

APPROVED

June 16 2022

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 22-161

DATE June 16, 2022

C.D. 3

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: RESEDA PARK - PROPOSED LA RIVERWAY SAN FERNANDO VALLEY COMPLETION PROJECT (VANALDEN TO BALBOA) – GRANT OF RIGHT FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF BIKEWAY AND PEDESTRIAN PATH – CONSIDERATION OF LOS ANGELES VALLEY BIKEWAY & GREENWAY PROJECT - VANALDEN AVENUE TO BALBOA BOULEVARD FINAL MITIGATED NEGATIVE DECLARATION (STATE CLEARINGHOUSE NO. 2021100118)

AP Diaz	_____	M. Rudnick	_____
H. Fujita	_____	<i>for</i> C. Santo Domingo	<u>DF</u>
J. Kim	_____	N. Williams	_____

M. Slue

General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Approve the use of a portion of the Department of Recreation and Parks' (RAP) Reseda Park for the construction, operation, and maintenance of a public bikeway and pedestrian path as part of the proposed LA Riverway San Fernando Completion Project (Vanalden to Balboa), as further described in the Summary of this Report (Project);
2. Approve the request of the Department of Public Works (DPW), Bureau of Engineering (BOE) for a Grant of Right (Exhibit A) for the use of the subject portion of Reseda Park for the construction, operation, and maintenance of a public bikeway and pedestrian path as described in the Summary of this Report;
3. Direct RAP staff to work with staff from BOE, Department of General Services (GSD), and City Attorney in the processing of the Grant of Right to DPW;
4. Direct RAP staff to issue a temporary revocable Right-of-Entry (ROE) Permit to BOE and/or its contractor selected for the construction of the Project;
5. Approve the attached Resolution (Exhibit B) authorizing the Grant of Right to DPW;

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6. Request that the City Council approve the Grant of Right to DPW by ordinance, and request that BOE and the City Attorney's Office assist in the drafting, processing, and execution of all ordinances and other documentation necessary to grant and record the Grant of Right to DPW;
7. In consideration of Los Angeles Valley Bikeway & Greenway Project - Vanalden Avenue to Balboa Boulevard Final Mitigated Negative Declaration (State Clearinghouse No. 2021100118) adopted by the City Council, determine that no additional California Environmental Quality Act (CEQA) determination is necessary;
8. Upon receipt of necessary approvals, authorize the Board of Recreation and Park Commissioners (Board) Secretary and President to execute the Grant of Right; and,
9. Authorize RAP staff to make technical corrections as necessary to carry out the intent of this Report.

SUMMARY

Reseda Park is located at 18411 Victory Boulevard in the Reseda area of the City. This 29.68 acre park features basketball and tennis courts, an outdoor swimming pool, picnic areas, walking paths, and a small lake.

PROJECT SCOPE

The LA River Way - San Fernando Valley Completion Project includes the development of approximately 13 miles of new bikeway and greenway along the Los Angeles River (LA River) in the San Fernando Valley. The Project runs between Vanalden Avenue to the west and Forest Lawn Drive/Zoo Drive to the east, and spans across Council District (CD) Nos. 2, 3, 4, 5, and 6. The improvements will include pedestrian walking paths, decorative fencing and gates, roadway crossings, pet waste stations, drinking fountains, lighting, operational and wayfinding signage, site furnishings, educational interpretive elements, Best Management Practices (BMPs) for stormwater runoff, landscaping and irrigation.

Construction of the Project will allow for the following benefits:

- An integrated active transportation network weaving together a system of neighborhood parks, schools, transit, jobs and other community amenities.
- A safe and direct alternative to traveling on high-speed east-west arterials
- An increased share of trips made by biking and walking, which will improve public health and air quality.
- Progress towards completion of the 13-mile San Fernando Valley Greenway, as well as the continuous 51-mile LA River Greenway, spanning from the San Fernando Valley southeast to Long Beach. The completed LA River Greenway will create a backbone for active transportation and transform the Los Angeles region.

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The City is currently in 90% Construction Documents for the first 3 mile segment from Vanalden Avenue to Balboa Boulevard, titled LA River Way - San Fernando Valley Completion Project (Vanalden to Balboa) (Exhibit C). RAP received a request from DPW for a Grant of Right to a 1.25 acre (54,488 square foot) portion of the bike path that will travel along the edge of Reseda Park and the LA River, from Reseda Boulevard to Etiwanda Avenue. The Grant of Right will allow for the construction, operation, and maintenance by DPW of an asphalt bikeway, asphalt or decomposed granite pedestrian path, miscellaneous concrete paving, lighting, guardrail system, bioretention basins, landscaping, wayfinding signage, benches, bike racks, and trash receptacles, within the segment.

Construction on the Project is slated to begin in Fall of 2022.

Los Angeles City Charter (Charter) Section 594(c)(4) gives the Board of Recreation and Parks Commissioners (Board) the authority to open, establish, and maintain streets or other public ways in and through dedicated park lands. The Charter also allows the Board to delegate that establishment and maintenance of public ways to the Department of Public Works. Any such transfer shall require a resolution of the Board (attached to this report) approved by City Council by ordinance, incorporating the prescribed terms and conditions to be observed by the permittee.

Under the Charter, if property to be transferred to another use has been acquired from funds specifically provided for RAP or its predecessors, RAP shall be assigned the equivalent in property or funds as a condition of transfer of the property from its control, when required by the Board. RAP staff has reviewed the originating acquisition of this property and determined that no such funds were used in the acquisition.

RAP staff has reviewed the request from DPW and recommends that the Board grant the request. The approval of the proposed Grant of Right will not be a detriment to RAP operations. It should be noted that the proposed Project will be completed and maintained at no cost to RAP.

TREES AND SHADE

The approval of this Project will have no impact on existing trees or shade at Reseda Park.

ENVIRONMENTAL IMPACT

The proposed Project consists of issuance of a Grant of Right to use an existing structure to construct, operate and maintain the Los Angeles Valley Bikeway & Greenway Project - Vanalden Avenue to Balboa Boulevard (W.O. E190752B). The Project has been previously evaluated and approved in compliance with the California Environmental Quality Act (CEQA). A Final Mitigated Negative Declaration (Final MND) and Mitigation Monitoring and Reporting Plan (State Clearinghouse No. 2021100118) were adopted by Los Angeles City Council on May 4, 2022 (Council File No. 22-0247). A Notice of Determination (NOD) was filed with the Los Angeles County Clerk on May 4, 2022.

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Section 21166 of California Public Resources Code (PRC) and Section 15162 of California CEQA Guidelines state that unless one or more of the following events occur, no subsequent or supplemental environmental report is required by the lead agency or by any responsible agency:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is being undertaken that will require major revisions in the EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment

RAP staff found that:

- (1) The permit of use will not involve substantial changes in the project scope requiring major revisions in the previous IS/MND due new-significant environmental effects, or an increase in the severity of previously identified significant effects;
- (2) The circumstances under which the permit of use is undertaken will not require revisions of the previous IS/MND due new significant environmental effects or an increase in the severity of previously identified significant effects;
- (3) There is no new information of substantial importance showing new significant environmental effects not discussed in the previous IS/MND, or an increase in the severity of previously examined significant effects;
- (4) There are no mitigation measures or alternatives to the project considerably different from those analyzed in the previous IS/MND that would substantially reduce one or more significant effects on the environment, but not adopted with the previous EIR.

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Based on these findings, RAP Staff recommends that the Board determine that the proposed Project does not require any additional CEQA action.

FISCAL IMPACT

The approval of this proposed Grant of Right will have no fiscal impact on RAP's General Fund as DPW will bear all costs associated with this action.

The costs for the design, development, and construction of the proposed Project will be funded by funding sources other than RAP's General Fund.

STRATEGIC PLAN INITIATIVES AND GOALS

Approval of this Board Report advances RAP's Strategic Plan by supporting:

Goal No. 1: Provide Safe and Accessible Parks

Outcome No. 2: Safe and welcoming environments at all parks

Result: The approval of this Grant of Right will help enable the implementation of the LA River Way - San Fernando Valley Completion Project, which will help create safe access for people walking and bicycling to, and through, Reseda Park.

This Report was prepared by Bryan Miller, Management Analyst, Planning, Maintenance, and Construction Branch, Department of Recreation and Parks.

LIST OF ATTACHMENTS

Exhibit A – Grant of Right

Exhibit B – Resolution

Exhibit C - LA River Way - San Fernando Valley Completion Project (Vanalden to Balboa)

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CITY OF LOS ANGELES

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GRANT OF RIGHT

The City of Los Angeles, a municipal corporation, acting by and through its Board of Recreation and Parks Commissioners (“Grantor”), hereby grants to the City of Los Angeles, a municipal corporation, acting by and through its Board of Public Works (“Grantee”) a perpetual, non-exclusive right to construct, operate, and maintain an asphalt bikeway, asphalt or decomposed granite pedestrian path, miscellaneous concrete paving, lighting, guardrail system, bioretention basins, landscaping, wayfinding signage, benches, bike racks, trash receptacles (herein referred to as “Improvements”) on certain real property owned by the City of Los Angeles under the management and control of its Department of Recreation and Parks Department (“Improvements Area”) more particularly described as follows, with the Assessor Parcel Numbers APN 2124-001-902 and 2124-001-903:

SEE EXHIBIT “A” FOR A COMPLETE LEGAL DESCRIPTION AND EXHIBIT “B” FOR THE DEPICTION SHEET

Given that the said right is non-exclusive in nature, the Improvements Area may be used by the Grantor or its successor/assignee. However, if the said Improvements Area is used by the Grantor or its successor/assignee, then it shall be used in such a manner as shall not in anywise interfere with or endanger any works, facilities, or operations of the Grantee. Grantor shall not install or otherwise place any structure or improvement within the Improvements Area that would interfere with Grantee’s rights granted hereunder. In the event Grantee decides to remove or demolish any of Grantor’s structure or improvement within the Improvements Area that interferes with (as determined by Grantee) Grantee’s rights granted hereunder, Grantee may do so without compensating Grantor for the loss of such structure/improvement, and Grantor shall reimburse Grantee for any and all cost incurred in connection with such removal or demolition. In the event any works or facilities of the Grantor shall be relocated, augmented, or otherwise changed to accommodate the exercise of the right herein granted, the Grantee shall reimburse the Grantor any and all costs incurred in that connection.

Moreover, the parties hereto acknowledge that there is no intention of any merger that would extinguish or otherwise diminish the right granted hereunder or any other interest owned by the City of Los Angeles.

This right is granted in accordance with the provisions in Council File No. _____ of the City of Los Angeles and Board Report No. _____ of Board of Recreation and Parks Commissioners.

In witness whereof, the City of Los Angeles, acting by and through its Board of Recreation and Parks Commissioners, has caused this instrument to be executed on its behalf by the President and Secretary of the Board of Recreation and Parks Commissioners, to be attested by its City Clerk, and its corporate seal to be hereunto affixed by said City Clerk, this _____ day of _____, 2022.

The City of Los Angeles, acting by and through
its Board of Recreation and Parks
Commissioners

By _____
(Name), President

By _____
(Name), Secretary

Attest:
Holly L. Wolcott, City Clerk

By: _____

RESOLUTION NO. _____

WHEREAS, the City of Los Angeles, Department of Recreation and Parks (RAP) has jurisdiction over Reseda Park, a 29.68 acre (1,292,860.8 square foot) park located at 18411 Victory Boulevard;

WHEREAS, the Department of Public Works (DPW), through their Bureau of Engineering (BOE), has been working on the LA River Way - San Fernando Valley Completion Project;

WHEREAS, the BOE Project proposes a series of improvements that will enhance pedestrian and bicycle access and safety to and from Reseda Park and surrounding communities;

WHEREAS, to complete the Project, DPW has requested RAP issue a Grant of Right to DPW for the use of approximately a 1.25 acre (54,488 square foot) portion of Reseda Park for the construction, operation and maintenance of a public bikeway and pedestrian path on a portion of Reseda Park (Project);

WHEREAS, the Grant of Right includes the right to construct, operate and maintain a public bikeway and pedestrian path on a portion of Reseda Park;

WHEREAS, approval of the proposed Grant of Right will not be a detriment to RAP operations;

WHEREAS, the Board of Recreation and Park Commissioners (Board) has directed the Board Secretary to concurrently transmit forthwith the proposed Grant of Right to the City Attorney for review as to form and legality, and to the City Council for approval by ordinance;

WHEREAS, the Board has authorized RAP staff to request the assistance of the Department of General Services (GSD) and the Office of the City Attorney in the review and processing of the related ordinances and documents, including but not limited to the Grant of Right; and,

WHEREAS, upon the receipt of the necessary approvals, the Board authorizes the Board President and Secretary to execute the Grant of Right, subject to City Attorney review and approval as to form and legality;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the construction, operation, and maintenance of the described area of park property for use as a public bikeway and pedestrian path;

BE IT FURTHER RESOLVED that the Board finds and determines that the public interest, convenience, and necessity require that the Grant of Right be granted to DPW required for the Project, subject to the approval of the City Council by ordinance, whereupon the Board President is authorized to execute said Grant of Right;

BE IT FURTHER RESOLVED that RAP will issue, as necessary, a Right-of-Entry permit to BOE and/or its contractor selected to allow for the construction of the Project; and

BE IT FURTHER RESOLVED that upon City Council approval of the Grant of Right to DPW, that City Council direct/instruct the General Services Department, and the City Attorney's Office to draft and process any required document necessary to process said agreement.

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 _____, 20__ (Board Report. No. _____).

Takisha Sardin, Board Secretary

Resolution No. _____

