

APPROVED

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REPORT OF GENERAL MANAGER

NO. 08-313

DATE November 19, 2008

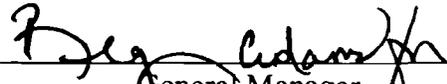
BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BARNSDALL PARK - PROPOSED AMENDMENT TO AGREEMENT WITH KAISER FOUNDATION HOSPITALS

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u>Call for M.S.</u>



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Amendment to the Agreement with Kaiser Foundation Hospitals for the park improvements, substantially in the form on file in the Board Office, subject to approval of the Mayor, the City Council, and the City Attorney as to form;
2. Direct the Board Secretary to transmit the Amendment to the Mayor in accordance with Executive Directive No. 3 for review and approval, and concurrently to the City Attorney for review and approval as to form; and,
3. Authorize the Board President and Secretary to execute the Amendment, upon receipt of the necessary approvals.

SUMMARY:

On June 13, 2001, the Board, through Board Report No. 01-223, approved an agreement between the City and Kaiser Foundation Hospitals (Kaiser) that allowed Kaiser to construct public improvements consisting of a portion of a roadway, connecting Barnsdall Avenue to the Kaiser driveway entered from the Edgemont Street, and a retaining wall on a portion of the Department's Barnsdall Park and required Kaiser to provide various pedestrian and access improvements to the park as follows:

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1. Pedestrian Access- Kaiser will construct a safe, visible, convenient and aesthetically pleasing stairway and elevator for American with Disabilities Act (ADA) access between Barnsdall Park Arts Plaza and Barnsdall Avenue. Kaiser will also provide signage identifying the Park at Barnsdall Avenue entrance, install lighting along the newly constructed roadway and pedestrian stairway, and create streetscaping along the Barnsdall Avenue entrance.
2. Emergency/Vehicular Access- Kaiser will construct an alternative emergency access route into the Park by connecting the Kaiser driveway (off Edgemont Street), and Kaiser owned portion of Olive Drive, to the portion of Olive Drive located on Park property. Kaiser will pay for lighting sufficient to provide public safety, signage identifying the Park's emergency access, and a secured gate. In connection with certain driveway improvements that Kaiser is providing to the owner of property adjacent to the Park at 1630 Edgemont Street, Kaiser will construct a low retaining wall on a small portion of Park property in the area where the driveway joins Olive Drive. This will provide stability to the driveway and Park owned portion of Olive Drive.

The above construction improvements were intended to improve Park visitor access and security. The pedestrian improvements will increase the potential for Park use by providing visitors with access from the street level to the southeast corner of the park which is above street level. The emergency/vehicular access at the Park's southwest corner will provide more efficient ingress/egress for emergency vehicles by enabling full-size fire trucks to access the Park from Edgemont Street. In addition to the improvements to be constructed, Kaiser was to grant the Department a five (5) year license agreement, with renewable options, for free parking at the adjacent Kaiser parking structure. The Kaiser parking structure is adjacent to the proposed pedestrian improvements. Department patrons would be allowed to park in this structure during designated events during the evening, holiday, and weekend hours.

All of the improvements were completed in late 2006. Soon after, Department staff inspected the construction improvement(s) and was satisfied with the work done. However, there was no formal acceptance of the work. Further, the license agreement for the use of the Kaiser Parking Structure was not executed. The proposed amendment to the agreement is intended to have the City acknowledge in writing the completion of the improvements and to amend the language concerning the City's use of the Kaiser parking structure for off hours park patron parking.

The proposed language gives the Department access to the Kaiser parking structure until 2009. Thereafter, a series of 90-day extensions will be granted until 2010. Afterwards, the license agreement for the use of the structure can be cancelled or terminated in writing on 30

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days notice by either party. Access to Kaiser parking structure will be needed for certain Cultural Affairs Department (CAD) approved events. Any costs related to the need for additional parking will be provided by the CAD.

ENVIRONMENTAL:

A Mitigated Negative Declaration (MND) for the Modified Phase I Implementation at Barnsdall Park was adopted by the Board on December 13, 2000 (Report No. 00-466). The MND was prepared in accordance with the provisions of California Environmental Quality Act (CEQA) and determined that all potentially significant environmental effects associated with the project were evaluated and mitigated to a level less than significant. A Notice of Determination was filed with Los Angeles City and County Clerks on January 2, 2001. The MND reviewed and considered the improvements proposed by Kaiser adjacent to Barnsdall Park. For this project, Kaiser prepared a Categorical Exemption and Environmental Assessment in accordance with CEQA and National Environmental Policy Act (NEPA). Both documents were incorporated into the MND by reference.

This project has been supported by the Councilmember for the Thirteenth District, the Assistant General Manager of Operations East, and Superintendent of the Metro Region.

FISCAL IMPACT STATEMENT:

There will not be any additional fiscal impacts to the Department's General Fund as the improvements being considered have already been incorporated into the current Department operating budget. The City is agreeing to indemnify and hold Kaiser harmless for damage or injury arising from its off peak hour use of Kaiser's parking structure by the City and its invitees.

This report was prepared by Cid Macaraeg, Sr. Management Analyst II, Real Estate and Asset Management Section, Planning and Development Division.