

**APPROVED**  
AUG 12 2015

BOARD OF RECREATION  
AND PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 15-180

DATE August 12, 2015

C.D. 4, 5, 8, 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: QUIMBY FEES – VARIOUS REFUNDS

*for* \*R. Barajas CSP K. Regan \_\_\_\_\_  
H. Fujita \_\_\_\_\_ N. Williams \_\_\_\_\_  
V. Israel \_\_\_\_\_

*Nail Williams for*  
\_\_\_\_\_  
General Manager

Approved  \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve the following Quimby refund claims, subject to the approval of the Mayor and Council:
  - A. The Claridge, LLC for a refund of Quimby fees in the amount of \$156,170;
  - B. 1400 Fuller, LLC for a refund of Quimby fees in the amount of \$127,785;
  - C. Hugh Finkle Enterprises, Inc for a refund of Quimby fees in the amount of \$19,782;
  - D. 11 Federal West, LTD for a refund of Quimby fees in the amount of \$141,999;
  - E. Enterprise Home Ownership Partners for a refund of Quimby fees in the amount of \$62,468;
2. Direct the Board Secretary to transmit this report to the Mayor in accordance with Executive Directive No. 3;
3. Direct the Chief Accounting Employee to, upon receipt of the necessary approvals, identify the appropriate fund and account from which to issue the refunds (Fund No. 302 Department No. 88. revenue source and/or sub-revenue); and,

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4. Authorize the Department's Chief Accounting Employee to make any technical corrections or clarifications necessary in order to effectuate the intent of this Report.

### SUMMARY:

The Department of Recreation and Parks (Department) is in receipt of several requests for refund of park acquisition and development fees paid to the Department pursuant to Los Angeles Municipal Code (LAMC) Section 17.12.

LAMC Section 17.12 requires that no final subdivision map shall be approved or recorded unless land within the subdivision has been dedicated to the City for park or recreational purposes. As an alternative to land dedication, LAMC Section 17.12 allows for a fee in-lieu (Quimby fee) to be paid within one year after Council approves the final map.

LAMC Section 17.07 (N) instructs the Department to process and approve refunds of Quimby fees, upon written request of the project subdivider, if the final subdivision map is not recorded. However, LAMC Section 17.07 (N) does not establish any procedures relative to how a Quimby fee refund request is to be reviewed, processed, and approved by Department, nor does it describe what documentation the refund claimant would need to provide to Department in order to guarantee that the final subdivision map will not be recorded. Additionally, LAMC Section 17.07 does not require that the refund request be filed on any specific form nor does it require that the refund be filed by a certain date.

The City's general refund provisions and procedures are found in LAMC Sections 22.12 and 22.13. LAMC Sections 22.12(a) and 22.13(a) authorize the head of the Department to approve refunds of tax, license fee, permit fee, or application fee without the prior approval of the City Council, if such refund does not exceed a certain monetary limit. That monetary limit is subject to adjustment at the beginning of each fiscal year and the amount of the adjustment is calculated by the City Controller. The current limit of Department head refund authority is \$46,464. All refunds request over that limit are subject to the prior approval of the City Council

### Refund Claims

Department staff is recommending the approval of the following claims for refund of Quimby fees paid to Department pursuant to Los Angeles Municipal Code (LAMC) Section 17.12.

- A refund claim filed on November 7, 2013 by representatives of The Claridge, LLC for a refund of Quimby fees in the amount of \$156,170. The Claridge, LLC paid RAP \$156,170 in Quimby fees, on May 15, 2007, for a residential development project located at 670 S. Kelton Avenue, in Council District No. 5, that the claimant has indicated will not record a final subdivision map (VTT-65057).

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- A refund claim (Claim No. 118755) filed on December 18, 2013 by representatives of 1400 Fuller, LLC for a refund of Quimby fees in the amount of \$127,785. 1400 Fuller, LLC paid RAP \$127,785 in Quimby fees, on May 19, 2006, for a residential development project located at 1400 N. Fuller Avenue in Council District No. 4, that the claimant has indicated will not record a final subdivision map (VTT-64280).
- A refund claim (Claim No. 121144) filed on July 17, 2014 by representatives of Hugh Finkle Enterprises, Inc. for a refund of Quimby fees in the amount of \$19,782. Hugh Finkle Enterprises, Inc. paid RAP \$19,782 in Quimby fees, on April 28, 2005, for a residential development project located at 10612 W. Landale Street, in Council District No. 4, that the claimant has indicated will not record a final subdivision map (TT-62035).
- A refund claim filed on August 1, 2014 by representatives of 11 Federal West, LTD for a refund of Quimby fees in the amount of \$147,246. 11 Federal West, LTD paid RAP \$147,246 in Quimby fees, on May 15, 2007, for a residential development project located at 417, 419, and 429 S. Barrington Avenue, in Council District No. 11, that the claimant has indicated will not record a final subdivision map (VTT-67011). 11 Federal West, LTD was previously issued a refund (Claim No. Q00042), on March 26, 2009, for overpayment of Quimby fees in the amount of \$5,247.
- A refund claim (Claim No. 123169) filed on February 5, 2015 by representatives of Enterprise Home Ownership Partners for a refund of Quimby fees in the amount of \$62,468. Enterprise Home Ownership Partners paid RAP \$62,468 in Quimby fees, on May 2, 2007, for a residential development project located at 3517 West Hyde Park Boulevard, in Council District No. 8, that the claimant has indicated will not record a final subdivision map (VTT-64557).

The total amount of the above refund claims is \$508,204.

### ENVIRONMENTAL IMPACT STATEMENT:

Staff has determined that this action is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3) because it is by definition the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment pursuant (Section 15378, as cited). Therefore, no CEQA documentation is required.

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FISCAL IMPACT STATEMENT:

The approval of this Report will have a negative fiscal impact on the Department.

This Report was prepared by Darryl Ford, Principal Project Coordinator, Planning, Construction, and Maintenance Branch.