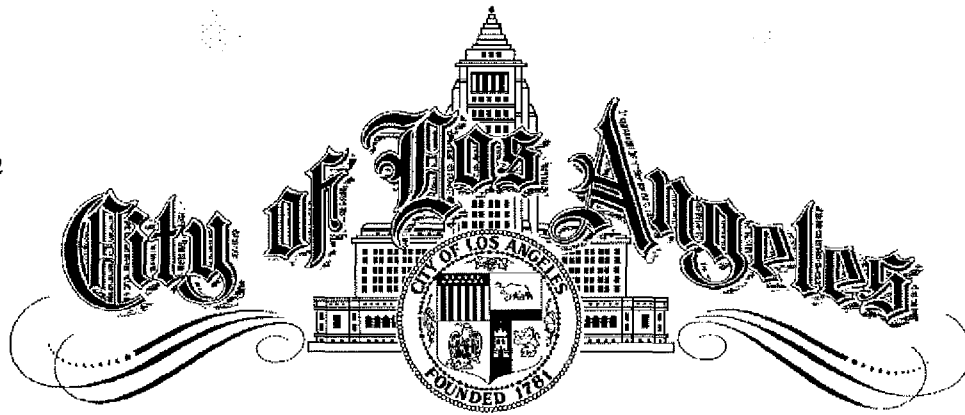


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 3 - 0 0 7 8
MAR 2 0 2013

REPORT RE:

**AN ORDINANCE OF THE CITY OF LOS ANGELES
FINDING THAT THE PUBLIC INTEREST AND NECESSITY
REQUIRE THE ACQUISITION VIA EMINENT DOMAIN
OF REAL PROPERTY LOCATED AT
1138 AND 1144 SOUTH ST. ANDREWS PLACE, LOS ANGELES,
TO PROVIDE FOR THE DEVELOPMENT OF THE
ST. ANDREWS PLACE PARK**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 11-1811

Honorable Members:

Pursuant to your request, as recommended by the Department of Recreation and Parks and the General Services Department, this Office transmits, approved as to form and legality, a Resolution of Necessity (Ordinance) authorizing the condemnation of real property located at 1138 and 1144 South St. Andrews Place (APN Nos. 5080-003-001 & 002) (Subject Properties) in Los Angeles for the St. Andrews Place Park (Project).

Acquisition of the Subject Properties by this condemnation will allow for the creation of the St. Andrews Place Park on approximately 0.28 acres, or approximately 12,370 square feet.

**INFORMATION TECHNOLOGY &
GENERAL SERVICES**

MAR 21 2013

The Project will be located at the intersection of South St. Andrews Place and Country Club Drive in Mid-City Los Angeles on two vacant and unimproved lots. This area is located in Council District 10 (Wesson). Site maps for the Subject Properties where the park will be located are attached collectively as Exhibit A.

Project Description

The Department of Recreation and Parks (RAP) with the support of CD-10 seeks to acquire the Subject Properties in order to expand the recreational activities in the area.

This park acquisition will address the City's Citywide Community Needs Assessment (Needs Assessment) goal, which addresses the City's park needs requirements. In 2009, RAP completed its Needs Assessment. One of the key findings of the Needs Assessment was, while the City has a significant amount of park land, the City's parks and facilities are not equitably distributed and many communities within the Mid-City and South-Central areas do not have parks and open space within a reasonable distance.

The Project site is identified as one of the areas highest in need of park space based on the methodology and criteria used in the Needs Assessment. Currently, there are no public parks located within a one-half mile radius of the Subject Properties. Approximately 23,000 persons, 30% of whom are living in poverty, reside within that radius. The acquisition of the Subject Properties and the development of the Project site would provide a small neighborhood park in a densely populated area of the City that lacks adequate access to parks and recreational facilities.

On October 25, 2012, the Board of Commissioners for RAP approved Board Report 12-275 for the acquisition of the Subject Properties. Council adopted the RAP Board Report on November 2, 2012.

Design and Plans

The final design of the proposed park has not been completed. Prior to final approval by RAP, the surrounding community will have an opportunity to provide input on the park's design. However, the planners envision a park which will use sustainable design practices which will incorporate long lasting outdoor fitness and recreation features that can be readily used by the community for years to come. The planners also expect that the park will feature drought tolerant landscaping and planting, smart irrigation in order to conserve water, and energy efficient lighting to conserve electricity.

Along with shade trees and smaller shade structures to protect park users from harmful solar/UV rays, the park will also have ADA accessible pathways that will enhance both the access to and the beauty of this proposed park. RAP staff believe

that the construction of this park will be a great addition to, and improve the quality of life of, the children and residents of the Country Club Park area, as well as residents of the greater metropolitan area. RAP's planned design and improvements will likely feature children's playground equipment that is also ADA accessible.

Project Funding

The total funding available for the Project is \$1,253,250.00. These funds are currently held in RAP's St. Andrews Place Park Account No. 89460K-TJ. The initial funds for the property acquisition in the amount of \$500,000 should be held in this account until the Court orders the deposit of probable just compensation. At this time, the estimated cost for park design and development is approximately \$700,000.00, not including land acquisition.

Negotiations with the Owner

The City has negotiated in good faith with the owner of the Subject Properties. Based on appraisals from an outside appraiser, the City's last offer of \$500,000.00 for both parcels was made on June 19, 2012. The property owner has rejected all of the City's offers. The owner has stated that he will not sell the Subject Properties for less than \$800,000.00, although he has produced no appraisals supporting that amount.

Environmental Due Diligence

Environmental due diligence in the form of a Phase I Environmental Site Assessment (ESA) has been performed for the Subject Properties in accordance with the United States Environmental Protection Agency (US EPA) 40 CFR Part 312 Standards and Practices for All Appropriate Inquiries (AAI) – Final Rule, adopted November 1, 2006. The Phase I ESA, completed on October 27, 2011, revealed no evidence of Recognized Environmental Conditions on the property, and, therefore, no further site investigation is required.

CEQA Compliance

RAP staff, with the concurrence of the Planning Commission's staff, have determined that at this time the Project consists of the acquisition of the Subject Properties with the intent to preserve open space for the proposed park, as described in the Design and Plans section above.

Thus, the acquisition of the Subject Properties and their development as a park appear to be categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3(6) and Class 4(3) of the City CEQA Guidelines, and Article 19, Sections 15303, 15304 and 15325(f) of the State CEQA Guidelines as adopted by the City of Los Angeles.

We recommend that, prior to adoption of the Ordinance, you determine that your action is exempt from the CEQA under City CEQA Guidelines Sections 1(c) and 1(d) and the State CEQA Guidelines Sections 15303, 15304 and 15325(f), and direct staff to file the Notice of Exemption attached hereto as Exhibit B. A Notice of Exemption will be filed by the RAP staff in accordance with State CEQA Guidelines.

Consistency with General Plan

Pursuant to City Charter Section 556 and 558, the Director of Planning on August 24, 2012, determined that the proposed project is in conformance with the purposes, intent and provisions of the City's General Plan and the Wilshire Community Plan, an element of the General Plan, in that it would serve the public interest and satisfy in part the goals, objectives, policies and programs outlined within the Recreation and Park Facilities section of the Community Plan.

Furthermore, the Project would not adversely impact the surrounding community provided the future site improvements adhere to the purpose and procedural requirements of the City's Historic Preservation Overlay Ordinance, LAMC Section 12.20.3, and the applicable Preservation Plan.

In this regard, the Project site is located within the Country Club Park Historic Preservation Overlay Zone (HPOZ). The site is currently vacant. Any new construction will require the applicable historic preservation and environmental review, prior to Planning Department approval and sign-off, to perform the work.

On December 21, 2012, the Planning Department issued a Certificate of Compatibility for the current owner of the Subject Properties to build one single family home on each of the lots. The time to appeal or challenge the Planning Departments Action expired on January 7, 2013.

Council Rule 38 Referral

A copy of the draft ordinance has been sent to the RAP Department. The RAP staff is in agreement with the terms of the proposed ordinance. As noted above, RAP has previously adopted a resolution authorizing the acquisition by eminent domain proceedings.

Notice and Opportunity to be Heard

The draft ordinance provides that the owner(s) of the Subject Properties to be acquired, or those with interests in any easements and/or leaseholds on the Subject Properties, be given notice of the Council's intention to adopt the ordinance, and that they be provided with an opportunity for a hearing before Council, all as required by Code of Civil Procedure Section 1245.235.

Pursuant to that section, it is necessary that the Council set a date for the hearing and that the Clerk give notice of the hearing date, which is not less than 15 days after notice is sent to the owner and other interested persons. If the owner(s), or their representative, appear and desire to be heard, the Council shall permit the hearing.

Recommended Action

In accordance with the above, this Office recommends that the Council take the following actions, after it conducts the public hearing:

1. Find that approval of the draft condemnation ordinance is exempt from additional CEQA environmental review under State CEQA Guidelines 15303, 15304 and 15325(f), and City CEQA Guidelines, Art. III, Sec. 1, Class 3(b) and Class (4)(3), and direct staff to file a Notice of Exemption; and

2. Direct staff to take all actions necessary to authorize payment for these acquisitions from St. Andrews Place Park Account No. 89460K-TJ as described above; and

3. Authorize this Office to make the necessary deposit of probable just compensation in the amount of \$500,000 for the benefit of the owner(s) of Subject Properties and to seek orders from the Court to obtain possession of the Subject Properties prior to trial; and


4. Authorize the Department of General Services' Real Estate Division to continue to attempt to acquire the Subject Properties, and all interests in the properties, via negotiated purchases, and if successful, to execute all documents necessary to accomplish the transfer of those properties to the City; and

5. Adopt the draft Resolution of Necessity (Condemnation Ordinance) authorizing the acquisition of the Subject Properties by condemnation and request the City Attorney to proceed with the filing of a complaint in eminent domain and all related papers.

If you have any questions regarding this matter, please contact Deputy City Attorney John A. Minor at (213) 978-8255. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE/JAM:zra
Transmittal

Exhibit A: Site Maps
Exhibit B: Notice of Conformance with General Plan

ORDINANCE NO. _____

An ordinance of the City of Los Angeles finding that the public interest and necessity require the acquisition of real property located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019, to provide for the development of the St. Andrew Place Park via eminent domain proceedings and referred to as Lots 1 and 2 of Tract 3353.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Resolution No. 10358 of the Board of Recreation and Park Commissioners (Board) of the City of Los Angeles, adopted on November 2, 2012, and requesting the acquisition of real property located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019, for the purpose of development of the St. Andrews Place Park to serve the Wilshire Community Plan Area of Country Club Park, is hereby approved. The Resolution is on file with the Board Secretary. The real property interest to be conveyed (consisting of 2 parcels) is approximately 12,370 square feet or 0.28 acres in size total.

Sec. 2. The Council of the City of Los Angeles hereby resolves, finds and determines that the public interest and necessity requires the acquisition of real property referred to as Lots 1 and 2, and legally described below and located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019, to provide for the development of the proposed St. Andrews Place Park; the project is planned and located in the manner which is most compatible with the greatest public good and the least private injury; and the property described herein is necessary for the project; and the property has been appraised and an amount has been established which is believed to be just compensation for the property, and an offer has been made to the owner or owners of record to acquire the property for the full amount of compensation.

Sec. 3. The real property is to be acquired for recreation and park purposes in perpetuity under the authority of California Government Code Section 37350.5.

Sec. 4. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, State of California. The property interest to be acquired is a fee simple absolute in Lots 1 and 2 of Tract 3353, and are more particularly described as follows:

PARCEL 1:

LOT 1 OF TRACT NO. 3353, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 34 PAGE 61 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

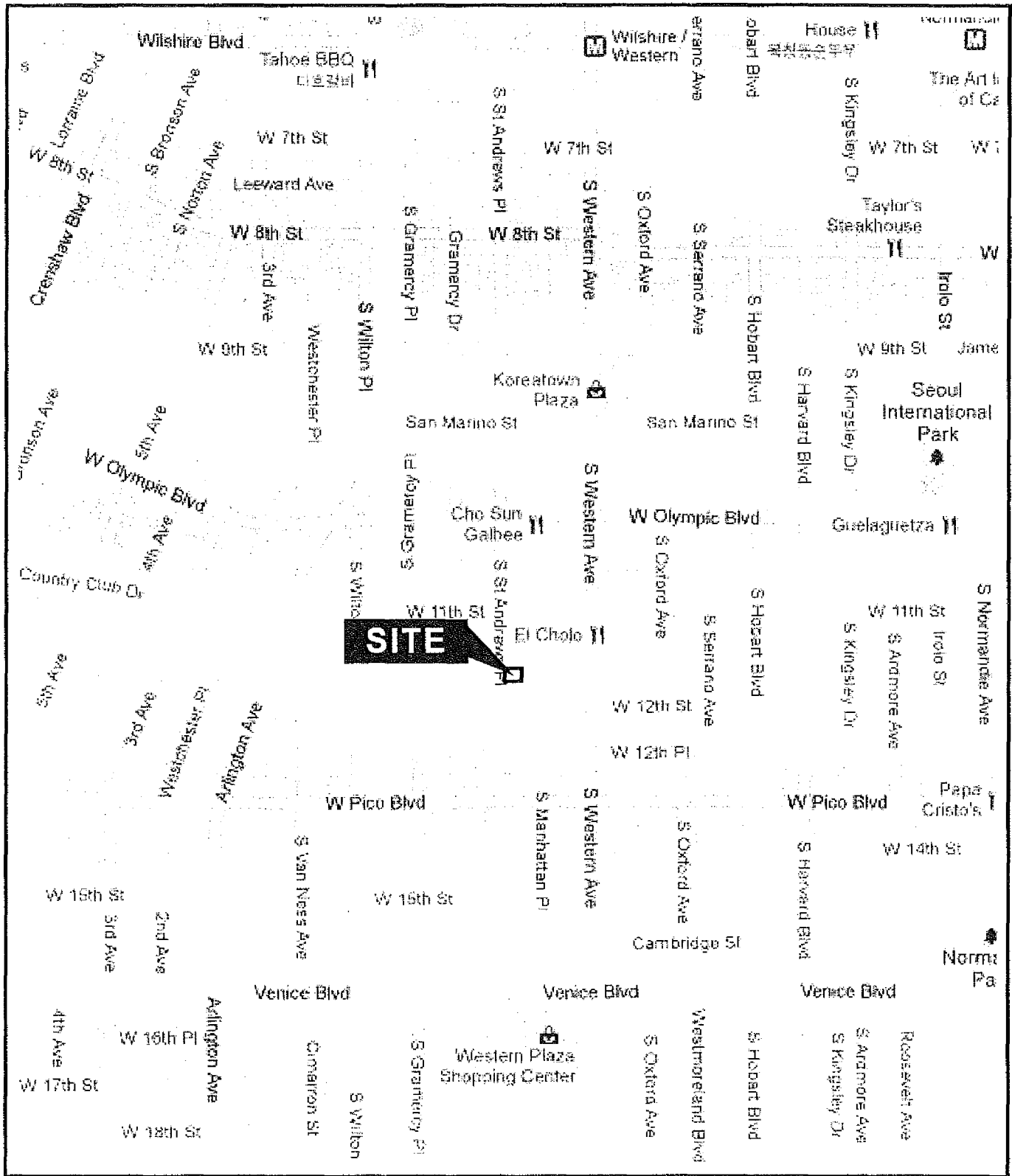
PARCEL 2:

LOT 2 OF TRACT NO. 3353, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 34 PAGE 61 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Sec. 5. Notice has been given by first class mail to the person whose property is to be acquired by eminent domain, which notice advised such person of the intent of the Council to adopt this ordinance, of the right to appear and to be heard by the Council, and the owner who so requested was given an opportunity to hear and was heard by the Council.

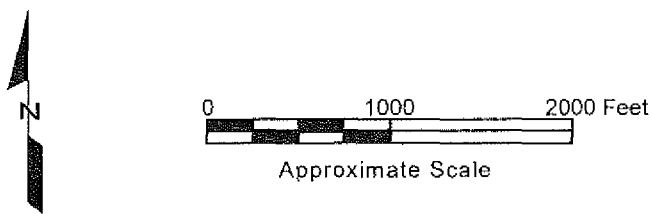
Sec. 6. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record and refused.

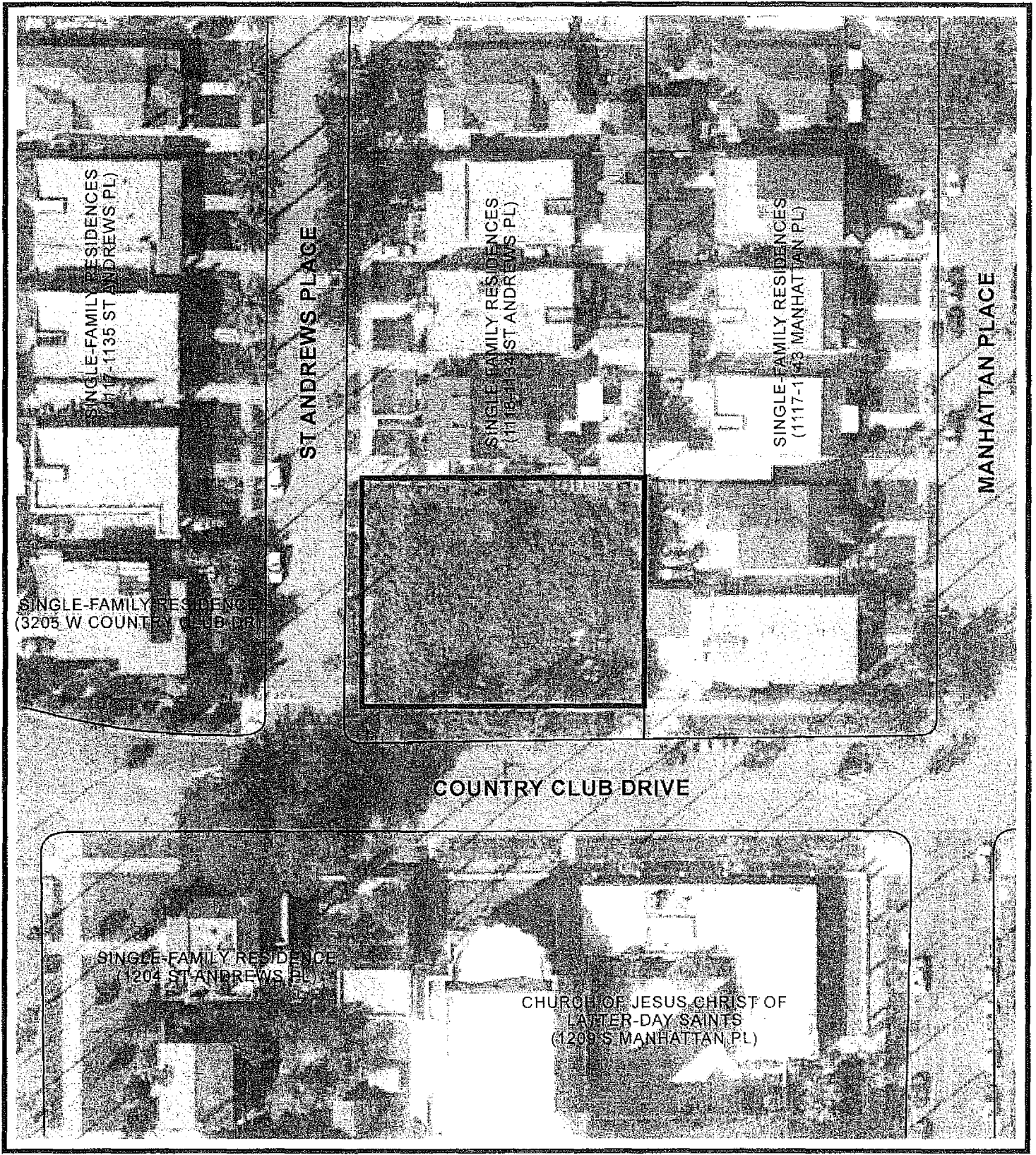
Sec. 7. The City Attorney is authorized to commence an action in eminent domain to acquire said property.



Vicinity Map

Subject Property
 1138 South St. Andrews Place
 Los Angeles, California

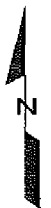




LEGEND



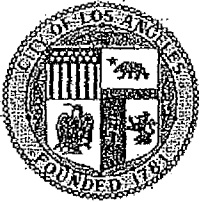
SUBJECT PROPERTY BOUNDARY



Site Plan

Subject Property
 1138 South St. Andrews Place
 Los Angeles, California

EXHIBIT B



LOS ANGELES CITY PLANNING DEPARTMENT

PLAN IMPLEMENTATION DIVISION

City Hall—200 N. Spring Street, Room 621—Los Angeles, CA 90012



August 24, 2012

Council District: 10
Plan Area: Wilshire

TO: Cid Macaraeg, Director
Real Estate and Asset Management Unit
Department of Recreation & Parks

FROM: Los Angeles City Planning Commission

SUBJECT: PROPOSED ACQUISITION OF PROPERTY
Parcel located at 1138 and 1144 St Andrews Place, Los Angeles, CA 90019

PROJECT LOCATION: 1138 and 1144 St Andrews Place, Los Angeles, CA 90019
APNs: 5080003002 & 5080003001; Lots: 1 & 2, Block: None, Tract: TR3353

CHARTER SECTIONS 556 AND 558

The proposed project is in substantial conformance with the purposes, intent and provisions of the City's General Plan and the Wilshire Community Plan, an element of the General Plan, in that it would serve the public interest and satisfy in part the goals, objectives, policies and programs outlined within the Recreation and Park Facilities section of the Community Plan.

Furthermore, the project would not adversely impact the surrounding community provided the future site improvements adhere to the purpose and procedural requirements of the City's Historic Preservation Overlay Ordinance, LAMC Section 12.20.3 and the applicable Preservation Plan.

In this regard, the subject project site is located within the Country Club Park Historic Preservation Overlay Zone (HPOZ). The site is currently vacant. Any new construction will require the applicable historic preservation and environmental review prior to Planning Department approval and sign-off to perform work.

RECOMMENDATION

Under the authority granted by Section 559 of the City Charter and the City Planning Commission action of July 27, 2000 delegating authority to the Director of Planning to act on behalf of the Commission on certain matters, I approve the subject project and recommend that it be approved by the City Council pursuant to compliance with the applicable Historic Preservation Overlay Zone and applicable Preservation Plan identified in the above section.

MICHAEL J. LOGRANDE
Director of Planning

By: Daniel Scott
Dan Scott
Principal City Planner

Date: 8/24/12

DS/CW/BL/CS

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

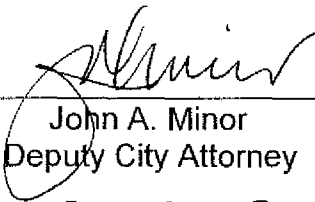
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
John A. Minor
Deputy City Attorney

Date Jim 31, 2013

File No(s). CF 11-1811