

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

June 24, 2015

Honorable Members:

C. D. No. 6

SUBJECT:

VACATION APPROVAL - VAC- E1401240- Council File No. 14-0327 North & South Alley Turning Areas Southerly of Cantlay Street Between Genesta Avenue and Amestoy Avenue

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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":

North & South Alley Turning Areas Southerly of Cantlay Street Between Genesta Avenue and Amestoy Avenue

- 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 March 25, 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 \$14,980.00 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. Alan Whitford  
17026 Cantlay Street  
Van Nuys, CA 91406
2. Albert Martinez and Sara Helene  
17025 W. Sherman Way  
Van Nuys, CA 91406
3. Sharman Amestoy LLC  
2713 N. Sepulveda Boulevard, #410  
Manhattan Beach, CA 90266

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 E1401240 be paid.
2. That a suitable map, approved by the Valley District Engineering office, delineating the limits, including bearings and distances, of the areas 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 areas 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 areas to be vacated be submitted to the City Engineer.
5. That the following improvements be constructed adjoining the petitioners' properties in a manner satisfactory to the City Engineer:
  - a) Remove and replace any broken/missing/off-grade sidewalk along Sherman Way.
  - b) Repair or replace any broken/missing/off-grade alley pavement and longitudinal gutter along the alley southerly of Cantlay Street.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to Time Warner Cable for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
7. That consents to the vacation be secured from the owners of lots adjoining the areas to be vacated.
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 areas to be vacated, as one parcel to preclude the creation of substandard or landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over said areas, 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 may be 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.

TRANSMITTAL:

Application dated February 6, 2014, from Albert Martinez and Alan Whitford.

DISCUSSION:

Request: The petitioners, Albert Martinez and Alan Whitford, owners of the properties shown outlined in yellow on Exhibit "A", are requesting the vacation of the public alley areas shown colored blue. The purpose of the vacation request is to consolidate the areas with the adjoining properties.

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 March 25, 2014, under Council File No. 14-0327 adopted a Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the areas to be vacated are zoned R1-1 and are developed with residences

Description of Area to be Vacated: The areas sought to be vacated are the north and south turning areas southerly of Cantlay Street between Genesta Avenue and Amestoy Avenue. The areas being vacated are improved with asphalt pavement.

Adjoining Streets and Alleys: Cantlay Street is a Local Street dedicated 60 feet wide with a 36-foot wide roadway with curb and gutter and 4-foot wide sidewalk. Sherman Way is a divided Scenic Major Highway – Class II, dedicated 49.5 feet wide on the north roadway and 50 feet wide on the south roadway, with 40-foot wide and variable width roadways with curb and gutter. The alley southerly of Cantlay Street is dedicated 20 feet wide and improved with asphalt pavement and longitudinal gutter.

Surrounding Properties: The owners of lots adjoining the vacation areas have been notified of the proposed vacation.

Effects of Vacation on Circulation and Access: The vacation of the north and south alley turning areas southerly of Cantlay Street between Genesta Avenue and Amestoy Avenue should have no adverse effect on vehicular circulation or access since the alley has been extended to Amestoy Avenue as a condition of Tract 72214 adjoining the vacation areas. The extension of the alley, completed June 15, 2015 per Plan P-37755 under B-Permit BR205177, eliminated the existing dead end and therefore has eliminated the need for turning areas.

The alley is also 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 determinations of the underlying fee interest of the vacation areas have been made as to title or reversionary interest.

Dedications and Improvements: It will be necessary that the petitioners provide improvements as outlined in the conditions of this report. Dedication of the extension of the alley was provided under Tract 72214. The alley improvements as required by the conditions of said Tract were completed June 15, 2015 per Plan P-37755 under B-Permit BR205177.

Sewers and Storm Drains: There are no existing sewer or storm drain facilities within the areas proposed to be vacated.

Public Utilities: Time Warner Cable maintains facilities in the area to be vacated.

Tract Map: Since 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 petitioners 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 substandard or 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 stated in its communication dated August 25, 2014 that it does not oppose the vacation provided that all abutting property owners are in agreement with the proposed vacation and that the public alley is extended through Tract 72214 so that the alley is operational between Genesta Avenue and Amestoy Avenue.

The alley improvements as required by the conditions of Tract 72214 were completed June 15, 2015 per Plan P-37755 under B-Permit BR205177.

City Fire Department: The Fire Department stated in its communicated dated April 3, 2014 that they have no objection to this street vacation.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated February 13, 2014.

Conclusion: The vacation of the public alley areas as shown colored blue on attached Exhibit "A" could be conditionally approved based upon the following:

1. They are unnecessary for present or prospective public use.
2. They are not needed for vehicular circulation or access.
3. They are not needed for non-motorized transportation purposes.

Report prepared by:

Respectfully submitted,

LAND DEVELOPMENT GROUP

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Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering

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