

CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS

September 17, 2008

TO: BOARD OF RECREATION AND PARK COMMISSIONERS

FROM:

JON KIRK MUKRI
General Manager



SUBJECT: REQUEST TO BUILD AND OPERATE A CHARTER SCHOOL IN NORTH HOLLYWOOD PARK – RESPONSE TO COMMUNICATION OF AUGUST 11, 2008

At the Board meeting of July 23, 2008, President Sanders announced that the Mayor's Office had requested the continuation of Board Report No. 08-214 to a future meeting. The report concerns the request of the Alliance for College-Ready Public Schools to build and operate a charter school on a triangular, half-acre parcel of North Hollywood Park (APN 2350-011-900). In response to postponing Board action on the report, the applicants who were present at the meeting were invited to submit written comments. The Alliance's communication, dated August 11, 2008, was presented to the Board Office and other City personnel; the binder also included several exhibits. The communication is attached without the exhibits.

What follows are Recreation and Park's (RAP's) comments on the Alliance's August communication. The Alliance restates the opinion, expressed in a letter of January 26, 2008, that they are entitled to use the triangular parcel for a charter school. In the interest of clarity and to avoid repetition, the RAP comments combine the various Alliance statements on a general point. Quotations from the Alliance's August communication are in **bold**. The comments are addressed to you as the signer of the August communication.

A. DEDICATED STATUS OF THE TRIANGULAR PARCEL

The Alliance disputes that the triangular parcel is "dedicated". This conclusion is based on the circumstances of the City's acquiring the property and on subsequent documents such as Council Ordinance No. 122827 and Board Resolution No. 7452A.

Circumstances of the City's Acquisition in 1927

The triangular park parcel sought by the Alliance occupies an eighth of the four-acre median situated between the northern and southern lanes of Chandler Boulevard; there are three other parcels within the median.

The Alliance states (page 2, paragraphs 1, 2; page 3, paragraph 2) that the 1927 grant deed transferring ownership to the City of the North Hollywood property, including the triangular parcel, did not specifically dedicate the land for park purposes. The Alliance concludes that this omission is indicative of the current status of the triangular parcel. The Alliance states that grant deeds for **“other lands acquired under eminent domain during the same time period...specifically state ‘for park purposes.’”** However, the City's 1927 acquisition of the land was not by eminent domain but from a willing, private party. Documentation of other, similarly routine acquisitions did not necessarily specify future use restrictions since City park property was already governed by the City Charter. The more explicit statements found in eminent domain cases were meant to clarify the court's action in the adversarial procedure.

The Alliance offers another reason for concluding that the absence of specific wording in 1927 means that North Hollywood Park and the triangular parcel were not meant to be dedicated. The citation comes from a decision of the California Supreme Court, also in 1927 (page 3, paragraph 2). The court stated that the circumstances of acquiring park land may determine future use. The decision explains, for example, that a donor's specific restrictions have precedence over more general regulations. However, the decision also notes that dedicating a park at the time of acquisition can be accomplished implicitly and by inference. (The entire decision in “Slavich v. Hamilton” is in exhibit 9 of the Alliance's binder.) The lack of specific wording in the grant deed for North Hollywood Park and in the Park Board's acceptance of the land “on behalf of the City” in July 1927 did not prevent the land from being considered “dedicated”.

The two documents cited next indicate that North Hollywood Park, including the triangular parcel, is dedicated park property.

Council Ordinance No. 122827 of 1962

The Alliance acknowledged that the triangular parcel was included in the 1927 acquisition that created North Hollywood Park (page 2, paragraph 1). The Alliance states that contrary to Board Report No. 08-214, the 1962 Ordinance **“clearly excludes the subject parcel from North Hollywood Park”** (page 2, paragraph 2). The Ordinance cited “certain real property dedicated, appropriated and used for recreation and park purposes bounded by Chandler Boulevard and Riverside Drive and lying mainly between Tujunga Avenue and Westpark Drive, known as North Hollywood Park.” These streets

marked the boundaries of the entire park and included the triangular parcel, which is within the northern boundary of Chandler Boulevard.

Board Resolution No. 7452A (1978)

The Resolution, dated February 17, 1978, lists all the land considered to be “dedicated as park land in perpetuity”. Also included in the Resolution are other sites omitted from the “dedicated” list either because they were not under RAP’s jurisdiction or were considered small, inferior properties. The Resolution’s purpose was to clarify the status of land that had some connection to the Department. By 1978 there was a need to have a single, Board-approved document for reference.

The Alliance states that this comprehensive list of formally dedicated park land omits the triangular parcel (page 2, paragraph 3; page 3 last line). The statement seems based on the fact that the dedication list does not explicitly list the triangular parcel by Assessor’s Parcel Number (APN) or by its address, which is 11471 Chandler Boulevard.

The Resolution’s dedicated list has, at most, only one address per park entry no matter how many lots/parcels formed a park or how many addresses were linked to it in the Los Angeles County Assessor’s database. The dedicated list does not include the size of a park, nor does it include the parcels forming a park. Legal descriptions are also omitted. The list has only two columns: “facility name” and “address”. There is only one line for each entry; it was intended to include the entire park and all of its components. Not all the addresses are specific. The entry for O’Melveny Park, one of the City’s largest at 695 acres, gives an address of “Orozco St. and Sesnon Blvd.” While Chatsworth Park North has a numbered street address, Chatsworth Park South’s address is simply “Devonshire and Larwin”. The entry for Eagle Rock Hillside Park has “none” in the address column even though it is over 29 acres. The list gives “N/A” as the address of three other parks of widely varying size: Griffith Park (over 4,000 acres), Porter Ranch Park nearly 480 acres) and Pasko Park (one acre). The entry in the Resolution for “North Hollywood Park and Recreation Center” has 5301 Tujunga Ave. in the address column, which is the address for the Center. Given the Resolution’s pattern of citation, it is clear that this address was meant to reference not just the Recreation Center but the entire park, including the triangular parcel. Board Resolution No. 7452A confirmed the status of all of North Hollywood Park as being “dedicated in perpetuity”.

B. THE CITY CHARTER AND PERMISSIBLE USES OF PARK PROPERTY

The Alliance cites a 1976 California Supreme Court decision as upholding the ability of charter cities, rather than the legislature, to determine the use of municipal park land (pages 2 bottom-3 top). The decision states that **“a charter city has the plenary powers...not expressly forbidden to it by the state Constitution or the terms of the**

charter.” The Alliance cites the decision to reinforce its assertion that the City of Los Angeles can include a school as a permitted use of dedicated park land. Board Report No. 08-214 submitted on July 23, 2008, discusses in detail Charter restrictions on the use of this land. A school is not a permitted park use under the existing City Charter. For reference, the Board report is attached.

Board Report No. 557-94

The Alliance further states that in 1994 the RAP Board **“adopted a list of permissible uses of park land, including Educational Facilities.”** Board Report No. 557-94, approved in December 1994, resulted from staff’s wish to clarify for other City entities the type of facilities and activities considered to come under RAP’s jurisdiction. The need resulted from the 1990 adoption of a new “Open Space” zone. The report aimed to facilitate the Department’s building on its property by notifying City Planning and Building and Safety of the range of RAP uses to be associated with the new zone. That range formed a list attached to the report.

The list has the entry, “Museums and Educational Facilities”. It is clear from the 80 other entries that the type of general education being referenced did not mean a school. The reference was to recreational facilities that, like a museum, have exhibits, informational labels and perhaps docents or guides to enhance the public’s experience. There are other, similar entries in the list: “Aboretum”, “Aquaria”, “Cultural Arts Centers”, Griffith Park’s “Observatory”, “Travel Town” and “Zoo” and general “Historic Sites” and “Information Kiosks and Structures”. Aside from these “educational” entries, the others range from sites and uses automatically associated with RAP to some that were included because of prior difficulty in having them connected to RAP by the new zone. These latter entries include “Administration Buildings”, “Light Poles”, “Park Utilities and Infrastructures”, “Parking Structures/Parking Lots”, “Pumps and Pump Enclosures” and “Tunnels”. There is no reference to schools of any sort.

California Attorney General Opinion (78 Opinion Attorney General California 181)

Board Report No. 08-214 discussed a 1995 Opinion by the California Attorney General’s Office. The Opinion summarizes relevant case law to indicate that a school is not a permitted use for dedicated park land. The Alliance disputes the relevance of the Opinion to the North Hollywood Park/charter school issue. The Alliance states that the Opinion’s conclusion **may be applicable to general law cities and in cases where the land in question was dedicated as park land by the grantor. Neither of these conditions is applicable in this case.** (page 2, paragraph 4). However, the Opinion’s analysis is not restricted to general-law cities but includes cases involving charter cities, including Los Angeles. The Opinion does not distinguish between donor/seller dedications and those created by the public entity administering the park. The Opinion is

applicable to Los Angeles and reinforces the conclusion in Report No. 08-214 that a school is not a permitted use of dedicated park land.

These RAP comments on the Alliance's August communication do not address the issue of the continued suitability of the triangular parcel for recreation and park use. This is a Charter issue that the Alliance raised in their January 26, 2008, correspondence. The issue was addressed in Board Report No. 08-214; the parcel is suitable for several recreational uses and is similar to others that RAP has developed for public enjoyment. The Alliance's August communication states that suitability is "**not applicable**", thereby removing the issue from further consideration (page 5, paragraph 3).

These comments reinforce the recommendations and narrative contained in Board Report No. 08-214. The triangular parcel is dedicated park property. Most City park acreage is undeveloped open space like the North Hollywood triangular parcel. RAP's stewardship of this vacant property is a legitimate park purpose authorized by the City Charter and acknowledged when City Planning created the special zone, "Open Space"; the zone serves as a quick way of knowing which City property is a "park". Locating a charter school on the dedicated, triangular parcel that is suitable for park use would violate the City Charter. Such a decision is also counter to the Opinion of the California Attorney General's Office as noted above.

This report was prepared by Joan Reitzel, Senior Management Analyst in Real Estate and Asset Management, Planning and Development Division.

Memorandum

Date August 11, 2008

TO **Board of Recreation and Parks Commissioners**
City of Los Angeles

FROM **Rafael Franco, Architect**

SUBJECT **Charter Schools on City Parks**

On January 22, 2008, Ms. Judy Burton, President and CEO of Alliance College-Ready Schools wrote a letter requesting consideration to lease an unused parcel of land for the construction of a public charter high school. The parcel is identified as **APN 2350-001-900**, an isolated 22,000 sq. ft. parcel subdivided from North Hollywood Park in 1927 by the construction of Chandler Blvd.

At the March 5th meeting of the Facilities and Maintenance Task Force, Commissioner Casillas requested a legal opinion on the permissibility of locating charter schools on public park land. On April 2nd, Commissioner Casillas requested that discussion of this request, NoHo's Ark, be placed on the next Commission agenda. During the following meeting of the Task Force, a lengthy discussion ensued between staff and the advocates for the project about the provisions and or restrictions of the City Charter. Staff requested additional time to prepare a report, an extension to May 7th. The item was continued to July 23, 2008. Staff prepared Report no. 08-214 and published it on the morning of the 23rd. The hearing was again continued at the request of the Mayor of Los Angeles. At that meeting the applicants were allowed to make a brief presentation and were requested to direct comments in writing of any disagreement with the staff report. The following are our comments.

History of the Parcel

The subject parcel was purchased by the city in 1927 as part of a larger parcel. The Board of Park Commissioners by resolution dated July 21, 1927 received the Grant Deed from the Bonner Fruit Company. This resolution does not list any restrictions or dedication of the land to be for park purposes. This is an important distinction from other lands acquired under eminent domain during the same time period, which grant deeds specifically state "for park purposes".

Prior to the acquisition period (5-20-27) the City prepared plans for the westerly extension of South Chandler Blvd. from the Bonner Fruit Co. property (lots 14 & 16), to a bridge crossing the Tujunga Wash. Plans for this extension were platted in July, 1927 and approved by the City Engineer on June 11, 1928. The construction of this road bifurcated the subject parcel from the yet undeveloped park creating lot 900; the park became lot 901. The subject parcel has never been used for recreation or park purposes and has not specifically been "**set apart or dedicated as a park**". North Hollywood Park is (APN 2350-011-901); this parcel is (APN 2350-011-900) and is not connected to North Hollywood Park. The staff report cites City Council Ordinance 122827; it clearly excludes the subject parcel from North Hollywood Park. (Exhibit 1).

In Board Resolution 7452(A), the parcel is thus excluded from dedicated park lands; it is excluded from the list of triangles, squares, circles and parkways maintained by the Department and considered not usable for park purposes, it is also excluded in the list of park sites maintained by the department but not dedicated as park land in perpetuity. (Exhibit 5)

Inherent Authority of Charter Cities

The staff report relies on Opinion No. 95-107 of the Office of the Attorney General of the State of California, June 8, 1995. (Exhibit 8) The opinion concludes that municipalities may not lease land for the construction of a school on dedicated park land. The conclusion may be applicable to general law cities, and in cases where the land in question was dedicated as park land by the grantor. Neither of these conditions is applicable in this case.

The City of Los Angeles is a charter city. *Simons v. City of Los Angeles* challenged the use of a part of Elysian park for a Police Academy. The Court of Appeal, Second District, Division 1, California, wrote: "In general, statutes which are enacted by the

state Legislature are limited in their reach to general law cities and inapplicable to charter cities”. . . . “A charter city has inherent authority to control, govern and supervise its own parks. The disposition and use of park lands is a municipal affair, and a charter city has the plenary powers with respect to municipal affairs not expressly forbidden to it by the state Constitution or the terms of the charter”. (Exhibit 9) In *Simons*, absent specific uses permitted under the city charter, the court relied on the historical use of the park for the Police Academy as a permissible use of park land. The Board of Recreation and Park Commissioners in 1994 adopted a list of permissible uses of park land, including **Educational Facilities**. (Exhibit 7).

The second condition, the origins of dedication are also not applicable to the subject parcel. In *Slavich* the benchmark for the Court was the original dedication by the grantor. The Court explained: “The uses to which a park property may be devoted depend, to some extent, upon the manner of its acquisition, that is, whether dedicated by the donor, or purchased or condemned by the municipality. A different construction is placed upon the dedications made by individuals from those made by the public. The former are construed strictly according to the terms of the grant, while in the latter cases a less strict construction is adopted.” (Exhibit 9) Neither the grant deed nor Resolution 55 (Exhibit 3, 1927) of the Board of Parks Commissioners imposed any restrictions that dedicated the land for park purposes. In fact, the City was concurrently in the process of subdividing the parcel, designing the extension of South Chandler Blvd., parcels 900 and 901. Parcel 901 became North Hollywood Park. In 1930 a County tract document referred to the triangular parcel as being “exclusively for public purposes” (Staff Report Exhibit 1); it did not say public park.

City Charter

Sec. 594 (a) Management and Control. The Department of Recreation and Parks has control of both parcels 900 and 901. The land of these parcels was included in the original grant deed and in Resolution 55 of the Board of Park Commissioners accepting the land.

There are two questions with respect to the Charter. Has the parcel in question been dedicated and or improved as park land since its acquisition in 1927? The answer is no. The parcel is excluded from Board Resolution 7452(A), and the parcel has

remained undeveloped for 80 years. Please see historical photos (Exhibit 4).

The second question relates to the permitted uses of parkland in the City of Los Angeles. On December 7, 1994, the Board of Recreation and Park Commissioners approved a staff report No. 557-94 listing the permitted uses including **Educational Facilities**. This would correct the up to now erroneous staff conclusions that previous permits or leases for the Zoo Magnet and Oakwood School were aberrations in need of correction. (Staff Report 08-214 Recommendation 3., Exhibit 1) These are not the only educational uses permitted and very productively operating on park land, including the Police Academy, the Construction & Design Annex Training Center, the JVS Bank Works Program, pre-school programs, LAPD Partnership Programs and numerous art programs throughout the City; and although state law reads similarly to the City Charter with respect to use of park lands, the Science Center Charter School has recently been built on Exposition Park, on state owned land. These are all educational programs and facilities permitted as Educational Facilities and approved by the Board.

Section 594(c) Restrictions on Transfer of Dedicated Parks. All lands heretofore or hereafter set apart or dedicated as a public park shall forever remain for the use of the public inviolate; but **the board may authorize use of the lands for any park purpose.**

The subject parcel has not been dedicated as a public park, and the Board has designated Educational Facilities as a permitted park use. The **method of authorization** for the use of park lands is still in question, whether it is in the form of a resolution of the board, or a lease.

Section 595. Lease of Facilities. The Board of Recreation and Park Commissioners may lease for recreational purposes any municipal auditoriums, arenas, sports centers or relates facilities subject to the following conditions:

- (a) The term of the lease shall not exceed 35 years. Leases in excess of five years shall be approved by the Council by ordinance.
- (b) The public must be entitled to use the property or facility for the purposes for which it was acquired, constructed or completed and any lease shall require the lessee to operate the property or facility so as to furnish the public with that use and enjoyment.

- (c) The board may enter into the lease without inviting bids and may prescribe other terms and conditions as it deems appropriate.

The proposed charter school is a public school, open to the public. The proposed school will include after school and summer programs. All are ancillary uses to the park approved in report No. 557-94, and noted in Slavich as contributors to the expanded use of parks for recreation. The children of the proposed school would use the park for recreation and physical education activities.

Section 594(e) Remaining Land Unsuitable for Park Use is not applicable since the proposed use is a permitted use. The Alliance has not requested the purchase of the property. We are requesting a lease. The Department would retain control of the land and even in the worst case of default, the Department would gain ownership of the proposed \$8 million structure.

It is not our intent to question or disrupt the many great programs provided by the Department or in partnerships with other agencies. As stated above, we believe that these programs are permissible, legal and approved by the board. We were directed to the subject parcel by Council member La Bonge, who then asked us to present the proposed project to community groups. We have presented the project to Neighborhood Councils, Land Use Committees, and Chambers of Commerce and received overwhelming support. We have a charter from the Los Angeles Unified School District. The location is uniquely situated at the intersection of the Orange and Red Lines of public transportation. Our goal is to provide a college preparatory program and extracurricular programs to teach students about the environment, built and natural. Our name NoHo's Ark draws on the allegory of Noah's Ark. In Genesis, God asked Noah to save the animals from the flood; we want to teach kids how to save us from the next flood.

Thank you for your consideration.

REPORT OF GENERAL MANAGER

NO. 08-214

DATE July 23, 2008

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: NORTH HOLLYWOOD PARK – REQUEST TO BUILD AND OPERATE A CHARTER SCHOOL

| | | | |
|------------|-------|-----------|-------|
| R. Adams | _____ | J. Kolb | _____ |
| H. Fujita | _____ | F. Mok | _____ |
| S. Huntley | _____ | K. Regan | _____ |
| V. Israel | _____ | *M. Shull | _____ |

RAH

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Deny the request of the Alliance for College-Ready Public Schools to build and operate a charter school on a portion of North Hollywood Park;
2. Direct staff to communicate this decision to the Alliance and offer to request that the Asset Management Division of the Department of General Services assist the Alliance in researching sites from the list of potentially surplus, City-owned property; and,
3. Authorize staff to seek the assistance of the City Attorney and other departments regarding any actions needed to bring the current arrangements cited herein into conformity with City Charter provisions on the use of park property.

SUMMARY:

In correspondence dated January 26, 2008, the Alliance for College-Ready Public Schools (Alliance) requested that the Department lease to them a portion of North Hollywood Park consisting of a triangular, vacant parcel (APN 2350-011-900). It is 0.51 acre and has the address of 11471 Chandler Boulevard. The group operates ten high schools chartered by the Los Angeles Unified School District (LAUSD) and wants to use the park parcel to build and operate a new charter school. Its emphasis will be architecture, engineering and both construction and environmental technology.

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One reason the Alliance seeks the use of this park site is that it is near the intersection of two Metro lines, and the proximity could serve as a “training tool for students for the use of public transportation.” The conceptual plan for the school includes a pedestrian bridge that would extend across Chandler Boulevard into the main part of North Hollywood Park close to the northern parking lot. It appears that the Alliance might seek to use this lot as well; however, as will be discussed later, the lot is part of the park’s roller-hockey facility that is operated by the Young Men’s Christian Association (YMCA).

North Hollywood Park and City Charter Provisions

North Hollywood Park was created in 1927 by the acquisition of privately owned land. A County tract document of 1930 refers to the triangular parcel as being “exclusively for public purposes”. In 1962 the state completed a “friendly” condemnation of a separate, middle strip of the park in preparation for constructing the Hollywood Freeway/State Route 170. At the time, City Ordinance No. 122827 noted that the action involved “certain real property dedicated, appropriated and used for recreation and park purposes bounded by Chandler Boulevard and Riverside Drive and lying mainly between Tujunga Avenue and Westpark Drive, known as North Hollywood Park.” The Board confirmed the “dedicated” status of North Hollywood Park by including it in a comprehensive Resolution adopted February 17, 1978 (Resolution No. 7452A). The Resolution lists all City parks considered to be dedicated as of that date.

Charter Section 594 (a) empowers the Board of Recreation and Park Commissioners to act “in the name of the City to acquire and take by purchase, lease, condemnation, gift, in trust or otherwise, any and all property necessary or convenient for recreation, including park purposes.” Subsection (c) states that “all lands heretofore or hereafter set apart or dedicated as a public park shall forever remain for the use of the public inviolate; but the Board may authorize use of the lands for any park purpose.” Subsection (c) also provides that within dedicated parks, the Board may authorize the creation of public-utility easements or rights-of-way, the creation of public streets and leases to the County of Los Angeles, the state or to the federal government for the development and use of “public buildings consistent with public park purposes”.

The City Attorney has advised that based on legal precedent, the construction and operation of a school on dedicated park property is not a “park purpose” and is therefore not permitted under the City Charter. On June 8, 1995, the Office of the California Attorney General issued an Opinion on this subject (78 Op. Atty. Gen. Cal. 181). The question presented to the Attorney General was whether a portion of land dedicated for park and recreational purposes could be leased by a city to a school district for purposes of constructing a school.

Citing relevant case law, the Opinion surveys certain uses of park land that have been found to be consistent with park purposes. The Opinion finds no support for “the proposition that a school building would be an appropriate use of property dedicated for park and recreational purposes.” The Opinion further states that “to the extent that the existing park property would be

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converted to the exclusive use of the school, it would be unavailable to the general public for park and recreational purposes. The school itself may not be considered a recreational facility, having as its function the public education of school children.” The Opinion concludes that “a city may not lease a portion of land dedicated for park and recreational uses...to a school district for purposes of constructing a school but may lease a portion of such land for other uses which are consistent with park and recreational purposes.”

The Alliance’s request to lease part of North Hollywood Park raises the issue of the Department’s actions with respect to the Charter sections and legal precedents cited above. Staff has learned of two examples involving educational facilities: the Zoo Magnet Center and Oakwood Secondary School. Their connection to the Department began some time ago and involves the non-exclusive use of two parking lots. This use is distinct from the permits or other arrangements many schools and non-profits have with Region recreation staff for holding special events, sports programs, etc., at a Department facility. Because the circumstances of the use of the lots by the Zoo Magnet Center and the Oakwood School are complex and not widely known within the Department, they are discussed next. Staff does not consider that they are precedents for leasing a half acre of North Hollywood Park to the Alliance.

The Zoo Magnet Center and Griffith Park

Staff knows of one entity with a formal, educational link to a City park. This is the Zoo Magnet Center. It occupies three trailers in the southern part of the Zoo’s parking lot. The first Center enrollments began in 1981 at North Hollywood High School as an adjunct to their biological sciences program. The Center has had a physical presence at the Zoo since 1984 through a series of revocable Permits. Until July 1, 1997, when it became a separate department, the Zoo was administratively part of Recreation and Parks, which issued the Permits. Since then, the Zoo has issued the Permits.

This is one of two “magnets” operating within the high school; the other is for highly gifted students. North Hollywood High School has continued to administer the Zoo Magnet, whose students take classes on campus and join the rest of the high school in extracurricular programs. Buses shuttle between the two sites. In 2006 administrators and parents jointly expressed the intent to have Zoo Magnet students increase their field trips and involvement with the Zoo. The trailers also facilitate the participation of Zoo Magnet students in the volunteer program run by the Greater Los Angeles Zoo Association or GLAZA; this is the official fundraising/support group for the Zoo. The site of the Zoo still belongs to Recreation and Parks; the 2005 draft master plan for Griffith Park proposed ending the Zoo Magnet’s use of the trailers in order to expand public access to the nearby golf course.

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Oakwood Secondary School and North Hollywood Park

The Oakwood Secondary School is located at 11600 Magnolia Boulevard, a block west of North Hollywood Park. On May 27, 1998, the Board approved a two-year, revocable Permit for the School's use of part of a narrow strip at the edge of the park, just east of the Hollywood Freeway and accessible from Magnolia Boulevard (Report No. 245-98, Department Permit No. 451). The occasion was the School's need to meet a condition set by City Planning as part of the approval process for constructing a multi-purpose, two-story building on their campus. The School had to provide off-site parking for 115 vehicles during the construction period.

The School had noted in their proposal to the Department concerning the Permit that the park strip was unused, undeveloped and had raised concerns in the community because of loiterers. In the Permit, the School agreed to develop the southern part of the strip into a parking lot with fencing and lighting. The lot would be available to the general public on weekday afternoons and on weekends, holidays or whenever the School was not in session. The School's estimated expenditure on the parking lot exceeded the sum that General Services considered to be a fair-market fee for the two-year use of the lot; therefore, this investment was considered adequate compensation to the City.

The Board Report presenting the Permit referenced plans for a roller-hockey facility that was expected to include the site of the new parking lot. In 1999 the Board approved the roller-hockey facility as being consistent with "park purposes", and an Operating Agreement was executed with the YMCA of Metropolitan Los Angeles. They represented the YMCA's East Valley Family Branch, located across Tujunga Avenue from North Hollywood Park. The YMCA was to construct, operate and maintain a roller-hockey rink at the park since they had demonstrated a comparable expertise at other venues. It was agreed that all the improvements at the new facility belonged to the Department (Report No. 129-99 was approved on March 17, 1999; Agreement No. 2903 was executed on June 21, 1999.).

The project resulted partly because of community support for programs, especially those organized for at-risk youths, that could supplement the programming at the park's recreation center. Also, nearly half of the initial funding came from the North Hollywood Targeted Neighborhood Initiative, in which the YMCA participated. Other funds came from a grant to the YMCA under the Proposition K program; the 15-year term of the Operating Agreement was intended to coincide with the land-tenure requirements of the grant. The Agreement expires in 2014.

In June 2000 when the parking-lot Permit for Oakwood School was ending, the Metropolitan YMCA entered into a 15-year Sub-Agreement with the School concerning parking plans for the roller-hockey facility. The rink was to be built in the middle of the long strip of land that had the parking lot, which was called "lot 1", at the southern end. A new parking area, "lot 2", was to be developed north of the rink, close to Chandler Boulevard. In return for continuing to use lot 1,

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the School was to fund new, permanent improvements there and pay all maintenance costs during the term of the Sub-Agreement. Other provisions outlined the YMCA's use of lot 1 and the mutual use of lot 2. A primary motivation for the YMCA was a concern that the approved funding for the new facility would be inadequate without the School's contribution.

Soon after its completion, the roller-hockey rink was named the "Dave Potell Memorial Sports Facility" in honor of a Department employee who had been affiliated with both the North Hollywood Recreation Center and the East Valley Family YMCA. The address of the facility is 11455 Magnolia Boulevard. The School recognizes the need to find permanent parking to replace that available under the Sub-Agreement. Their master plan provides for the development of subterranean parking. This may become one of the uses for the property along Magnolia Boulevard that they recently acquired.

The Triangular Parcel and Its Suitability for Continued or Expanded Park Use

The correspondence from the Alliance notes that years ago the triangular parcel within North Hollywood Park was physically separated from the rest of the park by the southern lanes of Chandler Boulevard. The Alliance requests that the Department declare the parcel "unsuitable for park use", citing Charter Section 594 (e): "Where lands forming a portion of an existing public park have been removed from the jurisdiction of the Board by reason of their dedication or use for public purposes incompatible with park use, the remaining lands, or any portion thereof, within the park shall not be subject to the provisions of subsection (c) of this section [on using dedicated land for public park purposes] in the event that (1) the Board and Council find and determine that the remaining lands, or specific portion thereof, are unsuitable for further use as a public park; and (2) lands of an area at least equal to the lands found unsuitable for further use as a public park are acquired in the same portion of the City and set apart or dedicated as a public park."

So far, the Alliance has not identified nearby property that could be offered as a Charter-mandated replacement for the triangular parcel. Moreover, staff believes the triangular parcel, although undeveloped at this time, remains suitable for a variety of potential park uses.

The Department has overseen many types of recreation and park uses since its origins in 1889 under the first City Charter. At that time there were public spaces, including those now known as Elysian Park and Pershing Square, which had been set apart in the original Spanish land grant. In 1904 the City began organizing youth sports. The program soon became the most comprehensive in the nation. Five camps created between 1914 and 1926 served as models for other California cities.

These innovative, active uses were balanced by passive uses such as those for which the triangular, half-acre parcel in North Hollywood Park would, in staff's opinion, be well-suited. The site is undeveloped and under-used, but it can be attractively landscaped with amenities such

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as benches and picnic tables. Moreover, the site was recently suggested as a possibility for relocating a historic house. Another building and a small parking lot were planned for construction nearby, and whole site was to become a museum focusing on the San Fernando Valley. In the past, tight budgets have kept staff from seeking to improve the parcel's level of maintenance or to develop it; however, the site is large enough so that it may qualify for project funding under the Proposition K program. The next cycle of competitive grant applications will occur in 2009. Grant funding would allow staff to develop a combination of such active uses as a children's play area, an exercise circuit, a sports court and a skate plaza. There would also be space for some parking. The Department currently provides for active or passive recreational uses at over 50 separate sites comprising a half-acre or less.

Potential Non-Park Sites for the Charter School

Since the Alliance operates ten schools under LAUSD's "umbrella", the group seems well positioned to work with them to identify a school site. A Los Angeles Times article of June 23, 2008, analyzed LAUSD's building and modernization program financed by \$20 billion in bond funds. As currently planned, there will be nearly 240 new or expanded schools even though, Citywide, student enrollment has unexpectedly declined by eight percent. This decline, which is expected to continue, has resulted in empty classrooms and partly empty schools despite the agency's implementing policies to reduce the number of students per classroom and to end most year-round schedules.

In addition to investigating these vacancies, the Alliance could seek to identify a separate site recommended by LAUSD's real estate and facilities personnel; they are likely to have examined dozens of parcels before choosing sites for the building program. Finally, Recreation and Parks staff recommends in this report that the Alliance work with the Asset Management Division of the Department of General Services to examine the list of potentially surplus, City-owned property. The list may contain a potential school site that is more appropriate with respect to the City Charter and legal precedent than the dedicated, triangular parcel in North Hollywood Park.

The Assistant General Managers of Operations West and Operations East and the Superintendents of the Griffith and Valley Regions concur with staff's recommendations.

FISCAL IMPACT STATEMENT:

There is no impact to the Department's General Fund from the recommendations in this report other than staff time associated with the recommendations, should they be approved.

This report was prepared by Joan Reitzel, Senior Management Analyst in Real Estate and Asset Management, Planning and Development Division.