

REPORT OF GENERAL MANAGER

NO. 08-214


DATE July 23, 2008

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: NORTH HOLLYWOOD PARK - REQUEST TO BUILD AND OPERATE A CHARTER SCHOOL

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u>RAJH</u>

2

 General Manager

Approved _____ Disapproved SEP 17 2008 _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Deny the request of the Alliance for College-Ready Public Schools to build and operate a charter school on a portion of North Hollywood Park;
2. Direct staff to communicate this decision to the Alliance and offer to request that the Asset Management Division of the Department of General Services assist the Alliance in researching sites from the list of potentially surplus, City-owned property; and,
3. Authorize staff to seek the assistance of the City Attorney and other departments regarding any actions needed to bring the current arrangements cited herein into conformity with City Charter provisions on the use of park property.

SUMMARY:

In correspondence dated January 26, 2008, the Alliance for College-Ready Public Schools (Alliance) requested that the Department lease to them a portion of North Hollywood Park consisting of a triangular, vacant parcel (APN 2350-011-900). It is 0.51 acre and has the address of 11471 Chandler Boulevard. The group operates ten high schools chartered by the Los Angeles Unified School District (LAUSD) and wants to use the park parcel to build and operate a new charter school. Its emphasis will be architecture, engineering and both construction and environmental technology.

REPORT OF GENERAL MANAGER

PG. 2

NO. 08-214

One reason the Alliance seeks the use of this park site is that it is near the intersection of two Metro lines, and the proximity could serve as a “training tool for students for the use of public transportation.” The conceptual plan for the school includes a pedestrian bridge that would extend across Chandler Boulevard into the main part of North Hollywood Park close to the northern parking lot. It appears that the Alliance might seek to use this lot as well; however, as will be discussed later, the lot is part of the park’s roller-hockey facility that is operated by the Young Men’s Christian Association (YMCA).

North Hollywood Park and City Charter Provisions

North Hollywood Park was created in 1927 by the acquisition of privately owned land. A County tract document of 1930 refers to the triangular parcel as being “exclusively for public purposes”. In 1962 the state completed a “friendly” condemnation of a separate, middle strip of the park in preparation for constructing the Hollywood Freeway/State Route 170. At the time, City Ordinance No. 122827 noted that the action involved “certain real property dedicated, appropriated and used for recreation and park purposes bounded by Chandler Boulevard and Riverside Drive and lying mainly between Tujunga Avenue and Westpark Drive, known as North Hollywood Park.” The Board confirmed the “dedicated” status of North Hollywood Park by including it in a comprehensive Resolution adopted February 17, 1978 (Resolution No. 7452A). The Resolution lists all City parks considered to be dedicated as of that date.

Charter Section 594 (a) empowers the Board of Recreation and Park Commissioners to act “in the name of the City to acquire and take by purchase, lease, condemnation, gift, in trust or otherwise, any and all property necessary or convenient for recreation, including park purposes.” Subsection (c) states that “all lands heretofore or hereafter set apart or dedicated as a public park shall forever remain for the use of the public inviolate; but the Board may authorize use of the lands for any park purpose.” Subsection (c) also provides that within dedicated parks, the Board may authorize the creation of public-utility easements or rights-of-way, the creation of public streets and leases to the County of Los Angeles, the state or to the federal government for the development and use of “public buildings consistent with public park purposes”.

The City Attorney has advised that based on legal precedent, the construction and operation of a school on dedicated park property is not a “park purpose” and is therefore not permitted under the City Charter. On June 8, 1995, the Office of the California Attorney General issued an Opinion on this subject (78 Op. Atty. Gen. Cal. 181). The question presented to the Attorney General was whether a portion of land dedicated for park and recreational purposes could be leased by a city to a school district for purposes of constructing a school.

Citing relevant case law, the Opinion surveys certain uses of park land that have been found to be consistent with park purposes. The Opinion finds no support for “the proposition that a school building would be an appropriate use of property dedicated for park and recreational purposes.” The Opinion further states that “to the extent that the existing park property would be

REPORT OF GENERAL MANAGER

PG. 3 NO. 08-214

converted to the exclusive use of the school, it would be unavailable to the general public for park and recreational purposes. The school itself may not be considered a recreational facility, having as its function the public education of school children.” The Opinion concludes that “a city may not lease a portion of land dedicated for park and recreational uses...to a school district for purposes of constructing a school but may lease a portion of such land for other uses which are consistent with park and recreational purposes.”

The Alliance’s request to lease part of North Hollywood Park raises the issue of the Department’s actions with respect to the Charter sections and legal precedents cited above. Staff has learned of two examples involving educational facilities: the Zoo Magnet Center and Oakwood Secondary School. Their connection to the Department began some time ago and involves the non-exclusive use of two parking lots. This use is distinct from the permits or other arrangements many schools and non-profits have with Region recreation staff for holding special events, sports programs, etc., at a Department facility. Because the circumstances of the use of the lots by the Zoo Magnet Center and the Oakwood School are complex and not widely known within the Department, they are discussed next. Staff does not consider that they are precedents for leasing a half acre of North Hollywood Park to the Alliance.

The Zoo Magnet Center and Griffith Park

Staff knows of one entity with a formal, educational link to a City park. This is the Zoo Magnet Center. It occupies three trailers in the southern part of the Zoo’s parking lot. The first Center enrollments began in 1981 at North Hollywood High School as an adjunct to their biological sciences program. The Center has had a physical presence at the Zoo since 1984 through a series of revocable Permits. Until July 1, 1997, when it became a separate department, the Zoo was administratively part of Recreation and Parks, which issued the Permits. Since then, the Zoo has issued the Permits.

This is one of two “magnets” operating within the high school; the other is for highly gifted students. North Hollywood High School has continued to administer the Zoo Magnet, whose students take classes on campus and join the rest of the high school in extracurricular programs. Buses shuttle between the two sites. In 2006 administrators and parents jointly expressed the intent to have Zoo Magnet students increase their field trips and involvement with the Zoo. The trailers also facilitate the participation of Zoo Magnet students in the volunteer program run by the Greater Los Angeles Zoo Association or GLAZA; this is the official fundraising/support group for the Zoo. The site of the Zoo still belongs to Recreation and Parks; the 2005 draft master plan for Griffith Park proposed ending the Zoo Magnet’s use of the trailers in order to expand public access to the nearby golf course.

REPORT OF GENERAL MANAGER

PG. 4 NO. 08-214

Oakwood Secondary School and North Hollywood Park

The Oakwood Secondary School is located at 11600 Magnolia Boulevard, a block west of North Hollywood Park. On May 27, 1998, the Board approved a two-year, revocable Permit for the School's use of part of a narrow strip at the edge of the park, just east of the Hollywood Freeway and accessible from Magnolia Boulevard (Report No. 245-98, Department Permit No. 451). The occasion was the School's need to meet a condition set by City Planning as part of the approval process for constructing a multi-purpose, two-story building on their campus. The School had to provide off-site parking for 115 vehicles during the construction period.

The School had noted in their proposal to the Department concerning the Permit that the park strip was unused, undeveloped and had raised concerns in the community because of loiterers. In the Permit, the School agreed to develop the southern part of the strip into a parking lot with fencing and lighting. The lot would be available to the general public on weekday afternoons and on weekends, holidays or whenever the School was not in session. The School's estimated expenditure on the parking lot exceeded the sum that General Services considered to be a fair-market fee for the two-year use of the lot; therefore, this investment was considered adequate compensation to the City.

The Board Report presenting the Permit referenced plans for a roller-hockey facility that was expected to include the site of the new parking lot. In 1999 the Board approved the roller-hockey facility as being consistent with "park purposes", and an Operating Agreement was executed with the YMCA of Metropolitan Los Angeles. They represented the YMCA's East Valley Family Branch, located across Tujunga Avenue from North Hollywood Park. The YMCA was to construct, operate and maintain a roller-hockey rink at the park since they had demonstrated a comparable expertise at other venues. It was agreed that all the improvements at the new facility belonged to the Department (Report No. 129-99 was approved on March 17, 1999; Agreement No. 2903 was executed on June 21, 1999.).

The project resulted partly because of community support for programs, especially those organized for at-risk youths, that could supplement the programming at the park's recreation center. Also, nearly half of the initial funding came from the North Hollywood Targeted Neighborhood Initiative, in which the YMCA participated. Other funds came from a grant to the YMCA under the Proposition K program; the 15-year term of the Operating Agreement was intended to coincide with the land-tenure requirements of the grant. The Agreement expires in 2014.

In June 2000 when the parking-lot Permit for Oakwood School was ending, the Metropolitan YMCA entered into a 15-year Sub-Agreement with the School concerning parking plans for the roller-hockey facility. The rink was to be built in the middle of the long strip of land that had the parking lot, which was called "lot 1", at the southern end. A new parking area, "lot 2", was to be developed north of the rink, close to Chandler Boulevard. In return for continuing to use lot 1,

REPORT OF GENERAL MANAGER

PG. 5 NO. 08-214

the School was to fund new, permanent improvements there and pay all maintenance costs during the term of the Sub-Agreement. Other provisions outlined the YMCA's use of lot 1 and the mutual use of lot 2. A primary motivation for the YMCA was a concern that the approved funding for the new facility would be inadequate without the School's contribution.

Soon after its completion, the roller-hockey rink was named the "Dave Potell Memorial Sports Facility" in honor of a Department employee who had been affiliated with both the North Hollywood Recreation Center and the East Valley Family YMCA. The address of the facility is 11455 Magnolia Boulevard. The School recognizes the need to find permanent parking to replace that available under the Sub-Agreement. Their master plan provides for the development of subterranean parking. This may become one of the uses for the property along Magnolia Boulevard that they recently acquired.

The Triangular Parcel and Its Suitability for Continued or Expanded Park Use

The correspondence from the Alliance notes that years ago the triangular parcel within North Hollywood Park was physically separated from the rest of the park by the southern lanes of Chandler Boulevard. The Alliance requests that the Department declare the parcel "unsuitable for park use", citing Charter Section 594 (e): "Where lands forming a portion of an existing public park have been removed from the jurisdiction of the Board by reason of their dedication or use for public purposes incompatible with park use, the remaining lands, or any portion thereof, within the park shall not be subject to the provisions of subsection (c) of this section [on using dedicated land for public park purposes] in the event that (1) the Board and Council find and determine that the remaining lands, or specific portion thereof, are unsuitable for further use as a public park; and (2) lands of an area at least equal to the lands found unsuitable for further use as a public park are acquired in the same portion of the City and set apart or dedicated as a public park."

So far, the Alliance has not identified nearby property that could be offered as a Charter-mandated replacement for the triangular parcel. Moreover, staff believes the triangular parcel, although undeveloped at this time, remains suitable for a variety of potential park uses.

The Department has overseen many types of recreation and park uses since its origins in 1889 under the first City Charter. At that time there were public spaces, including those now known as Elysian Park and Pershing Square, which had been set apart in the original Spanish land grant. In 1904 the City began organizing youth sports. The program soon became the most comprehensive in the nation. Five camps created between 1914 and 1926 served as models for other California cities.

These innovative, active uses were balanced by passive uses such as those for which the triangular, half-acre parcel in North Hollywood Park would, in staff's opinion, be well-suited. The site is undeveloped and under-used, but it can be attractively landscaped with amenities such

REPORT OF GENERAL MANAGER

PG. 6 NO. 08-214

as benches and picnic tables. Moreover, the site was recently suggested as a possibility for relocating a historic house. Another building and a small parking lot were planned for construction nearby, and whole site was to become a museum focusing on the San Fernando Valley. In the past, tight budgets have kept staff from seeking to improve the parcel's level of maintenance or to develop it; however, the site is large enough so that it may qualify for project funding under the Proposition K program. The next cycle of competitive grant applications will occur in 2009. Grant funding would allow staff to develop a combination of such active uses as a children's play area, an exercise circuit, a sports court and a skate plaza. There would also be space for some parking. The Department currently provides for active or passive recreational uses at over 50 separate sites comprising a half-acre or less.

Potential Non-Park Sites for the Charter School

Since the Alliance operates ten schools under LAUSD's "umbrella", the group seems well positioned to work with them to identify a school site. A Los Angeles Times article of June 23, 2008, analyzed LAUSD's building and modernization program financed by \$20 billion in bond funds. As currently planned, there will be nearly 240 new or expanded schools even though, Citywide, student enrollment has unexpectedly declined by eight percent. This decline, which is expected to continue, has resulted in empty classrooms and partly empty schools despite the agency's implementing policies to reduce the number of students per classroom and to end most year-round schedules.

In addition to investigating these vacancies, the Alliance could seek to identify a separate site recommended by LAUSD's real estate and facilities personnel; they are likely to have examined dozens of parcels before choosing sites for the building program. Finally, Recreation and Parks staff recommends in this report that the Alliance work with the Asset Management Division of the Department of General Services to examine the list of potentially surplus, City-owned property. The list may contain a potential school site that is more appropriate with respect to the City Charter and legal precedent than the dedicated, triangular parcel in North Hollywood Park.

The Assistant General Managers of Operations West and Operations East and the Superintendents of the Griffith and Valley Regions concur with staff's recommendations.

FISCAL IMPACT STATEMENT:

There is no impact to the Department's General Fund from the recommendations in this report other than staff time associated with the recommendations, should they be approved.

This report was prepared by Joan Reitzel, Senior Management Analyst in Real Estate and Asset Management, Planning and Development Division.