

APPROVED
OCT 18 2006

REPORT OF GENERAL MANAGER

NO. 06-302

DATE October 18, 2006

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 8

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: MARTIN LUTHER KING, JR., PARK - USE OF PARK PROPERTY FOR THE CONSTRUCTION OF THE EXPOSITION PARK - DR. MARY MCLEOD BETHUNE REGIONAL BRANCH LIBRARY

J. Combs _____	J. Kolb _____
H. Fujita _____	F. Mok _____
*S. Huntley _____	K. Regan _____
B. Jensen _____	M. Shull _____

Our for M.S.

[Handwritten Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the use of up to 60,000 square feet of Recreation and Park's property, being the Martin Luther King, Jr., Park, located at 3934 S. Western Avenue, by the Library Department to construct the new Exposition Park - Dr. Mary McLeod Bethune Regional Branch Library in exchange for the Recreation and Park Department's continued use of approximately 70,000 square feet of Library-owned property that is part of that park;
2. Authorize staff to issue a temporary Right-of-Entry Permit to the Library Department to allow Library Department staff, consultants, and contractors to begin constructing the new regional branch library; and,
3. Direct staff to work with the Library Department and the Office of the City Attorney to negotiate the terms and conditions of new land-use agreements, to be presented to the Board of Recreation and Park Commissioners for consideration, said agreements being intended to allow Recreation and Parks and the Library Department to use each other's property as specified in this report.

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SUMMARY:

Between 1968 and 1970, the Library Department acquired 1.6 acres or 70,000 square feet in the block bounded by Western Avenue, W. 39th Street, Harvard Boulevard, and Leighton Avenue. For some time afterward, no funding was available for construction; therefore, in 1982 both the City Council and the Board of Library Commissioners approved the use of the site by Recreation and Parks. It was subsequently developed into the Martin Luther King, Jr., Park. Thereafter over the next several years, Recreation and Parks acquired property to expand the park, and the Library acreage merged into a larger landscaped area with mature trees.

In June 2004 both the Mayor and City Council approved the request of the Library Commissioners to partly fund the new Exposition Park – Dr. Mary McLeod Bethune Regional Branch Library from the 1998 Branch Library Construction Bond Program. In order to honor the community's request that the landscaped area remain undisturbed, the Library Commissioners approved on September 2, 2004, the relocation of the new regional branch to another site within the park. They proposed that Recreation and Parks allow the regional branch to occupy a 60,000 square-foot site near the intersection of Western Avenue and 39th Street. Besides preserving the dense landscaping of the original park area, the new site will improve the regional branch's public visibility and access.

Conceptual approval for relocating the regional branch was granted by the Board of Recreation and Park Commissioners on October 6, 2004 (Report No. 04-296). Included in this approval was authorization to issue the Library Department a temporary Right-of-Entry Permit to perform a survey and other work needed for the project's design. The Library Department has completed its design and Recreation and Parks has reviewed the plans.

Recreation and Parks staff believes that the proposed change in the use of park land will be beneficial. The public can continue using the landscaped area that was transferred from the Library Department, and this area is 10,000 square feet larger than the proposed site for the regional branch. Park patrons will also benefit from the sizable parking lot that is part of the project.

The Office of the City Attorney has advised that park property may be used for the construction of a public library and it is not necessary to change ownership in order for this change in use to occur. The goal may be achieved by executing land-use agreements. These agreements are being drafted and will be submitted for the approval of both Boards at a future date. The agreements will specify the continued use by Recreation and Parks of the original landscaped area since the transfer of jurisdiction from the Library to Recreation and Parks expires in 2007.

Staff recommends issuing the Library Department a temporary Right-of-Entry Permit to allow project personnel access to park property to begin construction. The Library Department is in the process of awarding a construction contract so the project can begin in early November 2006.

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A section of the new site for the regional branch contains a tennis court and a basketball court. These courts will be replaced at the request of the community and the Office of Council District Eight. Because Library bond funds cannot be used for replacing the two courts, funding will come from a Community Development Block Grant. This work is entirely separate from the Library project, and the requirements of the California Environmental Quality Act (CEQA) can be addressed at a later date.

The Library Department has had their project evaluated for CEQA compliance. On October 12, 2004, Engineering's Environmental Management Group found that the project is categorically exempt pursuant to Article III, Sec. 1, Class 3 (17) of the City CEQA Guidelines.

The Office of Council District Eight, the Assistant General Manager of Operations East, and the Superintendent of the Pacific Region concur with staff's recommendations.

FISCAL IMPACT STATEMENT:

There is no anticipated impact to the General Fund as a result of the actions recommended in this report.

Report prepared by Jocelino E. Joun, Management Analyst II, and Joan Reitzel, Senior Management Analyst in Real Estate and Asset Management.