

# APPROVED

NOV 01 2017

BOARD REPORT

BOARD OF RECREATION  
AND PARK COMMISSIONERS

NO. 17-234

DATE November 1, 2017

C.D. 5

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: VESTING TENTATIVE TRACT (VTT) NO. 77140 – RECOMMENDATION TO THE ADVISORY AGENCY FOR LAND DEDICATION OR IN-LIEU PARK FEE PAYMENT

AP Diaz	_____	V. Israel	_____
*R. Barajas	<u>CSP</u>	S. Piña-Cortez	_____
H. Fujita	_____	N. Williams	_____

*for*

  
General Manager

Approved ✓ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS

1. Recommend that the Advisory Agency require Vesting Tentative Tract (VTT)-77140 (Project) to pay in-lieu fees to the City in order to fulfill the Project's requirements under provisions of Los Angeles Municipal Code Section 12.33; and,
2. Authorize the General Manager or his designee to provide a report to the Advisory Agency informing them of the Board's recommendation.

SUMMARY

Ordinance 184,505 (Parks Dedication and Fee Update Ordinance) became effective on January 11, 2017. Ordinance 184,505 requires most residential projects that create new dwelling units or joint living and work quarters to dedicate land or to pay a fee in-lieu (Park Fee) for the purpose of developing park and recreational facilities. Residential projects that propose one or more additional dwelling units are subject to these requirements unless they meet one of the exceptions listed in Los Angeles Municipal Code Section 12.33 C.3 (e.g. certain affordable housing units and secondary dwelling units may be exempt from any requirement to pay a fee).

Pursuant to Los Angeles Municipal Code Section 17.04 (Subdivision Committee), the Department of Recreation and Parks (RAP) is to submit a report to the Advisory Agency for each application for subdivision map approval and that report "shall contain recommendations, approved by the Board of Recreation and Park Commissioners, specifying the land to be dedicated, the payment of fees in lieu thereof, or a combination of both ...".



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### PROJECT SUMMARY

The proposed Project is located at 16161-16201 West Ventura Boulevard in the Encino community of the City. The Project, as currently proposed, is the construction of a mixed-use project with 114 condominiums. The proposed Project also includes a swimming pool, rooftop deck and recreation room. The Project site is approximately 0.971 acres and is currently improved with a commercial/professional building and a surface level parking lot.

Conceptual renderings of the Project are attached (Attachment 1).

RAP staff held an Early Consultation meeting with the applicant on July 26, 2017 to discuss the requirements of Los Angeles Municipal Code Section 12.33, including options for park land dedications, satisfaction of Park Fees, and recreational credits.

### ADVISORY AGENCY

The Advisory Agency has sent RAP a notification requesting RAP provide its report and recommendations on the Project by November 6, 2017. If no written report is provided to the Advisory Agency by that date, the Advisory Agency will assume that RAP has no report to make. The Advisory Agency Filing Notification is attached (Attachment 2).

### REQUIRED LAND DEDICATION / IN-LIEU FEE PAYMENT

Pursuant to Los Angeles Municipal Code Section 12.33 C, "All new residential dwelling units and joint living and work quarters shall be required to dedicate land, pay a fee, or provide a combination of land dedication and fee payment for the purpose of acquiring, expanding and improving park and recreational facilities for new residents."

#### Land Dedication

Pursuant to Los Angeles Municipal Code Section 12.33 D, residential Subdivision projects with more than fifty (50) residential dwelling units may be required by the City to dedicate land to the City for park and recreation purposes. The maximum amount of land that the Advisory Agency could require a project to dedicate to the City is calculated based on the formula detailed in Los Angeles Municipal Code Section 12.33 D.2:

- **LD = (DU x P) x F**
  - LD = Land to be dedicated in acres.
  - DU = Total number of new market-rate dwelling units.
  - P = Average number of people per occupied dwelling unit as determined by the most recent version of the U.S. Census for the City of Los Angeles.
    - **P = 2.88**
  - F = Park Service factor, as indicated by the Department of Recreation and Parks rate and fee schedule.
    - **F = 0.00192 (1.92 acres of park land per 1,000 residents)**

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The maximum land dedication for the Project's proposed 114 units would be:

$$0.63 \text{ Acres} = (114 \times 2.88) \times 0.00192$$

The land dedication estimate is subject to change based on the number of exempt dwelling units (e.g. affordable housing units) included as part of the Project. Since the project has 11 proposed affordable units in the Project qualify that would likely qualify for an exemption per Los Angeles Municipal Code Section 12.33 G, the maximum required land dedication for the Project would be:

$$0.57 \text{ Acres} = (103 \times 2.88) \times 0.00192$$

Per Los Angeles Municipal Code Section 12.33 D.3, a project that is required to make a land dedication to the City may make said land dedication, or any portion thereof, either on-site or off-site of the project location. Any off-site land dedication must be located **within** a certain radius of the project site, as specified below:

- a) Neighborhood Park: within a 2-mile radius
- b) Community Park: within a 5-mile radius
- c) Regional Park: within a 10-mile radius

Should the Advisory Agency require the Project to dedicate land to the City, RAP staff would need to prepare a subsequent report to the Board for the proposed land dedication. That report would detail the amount of land being dedicated, the location of the land dedication, and the improvements, if any, being developed on the dedicated property. The Board may accept or decline any proposed land dedication.

In-Lieu Fee Payment

Pursuant to Los Angeles Municipal Code Section 12.33, the Park Fee amount is determined by the type of residential development project (Subdivision or Non-Subdivision). RAP shall collect these fees pursuant to Los Angeles Municipal Code Section 19.17 and the Park Fees Section of the Department of Recreation and Parks' Rate and Fee Schedule. As of July 1, 2017, Residential Subdivision projects that are subject to the Subdivision fee shall pay:

- **\$8,382.42 x number of new non-exempt dwelling units**

The maximum required Park Fees payment for the Project proposed 114 units would be:

$$\mathbf{\$955,595.88} = \$8,382.42 \times 114 \text{ dwelling units}$$

The in-lieu fee estimate is subject to change depending on the Park Fee schedule in effect in the year of payment; the number of exempt dwelling units (e.g. affordable housing units) included as part of the Project; any Dwelling Unit Construction Tax previously paid by the

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Project; and, any credits granted by RAP to the Project for eligible privately owned recreational facilities and amenities.

Since the project has 11 proposed affordable units in the Project that would qualify for an exemption per Los Angeles Municipal Code Section 12.33 G, the maximum required Park Fee payment for the Project would be:

$$\$863,389.26 = \$8,382.42 \times 103 \text{ dwelling units}$$

STAFF ANALYSIS AND RECOMMENDATION

In order for RAP staff to determine which mechanism, land dedication or in-lieu fees, to recommend for the Board's review and approval, RAP staff analyzes each proposed development project including its location, new population, surrounding parks, any nearby active or proposed park acquisition or park development project, existing park service radius gaps, etc. RAP staff also analyzes any parks, open spaces, or recreational areas anticipated to be provided by each proposed development project in order to determine if those facilities would reduce the need for new public recreation and park facilities to serve the project residents.

One of the most critical factors that RAP staff uses to analyze proposed development projects is existing park service radius gaps. Approximately fifty-four percent (54%) of residents in the City live within a one-half (1/2) mile, or a ten (10) minute walk, from a public park or open space. The Mayor's Sustainability City pLAN sets a goal of increasing the percentage of Angelinos living within a one-half mile from a park to sixty-five percent (65%) by 2025 and to seventy-five percent (75%) by 2035. RAP continues to employ a variety of strategies, such as the 50 Parks Initiative, that are intended to increase park access and meet these park access goals.

Site Analysis

The Project is located within the Encino community of the City. Currently, the Project site is improved with a parking structure and a commercial/professional building. A combination of residential, commercial and retail buildings surround the Project site. See Attachment 3 for an aerial view of the Project site. There are a number of public parks with a two (2) mile radius of the Project site. A map showing the project location and nearby public parks is attached hereto (Attachment 4)

There is one public park within a half (1/2) mile walking distance of the Project site:

- Libbit Park is a 24.51 acre park located at 5101 North Libbit Avenue. Libbit Park, which is part of the Sepulveda Basin, is currently improved landscaping and benches.

There are no new public parks currently in development within a two (2) mile radius of the Project site.

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There is one (1) park renovation project currently in development within a two (2) mile radius of the Project site:

- Encino Park is a 5.27 acre park located at 16953 West Ventura Boulevard in Council District 5. Encino Park, which includes the Encino Community Center and Encino Women's Center, provides basketball and tennis courts, a children's play area, a freestanding restroom building, and a small childcare building (home of the Encino Parents Nursery School). The scope of the Encino Park – Building and Outdoor Improvement (PRJ20108) project includes various outdoor park improvements as well as path of travel and restroom upgrades to the Community Center, Women's Center, and the restroom building. The outdoor park improvements are complete, and the path of travel and restroom upgrades to the Community Center, Women's Center, and the restroom building are currently in design. While the project budget for the path of travel and restroom upgrades is not known at this time, it is anticipated that additional funding will be necessary to complete these project elements.

### Park Access

As previously noted in the report, a land dedication for a new public park could be located either on-site or off-site of the project location. If a new public park was provided at the Project location the park would serve the new residents of the Project as well as approximately Seven Hundred (715) new, previously unserved, residents within a half-mile (1/2) walking distance (Attachment 5). If a new public park was provided off-site of the Project location the park would serve the new residents of the Project as well as an unknown number of new, previously unserved, residents within a half-mile (1/2) walking distance. If the Project does elect to make some or all of its required land dedication requirements off-site, staff would work with the Project to identify a site that could serve project residents, close an existing park service area gap, and maximize, to the extent feasible, the number of new residents who would be within a half-mile (1/2) walking distance of a public park.

A map showing the project location and nearby park service area gaps is attached hereto (Attachment 4).

### Staff Recommendation

The Project site is not located in an existing park service radius gap. If a new public park was provided at the Project location, the park would likely not serve a significant number of new, previously unserved, residents within a half-mile (1/2) walking distance.

There is one (1) park renovation project currently in development within a two (2) mile radius of the Project site. Once complete, this project would provide new recreational amenities and enhanced recreational opportunities that would be easily accessible to future Project residents and that should provide sufficient recreation amenities to serve the needs of those residents. However, as previously noted, this project is not fully funded at this time and is in need of additional funding.

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Therefore, RAP staff recommends that the appropriate mitigation measure for this project is the payment of in-lieu fees to the City.

FISCAL IMPACT STATEMENT

The Fiscal Impact is unknown at this time.

This Report was prepared by Darryl Ford, Senior Management Analyst I, Planning, Construction and Maintenance Branch, Department of Recreation and Parks.

LIST OF ATTACHMENTS

- 1) Conceptual Project Renderings
- 2) Advisory Agency Filing Notice
- 3) Aerial View of Project Site
- 4) Project Location and Surrounding Parks
- 5) EPADSS Report

