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CITY ENGINEER

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NOV 04 2013

To the Public Works and Gang Reduction Committee
Of the Honorable City Council
Of the City of Los Angeles

Council File No. 12-0306
Council District: 5
Contact Person: Dale Williams
Phone: (213) 202-3491

Public Works and Gang Reduction Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated **NOV 04 2013** for Council review and approval of:

VACATION APPROVAL - VAC- E1400910 - Council File No. 12-0306 – Oriole Way from Oriole Drive to its easterly terminus. (Re-application)

RECOMMENDATIONS:

1. Adopt the findings of the City Engineer on the attached City Engineer report relative to initiating vacation proceedings. This vacation is exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
2. Adopt the City Engineer's report dated **NOV 04 2013** with the conditions contained therein.
3. Fiscal Impact Statement:

The petitioner has paid a fee of \$30,491.17 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 may be required of the petitioner.

4. That there is a public benefit to this vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.
5. There were no objections to the vacation submitted for this project.



Attachment:

A handwritten signature in black ink, appearing to read "Edmond Yew", written over a horizontal line.

Edmond Yew, Manager
Land Development Group
Bureau of Engineering

EY/DW/
H:\

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

NOV 04 2013

Honorable Members:

C. D. No.5

SUBJECT:

VACATION APPROVAL - VAC- E1400910 - Council File No. 12-0306 – Oriole Way from Oriole Drive to its easterly terminus. (Re-application)

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 rights-of-way indicated below and shown colored blue on the attached Exhibit "A, Revised":

Oriole Way from Oriole Drive to its easterly terminus and the adjoining 5-foot wide future street.

- 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 there is a public benefit to this street vacation. Upon vacation of the street and future street, the City is relieved of its ongoing obligation to maintain the right-of-way. 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 findings 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 areas are not needed for nonmotorized transportation facilities.

- F. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determines that the vacation areas are not necessary for present or prospective public use.
- G. That the Council adopts 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 Committee approval so the City Clerk and the 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 \$30,491.17 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 may 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 meeting to consider this request be sent to:

1. John A. Henning, Jr.
125 N. Sweetzer Avenue,
Los Angeles, CA 90048
2. S. E. C. Civil Engineers, Inc.
Attn: Maria Deladillo
16823 Saticoy Street
Van Nuys, CA 91406
3. Robert P. Hrtica,
Trustee for 9051 Oriole Way
9051 Oriole Way
Los Angeles, CA 90069
4. Robert P. Hrtica,
Trustee of the MOA Trust
9045 Oriole Way
Los Angeles, CA 90069

5. Oriole Investments, LLC
9046 Oriole Way
Los Angeles, CA 90069
6. Oriole Investments, LLC
9050 Oriole Way
Los Angeles, CA 90069
7. Mike and Corky H. Stoller
9100 Oriole Way
Los Angeles, CA 90069
8. Laguna Bluewater Collection, LLC
9255 W. Sunset Boulevard, #615
West Hollywood, CA 90069
9. Hannele K. Bharti Tr.,
65 Queen Street West, Ste. 805
Toronto on M5H2M5
Canada
10. 9051 Oriole Way, LLC
9255 W. Sunset Blvd., Ste 615
West Hollywood, CA 90069
11. Oriole Drive, LLC
8000 Beverly Boulevard
Los Angeles, CA 90048
12. Bloom, Hergott, Diemer, Rosenthal,
La Violette, Feldman, Schenkman & Goodman, LLP
ATTN: Tina J. Kahn
150 S Rodeo Dr., 3rd Floor
Beverly Hills, CA 90212

CONDITIONS FOR STREET VACATION:

The Conditions specified in this report are established as the requirements to be complied with by the petitioners for this vacation. Vacation proceedings in which the conditions have not been

completed within two 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 No. E1400910 be paid.
2. That a suitable map, approved by the West Los Angeles 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 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 title reports 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 properties in a manner satisfactory to the City Engineer:

Dedicate 3 feet as public street along Oriole Drive adjoining Lot 1 of Tract 12742 to provide an 18-foot wide half right-of-way.
6. That the petitioner reconstruct and widen the existing 10-foot wide half-roadway along the easterly side of Oriole Drive to provide for a paved 14-foot wide half-roadway, integral curb and gutter together with a suitable transition to join the existing improvements, all in a manner satisfactory to the City Engineer.
7. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Department of Water and Power, AT&T and Southern California Gas Company for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
8. That upon review of the title reports identifying the underlying fee title interest of the vacation areas, an agreement be recorded satisfactory to the Bureau of Engineering to hold the 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 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 a private access easement agreeable to all owners of property adjoining the proposed street to be vacated be signed and recorded to provide ingress and egress rights over those portions of Oriole Way to be vacated.
10. That a fire lane at least 20 feet wide ending in an approved turn-around be provided along the route of the vacated portion of Oriole Way. Such fire lane must be maintained with an all weather paved surface and be unobstructed at all times. Any gate(s) installed across the fire lane must be approved by the Fire Department in advance. Additionally, plot plans be submitted to the Fire Department for their review and approval.
11. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.
12. 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.
13. That suitable evidence be submitted showing Lot 21 of Tract No. 19229, the portion of the SE ¼ Sec 7 T1S N14W (Arb 53), Lot 1 of Tract No. 12747, and Lot B (Arb 1) of Parcel Map No. 3459 adjacent to the street vacation area will not be landlocked and will have a minimum 20-foot street frontage, or through other suitable arrangements, as the result of the street vacation.
14. That consent to the vacation be secured from the owner of Lot B (Arb 1) of Parcel Map 3459, property adjoining the area to be vacated.

TRANSMITTAL:

Application dated December 22, 2011, from John A. Henning Jr.

DISCUSSION:

Request: The petitioner, John A. Henning Jr., representing the owners of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of a portion of the ingress/egress easement area shown colored blue. The Street Vacation application indicated that the purpose of the vacation is for complete useful/enjoyment of property and for construction of property boundary/security walls.

This vacation procedure is being processed under procedures established by Council File No. 01-1459 adopted by the Los Angeles City Council on March 05, 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 June 20, 2007, conditionally adopted the City Engineer's report dated May 7, 2007 under Council File 04-1275. Since the petitioner failed to complete all conditions of the vacation within the timelimit, the vacation request expired on June 20, 2009. The City Council on March 6, 2012, under Council File No. 12-0306 adopted a new Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining the proposed vacation area are zoned RE15-1-H and are developed for single residential and vacant land.

Description of Area to be Vacated: The areas sought to be vacated are Oriole Way from Oriole Drive to its easterly terminus together with the adjoining 5-foot wide future street. The public street is a partially improved limited hillside street dedicated 30 feet wide and variable width with a 20-foot wide asphalt concrete roadway and a 1-foot wide asphalt concrete berm on each side.

Adjoining Streets and Alleys: Oriole Drive northerly of the proposed street vacation is a partially improved limited hillside street dedicated 30 feet wide with a 20-foot wide asphalt concrete roadway and a 1-foot wide asphalt concrete berm on the easterly side. Oriole Drive westerly of the street vacation is a partially improved local street dedicated 30 feet wide with a 20-foot and variable width asphalt concrete roadway and a 1-foot wide asphalt concrete berm on each side.

Surrounding Properties: The adjoining owners to the proposed vacation have been notified of the proposed street vacation. In a communication dated October 3, 2013, John A. Henning indicated that Robert Hrtica has authority to sign for properties at 9045, 9046 and 9051 Oriole Way.

Effects of Vacation on Circulation and Access: The vacation approval condition requires suitable evidence be submitted so properties lying easterly of the terminus of Oriole Way could not become landlocked by this vacation since the parcels would no longer have access to a public street.

The street is 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.

On February 28, 2012, a letter was received from Tina J. Kahn, the real estate attorney representing the owner of Trustee of the 1227 Trust, owner of Lot B (Arb 1) of Parcel Map 3459, stating that 1227 Trust has not yet approved this street vacation application. She has also requested to be notified of all procedures in this vacation process.

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 dedication 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: The Department of Water and Power and Southern California Gas Company maintain facilities in the area proposed to be vacated. AT&T did not respond to the Bureau of Engineering's referral letter dated January 13, 2012.

Tract Map: Since there are no improvements required, and the required dedication can be acquired by separate instrument, the requirement for the recordation of a new tract map could be waived. However, it will be necessary that the petitioners record an agreement satisfactory to the Bureau of Engineering to hold each adjoining parcel of land under the one ownership and its adjoining portion of the areas 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 areas, a parcel map exemption is permitted or until released by authority of the City of Los Angeles.

City Department of Transportation: In their letter dated November 16, 2006, the Department of Transportation (DOT) stated concerns regarding emergency vehicle access have been resolved, and that though the requirements of a tract map or by order means, provisions are made for (1) lot consolidation, (2) driveway and access approval by DOT and (3) any additional dedications and improvements necessary to bring all adjacent streets into conformance with the City's standard Street Dimensions, DOT has no objection to the vacation subject to the Fire Department's approval.

On September 5, 2013, the Department of Transportation (DOT) also stated that based on their recent field investigation and traffic considerations, the requested vacation is not

opposed provided that (1) all abutting property owners are in agreement with the proposed vacation, (2) any proposed changes to the vacated street includes a suitable plan (acceptable to LAFD) that accommodates access for emergency vehicles, (3) provisions are made, if necessary, for lot consideration, and for driveway and access approval by DOT.

City Fire Department: The Fire Department in a letter dated March 9, 2007 stated that the subject property has been investigated by their members and that they recommend approval of this proposed vacation upon compliance with their conditions. The Fire Department did not respond to the Bureau of Engineering's referral letter dated January 13, 2012.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letters dated, June 28, 2004 and January 13, 2012.

Conclusion: The vacation of the public ingress/egress easement 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 nonmotorized transportation purposes.

Report prepared by:

Respectfully submitted,

Land Development Group

Danny Ho
Civil Engineering Associate III
(213) 202-3489


Edmond Yew, Manager
Land Development Group
Bureau of Engineering

EY/dh
Q:\LandDev\StVac\New Rpt E1400910R

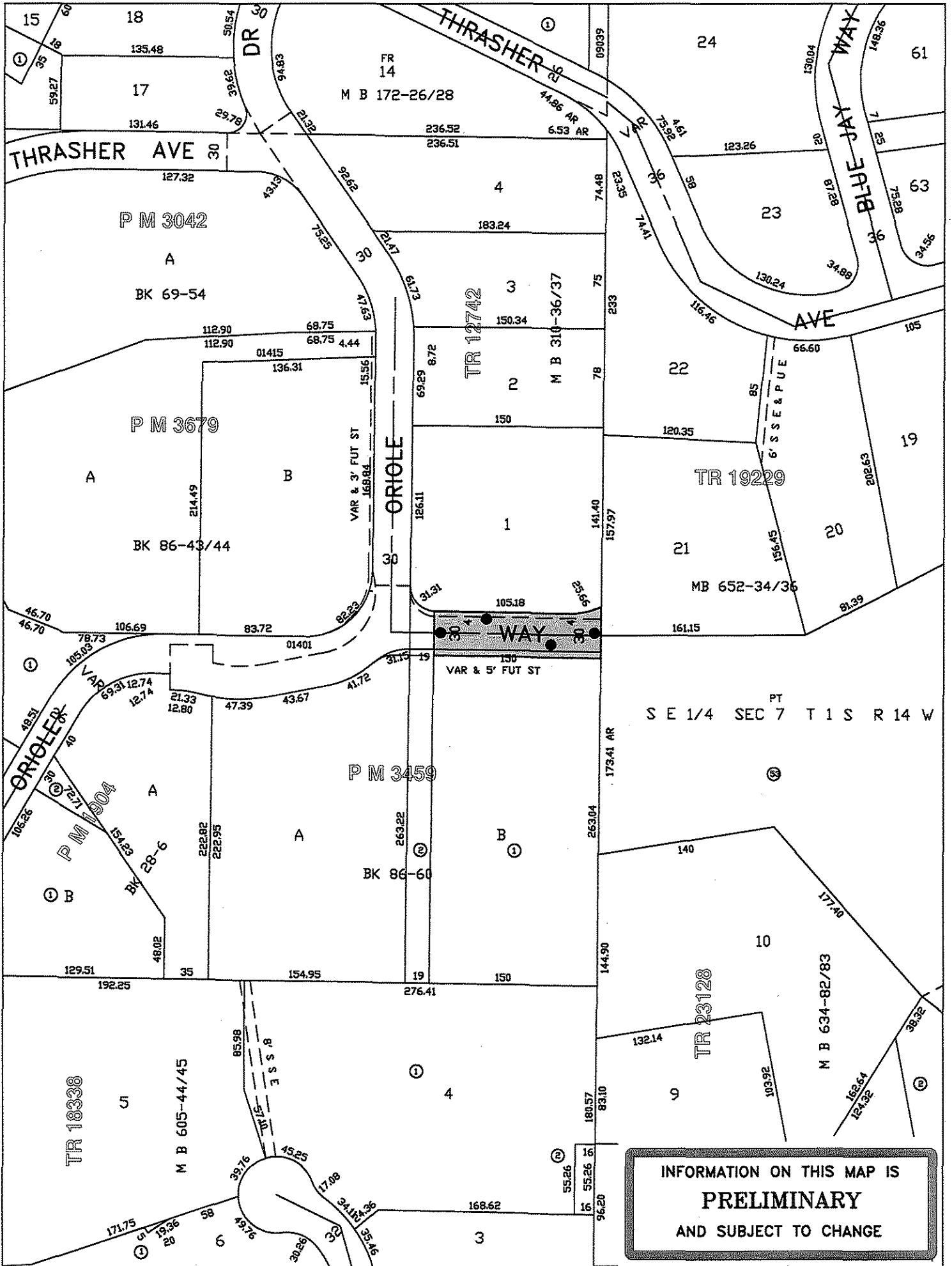
APPLICATION FOR VACATION OF PUBLIC RIGHT OF WAY

ORIGINAL – (No copies or faxes)

DATE: Dec. 22, 2011

PROJECT LOCATION AND DESCRIPTION:

- (1) Area proposed to be vacated is: Oriole Way, east of Oriole Drive
(Street/Avenue/Boulevard/alley/walk:N/S/E/Wof)
and is located between:
Oriole Drive and eastern terminus of Oriole Way
(Street, Avenue, Boulevard or other limit) (Street, Avenue, Boulevard or other limit)
• Attach a map if necessary.
- (2) The vacation area lies within or is shown on:
- (a) Engineering District: (check appropriately)
 Central Harbor Valley West Los Angeles
- (b) Council District No. 5
- (c) District Map No. 1478169
- (d) A CRA Redevelopment Area: OR x
(YES) (NO)
- (3) Area (in sq. ft.) of the proposed vacation area is approx. 3,930 sq. ft. If over 10,000 sq. ft. of buildable area, the vacation is not categorically exempt from the California Environmental Quality Act Guidelines and will require a higher level of environmental review. Contact a vacation staff member to discuss the effect of this on the processing of your application prior to submittal. If the applicant is required to have an environmental determination performed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit. This will also increase the processing time by approximately 6 months.
- If the vacation is located within a Coastal Development Zone, a Coastal Development Permit will be required for the project. The applicant should be aware that vacations within a Coastal Development Zone will take longer to process and will be considerably more expensive. If the applicant is required to have a Coastal Development Permit processed by the Bureau of Engineering Environmental Management Group, the applicant must submit an additional \$30,000 fee deposit.
 - Some city agencies, including LADOT, may require additional fees to be deposited to cover costs during the referral and investigation process. The applicant is responsible for paying the fees to the agency directly. Referral fees paid to other city agencies are separate from the Bureau of Engineering processing fees.
 - If the proposed vacation is only for a portion of the Right-of-Way or a partial block, contact a vacation staff member prior to submitting application.
- (4) Purpose of vacation (future use of vacation area) is: Security. Vacation area
would become part of adjoining private properties and private entrance would be
created with security guard and/or guard gate.
- (5) Vacation is in conjunction with: (Check appropriately)
- Revocable Permit Tract Map Parcel Map Zone Change
 Other lot line adjustments (to be filed separately, after vacation application)



TITLE: ORIOLE WAY FROM ORIOLE DRIVE TO ITS EASTERLY TERMINUS.

WORK ORDER NO. VAC- E1400910
 COUNCIL FILE NO. 12-0306
 COUNCIL DIST. 05 DIV. INDEX 1345
 ENG. DIST. CENTRAL T.G. 592-H5
 DISTRICT MAP 147-B-169



DEPT. OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 CITY OF LOS ANGELES

EXHIBIT A (REVISED) Legend: Vacation boundary as shown

