

APPROVED

Sept 15 2022

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 22-236

DATE September 15, 022

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: EL SERENO COMMUNITY GARDEN - LEASE RENEWAL AGREEMENT WITH STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION; CATEGORICAL EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO ARTICLE III, SECTION 1, CLASS 1(14) (ISSUANCE, RENEWAL OR AMENDMENT OF ANY LEASE, LICENSE OR PERMIT TO USE AN EXISTING STRUCTURE OR FACILITY INVOLVING NEGLIGIBLE OR NO EXPANSION OF USE) AND CHAPTER 19, SECTION 15301 OF STATE CEQA GUIDELINES

AP Diaz, H. Fujita, B. Jackson, M. Rudnick, C. Santo Domingo, N. Williams

[Signature] General Manager

Approved X Disapproved Withdrawn

RECOMMENDATIONS:

- 1. Approve a proposed Fifty-year Lease Renewal Agreement...
2. Direct the Board of Recreation and Park Commissioners' (Board) Secretary to forward the proposed Lease Renewal to the City Attorney for review and approval as to form;
3. Authorize the Board President and Secretary to execute the proposed Lease Renewal upon receipt of all necessary approvals;
4. Find that proposed Lease Renewal is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(14) (Issuance, renewal or amendment of any lease, license or permit to use an existing structure or facility involving negligible or no expansion of use) and Chapter 19, Section 15301 of State CEQA Guidelines, and direct Department of Recreation and Parks (RAP) staff to file a Notice of Exemption (NOE) with the Los Angeles County Clerk; and,
5. Authorize RAP's Chief Accounting Employee or designee to prepare a check to the Los Angeles County Clerk in the amount of \$75.00 for the purpose of filing an NOE.

## BOARD REPORT

PG. 2 NO. 22-236

### SUMMARY:

El Sereno Community Garden is located at 5466 Huntington Drive in the El Sereno community of the City. The community garden is located on a 0.77 acre site, which is owned by Caltrans and leased to RAP (Property). The site is currently developed with 25 garden plots and is operated by the Los Angeles Community Garden Council (LACGC) via an agreement that was approved by the Board in 2017 (Report No. 17-158)

RAP has established a successful and beneficial relationship with Caltrans that has served the goals of both entities while providing much needed park services to the entire community of El Sereno. In 2005 when the Board approved Board Report No. 05-94 which approved a lease for the use of the Property for a community garden which is strongly supported by the community. Since then the Board and Caltrans have approved several extensions of the lease through Board Reports Numbers 08-241, 11,-095, and 18-078 allowing for the continued use of the Property as a community garden. Because of the uncertainty of the future use of the Property at those times, it was determined that short term agreements would serve both entities' goals better while at the same time preserving the goal of providing open space to a low income and highly dense community.

The issues and or concerns that in the past have prevented both entities from establishing and executing a longer term agreement have now changed allowing for a longer term agreement which both entities agree would serve best the interests of the City and Caltrans by providing a permanent open space recreation site that the community can continue to use. The ultimate goal for RAP and Caltrans is for the eventual transfer and or acquisition of the Property from Caltrans to RAP. A longer term agreement will enable RAP to secure funding to develop and/or maintain the site, and eventually acquire the site in fee, while allowing for the continued use of the Caltrans Property. Caltrans has agreed to work with Council District 14 (CD 14) and RAP to achieve that goal. As the City proceeds in its efforts in securing additional housing in the area, the need for open space and recreational park space will increase. RAP staff and CD 14 are fully aware of the needs of the community and are moving towards that goal of providing the needed park space that both will serve residents of the entire City and help enhance the quality of life in the local community.

Currently Caltrans leases the Property to the City of Los Angeles for a fee of one hundred dollars (\$100.00) per year. The City in turn licenses the use of the Property to LACGC for the purpose of developing and maintaining a community garden for a fee of one hundred dollars (\$100.00) per year. The Property is located at the corner of Huntington Drive and Lowell Avenue. It is approximately 0.77 acre or 33,513 square feet in size and consists of Six (6) Parcels identified by APN: 5292-020-901, -902, -903, -904, -908, and -909 (Attachment No. 1). Caltrans has indicated its willingness to renew the lease for (50) years via a lease renewal agreement with the City for the operation/maintenance of open space or community garden at the same site.

The community garden, which is open to the public, will continue to enhance the quality of life, beautify the surrounding community, and instill a strong sense of pride by involving the community and its youth through its continued garden cultivation and or open space component. The Office of Council District 14, Caltrans, and RAP continue to support the community garden and wish to continue this successful partnership that is providing much needed green open space in a low income neighborhood. It is the intent of RAP and the Council Office of District 14 that the community garden site in El Sereno will continue to be developed and maintained as a community garden or

## BOARD REPORT

PG. 3 NO. 22-236

open space by a non-profit at no expense or liability to RAP or the City of Los Angeles. Should it be determined at a later time that the use of the project site change from a garden to an active park, RAP would reach out to the local community for its input and feedback. The leasing of this site offers RAP another option for increasing park space without additional cost to the RAP and will simplify and allow for the eventual acquisition of the site by the City, as the Board through Board Report No. 18-078 granted and approved preliminary authority for staff to begin negotiations with Caltrans. At the same time the CD 14 is moving forward with its plan to acquire other sites for City purposes which could include additional park space. The agreement with LACGC for the operation and maintenance of the community garden which was previously approved by the Board (Report #17-158) will expire on October 25, 2028 (Agreement No. 3681).

### ENVIRONMENTAL IMPACT

The proposed Lease Renewal is a renewal of an existing lease to use an existing facility without involving an expansion of use.

According to the parcel profile report retrieved on August 18, 2022 this area does not reside in a liquefaction zone nor in a landslide zone. This site is not within a coastal, methane, or historic zone, so there is no reasonable possibility that the proposed Project may impact on an environmental resource of hazardous or critical concern or have a significant effect due to unusual circumstances. No other known projects would involve cumulatively significant impacts, and no future projects would result from the proposed Project. As of August 18, 2022, the State Department of Toxic Substances Control (DTSC) (Envirostor at [www.envirostor.dtsc.ca.gov](http://www.envirostor.dtsc.ca.gov)) and the State Water Resources Control Board (SWCB) (Geotracker at <https://geotracker.waterboards.ca.gov/>) have not listed the Project site, but have listed RB Case #: 900320207 within 500 feet of the site. The case is a leaking underground storage tank that was remediated. The Regional Water Quality Control closed the case in 2013, finding that the corrective action implemented by the property owner ensures protection of human health, safety and the environment. According to the Caltrans Scenic Highway Map there is no scenic highway located within the vicinity of the proposed Project or within its site. Furthermore, the proposed Project is not located in proximity of a known historical resource and will not cause a substantial adverse change in the significance of any historical resource.

Based in this information, staff recommends that the Board determine that it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(14) of City CEQA Guidelines and Article 19, Section 15301 of California CEQA Guidelines. RAP Staff will file a Notice of Exemption with the Los Angeles County Clerk upon Board's approval.

Regarding the possible future acquisition of the Property, completion of appropriate CEQA documentation and all Phase I and or Phase II environmental assessments, if needed for the Board's consideration, will occur prior to a final acquisition decision and will be presented for the Board to the Board for consideration and determination when the final approval of the acquisition is presented for Board approval at a later date.

As stated above, this Project has very strong support from the Councilmember for the Fourteenth District, the community of El Sereno, as well as support from Caltrans.

## BOARD REPORT

PG. 4 NO. 22-236

### FISCAL IMPACT STATEMENT:

There will not be any additional fiscal impacts to RAP's General Fund as a result of these recommendations.

### 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. 1:** Every Angelinos has walkable access to a park in their neighborhood

**Result:** Offer Affordable, Equitable, Healthy, Environmentally safe open space.

This Report was prepared by Darryl Ford, Superintendent, Planning, Maintenance and Construction Branch and John Barraza, Management Analyst, Planning, Maintenance and Construction Branch.

### ATTACHMENTS

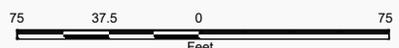
- 1) Attachment No. 1 - Maps
- 2) Attachment No. 2 - Lease Renewal Agreement

# El Sereno Community Garden



## LEGEND

- Streets**
- Multiple Symbols
- Parcel Legal Mask**
- City Boundary Outline**
- Easements**
- Private Street
- Original Lot & Deed in Street
- Governmental (Except L.A. City)
- City of Los Angeles
- Former City Bnd/County/Other City
- Tract Line in Street & Freeway
- Right-of-way Sidelines**
- Landbase Lines / Parcel Outline**
- All Others
- Right-of-way Sideline
- Tract Line
- Lot Line
- Lot Cut
- Freeway Road Way
- Parcels (Outline)**
- Parcels
- Parcels (APN) (Outline)
- Tracts



This map is a user generated static output from an Intranet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1 : 900

Source: Esri, HERE, DeLorme, Intermap, IntraPort, GEBCO, USGS, FAO, NPS, NRCAN, EsriBDS, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, and others. © 2014 Esri. All rights reserved. No warranty is made by Esri for the accuracy of the information.





**LEASE RENEWAL**

(Form #)

**CONFIDENTIAL**

This document contains personal information and pursuant to Civil Code 1798.21, it shall be kept confidential in order to protect against unauthorized disclosure.

EXHIBIT

11-EX-G (NEW 7/2005)

---

**LEASE RENEWAL**

Account No. 07-030505-0001-01

THIS LEASE RENEWAL made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at Los Angeles, California, by and between the State of California, Department of Transportation, Lessor, and City of Los Angeles, hereinafter known as Lessee.

**WITNESSETH**

WHEREAS, Lessor and Lessee did on the 1<sup>st</sup> day of May, 2016, enter into that certain lease agreement identified as Account 07-030505-0001-01, covering land in the County of Los Angeles, State of California, commonly known 5466-68 Huntington Dr. Los Angeles CA 90032, as more particularly described in said lease, the term of which lease expires on the 30<sup>th</sup> day of April, 2019, and

WHEREAS, it is mutually desired and agreed to extend the lease for a further period of time,

NOW, THEREFORE, it is hereby mutually agreed to extend the term of said Lease for a period of 50 years commencing on the 1<sup>st</sup> day of May, 2019, and ending on the 30<sup>th</sup> day of April, 2069 under the same terms, covenants and conditions contained in said Lease, except as modified by this instrument which said terms, covenants, and conditions are by this reference incorporated herein.

All other terms and conditions remain unchanged.

---

**ADA Notice**

For individuals with disabilities, this document is available in alternate formats. For information call (916) 654-5413 Voice, CRS: 1-800-735-2929, or write Right of Way, 1120 N Street, MS-37, Sacramento, CA 95814.

**LEASE RENEWAL**

(Form #)

**CONFIDENTIAL**

This document contains personal information and pursuant to Civil Code 1798.21, it shall be kept confidential in order to protect against unauthorized disclosure.

EXHIBIT

11-EX-G (NEW 7/2005)

IN WITNESS WHEREOF, the parties hereto have executed this Lease Renewal the day and year first above written.

Lessor:  
State of California Department of  
Transportation

Lessee:  
City of Los Angeles, a municipal  
corporation acting by and through its  
Board of Recreation and Parks  
Commissioners

Recommended for Approval:

By: \_\_\_\_\_  
Title:  
Date

By:

\_\_\_\_\_  
Kristofer Ozaki, Date  
Associate Right of Way Agent

By: \_\_\_\_\_  
Title:  
Date

Approved:

Approved as to form, Mike Feuer, City  
Attorney

By:

\_\_\_\_\_  
Neidy Pinuelas Date  
Senior Right of Way Agent

By: \_\_\_\_\_  
Title:  
Date

**ADA Notice**

For individuals with disabilities, this document is available in alternate formats. For information call (916) 654-5413 Voice, CRS: 1-800-735-2929, or write Right of Way, 1120 N Street, MS-37, Sacramento, CA 95814.