

REPORT OF GENERAL MANAGER

NO. 05-317

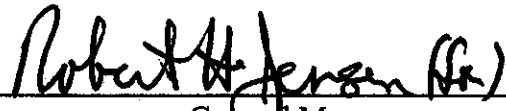
DATE December 14, 2005

C.D. 7

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HANSEN DAM RECREATION AREA – MASTER COVENANT AND AGREEMENT RELATIVE TO THE CHILDREN’S MUSEUM OF LOS ANGELES

J. Combs	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
B. Jensen	_____	*M. Shull	<u>MS</u>



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board authorize the Department to sign a master covenant and agreement, substantially similiar to the one on file in the Board Office, for recording with the Los Angeles County Recorder, certifying to the ownership of two parcels of land adjacent to the Hansen Dam Recreation Area and acknowledging and agreeing to comply with certain conditions in connection with the planned construction of the Los Angeles Children’s Museum.

SUMMARY:

On May 22, 2000, the Board approved Report No. 00-195 and adopted Resolution No. 9858 authorizing the relocation of the Los Angeles Children’s Museum to a 0.85 acre vacant site owned by the Department of Recreation and Parks (Department) and located adjacent to the Hansen Dam Recreation Area near the intersection of Foothill Boulevard and Osborne Street. The Board also approved a fifty-year ground lease between the City and the Children’s Museum of Los Angeles (CMLA) for use of the site and authorized the Department’s General Manager to negotiate and execute an operating agreement with the CMLA for the construction, operation, and maintenance of a children’s museum. The fifty-year ground lease was executed on June 28, 2000, and the operating agreement was executed on June 27, 2001.

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The CMLA has finalized plans for the museum and is preparing to commence construction early next year. In order for the CMLA to construct the building as planned, four zoning variances have been approved by the Office of Zoning Administration of the City's Planning Department. The variances allow for slight deviations from sections of the Los Angeles Municipal Code as follows:

- 1) A variance from Section 12.21.1-A of the Code, to permit a building height of 40 feet in lieu of the 30 feet otherwise allowed in Height District No. 1-XL.
- 2) A variance from Section 12.21-C, 5(h) of the Code, to permit ancillary museum uses in the Open Space Zone, as not otherwise allowed.
- 3) A variance from Section 12.21.1-A, 10 of the Code, to permit a building height of 40 feet in lieu of the 25 feet and 33 feet otherwise allowed.
- 4) A variance from Section 12.14-A of the Code, to permit a commercial corner development with deviations to extend hours of operation beyond 7 a.m. to 11 p.m., and to permit 8% window transparency in lieu of 50%.

Approval of these variances is necessary for the CMLA to obtain certain building permits from the City's Department of Building and Safety and is subject to fourteen conditions specified in the Zone Variance/Site Plan Review (ZV/SPR Review) prepared by the Chief Zoning Administrator [Case No. ZA 2005-5816].

The conditions require compliance with all other use, height, and area regulations of the Los Angeles Municipal Code, as well as all other applicable government/regulatory agency requirements associated with the development and use of the property, except as such regulations are specifically varied or required. A final condition requires an agreement to comply with all the terms and conditions established within the ZV/SPR Review via execution by the property owner of a standard master covenant and agreement and subsequent recording with the Los Angeles County Recorder's Office.

The proposed master covenant and agreement relates to the construction and operation of the planned children's museum, for which a Mitigated Negative Declaration (MND) was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). The Final MND and associated Mitigation Monitoring Program were adopted by the Board on May 22, 2000, and by the City Council on May 24, 2000. A Notice of Determination was filed with the Los Angeles City Clerk and County Clerk on June 20, 2000. Due to certain modifications to the proposed museum facility, an Addendum to the Final MND was prepared and considered by the Board at its meeting of September 14, 2005, [Report #05-232] in conjunction with approval of amendments to the Ground Lease and Operating Agreement with CMLA.

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Staffs from Operations West and the Seventh Council District have been consulted and concur with this report's recommendations.

FISCAL IMPACT STATEMENT:

Execution of the proposed master covenant and agreement will not have any fiscal impact to the City. The nominal recording fee will be waived for the City, as it is a government agency.

Report prepared by Drew Tolliffe, Real Estate and Asset Management.