

# APPROVED

AUG 19 2021

## BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 21-149

DATE August 19, 2021

C.D. 14

### BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LOS ANGELES PLAZA PARK - PROPOSED LOS ANGELES UNION STATION FORECOURT AND ESPLANADE IMPROVEMENT PROJECT – OPENING AND MAINTENANCE OF PUBLIC STREET AND RIGHT OF ENTRY PERMIT - CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR), FIRST ADDENDUM, SECOND ADDENDUM, FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS AND ACCOMPANYING MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM FOR THE LOS ANGELES UNION STATION FORECOURT AND ESPLANADE IMPROVEMENTS EIR (SCH No. 2016121064)

|           |       |                              |           |
|-----------|-------|------------------------------|-----------|
| AP Diaz   | _____ | M. Rudnick                   | _____     |
| H. Fujita | _____ | <i>for</i> *C. Santo Domingo | <u>DF</u> |
| J. Kim    | _____ | N. Williams                  | _____     |

*Paul Denise Williams*  
 \_\_\_\_\_  
 General Manager

Approved   X                        Disapproved \_\_\_\_\_                      Withdrawn \_\_\_\_\_

### RECOMMENDATIONS

1. Approve the use of a portion of the Department of Recreation and Parks' (RAP) Los Angeles Plaza Park for the proposed Los Angeles Union Station Forecourt and Esplanade Improvement Project (Project) as described in the Summary of this Report;
2. Approve the request of the Department of Public Works (DPW), Bureau of Engineering (BOE) for a Grant of Right (Exhibit D) for the use of the subject portion of park property for public right-of-way purposes (including constructing, operating, and maintaining a public street) as described in the Summary of this Report;
3. Direct RAP staff to work with staff from Bureau BOE, General Services Department (GSD), and City Attorney in the processing of the Grant of Right to DPW;
4. Direct RAP staff to issue a temporary revocable Right-of-Entry (ROE) Permit to BOE, the Metropolitan Transport Agency (MTA) and/or the contractor selected for the construction of the Project;
5. Approve the attached Resolution (Exhibit E) authorizing the Grant of Right to DPW;

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6. Request that the City Council approve the Grant of Right to DPW by ordinance, and request that BOE and the City Attorney's Office assist in the drafting, processing, and execution of all documentation necessary to grant and record the Grant of Right to DPW;
7. Find that pursuant to the California Environmental Quality Act (CEQA) State Guidelines Sections 15162, 15163, and 15164, in consideration of the whole of the administrative record, that the project was adequately assessed in the previously certified EIR, First Addendum, Second Addendum, Findings of Fact, Statement of Overriding Considerations and accompanying mitigation measures and Mitigation Monitoring Program for the Project EIR (SCH No. 2016121064); and no subsequent EIR, Negative Declaration, or further addendum or other CEQA analysis is required for approval of the Project and the actions before the Board of Recreation and Park Commissioners (Board);
8. Upon receipt of necessary approvals, authorize the Board Secretary and President to execute the Grant of Right; and,
9. Authorize RAP staff to make technical corrections to carry out the intent of this Report.

### SUMMARY

Los Angeles Plaza Park is a 0.80 acre or 34,848 square-foot park located at 125 East Paseo de la Plaza. It can be found just southeast of El Pueblo De Los Angeles and west of Los Angeles Union Station (Union Station) (See Exhibit A).

### PROJECT SCOPE

The proposed Project includes a series of improvements that will enhance pedestrian and bicycle access and safety to and from Union Station and surrounding communities. The proposed Project is located in front of Union Station and on adjacent streets, including Alameda Street and Los Angeles Street.

Recently, RAP received a written request from DPW for a Grant of Right to a portion of the Los Angeles Plaza Park for transportation purposes. DPW, through their BOE, Metro Transit Division, has been working with MTA on the proposed Project (Exhibit B).

In the performance of their due diligence, it was discovered that a portion of Los Angeles Plaza Park, which is dedicated park property, is currently used for public right-of-way purposes despite that use not having been approved for such use by the Board (see Exhibit C).

Los Angeles City Charter (Charter) Section 594(c)(4) gives the Board the authority to open, establish, and maintain streets or other public ways in and through dedicated park lands. The Charter also allows the Board to delegate that establishment and maintenance of public ways to the Department of Public Works and Bureau of Street Services. Any such transfer shall require a resolution of the Board (attached to this report) approved by City Council by ordinance, incorporating the prescribed terms and conditions to be observed by the permittee.

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Under the Charter, if property to be transferred to another use has been acquired from funds specifically provided for RAP or its predecessors, RAP shall be assigned the equivalent in property or funds as a condition of transfer of the property from its control, when required by the Board. RAP staff has reviewed the originating acquisition of this property and determined that no such funds were used in the acquisition.

RAP staff has reviewed the request from DPW and recommends that the Board grant the request. The subject portion of Los Angeles Plaza Park has been used for many years as a public right of way and as such the approval of the proposed Grant of Right will not be a detriment to RAP operations. It should be noted that the proposed Project will be completed at no cost to RAP.

### TREES AND SHADE

The approval of this project will have no impact on existing trees or shade at Los Angeles Plaza Park.

### ENVIRONMENTAL IMPACT

RAP staff found that the actions before the Board are part of a larger project, adequately assessed in a previously certified EIR, along with two Addenda, Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Program, for the Project EIR (SCH No. 2016121064). On March 1, 2018, the Los Angeles County Metropolitan Transportation Board of Directors certified the EIR for the project. A Notice of Determination (NOD) was filed with the Los Angeles County Clerk on March 2, 2018.

According to Article 19, Section 15162, of California CEQA Guidelines, no subsequent environmental document should be prepared, unless the lead agency finds, on the basis of substantial evidence and in the light of the whole record, that:

- substantial changes to the project have occurred;
- local circumstances under which the project has been undertaken have changed substantially and
- new information of substantial importance about the project, the environment and the mitigation measures has emerged.

City Staff found that no substantial changes to the original project or to the local environment have occurred and that no new information that could show that the impacts of the projects have changed and/or the mitigation measures are inapplicable have emerged.

Therefore, RAP staff recommends that the Board take no further CEQA action.

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### FISCAL IMPACT

The approval of this proposed Grant of Right will have no fiscal impact on RAP's General Fund as DPW and MTA will bear all costs associated with this action.

The costs for the design, development, and construction of the proposed Project will be funded by funding sources other than RAP's General Fund.

As previously noted, the area of this proposed Grant of Right has been used for many years as a public right of way, therefore approval of this proposed Grant of Right will have no impact to existing maintenance service at this facility.

### STRATEGIC PLAN INITIATIVES AND GOALS

Approval of this Board Report advances RAP's Strategic Plan by supporting:

**Goal No. 1:** Provide Safe and Accessible Parks

**Outcome No. 2:** Safe and welcoming environments at all parks

**Result:** The approval of this Grant of Right will help enable the implementation of the Los Angeles Union Station Forecourt and Esplanade Improvements Project, which will help create safe access to for people walking and bicycling to, and through, Los Angeles Plaza Park.

This Report was prepared by Darryl Ford, Superintendent, Planning, Construction and Maintenance Branch, Department of Recreation and Parks.

### LIST OF ATTACHMENS

Exhibit A – Los Angeles Plaza Park and Existing Configuration of Los Angeles Street

Exhibit B – Proposed Los Angeles Union Station Forecourt and Esplanade Improvement Project

Exhibit C – Portion of Los Angeles Plaza Park currently used for public right of way purposes

Exhibit D – Grant of Right

Exhibit E – Resolution



Figure 4.1.3-1. Existing Site Plan

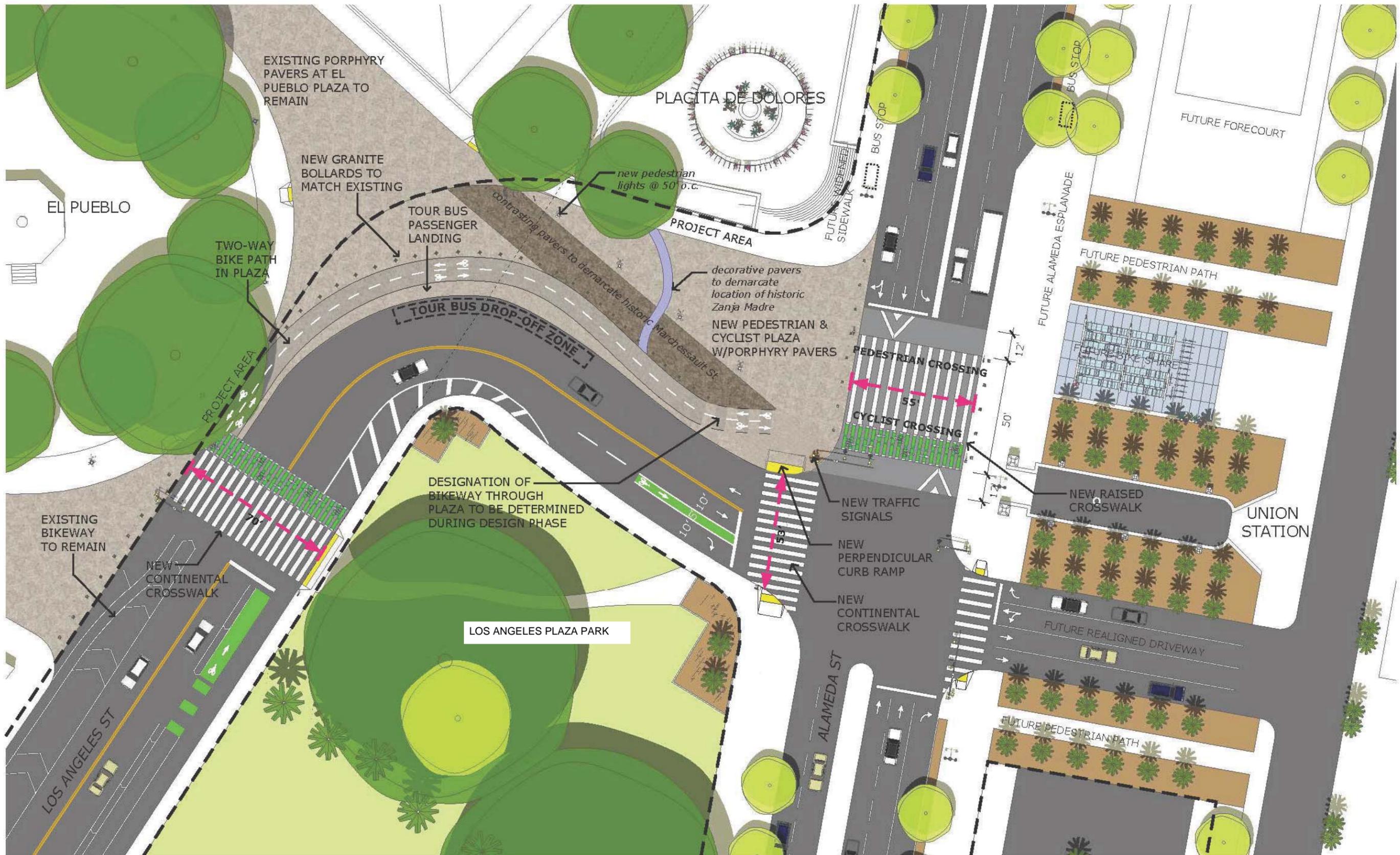


Figure 4.1.3-2. Approved Project Plan



This area is owned by Department of Rec and Parks and is currently NOT public R/W.

PASEO DE LA PLAZA

LA PLAZA DE LOS REYES

LOS ANGELES ST

ALAMEDA ST

00600

00810

00525

**RECORDING REQUESTED BY:**

City of Los Angeles

**WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO:**

CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
1149 S. BROADWAY 6<sup>TH</sup> FLOOR  
LOS ANGELES CA 90015  
ATTN: Jose L. Ramirez

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## Grant of Right

This document is exempt from documentary transfer tax pursuant to Section 11922 of the Revenue and Taxation Code and is being recorded pursuant to Section 6103 of the California Government Code and California Government Code Section 27383.

The City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners (grantor), does hereby grant unto the Board of Public Works of the City of Los Angeles, (grantee) a perpetual, non-exclusive easement to construct, operate and maintain a public street to be known as Los Angeles Street, within an area of land more particularly described on Exhibit "A", with the Assessor's Identification Number of: 5408-010-901

SEE EXHIBIT "A" FOR COMPLETE LEGAL DESCRIPTION AND EXHIBIT "B" FOR THE  
DEPICTION SHEET

Given that the said easement is non-exclusive in nature, the easement area may be used by the Grantor or its successor/assignee. However, if the said easement area is used by the Grantor, or its successor/assignee then it shall be used in such a manner as shall not in anywise interfere with or endanger any works, facilities, or operations of the Grantee.

It is understood that the undersigned Grantor only grants a perpetual, non-exclusive easement that is located within the lands owned by said Grantor.

This grant of right is made in accordance with the provisions Council File No. \_\_\_\_\_ of the City of Los Angeles and Board Report No. \_\_\_\_\_ of Board of Recreation and Parks.

In witness whereof, the City of Los Angeles, acting by and through its Board of Recreation and Park Commissioners, has caused this instrument to be executed on its behalf by the President and Secretary of the Board of Recreation and Park Commissioners, to be attested by its City Clerk, and its corporate seal to be hereunto affixed by said City Clerk, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

The City of Los Angeles, acting by and through its Board of Recreation and Park Commissioners

By: \_\_\_\_\_  
Sylvia Patsaouras, President

By: \_\_\_\_\_  
Harold Arrivillaga, Board Secretary

Attest:  
Holly L. Wolcott, City Clerk

By: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual, who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of That document.

STATE OF CALIFORNIA)  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public,

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),  
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual, who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of That document.

STATE OF CALIFORNIA)  
COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public,

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),  
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (Seal)

# EXHIBIT 'A'

THAT PORTION OF CITY LANDS OF LOS ANGELES AS PER MAP RECORDED IN BOOK 2, PAGES 504 AND 505, MISCELLANEOUS RECORDS OF THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF ALAMEDA STREET (96 FEET WIDE) WITH THE SOUTHWESTERLY LINE OF FORMER MARCHESSAULT STREET (30 FEET WIDE) AS SHOWN IN TRACT NO. 10151 IN SAID CITY AS PER MAP RECORDED IN BOOK 157, PAGE 45 THRU 47 INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH  $50^{\circ}09'21''$  WEST 143.26 FEET ALONG SAID SOUTHWESTERLY LINE TO A POINT DISTANT 47 FEET PERPENDICULAR FROM THE CENTERLINE OF LOS ANGELES STREET AS PROJECTED FROM THE SOUTHWEST; THENCE SOUTH  $32^{\circ}31'13''$  WEST 83.71 FEET PARALLEL WITH SAID CENTERLINE TO A POINT OF CUSP WITH A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 15.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH  $57^{\circ}28'47''$  WEST; THENCE NORTHEASTERLY, EASTERLY, AND SOUTHEASTERLY 25.49 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $97^{\circ}21'02''$ ; THENCE SOUTH  $50^{\circ}07'45''$  EAST 40.13 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 370.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS SOUTH  $39^{\circ}52'15''$  WEST; THENCE SOUTHEASTERLY 98.30 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $15^{\circ}13'22''$  TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 12.50 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH  $24^{\circ}38'53''$  EAST; THENCE SOUTHEASTERLY 16.47 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $75^{\circ}28'37''$  TO A POINT OF TANGENCY ON THE WESTERLY LINE OF SAID ALAMEDA STREET AND DISTANT 68.00 FEET FROM THE POINT OF BEGINNING; THENCE NORTH  $10^{\circ}07'30''$  EAST 68.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION NORTHWESTERLY OF THE SOUTHEASTERLY LINE OF SAID LOS ANGELES STREET.



**CITY OF LOS ANGELES.**

A municipal corporation acting  
By and through its Board of Recreation  
And Park Commissioners

**JOB TITLE:** Grant of Right for Los Angeles  
Street adjoining Junipero Serra Park  
APN: 5408-010-901  
Cadastral Map No. 132 A 215

To

**Board of Public Works of the  
City of Los Angeles**

**Grant of Right**

Date: \_\_\_\_\_, 2021

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the within Grant of Right to the City of Los Angeles, a municipal corporation, is hereby accepted by the authority of City Council of the City of Los Angeles, pursuant to Ordinance No. 123655, approved on January 23, 1963, as well as Ordinance No. 175978 effective July 3, 2004, and the grantee consents to the recordation thereof by its duly authorized officer.

By \_\_\_\_\_  
Authorized Officer

Date \_\_\_\_\_

Bureau of Engineering  
Real Estate Division

**STANDARD INSTRUMENT**

Checked as to parties, marital status, dates,  
signature, Acknowledgments and corporate seal.

By \_\_\_\_\_  
Jose L. Ramirez, Senior Title Examiner

Approved as to Authority \_\_\_\_\_, 2021

By \_\_\_\_\_  
Uriel Jimenez, Authorized Officer

Approved as to description \_\_\_\_\_ 2021

By \_\_\_\_\_  
Jose L. Ramirez, Senior Title Examiner

Approved \_\_\_\_\_, 2021

Michael N. Feuer, City Attorney.

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Council File No. \_\_\_\_\_

## RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Los Angeles, Department of Recreation and Parks (RAP) has jurisdiction over Los Angeles Plaza Park, a 0.80 acre (4,848 square foot) park located at 125 E. Paseo de la Plaza;

WHEREAS, the Department of Public Works (DPW), through their Bureau of Engineering, Metro Transit Division, has been working with the Metropolitan Transit Authority (MTA) on their proposed Los Angeles Union Station Forecourt and Esplanade Improvement Project (Project);

WHEREAS, the MTA Project proposes a series of improvements that will enhance pedestrian and bicycle access and safety to and from Los Angeles Union Station and surrounding communities;

WHEREAS, a portion of Los Angeles Plaza Park which is currently used for public right-of-way purposes has not been approved for public right-of-way purposes;

WHEREAS, to complete the Project, DPW has requested RAP issue a Grant of Right to DPW for the use of the subject portion of Los Angeles Plaza Park for transportation purposes;

WHEREAS, the Grant of Right includes the right to construct, operate and maintain a public street to be known as Los Angeles Street on a portion of Los Angeles Plaza Park;

WHEREAS, the subject portion of Los Angeles Plaza Park has been used for many years as a public right-of-way and as such the approval of the proposed Grant of Right will not be a detriment to RAP operations;

WHEREAS, the Board of Recreation and Park Commissioners (Board) has directed the Board Secretary to concurrently transmit forthwith the proposed Grant of Right to the City Attorney for review as to form and legality, and to the City Council for approval by ordinance;

WHEREAS, the Board has authorized RAP staff to request the assistance of the Department of General Services (GSD) and the Office of the City Attorney in the review and processing of the related documents, including but not limited to the Grant of Right; and,

WHEREAS, upon the receipt of the necessary approvals, the Board has authorized the Board President and Secretary to execute the Grant of Right, subject to City Attorney review and approval as to form and legality;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the opening, establishment, and maintenance of the described area of park property for use as a public street and other public right-of-way;

BE IT FURTHER RESOLVED that the Board finds and determines that the public interest, convenience, and necessity require that the Grant of Right be granted to DPW required for the Project, subject to the approval of the City Council by ordinance, whereupon the Board President is authorized to execute the Agreement;

BE IT FURTHER RESOLVED that RAP will issue, as necessary, a Right-of-Entry permit to MTA and/or the contractor selected to allow for the construction of the Project; and

BE IT FURTHER RESOLVED that upon City Council approval of the Grant of Right to DPW, that City Council direct/instruct the General Services Department, and the City Attorney's Office to draft and process any required document necessary to process said agreement.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a Resolution adopted by the Board of Recreation and Park Commissioners of the City of Los Angeles at its meeting held on \_\_\_\_\_, 20\_\_\_\_ (Board Report. No. \_\_\_\_\_).

\_\_\_\_\_  
Harold Arrivillaga, Board Secretary

Resolution No. \_\_\_\_\_