

REPORT OF GENERAL MANAGER

NO. 05-131

DATE May 18, 2005

C.D. 2

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: WOODBRIDGE PARK – NO-BUILD COVENANT AND USE AGREEMENT WITH THE OAKWOOD SCHOOL

J. Kolb _____
F. Mok _____
*S. Huntley [Signature]
K. Regan _____

J. Combs _____
H. Fujita _____
B. Jensen _____

Robert Jensen (Sr)
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a proposed No-Build Covenant, on file in the Board Office, concerning a 50-foot wide zone of Woodbridge Park adjacent to the elementary campus of the Oakwood School, and request the City Attorney to prepare the necessary Ordinance and to forward the Covenant for review and approval by the Department of Building and Safety and the City Council;
2. Approve a proposed Use Agreement, substantially in the form on file in the Board Office, between the Oakwood School and the Department, whose Woodbridge Park is located at 11240 Moorpark Street in North Hollywood, subject to review by the City Attorney and approval by the Mayor and City Council;
3. Adopt a Resolution, on file in the Board Office, granting the No-Build Covenant and authorizing execution of the Use Agreement;
4. Direct the Board Secretary to transmit the Use Agreement to the City Attorney for review and concurrently to the Mayor for review and approval in accordance with Executive Directive No. 16; and
5. Upon obtaining the necessary approvals, authorize the Board President and Secretary to execute the Use Agreement and for the Board Secretary to execute the No-Build Covenant, which will then be forwarded to General Services for recordation.

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SUMMARY:

The Oakwood School, located at 11230 Moorpark Street and bordering Woodbridge Park, has operated at the same location for over 50 years; it is a private school affiliated with the nearby Oakwood Secondary School, located at 11600 Magnolia Boulevard. The relatively small school parcel on Moorpark, totaling 2.21 acres, currently lacks a multi-purpose structure for indoor creative, athletic or educational programs for the student body. The school has developed plans for a new two-story building of approximately 12,500 square feet that will meet these needs and also provide for restrooms and two small offices. Because it will be set on the school's property line with no setbacks and will be of wooden construction, Building and Safety requires the school to obtain and record a No-Build Covenant from the Department. The Covenant area is 50 feet wide, extending 182.5 feet along the southern border of Woodbridge Park and 170.5 feet along the eastern park border. Approving the Covenant does not grant the school any rights over this part of the park but only commits the Department to forego any plans for building there. The new construction will not encroach into the park. Allowing the school to build without setbacks will enable them to produce a structure that is less bulky, less costly to construct and lets in more natural light than would otherwise be possible using the same interior design. The Senior Title Examiner in General Services has stated that the legal description of the proposed Covenant is accurate.

Valley Region personnel have no plans for any permanent structures in this part of the park, which until approximately 1950 was a drainage swale. Improvements to Moorpark Street at that time ended formal drainage to this park area, and it has remained relatively unused. A current Proposition K project for Woodbridge Park, which involves a new landscaped entrance and facility sign, new benches and the replacement of play equipment and a wood fence, will not be affected by the Covenant or the school's construction plans; the Department project is on other portions of the park (Board Report No. 05-58 approved March 2, 2005).

Within the Covenant area, the school has requested temporary use of a 20-foot strip along the same southern and eastern park borders in order to excavate for the construction of foundation footings; it is anticipated that the work will be completed in five months, perhaps by early 2006; during the excavation, the affected area will be fenced off from the rest of the park for safety. After completion of the foundation footings, the area will be re-filled, re-compacted and re-graded and be opened to public use. In addition, upon the completion of the new building, this area plus a larger swath on the park's eastern border, extending beyond the Covenant area, will be landscaped in keeping with the rest of the park. The community has expressed interest in having this improvement, partly in order to buffer the view of the new building. Oakwood School has agreed to do the landscaping at their expense after the Department's review of their plans. This newly landscaped area will become a permanent park amenity.

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City Charter Section 594 requires that dedicated park property be used for a park purpose. In this instance, the City Attorney has advised that the requirement is satisfied where the No-Build Covenant results in the construction of a building on private property immediately adjacent to the park that will be jointly used in perpetuity by the public for park purposes and by the private entity.

The City Planning Department has ruled that the new school building is to be available for monthly community meetings but otherwise has restricted its use by third parties to ten times per year and then only for educational events (Council File No. 03-2044; ZA 2002-6462 VCU). Accordingly, the school and the Valley Region have agreed that after completion of the building, the Department may use some space for classes, such as karate/dance/cheerleading or guitar/piano. The schedule will be decided on an annual basis.

The proposed Use Agreement between the school and the Department contains specifics about these public uses as well as describing the excavation and improvement areas. The proposed Use Agreement also acknowledges that the school is responsible for adhering to the terms of an existing permit relationship, by which the school applied for the regular use of a part of Woodbridge Park next to their campus. The school will continue the payment of the fees and required maintenance for this use.

Finally, the Use Agreement contains a provision by which the school agrees to design the rest of their master renovation/expansion plans so as to avoid needing another No-Build Covenant from the Department, that is, needing to extend the no-build area farther north toward Moorpark Street. The school is also being asked to inform the Superintendent of the Valley Region at the time of applying for any discretionary actions from City Planning such as requests for a variance or a conditional-use permit. Doing so will enable the Department to be better informed about the potential impact of the school's plans on Woodbridge Park.

The Oakwood School completed a Mitigated Negative Declaration (MND) for the proposed expansion as part of the approval of the Conditional Use Permit. While the MND considered the No-Build Covenant as a mitigation measure, the MND did not include the temporary use of part of the Covenant area for initial construction activities and the subsequent restoration measures that will include new, irrigated landscaping. However, staff determined that the school's temporary use of part of the Covenant area and its subsequent restoration are categorically exempt from the provisions of the California Environmental Act (CEQA); this finding is pursuant to Article III, Section 1, Class 1 (14) and Class 4 (3) of the City CEQA Guidelines.

FISCAL IMPACT STATEMENT:

There is no immediate increase in General Fund expense as a result of the activity described in this Report.

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The Assistant General Manager of Operations West and the Acting Superintendent of Valley Region concur with staff's recommendations as does the Office of Council District Two.

Prepared by Joan Reitzel, Senior Management Analyst in Real Estate and Asset Management.

RESOLUTION NO. _____

WHEREAS the private, elementary Oakwood School, adjacent to Woodbridge Park, which itself is located at 11240 Moorpark Street in the North Hollywood area of the City of Los Angeles, desires to construct a gym/multi-purpose structure abutting the park border without setbacks; and

WHEREAS this proposed placement has caused the City Department of Building and Safety to require a 50-foot No-Build Covenant along the southern and part of the eastern border of the park as is more fully shown in the attachment containing the Covenant's legal description and a site plan;

NOW, THEREFORE, BE IT RESOLVED that the Board of Recreation and Park Commissioners of the City of Los Angeles approves granting the No-Build Covenant in recognition of certain public recreational uses of the new structure and the benefits of the permanent landscaping proposed for the "Improvement Zone" that will occupy most of the Covenant area, subject to the approval of the City Council, whereupon the Board President and Secretary are authorized to execute the Covenant document and forward it to General Services for recordation; and

BE IT FURTHER RESOLVED that the Department of Recreation and Parks be authorized to enter into a long-term Use Agreement wherein the terms of the aforementioned public uses, the development and maintenance of the "Improvement Zone" and the temporary creation of an "Excavation Zone" in the same area of the park are set forth, in addition to other related matters, also subject to the approval of the City Council.

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 of _____, 2005 (Board Report No. _____).

Mary E. Alvarez, Secretary