



## Legislation Details (With Text)

**File #:** ID 22-1512    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Passed  
**File created:** 9/23/2022    **In control:** City Council  
**On agenda:** 10/13/2022    **Final action:** 10/13/2022  
**Title:** Actions pertaining to the acquisition of a 3.39-acre vacant parcel located at 4461 East Dakota Avenue (APN: 438-022-21) for the development of a City park (Council District 4)  
1. Adopt a finding of Categorical Exemption pursuant to Class 16 Section 15326 (transfer of ownership of land in order to create parks) of the California Environmental Quality Act (CEQA)  
2. Approve a Purchase and Sale Agreement with Won K. Lee and Sang D. Lee for \$1,165,685  
**Sponsors:** Public Works Department, Parks, After School, Recreation and Community Serv

**Indexes:**

**Code sections:**

**Attachments:** 1. 22-1512 Agreement for Purchase and Sale, 2. 22-1512 Grant Deed, 3. 22-1512 Vicinity Map, 4. 22-1512 Location Map

Date	Ver.	Action By	Action	Result
10/13/2022	1	City Council	ADOPTED	Pass

## REPORT TO THE CITY COUNCIL

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

AARON A. AGUIRRE, Director  
Parks, After School, Recreation & Community Services Department

**BY:** RANDALL W. MORRISON, PE, Assistant Director  
Public Works Department, Engineering Division

M. SCOTT TYLER, PE, Public Works Manager  
Public Works Department, Engineering Division

## SUBJECT

Actions pertaining to the acquisition of a 3.39-acre vacant parcel located at 4461 East Dakota Avenue (APN: 438-022-21) for the development of a City park (Council District 4)

1. Adopt a finding of Categorical Exemption pursuant to Class 16 Section 15326 (transfer of ownership of land in order to create parks) of the California Environmental Quality Act (CEQA)
2. Approve a Purchase and Sale Agreement with Won K. Lee and Sang D. Lee for \$1,165,685

## RECOMMENDATIONS

Staff recommends the City Council adopt a finding of Categorical Exemption pursuant to section 15326/Class 16 (transfer of ownership of land in order to create parks) of the California Environmental Quality Act (CEQA), and approve the Agreement for Purchase and Sale of a 3.39 acre vacant parcel, located at 4461 East Dakota Avenue (APN 438-022-21), owned by Won K. Lee and Sang D. Lee for \$1,165,685, and authorize the Public Works Director or designee to sign all documents necessary to complete the subject acquisition.

## **EXECUTIVE SUMMARY**

The Parks, After School, Recreation and Community Services (PARCS) Department requested the Public Work Department Real Estate Section to acquire the subject property for the future use as a City park. A Purchase and Sale Agreement was negotiated and agreed to by both the City and the landowners. Staff has prepared a CEQA categorical exemption, conducted a Phase I environmental study, obtained appraisals, and negotiated a purchase price of \$1,165,685 for the proposed park site. At this time, specific amenities to be provided at the proposed park site have not been determined. Once community outreach has been conducted and a site plan prepared, an additional CEQA analysis will be prepared. The property acquisition is being funded by General Fund and American Rescue Plan Act (ARPA) funds.

## **BACKGROUND**

The City Council adopted the Fiscal Year (FY22) budget on June 24, 2021, which included a motion to establish \$2,100,000 of general funds to be added to the PARCS Department toward park acquisition and arts, of which \$718,500 was appropriated for the acquisition of property at North Barton Avenue and East Dakota Avenue for the purposes of creating a new park. On February 17, 2022, the City Council adopted the 55th amendment to the Annual Appropriations Resolution (AAR) No. 2021-178 to appropriate ARPA funds, of which \$2,599,800 was appropriated for real estate purchases. Of the ARPA funds appropriated in the AAR, \$999,900 were allocated for the purchase of property at North Barton Avenue and East Dakota Avenue for the purposes of creating a new park. The total of these two appropriations were reappropriated in the FY23 budget for a total of \$1,718,400.

City staff acquired an appraisal and ordered a Phase I environmental study to initiate the process of acquiring the proposed park site. The Phase 1 Environmental Site Assessment was conducted by Krazan & Associates, Inc. with no significant findings. At this time, no specific management plan for the park has been prepared, nor have the specific amenities been identified. An additional CEQA analysis will need to be completed following the conclusion of community outreach and the preparation of a site plan to guide future investments and development of the proposed park. The City Attorney's Office has reviewed and approved as to form.

## **ENVIRONMENTAL FINDINGS**

Staff has determined that a Categorical Exemption is appropriate, based on Class 16 Section 15326 of the CEQA Guidelines, which exempts the transfer of ownership of land in order to create parks. Class 16 consists of the acquisition of land in order to establish a park where the land is in a natural condition and the management plan for the park has not been prepared. CEQA will apply when a management plan is proposed that will change the area from its natural condition. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA

Guidelines, Section 15300.2 apply to this project. Staff recommends Council, based upon its own independent judgment, adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15326, of the CEQA Guidelines for the purchase of 4461 East Dakota Avenue.

## **LOCAL PREFERENCE**

Local preference does not apply because the acquisition of the subject real property does not include a bid or award of construction or services contract.

## **FISCAL IMPACT**

The acquisition of 4461 East Dakota Avenue is in Council District 4. The \$1,165,685 required for the acquisition of the park was re-appropriated in the FY23 budget. Of this funding, \$999,900 is ARPA funding originally appropriated in the FY22 budget through the 55th Amendment to the AAR, and the remaining is general fund originally appropriated in the FY22 budget.

### **Attachments:**

Agreement for Purchase and Sale

Grant Deed

Vicinity Map

Location Map