



REPORT OF GENERAL MANAGER

NO. 15-205

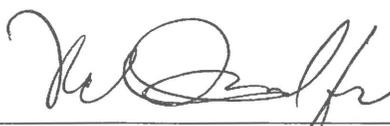
DATE September 2, 2015

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GAFFEY STREET POOL - POOL AND NEW BATHHOUSE RESTORATION (PRJ20726) (W.O. #E1907453F) – ACCEPTANCE OF STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3514

<i>far</i>	*R. Barajas	<i>CD</i>	K. Regan	_____
	H. Fujita	_____	N. Williams	_____
	V. Israel	_____		



 General Manager

Approved ✓ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board direct staff to withhold the amounts claimed in the following Stop Payment Notice, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amount of said funds are available, and to notify contractors, sureties, and other interested parties that the amount of said claims plus 25% will be withheld.

STOP PAYMENT NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044, 8128, and 9350-9510, on the following contract:

<u>Contract 3514</u>	CD 15	
Gaffey Street Pool - Pool And New Bathhouse (PRJ20726) (W.O. #E1907453F)	General Contractor:	AWI Builders, Inc.
Project Status: construction	Claimant:	Arrow Concrete
Project Impact: none	Amount:	\$69,375.00,

FISCAL IMPACT STATEMENT:

Acceptance of Stop Payment Notices has no impact on the Department's General Fund.

This Report was prepared by Iris Davis, Commission Executive Assistant I.

FOR INFORMATION ONLY

CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS

September 2, 2015

TO: BOARD OF RECREATION AND PARKS COMMISSIONERS

FROM: MICHAEL A SHULL, General Manager



SUBJECT: SUNSET GORDON PROJECT/SUNSET GORDON PARK

Background

The Sunset Gordon Project (Project) is a mixed-use residential and commercial project located on an approximately 1.7 acre site at 5929-5945 Sunset Boulevard and 1512-1540 North Gordon Street in Hollywood. The Project includes 299 dwelling units, approximately 13,500 square feet of restaurant and retail space, approximately 40,000 square feet of office space, a parking structure that has parking levels both above and below grade, and a public park. The public park is located on the north side of the Project, along the Project's Gordon Street frontage and above a below grade portion of the project's parking structure, and is located at street level.

On July 16, 2012, the developer of the project, 5929 Sunset (Hollywood), LLC (Developer), paid the required Quimby Fees for the 305 dwelling units entitled to be developed as a part of the Project. The total Quimby fee payment received by Department of Recreation and Parks (Department) for this project was \$1,253.855.

On June 11, 2014, the Board of Recreation and Park Commissioners (Board) authorized the Department to initiate preliminary acquisition of an approximately 21,177 square foot perpetual easement over all or portion of Assessor's Parcel Numbers (APN) 5545-009-05, 5545-009-06, and 5545-009-07, generally located 1522-1534 Gordon Street, Los Angeles, California 90028, for public park purposes, and directed staff to return to the Board with a Purchase and Sale Agreement, escrow instructions and related documents, and a Covenant for Maintenance Obligations (Maintenance Covenant), for the Board's final approval to purchase the easement and the park improvements installed upon it (Board Report No. 14-098). Additionally, the Board requested that Department staff provide a bi-yearly, informational report to the Board on how the park is being used by the community and how it is being integrated in the community.

Pursuant to California Public Resources Code Section 21151(c), Doug Haines filed an appeal of the Board's June 11, 2014 action on behalf of the La Mirada Avenue Neighborhood Association. No action has yet been taken by the City in response to this appeal (Council File: 14-0899).

In October 2014, in response to a lawsuit filed in May 2012, by the La Mirada Avenue Neighborhood Association, challenging the City's approval of the Project, the Los Angeles Superior Court ruled that the City had improperly issued construction permits for the Project. The judge's ruling effectively invalidated the construction permits for the project. The Developer appealed the judge's ruling, however, the City did not appeal the ruling. The Developer's appeal was scheduled for oral argument before the Courts of Appeal on August 25, 2015.

Current Status

Until the legal status of the park is resolved, Department staff cannot move forward and complete preliminary acquisition activities for the proposed acquisition of the perpetual easement for the park.

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