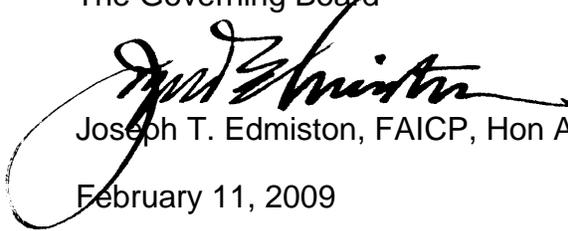


MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center and Gardens
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Los Angeles, California 90065
Phone (323) 221-9944 Fax (323) 221-9934

MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon ASLA, Executive Officer

DATE: February 11, 2009

SUBJECT: **Agenda Item XI: Consideration of resolution authorizing: (a) conditional acceptance of open space lot number 16 from Vesting Tentative Tract Map No. 62900-SL-1A, 2400 Allesandro Street and 2005 and 2021 W. Elmoran Street in either fee simple or a conservation easement, (b) acceptance of trail easements on said property, (c) acceptance of funds to construct said trails and other improvements, and (d) assumption of maintenance responsibility for said open space lot pending condition of approval and mitigation measure requiring adequate payment to the Mountains Recreation and Conservation Authority via adequately worded and recorded CC & R's for City of Los Angeles required Homeowners Association, Elysian Park.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing: (a) conditional acceptance of open space lot number 16 from Vesting Tentative Tract Map No. 62900-SL-1A, 2400 Allesandro Street and 2005 and 2021 W. Elmoran Street in either fee simple or a conservation easement, (b) acceptance of trail easements on said property, (c) acceptance of funds to construct said trails and other improvements, and (d) assumption of maintenance responsibility for said open space lot pending condition of approval and mitigation measure requiring adequate payment to the Mountains Recreation and Conservation Authority via adequately worded and recorded CC & R's for City of Los Angeles required Homeowners Association, Elysian Valley.

Background: There has been an ongoing effort to develop the subject 3.3-acre Semi-Tropic Spiritualist's property in Elysian Valley for many years. The Santa Monica Mountains Conservancy (Conservancy) has been involved with community members attempting to shape the project for several years. The property was originally set aside in 1905 to be a public meeting area for members of the Semi-Tropic Spiritualists Association. It is biologically well connected to Elysian Park and is located within the unique part of the Conservancy's zone under section 33105 of the Public Resources Code that states in part:

The zone shall also include Elysian Park to El Pueblo de Los Angeles State Historic Park, and, for purposes of providing a recreational trail corridor, it shall include hiking and equestrian trail connections and

access ways between Griffith Park, Elysian Park, and El Pueblo de Los Angeles State Historic Park.

A trail on the City's General Plan also goes through the subject property. The parcel has numerous large trees and many native oak and walnut trees. By all accounts it is an open space gem in a densely populated area.

In late 2008, the East Los Angeles Area Planning Commission approved a 15-unit project with one open space lot (No. 16). Three community members appealed the decision before the Planning and Land Use Management Committee of the Los Angeles City Council on February 3rd. The Committee approved the project contingent on refinement of wording in several conditions. The project is scheduled to go before the full City Council on February 17th.

The Conservancy argued at the February 3rd hearing that the conditions guaranteeing public access to the open space, the condition of the open space, and the certainty of the public receiving a functional constructed trail in a suitable public location as a condition of development were totally inadequate. The Conservancy intends to have the City Council impose final conditions and CEQA mitigation measures that guarantee these public benefits for the up-zoned project. Those conditions include MRCA fee simple ownership of lot 16. The MRCA is the best and the only agency capable of receiving and maintaining the land and trail easements. If the MRCA has already authorized acceptance of open space lot 16 and a trail easement(s) prior to the February 17th hearing, the Conservancy's case will be stronger.

The property will not be inexpensive to manage, so staff will insist on adequate permanent funding from the proposed Homeowners Association that is required to be formed by the existing conditions of approval. Those conditions already include CC&Rs that require the HOA to fund maintenance of all common areas including lot 16. It is imperative that the City conditions include a requirement for the CC&Rs to permanently fund the MRCA to maintain the open space trail(s).

A great regional trail link and unique open space resource will be lost if the MRCA cannot step up to the plate to fill these funded responsibilities. As the conditions are currently worded, there will be no trail and the City has show no incentive to establish or accept the subject trail.