

APPROVED

OCT 23 2019

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 19-210

DATE October 23, 2019

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: **QUIMBY FEES – REFUND FOR VTT-72005**

AP Diaz	_____	S. Piña-Cortez	_____
H. Fujita	_____	* C. Santo Domingo	<u>DP</u>
V. Israel	_____	N. Williams	_____

Nat. D. Williams
General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Approve the refund claim from 5955 SATURN LLC for a refund in the amount of One Hundred Thirty-Two Thousand, Four Hundred Seventy-Two Dollars (\$132,472.00) in Quimby Fees, in accordance with the detail set forth in this Report, subject to the approval of the Mayor and City Council;
2. Direct the Board of Recreation and Park Commissioners (Board) Secretary to transmit this report to the Mayor in accordance with Executive Directive No. 3;
3. Direct Department of Recreation and Parks' (RAP) Chief Accounting Employee or designee to, upon receipt of the necessary approvals, issue a refund of One Hundred Twenty-Five Thousand, Eight Hundred Forty-Eight Dollars and Forty Cents (\$125,848.40) from Work Order QT072005, Fund 302, Department 89, Account 89716H;
4. Direct RAP's Chief Accounting Employee or designee to, upon receipt of the necessary approvals, issue a refund of Six Thousand, Six Hundred Twenty-Three Dollars and Sixty Cents (\$6,623.60) from Fund 302, Department 89, Account 89720H; and,
5. Authorize RAP's Chief Accounting Employee to make technical corrections as necessary to carry out the intent of this Report.

SUMMARY

RAP is in receipt of a request for refund of park acquisition and development fees paid to RAP pursuant to Los Angeles Municipal Code (LAMC) Section 17.12. A refund claim (Claim No. 146667) was filed on July 23, 2019 by the representatives of 5955 SATURN, LLC for a refund of Quimby Fees in the amount of One Hundred Thirty-Two Thousand, Four Hundred Seventy-Two Dollars (\$132,472.00). 5955 SATURN, LLC (Claimant) paid RAP One Hundred Thirty-Two Thousand, Four Hundred Seventy-Two Dollars (\$132,472.00) in Quimby Fees, on

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February 13, 2019, for a residential project located at 5955 West Saturn Street in the Wilshire community of the City, designated as Case No. VTT-72005 by the Department of City Planning.

The provisions of LAMC Section 17.12, which apply to VTT-72005 as a case vested prior to January 11, 2017 (effective date of Parks Dedication and Fee Update, Ordinance No. 184,505), require that no final subdivision map be approved or recorded unless land within the subdivision has been dedicated to the City for park or recreational purposes, and that, as an alternative to land dedication, a fee in-lieu (Quimby fee) can be paid within one year after Council approves the final map.

The provisions of LAMC Section 17.07 (N), which apply to VTT-72005 as a case vested prior to January 11, 2017 (effective date of Parks Dedication and Fee Update, Ordinance No. 184,505), instruct RAP to process and approve refunds of Quimby fees, upon written request of the project subdivider, if the final subdivision map was not recorded. However, they do not establish any procedures relative to how a Quimby fee refund request is to be reviewed, processed, and approved by RAP, nor do they describe what documentation the refund claimant needs to provide to RAP in order to guarantee that the final subdivision map is not recorded. Additionally, they do not require that the refund request be filed on any specific form nor that it be filed by a certain date.

The City's refund provisions and procedures for certain fees are found in LAMC Sections 22.12 and 22.13. LAMC Sections 22.12(a) and 22.13(a) authorize the head of the Department to approve refunds of tax, license fees, permit fees, or application fees without the prior approval of the City Council, if such refund does not exceed a certain monetary limit. That monetary limit is subject to adjustment at the beginning of each fiscal year and the amount of the adjustment is calculated by the City Controller. The current limit of Department head refund authority is \$50,718. All refunds request over that limit are subject to the prior approval of the City Council.

The Claimant has indicated that the map proceedings on VTT-72005 have been terminated, as detailed in a letter from the Department of City Planning (Attachment 1) confirming such termination. Thus, in accordance with LAMC 17.12 and the previous provisions of LAMC Section 17.07 (N), which apply to VTT-72005 as a case vested prior to January 11, 2017 (effective date of Parks Dedication and Fee Update, Ordinance No. 184,505), RAP staff recommends the approval of the claim for refund of Quimby Fees paid to RAP.

ENVIRONMENTAL IMPACT

The proposed action consists of a financial transaction that has no effect on the environment. Section 21065 of the California Environmental Quality Act (CEQA), as well as Section 15378, Chapter 19 of California CEQA Guidelines define "Project" as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Therefore, no CEQA clearance is required for this action.

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FISCAL IMPACT

The approval of this Report will not have an impact on RAP's General Fund.

STRATEGIC PLAN INITIATIVES AND GOALS

Approval of this Board Report advances RAP's Strategic Plan by supporting:

Goal No. 7: Maintain a Diverse and Dynamic Workforce

Outcome No. 3: Excellent customer service provided to all park users

Result: RAP's commitment to excellent customer service extends beyond the park user experience to RAP's interactions with the development community. Being responsive and expeditious regarding all Park Fee and Quimby requests is paramount to excellent customer service.

This Report was prepared by Dylan Lawrence, Management Assistant, Planning, Construction and Maintenance Branch.

LIST OF ATTACHMENTS

- 1) Attachment 1 – Termination Letter from Department of City Planning regarding VTT-72005

**DEPARTMENT OF
CITY PLANNING**COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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LOS ANGELES, CA 90012-4801
(213) 978-1271VINCENT P. BERTONI, AICP
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DEPUTY DIRECTOR

September 18, 2019

Owner/ Applicant5955 Saturn, LLC
5060 Venice Boulevard
Los Angeles, CA 90019**Representative**Olivia Sajjadih
5060 Venice Boulevard
Los Angeles, CA 90019CASE NO. VTT-72005-CN
VESTING TENTATIVE TRACT
5955 W. Saturn Street
Wilshire Community Plan Area
Zone : [Q]R3-1-O
D. M. : 129B173
C. D. : 10- Herb J. Wesson, Jr.
CEQA : ENV-2014-3028-MND-REC1
Legal Description: FR 11, TR 3909**TERMINATED**

The application for the approval of Case No. VTT-72005 for the property located at 5955 W. Saturn Street within the Wilshire Community Plan Area was filed with the Department of City Planning on September 16, 2016. On September 13, 2019, the owner's representative sent the Department of City Planning sent a request to terminate the case.

The Director of Planning hereby terminates all proceedings relative to Case Nos.VTT-72005, and directs that the case be Terminated and the matter filed. In the event that you wish to pursue this matter in the future, it will be necessary for you to file a new application and pay the required fees. The present termination, however, will not adversely prejudice consideration of your new application. Please note that the application fees are not eligible to be refunded as a Letter of Determination was issued.

If you have any questions regarding this matter, please contact Ruben C. Vasquez III at 213-978-1741.

Vincent P. Bertoni, AICP
Advisory Agency

Christina Toy-Lee
Senior City Planner