

REPORT OF GENERAL MANAGER

NO. 13-305

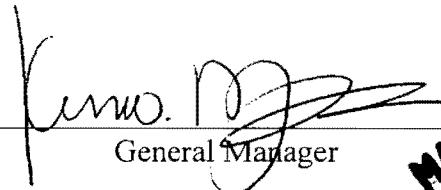
DATE: December 11, 2013

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HOLLYWOOD CENTRAL PARK PROJECT – ENVIRONMENTAL IMPACT ANALYSIS – CONTRACT WITH FRIENDS OF HOLLYWOOD CENTRAL PARK

R. Adams _____
for *R. Barajas CSD _____
H. Fujita _____ V. Israel _____
K. Regan _____
N. Williams _____


General Manager
MAR 19 2014

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Contract (Contract), substantially in the form on file in the Board Office, between the City of Los Angeles and Friends of the Hollywood Central Park (FHCP), a non-profit organization, for the amount of \$525,000.00, for FHCP to provide and coordinate the preparation of an Environmental Impact Report/Environmental Impact Study (EIR/EIS), and associated technical studies, for the proposed Hollywood Central Park project, subject to the approval of the Mayor and the City Attorney as to form;
2. Authorize the General Manager to execute any documents between the Department of Recreation and Parks (RAP), as the Lead City Agency under California Environmental Quality Act (CEQA), and any Responsible Agency under CEQA, including but not limited to the California Department of Transportation (CalTrans), as may be necessary to enable FHCP to provide and coordinate the preparation of an EIR/EIS for the proposed Hollywood Central Park project, subject to approval of the City Attorney as to form;
3. Find, in accordance with Charter Section 1022, that RAP does not have, available in its employees, personnel with sufficient time or necessary expertise to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;

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4. Find, in accordance with Charter Section 371(e)(10) and Los Angeles Administrative Code Section 10.15(a)(10), that the services to be provided and or secured by the FHCP are professional, expert, technical services of a temporary and occasional character for which competitive bidding would be undesirable;
5. Find, in accordance with Charter Section 372 and Los Angeles Administrative Code Section 10.17, that it is not reasonably practicable and compatible with the City's interests to obtain proposals because FHCP is the only organization that can reasonably provide and obtain all the services necessary for the scope of work identified in the Contract;
6. Direct the Board Secretary to transmit forthwith the proposed Contract to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney for review and approval as to form; and,
7. Authorize the Board President and Secretary to execute forthwith the Contract, upon receipt of the necessary approvals.

SUMMARY:

The Hollywood Central Park Project proposes to cover an approximately one mile portion of the United States (U.S.) 101 Freeway, between Bronson Avenue and Santa Monica Boulevard, in order to create a 44-acre community park. As the section of the U.S. 101 Freeway between Bronson Avenue and Santa Monica Boulevard is below the level of the street, the Hollywood Central Park Project is proposed to be constructed on a deck above the freeway, which would allow the development of a street-level park. If implemented, the Hollywood Central Park Project would provide a new public park in a neighborhood where a large percentage of residents do not live in close proximity to a public park or recreational facility and would reconnect neighborhoods that were divided by the construction of the U.S. 101 Freeway.

In October 2013, the Los Angeles City Council approved a motion designating the Department of Recreation and Parks (RAP) as the lead City agency for the preparation of the Environmental Impact Report/Environmental Impact Study (EIR/EIS), and the associated technical documents, for the proposed Hollywood Central Park Project; transferring \$785,000.00 in funding from Department of Public Works, Bureau of Engineering (BOE) to RAP for costs associated with the preparation of the documents; instructing RAP to seek approval for one additional position of Principal Project Coordinator to manage the City's efforts to coordinate and review the EIR/EIS; and, requesting that RAP enter into a contract with FHCP, in the amount of \$525,000.00, to provide services in connection with the preparation of the EIR/EIS (Council File No. 13-1248).

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Background

In January 2007, the Los Angeles City Council approved \$100,000.00 in funding, provided by the Community Redevelopment Agency of Los Angeles (former CRA/LA), to help fund a detailed feasibility study for the proposed Hollywood Central Park Project (Council File No. 06-2791). A Request for Proposals (RFP) for the feasibility study was issued by the former CRA/LA and a consultant team, led by EDAW (a part of AECOM), was selected to complete it. As a part of the feasibility study, a number of stakeholder meetings were held in order to help develop a preferred plan based on feedback from both the local community and technical experts. In October 2008, the feasibility study for the Hollywood Central Park Project was completed. The feasibility study determined that the proposed Hollywood Central Park Project was both technically and functionally feasible.

Due to the size, scope, and location of the proposed project size, and potential funding sources and mechanisms for eventual project implementation, it was determined that both CEQA and National Environmental Policy Act (NEPA) compliance will likely be required. This would require the preparation of an extensive EIR/EIS, and associated technical studies, for the project in order to best facilitate efficient environmental review at the Federal, State, and Local levels.

In December 2008, following the completion of the feasibility study, FHCP was established by advocates and supporters of the proposed Hollywood Central Park Project in order to raise funds, community interest and support for, and to support the development of, the project. One of the priority objectives for the FHCP has been to identify and secure \$2,000,000.00 in funding for an EIR/EIS, and the associated technical documentation and analyses, for the proposed Hollywood Central Park Project.

In November 2011, the former CRA/LA approved \$2,000,000.00 in funding for the Department of Public Works, Bureau of Engineering (BOE) for the EIR/EIS for the Hollywood Central Park Project (Council File No. 11-2115-S1). However, on February 1, 2012, the former CRA/LA was dissolved pursuant to AB 1x-26, and the \$2,000,000.00 in funding was no longer available for the project.

On July 3, 2012, the Los Angeles City Council approved the transfer and appropriation of a total of \$825,000.00, from various funding sources, to BOE, to fund a portion of the identified costs for the preparation of environmental analyses for the proposed Hollywood Central Park Project (Council File No. 12-0600-S120). At that time, BOE staff estimated that \$300,000.00 of the \$825,000.00 in funding would be needed to pay City of Los Angeles (City) staff costs associated with the preparation and review of the environmental documents for the project and the remaining \$525,000.00 would be needed to pay for the necessary environmental consultants.

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In August 2012, FHCP received a \$1,200,000.00 donation from the Aileen Getty Foundation to help fund the EIR/EIS for the Hollywood Central Park Project. FHCP's funds, in combination with the \$825,000.00 in funding provided to BOE by the City, were determined by BOE and FHCP to be sufficient to fully fund the necessary environmental documentation for the proposed Hollywood Central Park Project.

In November 2012, FHCP released an RFP for the preparation of the EIR/EIS, and the associated technical documents, for the proposed Hollywood Central Park Project and, in February 2013, selected a consultant team, led by FirstCarbon Solutions, to prepare the environmental documentation.

On February 28, 2013, CalTrans the State agency responsible for highway and bridge planning, construction, and maintenance, issued a memorandum delegating CEQA Lead Agency status for the Hollywood Central Park Project to the City (Exhibit A). In that memorandum, Caltrans elucidated that the delegation of CEQA Lead Agency status should be accompanied by an executed cooperative agreement between Caltrans and the City so Caltrans can provide independent quality assurance on the preparation of the environmental documentation.

In October 2013, the Los Angeles City Council approved a motion designating RAP as the Lead City Agency for the preparation of the EIR/EIS, and the associated technical documents, for the proposed Hollywood Central Park Project; transferring \$785,000.00 in funding from BOE to RAP for costs associated with the preparation of the documents; instructing RAP to seek approval for one additional position of Principal Project Coordinator to manage the City's efforts to coordinate and review the EIR/EIS; and, requesting RAP to enter into a Contract with FHCP, in the amount of \$525,000.00, to provide services in connection with the preparation of the EIR/EIS (Council File No. 13-1248). It should be noted that only \$745,885.23 of the \$785,000.00 in funding that BOE was directed to transfer to RAP in the adopted motion was ultimately transferred from BOE to RAP as The Department of Public Works reduced the amount of funding being transferred in order to fully reimburse BOE for expenses they incurred from December 20, 2012 through September 18, 2013 while they were working as the Lead City Agency for the project.

Contract with Friends of the Hollywood Central Park

The proposed Contract defines the specific roles and responsibilities for RAP and FHCP relative to the preparation of the EIR/EIS, and associated technical studies, for the proposed Hollywood Central Park Project. FHCP will serve as trustee of the funds being distributed pursuant to the Contract, and will use the City's funds to pay for environmental services rendered by the environmental consultant team FHCP has already selected through its RFP process.

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Pursuant to the Contract, FHCP is obligated and responsible for securing and managing a consultant team to prepare environmental analyses, an EIR/EIS, and appropriate CEQA and NEPA documentation, for the Hollywood Central Park Project. FHCP shall provide, for the Board of Recreation and Park Commissioners' (Board) independent review and consideration, all necessary and required environmental documentation and technical studies. RAP staff will work in coordination with FHCP on the preparation of the required documents. RAP and City staff will review all final work products to ensure they have been appropriately prepared and are in accordance with City standards and requirements. RAP shall pay FHCP no more than \$525,000.00 for services in connection with the preparation of the EIR/EIS, and associated technical studies, in accordance with performance milestones and the related payment schedule that are set forth in the Contract. The term of the Contract shall be eighteen (18) months from the date of execution, and may be extended for two (2) additional six (6) month periods, subject to the written approval of RAP and FHCP.

As RAP has been designated by the City Council as the Lead City Agency for the preparation of the EIR/EIS for the proposed Hollywood Central Park Project, the EIR/EIS, and any required CEQA and NEPA findings and environmental assessments reports produced for this project, would be presented to the Board for review in a subsequent report.

Charter Section 1022 Finding

Los Angeles City Charter Section 1022 prohibits contracting out work that could be done by City employees unless the Board determines it is more economical and/or feasible to contract out the service.

The Personnel Department has completed a Charter Section 1022 review and determined that there are City classifications that could provide some of the professional services required to prepare an EIR/EIS, and associated technical studies, for the proposed Hollywood Central Park project. However, no City Department, including RAP, that has the City classifications that could provide some of the professional services have sufficient staff available at this time to do so. Additionally, due to the City's current budgetary constraints and the ongoing hiring freeze, RAP is unable to obtain the personnel necessary to perform these specialized tasks. It is therefore more feasible to secure these services through an independent contractor.

Charter Section 371 Finding

Los Angeles City Charter Section 371(a) requires a competitive bid or proposal process unless there is an applicable exception under Section 371(e). Los Angeles City Charter Section 371(e)(10) provides an exception that "subject to the requirements of Section 1022, contracts (including without limitation those, as determined by the contracting authority, for the performance of professional, scientific, expert, technical or other special services), where the contracting authority finds that the

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use of competitive bidding would be undesirable, impractical or impossible or where the common law otherwise excuses compliance with competitive bidding requirements.”

Los Angeles Administrative Code Section 10.15(a)(10) states that “for purposes of this Section, and for construing the same term in Charter Section 371(e)(10), the term “undesirable” shall mean and include only such situations in which the nature of the subject of the contract is such that competitive bidding would work an incongruity or be unavailing or would not produce an advantage, with sole reference to the public interest and in light of the purposes to be accomplished.”

If a competitive bid or proposal process is initiated to prepare environmental analyses, an EIR/EIS, and appropriate CEQA and NEPA documentation, for the proposed Hollywood Central Park Project it is highly unlikely that the City will be able to identify an organization as uniquely situated as FHCP is to facilitate the preparation of the environmental documentation. FHCP was created to raise funds, community interest, and support for this proposed project and is familiar with the Federal, State, and Local agencies, organizations, and stakeholder entities that will need to be involved in the preparation of the environmental documentation for the project. FHCP has already secured, and is able manage, a consultant team to prepare the environmental documentation for the project and to provide the results of that effort to the City for its independent consideration.

Furthermore, even if a suitable consultant could be identified through a competitive bid process, the City would be unlikely to find one that could prepare the required environmental documentation with the amount of City funding that is available to prepare the required environmental documentation. At this time, only FHCP has secured, and is willing to provide, the amount of private, non-City, funding and resources necessary to complete the extensive environmental documentation required for the proposed Hollywood Central Park Project. Additionally, as was noted previously in this report, the Los Angeles City Council requested that RAP negotiate and execute an agreement with FHCP for services related to the preparation of the required environmental documentation for this project.

The preparation and completion of an EIR/EIS for the proposed Hollywood Central Park Project would provide the City with the environmental review documents needed to evaluate the potential environmental impacts of the project in accordance with the environmental documentation and review requirements of CEQA and NEPA. Without the required environmental documentation, the Hollywood Central Park Project cannot be appropriately evaluated by the City. Therefore, staff has determined that competitive bidding for preparation of the environmental analyses, EIR/EIS, and appropriate CEQA and NEPA documentation, for the proposed Hollywood Central Park Project would be undesirable at this time.

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Charter Section 372 Finding

FHCP has already secured, and is able manage, a consultant team to prepare the environmental documentation for the project and has demonstrated that it has the necessary contacts, experience, and resources available to complete the EIR/EIS for the proposed Hollywood Central Park Project. Therefore, in accordance with Charter Section 372 and Los Angeles Administrative Code Section 10.17, it is not reasonably practicable and compatible with the City's interests to obtain proposals because FHCP is the only organization able to provide, obtain, and fund the type and variety of environmental and technical services necessary for the preparation of the required environmental documentation for the proposed Hollywood Central Park Project at this time.

Environmental Review

Staff has determined that the action of entering into a contract for the purpose of coordinating the preparation of an EIR/EIS and associated technical studies, for the proposed Hollywood Central Park project is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c) as an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment is not a project under CEQA Guidelines Section 15378 .

FISCAL IMPACT STATEMENT:

Funding for this Contract is provided in Fund 302, Department 89, General Capital Account 89270K-TBD. Approval of this Contract will have no impact on the RAP's General Fund.

This report was prepared by Darryl Ford, Management Analyst II, Planning, Construction, and Maintenance Branch.

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Recreation and Parks

2. Contacts:

Department: Jimmy Newsom Phone No. 818-679-1453 Fax No. 213-202-2612

CAO: Jay Shin Phone No. 213-473-7559 Fax No. 213-473-7514

3. Work to be performed:

Recreation and Parks is seeking a contract to provide environmental consulting services for the Hollywood Central Park Project. The department has been designated as the City's lead agency for the development, preparation and review of studies needed for this proposed project (Council File #13-1248). The project would entail covering the Hollywood Freeway between Hollywood and Santa Monica Boulevards to create a 44-acre public park. Work under this contract will include an initial study and all required environmental studies and documents, including environmental assessments, environmental impact statements, environmental impact reports, and any additional reports that may be required under the National Environmental Policy Act (NEPA) and/or the California Environmental Quality Act (CEQA).

4. Is this a contract renewal? Yes No

5. Proposed length of contract: Three years

Start Date: As soon as possible

6. Proposed cost of contract (if known): One-time contract not to exceed \$600,000

7. Name of proposed contractors: To be determined

8. Unique or special qualifications required to perform the work:

The contractor must be experienced in preparing environmental studies and documents including environmental assessments, environmental impact statements, environmental impact reports and/or special environmental studies.

9. Are there City employees that can perform the work being proposed for contracting?

Yes No

Classification	Departments	List Expires
Environmental Specialist, 7310	Airports, DWP, Harbor, Housing, Planning, PW-Engineering, PW-Sanitation, PW-Street Services, Rec & Parks	05-18-14 (12-16-15 for one restoration)
Environmental Supervisor, 7304	Airports, DWP, Housing, PW-Engineering, PW-Sanitation, Rec & Parks	10-10-14

If yes,

- a. Which class(es) and Department(s): See above.
- b. Is there sufficient Department staff available to perform the work? Yes No
- c. Is there a current eligible list for the class(es)? Yes No Expiration Date: See above.
- d. Estimated time to fill position(s) through CSC process? Unknown due to hiring freeze.
- e. Can the requesting department continue to employ staff hired for the project after project completion? Yes No
- f. Are there City employees currently performing the work? Yes No

10. Findings

- City employees DO NOT have the expertise to perform the work
 City employees DO have the expertise to perform work. (Please see summary section.)

Check if applicable (explanation attached) and send to CAO for further analysis

- Project of limited duration would have to layoff staff at end of project
 Time constraints require immediate staffing of project
 Work assignment exceeds staffing availability

SUMMARY:

Recreation and Parks is seeking a contract to provide various environmental consulting services for the proposed Hollywood Central Park Project. There are City classifications that can perform this work as noted above. The department indicated that it has insufficient staff to perform the work due to severe staffing shortages and the ongoing hiring freeze. In addition, projects to be performed under the proposed contract will be short-term in duration.

Elizabeth A. Terry

Submitted by
Elizabeth A. Terry
Sr. Personnel Analyst I

Don Harrahill

Reviewed by
Don Harrahill
Sr. Personnel Analyst II

Raul Lemus

Approved by
Raul Lemus
Chief Personnel Analyst

2/11/14

Date