildable.

Reversionary Interest: No determinations 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: There are no public facilities in the area proposed to be vacated.

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 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 September 10, 2010.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated September 10, 2010.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated September 10, 2010.

Conclusion: The vacation of the public street 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