

BOARD REPORT OF GENERAL MANAGER

APPROVED
OCT 03 2012

NO. 12-275

DATE October 3, 2012

BOARD OF RECREATION
AND PARK COMMISSIONERS

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: 1138 AND 1144 ST. ANDREWS PLACE – AUTHORIZATION TO PROCEED WITH THE ACQUISITION BY CONDEMNATION OF TWO PARCELS FOR DEVELOPMENT OF A PARK IN CONJUNCTION WITH THE MAYOR’S 50 PARKS INITIATIVE

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
*M. Shull *MS*
N. Williams _____

Neil Israel for
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Authorize the Department of Recreation and Parks (RAP) to initiate the process for the acquisition of two parcels for development of a park, Assessor’s Parcel Number (APN): 5080-003-001 and 5080-003-002. Each parcel is approximately 6,185 square feet or 0.14 acre in size and are located at 1138 and 1144 South St. Andrews Place, Los Angeles, California, 90019 (the Subject Property);
2. Authorize staff to coordinate necessary acquisition activities with the Department of General Services (GSD), and the City Attorney’s Office; and for staff to obtain the necessary environmental and funding clearances, and to expedite the purchase of the Subject Property;
3. Approve the Board of Recreation and Park Commissioners’ (Board) Resolution and request that City Council instruct the Department of Public Works to draft an Ordinance authorizing the acquisition through eminent domain of the Subject Property;
4. Direct the Board Secretary to submit the draft Ordinance to the Department of Public Works and to the City Planning Commission for report and recommendation in accordance with Section 558. (a)(5) of the City Charter;

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5. Recommend that the City Council instruct the Department of Public Works to review and finalize the draft Ordinance for final approval by City Council;
6. Upon the approval of the Planning Commission, direct the Board Secretary to submit the draft Ordinance, together with a copy of the Planning Commission report, to the City Attorney for presentation to the Mayor's Office and the City Council;
7. Request the City Attorney to commence the necessary actions of eminent domain in the acquisition of parcels located at 1138 and 1144 South St. Andrews Place and process Ordinance through City Council;
8. Authorize the Department's Chief Accounting Employee to establish new Quimby Fees Account No. 89460K-TJ with St. Andrews Place Park as the Account Name;
9. Authorize the Department's Chief Accounting Employee to transfer \$1,253,250 in Quimby Fees from the Quimby Fees Account No. 89460K-00 to the St. Andrews Place Park Account No. 89460K-TJ;
10. Approve the allocation of \$1,253,250 in Quimby Fees from St. Andrews Place Account No 89460K-TJ for the St. Andrews Place Park, as described in the Summary of this Report;
11. Authorize the GSD, and the Department's Chief Accounting Employee to make technical corrections as necessary to establish the necessary accounts to acquire the Subject Property, and to accept, and transfer the necessary monies to fund the acquisition to the appropriate City Department accounts or escrow company account, Clerk of the Superior Court, or other payment method in order to expeditiously effectuate the acquisition of the Subject Property;
12. Authorize the General Manager or his designee to review and approve development and construction design plans for the development of the St. Andrews Place Park, provided the plans are consistent with the general designs conditionally approved by this action and with all land use permits and entitlements necessary for the project;
13. Authorize the Department's Chief Accounting Employee to transfer the necessary funds from the account for the development of St. Andrews Place Park; and,
14. Approve the allocation of necessary funds for the St. Andrews Place Park project development, as described in the Summary of this Report.

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SUMMARY:

RAP, with support from the Council Office of Council District 10 (CD10), has attempted to acquire the two parcels identified by APN: 5080-003-001 and APN: 5080-003-002 located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019, at the corner of Country Club Drive and St. Andrews Place. Each property parcel is approximately 6,185 square feet or 0.14 acre. Both parcels are vacant and located in the Wilshire Community Plan Area of Country Club Park. The estimated total cost for this new park is \$700,000 including land acquisition and development.

The Subject Property has been vacant and creating a nuisance for several years; the community of Country Club is on record of requesting this nuisance be corrected for many years. The City of Los Angeles (City) with the support of the community, has attempted to acquire the site to develop the site into a park and correct the blight to the community.

Justification for Acquisition

RAP, along with CD10, is interested in acquiring the property in the Country Club Park area to expand the recreational activities in the area through the Mayor's 50 Parks Initiative. This proposed park acquisition will address the City's Citywide Community Needs Assessment (Needs Assessment) goal, which addresses the City's park need requirements. In 2009, RAP completed its Needs Assessment. One of the key findings of that Needs Assessment was, while the City has a significant amount of park land, the City's parks and facilities are not equitably distributed and many communities do not have parks within a reasonable distance. The Needs Assessment identified walking and biking trails, small neighborhood parks, and fitness facilities as the three park and recreational amenities most needed by City residents.

The goal of the Mayor's 50 Park Initiative is to substantially increase the number of parks in the City, with the specific focus on densely populated neighborhoods and communities that lack sufficient open space and recreational services. This acquisition is an integral part of the 50 Parks Initiative and Needs Assessment. The proposed acquisition will provide much needed recreational space for the Country Club Park community and surrounding areas. Studies have shown that a one-half mile radius is an appropriate measurement of the reasonable distance that a park user would be expected to walk to a small neighborhood park such as the proposed St. Andrews Place Park. Currently, there are no public parks located within a one-half mile radius of the Subject Property and approximately 23,000 persons - 30% of which are living in poverty - reside within that catchment area.

The St. Andrews Place Park site was identified as one of the highest areas in need of park space based on the criteria used to identify areas in need of park space. Therefore, the acquisition of the Subject Property and the development of the St. Andrews Place Park site, which is an integral part of

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the Mayor's 50 Parks Initiative, would enable the City to meet and provide a small neighborhood park in a densely populated area of the City that lacks adequate access to park and recreational facilities.

Park Development Intended Goals

RAP intends to develop the proposed acquisition site into a park that will serve the Country Club Park community and surrounding areas. RAP will build a state of the art park using Sustainable Design practices that will incorporate the national "Let's Move" initiative goal of getting active, launched by the First Lady, Michelle Obama, along with the First Lady's Healthier America Partnership program goals of creating open space for recreation. RAP's proposed project design will address many of the needs of the community by utilizing design techniques that address directly the local, state and national compliance requirement as well as focusing on the goals for a healthier America, which are not only local and state goals, but national goals. To that end, RAP will design the park to feature outdoor fitness equipment that can be easily used by community and which will serve the public for many years.

RAP's proposed park design plans will be in compliance with the Americans with Disabilities Act of 1990 (ADA) and with the State of California's Water Conservation in Landscaping Act of 2006 (AB 1881). RAP will implement the Best Management Practices (BMP) designed to reduce stormwater volume, peak flows, and/or nonpoint source pollution through evapotranspiration, infiltration, detention, and filtration. As part of RAP's landscaping design, RAP will use; drought tolerant planting and smart irrigation to conserve water complying with AB 1881. The design of the park will also include complete water retention on site to eliminate water run-off, which is in keeping with national, state and local BMP for irrigation and water retention.

Energy efficient lighting will also be a part of the park design. RAP will install Light Emitting Diodes (LED) lighting. These lights will provide low cost and efficient energy saving lighting to the park. Along with shade trees and shade structures to protect park users from harmful solar rays, the park will also have ADA accessible pathways that will enhance the access and beauty of this proposed park making it one which the community can enjoy and use, while enhancing the quality of life for all children and residents of the Country Club Park area as well as the greater City of Los Angeles area. RAP's design/improvements will feature Children's Playground equipment that is ADA accessible and is in keeping with the First Lady's Healthier America fitness goals.

Prior Board Actions

On October 19, 2011, the Board approved Board Report No. 11-287 which preliminarily authorized staff to begin the acquisition process of the Subject Property for the development of the St. Andrews Place Park. Said parcel is identified by APNs: 5080-003-001, and 5080-003-002. The Board

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authorized staff to request GSD to begin negotiations for the acquisition of the above mentioned property, which is funded through Quimby. The property consists of two vacated parcels. Each property parcel is approximately 6,185 square feet or 0.14 acre in size. The Board also determined that said acquisition would be contingent on the following conditions:

- A. Funding will be made available for the acquisition of the Subject Property through Quimby Funds or an alternative funding source;
- B. Appropriate California Environmental Quality Act (CEQA) documentation will have been completed;
- C. All environmental assessments, Phase I, and Phase II if needed, will have been completed and satisfied prior to close of escrow; and
- D. A Class "A" Formal Appraisal will have been completed and reviewed by GSD; and,
- E. The Department of General Services will negotiate a purchase price that is consistent with their professional opinion of market value.

Accomplishments

All of the above mentioned conditions have been met to the satisfaction of RAP, with the exception of a negotiated purchase price. GSD has attempted to negotiate a fair market price for the parcel with the owner(s) without success. Negotiations for acquisition are at an impasse. Nevertheless, the acquisition of said parcel is still a top priority for the CD10 and RAP. The acquisition is necessary due to the enhancement which a new park would have on the surrounding community. For the reasons described in the Summary of this Board Report, the acquisition is necessary and would meet the greatest public good with the least private injury. This acquisition is supported by the Country Club Park Neighborhood Association, the Olympic Park Neighborhood Council and residents of the Country Club Park community. CD10 strongly supports this acquisition. On November 1, 2011, the City Council adopted the actions under Council File (CF) No. 11-1811 authorizing the acquisition of 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019.

Acquisition Negotiations

To determine the fair market value for the Subject Property, GSD used a Formal Appraisal prepared by an independent appraiser. This appraisal was dated May 2, 2012 and the estimated value of the appraisal was determined to be \$400,000 for both parcels. GSD concurs with appraiser's valuation methodology used to arrive at the value for the Subject Property. GSD attempted to negotiate a purchase price which was consistent with their professional opinion of market value for the property.

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On May 7, 2012, GSD submitted an offer letter of \$400,000 which was rejected by the owner(s). On May 21, 2012, another offer letter was submitted to the owner(s) for \$450,000. That offer was also rejected by the owner(s).

On June 19, 2012, a third offer letter in the amount of \$500,000 was presented to the owner(s) and the City's offer was again rejected. The owner(s) of the Subject Property and the GSD have not been able to agree to a final purchase price. Funds for the acquisition of the Subject Property are available from Quimby Funds. GSD has recommend condemnation proceedings as a way to acquire the property for the Park.

City Planning Commission Recommendation

The County Club Park community, in which it is hoped that this park will be developed, is a low-income and high-population density area which meets all the requirements for park development. The City's Planning Commission has recommended approval of the proposed acquisition and park development project based on its substantial conformance with the City's General plan and the Wilshire Community Plan, an element of the City's General Plan. The proposed park would serve the public interest and satisfy goals, objectives, policies and programs outlined within the Recreation and Park Facilities Community Plan section. The Planning Commission's recommendation would also not adversely impact the surrounding community provided the future site improvements adhere to the purpose and procedural requirements of the City's Historic Preservation Overlay Ordinance, LAMC Section 12.20.3 and the applicable Preservation Plan. Refer to attached Memorandum from the Los Angeles City Planning Commission for more information.

Upon approval of this report, \$1,253,250 in Quimby Fees can be transferred from the Quimby Fees Account No. 89460K-00 to the St. Andrews Place Park Account No. 89460K-TJ for this project. These Fees were collected within one mile of the project site, which is the standard distance for the allocation of the Quimby Fees for neighborhood recreational facilities.

Since the subject project consists of the acquisition of property with the intent to preserve open space for park purposes, the acquisition of the project site is categorically exempt from the provisions of California Environmental Quality Act (CEQA), pursuant to Article 19, Section 15325 of the State CEQA Guidelines as adopted by the City of Los Angeles.

This project has the support from CD10 and the Country Club Park community. In addition, the Assistant General Manager of Operations Branch, the Superintendent for Planning, Construction and Maintenance Division and the Superintendent for the Metro Region have been consulted; each concur with staff's recommendations.

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FISCAL IMPACT STATEMENT:

Acquisition of these two parcels will increase the Department's maintenance costs. Staff will request a budget increase through the standard budget process. An estimate of additional maintenance costs will be provided through the normal budget process request.

This report was prepared by John Barraza, Management Analyst II, Real Estate and Asset Management.

RESOLUTION NO. _____

WHEREAS, on October 19, 2011, the Board of Recreation and Park Commissioners (Board) approved Board Report No. 11-287 which preliminarily authorized staff to begin the acquisition process of a property parcel located 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019 for the development of the St. Andrews Place Park; and,

WHEREAS, the Board also determined that said acquisition would be contingent on the following conditions:

The Board also determined that said acquisition would be contingent on the following conditions:

- A. Funding will be made available for the acquisition of the property through Quimby Funds or an alternative funding source;
- B. Appropriate California Environmental Quality Act (CEQA) documentation will have been completed;
- C. All environmental assessments, Phase I, and Phase II if needed, will have been completed and satisfied prior to close of escrow;
- D. A Class "A" Formal Appraisal will have been completed and reviewed by the Department of General Services (GSD); and,
- E. The GSD will negotiate a purchase price that is consistent with their professional opinion of market value.

WHEREAS, all of the above mentioned conditions have been met to the satisfaction of the Department of Recreation and Parks (RAP), with the exceptions of a negotiated purchase price ; and

WHEREAS, GSD has attempted to negotiate a fair market price for the parcel without success and said acquisition is at an impasse;

WHEREAS, the acquisition of said parcel is still a top priority for the Council District Office 10 (CD10) and Department of Recreation and Parks (RAP), and the acquisition is necessary due to the enhancement said acquisition would have on the surrounding community by the development of a park in the area that would better serve the community; and

WHEREAS, on November 1, 2011 the City Council adopted the actions under Council File No. 11-1811 authorizing the acquisition of 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019; and

WHEREAS, GSD has attempted to acquire the parcels without success and GSD has now recommended condemnation proceedings as a way to acquire said parcel; and

WHEREAS, GSD used a Formal Appraisal prepared on May 2, 2012, prepared by an independent appraiser, and the estimated value of the appraisal was determined to be \$400,000 and GSD concurs with appraiser's valuation methodology used to arrive at the value for the subject property; and

WHEREAS, on June of 2012, a third offer letter of \$500,000 was presented to the perspective seller and said offer letter was rejected by the property owner; and;

WHEREAS, the owners of the above mentioned property, and GSD, Asset Management Division have not agreed to a final purchase price; and

WHEREAS, CD10 and GSD recommend condemnation; and

WHEREAS, the funds for the acquisition of the subject property are available from Quimby funds and;

WHEREAS, the acquisition will address RAP's Citywide Community Needs Assessment (Needs Assessment) goals, which addresses the City's park need requirements; and

WHEREAS, this acquisition is an integral part of the Mayor's 50 Parks Initiative which goal is to substantially increase the number of parks in the city, with the specific focus on densely populated neighborhoods and communities that lack sufficient open space and recreational services and said acquisition would enable the City to meet those goals, and

WHEREAS, the City Planning Commission approves the subject project and recommends that City Council approve said project pursuant to compliance with the applicable Historic Preservation Overlay Zone and applicable Preservation Plan; and

WHEREAS, this acquisition will provide the opportunity to add park space in area that lacks park space as intended by the Mayor's 50 Parks Initiative, as well as provide the opportunity to develop and improve the quality of life in the community. This acquisition will add to the open space in the area and bring more recreational opportunities to the entire city through expanded availability of recreational activities and facilities; and

WHEREAS the Phase I Environmental Site Assessment report indicates that there is no environmental impediment to RAP acquiring the site for public use; and

NOW, THEREFORE, BE IT RESOLVED by the Board that GSD be requested to begin the acquisition process of a property parcel located 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019 for the development of the St. Andrews Place Park; and

BE IT FURTHER RESOLVED that the City Attorney and GSD be requested to commence an action of eminent domain in the acquisition of parcels located at 1138 and 1144 South St. Andrews Place and for City Attorney to process an Ordinance through City Council; and

BE IT FURTHER RESOLVED, that the Board Secretary submit the draft Ordinance to the City Planning Commission for report and recommendation in accordance with Section 558. (a)(5) of the City Charter; and

BE IT FURTHER RESOLVED, that upon the approval of the Planning Commission, the Board Secretary submit the draft Ordinance, together with a copy of the Planning Commission Recommendation, to the City Attorney for presentation to the Mayor's Office and the City Council; and

BE IT FURTHER RESOLVED, that the Department's Chief Accounting Employee is authorized to establish new Quimby Fees Account No. 89460K-TJ with St. Andrews Place as the Account Name; and

BE IT FURTHER RESOLVED, that the Department's Chief Accounting Employee be authorized to transfer \$1,253,250 in Quimby Fees from the Quimby Fees Account No. 89460K-00 to the St. Andrews Place Account No. 89460K-TJ; and

BE IT FURTHER RESOLVED, that the Board approve the allocation of \$1,253,250 in Quimby Fees from St. Andrews Place Account No 89460K-TJ for the St. Andrews Place project, and

BE IT FURTHER RESOLVED, that the General Manager or his designee review and approve development and construction design plans for the development of the St. Andrews Place Park, provided the plans are consistent with the general designs conditionally approved by the Board's action and with all land use permits and entitlements necessary for the project, and

BE IT FURTHER RESOLVED, that the Department's Chief Accounting Employee be authorized to transfer the necessary funds from the account for the development of St. Andrews Place Park; and

BE IT FURTHER RESOLVED, that the necessary funds be allocated for the St. Andrews Place Park project development; and

BE IT FURTHER RESOLVED that the Department's Chief Accounting Employee, GSD, and the Department of Public Works, Bureau of Engineer, are authorized to make technical corrections as necessary, to establish the necessary accounts to acquire the project site, and to accept and transfer the necessary monies to fund the acquisition to the appropriate City Department accounts or escrow company account in order to expeditiously effectuate the acquisition of the parcel identified by APN: 5080-003-001, and 5080-003-002; and

BE IT FURTHER RESOLVED that the Board Secretary, upon successful acquisition, is directed to accept the grant deed to the parcel, which is to be set apart and dedicated as park property in perpetuity known as the "St Andrews Place Park".

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a Resolution adopted by the Board of Recreation and Park Commissioners of the City of Los Angeles at its meeting held on _____, 20__ (Report No. _____).

LaTonya D. Dean, Secretary

Resolution No. _____

ORDINANCE NO. _____

An Ordinance of the City of Los Angeles finding that the public interest and necessity require the acquisition of real property located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019 to provide for the development of the St. Andrew Place Park via eminent domain proceedings and referred to as Lots 1 and 2 of TRACT 3353:

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

Section 1. Resolution No. _____ of the Board of Recreation and Park Commissioners (Board) of the City of Los Angeles, adopted on _____, and requesting the acquisition of real property located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019 for the purpose of development of the St. Andrew Place Park to serve the Wilshire Community Plan Area of Country Club Park, is hereby approved. The Resolution is on file with the Board Secretary. The real property interest to be conveyed (consisting of 2 parcels) is approximately 12,370 square feet or 0.28 acre in size total.

Section 2. The Council of the City of Los Angeles hereby resolves, finds and determines that the public interest and necessity requires the acquisition of real property referred to as Lots 1 and 2, and legally described below and located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019, to provide for the development of the proposed St. Andrews Place Park; the project is planned and located in the manner which is most compatible with the greatest public good and the least private injury; and the property described herein is necessary for the project; and the property has been appraised and an amount has been established which is believed to be just compensation for the property, and an offer has been made to the owner or owners of record to acquire the property for the full amount of compensation.

Section 3. The real property is to be acquired for recreation and park purpose in perpetuity under the authority of California Government Code Section 37350.5.

Section 4. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, State of California. The property interests to be acquired are a fee simple absolute and are more particularly described as follows:

PARCEL 1:

LOT 1 OF TRACT NO. 3353, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 34 PAGE 61 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOT 2 OF TRACT NO. 3353, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 34 PAGE 61 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Section 5. Notice has been given by first class mail to the person whose property is to be acquired by eminent domain, which notice advised such person of the intent of the Council to adopt this Ordinance, of the right to appear and to be heard by the Council, and the owner who so requested was given an opportunity to hear and was heard by the Council.

Section 6. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record and refused.

Section 7. The City Attorney is authorized to commence an action in eminent domain to acquire said property.

Section 8. The City Clerk shall certify to the passage of this Ordinance and cause the same to published in some daily newspaper of general circulation printed and published in the City of Los Angeles.

I hereby certify 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, at its meeting of _____,

June Lagmay, City Clerk

By _____
Deputy

Approved _____

By _____
Mayor

Approved as to Form and Legality
Carmen A. Trutanich, City Attorney

By _____
Deputy City Attorney

Date _____

File No. _____