



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. **R 23 - 0173**
MAY 16 2023

**DRAFT ORDINANCE FINDING THAT THE PUBLIC INTEREST AND NECESSITY
REQUIRES THE ACQUISITION OF A PERMANENT STORM DRAIN EASEMENT
OVER PROPERTY LOCATED AT 1420 BRAERIDGE DRIVE, LOS ANGELES, CA TO
BE USED FOR A STORM DRAIN**

**W/O No. SZS11745
R/W MAP No. 33980
(COUNCIL DISTRICT 5)**

NOTICE AND OPPORTUNITY TO BE HEARD REQUIRED

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

Honorable Members:

Pursuant to a request from the Bureau of Engineering, this Office transmits, approved as to form and legality, a draft ordinance, attached as Exhibit 1, authorizing the condemnation of real property located at 1420 Braeridge Drive in the upper Bel Air area of Los Angeles (Subject Property) to be used for a storm drain easement over a portion of the private property. The legal description and a map of the area needed for the easement are attached as Exhibits A and B to the ordinance.

The real property to be condemned contains a small area of approximately 121 square feet. The acquisition is needed to complete a storm drainpipe's downhill path to Braeridge Drive. The portion of the larger parcel that is to be acquired is not improved and is located on a hillside between Claridge Drive and Braeridge Drive. The Bureau of Sanitation recently installed an underground storm drainpipe between Claridge and Braeridge Drives. The storm drain is near an existing sewer line and outlets into a berm

and gutter on Braeridge Drive, a City street. The subject larger parcel is identified as a portion of Assessor's Parcel Number 4355-006-056.

Need for the Storm Drain Easement

The area between Claridge Drive and Braeridge Drive is a steep hillside. The land acquired by this condemnation will allow for the existing storm drain to collect and channel this water from the hillside above the larger parcel. The storm drain easement to be acquired is the same footprint of the existing sewer easement (and sewer pipe) and adds little to no additional impact to the larger parcel.

Negotiations with the Property Owner

On December 28, 2020, an offer in the amount of \$2,500 was made to the property owner. The Bureau of Engineering's Real Estate Division has been negotiating since that time. The owner accepted the \$2,500 offer via email in April of 2021, but never signed or returned the purchase and sale agreement despite several requests by the City. As such, the City has no prior agreement with the owner. The Subject Property was reappraised in June 2022. On August 15, 2022, another offer was made to the owner for \$3,100, but it has not been accepted nor rejected.

Consistency with the General Plan

The acquisition of the Subject Property would be consistent with the objectives of the Bel Air-Beverly Crest Community Plan, last updated on September 7, 2016, inasmuch as the condemnation would create an easement for a storm drain pipe crossing a small portion of the lot comprising the larger parcel at 1420 Braeridge Drive. Comments by the Department of City Planning are attached as Exhibit 2.

California Environmental Quality Act (CEQA)

The Environmental Management Division of the Bureau of Engineering determined that the project is Exempt under CEQA as an emergency repair. No significant effects on the environment were identified, as explained in the attached General Exemption Narrative. The Notice of Exemption and the General Exemption Narrative are attached as Exhibit 3.

Compliance with Council Rule 38

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Bureau of Engineering's staff, and their comments have been incorporated or satisfactorily resolved.

Notice of Opportunity to Be Heard

The draft ordinance provides that each person whose property is to be acquired has received notice of the intention of the City Council to adopt the draft ordinance and that each person be given an opportunity to appear and be heard. The owner entitled to receive notice of the hearing is Dr. _____ at 1420 Braeridge Drive, Los Angeles, CA 90210. Pursuant to Code of Civil Procedure Section 1245.235, it is necessary that the Council set a date for the hearing; that the City Clerk give at least 15-day notice of the date for the hearing to each person whose property is to be acquired; and that the City Council grant each of such person(s) the opportunity to appear and be heard.

Recommended Actions

In accordance with the above, this Office recommends that the City Council take the following actions after conducting a public hearing:

1. Find that the proposed project is exempt under the California Environmental Quality Act, as set forth in the Notice of Exemption and the accompanying General Exemption Narrative attached hereto;
2. Adopt the ordinance authorizing the condemnation of an easement over the property located at 1420 Braeridge Drive in the Bel Air area of Los Angeles, California;
3. Direct staff to take all action necessary to authorize payment for this acquisition from Account No. 507387, Fund No. 511, Department 50.
4. Authorize the City Attorney's Office to make the necessary deposit of probable just compensation and seek an order from the Court to obtain pre-judgment possession of the property; and
5. Authorize the Bureau of Engineering Real Estate Division to continue its efforts to acquire title to the storm drain easement through a negotiated purchase and, if successful, to execute all documents necessary to accomplish the transfer of this interest to the City.

If you have any questions regarding this matter, please contact Deputy City Attorney John A. Minor at (213) 978-8255. He or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN W. HEATH
Senior Assistant City Attorney

JWH:JAM:jr

Attachments:

Exhibit 1 – Proposed Ordinance

Exhibit 2 – Determination by the Department of City Planning

Exhibit 3 – Notice of Exemption and General Exemption Narrative

EXHIBIT 1

EXHIBIT 1

ORDINANCE NO. _____

An ordinance of the City of Los Angeles finding that the public interest and necessity require the condemnation of property located at 1420 Braeridge Drive, Bel Air, California, for the operation and maintenance of the Bureau of Sanitation's storm drain, a public use.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. By at least a two-thirds vote of the City Council of the City of Los Angeles, and pursuant to Code of Civil Procedure Section 1240.030 and Sections 1245.210 through 1245.240, the City Council resolves, finds, and determines that the public interest and necessity require the condemnation of property located at 1420 Braeridge Drive, Bel Air, California, to be used for a storm drain easement; that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the property sought to be acquired is necessary for the proposed project; and that an offer required by Government Code Section 7267.2 has been made to the owner or owners of record.

Sec. 2. The property is to be acquired for public use under the authority of the California Constitution, Article 1, Section 19; Government Code Section 37350.5; and Code of Civil Procedure Sections 1240.010 through 1240.050.

Sec. 3. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, and State of California. The legal description of the interest to be acquired is attached to this ordinance as Exhibit A. The interest to be acquired is a permanent storm drain easement fully described and depicted in a map attached to this ordinance as Exhibit B. The property is also identified as Assessor's Parcel Number 4355-006-056.

Sec. 4. At least 15 days written notice has been given by First Class mail to each person whose property is to be acquired by eminent domain. The notice advised each of these persons of the intent of the City Council to adopt this ordinance and of the right to appear and be heard by the City Council. Each owner who so requests will be given an opportunity to appear and be heard by the City Council.

Sec. 5. The City Attorney is authorized to commence an action in eminent domain to acquire the property. The City Attorney also is authorized to obtain the necessary court order granting the City of Los Angeles possession prior to judgment.

Sec. 6. The City of Los Angeles has taken reasonable efforts to acquire the property by negotiation with the owner, but has been unsuccessful.

ORDINANCE- EXHIBIT A

ORDINANCE- EXHIBIT A

LEGAL DESCRIPTION

FOR PERMANENT STORM DRAIN EASEMENT

(1420 BRAERIDGE DRIVE APN # 4355-006-056)

A permanent easement for storm drain purposes over and across that portion of lot 53 of Tract No. 8080, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 112, Pages 9 through 12, inclusive of Maps, in the office of the County recorder of said county, included within an 4.00 feet wide strip of land, lying 2.00 feet on each side of the following described centerline:

Beginning at a point in the northeasterly line of lot 18 of Tract No. 7996, in said city per map recorded in Book 186, Pages 4 through 7, inclusive of Maps, in said County recorder's office, said northeasterly line being the southwesterly line of Claridge drive, 26.00 feet wide as shown on last said tract map, distant North 32°39'00" West, 16.69 feet measured along said northeasterly line from the most northerly corner of said lot 53; thence South 40°13'00" West, 104.89 feet to a point in the semi-circle northerly terminus of Braeridge Drive, as shown on said tract map No. 8080. Last said point distant southwesterly 7.59 feet from the southerly terminus of that certain course having a bearing of North 03°42'20" East and a length of 19.96 feet in the westerly boundary line of said lot 53 of Tract No. 8080.

EXCEPTING therefrom any portion lying within said lot 18 of Tract No. 7996, as per map recorded in said Book 186, Pages 4 through 7, inclusive of Maps, in said County Recorder's office.

The sidelines of said 4.00 feet strip of land to be prolonged or shortened, so as to terminate in the northwesterly line of said lot 53.

Containing approximately 121 square feet.

Magdi Soliman
9/15/2020



ORDINANCE - EXHIBIT B

ORDINANCE - EXHIBIT B



R=15.00'
Δ=51°31'20"
L=13.49'

CLARIDGE DR.

TRACT No. 7996
LOT 18
MB 186 - 4/7
1455 CLARIDGE DR

P.O.B.
N 32°59'00" W 16.69'
N 57°21'00" E 26.00'
N 26°58'00" E 17.29'
N 32°59'00" W 16.69'
104.89'
66.67'
46.36'

TRACT No. 8080
LOT 53
MB 112 - 9/12
1420 BRAERIDGE DR

R=178.00'
Δ=16°29'00"
L=51.21'

THE EASTERLY LINE
OF A WIDE STORM
DRAIN EASEMENT

N 56°05'00" W 5.00'
S 33°51'00" W 26.00'
N 56°05'00" W 5.00'

R=30.00'
Δ=60°00'00"
L=31.42'

R=30.00'
Δ=4°56'19"
L=2.59'

R=30.00'
Δ=60°00'00"
L=31.42'

BRAERIDGE DR.

R=30.00'
Δ=60°00'00"
L=31.42'

R=271.74
Δ=17°26'00"
L=82.68

W.O. : EXXCA200
CD : 5
DATE : 09/15/2020

1420 BRAERIDGE DRIVE
AP# 4355-006-056
STORM DRAIN EASEMENT

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN A. MINOR
Deputy City Attorney

Date May 14, 2023

File No. _____

M:\REAL PROP_ENV_LAND USE\REAL PROPERTY_ENVIRONMENT\JOHN MINOR\K
(K I PROPERTY).DOCX

PROPERTY\ORDNANCE

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than two-thirds of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____

EXHIBIT 2

EXHIBIT 2

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

March 23, 2021

TO: Uriel Jimenez, Chief Real Estate Officer II
Real Estate Division
Bureau of Engineering

FROM: Haydee Urita-Lopez, Principal City Planner
Community Planning Division
Department of City Planning

SUBJECT: W. O. No. EXXCA200
Storm Drain Easement Acquisition Project

The Department of City Planning has reviewed the proposed acquisition of the property located at 1420 Braeridge Drive, Lot 53, Block None, of the 8080 Tract, in the City of Los Angeles 90210 (Los Angeles County Assessor's Parcel Number: 4355006056) for the Storm Drain Easement Acquisition Project (Project).

The subject property would be acquired by the City for a permanent storm drain easement approximately over a 121 square foot portion of the property. It is our understanding that the Project is necessary for the proper operation and maintenance of an existing drainage pipe running through the property. The Project would provide greater capacity to serve the public for the immediate and surrounding area, and allow regular service and maintenance activities.

The Project is located within the Bel Air-Beverly Crest Community Plan. The Land Use Plan designates the subject property as Very Low II Residential, with a corresponding zone of RE15-1-HCR. The subject property is currently vacant, located on a steep upward sloping lot from Braeridge Drive, and zoned for single family uses. However, the northwest portion of the subject property contains an existing easement that serves as a storm drain for the area. The parcel is a through-lot fronting both Braeridge Drive to the west and Claridge Drive to the east, which both are designated as Local streets. Relevant to this Project, the project conforms with policies in the Bel Air-Beverly Crest Community Plan regarding residential and service systems:

- **Residential Policy:** The intensity of land use in the mountain and hillside areas and the density of the population which can be accommodated thereon, should be limited in accordance with the following: The availability of sewers, drainage facilities, fire protection services and facilities, and other public facilities.
- **Service Systems Policy:** This Plan is intended to protect and enhance the public health, safety and welfare. Therefore, public agency maintenance activities necessary to provide for the overriding public need, particularly fire and police operations, are not to be prohibited by this Plan.

In addition, the Project conforms to the following policy set forth in the City's Infrastructure Systems Element:

- Provide a basis for the improvement of existing sewerage facilities, the development of proposed facilities, and the accommodation of future technical improvements and alternative concepts of City development.

With the considerations made above, the acquisition of the subject property located at 1420 Braeridge Drive is in substantial conformance with the purposes, intent, and provisions of the General Plan Land Use and Infrastructure Systems Elements because the Project is providing infrastructure services and improving a local overriding public need for storm drainage for the immediate and surrounding area.

Please contact me if you need any additional information. I can be reached at (213) 978-1325 or Haydee.Urita-Lopez@lacity.org.

EXHIBIT 3

EXHIBIT 3

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (Articles II and III – City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

LEAD CITY AGENCY AND ADDRESS: City of Los Angeles c/o Bureau of Engineering 1149 S. Broadway, MS 939 Los Angeles, CA 90015	COUNCIL DISTRICT 5
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PROJECT TITLE: Claridge Drive (1455) ESDR (CIP J772) (W.O. SZS11745)	LOG REFERENCE
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PROJECT LOCATION: The project is located within the public right-of-way adjacent to 1420 /1422 Braeridge Drive in the Bel Air – Beverly Crest Community Plan Area (see *Figure 1: Project Area*).
T.G. 592-D5

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: This is an emergency storm drain repair (ESDR) project that will rectify an existing drainage issue that may potentially impact a private residence located at 1420 Braeridge Drive. The project will preserve public safety in the event of a rainstorm by ensuring the stormwater capture infrastructure remains operational (see attached narrative). Beneficiaries include area residents and visitors.

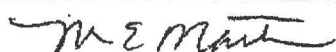
CONTACT PERSON Billy Ho	TELEPHONE NUMBER 213-485-5745
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EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Art. II, Sec. 2.b	Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2.a(1)	Sec. 15269(a)
<input checked="" type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2.a(2)	Sec. 15269(b)
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 1	Sec. 15061(b)(3)
<input type="checkbox"/> CATEGORICAL EXEMPTION*	Art. III, Sec. 1	Sec. 15301
<input type="checkbox"/> STATUTORY*	Art. _____	Sec. _____

* See Public Resources Code Sec. 21080 and set forth state and city guidelines provisions.

JUSTIFICATION FOR PROJECT EXEMPTION: This project is exempt from CEQA pursuant to State CEQA Guidelines Article 18, Section 15269 (b). Additionally, the project is exempt pursuant to *Los Angeles CEQA Guidelines* Article II, Section 2 a(2). The project involves the emergency repair of a storm drain. *None of the limitations set forth in State CEQA Guidelines 15300.2 apply (see attached narrative).*

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE:  Maria Martin	TITLE: Environmental Affairs Officer Environmental Management Group	DATE: 11/14/19
RECEIPT NO.	REC'D BY	DATE

STATUTORY EXEMPTION NARRATIVE

I. PROJECT DESCRIPTION, CONTINUED

The proposed project will install a 30-foot-long 10-inch diameter corrugated metal pipe with a concrete encasement placed on top of an existing gutter. The device will be secured with fence posts and rebar dowels driven into existing asphalt pavement, with a total height of approximately 14 inches. This will divert stormwater runoff off of Claridge Drive away from the private property located at 1420 Braeridge Drive.

The work will take place within public right-of-way. The estimated work period to will be approximately two to four weeks, with anticipated hours of construction between 8:00 am to 5:00 pm Monday through Friday. The repair may be located near a driveway; however, the Contractor will facilitate the ingress and egress from the driveway. The project may slightly increase vehicular trips or traffic congestion during construction, however construction is only expected to last approximately two to four weeks and all temporary traffic control will be done in accordance with the latest version of the Work Area Traffic Control Handbook (WATCH manual).

The project site is within the Very High Fire Hazard Severity Zone. All projects will be constructed in compliance with the Los Angeles Fire Code, Chapter 33, *Fire Safety During Construction and Demolition*, and shall, at a minimum, include the following precautionary measures below:

- Required means of egress shall be maintained during construction;
- Clearance to combustibles from temporary heating devices shall be maintained in accordance with the labeled equipment. When in operation, temporary heating devices shall be fixed in place and protected from damage, dislodgement, or overturning in accordance with the manufacturer's instructions;
- Smoking shall be prohibited where conditions are such as to make smoking a hazard, and in spaces where flammable or combustible materials are stored or handled;
- Have no less than one approved portable fire extinguisher available for emergency situations;
- The equipment or appliance shall be allowed to cool down prior to refueling;
- The contact information for the Fire Department (i.e. 911 or the local station phone number) shall be provided at the construction site.

Unless otherwise stated, the proposed project will be designed, constructed and operated following all applicable laws, regulations, ordinances and formally adopted City standards including but not limited to:

- Los Angeles Municipal Code
- Bureau of Engineering Standard Plans
- Standard Specifications for Public Works Construction
- Work Area Traffic Control Handbook
- Additions and Amendments to the Standard Specifications for Public Works Construction

The project site is located near an area identified as likely to yield archaeological and paleontological resources. However, the proposed scope of work does not involve excavation as fence posts and rebar dowels will be driven into the existing pavement to stabilize the corrugated metal pipe & concrete encasing which will be placed on top of the existing gutter.

In the event that unanticipated historical artifacts were encountered, City Engineer Standard Specifications, Section 6-3.2, (Greenbook, 2012) states: "If discovery is made of items of archaeological or paleontological interest, the Contractor shall immediately cease excavation in the area of discovery and shall not continue until ordered by the Engineer." Therefore, during activities in which there will be ground disturbances (i.e., digging, drilling, etc.) if any evidence of archaeological, cultural, or

Claridge Drive (1455) ESDR (J772) (W.O. SZS11745)

paleontological resources are found, all work within the vicinity of the find shall stop until a qualified archaeologist can assess the finds and make recommendations. No excavation of any finds should be attempted by project personnel unless directed by a qualified archaeologist. Construction activities may continue in other areas. If the discovery proves significant under CEQA (Section 15064.5f; Public Resources Code or PRC 21082), additional work such as testing, or data recovery may be warranted.

The discovery of human remains is always a possibility during ground disturbances; State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Los Angeles County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

II. PROJECT HISTORY

The stormwater program includes actions that enable the Bureau of Sanitation to make emergency repairs to the stormwater collection system to mitigate and / or prevent flooding, drainage issues, to protect public and private property, and ensure public safety.

III. ENVIRONMENTAL REVIEW

Basis for Statutory Exemption

The proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Article 18, Section 15269 (b) as this is an emergency repair to publicly or privately owned serviced facilities necessary to maintain service essential to the public health, safety or welfare. *Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.* The roadway, storm drain and sewer system, curb and gutter are all publicly owned facilities within the City's public right-of-way; the proposed emergency repairs are necessary to protect public safety and welfare as the winter season is approaching.

Additionally, this project is exempt from CEQA pursuant to the *Los Angeles CEQA Guidelines* Article II, Section 2a(2) as this is an emergency repair to public service facilities necessary to maintain service.

IV. REFERENCES

City of Los Angeles Department of City Planning Parcel Profile Report. *1420 Braeridge Dr, Beverly Hills, CA 90210.* Retrieved on October 31, 2019, from [NavigateLA](http://boemaps.eng.ci.la.ca.us/navigatela/)
<http://boemaps.eng.ci.la.ca.us/navigatela/>

City of Los Angeles Department of Public Works Bureau of Engineering. *NavigateLA.* Retrieved on October 31, 2019, from <http://boemaps.eng.ci.la.ca.us/navigatela/>

City of Los Angeles Environmental Quality Act Guidelines.

Health and Safety Code Section 7050.5

Los Angeles Municipal Code.

City of Los Angeles Fire Code

Public Resources Code Section 21082

Claridge Drive (1455) ESDR (J772) (W.O. SZS11745)

Public Resources Code Section 5097.98

Standard Specifications for Public Works Construction. Greenbook, 2012 edition.

State CEQA Guidelines.

Figure 1: Project Area

