

APPROVED

MAY 16 2018

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 18-095

DATE May 16, 2018

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VESTING TENTATIVE TRACT (VTT) NO. 80315 – RECOMMENDATION TO THE ADVISORY AGENCY FOR LAND DEDICATION OR IN-LIEU PARK FEE PAYMENT

AP Diaz	_____	V. Israel	_____
*R. Barajas	<u>DF</u>	S. Piña-Cortez	_____
H. Fujita	_____	N. Williams	_____



General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Recommend that the Advisory Agency require Vesting Tentative Tract (VTT) 80315 (Project) to dedicate land to the City, or provide a combination of land dedication and fee payment, in order to fulfill the Project's requirements under provisions of Los Angeles Municipal Code (LAMC) Section 12.33; and,
2. Authorize the General Manager or his designee to provide a Report to the Advisory Agency informing them of the Board of Recreation and Park Commissioners' (Board) recommendation.

SUMMARY

Ordinance 184,505 (Parks Dedication and Fee Update Ordinance) became effective on January 11, 2017. Ordinance 184,505 requires most residential projects that create new dwelling units or joint living and work quarters to dedicate land or to pay a fee in-lieu (Park Fee) for the purpose of developing park and recreational facilities. Residential projects that propose one or more additional dwelling units are subject to these requirements unless they meet one of the exceptions listed in the LAMC 12.33 C.3 (e.g. certain affordable housing units and secondary dwelling units may be exempt from any requirement to pay a fee).

Pursuant to LAMC Section 17.03 (Advisory Agency), "[t]he Advisory Agency is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions, of requiring the dedication of land, the payment of fees in lieu thereof, or a combination of both, for the acquisition and development of park and recreation sites and facilities...". The Director of the City Planning Department (City Planning) is designated as the Advisory Agency for the City of Los Angeles and is authorized to act in such capacity through one or more deputies appointed by him or her for that purpose.

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LAMC Section 17.04 (Subdivision Committee) states that the Department of Recreation and Parks (RAP) is to submit a report to the Advisory Agency for each application for subdivision map approval and that report "shall contain recommendations, approved by the Board of Recreation and Park Commissioners, specifying the land to be dedicated, the payment of fees in lieu thereof, or a combination of both for the acquisition and development of park or recreational sites and facilities to serve the future inhabitants of such subdivision...".

PROJECT SUMMARY

Vesting Tentative Tract 80315 (Project) is located at 1111 West Sunset Boulevard in the Victor Heights area of the City. The Project site is approximately 6.27 gross acres and is currently improved with 4 nonresidential buildings. The Project, as currently proposed, includes the demolition of the existing buildings and the construction of a new mixed use project consisting of 778 dwelling units (including 76 restricted affordable units), a 98 room hotel, 75,000 square feet of retail/commercial space, and 48,000 square feet of office space. The Project would comprise of a 49 story residential tower and a 31 story residential tower surrounded by low rise residential structures, a 17 story hotel building, an office building, and individual commercial structures. The Project would also include a common parking podium and garage that would be located partially below grade.

The Project also includes approximately 87,000 square feet of exterior and interior common open space. The exterior open space would include terraces, gardens, courtyards, roof decks, and a 30,000 square foot artificial hill at the center of the Project site that will be built over top of the underground garage. These open space areas would be improved with paths, open lawn, seating areas and movable furniture, and water feature(s).

The Project, as submitted to City Planning, is not proposing to make a land dedication to the City either on-site or off-site of the project location.

Conceptual renderings of the Project are attached (Attachment 1).

EARLY CONSULTATION MEETING

Pursuant to LAMC Section 12.33 D.1, applicants of residential Subdivision projects with more than fifty (50) residential dwelling units are required to meet with RAP and City Planning prior to submitting a tract map application to City Planning. Per LAMC Section 12.33 D.1, "[t]he purpose of this early consultation is to discuss whether the City requires land dedication for the project and/or to discuss credits available to the applicant, if any."

RAP and City Planning staff held an Early Consultation meeting with Project representatives on **December 20, 2017**. The meeting included a discussion of the requirements of Los Angeles Municipal Code Section 12.33, the maximum land dedication that the Project could be required to provide, options and opportunities for on-site or off-site park land dedications, the calculation of Park Fees, and the various recreational credits available to the Project.

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ADVISORY AGENCY

The Project filed a tract map application with City Planning on **January 11, 2018**. On March 15, 2018, the Advisory Agency sent RAP a notification requesting RAP provide its report and recommendations on the Project by **April 24, 2018**. The Advisory Agency Filing Notification is attached (Attachment 2). Subsequent to the receipt of the above notice, RAP staff contacted City Planning staff regarding an extension to the comment deadline. City Planning staff indicated that it would be acceptable for RAP to provide its report and recommendations for the Project by the end of May.

If no written report is provided to the Advisory Agency, the Advisory Agency will assume that RAP has no report to make.

REQUIRED LAND DEDICATION / IN-LIEU FEE PAYMENT

Pursuant to LAMC Section 12.33 C, "All new residential dwelling units and joint living and work quarters shall be required to dedicate land, pay a fee, or provide a combination of land dedication and fee payment for the purpose of acquiring, expanding and improving park and recreational facilities for new residents."

Land Dedication

LAMC Section 12.33 D states that residential Subdivision projects with more than fifty (50) residential dwelling units can be required by the City to dedicate land to the City for park and recreation purposes. The maximum amount of land that the Advisory Agency could require a project to dedicate to the City is calculated based on the formula detailed in LAMC Section 12.33 D.2:

- **LD = (DU x P) x F**
 - **LD** = Land to be dedicated in acres.
 - **DU** = Total number of new market-rate dwelling units.
 - **P** = Average number of people per occupied dwelling unit as determined by the most recent version of the U.S. Census for the City of Los Angeles.
 - **P = 2.88**
 - **F** = Park Service factor, as indicated by the Department of Recreation and Parks rate and fee schedule.
 - **F = 0.00251 (2.51 acres of park land per 1,000 residents)**

The **maximum** land dedication for the Project's proposed 778 units would be:

$$5.62 \text{ Acres} = (778 \times 2.88) \times 0.00251$$

The amount of land that is required to be dedicated is subject to change depending on the Park Service factor in effect at the time the Project is required to dedicate the land; the number of exempt dwelling units (e.g. affordable housing units, existing dwelling units to be replaced on

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site, etc.) included as part of the Project; any Dwelling Unit Construction Tax previously paid by the Project; and, any credits granted by RAP to the Project for improvements to dedicated park land or for eligible privately owned recreational facilities and amenities.

As currently proposed, the Project has 76 dwelling units in the Project that would likely qualify for an exemption per LAMC Section 12.33 C.3. If those dwelling units are ultimately determined to be exempt, the **maximum** required land dedication for the Project would be:

$$5.07 \text{ Acres} = (702 \times 2.88) \times 0.00251$$

Per LAMC Section 12.33 D.3, a project that is required to make a land dedication to the City may make said land dedication, or any portion thereof, either on-site or off-site of the project location. Any off-site land dedication must be located within a certain radius from the project site, as specified below:

- a) Neighborhood Park: within a 2-mile radius
- b) Community Park: within a 5-mile radius
- c) Regional Park: within a 10-mile radius

While the Advisory Agency has the authority to require the Project to dedicate land to the City for park purposes, the Board would need to approve (or disapprove) any proposed park land dedication before that land can be acquired and accepted by the City. Therefore, if the Advisory Agency requires the Project to dedicate land to the City, RAP staff would need to prepare a subsequent report to the Board regarding the proposed land dedication. That report would detail the amount and location of the land being dedicated, and the improvements, if any, proposed to be developed on the dedicated property. Additionally, if it is determined that the Project will provide a combination of land dedication and fee payment, the report would also identify the amount of in-lieu fees that would be owed to the City after RAP credits the Project for the amount of land being dedicated.

In-Lieu Fee Payment

Pursuant to LAMC Section 12.33, the Park Fee amount is determined by the type of residential project (Subdivision or Non-Subdivision) being developed. RAP shall collect these fees pursuant to LAMC Section 19.17 and the Park Fees Section of RAP's Rate and Fee Schedule. As of January 11, 2018, residential Subdivision projects that are subject to the Subdivision fee shall pay:

$$\mathbf{\$10,962.42 \times \text{number of new non-exempt dwelling units}}$$

The **maximum** Park Fees payment for the Project's proposed 778 units would be:

$$\mathbf{\$8,528,762.76 = \$10,962.42 \times 778 \text{ dwelling units}}$$

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The amount of Park Fees that are required to be paid is subject to change depending on the Park Fee schedule in effect in the year of payment; the number of exempt dwelling units (e.g. affordable housing units, existing dwelling units to be replaced on site, etc.) included as part of the Project; any Dwelling Unit Construction Tax previously paid by the Project; and, any credits granted by RAP to the Project for improvements to dedicated park land or for eligible privately owned recreational facilities and amenities.

As currently proposed, the Project has 76 dwelling units in the Project that would likely qualify for an exemption per LAMC Section 12.33 C.3. If those dwelling units are ultimately determined to be exempt, the maximum required Park Fee payment for the Project would be:

\$7,695,618.84 = \$10,962.42 x 702 dwelling units

Per Los Angeles Municipal Code Section 12.33 E.3, any Park Fees collected by the City shall be expended within a certain radius from the project site, as specified below:

- a) Neighborhood Park: within a 2-mile radius
- b) Community Park: within a 5-mile radius
- c) Regional Park: within a 10-mile radius

STAFF ANALYSIS AND RECOMMENDATION

In order for RAP staff to determine which mechanism, land dedication or payment of Park Fees, to recommend for the Board's review and approval, RAP staff analyzes each proposed development project including its location, new population, surrounding parks, any nearby active or proposed park acquisition or park development project, existing park service radius gaps, etc. RAP staff also analyzes any parks, open spaces, or recreational areas anticipated to be provided by each proposed development project in order to determine if those facilities would reduce the need for new public recreation and park facilities to serve the project residents.

One of the most critical factors that RAP staff uses to analyze proposed development projects is existing park service radius gaps. Approximately fifty-four percent (54%) of residents in the City live within a one-half (1/2) mile, or a ten (10) minute walk, from a public park or open space. The Mayor's Sustainability City pLAn sets a goal of increasing the percentage of Angelinos living within a one-half mile from a park to sixty-five percent (65%) by 2025 and to seventy-five percent (75%) by 2035. RAP continues to employ a variety of strategies, such as the 50 Parks Initiative, that are intended to increase park access and meet these park access goals.

Site Analysis

The Project is located within the Victor Heights area of the City and within the Central City North Community Plan Area. Currently, the Project site is improved with four (4) nonresidential buildings. The Project site is located in a residential area and is surrounded by retail, residential, and commercial uses. The Elysian Apartment tower is immediately adjacent to the Project.

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An aerial view of the Project site is attached hereto (Attachment 3). A map showing the generalized zoning of the project site and the Community Plan Area is also attached (Attachment 4).

The Project is located in a high density area of the City. Below is an analysis of the density of the area within walking distance of the Project site and a comparison to both citywide density and local community density:

- Half-mile (1/2) walking distance of the Project site (EPADSS): 11,044 persons (20,837 persons per square mile).
- City of Los Angeles Population Density (2010 United States Census): 8,092 persons per square mile.
- Central City North Community Plan Area (2014 American Community Survey): 6,810 persons per square mile.
- Silver Lake - Echo Park - Elysian Valley Community Plan Area (2014 American Community Survey): 10,037 persons per square mile.

Project Open Space and Recreational Areas

As previously discussed, the Project includes various on-site common open space and recreational areas. The Project includes approximately 87,000 square feet of exterior and interior common open space. The exterior open space would include terraces, gardens, courtyards, roof decks, and a 30,000 square foot artificial hill at the center of the Project site that will be built over top of the underground garage. These open space areas would be improved with paths, open lawn, seating areas and movable furniture, and water feature(s).

The amount of common open space being provided by the Project does not appear to significantly exceed the amount of open space the Project would otherwise be required to provide per the LAMC (or other planning documents, specific plans, etc.). Additionally, while the Project will be providing a relatively large amount of common open space and landscaped areas, it does not appear that these open spaces will include the type and variety of active and passive recreational facilities and amenities that are typically found in the City's Neighborhood and Community Parks and that are needed to meet the needs of residents of all ages and abilities.

As currently proposed, these proposed recreational amenities would likely not significantly reduce the Project's impact on existing public recreational and park facilities nor would they likely significantly reduce the need for new or expanded public recreational and park facilities.

Public Park Access

There are a number of public parks within a two (2) mile radius of the Project site. A map showing the project location and nearby park service area gaps is attached hereto (Attachment 5).

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There are two (2) public parks within a half (½) mile walking distance of the Project site:

- Everett Park is a 0.53 acre park, located at 1010 North Everett Street. Everett Park is currently improved with an open lawn area.
- Alpine Recreation Center is a 1.94 acre park, located 817 Yale Street Avenue. Alpine Recreation Center is currently improved with a recreation center, playground, basketball courts, a covered picnic areas, and an open lawn area.

As previously noted in this Report, a land dedication for a new public park could be located either on-site or off-site of the Project location. If a new public park was provided at the Project location the park would serve the new residents of the Project as well as approximately 324 new, previously unserved, residents within a half-mile (1/2) walking distance (Attachment 5). If a new public park was provided off-site of the Project location the park would serve the new residents of the Project as well as an unknown number of new, previously unserved, residents within a half-mile (1/2) walking distance. If the Project does elect to make some or all of its required land dedication off-site, staff would work with the Project to identify a site that would serve project residents, help close an existing park service area gap, and maximize, to the extent feasible, the number of new residents who would be within a half-mile (1/2) walking distance of a public park.

Nearby Public Park Projects

There are three (3) new public parks currently in development within a two (2) mile radius of the Project site:

- 1st and Broadway Park is a 1.96 park located at 217 West 1st Street in Council District No. 14. The current scope of the 1st and Broadway Park Development (PRJ20781) Project is development of a new community park. The 1st and Broadway Park Development (PRJ20781) Project is currently in design. The 1st and Broadway Park Development (PRJ20781) Project is being led by the Department of Public Works, Bureau of Engineering (BOE) and is expected to be completed in August 2020. The current project budget for the 1st and Broadway Park Development (PRJ20781) Project is Thirty Million, Three Hundred Eighty-Nine Thousand Dollars (\$30,389,000.00) and the current available funding is Seventeen Million, Two Hundred Six Thousand, Eight Hundred Twelve Dollars and Three Cents (\$17,206,812.03). The 1st and Broadway Park Development (PRJ20781) Project is not fully funded at this time.
- Albion Riverside Park is a six (6) acre park is located at 1739 North Albion Street in Council District No. 1. The current scope of the Albion Riverside Park (PRJ20647) Project is the development of a new six (6) acre site as well as improve portions of the existing Downey Recreational Center. The project will construct a new small size synthetic athletic field, new sports field lighting, walking and bike path, new fitness equipment area with resilient surfacing, new children's play area with resilient surfacing,

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new parking lot with permeable parking spaces, install landscaping, reconfigured the existing Downey Recreational Center baseball field, renovate the pedestrian pathway to the Downey Child Care Center, and reconfigure and improve the staff access road and parking lot to provide a buffer from the baseball field. The Albion Riverside Park (PRJ20647) Project is currently in construction. The development of the Albion Riverside Park (PRJ20647) Project is being led by BOE and is expected to be completed in February 2019. The total funding available for the Albion Riverside Park (PRJ20647) Project is Eighteen Million, Four Hundred Ninety-four Thousand, Eight Hundred Fifty Nine Dollars (\$18,494,859.00). The Albion Riverside Park (PRJ20647) Project is fully funded at this time.

- Alpine Recreation Center Expansion (Ord and Yale Street Park) is a 0.85 acre park located at 817 Yale Street in Council District 1. The current scope of the Ord and Yale Street Park Project is the construction of a children's playground with equipment and climbing wall, the construction of a fitness zone with eight pieces of equipment, construction an entry plaza/performance space with small cafe and restroom building, construction of an upper viewing terrace with public art water feature, and the construction of a fitness trail on the Native Restoration Garden slope and through the Bamboo Grove. The Ord and Yale Street Park Project is currently in bid and award. The development of the Ord and Yale Street Park Project is being led by BOE and is expected to be completed in November 2019. The current project budget for the Ord and Yale Street Park Project is \$8,249,705 and the current available funding is Eight Million, Two Hundred Forty-Nine Thousand, Seven Hundred Five Dollars (\$8,249,705.00). The Ord and Yale Street Park Project is fully funded at this time.

There is one (1) park renovation project currently in development within a two (2) mile radius of the Project site:

- Pershing Square Park is a 4.44 acre park located at 532 South Olive Street in Council District No. 14. The Pershing Square Park Renovation (PRJ21113) Project is currently in design. The current scope of the Pershing Square Park Renovation (PRJ21113) Project is to identify, investigate, and address: (1) deficiencies in the built conditions of the existing underground parking garage, to meet today's code compliance; and (2) challenges in executing major design elements as proposed in the competition scheme, and validate for feasibility/constructability. The Pershing Square Park Renovation (PRJ21113) Project is being led by BOE and is it unknown at this time when the project is expected to be completed. The current project budget for the Pershing Square Park Renovation (PRJ21113) Project is not known at this time and the current available funding is Two Million, Seven Hundred Ninety-Seven Thousand, Three Hundred Thirty-Eight Dollars (\$2,797,338.00). The Pershing Square Park Renovation (PRJ21113) Project is not fully funded at this time.

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Staff Recommendation

The Project is located in a high density area of the City. The density of the area within walking distance of the Project site is higher than both the average density of the City and the average density of the Community Plan Area in which the Project is located.

The Project site is not located in an existing park service radius gap, as there are two (2) parks within walking distance of the Project. However, it should be noted that, given the local topography, it could be challenging for a Project resident to access those two parks. Everett Park, which is the closer of the two parks, is difficult to access from the Project site as the street that leads to Everett Park is very steep. Additionally, Everett Park does not currently provide any recreational amenities for park users. The other nearby park, Alpine Recreation Center, is located across a freeway from the Project site. Moreover, even after crossing the freeway, a Project resident would also need to traverse relatively hilly terrain in order to reach Alpine Recreation Center.

If a new public park was provided at the Project location, the park would serve Project residents but would not serve a significant number of new, previously unserved, residents within a half-mile (1/2) walking distance.

There are (3) new public parks, and one (1) park renovation project, currently in development within a two (2) mile radius of the Project site. The development of these new parks and projects would provide new open space, new recreational amenities, and enhanced recreational opportunities that would be accessible to future Project residents and that may provide sufficient recreation amenities to serve the needs of those residents. As previously noted, two (2) of these projects are not fully funded at this time and are in need of additional funding.

Therefore, RAP staff recommends that the appropriate mitigation measure for this Project is that the Project be required to dedicate land to the City, or provide a combination of land dedication and fee payment.

FISCAL IMPACT STATEMENT

As it is not known at this time if the Advisory Agency will recommend the Project dedicate park land to the City or to pay Park Fees, the potential Fiscal Impact to the RAP's General Fund is unknown.

This Report was prepared by Darryl Ford, Senior Management Analyst II, Planning, Construction and Maintenance Branch, Department of Recreation and Parks.

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LIST OF ATTACHMENTS

- 1) Attachment 1 - Conceptual Project Renderings
- 2) Attachment 2 - Advisory Agency Filing Notice
- 3) Attachment 3 - Aerial View of Project Site
- 4) Attachment 4 - Zoning and Community Plan Map
- 5) Attachment 5 - Project Location and Surrounding Parks
- 6) Attachment 6 - EPADSS Report