

APPROVED

MAR 17 2022

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 22-066

DATE March 17, 2022

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: EL SERENO ARROYO PLAYGROUND – APPROVAL OF A RENTAL AGREEMENT AMENDMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS); AUTHORIZATION TO PROCEED WITH THE PRELIMINARY PROPERTY ACQUISITION ACTIVITIES FOR PARK DEVELOPMENT; CATEGORICAL EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO ARTICLE III, SECTION 1, CLASS 1(14) [AMENDMENT OF A LEASE TO USE AN EXISTING STRUCTURE OR FACILITY INVOLVING NEGLIGIBLE OR NO EXPANSION OF USE] AND TO ARTICLE 19, SECTION 15301 OF CALIFORNIA CEQA GUIDELINES

AP Diaz \_\_\_\_\_ M. Rudnick \_\_\_\_\_
H. Fujita \_\_\_\_\_ C. Santo Domingo DF
J. Kim \_\_\_\_\_ N. Williams \_\_\_\_\_

M. Stuee
General Manager

Approved X Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS

- 1. Approve the proposed Rental Agreement Amendment (Amendment) as set forth in Attachment 1 of this Report, which incorporates a revised boundary map as Exhibit A thereto, between the State of California Department of Transportation (Caltrans) and the City of Los Angeles (City), regarding the leasing of the Caltrans property, located at the corner of Concord Avenue, Alhambra Avenue and Lowell Avenue, in the El Sereno community, to be developed and maintained as a passive and active use playground, wherein the term of such lease is extended to a term of forty (40) years and additional property is added to the premises leased as reflected in the Amendment and boundary map, subject to all required approvals, and approval by the City Attorney as to form;
2. Direct the Board of Recreation and Park Commissioners (Board) Secretary to forward the proposed Amendment to the City Attorney for review and approval as to form;
3. Authorize the Board President and Secretary to execute the proposed Amendment upon receipt of all necessary approvals;
4. Authorize RAP staff to continue to proceed with preliminary acquisition activities as previously authorized by the Board via Report No. 17-226 to continue to work with Caltrans

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and GSD for the possible acquisition of the property known as the El Sereno Arroyo Playground (Playground) property totaling approximately thirty-five thousand two hundred eighty three square feet (35,283 sq. ft) or eighty-one hundredth of an acre (0.81) of the currently leased playground area plus additional land owned by Caltrans as may be necessary for expansion of the Playground, located at the tri-intersection of Alhambra Avenue, Concord Avenue and Lowell Avenue, with an approximate address of 5500-5520 Concord Avenue, El Sereno, California 90032 for development of a park, and/or open space recreation area (Caltrans Property);

5. Direct RAP staff to return to the Board for final authorization for acquisition of any Caltrans Property;
6. Authorize RAP staff to coordinate acquisition activities for the Caltrans Property with Council District Fourteen (CD 14), Department of Public Works (PW), Planning Department, the Department of General Services (GSD), and any other necessary City Department(s) to obtain the necessary environmental clearances and funding approvals to expedite the purchase of said property;
7. Determine that the execution of the proposed Amendment is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(14) [Amendment of a lease to use an existing facility involving negligible or no expansion of use] of City CEQA Guidelines and to Article 19, Section 15301 of California CEQA Guidelines and direct RAP staff to file a Notice of Exemption (NOE) with the State Clearinghouse and the Los Angeles County Clerk;
8. Authorize RAP's Chief Accounting Employee or designee to prepare a check to the Los Angeles County Clerk in the amount of Seventy-Five Dollars (\$75.00) for the purpose of filing an NOE.
9. Authorize RAP's Chief Accounting Employee or designee to make technical corrections as necessary to carry out the intent of this Report.

### SUMMARY

On June 15, 2011, the Board through Report No. 11-186 approved a lease agreement between Caltrans and RAP for the use and maintenance of certain vacant parcels owned by Caltrans for open space use, and Caltrans and RAP executed a rental agreement for 25 years on January 23, 2012 in accordance thereto (Lease). Said Lease will expire on July 31, 2036. On January 2, 2013, the Board through Report No. 13-001 accepted certain recreational Improvements installed by the Trust for Public Land (TPL) on the leased property and officially named the open space area as the El Sereno Arroyo Playground. The El Sereno Arroyo Playground (Playground) is now a developed playground that currently serves 2,370 community residents and an undetermined number of neighboring residents in the City of Alhambra. The surrounding community has expressed interest in expanding the Playground area, and CD 14, PW, GSD and RAP have proceeded with efforts for such expansion, including engaging in preliminary acquisition activities for other Caltrans properties surrounding the Playground.

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On December 11, 2017, RAP acquired a lot adjacent to the Playground, approximately 0.115 acre or 5,034 sq. ft in size, with the assistance of TPL and GSD. The acquisition was part of the first phase of expansion at the playground that was approved through Report No. 17-226. RAP is now ready to expand further and develop the playground and surrounding area with support from the community and CD14.

These expansion efforts are funded, in part, by certain grant funds. These grant funds require that the Lease be amended to a term of forty (40) years in order to comply with service payback and site control requirements. Future State grant funding would likely be dependent on the existence of a lease of the Caltrans Property which has a longer term than the current 25 year period so as to comply with State service payback terms and site control conditions.

On February 3, 2022, the Board approved the transfer of the State Parks Proposition 68 Round 3 grant award for the El Sereno Arroyo Playground Expansion project (Grant) as awarded under the Grant Agreement from RAP to The Trust for Public Land (TPL) along with the approval of a donation agreement in connection with the development of the Grant project. The funding and construction would be undertaken by TPL using TPL funds and RAP funds transferred to TPL.

In order for such transfer to be approved by the State grantor, the Lease is required to be amended to extend the term for 40 years as well as updating the existing boundary map of the showing the area of site control for the El Sereno Arroyo Playground area and any additional area needed for its expansion. The boundary map of such Caltrans Property is shown as Exhibit A of the proposed Amendment. An aerial depiction of such boundary map is attached to this Report as Attachment 2. RAP and Caltrans will work to more precisely refine the boundary map to reflect the true metes and bounds of the Caltrans Property while Caltrans processes the sale of the Caltrans Property. In the meantime, RAP and Caltrans have agreed to use the boundary map attached as part of the Amendment to reflect the leasehold area covered by the Lease and the Amendment as such map reflects the current playground area and added expansion sites as recommended by City stakeholders and approved by RAP staff and Caltrans staff. The ultimate goal is to secure all sites recommended for park use under leases with Caltrans and eventually acquire the land in fee simple via deeds.

Caltrans has indicated its willingness to revise and extend the Lease term from 25 years to 40 years through the Amendment (Exhibit 3).

### FUTURE ACQUISITION(S):

As stated, the El Sereno Arroyo Playground along with the El Sereno Community Garden (another Caltrans and City cooperative effort) has and continues to be a great success for the community as displayed by its activism and community participation. The goal now is to make this recreational use property project a more permanent endeavor in the form of acquisition(s) of Caltrans Property with the full support of RAP, CD 14, Caltrans and the community. The project site has the continued support from Caltrans (which recently put in writing its support for the El Sereno Arroyo Playground) and from State funding Officials. Upon completion of all indicated conditions and completion of all due diligence for the recommended acquisition by staff, RAP staff will return to

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the Board for final authorization to acquire any Caltrans Property as stated in the recommendations of this Report.

### ENVIRONMENTAL IMPACT STATEMENT

A Phase I Environmental Site Assessment (ESA) for the Playground site was completed in April 2015 for RAP. The Phase I ESA found that the historical uses of the property included a commercial property, a drainage channel, and a multi-tenant residential building from the 1940s to as late as the 1994. More notably, from the 1960s to as late as the 1980s, the southern portion of the site was developed with a suspected service station (pump island canopy, service station building, and surrounding storage/vehicle parking). Evidence of the former service station was still visible in documentation from the early 2000s. Later in the early 2010s, a city park was constructed over the majority of the property, which included the area of the former service station. While a historical gas station is considered a recognized environmental condition (REC), no further invasive assessment appears warranted at this time. Upon redevelopment or earthmoving work in the area of the former service station, if any stained or odorous soils are encountered, additional investigation may be necessary.

A Transaction Screen Process assessment was completed by RAP staff in May 2021 reiterated the same findings of the 2015 Phase I ESA, but included the REC stating that the garden is located within a one-mile radius of the San Gabriel Valley (Area 3) National Priority List. The San Gabriel Valley (Area 3) is a contaminated groundwater plume is about two miles long and one mile wide. The groundwater is contaminated with trichloroethylene (TCE) and perchloroethylene (PCE). The Department of Recreation and Parks and the property are not listed as a Responsible Party or the source of the groundwater contamination.

The proposed Amendment consists of the extension of an existing lease agreement with negligible or no expansion of use.

This site is not within a coastal, methane, or historic zone, so there is no reasonable possibility that the project may impact on an environmental resource of hazardous or critical concern or have a significant effect due to unusual circumstances. No other known projects would involve cumulatively significant impacts, and no future projects would result from the proposed project. As of October 8, 2021, the State Department of Toxic Substances Control (DTSC) (Envirostor at [www.envirostor.dtsc.ca.gov](http://www.envirostor.dtsc.ca.gov)) has not listed the Project site or any contaminated sites near the Project area (within 500 feet). According to the Caltrans Scenic Highway Map there is no scenic highway located within the vicinity of the project or within the project site. Furthermore, the project is not located in proximity of a known historical resources and will not cause a substantial adverse change in the significance of a historical resource.

As such, staff recommends that the Board determine that it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(14) of City CEQA Guidelines as well as to Article 19, Section 15301 of California CEQA Guidelines. Staff will file a Notice of Exemption with the State Clearinghouse and with the Los Angeles County Clerk upon Board's approval.

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If any site redevelopment occurs in the future, staff will return to the Board to recommend appropriate further CEQA action.

### NEED ASSESSMENT

The proposed El Sereno Arroyo Playground Expansion acquisition, will continue to serve this community area of 2,370 residents and an undetermined number of adjacent City Residents not served by parks (Park Analysis Report (Attachment 7). An estimated 2,370 residents live within a one-half (1-1/2) mile walking distance of the proposed Playground expansion.

### TREE AND SHADE

El Sereno Arroyo Playground is a fully developed playground site with some slope areas full of vegetation/plants and trees and playground equipment enjoyed by kids, seniors and adults. The extension of the Lease as proposed by the Amendment will not affect existing trees and shade at the site. If any development efforts at the site or at any other portion of the Caltrans Property will affect any trees and shade at such site, staff will return to the Board for approval of such efforts.

### FISCAL IMPACT

There will not be any additional fiscal impacts to RAP's General Fund as a result of these recommendations. All costs and any liabilities associated with development of the leased property will be incurred by the third parties. In the event RAP will be undertaking any development efforts on the Caltrans Property, RAP will return to the Board for prior authorization. Maintenance funds for the new expanded parkland will be requested as part of RAP's annual budget process.

### 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. 1:** Every Angelinos has walkable access to a park in their neighborhood

**Result:** Offer Affordable, Equitable, Healthy, Environmentally safe open space.

This Report was prepared by John Barraza, Management Analyst II, Planning, Maintenance and Construction Branch.

### LIST OF ATTACHMENTS

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- 1) Proposed Rental Amendment of Lease Agreement, including Boundary Map
- 2) Aerial View of Boundary Map
- 3) Caltrans Letter

**CONFIDENTIAL**

This document contains personal information and pursuant to Civil Code 1798.21 it shall be kept confidential in order to protect against unauthorized disclosure.

**DISTRICT & TENANCY NUMBER: 07-018501-0001-04, 07-003003-0003-04, 07-014891-0001, 07-018504-0001, 07-018511-0001, 07-018512-0001, 07-018513-0001**

THIS RENTAL AGREEMENT AMENDMENT is made this 1st day of \_\_\_\_\_, 2022, at Los Angeles, California, between the landlord, the State of California, Department of Transportation (Department), and the undersigned (Tenant).

WITNESSETH

WHEREAS, Department and Tenant did on the 1<sup>st</sup> day of August, 2011, enter into that certain Rental Agreement identified as Tenancy No. 07-018501-0001-04, covering property described in said Rental Agreement, the term of which continues on a month-to-month basis.

NOW, THEREFORE, it is hereby mutually understood and agreed by and between the Department and the Tenant that the Rental Agreement referred to above shall be amended to extend the said Lease for a period of 40 years commencing on July 31, 2019 and ending on July 31, 2051.

FURTHERMORE, the said Rental Agreement is hereby modified as follows:

- I. Paragraph 1, on Page 1, is hereby modified to include that certain property in the City of Los Angeles, State of California, covering the property particularly described in that certain area shown outlined on the map marked R/W Map No. F1530-2 as Parcels 18501, 014891, 018504, 018511, 018511, 018512, 018513 and a portion of 003003, Exhibit A attached hereto and made a part hereof: Whereas this agreement supersedes any and all previous agreements related to the above mentioned parcel numbers 07-018501-0001-04 & 07-003003-0003-04” as part of the very first paragraph.
- II. Paragraph 10, on page 2, is hereby modified to reflect changes in Land Use:
  - a) Lessee plans to enter into a partnership agreement with for Trust for Public Land (TPL).
  - b) Lessee/TPL plans to maintain and operate the site.
  - c) Lessee/TPL shall use the property for the following purposes only: Recreational play area with full public access during hours of operation.
  - d) Lessee/TPL shall plant trees or shrubs in the soil upon prior written approval of Lessor.
  - e) Lessee/TPL may also partner with local businesses including, but not limited to The Trust for Public Land, and other approved Non-profit organizations.
  - f) Lessee/TPL is allowed to publicly recognize partner sponsorship contributions towards site improvements.
  - g) Lessee/TPL shall not commit, suffer, or permit any waste on said property.
  - h) Lessee/TPL shall comply with all State laws and local ordinances concerning said property and the use thereof.
  - i) Lessee/TPL agrees to develop and expand Recreational area as approved by Lessor and for the intended use and purpose of condition 10b.
  - j) Lessee/TPL is hereby granted authority to add a restroom in the expansion.

All other terms and conditions of said Rental Agreement and subsequent amendments thereto shall remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Rental Agreement Amendment the day and year first above written.

Executed this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners

By \_\_\_\_\_  
PRESIDENT

By \_\_\_\_\_  
SECRETARY

Approved as to Form:

Date: \_\_\_\_\_

Mike Feuer,  
City Attorney

By \_\_\_\_\_  
SR. ASSISTANT CITY ATTORNEY

Executed this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

By \_\_\_\_\_

Name: Neidy Pinuelas, Senior Right of Way Agent  
Title: Right of Way, Property Management

By \_\_\_\_\_

Name: Raashan Bernard, Office Chief  
Title: Right of Way Property Management

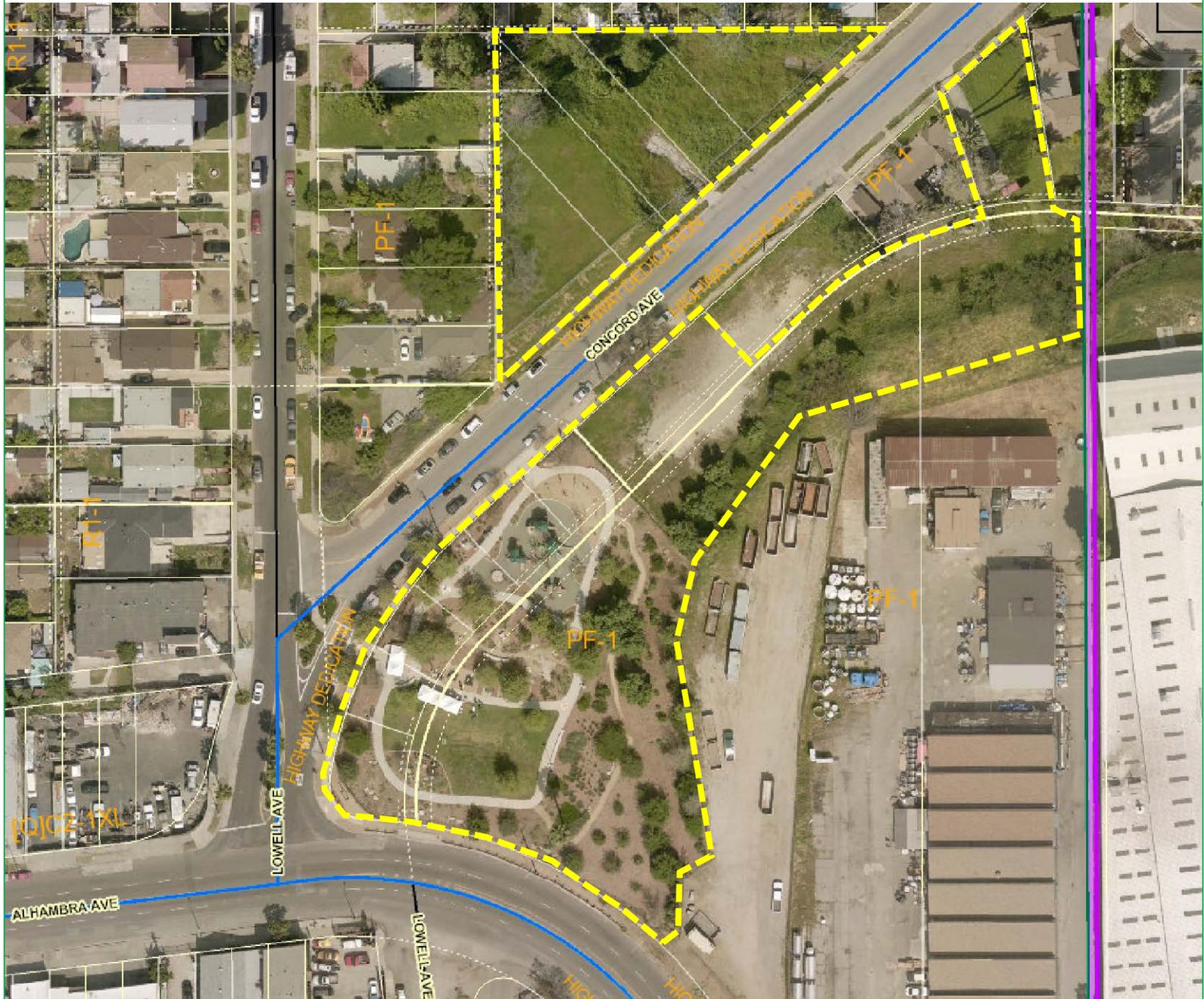


Voice,

CRS: 1-800-735-2929, or write Right of Way. 1 120 N Street. MS-37. Sacramento, CA 95814.



ATTACHMENT 2



## California Department of Transportation

DISTRICT 7 – RIGHT OF WAY  
100 S. MAIN STREET, SUITE 100, LOS ANGELES, CA 90012  
PHONE (213) 897-1901  
FAX (213) 897-0360 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



January 24, 2022

California Department of Parks and Recreation  
Office of Grants and Local Services  
PO Box 942896  
Sacramento, CA 94296-0001

To Whom it May Concern,

This letter confirms that the State of California Department of Transportation (Caltrans) is the current owner of parcels that comprise the existing El Sereno Arroyo Playground and future Expansion project. Caltrans has an executed lease with the City of Los Angeles Department of Recreation and Parks (RAP) for the existing Playground that extends through July 2036. Caltrans commits to signing a lease amendment that incorporates the Expansion parcels and extends the term for all parcels through July 2051.

If you have questions or need further information, please contact me at [edward.francis@dot.ca.gov](mailto:edward.francis@dot.ca.gov) or (213) 897-1901.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Edward Francis', written over a horizontal line.

Edward Francis  
District Deputy Director  
Right of Way – Los Angeles  
State of California Department of Transportation