

Office of the City Engineer

Los Angeles, CA

To the Public Works and Gang Reduction Committee

Of the Honorable Council

Of the City of Los Angeles

August 31, 2020

Honorable Members:

CD No. 4

SUBJECT:

VACATION REQUEST – VAC-E1401313 – Council File No. 17-0789 – Hillside Way from approximately 10 feet north of the southwesterly corner of Lot 271 to its northeasterly terminus (Revised Report)

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RECOMMENDATIONS:

- A. That the Bureau of Engineering (Engineering) report dated September 26, 2019 under Council File 17-0789 not be considered.
- B. 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 B, and that the exact limits of the vacation areas be permitted to be adjusted based on the final approved design of the adjoining street improvements:  
  
Hillside Way from approximately 10 feet north of the southwesterly corner of Lot 271 to its northeasterly terminus.
- C. 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.
- D. 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.
- E. 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.

- F. 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.
- G. 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.
- H. That the Council adopt the City Engineer's report with the conditions contained therein.
- I. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works and Gang Reduction (PWGR) Committee approval based on the initiation of the street vacation proceedings adopted by City Council on August 4, 2020, so the City Clerk and Engineering can process the Public Notification pursuant to Section 8324 of the California Streets and Highways Code.
- J. That the vacation of the area shown colored orange on Exhibit B be denied.

FISCAL IMPACT STATEMENT:

The petitioner has paid a deposit of \$14,980 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit to the deposit will be required of the petitioner to recover the cost pursuant to Section 7.44 of the Administrative Code.

Maintenance of the public easement by City forces will be eliminated.

NOTIFICATION:

That notification of the time and place of the PWGR Committee and the City Council meetings to consider this request be sent to:

- a) John and Camille Natta Claflin  
1700 Hillside Way  
Los Angeles, CA 90069
- b) 8451 Hillside LLC  
8501 Hillside Avenue  
Los Angeles, CA 90069
- c) Case Knowlson LLP  
10100 Santa Monica Blvd, Suite 2300  
Los Angeles, CA 90067
- d) Robert M. McDonald

8469 Hillside Avenue  
Los Angeles, CA 90069

- e) Brett A. Leake  
8495 Hillside Avenue  
Los Angeles, CA 90069
- f) Anthony Bonsignore CO TR  
200 Park Avenue S. 8<sup>th</sup> Floor  
New York, NY 10003
- g) Olivarez Madruga Lemieux O'Neill, LLP  
Attn: Lloyd Pilchen  
500 S Grand Ave, Floor 12  
Los Angeles, CA 90071

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 deficit under Work Order E1401313 be paid.
2. That a suitable map, approved by Engineering's Central District office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Permit Case Management 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 Permit Case Management Division 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 properties in a manner satisfactory to the City Engineer:
  - a) Widen the existing asphalt roadway to 20 feet along Hillside Way if it is not 20 feet wide.
  - b) That all drainage matters be addressed to the satisfaction of the City Engineer including that any necessary improvements be made to collect or divert any surface flows from impounding within the area proposed to be vacated.

6. That arrangements be made with all utility agencies maintaining facilities in the area including but not limited to the Department of Water and Power, AT&T, Southern California Gas Company and 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 satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer and storm drain facilities located within the area to be vacated, unless easements are reserved from the vacation for its protection.
8. That the owner processes an Acknowledgment of Easement with Engineering's Central District Office to allow the existing storm drain outlet to remain in place at the northeasterly terminus of Hillside Way.
9. That consents to the vacation be secured from the owners of all properties Lots 272, 273 and 274 of Tract No. 8500 and Lot 4, Arbs 2 of Tract No. 9472, adjoining the area to be vacated.
10. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, an agreement be recorded satisfactory to 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.
11. That satisfactory arrangements be made with Los Angeles Fire Department for the access to the public fire hydrant.
12. That street lighting facilities be installed as required by the Bureau of Street Lighting.
13. 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.
14. That a survey showing the roadway improvements on Hillside Way be submitted to the Permit Case Management Division.

TRANSMITTAL:

Application dated January 31, 2017, from Camille Natta Claflin.

DISCUSSION:

Request: The petitioner, Camille Natta Claflin, representing the owner of the property shown outlined in yellow on Exhibit B, is requesting the vacation of the public street area shown colored blue and orange. The purpose of the vacation request is to construct a private driveway for the property.

This vacation procedure is being processed under procedures established by Council File No. 01-1459-S1 adopted by the Los Angeles City Council on January 31, 2017.

Resolution to Vacate: The Resolution will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on July 26, 2017, under Council File No. 17-0789 adopted an Initiation of Vacation Proceedings for this proposed vacation.

Zoning and Land Use: The properties adjoining the area to be vacated are zoned R1-1 and RE9-1 and are developed with the single-family residences.

Description of Area to be Vacated: The area sought to be vacated is Hillside Way from approximately 10 feet north of the southwesterly corner of Lot 271 to its northeasterly terminus. Hillside Way is a partially improved local street with a right-of-way width of 26 feet. Hillside Way has no sidewalk with discontinuous curb and gutter.

Adjoining Streets: Hillside Avenue is an improved standard local street with a right-of-way width of 26 feet wide. Hillside Avenue has no sidewalk with discontinuous curb and gutter.

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

Objections to the vacation: Case Knowlson LLP, representing 8451 Hillside LLC, in a letter dated June 29, 2017, indicated that its clients object to the proposed vacation. It stated that “the vacation of Hillside Way and the subsequent installation of the gate across the vacated street will significantly impede the turning radius for vehicles exiting the driveway of the 8451 property and may threaten safe egress from the driveway.” It also stated that, “if the planned gate is installed, at least two parking spaces on the street will be eliminated.” It further stated that “removal of available parking could create a life safety issue since fewer available parking spaces could result in illegal parking that would block access to the fire hydrant located at the entrance to the Hillside Way.”

Engineering recommends that a portion of Hillside Way abutting 8451 Hillside Avenue remain as public right-of-way. Additionally, as a condition of this report, the segment of Hillside Way that will not be vacated should be improved to provide a 20-ft wide roadway, if it is not already improved so. The 20-ft wide public roadway width on the remaining segment of Hillside Way will facilitate the turning radius for vehicles existing the driveway of 8451 Hillside Avenue.

Effects of Vacation on Circulation and Access: The vacation of Hillside Way from approximately 10 feet north of the southwesterly corner of Lot 271 to its northeasterly terminus

should not have any adverse effect on circulation or access since Hillside Way is a dead-end street and not needed for the use of pedestrians, bicyclists or equestrians.

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: It will be necessary that the petitioner provide for the improvements as outlined in the conditions of this report.

Sewers and Storm Drains: There are existing sewer and storm drain facilities within the area proposed to be vacated.

Public Utilities: Southern California Edison stated in its communication dated June 28, 2017 that it does not maintains facilities in the area proposed to be vacated. Southern California Gas Company stated in its communication dated July 5, 2017 that it maintains facilities within the proposed vacation area. The County Sanitation Districts of Los Angeles County stated in its communication dated June 21, 2017 that it does not maintains facilities in the area proposed to be vacated. AT&T and Time Warner Cable did not respond to the Engineering's referral letter dated June 2, 2017.

Tract Map: Since there are no dedications required 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 an agreement satisfactory to Engineering to hold the adjoining parcel of land under the same 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 a new subdivision map is recorded over the area, a parcel map exemption is permitted or until released by authority of the City.

City Department of Transportation: The Department of Transportation (DOT) stated in its communication dated July 18, 2017 that it does not oppose the proposed vacation provided that all abutting property owners are in agreement with the proposed vacation and provisions are made for lot consolidation, driveway and access approval by DOT, and any additional dedication and improvements necessary to bring all adjacent streets into conformance with the City's Mobility Element of the General Plan.

City Fire Department: The Fire Department stated in its letter dated August 1, 2017 that it has "no objections to the requested vacation provided an easement agreement with neighbor for driveway access is recorded and adequate area is provided for access to public fire hydrant."

Department of City Planning: The Department of City Planning stated in its communication dated October 24, 2017 that "the Department of City Planning can foresee that Hillside Avenue may not represent an essential component of the vehicular circulation network, it may provide important access to multiple developed and undeveloped hillside parcels. We can therefore support partial vacation, and/or easement requirement wherein each individual parcel would maintain sufficient access to the public right of way".

Conclusion: The vacation of the public street area as shown colored blue on attached Exhibit B 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.

The area shown colored orange should not be vacated because it is needed for public street purposes.

Respectfully submitted,



Bert Moklebust, P.E.  
Principal Civil Engineer  
Permit Case Management Division  
Bureau of Engineering

Report prepared by:

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BM/HH/aa