

APPROVED
JUN 07 2006

REPORT OF GENERAL MANAGER

NO. 06-150

DATE June 7, 2006

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 6

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LAKE BALBOA PARK – ISSUANCE OF A REVOCABLE RIGHT-OF-ENTRY PERMIT TO THE METROPOLITAN TRANSPORTATION AUTHORITY, PERMITTING THE INSTALLATION AND FUTURE MAINTENANCE OF A FENCE ON PARK PROPERTY FOR PURPOSES OF PUBLIC SAFETY

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

Robert H. Jensen (G)
General Manager

Approved /

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Authorize staff to issue a revocable right-of-entry permit to the Metropolitan Transportation Authority (MTA), substantially in the form on file in the Board Office, permitting the installation and future maintenance of a 1,500 foot linear fence on a portion of Lake Balboa Park, parallel with Victory Boulevard and the MTA Orange Line, for purposes of public safety; and,
2. Direct the Board Secretary to transmit the proposed Permit to the City Attorney for review and approval as to form.

SUMMARY:

The Metropolitan Transportation Authority (MTA) has requested authorization to install and maintain a fence on park property parallel with Victory Boulevard and the MTA Orange Line at Lake Balboa Park. If authorized, the proposed fence will be approximately 1,500 linear feet long and 7 feet high, located parallel with the MTA Orange Line and extending east from the Bull Creek Channel to the Hayvenhurst Avenue pedestrian crossing. At present, there is no barrier separating pedestrians and park goers from the MTA Orange Line right-of-way and Victory Boulevard. With public safety in mind, the MTA is proposing to fund the fence installation at their sole expense, and

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perform the future maintenance of the fence as part of their regular Orange Line maintenance schedule. In addition to the maintenance of the proposed fence, the MTA has also agreed to maintain a portion of Park property, which will be separated from Lake Balboa Park by the proposed fence. The area to be covered by the proposed right-of-entry permit measures 1,500 feet in an easterly direction from the Bull Creek Channel and 10 feet to the north from the proposed fence line.

Proposed location was chosen due to impacts with existing trees and ditch if a fence is placed on exiting MTA right of way limit. Due to adverse impacts associated with the installation of the proposed fence on the existing MTA right-of-way limit, the MTA has requested that the Department of Recreation and Parks (Department) authorize the fence to be placed on park property. The subject portion of Lake Balboa Park is owned by the Federal Government under the authority of the U.S. Army Corps of Engineers (Army Corps), and is part of the Sepulveda Basin Master Lease between the Army Corps and City.

MTA and Valley Region staff met with Army Corps representatives and received their authorization to proceed upon approval by the Board of Recreation and Park Commissioners. Pursuant to their meeting held at the site on March 2, 2006, the attached plans and specifications (Exhibit A) have been found to be mutually acceptable by staff from the Department's Valley Region, Army Corps, and MTA. If approved by the Board, the approved plans, specifications, and meeting minutes shall be attached to the permit as Exhibits A through C.

In accordance with the requirements of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was certified by the governing board of the Metropolitan Transit Authority on December 13, 2004, finding that the Orange Line project will would have a significant effect on the environment due to the mitigations imposed as a condition of approval. A Notice of Determination was filed with the Los Angeles County Clerk on December 18, 2004. Furthermore, staff has determined that the security fencing proposed under the permit has already been evaluated in the EIR as part of the overall Orange Line project.

Valley Region staff have discussed the proposed project with the Assistant General Manager of Operations West, the Valley Region Superintendent, and the Offices of Councilmember Tony Cardenas of the Sixth Council District, and each supports the project and concurs with staff's recommendations.

FISCAL IMPACT STATEMENT:

This project will not have any fiscal impact on the Department, as the costs of the proposed fence installation and future maintenance thereof, including the 1,500' x 10' strip of park property separated by the proposed fence, will be funded entirely and solely by the MTA.

Prepared by Joel Alvarez, Management Analyst II, of the Department's Real Estate and Asset Management Section.