

SPECIAL AGENDA
BOARD OF RECREATION AND PARK COMMISSIONERS
OF THE CITY OF LOS ANGELES

Wednesday, July 23, 2014 at 10:00 a.m.

Sepulveda Garden Center
16633 Magnolia Boulevard
Encino, CA 91436

LYNN ALVAREZ, PRESIDENT
IRIS ZUÑIGA, VICE PRESIDENT
SYLVIA PATSAOURAS, COMMISSIONER
MISTY M. SANFORD, COMMISSIONER

EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AT THE MEETING AND SUBMIT IT TO THE COMMISSION EXECUTIVE ASSISTANT PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM.

PURSUANT TO COMMISSION POLICY, COMMENTS BY THE PUBLIC ON AGENDA ITEMS WILL BE HEARD ONLY AT THE TIME THE RESPECTIVE ITEM IS CONSIDERED. ALL REQUESTS TO ADDRESS THE BOARD ON PUBLIC HEARING ITEMS MUST BE SUBMITTED PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM. COMMENTS BY THE PUBLIC ON ALL OTHER MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD WILL BE HEARD DURING THE "PUBLIC COMMENTS" PERIOD OF THE MEETING

1. GENERAL MANAGER'S REPORT:

14-196 Griffith Park – Greek Theatre Concession – Amendment to the Request for Proposals for the Operation and Maintenance of the Greek Theatre

2. UNFINISHED BUSINESS:

14-093 Gilbert Lindsay Community Center – Synthetic Field Replacement (PRJ20806) Project – Allocation of Quimby Fees and Exemption from the California Environmental Quality Act (Original Date – 4/23/14)

14-173 Ordinance Amending Subsection A and Subdivision 3 of Subsection B of 63.44 of Chapter VI of the Los Angeles Municipal Code to Prohibit Vending of Commercial Items or Services in all Public Parks (Original Date – 6/26/14)

14-186 Spring Street Park – Installation of a Memorial Plaque (Original Date – 7/9/14)

3. RECONSIDERATION:

14-189 Hazard Park – Proposed Park Improvements and Conceptual Approval for Dedication of a Sidewalk Easement Related to the University of Southern California Health Sciences Campus Project

July 23, 2014

4. NEXT MEETING:

The next scheduled meeting of the Board of Recreation and Park Commissioners will be held on Wednesday, August 13, 2014 at 9:30 a.m., at Stoner Recreation Center, 1835 Stoner Avenue, Los Angeles, CA 90025.

5. ADJOURNMENT:

Under the California State Ralph M. Brown Act, those wishing to make audio recordings of the Commission Meetings are allowed to bring tape recorders or camcorders in the Meeting.

Sign language interpreters, assistive listening devices, or any auxiliary aides and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For additional information, please contact the Commission Office at (213)202-2640.

Finalization of Commission Actions: In accordance with City Charter, actions that are subject to Section 245 are not final until the expiration of the next five meeting days of the Los Angeles City Council during which the Council has convened in regular session and if Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Commission Meetings can be heard live over the telephone through the Council Phone system. To listen to a meeting, please call one of the following numbers:

from Downtown Los Angeles
from West Los Angeles
from San Pedro
from Van Nuys

(213) 621-CITY (2489)
(310) 471-CITY (2489)
(310) 547-CITY (2489)
(818) 904-9450

For information, please go to the City's website: <http://ita.lacity.org/ForResidents/CouncilPhone/index.htm>

Information on agenda items may be obtained by calling the Commission Office at (213) 202-2640. Copies of the agenda and reports may be downloaded from the Department's website at www.laparks.org.

REPORT OF GENERAL MANAGER

NO. 14-196

DATE July 23, 2014

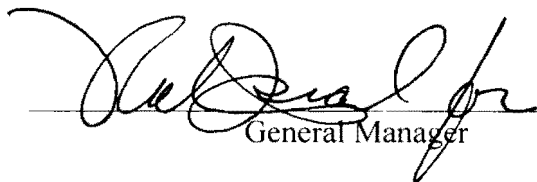
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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GRIFFITH PARK – GREEK THEATRE CONCESSION – AMENDMENT TO THE REQUEST FOR PROPOSALS FOR THE OPERATION AND MAINTENANCE OF THE GREEK THEATRE

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
R. Barajas _____
*N. Williams _____



General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Authorize Department staff to amend the Request for Proposals for the Operation and Maintenance of the Greek Theatre Concession (RFP) and Exhibit C of the RFP (Exhibit C), through issuance of Addendum No. 2 to the RFP (Addendum No. 2), substantially in the form on file in the Board Office, subject to review and approval of the City Attorney as to form;
2. Direct Department staff to post Addendum No. 2 to the Department's website (both the Greek Theatre pop-up window and the official page for the RFP) and to labavn.org, and to notify potential proposers who attended the mandatory Pre-Proposal Conference on June 17, 2014 of the availability of Addendum No. 2; and,
3. Authorize the General Manager to make changes as necessary to meet the stated RFP objectives as approved by the Board (General Manager's Report No. 14-120).

SUMMARY:

The Greek Theatre is located at 2700 North Vermont Avenue in Griffith Park and has provided entertainment and cultural events to the public since it was officially dedicated in 1929.

The Greek Theatre Concession (Concession) has been operated by Nederlander-Greek, Inc. (Concessionaire) under Concession Agreement Number 245 (Agreement) since May 21, 2002. The Agreement is due to expire on October 31, 2015 and there are no remaining renewal options.

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In 2013, the Greek Theatre generated \$22,806,300.00 in gross receipts, paid \$1,654,209.00 in revenue-sharing payments to the City of Los Angeles (City) Department of Recreation and Parks (Department), and has consistently been the Department's highest revenue-producing non-golf concession.

In early 2013, Strategic Advisory Group LLC (SAG) was hired by the Department to conduct a best business practices study of the Greek Theatre, as well as to develop, through research and public outreach, an RFP for use by the Department.

SAG submitted a model of an RFP for use by the Department and collaborated with the Department on staff in finalizing an RFP for release.

On May 21, 2014, the Board approved the release of the RFP, as amended, in General Manager's Report No. 14-120. The Board approved the following changes to the RFP:

1. Section VII.A.2.3.1.1: Increase the required number of Cultural and Community Events from ten (10) to fifteen (15);
2. Section VII.A.2.3.1.3: Guarantee that fifty (50) free ticket vouchers are available to the Department for every event for right of first refusal in order for the Department to distribute free ticket vouchers to the Department's recreation centers to provide opportunities for at-risk youth or underserved communities to participate in events at the Greek Theatre;
3. Section VII.A.2.3.1.2: Strengthen the definition of "Cultural Event"; and
4. Address issues raised in a letter dated May 15, 2014 from the Concessionaire by adding clarifying language to the RFP as necessary.

Furthermore, the Board authorized Department staff to make any technical changes to the RFP necessary to ensure consistency throughout the RFP.

The approved changes were made and the RFP was released on June 4, 2014. A mandatory Pre-Proposal Conference and mandatory Site Walk were held on June 17, 2014. Responses to the RFP are due August 5, 2014. To date, nine (9) site walks have been completed, with two (2) more scheduled for July 30 and 31, 2014.

Questions regarding the RFP have been received periodically since June 17, 2014. The first Questions & Answers document was posted on June 16, 2014 and addressed ten (10) questions asked by potential proposers. Questions & Answers No. 2, which partially addressed a request for the architectural, structural, electrical, mechanical, and plumbing plans for the Greek Theatre, was posted on July 3, 2014 and revised on July 9, 2014 to complete the request for the plans. Questions & Answers No. 3 was released on July 17, 2014. Addendum No. 1 to the RFP, which

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addresses two technical changes to the RFP (adding an Alternate Contract Coordinator who must be CC'd on all correspondence to the Contract Coordinator and correcting an inadvertent omission from Exhibit M, "Scoring Matrix") was released and posted on July 15, 2014.

In response to community concerns, the Department is requesting changes which have been deemed material to the RFP by the City Attorney and require Board approval.

The following changes are recommended for Board approval:

1. Revert the length of the season, which is listed in the RFP as "between April 15 and the second Sunday of November", back to the current contract language ("April 15 and October 31"); corresponding changes to Exhibit C of the RFP, "Sample Concession Agreement" (Exhibit C) would also need to be made to reflect the new dates;
2. Add additional language to specify that "surrounding community" refers to the community within a five (5) mile radius of the Greek Theatre and ensure proposers submit an outreach plan for that community; corresponding changes to Exhibit C would also need to be made;
3. Specify one (1) of the two (2) required Community Surveys to be for the five (5) mile radius surrounding the Greek Theatre; and,
4. Add a new section to Exhibit C addressing a methodology for measuring decibel levels at the Greek Theatre in order to ensure that the next operator complies with all City noise ordinances. The proposed methodology requires delegating authority to the Department's General Manager in determining a minimum of three (3) required locations for measuring decibel levels at the Greek Theatre and provides a mechanism to enforce violations to any City noise ordinances. Liquidated damages in the amount of One Thousand Dollars (\$1,000.00) is proposed for failure to comply. Exhibit C currently does not give the Department sufficient mechanisms for monitoring noise levels at the Greek Theatre and enforcing the City's noise ordinances.

The proposed changes support the objectives of the RFP for engaging the surrounding community and ensuring that the Greek Theatre is a valued asset of Griffith Park.

The current contract language allows for extension of the season upon prior written approval of the General Manager; reverting back to the current language from the proposed season length in the RFP will still enable the Department to meet the RFP's objectives to increase revenues at the Greek Theatre. Additionally, a survey specifically tailored to the community affected by noise, traffic, and other issues which arise from the operation of a major concert venue will enable the Department to better meet the needs of that community. Adding a specific methodology for measuring decibel levels emanating from the Greek Theatre, along with liquidated damages for decibel levels which exceed the prevailing noise ordinance, gives the Department more direct control over operations at the venue.

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The Department has prepared Addendum No. 2 (attached) to the RFP to amend the above RFP sections. These proposed amendments have been reviewed by the City Attorney.

Due to the timing in releasing Addendum No. 2, the Department is requesting that the submittal due date be extended one week, from August 5, 2014 to August 12, 2014, in order to give potential proposers additional time to incorporate the changes to the RFP into their proposals as they deem necessary. The extension does not impact the Department's proposed timeline for completion of the RFP process. The extension of the submittal due date is the first item in Addendum No. 2.

FISCAL IMPACT STATEMENT:

Releasing Addendum No. 2 has no impact on the Department's General Fund.

Report prepared by Désirée Guzzetta, Management Analyst II, Concessions Unit, Finance Division.

BOARD OF RECREATION AND
PARK COMMISSIONERS

LYNN ALVAREZ
PRESIDENT

IRIS ZUÑIGA
VICE PRESIDENT

SYLVIA PATSAOURAS
MISTY M. SANFORD

LATONYA D. DEAN
COMMISSION EXECUTIVE ASSISTANT II

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

ATTACHMENT

DEPARTMENT OF
RECREATION AND PARKS

221 NORTH FIGUEROA STREET
15TH FLOOR, SUITE 1550
LOS ANGELES, CA 90012

(213) 202-2633
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MICHAEL A. SHULL
GENERAL MANAGER

July XX, 2014

REQUEST FOR PROPOSALS
FOR THE OPERATION AND MAINTENANCE OF
THE GREEK THEATRE CONCESSION
(RFP #CON-M14-001)

ADDENDUM NO. 2

The Request For Proposals for the Operation and Maintenance of the Greek Theatre Concession (RFP) has been modified as follows:

1. Extend the due date for **submittals** from August 5, 2014 to the new due date of **Tuesday, August 12, 2014** at 3:00 p.m. Proposals must be submitted per Section VI.C of the RFP to:

City of Los Angeles Department of Recreation and Parks
Office of the Board of Recreation and Park Commissioners
Attention: Board Secretary
221 North Figueroa Street, Suite 1510
Los Angeles, CA 90012

2. Section VII.C.2, "Hours of Operation" (page 34):

Delete Section VII.C.2., "Hours of Operation," in its entirety and replace with the following:

CONCESSIONAIRE shall operate between April 15 and October 31 of each year of the term of the agreement. CONCESSIONAIRE will operate per applicable City codes, rules, regulations, ordinances, and laws regarding levels of noise and with regard to the desires of the surrounding community. Days and hours of operation may not be changed without prior written approval of GENERAL MANAGER.

Requests to extend the season must be submitted in advance in writing to the GENERAL MANAGER. The season may only be extended with the GENERAL MANAGER's prior written approval.



3. Section VII.A.2.4, "Community Partnership Plan" (page 31):

Delete the opening paragraph on page 31, which reads:

Proposers must create a community partnership plan that will outline the approach to supporting and engaging the surrounding community and proactively reaching out to the broader community to gain an understanding of current interests.

Replace with the following new opening paragraph:

Proposers must create a community partnership plan that will outline the approach to supporting and engaging the surrounding community within a five (5) mile radius of the Greek Theatre and proactively reaching out to the broader community to gain an understanding of current interests.

4. Section VII.A.2.4.1 (pages 31-32):

Delete the following opening portion of VII.A.2.4.1:

- 2.4.1.** Proposed Communications Plan for the surrounding Griffith Park community should include the following:
- ___ Outreach plan to broader community groups
 - ___ Frequency and method of communications, i.e., online, website, Public Service Announcements, meetings, forums, e-mail, etc.
 - ___ Approach to on-going community engagement
 - ___ Approach to support the Greek Theatre Advisory Committee
 - ___ Proposed community reporting/response plan
 - ___ Proposed approach to tracking community awareness and opinions, to include regular third party surveys and other feedback on concessionaire satisfaction

Replace with the following new opening portion of VII.A.2.4.1:

- 2.4.1.** Proposed Communications Plan for the surrounding Griffith Park community should include the following:
- ___ Outreach plan to broader community groups
 - ___ Outreach plan to the surrounding community within a five (5) mile radius of the Greek Theatre
 - ___ Frequency and method of communications, i.e., online, website, Public Service Announcements, meetings, forums, e-mail, etc.
 - ___ Approach to on-going community engagement

- _____ Approach to support the Greek Theatre Advisory Committee
- _____ Proposed community reporting/response plan
- _____ Proposed approach to tracking community awareness and opinions, to include regular third party surveys and other feedback on concessionaire satisfaction

5. RFP Exhibit C, "Sample Concession Agreement":

Delete Section 8, "Hours / Days of Operation," of Exhibit C in its entirety and replace with the following:

8. Hours / Days of Operation

CONCESSIONAIRE shall operate between April 15 and October 31 of each year of the term of the agreement. CONCESSIONAIRE will operate per applicable City codes, rules, regulations, ordinances, and laws regarding levels of noise and with regard to the desires of the surrounding community. Days and hours of operation may not be changed without prior written approval of GENERAL MANAGER.

Requests to extend the season must be submitted in advance in writing to the GENERAL MANAGER. The season may only be extended with the GENERAL MANAGER's prior written approval.

6. RFP Exhibit C, "Sample Concession Agreement":

Delete Section 9.V, "Season and Minimum Activity Level," in its entirety and replace with the following:

V. Season and Minimum Activity Level

The season for performances shall be the period from April 15 to October 31 and shall include a minimum of fifty (50) commercial concert events per season, of which fifteen (15) must be cultural and community events, as defined in SECTION 9.U above). Failure to meet the required minimum number of events shall result in a penalty of Fifty Thousand Dollars (\$50,000.00) per missed event (see SECTION 21 for details). Although failure to comply with any conditions or terms of the AGREEMENT is a material breach (SECTION 22.A.1), the CITY, by imposing the penalty, does not waive the right to terminate the AGREEMENT. CONCESSIONAIRE shall remit to the CITY the penalty amount postmarked no later than December 31st of the same calendar year. Deviations from this schedule must have the prior written approval of the GENERAL MANAGER. The DEPARTMENT reserves the right to use the PREMISES for events including, but not limited to, public school graduations and related rehearsal activities (rehearsals and other one-day events), fundraisers, etc., for up to ten (10) days each year. There will be an

attempt to coordinate days and hours of DEPARTMENTAL use with CONCESSIONAIRE. The DEPARTMENT reserves the right, during the off-season, to use the audience and stage facilities in coordination with CONCESSIONAIRE for meetings and other DEPARTMENT uses subject to CONCESSIONAIRE'S approval which shall not be unreasonably withheld, and with no facility use fee charged to the DEPARTMENT.

7. RFP Exhibit C, "Sample Concession Agreement":

Delete Section 9.DD, "Required Surveys," in its entirety and replace with the following:

DD. Required Surveys

The CONCESSIONAIRE shall be responsible to ensure customer satisfaction surveys are conducted a minimum of two (2) times per season, once at mid-season and once at the end of the season. The CONCESSIONAIRE is required to hire, at its own expense, a third party to develop and conduct the customer satisfaction surveys. One survey should reach out to the surrounding community within a five (5) mile radius of the Greek Theatre; other surveys should reach out to the broader community of Greek Theatre patrons. The survey results are one measure of CONCESSIONAIRE'S overall performance. The surveys shall also be subject to review and penalties for failure to cure consecutive low scores that fall below the DEPARTMENT'S standards, as described in SECTION 21.A.1. The survey questions shall be approved by the DEPARTMENT prior to public use. The DEPARTMENT reserves the right to add, change, or remove questions as necessary. Surveys may be carried out in the form of e-mail messaging, secret shopper, etc., as the third party sees fit.

The CONCESSIONAIRE shall also be responsible to ensure community surveys are conducted annually, as described in Exhibit B, to include the above standards and penalties (SECTION 21.A.1).

8. RFP Exhibit C, "Sample Concession Agreement":

Add new Section 9.EE, "Sound Equipment and Compliance with City Noise Ordinances" as follows:

EE. Sound Equipment and Compliance with City Noise Ordinances

The CONCESSIONAIRE shall comply with all City noise ordinances. The CONCESSIONAIRE shall purchase and install, at its own expense, sound equipment appropriate for use in an outdoor venue such as the Greek Theatre. The sound equipment must comply with industry standards. The CONCESSIONAIRE shall monitor the sound levels at a minimum of three (3) locations as designated by the GENERAL MANAGER. The CONCESSIONAIRE shall monitor sound levels for all events at all designated locations. During each season, the CONCESSIONAIRE shall submit to the GENERAL

MANAGER sound level reports by the 15th of every month for the preceding month. In addition to the enforcement powers of any other City department, the DEPARTMENT will review the sound level reports for compliance with City noise ordinances. If the CONCESSIONAIRE'S sound level reports for any event indicate a failure to comply with City noise ordinances, the CITY shall impose liquidated damages in the amount of One Thousand Dollars (\$1,000.00) per event.

REPORT OF GENERAL MANAGER

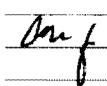
NO. 14-093

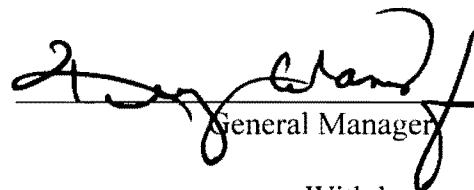
DATE April 23, 2014

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GILBERT LINDSAY COMMUNITY CENTER – SYNTHETIC FIELD REPLACEMENT (PRJ20806) PROJECT – ALLOCATION OF QUIMBY FEES AND EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Authorize the Department’s Chief Accounting Employee to transfer \$815,000.00 in Quimby Fees from the Quimby Fees Account No. 89460K-00 to the Gilbert Lindsey Community Center Account No. 89460K-GL;
2. Approve the allocation of \$815,000.00 in Quimby Fees from Gilbert Lindsey Community Center Account 89460K-GL for the Gilbert Lindsey Community Center - Synthetic Field Replacement (PRJ20806) project as described in the Summary of this Report; and,
3. Find that the actions taken by the Board herein are exempt from the California Environmental Quality Act (CEQA).

SUMMARY:

Gilbert Lindsey Community Center is located at 429 East 42nd Place in the South Los Angeles area of the City. This 14.62 acre park features a gymnasium, basketball courts, two (2) synthetic turf fields, a ball diamond, a skate park, and a children’s play area. Due to the facilities, features, programs, and services it provides, Gilbert Lindsey Community Center meets the standard for a Community Park, as defined in the City’s Public Recreation Plan.

REPORT OF GENERAL MANAGER

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Department of Recreation and Parks (RAP) staff has determined that the replacement of the two existing synthetic soccer fields at Gilbert Lindsey Community Center is necessary for safety of park patrons and for the park to continue to meet the needs of the surrounding community.

Upon approval of this Report, \$815,000.00 in Quimby Fees can be transferred from the Quimby Fees Account No. 89460K-00 to the Gilbert Lindsey Community Center Account 89460K-GL and allocated to the Gilbert Lindsey Community Center - Synthetic Field Replacement (PRJ20806) project.

The total Quimby Fees allocation for the Gilbert Lindsey Community Center - Synthetic Field Replacement (PRJ20806) project is \$815,000.00. These Fees were collected within two (2) miles of Gilbert Lindsey Community Center, which is the standard distance for the allocation of the Quimby Fees for community recreational facilities.

ENVIRONMENTAL IMPACT STATEMENT:

Staff has determined that the subject project will consist of modifications to existing park facilities involving negligible or no expansion of use. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(1) and Class 2 of the City CEQA Guidelines.

ISCAL IMPACT STATEMENT:

The approval of this allocation of Quimby Fees will have no fiscal impact on RAP as the implementation of the proposed park capital improvements will not increase the level of daily maintenance required at this facility.

The estimated costs for the design, development, and construction of the proposed park improvements are anticipated to be funded by Quimby Fees or funding sources other than RAP's General Fund.

The maintenance of the proposed park improvements can be performed by current staff with no overall impact to existing maintenance services.

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

REPORT OF GENERAL MANAGER

NO. 14-173

DATE June 26, 2014

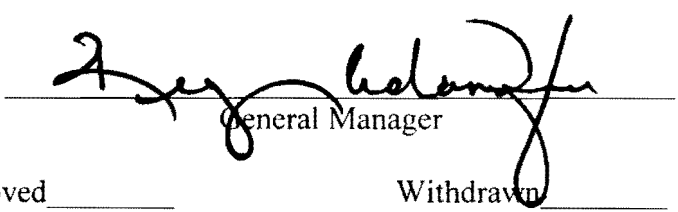
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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ORDINANCE AMENDING SUBSECTIONS A AND B.3 OF SUBSECTION B OF SECTION 63.44 OF CHAPTER VI OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT VENDING OF COMMERCIAL ITEMS OR SERVICES IN ALL PUBLIC PARKS

R. Adams _____
R. Barajas _____
H. Fujita _____

V. Israel _____
*K. Regan _____
N. Williams _____


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Recommend that the Los Angeles City Council (Council) adopt an ordinance amending Los Angeles Municipal Code (LAMC) Section 63.44, as originally transmitted pursuant to Rule 38, and attached to this report (Attachment A), amending Subsection A and Subdivision 3 of Subsection B of Section 63.44 of Chapter VI of the Los Angeles Municipal Code (LAMC) to prohibit vending of commercial items or services in all public parks (including beach parks and recreation areas), and amending Subdivision 4 of Subsection D and Subdivision 9 of Subsection I of Section 63.44 of Chapter VI of the LAMC to further define and prohibit camping, including the use of tents, within all City parks, except in locations designated for such purposes, adding a new Subsection R to Section 63.44 to specify penalties for violations, and adding a new Subsection S to Section 63.44 to add a severability clause to ensure that if a court declares any portion of the Section to be unlawful that the remaining portions of Section 63.44 remain in full force and effect;
2. Make the legislative findings stated in the above referenced Code sections of the draft ordinance in support of its enactment; and,
3. Recommend that the Council, if it chooses to enact the draft ordinance, make the legislative findings stated in the above mentioned Code sections of the draft ordinance in support of its enactment; and,

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NO. 14-173

4. Upon the Council's approval of the draft ordinance, direct the General Manager to create uniform standards for posting of appropriate signs in parks making public notice of the vending and camping ban, and to instruct staff to implement them.

SUMMARY:

For many years, the City of Los Angeles has had an ordinance in place which prohibited conducting any trade, occupation, business, or profession within a City park, without having a concessions contract with, or permit issued by, the City of Los Angeles. It was also recognized that expressive items may be sold in City parks without a concessions contract or permit if they were the seller's own expression, and provided that they met the legal standard known as "nominal utility." The City has also had an ordinance in place for many years prohibiting camping in City parks except in designated areas and unless allowed by permit.

For a time, the City's vending ordinance was suspended due to several cases of litigation filed against the City regarding vending in Venice Beach. Now that these cases have been resolved by judicial determination, it is prudent to lift the suspension of this long-standing ordinance, make appropriate corrective and informative amendments, and after approval, begin enforcement of the ordinance provisions.

This draft ordinance will amend various subsections within LAMC 63.44, which sets forth regulations applicable to City parks, including beach parks. Specifically, the draft Ordinance amends Subsection A of LAMC 63.44 to add certain operational definitions. This Ordinance also revises in its entirety Subdivision 3 of Subsection B of LAMC Section 63.44, replacing the previously suspended prohibition on vending in public parks with a new Subdivision regulating vending in public parks in a manner consistent with recent court rulings. Additionally, the draft Ordinance amends Subdivision 4 of Subsection D and Subdivision 9 of Subsection I of LAMC Section 63.44 to further clarify the prohibition against camping in public parks and beach parks, except in areas designated for camping. Lastly, the draft Ordinance adds a new Subsection R to LAMC 63.44 to specify the penalties for violations of LAMC 63.44.

Should the Board approve this draft Ordinance, the Office of the City Attorney has requested that the City Clerk place the draft ordinance on the first available agenda of the City Council for action.

ORDINANCE PROVISIONS:

This draft Ordinance reinstates a ban on commercial vending in public parks by replacing the previously suspended vending ban in Subdivision 3 of Subsection B of LAMC 63.44. Subdivision 3 was suspended by ordinance on October 1, 2005, as a result of litigation involving a challenge to the legality of another ordinance, LAMC 42.15, which banned commercial vending on the Venice boardwalk. In connection with two lawsuits against the City -- *Michael Hunt, Matt Dowd v. City of Los Angeles* (2011) 638 F. 3d. 703 and *Matt Dowd, et al. v City of*

REPORT OF GENERAL MANAGER

PG. 3

NO. 14-173

Los Angeles, 2013 U.S. Dist. LEXIS 11145 -- the Ninth Circuit and the United States District Court, respectively, have clarified the legal standard applicable to the regulation of vending in parks. This draft Ordinance revises Subsection A and Subdivision 3 of Subsection B of the LAMC to ensure that the City's regulation of vending in City parks is consistent with the recent court rulings.

This draft Ordinance also seeks to amend Subdivision 4 of Subsection D of LAMC Section 63.44 to clarify the prohibition of camping and the use of tents within all City parks and beach parks, except in locations specifically designated for camping. The draft Ordinance provides an exception for certain umbrellas and sun shades.

This draft Ordinance further specifies progressive penalties for violations of LAMC Section 63.44.

CALIFORNIA ENVIRONMENTAL QUALITY ACT RECOMMENDATIONS:

The Board's actions in this matter are exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines section 15378 because the ordinance is not a project in that it represents general policy and/or procedure making.

COUNCIL RULE 38 REFERRAL:

A copy of the draft ordinance was transmitted by the Office of the City Attorney, pursuant to Council Rule 38, to the Department of Recreation and Parks.

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund.

Report prepared by Kevin Regan, Assistant General Manager, Operations Branch.

ORDINANCE NO. _____

An ordinance amending Subsections A and Subdivision 3 of Subsection B of Section 63.44 of Chapter VI of the Los Angeles Municipal Code to prohibit vending of commercial items or services in all public parks (including beach parks and recreation areas); amending Subdivision 4 of Subsection D and Subdivision 9 of Subsection I of Section 63.44 of Chapter VI of the Los Angeles Municipal Code to further define and prohibit camping, including the use of tents, within all City parks, except in locations designated for such purposes; adding a new Subsection R to Section 63.44 to specify penalties for violations; and adding a new Subsection S to Section 63.44 to add a severability clause to ensure that if a court declares any portion of the section to be unlawful that the remaining portions of Section 63.44 remain in full force and effect.

WHEREAS, the City of Los Angeles is home to more than 3.5 million residents and the availability of safe, urban parks make the City a very desirable place to recreate and visit. Population density and limited open parkland present threats to the quality of life in the City and it's parks and open spaces; and

WHEREAS, governmental regulation of activities in public parks is a legitimate exercise of the City's police power, granted through the City's Charter and Municipal Code; and

WHEREAS, the City has broad powers to control the conduct of commercial activity in its parks and there is no vested right to do business in public parks; and

WHEREAS, to protect the public safety and to ensure unencumbered access to safe and open parks, the City seeks to adopt regulations in a manner that respects and protects the constitutional rights of people visiting and enjoying public parks which are quintessential public fora; and

WHEREAS, unregulated vending, business or trade in public parks contributes to unsafe and encumbered park and open space and thereby impedes the rights of citizens to enjoy and recreate in parks and causes visual blight and clutter; and

WHEREAS, unregulated vending, business or trade can result in activities that are illegal and harmful to human health, including the provision of unsafe or illegal merchandise and services by unlicensed vendors for which a license is required by the State of California; and

WHEREAS, the unregulated business of selling food, services and merchandise in public parks can result in the sale of stolen, defective or counterfeit items, dangerous services, and unsafe food, goods or merchandise thereby defrauding and endangering the public, and the sales are contrary to and adversely affect the peace, health, safety and welfare of the City's residents, workers and visitors; and

WHEREAS, without restrictions against the operation of unlicensed or unpermitted vending, patrons are not protected against harmful products, services, or counterfeit items;

WHEREAS, if the City fails to prohibit the unregulated vending of commercial items and services and the harms that come from unregulated commercial vending, the City may face liability without the indemnity or recourse that is generally available to the City from the operators of an established, licensed or permitted business; and

WHEREAS, it is not the intent of the City to prohibit the licensed and permitted sale of food, services or merchandise pursuant to contract, permit or license; and

WHEREAS, in years past, the City adopted various ordinances to regulate vending, business or trade in City parks and public spaces; and

WHEREAS, in recent years, court rulings have further delineated when and how municipalities can regulate activities in parks, streets, sidewalks and other public places, and this ordinance is intended to amend the City's existing laws to ensure consistency with these court rulings; and

WHEREAS, the City wishes to create uniform rules regarding camping and the use of tents in all City parks and beaches; and

WHEREAS, the City wishes to further define existing restrictions regarding camping within City parks and beaches; and

WHEREAS, the City wishes to restrict the use of tents and other camping activities within City parks and beaches; and

WHEREAS, unregulated camping and tents cause visual clutter and blight in City parks and beaches; and

WHEREAS, unregulated camping and tents in City parks and beaches create unnecessary, excessive and blighted activity which is detrimental to public health, welfare and safety, and contrary to public interest, harms nearby residents and diminishes the public's enjoyment and use of City parks and beaches for recreational purposes; and

WHEREAS, the City wishes to provide for progressive penalties for violation of this section; and

WHEREAS, the City wishes to ensure that, if a court of competent jurisdiction declares any portion of this ordinance to be unlawful, the remaining portions remain valid.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection A of Section 63.44 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

A. Definitions: As used in this section:

“Beach” shall mean and include public seashore and shoreline areas bordering the Pacific Ocean that are owned, managed or controlled by the City.

“Board” shall mean the Board of Recreation and Parks Commissioners of the City of Los Angeles.

“City” shall mean the City of Los Angeles, a municipal corporation.

“Department” shall mean the Department of Recreation and Parks of the City of Los Angeles.

“Donation” shall mean a gift; a voluntary act which is not required and does not require anything in return.

“Food” shall mean any type of edible substance or beverage.

“Goods or Merchandise” shall mean any items that are not Food.

“Handcrafts” shall mean objects made either by hand or with the help of devices used to shape or produce the objects through such methods as weaving, carving, stitching, sewing, lacing and beading, including objects such as jewelry, pottery, silver work, leather goods and trinkets. Most handcrafts have more than nominal utility apart from any communicative value they possess. Most commonly, handcrafts do not communicate a message, idea or concept to others, and are often mass produced or produced with limited variation. Handcrafts do not include visual arts.

“Park” shall include every public park, roadside rest area, playground, zoological garden, ocean, beach or other recreational facility area, together with any parking lot, reservoir, pier, swimming pool, golf course, court, field, bridle path, trail or other recreational facility, or structure thereon, in the City of Los Angeles and under the control, operation or management of the Board of Recreation and Parks Commissioners, the Los Angeles County Department of Parks and Recreation, the Los Angeles County Department of Beaches or the Los Angeles Memorial Coliseum Commission. **“Park”** does not include any area

covered by Los Angeles Municipal Code Section 42.15 and does not include any State Historic Park located within the City of Los Angeles.

“Perform, Performing, Performance or Performances” shall mean to engage in any of the following activities in a public Park: playing musical instruments; singing; dancing; acting; pantomiming; puppeteering; juggling; reciting; engaging in magic; creating visual art in its entirety; presenting or enacting a play, work of music, work of art, physical or mental feat, or other constitutionally protected entertainment or form of expression. The terms Perform, Performing, Performance or Performances shall not include:

- (i) The provision of personal services such as massage, boot camps, yoga classes or dog training;
- (ii) The completion or other partial creation of visual art;
- (iii) The creation of visual art which is mass produced or produced with limited variation; or
- (iv) The creation of handcrafts.

“Performer” shall mean a person who performs. Performer includes the employers, employees and agents of a performer. Indicia of being a performer include, but are not limited to, setting up performance equipment, staging or orienting the performance towards the public, performing in the same location for an extended period of time, performing in public over multiple days, seeking voluntary contributions through the passing around of a hat or leaving open an instrument case or other receptacle, and soliciting donations after a performance.

“Person or Persons” shall mean one or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.

“Vend or Vending” shall mean to sell or barter food, goods, merchandise or services, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing food, goods, merchandise or services, even if characterized by the vendor as a donation.

“Vendor” shall mean a person who Vends. Vendor includes the employers, employees, and agents of a Vendor.

Sec. 2. Subdivision 3 of Subsection B of Section 63.44 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

3. **Vending Prohibited.** Except as otherwise allowed by law, no Person shall engage in Vending in any public Park except as specifically allowed below:

(a) A Person can engage in traditional expressive speech and petitioning activities, and can Vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches and/or buttons.

(b) A Person can Vend the following items, which have been created, written or composed by the Vendor: books, audio, video or other recordings of their Performances, paintings, photographs, prints, sculptures or any other item that is inherently communicative and is of nominal value or utility apart from its communication.

(c) Although an item may have some expressive purpose, it will be deemed to have more than nominal utility apart from its communication if it has a common and dominant non-expressive purpose. Examples of items that have more than normal utility apart from their communication and thus are subject to the Vending ban under the provision of this section include, but are not limited to, the following: housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, crystals, lotions, candles, jewelry, toys and stuffed animals.

(d) A Vendor may only display items that may be Vended pursuant to this subsection.

(e) A Vendor may not provide free of charge any item that may not be Vended pursuant to this subsection if the purchase of an item that may be Vended lawfully pursuant to this subsection is a condition of receiving the free item.

(f) A Performer can Perform.

(g) The City, by and through the Board or Department, may issue a license, permit or contract to a Person to Vend or to conduct or operate an authorized event, concession, business or trade in a Park.

(h) Any Vendor conducting lawful Vending under this subsection must comply with applicable tax and licensing requirements and with all permitting or contract requirements of the City, Department, Board, or their authorized representatives.

Sec. 3. Subdivision 4 of Subsection D of Section 63.44 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

4. Camp or engage in Camping in a Park, except in locations designated for such purposes, or erect, maintain, use or occupy any Tent, excluding Umbrellas or Sun Shades.

(a) **Definitions:** For purposes of this subdivision, the following words or phrases shall mean:

(i) **“Camp” or “Camping”** means using a Park for living accommodation purposes, as evidenced by: (a) remaining for prolonged or repetitious periods of time, not associated with ordinary recreational use of a Park, with one's personal possessions or belongings (including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware and similar material); and (b) engaging in one or more of the following: sleeping, making preparations to sleep, storing personal possessions or belongings as defined above, making a fire, cooking, or consuming meals. The combined activities of (a) and (b) constitute camping when it reasonably appears, in light of all the circumstances, that a person is using a Park as a living accommodation regardless of his/her intent or the nature of other activities in which the person might also be engaged.

(ii) **“Tent”** means any shelter or structure, made of any material, that is not open on all sides and which lacks an unobstructed view into the Tent, shelter or structure from the outside.

(iii) **“Umbrella or Sun Shade”** means any canopy or cover that is open on all sides, consists of pliable tent-like material such as canvas, nylon or other synthetic fabric, and that is maintained in an upright position by one or more supporting metal, plastic, or wooden poles. No Umbrella or Sun Shade shall exceed eight feet in height and ten feet in diameter or length or width. All Umbrellas or Sun Shades shall be dismantled and removed from the Park before the Park is closed.

Sec. 4. Subdivision 9 of Subsection I of Section 63.44 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

9. No person shall Camp or engage in Camping on a Beach, except in locations designated for such purposes, or erect, maintain, use or occupy any Tent, excluding Umbrellas or Sun Shades. Nor shall any person fasten or maintain any wire, rope or exterior bracing or support of any kind between such Umbrella or Sun Shade or any portion thereof, and any structure, stake, pole, tree, rock, fence or thing outside of such Umbrella or Sun Shade.

(a) **Definitions:** For purposes of this subdivision, the following words or phrases shall mean:

(i) **“Camp” or “Camping”** means using a Beach for living accommodation purposes, as evidenced by: (a) remaining for prolonged or repetitious periods of time, not associated with ordinary recreational use of a Beach, with one's personal possessions or belongings (including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware and similar material); and (b) engaging in one or more of the following: sleeping, making preparations to sleep, storing personal possessions or belongings as defined above, making a fire, cooking or consuming meals. The combined activities of (a) and (b) constitute camping when it reasonably appears, in light of all the circumstances, that a person is using a Beach as a living accommodation regardless of his/her intent or the nature of other activities in which the Person might also be engaged.

(ii) **“Tent”** means any shelter or structure, made of any material, that is not open on all sides and which lacks an unobstructed view into the Tent, shelter or structure from the outside.

(iii) **“Umbrella or Sun Shade”** means any canopy or cover that is open on all sides, consists of pliable tent-like material such as canvas, nylon or other synthetic fabric, and that is maintained in an upright position by one or more supporting metal, plastic, or wooden poles. No Umbrella or Sun Shade shall exceed eight feet in height and ten feet in diameter or length or width. All Umbrellas or Sun Shades shall be dismantled and removed from the Beach before the Beach is closed.

Sec. 5. A new Subsection R is added to Section 63.44 of the Los Angeles Municipal Code to read as follows:

R. Violations. Any Person violating a provision of this section shall be subject to the following penalties:

1. **First violation.** A first violation of this section shall be an infraction punishable by a fine in the amount of \$100.

2. **Second and subsequent violations.** A second violation and all subsequent violations shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including prosecution as an infraction punishable by a fine in the amount of \$250, or prosecution as a misdemeanor punishable by

a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. The following constitute violations for purposes of this Subsection: A conviction of violation of this section, a conviction under California Penal Code Section 853.7 for failure to appear in court to contest a citation for violation of this section, or a forfeiture of bail.

Sec. 6. A new Subsection S is added to Section 63.44 of the Los Angeles Municipal Code to read as follows:

S. Severability. If any portion, subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this section and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 7. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reason: In order for the City of Los Angeles to protect its residents and visitors using Parks from the dangers caused by excessive congestion and the attendant crime and fraud associated with unregulated vending in Parks and to ensure that these City code sections are consistent with recent court decisions, it is necessary that the amendments to the Los Angeles Municipal Code as reflected in this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
ANTHONY-PAUL DIAZ
Deputy City Attorney

Date June 20, 2014

File No. _____

REPORT OF GENERAL MANAGER

PG. 2

NO. 14-186

Park. The memorial plaque does not conform to adopted guidelines and has been designed to read:

An Eternal Memory of a Little Angel
Today it would be wonderful
to see you play or smile,
but heaven lent you to this world
for just a little while.
And in that short but precious time
you brought along much love,
and all that love is with you now
in heaven up above.
Your leaving caused so many tears
and such a lot of pain,
but God needed one more angel
so he took you back again.
Even the smallest of feet have the power
to leave everlasting footprints upon this world.

Marcello Vasquez
May 20 – 2011 – July 15

A visual representation of the plaque is attached hereto as Exhibit A. The proposed location for the plaque is attached hereto as Exhibit B with the numbers representing the hierarchy of preference for the placement of the plaque.

Staff has determined that the subject project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Article VII, Section 1, Class 11 (1) of the City CEQA guidelines, which provides for the placement of signs on park property as accessory structures to recreational facilities.

Council District 14 and RAP management and staff support this project at Spring Street Park.

FISCAL IMPACT STATEMENT:

There should be minimal fiscal impact as the cost of plaque manufacture will be paid for by Art Walk under the terms of the settlement agreement. Minor costs to RAP will be for the installation and maintenance of the plaque by in-house construction forces.

This Report was prepared by Melinda Gejer, City Planning Associate, Planning, Construction, and Maintenance Branch.



An Eternal Memory of a Little Angel

Today it would be wonderful
to see you play or smile,
but heaven lent you to this world
for just a little while.

And in that short but precious time
you brought along much love,
and all that love is with you now
in heaven up above.

Your leaving caused so many tears
and such a lot of pain,
but God needed one more angel
so he took you back again.

Even the smallest of feet have the power
to leave everlasting footprints upon this world.

Marcello Vasquez

May 20 - 2011 - July 15

Exhibit B



Proposed location of memorial plaque

REPORT OF GENERAL MANAGER

NO. 14-189

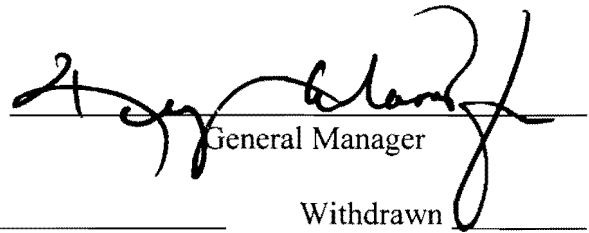
DATE July 9, 2014

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HAZARD PARK – PROPOSED PARK IMPROVEMENTS AND CONCEPTUAL APPROVAL FOR DEDICATION OF A SIDEWALK EASEMENT RELATED TO THE UNIVERSITY OF SOUTHERN CALIFORNIA HEALTH SCIENCES CAMPUS PROJECT

<i>JAR</i>	R. Adams _____	V. Israel _____
	*R. Barajas <u>CSP</u>	K. Regan _____
	H. Fujita _____	N. Williams _____



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve the proposed park improvements, which are related to the University of Southern California (USC) Health Sciences Campus project, as described in the Summary of this Report;
2. Approve in concept the dedication to the City of a sidewalk easement at the corner of San Pablo Street and Zonal Avenue in accordance with the General Plan Amendment being sought by USC;
3. Authorize the Department of Recreation and Parks (RAP) to issue a temporary right of entry permit to USC and/or its contractors to enter onto portions of Hazard Park for the purpose of constructing the proposed park improvements subject to plans as reviewed by RAP staff;
4. Authorize RAP to inform the Department of Public Works (DPW), Bureau of Engineering of the Board’s approval of the proposed park improvements;
5. Authorize RAP staff to work with USC and appropriate City agencies in the drafting and processing of all documentation necessary to grant to the City the sidewalk easement, subject to final approval by the Board, Mayor and City Council;

REPORT OF GENERAL MANAGER

PG. 2 NO. 14-189

6. Authorize RAP staff to work with DPW in the drafting of a maintenance agreement or other similar document for RAP to provide landscape maintenance services over a portion of the public right-of-way, as described in the Summary of this Report, subject to final approval by the Board; and,
7. Find that the actions taken by the Board herein are exempt from the California Environmental Quality Act (CEQA).

SUMMARY:

The University of California (USC) is currently underway on a major beautification and improvement project at its Health Sciences Campus (HSC). As part of the project, USC will be relocating existing overhead utilities underground; widening the sidewalks to make for a safer and enhanced walking environment; planting more than 340 street trees to beautify the surrounding public streets; installing decorative pavement; installing new street lights to improve safety; extending Norfolk Street from Playground Street to Soto Street to enhance access to the campus and Hazard Park; and installing campus monument signs, including one at the northwest corner of Soto Street and Norfolk Street (See Exhibit A).

USC is in the process of obtaining a General Plan Amendment for the re-designation and improvements of several public streets including San Pablo Street, Alcazar Street, Eastlake Avenue, Norfolk Street, and Biggy Street. The change in street designations and standards will allow for reduced street widths and thereby provide additional right-of-way for increased sidewalks and parkways, and for the redistribution of on-street parking spaces. When approved, improvements adjacent to Hazard Park include extending Norfolk Street from its current eastern terminus at Playground Street to a new intersection with Soto Street. Following several community meetings and outreach, USC relocated the alignment of the new Norfolk Street onto USC property in order to preserve existing park facilities, including the existing handball court. With the dedication of USC land to the City of Los Angeles for the public street, the existing Norfolk Street right of way can be vacated and the land dedicated to RAP. Also, a portion of land located at the corner of San Pablo Street and Zonal Avenue will need to be dedicated to the City for the widening of the sidewalk at this location.

A new traffic signal and crosswalks at the Norfolk Street/Soto Street intersection will be installed that will provide pedestrians and vehicles a safer, more direct access to Hazard Park and the campus. Additional street parking will be provided on the south side of the Norfolk Street extension immediately adjacent to the Park, and a new parking lot will be constructed on the north side of Norfolk with 40 metered stalls to serve Hazard Park visitors.

REPORT OF GENERAL MANAGER

PG. 3

NO. 14-189

As part of the project, Soto Street will be widened along the west side in accordance with current street designations which will result in a new twelve foot wide sidewalk and variable right-of-way line dedication ranging from zero to twelve feet. The new concrete sidewalk along Soto Street will extend from Norfolk Street to Zonal Avenue and will include new street trees and street lights that will enhance safety and promote community connectivity.

The USC project is currently in B-Permit plan check and scheduled to be ready for final approvals on June 30, 2014. As a condition of the B-Permit process, the City of Los Angeles, Department of Public Works, Bureau of Engineering has requested that RAP review and approve the improvements that impact Hazard Park.

Specific park improvements within or adjacent to Hazard Park that must be considered by the Board, include (also see Exhibit B):

1. Relocation of Hazard Park sign to accommodate the widening of Soto Street to its dedicated width;
2. Relocation of existing irrigation backflow device;
3. Relocation of irrigation lines and water meters;
4. Grading along the Soto Street and Norfolk Street;
5. Installation of a storm water velocity dissipater;
6. Removal of two park trees;
7. Landscape maintenance agreement with DPW for those areas of the park that are in the public right-of-way; and,
8. Sidewalk easement at the northeast corner of San Pablo Street and Zonal Avenue (see Exhibit C)

RAP staff has completed its review of USC's plans for the proposed park improvements and finds them acceptable. Upon approval of this Report, RAP staff will begin negotiations with DPW staff for the drafting of a landscape maintenance agreement for the maintenance of park areas by RAP along Soto Street that are in the public right-of way as depicted in Exhibit B.

Staff has determined that the subject project will consist of minor modification to existing park facilities, granting of a sidewalk easement, and approval of a maintenance agreement. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1(1, 3, 14), and Class 5(4) of the City CEQA Guidelines.

REPORT OF GENERAL MANAGER

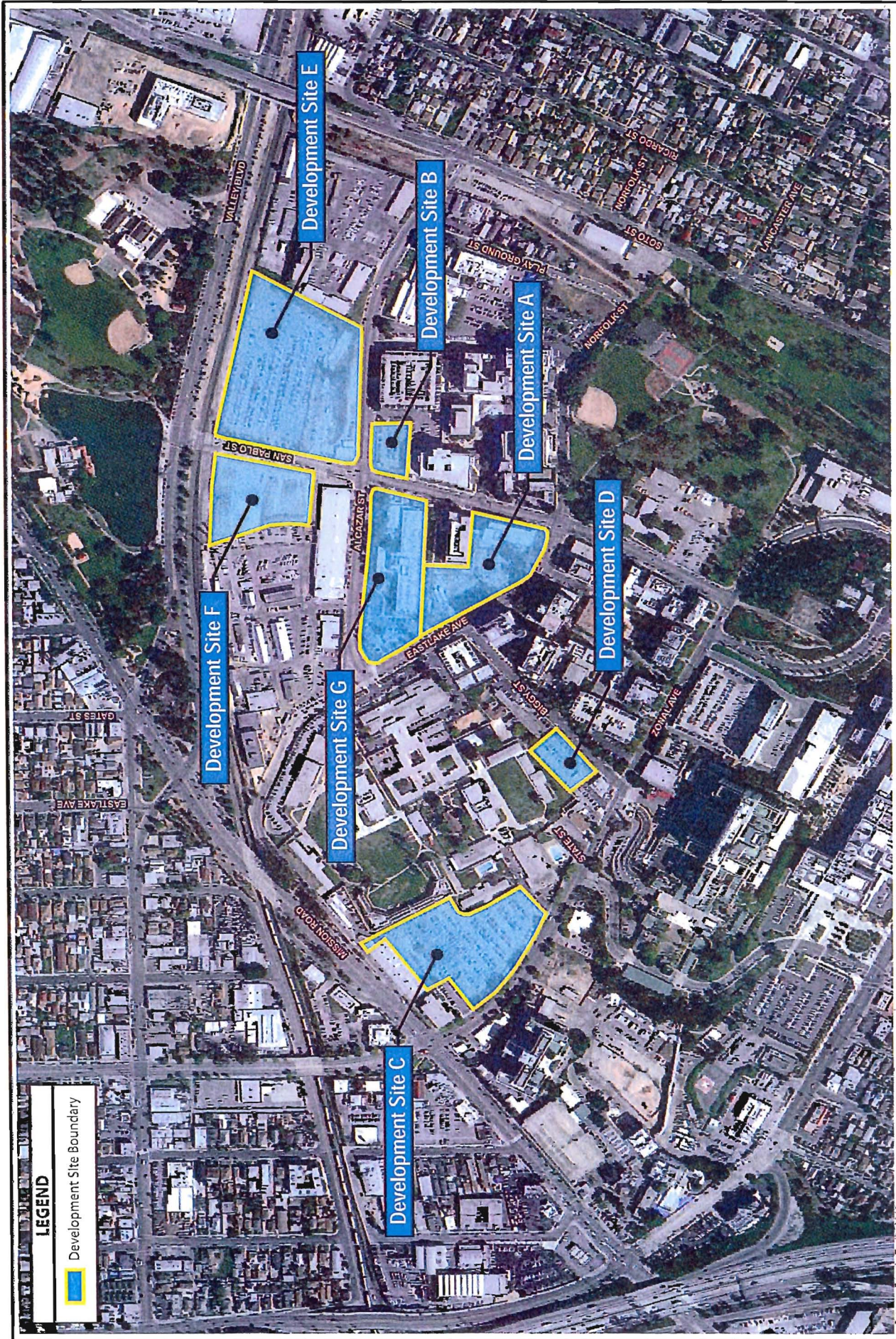
PG. 4 NO. 14-189

FISCAL IMPACT STATEMENT:

The approval the proposed park improvements project will not have any impact on RAP's General Fund as all costs associated with the construction of the improvements will be borne by USC.

Since most of the proposed park improvements either replace, relocate or remove existing equipment, it is anticipated that there will be no fiscal impact to RAP for the maintenance of the proposed improvements.

This report was prepared by Cid Macaraeg, Sr. Management Analyst II, Planning, Construction, and Maintenance Branch.



Source: Google Earth, 2012.

Figure 1
Aerial View of Development Sites

- PROPOSED WORK:**
1. RELOCATION OF HAZARD PARK SIGN.
 2. RELOCATION OF EXISTING BACKFLOW DEVICE.
 3. RELOCATION OF IRRIGATION LINES AND WATER METERS.
 4. GRADING ALONG SOTO AND THE NEW NORFOLK STREET.
 5. INSTALLATION OF STORM WATER VELOCITY DISSIPATER.
 6. REMOVAL OF 2 PARK TREES.
 7. MAINTENANCE AGREEMENT.
 8. SIDEWALK EASEMENT AT N/E CORNER OF SAN PABLO/ZONAL.

