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JON KIRK MUKRI
GENERAL MANAGER

August 21, 2013

City Council
City of Los Angeles
200 N. Spring Street, Room 395
Los Angeles, CA 90012

Attention: Holly L. Wolcott, Interim City Clerk

**RE: 1138 and 1144 South St. Andrews Place – Rescission of Previous Board Action for
the Acquisition of Two Parcels by Condemnation for the Development of a Park**

Dear Honorable Members:

At its meeting of August 14, 2013, the Board of Recreation and Park Commissioners rescinded its prior action of October 3, 2012 (Board Report No. 12-275) authorizing the Department of Recreation and Parks to initiate the process for the acquisition of two parcels, each measuring 6,185 square feet or 0.14 acre in size and located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019.

The Board of Recreation and Park Commissioners now requests that the City Council instruct the Department of Public Works to draft an Ordinance rescinding/repealing the original Resolution of Necessity (Ordinance No. 182630, adopted on July 3, 2013) authorizing the condemnation of 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019.

Attached for your review are Board Report No. 13-211 and Resolution No. 10384, adopted by the Board of Recreation and Park Commissioners at its meeting of August 14, 2013.

If you have any questions concerning this matter, please contact Cid Macaraeg, Senior Management Analyst II, Real Estate and Asset Management, at (213) 202-2608.

Very Truly Yours,

BOARD OF RECREATION AND
PARK COMMISSIONERS

LATONYA D. DEAN
Commission Executive Assistant

Enclosures

cc: Cid Macaraeg, Planning, Construction, and Maintenance Branch

APPROVED
AUG 14 2013

REPORT OF GENERAL MANAGER

BOARD OF RECREATION
& PARK COMMISSIONERS

NO. 13-211

DATE August 14, 2013

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BOARD OF RECREATION AND PARK COMMISSIONERS
SOUTH

SUBJECT: 1138 AND 1144^V ST. ANDREWS PLACE – RESCISSION OF PREVIOUS BOARD ACTION FOR THE ACQUISITION OF TWO PARCELS BY CONDEMNATION FOR THE DEVELOPMENT OF A PARK AND EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
*M. Shull M. Shull
N. Williams _____

[Signature]
General Manager

as amended

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Rescind its prior action of October 3, 2012 (Board Report No. 12-275) authorizing the Department of Recreation and Parks (RAP) to initiate the process for the acquisition of two parcels, each measuring 6,185 square feet or 0.14 acre in size and located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019 (County of Los Angeles Assessors Parcel Number (APN) 5080-003-001 and 5080-003-002);
2. Authorize staff to coordinate the necessary activities with the Department of General Services (GSD), and the City Attorney's Office to request City Council to repeal the Resolution of Necessity (Ordinance No. 182630) which was approved by City Council on July 3, 2013;
3. Approve a new Resolution, substantially in the form on file with the Board Office, and request that City Council instruct the Department of Public Works to draft an Ordinance rescinding/repealing the original Resolution of Necessity (Ordinance No. 182630, adopted on July 3, 2013) authorizing condemnation of 1138 and 1144 South St. Andrews Place, Los Angeles, CA 90019; and,
4. Find the adoption of the new Resolution herein is exempt from the California Environmental Quality Act (CEQA).

REPORT OF GENERAL MANAGER

PG. 3

NO. 13-211

“A public entity may rescind a Resolution of Necessity as a matter of right at any time before the property owner commences an action under this section (damages for inverse condemnation), if the public entity ... rescinds the resolution of necessity before the property owner commences an action under this section, the property owner may not thereafter bring an action under this section.” California Code of Civil Procedure, Section 1245.260 (c), (emphasis added.)

Under Code of Civil Procedure Section 1245.260(a), the property owner cannot file an action in inverse condemnation earlier than six months after the adoption of the Resolution of Necessity. We are within that six month period given the adoption of the original ordinance by Council on July 3, 2013. It is unclear if the affected property owner intends to file an inverse condemnation action against the City. However, if he did, the City would argue that the property owner has not been damaged at all given the prompt notification which was provided to him on July 22, 2013, the date which RAP informed GSD and the City Attorney's Office of its decision to abandon the Project. The Project's cancellation should have no adverse impacts on the owner. The adoption of the original Resolution of Necessity was approved on July 3, 2013 and on July 23, 2013 the owner was advised in writing that the project would be cancelled. City staff believes that it would be difficult for the owner to establish that the actions taken by the City were a detriment to his position given the short twenty (20)-day period.

To the extent that the owner submits a claim for attorney fees, interference or delay in his construction and/or marketing of the completed custom homes, the City Attorney has advised that the City would consider any such claimed damages. If they are deemed reasonable under Code of Civil Procedure Section 1268.610, the City would be obligated to pay such reasonable amounts. At this time, the owner has made no threat of litigation or intention to submit a claim for any damages.

When the Board approved the acquisition of the subject properties on St. Andrews Place, this Board action was subject to the California Environmental Quality Act (CEQA) because it approved a project which had the potential to cause a change in the environment. Adoption of the attached resolution to repeal the previously adopted resolution would not constitute a "project" as defined by CEQA because it will not have the potential to cause a physical change to the environment. Therefore, adoption of the proposed resolution is exempt from CEQA under the City's CEQA Guidelines, as amended July 31, 2002, Article II, Section 1, General Exemption.

RESOLUTION NO. 10384

WHEREAS, on October 19, 2011, the Board of Recreation and Park Commissioners (Board) approved Board Report No. 11-287 which preliminarily authorized staff to begin the acquisition process of two (2) parcels located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019 for the development of the St. Andrews Place Park; and,

WHEREAS, on October 3, 2012, the Board approved Board Report No. 12-275 and its accompanying Resolution No. 10358 which authorized the acquisition of the subject parcels through eminent domain; and,

WHEREAS, on July 3, 2013, the City Council adopted Ordinance No. 182630 entitled "An Ordinance of the City Council of the City of Los Angeles finding that the public interest and necessity require the property located at 1138 and 1144 South St. Andrews Place"; and,

WHEREAS, the Department of Recreation and Parks has now determined that construction of St. Andrew's Place Park is no longer supported by the neighboring community, residents and stakeholders; and,

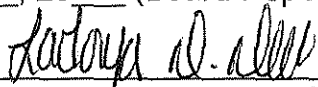
WHEREAS, the Department of Recreation and Parks has decided to abandon the plans to construct St. Andrews Place Park.

NOW, THEREFORE, BE IT RESOLVED by the Board that its authorization to acquire by condemnation two parcels for the development of a park each measuring approximately 6,185 square feet or 0.14 acres in size and located at 1138 and 1144 South St. Andrews Place, Los Angeles, California 90019 with Assessor Parcel Numbers 5080-003-001 and 5080-003-002 is rescinded; and,

BE IT FURTHER RESOLVED, that Department of Recreation and Parks staff be authorized to work with the various City entities to repeal Ordinance No. 182630 adopted by City Council on July 3, 2013; and,

BE IT FURTHER RESOLVED, environmental staff to file a Notice of Exemption with the Los Angeles County Clerk within five (5) days of the Board's approval of this Resolution;

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 August 14, 2013 (Board Report No. 13-211).



LaTonya D. Dean, Board Secretary

Resolution No. 10384