



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 18 - 0090
APR 06 2018

REPORT RE:

DRAFT ORDINANCE APPROVING RESOLUTION NO. 018-157 OF THE BOARD OF WATER AND POWER COMMISSIONERS AND AUTHORIZING THE GRANT OF AN EASEMENT TO SAN FERNANDO HOMES CORP. FOR STORM WATER DRAINAGE FACILITIES LOCATED ON A PORTION OF THE LOS ANGELES DEPARTMENT OF WATER AND POWER'S MISSION WELLS FACILITY, LOS ANGELES CALIFORNIA IN EXCHANGE FOR AN EMERGENCY FIRE ACCESS ROAD EASEMENT FROM SAN FERNANDO HOMES CORP.

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance would approve Resolution No. 018-157, adopted by the Board of Water and Power Commissioners on March 13, 2018, and authorize the Los Angeles Department of Water and Power (LADWP) to grant to San Fernando Homes Corp. (SFHC) a 611± square foot non-exclusive easement for storm water drainage facilities (Easement) over City of Los Angeles (City) property located at the LADWP's Mission Wells Facility. The Easement is to be granted in exchange for SFHC granting an emergency fire access road easement through its property to the City of Los Angeles.

Background

In 2014, the City of Los Angeles Planning Department required SFHC to obtain an encroachment easement from LADWP for drainage facilities as a condition on its tract map. The Easement would allow for storm water from SFHC's development to flow into the existing drainage system located on the Mission Wells Facility. The Mission Wells Facility property currently serves as the drainage system from a tributary area of approximately 100 acres north of the Mission Wells Facility.

To meet this condition, SFHC requested permission to install two 7-foot wide swales to transmit the storm water runoff. At that time, LADWP had a single access road for ingress, egress, and emergency access. In order to expand the Mission Wells Facility, a second emergency access point would be required to meet Los Angeles Fire Department requirements. Preliminary investigations indicated that entry from Astoria Street would be difficult due to the existing drainage channel. Further, water quality regulations prohibit the use of vehicular traffic over the drainage channel when water is present.

To ensure that future projects could be constructed at Mission Wells Facility, LADWP proposes to grant a permanent drainage easement to SFHC in exchange for SFHC granting the City of Los Angeles an emergency fire access road through its property via filing of its tract map.

On March 13, 2018, the Board adopted Resolution No. 018-157 authorizing execution of the Easement Deed and Agreement attached as Exhibit A to the draft ordinance conveying the Easement to SFHC in exchange for SFHC conveying the emergency fire access road easement to the City of Los Angeles.

Charter Requirements

The enclosed draft ordinance is transmitted for your approval pursuant to Charter Section 675, after approval by the Board of Water and Power Commissioners of the Department of Water and Power.

CEQA Findings

In accordance with the California Environmental Quality Act (CEQA), LADWP has been determined that the grant of the Easement is categorically exempt pursuant to CEQA Guidelines Section 15305. This exemption class applies to minor alterations in land use limitations in an area with an average slope of less than 20 percent, which do not result in any changes in land use or density.

Recommendation

Based on the foregoing, it is requested that the City Council adopt the enclosed draft ordinance. A copy of the Board Resolution is included in the Council file.

Council Rule 38 Referral

The enclosed draft ordinance has been presented to the Board of Water and Power Commissioners of the Department of Water and Power pursuant to Council Rule 38.

If you have any questions regarding this matter, please contact Deputy City Attorney Timothy J. Chung at (213) 367-4518. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:TJC:rc
Transmittal