

APPROVED
MAR 04 2009

REPORT OF GENERAL MANAGER

NO. 09-048

DATE March 4, 2009

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 2

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SEPULVEDA BASIN RECREATION AREA - LEASE AGREEMENT WITH EMEK HEBREW ACADEMY FOR THE JOINT RECREATIONAL USE OF A PORTION OF PARK PROPERTY

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

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Lease Agreement (Agreement), substantially in the form on file in the Board Office, with the Emek Hebrew Academy (Emek), subject to review and approval of the Mayor, and the City Council, and of the City Attorney as to form;
2. Direct the Board Secretary to transmit the proposed Agreement to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for approval as to form; and,
3. Authorize the President and Secretary to execute the Agreement upon receipt of necessary approvals, and direct the Secretary to request that the Department of General Services record a Memorandum of Lease.

SUMMARY:

On June 12, 1989, the Board approved the original fifteen (15) year lease (Original Lease - No. 227) for Emek's use of a 1.8 acre parcel (Parcel No. 1), located within the Sepulveda Basin Recreation Area which is under lease to the Department from the United States Government through the U.S. Army Corps of Engineers (Corps). On August 28, 1989, the Board amended the Original Lease to include an additional 1.4 acre parcel (Parcel No. 2), also within the Sepulveda Basin Recreation

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Area and adjacent to Emek (Board Report No. 484-89). An aerial photo illustrating the location of each parcel and their proximity to Emek is attached hereto as Exhibit-A.

Emek Hebrew Academy is a non-profit, private school attended by approximately 814 students of nursery school age through junior high school. The school operates two (2) small campuses – one at 15365 Magnolia Boulevard in Sherman Oaks (subject of this Report) and the other at 12732 Chandler Boulevard in North Hollywood. Parcel No. 1 and Parcel No. 2 are located easterly of the San Diego Freeway and northerly and southerly of the terminus of Magnolia Boulevard, west of Sepulveda Boulevard, as illustrated by Exhibit-A.

As a condition of the Original Lease, Emek constructed various recreational improvements (Improvements) at a cost of \$364,290, composed of basketball, volleyball, and tetherball courts on Parcel No. 1 and a parking lot on Parcel No. 2; which they have operated and maintained since the execution of the Original Lease on June 10, 1991. The Improvements constructed by Emek have been and are for the use of both the children of the school and the general public, as required by the Original Lease. Emek is presently operating and maintaining the subject parcels on a month-to-month basis, as the Original Lease expired on June 10, 2006.

As requested by Emek, and directed by the City Council through a motion approved August 1, 2008 (Council File-08-1864), the Department proposes to enter into the proposed Agreement with Emek to continue their operation and maintenance of the site for the term of thirty (30) years, commencing retroactively on September 1, 2008 and expiring on August 31, 2038, subject to required City approvals.

The essential points of the proposed Agreement are summarized as follows:

1. The term will be for a period of thirty (30) years;
2. Emek shall have the right to use Parcel No. 1 and the Improvements contained therein during normal school hours (Monday through Friday, 7:00 am to 5:00 pm), and the public shall retain the right to use the Improvements within Parcel No. 1 for recreational purposes during all other non-school hours (normal park hours);
3. Parcel No. 2 will be restricted to Emek's daily use by teachers, students, staff and visitors, and that of the Department and general public on an advanced request basis; and,
4. The Department shall have the right to use Emek's facilities for purposes of community or Department activities or special events, once per calendar quarter with 30 days prior written notice.

The Emek Improvements to the site and public use arrangements currently provide local residents (primarily apartment residents) with a well-maintained neighborhood park site. This use conforms to the Sepulveda Basin Recreation Master Plan for the area, as adopted in 1981. The Army Corps of

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Engineers have approved the Agreement pursuant to the Letter of Approval dated December 11, 2007, attached hereto as Exhibit-B. The Department also received a letter from Los Angeles County Sherriff Lee Baca, attached here as Exhibit-C, expressing his support for the proposed Agreement and the need to have supervision over the Parcel No. 2 parking lot in order to deter and/or prevent loitering and other illegal activity within the secluded site.

ENVIRONMENTAL:

Staff determined that the project will involve the continuance of a lease agreement for an existing facility involving no expansion of use. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (14) of the City CEQA Guidelines.

The Superintendent of the Valley Region and Office of Councilmember Wendy Greuel of the Second Council District have been advised of the proposed Agreement and both concur with and support staff's recommendations.

FISCAL IMPACT STATEMENT:

There will be no anticipated impact to the Department's General Fund, as all operational and maintenance expenses associated with the use of the site shall be at Emek's sole expense.

This report was prepared by Joel Alvarez, Senior Management Analyst, Real Estate and Asset Management Section.

Exhibit-A

LEASE AREA PARCEL 1 AND PARCEL 2

EMEK HEBREW ACADEMY

15365 Magnolia Boulevard, Sherman Oaks, 91411

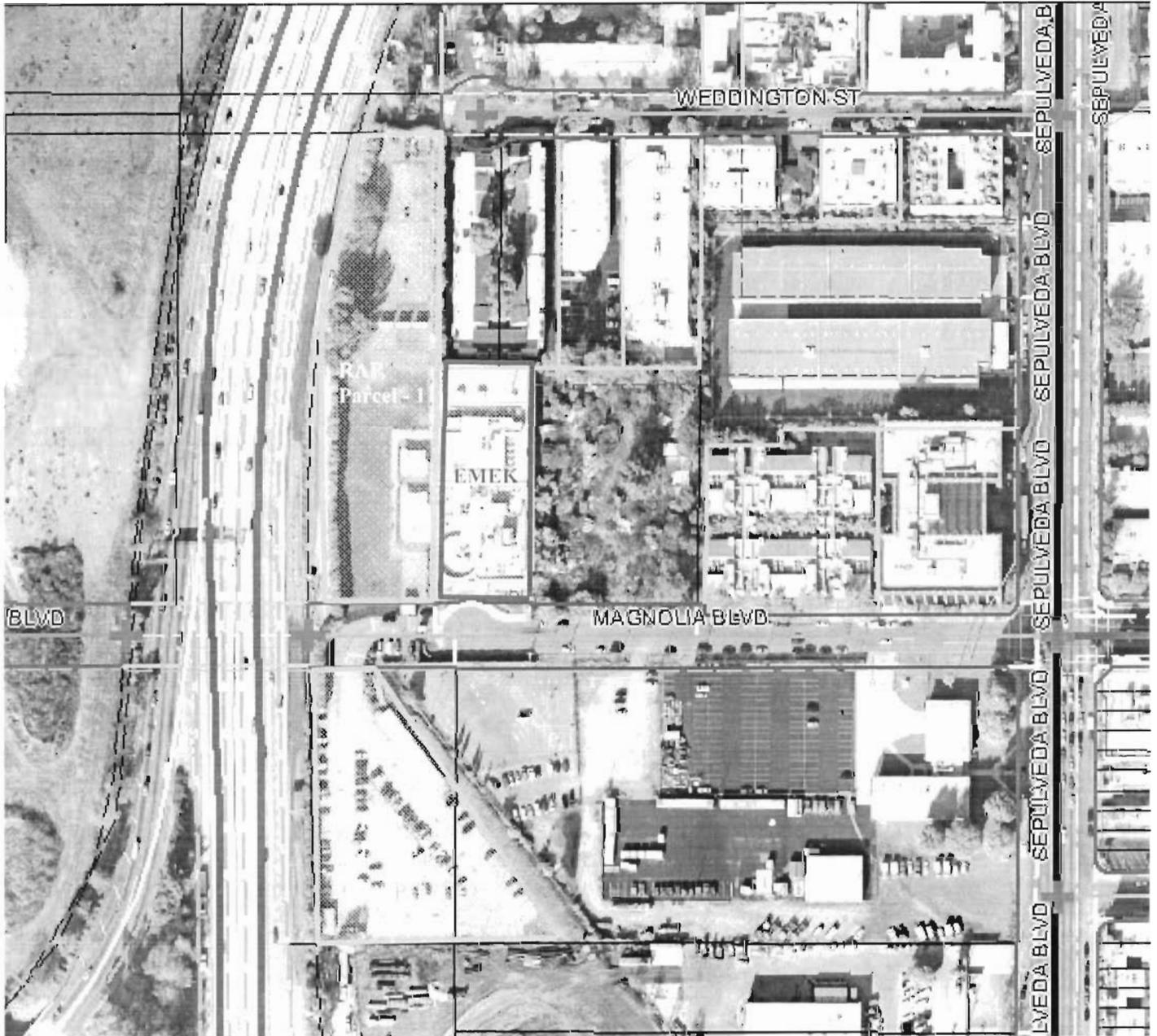


Exhibit-B

U.S. Army Corps of Engineers Lease Approval Letter



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. Box 532111
Los Angeles, California 90053-2125

December 11, 2007

Real Estate Division
Acquisition & Management Branch

Mr. Rick Tonthat
Real Estate and Asset Management Section
City of Los Angeles,
Department of Recreation and Parks
1200 West 7th Street, Suite 700
Los Angeles, California 90017

Dear Mr. Tonthat:

Our office has received your letter dated November 30 2007, requesting permission to extend Sub-Agreement No. 227 to lease No. DACW09-1-67-11 with Emek Hebrew Academy for an additional 30 years. The Corps has no objections to the 30 year extension. The lease is located in the Sepulveda Flood Control, Los Angeles County, California.

If you have any questions please contact Joyce Fredholm at (213) 452-3166 or by email at joyce.fredholm@usaco.army.mil.

Sincerely,


Hector Angeles
Chief, Acquisition and
Management Branch

Exhibit-C

Sherriff Lee Baca Letter of Support



LEROY D. BACA Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Romaine Boulevard
Monterey Park, California 91754-2159



December 9, 2008

Mr. Ed Macaraeg
City of Los Angeles
Department of Recreation and Parks
1200 7th Street, 7th Floor
Los Angeles, California 90017

Dear Mr. Macaraeg:

RECOMMENDATION OF CONTINUED NON-PUBLIC ACCESS TO PARCEL 2 PARKING LOT

I have been involved with Emek Hebrew Academy for more than 15 years and am well acquainted with the school, its needs and the needs of the local community in the area.

A number of years ago, I officiated over the groundbreaking of the school and have shared in their progress since that time. Nearly two decades ago, I witnessed the emergence of a beautiful partnership between the Department of Recreation and Parks and Emek Hebrew Academy in creating a local park that benefitted many of the local residents while providing for the needs of the school. I well recall the research that went into the decision of opening Parcel 1, the play area, to the public in a way that could harmoniously be shared with the school's use. Parcel 2, the parking lot, was specifically excluded from public use. This was done to prevent a continuation of the abhorrent situation that existed prior to this time of prolific drug use, prostitution, as well as abandoned and stolen cars. From the records, I understand, in hindsight, these were wise decisions. The public has gained a safe and beautiful local community park without the need of police monitoring on a regular basis.

In a recent conversation that I had with the school administration, it has come to my attention that the lease is now being renewed. Included in this renewal is the possibility of opening Parcel 2, the parking lot, to the public. I urge you to retain the integrity and character of this neighborhood

A Tradition of Service

Exhibit-C (continued)

Sherriff Lee Baca Letter of Support

Mr. Cid Macaraeg

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December 9, 2008

park by not opening the parking lot to people outside the neighborhood other than special groups that you may know in advance do not pose a threat to the pristine character of the area. Changing the current status would require intense law enforcement which is beyond consideration at this point.

In addition, with the completion of the apartment complex adjacent to the school, this park area will enjoy expanded use without the need of parking.

If you have any questions, please feel free to contact my office at (323) 526-5000.

Sincerely,



LEROY D. BACA
SHERIFF