

**APPROVED**  
**OCT 03 2012**

REPORT OF GENERAL MANAGER

NO. 12-285

DATE October 3, 2012

BOARD OF RECREATION  
AND PARK COMMISSIONERS

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: 1171-1177 MADISON AVENUE – EAST HOLLYWOOD PUBLIC GARDEN AND ACHIEVEMENT CENTER – RESCISSION OF PREVIOUS BOARD ACTION – APPROVAL OF REVISED LEASE AND PARTNERSHIP AGREEMENTS WITH LOS ANGELES COMMUNITY GARDEN COUNCIL FOR DEVELOPMENT, OPERATION AND MAINTENANCE

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

*[Signature]*  
General Manager

Approved *[Signature]*

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Rescind approval of Recommendations No. 1 and No. 2 of Board Report No. 12-158, approved by the Board of Recreation and Park Commissioners (Board) on May 16, 2012, which granted approval of a proposed 20-year Lease and 20-year Partnership Agreement between the City of Los Angeles and the Los Angeles Community Garden Council (LACGC), a California non-profit corporation, for the design, development, maintenance and operation of the East Hollywood Public Garden and Achievement Center (East Hollywood Public Garden) on park property located at 1171-1177 Madison Avenue;
2. Approve a proposed revised 20-year Lease Agreement, substantially in the form on file in the Board Office, with Los Angeles Community Garden Council (LACGC), a California non-profit corporation, for the design, development, maintenance and operation of the East Hollywood Public Garden and Achievement Center (East Hollywood Public Garden), subject to the approval of the Mayor, the City Council by ordinance, and the City Attorney as to form, as described in the Summary of this Report;

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3. Approve a proposed revised 20-year Partnership Agreement, substantially in the form on file in the Board Office, with the LACGC, a California non-profit corporation, setting forth the terms and conditions for the operation and maintenance of the East Hollywood Public Garden, subject to the approval of the Mayor, the City Council, and the City Attorney as to form;
4. Affirm that all other actions, which includes the transmission of the agreements to the Mayor and City Attorney and the establishment of the appropriate Department account to receive fees and other cost recovery reimbursements, previously approved by the Board in Board Report No. 12-158 remain the same; and,
5. Authorize the Board President and Secretary to execute the Lease Agreement and Partnership Agreement, upon receipt of the necessary approvals, and direct the Secretary to request that the Department of General Services (GSD) record a Memorandum of Lease.

SUMMARY:

On May 16, 2012, the Board approved Board Report No. 12-158, authorizing the Department to enter into a Lease Agreement and a Partnership Agreement with LACGC, a California non-profit corporation, for the design, development, maintenance and operation of the East Hollywood Public Garden to be developed on 0.56 acres of Department property located at 1171-1177 Madison Avenue, Los Angeles, CA 90029. The development project was to consist of a community garden and a public park. Funding for acquisition and development of the project was provided from \$984,542 in Parks First Trust Fund (PFTF) monies and \$2,400,000 in Community Development Block Grant (CDBG) monies. It should be noted that \$100,000 in PFTF and \$1,500,000 in CDBG funds were used to acquire park property. Total acquisition cost was \$1,600,000 as described in Board Report No. 11-316 which was approved by the Board at its meeting held on December 14, 2011. It should be noted that the acquisition was facilitated by LACGC in anticipation of getting a lease from the Department for the Parks First Project for the entire site.

Subsequent to the Board's action of May 16, 2012, the Department was informed that the Trust for Public Land (TPL) had received \$2,182,267 in Proposition 84 grant funds for the development of the public park component of the East Hollywood Public Garden and Achievement Center project. Development of the site now requires some clarification as the award of the PFTF, CDBG, and Proposition 84 funds creates a situation where the Department would have two entities, LACGC and TPL, occupying and/or developing the same site for complementing purposes.

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After further discussion with the appropriate City, State, LACGC, and TPL representatives, it was decided that TPL would be responsible for the development of the public park portion of the site and LACGC would be responsible for the development of the community garden portion of the site. The public park portion of the site would be located on the half of the site fronting Madison Avenue. The community garden portion would be located on the back half of the site. Please see Exhibit S-1.

A preliminary review of the budgets submitted by LACGC and TPL indicates that there is some overlap of the work to be done by both organizations. Most of the overlaps appear to be minor in nature but will need to be vetted by LACGC and TPL with the funding agencies. It should be noted that both organizations are required to submit their final plans to the Board for final approval before actual construction work can begin.

Because the site will now be developed by two different organizations, the Lease Agreement and the Partnership Agreement with LACGC need to be revised to clearly designate that LACGC is responsible only for the back portion or community garden portion of the property. LACGC would be responsible for the development, operation, and maintenance of the community garden portion of the site.

TPL's role in this matter is limited to the development of the front portion or the public park portion of the site. TPL's role does not include operation or maintenance. Upon completion of the development of the park portion, Department staff would accept the improvements and be responsible for operations and maintenance. TPL has a Donation Agreement with the Department which was approved by the Board on May 17, 2010 through Board Report No. 10-121. The Donation Agreement allows TPL to provide acquisition, development and construction services for the creation of new parks. The Donation Agreement will need to be amended to include this site as one of the sites that TPL will be providing services to the City. It is anticipated that this proposed amendment will be presented to the Board in the near future.

With the exception of the amendment to the portion of the site to be developed into a community garden and under the responsibility of LACGC, all other terms and conditions of the Lease and Partnership agreements remain the same. Each of these agreements will be for a period of twenty (20) years, beginning on the date of execution of the agreements. The proposed East Hollywood Public Garden to be developed by LACGC will provide members of the community a central location to plant gardens and other vegetation in plots throughout the property. LACGC also proposes to provide the community with workshops and classes in various activities related to gardening to promote involvement within the community at their own expense with no costs incurred by the City.

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As indicated in the recommendations above, with the exception of Recommendation Nos. 1 and 2 from Board Report No. 12-158, approved by the Board on May 16, 2012, all other actions remain the same. This includes Recommendation No. 3 which directs the Board Secretary to transmit the proposed Lease and Partnership Agreement to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form. Also remaining the same is Recommendation No. 5, which directs the Department's Chief Accounting Employee to deposit fees and utility and other cost recovery reimbursements received from LACGC in the account and sub-account established in Fund 302, Department 89 for such purpose.

Staff has determined that the proposed project will involve the acquisition, transfer and lease of land to preserve open space, and the development of properties for use as a public park and 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) of the City CEQA Guidelines, and Article 19, Section 15325, Class 25 of the State CEQA Guidelines.

The Assistant General Manager for Operations, the Superintendent of Operations for the Metro Region, and Councilmember Garcetti of the Thirteenth District, all concur with staff's recommendations.

### FISCAL IMPACT STATEMENT:

The property which was acquired on behalf of and for ownership by the RAP will be developed by both TPL and LACGC with various grant funds and therefore will have no anticipated impact to the City's General Fund. The maintenance and operation of the community garden portion of the park will be solely at the expense of LACGC. The maintenance and operation of the public park portion of the park will be the responsibility of the Department. Funding for this will be applied for through the budget process.

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

