

APPROVED
DEC 14 2011

REPORT OF GENERAL MANAGER

NO. 11-316

DATE December 14, 2011

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: 1171-1177 MADISON AVENUE – EAST HOLLYWOOD PUBLIC GARDEN
AND ACHIEVEMENT CENTER – ACCEPTANCE OF REAL PROPERTY

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u><i>M. Shull</i></u>
V. Israel	_____	N. Williams	_____

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Adopt a resolution, substantially in the form on file in the Board Office, approving the acquisition at no cost to the Department of Recreation and Parks (RAP), transferring of the property located at 1171-1177 Madison Avenue, Los Angeles, California 90029, consisting of approximately 0.56 acres of vacant land (Assessor's Parcel No. (APN) 5542-028-018 to 020), and accepting the Deed from the Los Angeles Community Garden Council (LACGC), vesting title with RAP, and setting aside and dedicating the property as park land in perpetuity;
2. Direct staff to assist the Department of General Services (GSD), Office of the City Attorney and other City entities with the acquisition of the 0.56 acre property;
3. Upon successful close of escrow, direct the Board Secretary to accept the Grant Deeds to the parcel; and,
4. Authorize staff to issue a temporary right-of-entry permit to the LACGC to allow them and/or their contractor to enter the property to conduct preliminary design and construction work and maintenance responsibilities until such time as a long-term agreement is approved by the Board, Mayor, City Council, and City Attorney as to form;

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SUMMARY:

LACGC is a non-profit corporation made up of volunteers. It was founded in 1999 with a mission to connect people with community garden space in their neighborhood. LACGC has extensive experience obtaining property for use as community gardens. This includes the acquisition and development of the Vermont Square Community Garden in 2001 and the leasing of DWP property for the development of Stanford Avalon Community Garden in Watts in 2010.

Earlier this year LACGC was awarded \$984,542 in Parks First Trust Fund monies and \$2,400,000 in Community Development Block Grant monies (CDBG) for land acquisition and development of the East Hollywood Public Garden and Achievement Center project. It should be noted that on February 2, 2011, the Board, through Board Report No. 11-042, indicated its willingness to accept the property and enter into an agreement should a Parks First Trust Fund grant be received by LACGC. The property identified for this project is located at 1171-1177 Madison Avenue, Los Angeles, California 90029 and measures approximately 0.56 acres in size.

Although, LACGC was awarded the grants, grant guidelines require that ownership of land acquired with grant funds must be held by the City. As a result, several actions must be taken simultaneously. LACGC will purchase the property from the current owners, transfer title of the property to RAP through escrow at no cost to RAP, and RAP will in turn issue a right of entry permit to LACGC to allow for the preliminary design and construction work as well as begin maintenance responsibilities until such time as a long-term lease agreement with LACGC can be drafted and approved by the Board. The GSD will oversee the transfer of title from LACGC to the RAP.

Staff has been informed that a purchase price of \$1,600,000 has been agreed upon and supported by an appraisal reviewed by GSD. Environmental due diligence in the form of a Phase I Environmental Site Assessment (ESA) has been performed for the subject property in accordance with the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessments (Standard Designation E 1527-05) approved in November 2005 and the United States Environmental Protection Agency (US EPA) 40 CFR Part 312 Standards and Practices for All Appropriate Inquiries (AAI) – Final Rule adopted November 1, 2006. No evidence of Recognized Environmental Conditions (RECs) was found on the property, and no further site investigation is required. The Phase I ESA Report dated April 13, 2010 is on file in RAP's Real Estate Division.

Staff has determined that the proposed project will involve the acquisition and transfer of land to preserve open space, and the development of properties for use as community gardens. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(14, 40), Class 4(1, 3) and Class 25(5) of the City CEQA Guidelines.

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The Assistant General Manager for Operations and the Councilmember for the 13th District, both concur with staff's recommendations.

FISCAL IMPACT STATEMENT:

The property will be donated to RAP and also maintained by LACGC and therefore will have no impact to RAP's General Fund.

This report was prepared by Cid Macaraeg, Sr. Management Analyst II, Planning, Maintenance and Construction Branch.