

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

August 19, 2016

Honorable Members:

C. D. No. 4

SUBJECT:

VACATION REQUEST - VAC- E1401267 - Council File No. 16-0566 - Thrush Way
(Westerly half of Northerly side) approximately 175 feet Northeasterly of Magnetic
Terrace

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":

Portion of Thrush Way approximately 175 feet northeasterly of Magnetic Terrace adjoining Lot 7 of Tract No. 9970 in excess of a 22-foot wide half public street right of way

- 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 May 25, 2016, 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. Randall Akers
19425 Soledad Canyon Road,
Santa Clarita, CA 91351
2. 5B Enterprises, LLC
Attn: William and Sam Batal
6822 Bonnie Dr,
Huntington Beach, CA 92647
3. Yves and Murry Mieszala
9246 Kinglet Dr,
Los Angeles, CA 90069
4. Howard and Lana Russeck
9267 Thrush Way,
Los Angeles, CA 90069

5. Kyle Lapesarde
2528 W. Martin Luther King Jr. Blvd
Los Angeles, CA 90008

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 E1401267 be paid.
2. That a suitable map, approved by the Central District Engineering office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Land Development and GIS Division 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 and GIS Division 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 improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

Repair and/or replace all broken/off-grade/missing concrete curb and gutter along Thrush Way.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Southern California Gas Company and Department of Water and Power 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 a 4-foot wide sanitary sewer easement be reserved from the vacation area along the easterly boundary.
8. That any fee interest of the area being vacated which may be vested in the City of Los Angeles be acquired.
9. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, an agreement be recorded satisfactory to the Bureau

of Engineering to hold the adjoining parcel of land, and its adjoining portion of the area to be vacated under the same ownership, 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 area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.

TRANSMITTAL:

Application dated December 18, 2014, from Randall Akers, representatives of 5B Enterprises, LLC.

DISCUSSION:

Request: The petitioner, Randall Akers, representing the owner of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of the public street area shown colored blue. The Applicant has stated that the purpose of the vacation is incorporate unused area into adjoining single family dwelling building site.

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 January 12, 2005, conditionally adopted the City Engineer's report dated June 4, 2004, under Council File 04-0835 to vacate the same area. Since the previous petitioner failed to complete all conditions of the vacation within the time limit, the vacation request expired. On February 23, 2015, the petitioner submitted a new application. The City Council on May 25, 2016 under Council File No. 16-0566, adopted a new Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining to the proposed vacation areas are zoned RE11-1 and are either developed with the single-family dwellings or are undeveloped hillside properties.

Description of Area to be Vacated: The area sought to be vacated is a variable width portion of the northerly side of Thrush Way adjoining Lot 7, Tract No.9970. This portion of Thrush Way lies along a steep hillside terrain and was a portion of a hairpin curve which was eliminated through a condemnation action by the City. A portion of Thrush Way adjoining Lot 6, Tract No. 10416 was vacated previously by Document No. 87-1173090.

Adjoining Street: Thrush Way, a local hillside street dedicated 26 feet wide, is improved with a 20-foot wide roadway and concrete curbs.

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 proposed vacation of that portion of the northerly side of Thrush Way adjoining Lot 7, Tract No. 9970 should have no adverse effect on circulation and access since the proposed vacation area is excess right of way.

The street 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.

However, a letter dated April 3, 2015, has been received from Yves and Murry Mieszala, the owners of the northerly adjacent property, regarding their property's future sewer connection through the 4-foot existing sewer easement on Thrush Way. Reservation of a 4-foot sewer easement along the easterly portion of the vacation would be required as a condition of the vacation.

Reversionary Interest: No determination of the underlying fee interest of the vacation area has been made as to title or reversionary interest.

Dedications and Improvements: There are no dedications required. However, it will be necessary that the petitioner provide for the improvements as outlined in the conditions of this report.

Sewers and Storm Drains: There is no existing sewer or storm drain facilities within the area proposed to be vacated. However, there are existing sewer easements along the easterly and the southwesterly boundaries of the property. Reserving appropriate public sewer easement over the vacation area will be required.

Public Utilities: Southern California Gas Company maintains facilities in the area proposed 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 petitioner record an agreement satisfactory to the Bureau of Engineering to hold the adjoining parcel of land under the 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 did not respond to the Bureau of Engineering's referral letter dated February 25, 2015.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated February 25, 2016.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated February 25, 2015.

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:

Respectfully submitted,

LAND DEVELOPMENT & GIS DIVISION



Edmond Yew, Manager
Land Development and GIS Division
Bureau of Engineering

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