

APPROVED

OCT 21 2009

REPORT OF GENERAL MANAGER

NO. 09-243

DATE October 9, 2009

BOARD OF RECREATION and PARK COMMISSIONERS

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VERNON BRANCH LIBRARY POCKET PARK – CONCEPTUAL DESIGN OF A NEW PARK TO BE DEVELOPED BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD) TO REPLACE EXISTING PARK PROPERTY WHICH HAS BEEN CONDEMNED FOR THE CONSTRUCTION OF THE NEW CENTRAL REGION ELEMENTARY SCHOOL NO. 21

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V. Israel \_\_\_\_\_ \*M. Shull [Signature]

[Signature]
General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board approve the proposed conceptual design for the development of a new park, to be designed and constructed by LAUSD at its own expense, in furtherance of a proposed settlement of condemnation proceedings related to the 0.15 acres of park property to be condemned by LAUSD through its powers of eminent domain under Los Angeles Superior Court (LASC) Case No. BC407-953 (LAUSD vs the City of Los Angeles).

SUMMARY:

On June 18, 2008, the Department of Recreation and Parks (Department) received correspondence from the Los Angeles Unified School District (LAUSD) informing it that the LAUSD was presently in the design phase for the construction of the new Central Region Elementary School No. 21 (School) to be located within the area bounded by 45th Street to the north, Central Avenue to the east, 46th Street to the south, and several residential properties to the west, as depicted on the Site Plan attached hereto as Exhibit-A. Said correspondence also requested certain property information related to the park property located at 4521 South Central Avenue, Assessor Parcel No. (APN) 5108-026-900, commonly known as the Vernon Branch Library Pocket Park (Park). Subsequent discussions with LAUSD Real Estate and Architectural staff revealed that the purpose of the property information request was to obtain information necessary to initiate condemnation

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proceedings against the City through LAUSD powers of eminent domain under LASC Case No. BC407-953 (LAUSD vs City of Los Angeles).

The Department has been working with the City Attorney and LAUSD legal representatives to reach a proposed settlement for said condemnation case, which will set forth the terms and conditions for: (i) the transfer of title of the Park property from the Department to LAUSD; (ii) the specifications and requirements for the development of the new park at the agreed upon location depicted on Exhibit-A, pursuant to the Conceptual Design Plan attached hereto as Exhibit-B, and (iii) the transfer of title from LAUSD to the City, for the land upon which the new park will be located. On June 30, 2009, the court awarded LAUSD an Order for Prejudgment Possession of the property, specifying that LAUSD would take possession of the property on September 1, 2009. The proposed final judgment in the condemnation case will be brought to the Board at a future date and final approval of the design and acquisition will be requested at that time.

The Department originally acquired the condemned Park property through a transfer of jurisdiction from the Department of Water and Power (DWP), with the Department paying DWP \$70,000 for the property. The transaction was approved by the Board on June 18, 2003 (Board Report No. 03-205). The Park property was acquired and developed into the existing park through Proposition 12 - 2/3 Per Capita grant funds. The Park's development was completed in January 2008 at a total cost of \$633,682, which consists of \$627,448 in Proposition 12 funds for the Park development project and \$6,235 in additional fence improvements which were performed by the Department's Pacific Region staff. However, the Park has never been open to the public due to delays caused by opening day and media event conflicts, safety, security and supervision issues, and then subsequent word of the LAUSD's intention to condemn the property. Despite the Park not being open to the public, Pacific Region maintenance personnel have had to perform regular maintenance and graffiti removal since the completion of the Park's development. In its present location, the Park is not very visible as it is between buildings.

As a result of this process, and because the Park was acquired and developed through Proposition 12 State of California grant funds, the Department was informed by the State that the Proposition 12 Grant Funds (\$627,448) would have to be returned to the State if the Park property ceased to be used as a public park. LAUSD and the Department's Grants Administration Section have been in discussions with the State regarding this issue. It was determined that if the State is not amenable to the terms of the condemnation settlement, special State legislation would be required in order for the State to make an exception to the Proposition 12 State grant funding guidelines to avoid funds having to be reimbursed. LAUSD is pursuing said legislation with Department support. In the event that the passing of this special legislation were to not occur, the LAUSD has committed to reimbursing the State the full amount of \$627,448 at LAUSD's sole cost, without any contribution by the City.

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In exchange for LAUSD's taking of the Park property and pursuant to the proposed settlement of the condemnation case, LAUSD will construct a replacement park on LAUSD property, of equal size and like improvements, within the same block of the existing Park location but at a more visible and favorable location at the corner of Central Avenue and 45<sup>th</sup> Street, directly across the street from the Vernon Branch Library, as illustrated by Exhibit-A. Department staff and representatives from the Office of Councilmember Jan Perry have had direct input into the preparation of the replacement park's design. Through several planning meetings held as part of the LAUSD's planning process, the proposed location and design was determined to be the optimal choice for the new park. The proposed new park will accommodate library visitors better, be more "street-visible" to address safety and security concerns, will enhance the community as the new park will be more aesthetically appealing, and may (subject to LAUSD-Department concurrence) present potential joint-use opportunities for the community through public use of the school athletic facilities and multipurpose room located immediately adjacent to the new park.

The replacement park's design includes:

- Decorative Colored Paving;
- Drinking Fountain;
- Landscaping and Irrigation Improvements;
- Various Types of Canopy-Shade Trees;
- Stage with Trellis and Vines;
- Concrete Seating Area to View Stage Area;
- Lighting throughout the Park (both wall and pole mounted); and,
- Perimeter Fencing.

Staff has determined that the proposed pocket park has been previously evaluated in accordance with the California Environmental Quality Act (CEQA) in the Environmental Impact Report (EIR) for the proposed Central Region Elementary School No. 21 Project. The EIR was certified by the LAUSD Board acting as the CEQA Lead Agency on November 25, 2008, and filed a Notice of Determination with the Los Angeles County Clerk on November 26, 2008. Staff has reviewed the administrative record for EIR, and has determined the proposed pocket park component of the larger school project has been adequately evaluated for potential environmental effects, and has further determined that the new park will not have any significant unavoidable impacts. Therefore, no additional CEQA documentation is required for the Board to act upon the recommendations in this report as a Responsible Agency to the pocket park project under CEQA.

Prior to the new park's construction and conclusion of the condemnation proceedings, staff will return to the Board for final approval of the proposed settlement judgment and acceptance of the new park and property upon which it is located.

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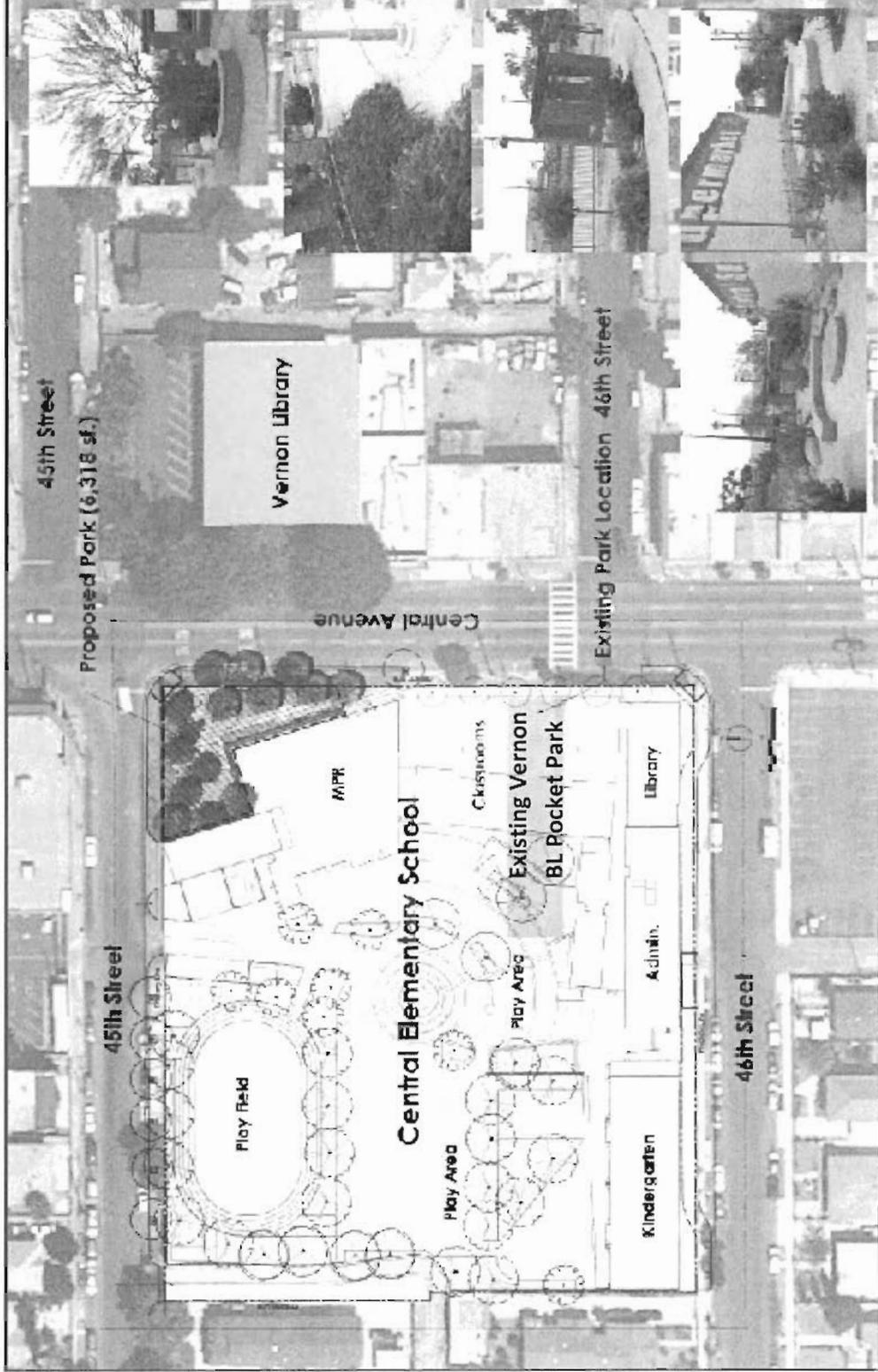
FISCAL IMPACT STATEMENT:

The Board's approval of the proposed park design will have no fiscal impact on the Department's general fund, as no costs or expenses will be incurred by the Department, as all related costs will be paid by the LAUSD at their sole expense.

This report was prepared by Joel Alvarez, Management Analyst II, of the Department's Real Estate and Asset Management Section.

Exhibit-A

Vernon Branch Library Pocket Park  
Site Plan



**VERNON CITY PARK**  
CENTRAL REGION ELEMENTARY SCHOOL NO. 21

SCHEMATIC DESIGN  
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