

## SPECIAL AGENDA

### BOARD OF RECREATION AND PARK COMMISSIONERS OF THE CITY OF LOS ANGELES

Thursday, June 26, 2014 at 9:30 a.m.

Watts Senior Citizen Center  
1657 East Century Boulevard  
Los Angeles, CA 90002

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

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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. INTRODUCTIONS:

Special Introduction and Opening Remarks by Councilmember Joe Buscaino, Council District 15, or His Appointed Representative

Kevin Regan, Assistant General Manager, Recreation Operations Branch, will Introduce the Staff of Watts Senior Citizen Center

2. APPROVAL OF THE MINUTES:

Approval of the Minutes of the Meetings of April 5, 2007 and June 11, 2014

3. GENERAL MANAGER'S REPORTS:

14-156 Various Communications

14-157 Hollywood Bowl Major Theatre Renovation Project – Assignment of Right to Apply for Proposition A Cities Excess Funds; City Council Resolution

14-158 Hollywood Bowl Box Office Plaza Renovation Project – Assignment of Right to Apply for Proposition A Cities Excess Funds; City Council Resolution

14-159 National Recreation and Park Association, National Urban and Community Forestry Advisory Council, Engaging the Hispanic Community in Urban Forestry Grant – Authorization to Accept Grant Funds

June 26, 2014

- 14-160 Los Angeles Center for Enriched Studies – Facility Use Permit for Joint Use of Recreational Facilities From July 2014 Through June 2015
- 14-161 Partnership Division – Donation of Funds, Equipment and In-Kind Contributions from the Los Angeles Dodgers Foundation in Support of Dodgers Reviving Baseball in Inner Cities Youth Baseball and Girls Softball Leagues at Ten (10) Park Sites
- 14-162 Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) – Acceptance of Stop Payment Notice on Construction Contract No. 3360
- 14-163 Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) Project – Final Acceptance
- 14-164 As-Needed Roofing Repairs, Maintenance, Retrofit and/or Construction – Award of Contract
- 14-165 Proposition 84 Statewide Park Program – York Boulevard Pocket Park (PRJ20646) Project – Approval of Final Plans
- 14-166 Proposition 84 Statewide Park Program – Patton Street Pocket Park Project – Approval of Final Plans and Specifications; Issuance of Right-Of-Entry Permit to Trust for Public Land to Develop Park
- 14-167 Proposition 84 Statewide Park Program – Carlton Way Pocket Park Project – Approval of Final Plans and Specifications; Issuance of Right-Of-Entry Permit to Trust for Public Land to Develop Park
- 14-168 Griffith Park – Twenty - Year License Agreement with the Department of Water and Power for the Development, Use, Operation, and Maintenance of Property Located in the Vicinity of 2930 Cahuenga Boulevard for Park Purposes
- 14-169 Runyon Canyon Park – Early Closure for the 2014 Independence Day Holiday
- 14-170 Ordinance Amending Section 42.15 D. of the Los Angeles Municipal Code (LAMC) to Prohibit Unlawful Vending Practices Used to Avoid Compliance with the Vending Ban and to Enhance the Penalty Provisions to Prevent Vendors from Avoiding Progressive Penalties by Failing to Appear or Forfeiting Bail
- 14-171 Pershing Square Parking Garage – Annual Status Report for Fiscal Year 2012 – 2013 – Transfer of Appropriation



June 26, 2014

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	(213) 621-CITY (2489)
from West Los Angeles	(310) 471-CITY (2489)
from San Pedro	(310) 547-CITY (2489)
from Van Nuys	(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](http://www.laparks.org).

REPORT OF GENERAL MANAGER

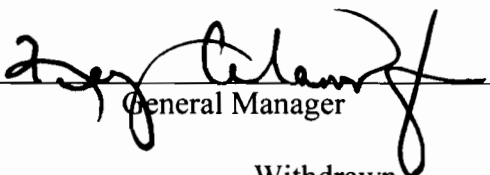
NO. 14-156

DATE June 26, 2014

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VARIOUS COMMUNICATIONS

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

The following communications have been received by the Board and recommended action thereon is presented.

From:

Recommendation:

1) Mayor, relative to a proposed Amendment to a Professional Services Agreement with Strategic Advisory Group, LLC.

Referred to staff for further processing.

2) Mayor, relative to a proposed Agreement with Children's Institute, Inc. for a Head Start program at Green Meadows Recreation Center.

Referred to staff for further processing.

3) Mayor, relative to a proposed Agreement with Children's Institute, Inc. for a Head Start program at Jackie Tatum/Harvard Recreation Center.

Referred to staff for further processing.

4) Mayor, relative to a proposed Amendment to an Agreement with Foundation for Early Childhood Education, Inc. for a Head Start program at Park Place Head Start Center.

Referred to staff for further processing.

REPORT OF GENERAL MANAGER

PG. 2

NO. 14-156

- 5) City Clerk, relative to a limited sidewalk repair plan, utilizing contractors managed by the Department. Note and File.
- 6) City Clerk, relative to a contract with Los Angeles Conservation Corps to coordinate the Summer Night Lights program at various Department facilities. Note and File.
- 7) City Clerk, relative to Los Angeles County Safe Neighborhood Parks Proposition A Specified Excess Funds for the Alpine Recreation Center Expansion Project (Ord and Yale Street Park, also referred to as the Vertical Park Project). Referred to General Manager.
- 8) City Clerk, relative to status of the Griffith Park Water System and grant opportunities for possible improvements. Note and File.
- 9) City Clerk, relative to the status of recycled water projects in Griffith Park. Note and File.
- 10) City Clerk, relative to grant funding for the Department of Recreation and Parks' 2014 Summer Lunch Program. Referred to General Manager.
- 11) City Clerk, relative to grant funding from the Montrose Settlements Restoration Program for the Cabrillo Beach Pier Fishing Program for the 2014 summer season. Referred to General Manager.
- 12) City Clerk, relative to the LA84 Foundation Summer Swim 2014 grant to supplement funding for the Department of Recreation and Park's aquatics programming. Referred to General Manager.

REPORT OF GENERAL MANAGER

PG. 3

NO. 14-156

- 13) City Clerk, relative to the transfer of properties for government use from the Community Redevelopment Agency of the City of Los Angeles. Referred to General Manager.
- 14) City Clerk, relative to the 2014-15 Proposition K Assessment and to the Dearborn Park – Irrigation and Field Improvements (PRJ20830) (W.O. #E170332F) project. Referred to General Manager.
- 15) Chief Legislative Analyst, forwarding the Legislative Report for the weeks ending May 2, and May 9, 2014. Note and File.
- 16) Frank, relative to allegedly illegal bouncers at LAPD SWAT Officer Randal D. Simmons Park. Referred to General Manager.
- 17) Ninety-nine communications from Residents, relative to Beachwood Canyon and Griffith Park. Referred to General Manager.
- 18) Rockpointe Homeowners Association, Inc., relative to a proposed parking lot at Chatsworth Park South. Referred to General Manager.
- 19) Margarete Allen, thanking Joe Salaices and Kimberly Cox for their help for a tour of Wattles Mansion. Note and File.
- 20) Doug Haines, La Mirada Avenue Neighborhood Association of Hollywood, relative to the Sunset Gordon Project. Referred to General Manager.
- 21) Tom Carter, relative to 2010 City Council actions concerning funding for Oakwood Recreation Center. Note and File.

REPORT OF GENERAL MANAGER

PG. 4

NO. 14-156

- 22) Eight residents, relative to the Greek Theatre Concession Request For Proposals. Note and File.
- 23) Stephen Marlin, relative to safety at Tarzana Recreation Center. Referred to General Manager.
- 24) Alis Noel, relative to a school district candidates' forum at Betty Hill Senior Citizen Center. Referred to General Manager.
- 25) James, R. Ewing, Vice President - Finance, Nederlander Concerts, relative to the Greek Theatre Concession Request For Proposals. Referred to General Manager.
- 26) Teri Brown, relative to the hours of Kenneth Hahn Park. Forward to California Parks and Recreation Department.
- 27) Janet Y. Lam, requesting the reconsideration of the Griffith Park Crystal Springs - New Baseball Fields (W.O. #E170110B) project. Note and File.
- 28) Michael Eaton, to Councilmember Buscaino, relative to Alma Park. Referred to General Manager.
- 29) J. Scott Ferris, relative to the condition of the soccer fields at Mason Park Recreation Center. Referred to General Manager.
- 30) Roderic Polian, Manual Arts Alumni Association, relative to naming the baseball field at Jackie Tatum/Harvard Recreation Center as "The Frank Garnett Baseball Field". Referred to General Manager.

This report was prepared by Paul Liles, Clerk Typist, Commission Office.



REPORT OF GENERAL MANAGER

NO. 14-157

DATE June 26, 2014

C.D. 4


BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HOLLYWOOD BOWL MAJOR THEATRE RENOVATION PROJECT –  
ASSIGNMENT OF RIGHT TO APPLY FOR PROPOSITION A CITIES  
EXCESS FUNDS; CITY COUNCIL RESOLUTION

R. Adams \_\_\_\_\_  
R. Barajas \_\_\_\_\_  
H. Fujita \_\_\_\_\_

\*V. Israel \_\_\_\_\_  
K. Regan \_\_\_\_\_  
N. Williams \_\_\_\_\_



  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Recommend to the City Council the adoption of the attached Resolution, which assigns to the Los Angeles Philharmonic Association (LAPA) a right to apply for Proposition A Cities Excess Funds in the amount of \$150,000.00, which are available from the Third Supervisorial District of the County of Los Angeles through the Los Angeles County Regional Park and Open Space District on condition that the funds are used for the completion of the Hollywood Bowl Major Theatre Renovation Project, located within the City of Los Angeles; and,
2. Direct staff to transmit a copy of the Resolution to the City Clerk for committee and City Council approval, in accordance with Proposition A guidelines.

SUMMARY:

As a designated grant administrator of Proposition A funds for the City of Los Angeles, the Department of Recreation and Parks (RAP) was contacted by the County of Los Angeles Department of Parks and Recreation (County) to secure the adoption of a City Council resolution assigning to the Los Angeles Philharmonic Association (LAPA) the right to apply for available Third Supervisorial District Proposition A Cities Excess Funds, pursuant to the Proposition A guidelines.

Currently operating the Hollywood Bowl Performing Arts Complex County Regional Park through a lease agreement with the County, LAPA worked with the County to assess the needs

## REPORT OF GENERAL MANAGER

PG. 2

NO. 14-157

of the Hollywood Bowl. As a result, the proposed Hollywood Bowl Major Theatre Renovation Project was identified and will consist of renovating the theatre seating area. The project includes three major elements: 1) replacement of the entire box seating partitions; 2) repair or replacement of all promenade aisle rubber surfaces, and; 3) repair or replacement of the handrails. LAPA will oversee the completion of the construction phase of the project using an outside contractor familiar with the Hollywood Bowl. The project is estimated to cost \$3.45 million, which includes \$3.3 million in County Capital Project Maintenance Funds, and estimated to be completed by the summer of 2015.

With the City Council action adopting the authorizing resolution, the County will be able to accept the assignment of and allocate the Proposition A Cities Excess Funds to LAPA for the Hollywood Bowl Major Theatre Renovation Project. Upon accepting the grant, LAPA will administer the funds and assume full responsibility of the completion of the Project.

### FISCAL IMPACT:

There is no fiscal impact to RAP's General Fund as funding for the completion of this project will be the responsibility of LAPA.

This report was prepared by Isophine Atkinson, Senior Management Analyst, Grants Administration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ANGELES  
ASSIGNING THE RIGHT TO APPLY FOR GRANT FUNDS FROM THE LOS ANGELES  
COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR THIRD  
SUPERVISORIAL DISTRICT CITIES EXCESS FUNDS TO THE  
LOS ANGELES PHILHARMONIC ASSOCIATION FOR THE  
HOLLYWOOD BOWL MAJOR THEATRE RENOVATION PROJECT**

WHEREAS, the people of the County of Los Angeles on November 3, 1992, and on November 5, 1996, enacted the Los Angeles County Proposition A, Safe Neighborhood Parks Propositions (collectively the Propositions), which among other uses, provide funds to public agencies and nonprofit organizations in the County to be used for the acquisition, development and/or rehabilitation of facilities and open space for public recreation;

WHEREAS, the Propositions also created the Los Angeles County Regional Park and Open Space District (the District) to administer said funds;

WHEREAS, the Los Angeles Philharmonic Association (LAPA) is requesting that the City of Los Angeles assign the right to apply for \$150,000.00 in Third Supervisorial District Cities Excess Funds to LAPA for the Hollywood Bowl Major Theatre Renovation Project;

WHEREAS, the project consists of the complete renovation of seating area of the theatre, complementing the replacement of the benches to be completed for summer 2014. The project includes three major elements: 1) replacement of the entire box seating partitions using stainless steel and new wood slats, including renovations to accommodate more comfortable and convenient box furniture; 2) repair or replacement of all promenade aisle rubber surfaces, and; 3) repair or replacement of the handrails using stainless steel for all replacement. The total estimated cost for the project is \$3.45 million; and

WHEREAS, the Hollywood Bowl, owned by the County of Los Angeles and operated by LAPA under a lease agreement, is located in the City of Los Angeles and the Hollywood Bowl Major Theatre Renovation Project will enhance safe and accessible recreational opportunities within the City of Los Angeles at the Hollywood Bowl and benefit other County residents in the Third Supervisorial District.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

Assigns to the Los Angeles Philharmonic Association the right to apply for Proposition A Cities Excess Funds in the amount of \$150,000.00, in the Third Supervisorial District, for use in completing the Hollywood Bowl Major Theatre Renovation Project.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Los Angeles at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, Interim City Clerk

By: \_\_\_\_\_



REPORT OF GENERAL MANAGER

NO. 14-158

DATE June 26, 2014

C.D. 4

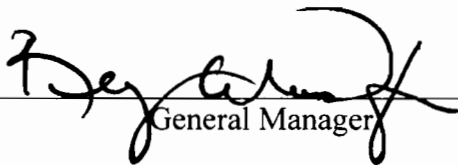
BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HOLLYWOOD BOWL BOX OFFICE PLAZA RENOVATION PROJECT –  
ASSIGNMENT OF RIGHT TO APPLY FOR PROPOSITION A CITIES  
EXCESS FUNDS; CITY COUNCIL RESOLUTION

R. Adams \_\_\_\_\_  
R. Barajas \_\_\_\_\_  
H. Fujita \_\_\_\_\_

\*V. Israel \_\_\_\_\_  
K. Regan \_\_\_\_\_  
N. Williams \_\_\_\_\_



  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Recommend to the City Council the adoption of the attached Resolution, which assigns to the Los Angeles Philharmonic Association (LAPA) a right to apply for Proposition A Cities Excess Funds in the amount of \$510,000.00, which are available from the Third Supervisorial District of the County of Los Angeles through the Los Angeles County Regional Park and Open Space District on condition that the funds are used for the completion of the Hollywood Bowl Box Office Plaza Renovation Project, located within the City of Los Angeles; and,
2. Direct staff to transmit a copy of the Resolution to the City Clerk for committee and City Council approval, in accordance with Proposition A guidelines.

SUMMARY:

As a designated grant administrator of Proposition A funds for the City of Los Angeles, the Department of Recreation and Parks (RAP) was contacted by the County of Los Angeles Department of Parks and Recreation (County) to assist with the adoption of a City Council resolution assigning to the Los Angeles Philharmonic Association (LAPA) the right to apply for available Third Supervisorial District Proposition A Cities Excess Funds, pursuant to the Proposition A guidelines.

Currently operating the Hollywood Bowl Performing Arts Complex County Regional Park through a lease agreement with the County, LAPA worked with the County to assess the needs

REPORT OF GENERAL MANAGER

PG. 2

NO. 14-158

of the Hollywood Bowl. As a result, the proposed Hollywood Bowl Box Office Plaza Renovation Project was identified and will consist of renovating the plaza, following the Hollywood Bowl's Design guidelines, in an effort to unify the Bowl's architecture. The renovation will integrate the plaza design with recent construction at the Bowl to improve patron flow and eliminate conflict between the different functions of the plaza. LAPA will oversee the completion of the construction phase of the project using an outside contractor familiar with the Hollywood Bowl. The project is estimated to cost \$3.46 million, which includes \$2.98 million in County Capital Project Maintenance Funds, and estimated to be completed by the summer of 2016.

With the City Council action adopting the authorizing resolution, the County will be able to accept the assignment of and allocate the Proposition A Cities Excess Funds to LAPA for the Hollywood Bowl Box Office Plaza Renovation Project. Upon accepting the grant, LAPA will administer the funds and assume full responsibility of the completion of the Project.

FISCAL IMPACT:

There is no fiscal impact to RAP's General Fund as funding for the completion of this project will be the responsibility of LAPA.

This report was prepared by Isophine Atkinson, Senior Management Analyst, Grants Administration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ANGELES  
ASSIGNING THE RIGHT TO APPLY FOR GRANT FUNDS FROM THE LOS ANGELES  
COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR THIRD  
SUPERVISORIAL DISTRICT CITIES EXCESS FUNDS TO THE  
LOS ANGELES PHILHARMONIC ASSOCIATION FOR THE  
HOLLYWOOD BOWL BOX OFFICE PLAZA RENOVATION PROJECT**

WHEREAS, the people of the County of Los Angeles on November 3, 1992, and on November 5, 1996, enacted the Los Angeles County Proposition A, Safe Neighborhood Parks Propositions (collectively the Propositions), which among other uses, provide funds to public agencies and nonprofit organizations in the County to be used for the acquisition, development and/or rehabilitation of facilities and open space for public recreation;

WHEREAS, the Propositions also created the Los Angeles County Regional Park and Open Space District (the District) to administer said funds;

WHEREAS, the Los Angeles Philharmonic Association (LAPA) is requesting that the City of Los Angeles assign the right to apply for \$510,000.00 in Third Supervisorial District Cities Excess Funds to LAPA for the Hollywood Bowl Box Office Plaza Renovation Project;

WHEREAS, the project consists of the renovation of the Hollywood Bowl Box Office Plaza in order to unify the architecture with the Hollywood Bowl's Design guidelines and to improve the patron experience. The renovation will integrate the plaza design with recent construction at the Bowl, including the shell, Wine Bar, and Westgate Marketplace Building, which were designed with the 1920's modern style. The project seeks to improve patron flow and eliminate conflict between the different functions of the plaza, including Americans with Disabilities Act compliant entry, box office windows, the Bowl store, and concessions. The total estimated cost for the project is \$3.46 million; and

WHEREAS, the Hollywood Bowl, owned by the County of Los Angeles and operated by LAPA under a lease agreement, is located in the City of Los Angeles and the Hollywood Bowl Box Office Plaza Renovation Project will enhance safe and accessible recreational opportunities within the City of Los Angeles at the Hollywood Bowl and benefit other County residents in the Third Supervisorial District.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

Assigns to the Los Angeles Philharmonic Association the right to apply for Proposition A Cities Excess Funds in the amount of \$510,000.00, in the Third Supervisorial District, for use in completing the Hollywood Bowl Box Office Plaza Renovation Project.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Los Angeles at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, Interim City Clerk

By: \_\_\_\_\_





REPORT OF GENERAL MANAGER

NO. 14-159


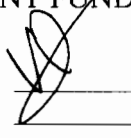
DATE: June 26, 2014

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: NATIONAL RECREATION AND PARK ASSOCIATION, NATIONAL URBAN AND COMMUNITY FORESTRY ADVISORY COUNCIL, ENGAGING THE HISPANIC COMMUNITY IN URBAN FORESTRY GRANT - AUTHORIZATION TO ACCEPT GRANT FUNDS

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

  
General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Authorize the General Manager of the Department of Recreation and Parks (RAP) to accept the grant funding from the National Urban and Community Forestry Advisory Council (NUCFAC), Challenge Cost-sharing Grant Program titled "Engaging The Hispanic Community in Urban Forestry Grant", disbursed through the grant recipient, the National Recreation and Park Association (NRPA), to augment expenses related for RAP to facilitate free public tree education events in connection with existing RAP tree-planting projects, as described in the Summary of this Report, in the amount of \$7,500.00, subject to the approval of the Mayor and the City Council;
2. Direct staff to transmit a copy of the grant award to the Mayor, Office of the City Administrative Officer (CAO), Office of the Chief Legislative Analyst (CLA) and to the City Clerk for Committee and City Council approval before accepting and receiving the grant award, pursuant to Los Angeles Administrative Code Section 14.6 et seq., as may be amended;
3. Designate RAP's General Manager, Executive Officer, Assistant General Manager, or their designee, as the agent to conduct all negotiations, execute and submit all documents, including, but not limited to Memorandum of Understanding (MOU), applications, agreements, amendments, and payment requests, which may be necessary for the completion

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 14-159

of eligible projects; and,

4. Authorize RAP's Chief Accounting Employee to establish the necessary account and/or to appropriate funding received to the necessary account within "Recreation and Parks Grant" Fund 205, to accept the NRPA grant in the amount of \$7,500.00 for the NUCFAC opportunity.

### SUMMARY:

On January 21, 2014, with NRPA, the National Environmental Education Foundation (NEEF), and the Hispanic Communications Network (HCN), RAP was directly awarded a grant of \$7,500.00 under the 2013 U.S. Forestry Service NUCFAC Challenge Cost-sharing Grant Program - Engaging Hispanic Community in Urban Forestry. NRPA will be the entity providing the grant funds to RAP.

The purpose of this grant is to underwrite RAP's assistance to NEEF with local non-profit organizations in Los Angeles to provide tree education at RAP parks. These opportunities will be held during existing, on-going tree care or tree planting events, tree giveaways, 50 Park openings, and/or clean-up projects that will include a tree educational element. NEEF will be selecting three (3) non-profit organizations that currently work with RAP to receive grants from NEEF in the amount of \$5,000.00 each to work with HCN to provide a branding of tree educational materials to help engage Hispanic communities in urban forestry.

The selection process for interested non-profit organization to receive funds from NEEF involves completing an online application, having the ability to provide at least five (5) events on RAP property before February, 2015, and providing a letter of recommendation and record of past successes with RAP.

The grant from NRPA to RAP in the amount of \$7,500.00 is to off-set RAP's costs to assist NEEF in recruiting the three (3) non-profits, to facilitate the efforts of the non-profits to pledged events, and for permits to host the tree education events at RAP locations. RAP will be required to show a \$15,825.00 in-kind staffing match to NRPA. The MOU (attachment A) from NRPA summarizes RAP's commitment to the grant.

### FISCAL IMPACT STATEMENT:

Salary costs used for the required match to this grant are for existing staff already funded. Acceptance of this grant will have no additional impact on the General Fund as all direct expenses such as for materials, or reimbursement for permit costs, will be funded through the grant.

This report was prepared by Joel Alvarez, Senior Management Analyst I, Partnership Division.



# National Recreation and Park Association

## Memorandum of Understanding between the National Recreation and Park Association and City of Los Angeles Department of Recreation and Parks

April 16, 2014

Michael A. Shull, General Manager  
City of Los Angeles, Department of Recreation and Parks  
221 N. Figueroa St. Suite 1550  
Los Angeles, CA 90012

Dear Mr. Shull:

The National Recreation and Park Association (NRPA) is pleased to inform you that the City of Los Angeles Department of Recreation and Parks (LADRP) has been selected as a grantee for the "Engaging Hispanic Community in Urban Forestry" project. You will receive a grant in the amount of \$7,500. The grant period will commence upon execution of this agreement and end March 15, 2015. The purpose of these funds is to reimburse your expenses for supplies, materials, signs, and other items to support your department's involvement in fulfilling the purposes of this grant which was funded by the U.S. Forest Service, with recommendation by the National Urban and Forest Advisory Committee (NUCFAC).

This grant opportunity is the result of a partnership between NRPA and the National Environmental Education Foundation (NEEF) to demonstrate the benefits of urban forests to Hispanic communities in the cities of Los Angeles and Houston while supporting on the ground engagement in both cities. It will also generate a national campaign to communicate with Spanish-speaking audiences nationwide about the value of urban forests.

Over the course of the grant period, LADRP is expected to:

- Identify appropriate and suitable persons from your staff and volunteer ranks in urban forestry and related professions who will be able to serve as role models to Latino communities to inspire young people to consider careers in this profession and related industries.
- Link this project to local and regional events and initiatives that highlight the value and benefits of urban forestry and the value of trees to communities.
- Identify 3 or more community-based land stewardship organizations to host events on public lands that promote community level engagement activities for Latino community members.
- Submit a final grant report to NRPA that includes:
  - A narrative on what your agency contributed to this project and what public benefits resulted from your involvement, including in-kind contributions of supplies, materials, and staff and volunteer time.



# National Recreation and Park Association

- A detailed itemized program budget and record of expenditures of how grant funds were spent.
- Participate in conference calls, meetings, events, and webinars as requested by NRPA and NEEF.

**Termination for Cause:** Either party shall have the right to terminate this MOU for cause if the other party (i) materially breaches its obligations and agreements hereunder, or (ii) commits and/or demonstrates gross neglect in the conduct of its duties hereunder. In addition, NRPA retains the right to terminate this MOU, upon written notice, if it determines that continued affiliation with your agency is inconsistent with its mission and/or adversely affects its reputation. In order to terminate this MOU for cause, and as a condition to exercising such right to terminate for cause, a party shall give the other party thirty (30) days' prior written notice of such intention to terminate, specifying in detail the grounds or reasons for such termination for cause. Following any notice of termination for cause, the receiving party shall be permitted a reasonable opportunity to cure such claimed cause to the reasonable satisfaction of the other party.

Please acknowledge your agreement to the terms above by signing below. Upon receipt of this signed form, a check will be issued for your grant funds.

\_\_\_\_\_  
Name of Agency Approving Authority

\_\_\_\_\_  
Primary Contact for Grant Administration

\_\_\_\_\_  
Signature of Approving Authority

\_\_\_\_\_  
Email for Primary Contact

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Telephone for Primary Contact

Once signed, please scan and send to Jessica Culverhouse at [jculverhouse@nrpa.org](mailto:jculverhouse@nrpa.org) or by U.S. mail to NRPA, 22377 Belmont Ridge Road, Ashburn VA 20148. Please do not hesitate to contact Jessica if you have any questions.

NRPA staff contact:

REPORT OF GENERAL MANAGER

NO. 14-160

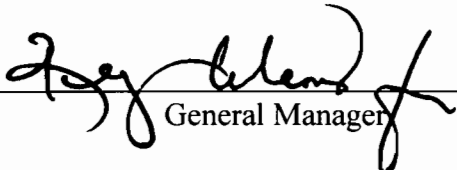
DATE June 26, 2014

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LOS ANGELES CENTER FOR ENRICHED STUDIES – FACILITY USE PERMIT FOR JOINT USE OF RECREATIONAL FACILITIES FROM JULY 2014 THROUGH JUNE 2015

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

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Facility Use Permit (FUP), substantially in the form on file in the Board Office, issued by the Los Angeles Unified School District (LAUSD), defining details of the Department of Recreation and Parks (RAP) joint use of aquatic and athletic facilities at the Los Angeles Center for Enriched Studies (LACES) from July 1, 2014, through June 30, 2015;
2. Direct the Board Secretary to transmit the proposed FUP to the City Attorney for review as to form;
3. Authorize RAP’s General Manager to execute the FUP upon receipt of the City Attorney’s approval; and
4. Authorize RAP’s Chief Accounting Employee to make payment to LAUSD for reimbursement of maintenance-related services upon the receipt of invoices for periods between July 1, 2014, and June 30, 2015, from Fund 302, Department 88, Appropriation Account 3040, Contractual Services.

## REPORT OF GENERAL MANAGER

PG. 2 NO. 14-160

### SUMMARY:

LACES is a LAUSD magnet middle school and high school, enrolling students in grades 6 through 12, located at 5931 West 18th Street in Council District 10. The campus encompasses a comprehensive athletic complex with an aquatics facility, a sports field, basketball courts, tennis courts, and an indoor gymnasium, a dance room, and a weight room, collectively called the Recreational Facilities. The Recreational Facilities in place today are the result of a significant capital improvement project funded in part by the City's Proposition K grant funds. Because of the Proposition K grant, a Joint Use Agreement was executed on June 4, 1998, between the City, acting through RAP, and LAUSD. This Joint Use Agreement for LACES was substantially similar to other agreements executed at the time. The term of the joint use is for 15 years after completion of the improvements, which occurred in 2005; joint use of LACES began in 2006. The Joint Use Agreement terminates in June of 2020 unless extended by the parties.

The joint use activity at LACES is different from any other joint use relationship between RAP and LAUSD for a number of reasons:

- The mix of facilities is unusual as it includes a swimming pool, outdoor sports fields and courts, and indoor athletic spaces, while typically Proposition K joint use agreements cover only one of those amenity groups.
- The operation of the pool is in itself also different from the typical joint use arrangement, in which RAP owns the pool on school property and operates it for both students and the public; at LACES, while RAP's Aquatics staff provides lifeguard services for classes and school activities as well as the public, LAUSD owns the LACES pool, not RAP.
- Also at LACES, a long tradition of public access to the facilities on weekends and other non-school days has established a pattern of public use by families for un-structured recreation, which differs from other joint use situations where access is strictly LAUSD students or RAP program participants.
- LACES has extensive and well-regarded athletic programs, requiring more school use of the Recreation Facilities and diminished RAP time for programming than contemplated in the original Joint Use Agreement.
- Finally, the Joint Use Agreement for LACES stipulates that RAP should handle maintenance during public use time, while LAUSD handles maintenance during school time; however LAUSD has required RAP to pay school staff to perform all maintenance because of the integration of the facilities and overlap of use at the school.

Managing these joint use circumstances which are unique to LACES creates some challenges from

## REPORT OF GENERAL MANAGER

PG. 3                      NO. 14-160

time to time for both RAP and school staff in coordinating activities and ensuring that recreation program participants and students all have balanced access to the facilities. There is also the unusual mutual payment situation, in which because of the various revenue sources tapped by our two agencies, RAP reimburses LAUSD for maintenance while LAUSD separately reimburses RAP for lifeguarding services. Ultimately, the parties agreed on using an LAUSD annual Facilities Use Permit (FUP) to capture the unique specifics of joint use at this site, an action acceptable under the 1998 Joint Use Agreement. The most recent FUP approved by the Board covered the period of January 1, 2013 through June 30, 2014 (Board Report No. 13-242, approved on September 18, 2013) and covering 18 months in order to adjust the annual FUP to a fiscal year basis.

The proposed FUP is materially comparable to the most recent, current FUP, which had incorporated two important negotiated changes from the past, one to clarify the lines of communication between the school and RAP staff for daily operations, and the other, as mentioned, to adjust from calendar to fiscal year terms.

This 2014-15 FUP continues the limited weekday operations for RAP during the school year, in which public programming cannot begin until 6:00 p.m., and it continues the lifeguard services provided to LACES by RAP for physical education classes and athletic competition and events. The estimated cost for RAP to provide this service to LAUSD at LACES for the 12-month term of this FUP is \$59,465.36, and will be billed for this location as part of the annual RAP billing to LAUSD for all lifeguard services citywide.

With approval of this FUP, staff also requests Board authorization for the Chief Accounting Employee to pay LAUSD on invoices received for reimbursement of LAUSD maintenance costs for July 1, 2014 through June 30, 2015, with a not-to-exceed estimate of \$107,805.72. When receiving the invoices at the end of the fiscal year, RAP staff will ensure that they reflect actual times used for RAP programs at LACES and that there is no overlap between maintenance costs reimbursed by RAP with those funded annually by Proposition K maintenance funds.

The Assistant General Manager, Operations Branch, the Superintendent of the Pacific Region and the Office of Council District 10 support continued joint use at LACES under these terms.

### ENVIRONMENTAL IMPACT STATEMENT

RAP's staff determined that the approval of the proposed FUP is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article El, Section 1, Class 1 (14) of the City CEQA Guidelines; this exemption allows for the use of existing school facilities involving a negligible or no expansion of use.

REPORT OF GENERAL MANAGER

PG. 4                      NO. 14-160

FISCAL IMPACT STATEMENT:

RAP's obligations related to public operations and reimbursement for maintenance at LACES are funded through RAP's regular budget approval process. LAUSD has estimated annual maintenance reimbursement costs to be \$107,805.72; the estimate for reimbursement of maintenance for the term of the July 1, 2014 to June 30, 2015 FUP will be adjusted with refinements to the line items billed and final bills will be reconciled with RAP records of actual use. The estimate for lifeguard services for which LAUSD will be charged for the same July 1, 2014 to June 30, 2015 term is \$59,465.36.

This report was prepared by Joel Alvarez, Senior Management Analyst I, Partnership Division.



REPORT OF GENERAL MANAGER


NO. 14-161

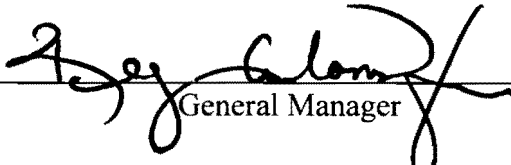
DATE: June 26, 2014

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PARTNERSHIP DIVISION – DONATION OF FUNDS, EQUIPMENT AND IN-KIND CONTRIBUTIONS FROM THE LOS ANGELES DODGERS FOUNDATION IN SUPPORT OF DODGERS REVIVING BASEBALL IN INNER CITIES YOUTH BASEBALL AND GIRLS SOFTBALL LEAGUES AT TEN (10) PARK SITES

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

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Accept a donation from the Los Angeles Dodgers Foundation (LADF) consisting of funding, uniforms, equipment, and in-kind contributions, with an estimated value of approximately three hundred thirty-six thousand, ninety-two dollars and ninety-four cents (\$336,092.94), in support of the Department of Recreation and Parks' (RAP) operation of the Dodgers Reviving Baseball in Inner Cities Program (RBI) 2014 season (Program), for the benefit of youth ages 5 to 15, and that appropriate recognition be given to LADF; and,
2. Authorize the RAP Chief Accounting Employee to establish a sub-account in Department 89 Fund 302 Account 89703H "Sports Organization", for the deposit of funds received from the LADF, and to pay for Program related expenses from said sub-account.

SUMMARY:

The Los Angeles Dodgers Foundation (LADF) is a 501(c)(3) non-profit organization and the official team charity of the Los Angeles Dodgers. LADF's primary focus is to strengthen and support cornerstone programs in sports, recreation, education, literacy, health, and wellness, benefiting children and families in need throughout the greater Los Angeles region. The Dodgers RBI Program (Program) is part of an international Major League Baseball (MLB) initiative, which today encompasses more than 200 cities and over 220,000 participating youth,

REPORT OF GENERAL MANAGER

PG. 2 NO. 14-161

helping them grow on and off the baseball field.

The following is the list of ten (10) recreation centers participating in the Program:

- 109<sup>th</sup> Street Recreation Center
- Algin Sutton Recreation Center
- Denker Recreation Center
- Harbor City Recreation Center
- Rancho Cienega Sports Complex
- Rosecrans Recreation Center
- Ross Snyder Recreation Center
- South Park Recreation Center
- Central Recreation Center
- Trinity Recreation Center

LADF has donated funding in the amount of \$38,790.00, to cover umpire and field maintenance expenses at the ten (10) program sites. In addition, LADF donated 1,500 sets of baseball uniforms and 72 sets of softball uniforms consisting of a cap, two (2) jerseys, pants, belts and socks for each participant, and 262 polo shirts for the coaches. The total value of the uniforms and sports apparel is approximately \$78,903.08. The LADF has also donated baseball and softball equipment valued at approximately \$169,620.70. The value of the LADF's donation of funding, uniforms and equipment, excluding additional in-kind Program contributions described below, is \$287,313.78.

The uniforms, which all display the RAP logo on one sleeve, will be proudly worn at league games by approximately 1,572 boys and girls, ages 5 through 15, and approximately 262 coaches. Program participants will be allowed to keep the issued uniforms and apparel for their use. The donated baseball and softball equipment will be retained by each participating recreation center for future use. Contingent upon the level of wear and tear, the equipment is anticipated to be used for up to three (3) more years.

The LADF is committed to making the Program a success, and has also provided RAP with the following in-kind contributions:

<u>In-Kind Contribution</u>	<u>Approximate Value</u>
• Player Recruitment Advertising and Program Promotion:	\$ 3,096.84
• Education Resources ("Mathletics" and Health-Vision to Learn):	\$ 8,740.32
• Coaches Training (Youth Development and Skills):	\$19,650.00
• "Player Fest" Kickoff at Dodger Stadium: approx. value	<u>\$17,292.00</u>
Total:	\$48,779.16

The collective, estimated, total value of the LADF's donation to RAP (Uniforms, Equipment, and In-Kind Contributions), in support of the Program is approximately \$336,092.94.

The Board's acceptance of this donation was previously discussed with the Superintendent of the Pacific Region, who concurs with staff's recommendations.

REPORT OF GENERAL MANAGER

PG. 3            NO. 14-161

FISCAL IMPACT STATEMENT:

This donation of funding, uniforms, equipment and in-kind contributions from LADF, valued at approximately \$336,092.94, through the RBI Program supplements the uniform, equipment, and other expenses of the RBI baseball and softball programs, which benefit RAP and the youth in ten (10) different communities.

This report was prepared by Joel Alvarez, Senior Management Analyst I, and Chinyere Stoneham, Senior Recreation Director II, Partnership Division.



REPORT OF GENERAL MANAGER

NO. 14-162

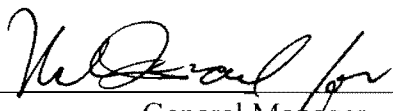
DATE June 26, 2014

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ROSECRANS RECREATION CENTER – SPORTS FIELDS IMPROVEMENTS AND STORMWATER ENHANCEMENTS (W.O. #E170425F) – ACCEPTANCE OF STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3360

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

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board direct staff to withhold the amounts claimed in the following Stop Payment Notice, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amount of said funds are available, and to notify contractors, sureties, and other interested parties that the amount of said claims plus 25% will be withheld.

STOP PAYMENT NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044, 9100, 9350, 9352, and 9354 on the following contract:

Contract 3360      CD 15

Rosecrans Recreation Center - Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) Project	General Contractor:	Horizons Construction Company International, Inc.
Project Status: 100% Construction	Claimant:	Landmark Fence Co., Inc.
Project Impact: none	Amount:	\$66,769.81

FISCAL IMPACT STATEMENT:

Acceptance of Stop Payment Notice has no impact on the Department's General Fund.

This Report was prepared by Tanzi Cole, Commission Executive Assistant I.



REPORT OF GENERAL MANAGER

NO. 14-163

DATE June 26, 2014

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ROSECRANS RECREATION CENTER – SPORTS FIELDS  
IMPROVEMENTS AND STORMWATER ENHANCEMENTS  
(W.O. #E170425F) PROJECT – FINAL ACCEPTANCE

<i>for</i>	R. Adams	<u>                    </u>	V. Israel	<u>                    </u>
	*R. Barajas	<u><i>CB</i></u>	K. Regan	<u>                    </u>
	H. Fujita	<u>                    </u>	N. Williams	<u>                    </u>

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

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RECOMMENDATIONS:

That the Board:

1. Approve the final acceptance of work performed for the Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) project, under Contract No. 3360 and awarded to Horizons Construction Company International, Inc. as outlined in the Summary of this Report;
2. Authorize the Department’s Chief Accounting Employee to release all retention monies held under Contract No. 3360 to Horizons Construction Company International, Inc., thirty-five (35) calendar days after acceptance by the Board; and,
3. Authorize the Board Secretary to furnish Horizons Construction Company International, Inc. with a letter of completion for the subject project.

SUMMARY:

On October 5, 2011, the Board approved the awarding of Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) project to Horizons Construction Company International, Inc., in the amount of \$3,195,540.00 (Board Report No.11-275). The project is located at 840 West 149<sup>th</sup> Street, Los Angeles, California. The scope of the project included the construction of a new baseball field, girls’ softball field with new sports field lighting, one and a half basketball courts, a synthetic soccer field, scoreboards,

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 14-163

fencing, picnic tables, drinking fountains, a new "Smart" irrigation system, bioswales, vegetated retention basins, site grading, site drainage system, "decomposed granite" pathways, new parking lot, site hardscape and landscaping. New infrastructure, consisting of irrigation, sewer, electrical, and stormwater drainage systems, were also brought to the site.

Construction is now 100% complete. On January 23, 2014, the Department of Building & Safety issued the Certificate of Occupancy for the project. On February 13, 2014, the Department of Recreation and Parks (RAP) took beneficial occupancy of the facility. The grand opening dedication was held on February 15, 2014.

A total of ninety-seven (97) change orders (attached) were requested and a total of twenty-nine (29) were issued on this project totaling \$237,711.00 which is 7.4% of the awarded contract amount of \$3,195,540.00 and the total of construction was \$3,433,251.00. Construction was completed on February 13, 2014. The project was completed within the overall available budget.

Staff consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the project. There are no outstanding wage violations and Horizons Construction Company International, Inc., is in compliance.

### FISCAL IMPACT STATEMENT:

The project will be maintained and operated with existing budgeted staff. There is no immediate fiscal impact to the Department's General Fund; however, future operations and maintenance costs will be requested through the Departmental annual budget requests.

This Report was prepared by Ray Araujo, Project Manager, Recreational and Cultural Facilities Program, Bureau of Engineering (BOE). Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, BOE; Jose Fuentes, Acting Municipal Facilities Deputy City Engineer, BOE, and Cathie Santo Domingo, Superintendent of Planning, Construction and Maintenance Branch, Department of Recreation and Parks.



# CO & CO Request Log: Rosecrans Sports Field Improvements W.O.No.: E170425F



CO No	CO Req	DESCRIPTIONS	PCO ECO Date	GC Prop Amount	Proposal Date	CMD Est Amount	Apprvd Amount	Apprvd Date	Change Order Status	FCO Date	C.O. Type	Pymt Type	Cal. Days Req.	Apv'd Comp Cal Days	Apv'd Non Comp Cal Days	REMARKS
029	001	Permit cost	11/25/13	\$ 14,386.68	12/06/11	\$ -	\$ 11,890.00	11/20/13	Executed	11/26/13	S	LS	0	0	0	Ltr No. 001
001	002	Wet Soil	01/19/12	\$ 65,818.10	12/29/11	\$ 42,400.00	\$ 42,400.00	02/08/12	Executed	03/01/12	U	LS	0	0	0	
029	003	SWPP Fee	11/25/13	\$ 1,851.74	12/29/11	\$ -	\$ 737.00	11/20/13	Executed	11/26/13	S	LS	0	0	0	Ltr No. 003
002	004	Storm Drain		\$ 12,541.82	02/08/12	\$ 9,435.00	\$ 9,435.00	03/14/12	Executed	04/09/12	E	LS	0	0	0	
	005	Extra Irrigation Potholing		\$ 13,343.55	02/08/12	\$ -	Not Approved									
032	006	Extra Asphalt Removal		\$ 7,453.47	02/15/12	\$ -	\$ 2,700.00	11/26/13	Executed	12/19/13	S	LS	16	0	16	
003	007	Remove Elect Conduit	05/29/12	\$ 293.66	02/21/12	\$ 83.00	\$ 83.00	05/25/12	Executed	06/20/12	U	LS	0	0	0	ZM 03.1.12
003	008	Musco Plan Check Fee	05/29/12	\$ 1,704.35	04/05/12	\$ 1,333.00	\$ 1,333.00	05/25/12	Executed	06/20/12	U	LS	0	0	0	
003	009	Electrical Plan Check Fee	05/29/12	\$ 2,575.38	04/06/12	\$ 1,846.00	\$ 1,846.00	05/25/12	Executed	06/20/12	U	LS	0	0	0	
032	010	Extra Temp Irrigation		\$ 4,918.32	04/10/12	\$ -	\$ 2,500.00	11/26/13	Executed	12/19/13	S	LS	16	0	16	
	011	Extra Excavation for Flat Drain		\$ 19,257.39	05/04/12	\$ -	Not Approved									
004	012	Credit for Synthetic Turf Infill	06/13/12	\$ (40,000.00)	05/11/12	\$ (40,000.00)	\$ -	06/13/12	Canceled	10/10/12	S	LS	0	0	0	See 4R1
4R1	012	Credit for Synthetic Turf Infill		\$ (40,000.00)	05/11/12	\$ (40,000.00)	\$ (40,000.00)	04/30/13	Executed	05/07/13	S	LS	0	0	0	
005	013	Methane Test	05/30/12	\$ 3,108.00	05/30/12	\$ 2,988.00	\$ 2,988.00	06/25/12	Executed	06/27/12	U	LS	0	0	0	
	014	Ahorist		\$ 707.88	06/24/12	\$ -	Not Approved									
	015	Survey for RFI 24		\$ 832.50	07/03/12	\$ -	Not Approved									
	016															
011	017	Concrete Encasement		\$ 52,940.54	07/20/12	\$ 5,708.00	\$ 5,708.00	08/23/12	Executed	09/17/12	E	LS	0	0	0	
028	018	Curb @ Softball Field	11/25/13	\$ 4,185.68	07/20/12	\$ 130.00	\$ 800.00	11/20/13	Executed	11/26/13	E	LS	14	0	14	
011	019	Musco Concrete		\$ 1,319.69	07/20/12	\$ 1,150.00	\$ 1,150.00	08/27/12	Executed	09/17/12	E	LS	0	0	0	
011	020	Seal Conduits		\$ 8,811.85	08/02/12	\$ 6,311.00	\$ 7,228.00	08/27/12	Executed	09/17/12	E	LS	0	0	0	
	021	Redo Elect Trenches		\$ 2,325.55	08/02/12	\$ -	Not Approved									
	022	RFI 24 Additional cost		\$ 1,411.37	08/06/12	\$ -	Not Approved									
007	023	Sewer Line for Children Center	07/02/12	\$ 29,590.70	08/07/12	\$ 10,309.01	\$ 15,536.00	08/20/12	Executed	10/10/12	S	LS	0	0	0	
	024	Dobies for Light Pole Footing		\$ 575.69	08/10/12	\$ -	Not Approved									
	025	RFI 46 Additional Cost		\$ 12,338.83	08/13/12	\$ 5,718.00	Not Approved									
	026	APWA 151-1		\$ 6,498.54	08/21/12	\$ -	Not Approved									
006	027	Credit for AC Paving	06/13/12	\$ (2,670.00)	08/21/12	\$ (8,685.00)	\$ -	10/01/13	Executed	10/01/13	S	LS	0	0	0	See COR 38
013	028	Potable Water for Drinking Fountains	09/20/12	\$ 30,154.14	08/24/12	\$ -	Not Approved									
009	029	Receptacle for Softball Field	08/27/12	\$ 5,268.26	08/24/12	\$ 3,430.00	\$ 3,430.00	10/09/12	Executed	10/10/12	S	LS	0	0	0	
	030	Driveway for DWP	09/18/12	\$ 42,711.44	08/27/12	\$ -	Not Approved									
012	031	Remove Sidewalk @ DWP Pad	09/18/12	\$ 4,011.90	08/27/12	\$ 2,120.00	\$ 2,120.00	10/23/12	Executed	10/31/12	E	LS	0	0	0	
	032	Extra Grading		\$ 10,768.13	08/27/12	\$ -	Not Approved									
012	033	Methane Mitigation for Switchgear	09/18/12	\$ 16,508.14	08/29/12	\$ 10,427.00	\$ 11,395.00	10/23/12	Executed	10/31/12	E	LS	0	0	0	
	034	Soccer Area Drains RFI 80		\$ 6,787.91	08/31/12	\$ 2,599.10	Not Approved									
	035	Methane Spare Conduits RFI 96		\$ 1,694.64	09/18/12	\$ -	Not Approved									
	036	Lock Boxes for Outdoor Receptacles		\$ 3,464.28	09/25/12	\$ -	Canceled		Canceled							
014	037	Soccer Cooling System		\$ 162,092.19		\$ -	Canceled		Canceled							
013	038	Potable Water for Drinking Fountains	09/20/12	\$ 5,626.46	10/15/12	\$ 5,759.00	\$ 5,759.00	10/30/12	Executed	10/31/12	S	LS	0	0	0	
015	039	Modifying Paver Area		\$ 24,021.07	10/08/12	\$ 4,061.41	\$ 4,500.00	11/07/12	Executed	11/14/12	E	LS	0	0	0	
017	040	Survey for RFI 24		\$ 2,178.00	10/09/12	\$ 1,908.00	\$ 1,908.00	10/24/13	Executed	10/30/13	U	LS	0	0	0	See COR 38
	041	Sand for Potable Water Line		\$ 5,762.40	10/11/12	\$ -	Not Approved									
012	042	DWP Truck Pad		\$ 9,705.60	10/16/12	\$ 2,363.82	\$ 3,600.00	10/23/12	Executed	10/31/12	E	LS	0	0	0	
014	043	Soccer Cooling System		\$ 162,092.19	10/25/12	\$ -	Canceled		Canceled							
018	044	Add Drain Per RFI 89	12/10/12	\$ 16,806.38	10/25/12	\$ 6,987.00	\$ 8,765.00	01/07/13	Executed	01/08/13	E	LS	0	0	0	
	045	SWPP Fee		\$ 963.11	10/26/12	\$ -	Not Approved									
016	046	Slurry Gas Pipe		\$ 7,060.64	11/01/12	\$ 1,711.00	\$ 4,382.00	01/29/13	Executed	01/31/13	U	TM	0	0	0	T&M Work
047	047	More Gas Pipe		\$ 618.12	11/05/12	\$ -	-									T&M Work
020	048	Slurry Sewer Line & AC Patching	01/16/13	\$ 4,041.77	11/06/12	\$ 2,971.00	\$ 2,971.00	02/11/13	Executed	02/12/13	S	LS	0	0	0	







REPORT OF GENERAL MANAGER

NO. 14-164

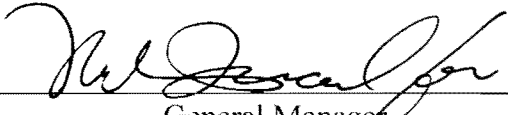
DATE June 26, 2014

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED ROOFING REPAIRS, MAINTENANCE, RETROFIT AND/OR CONSTRUCTION – AWARD OF CONTRACT

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

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Find, in accordance with Charter Section 1022, that the Department of Recreation and Parks (Department) does not have, available in its employ, personnel with sufficient time or necessary expertise to undertake all of the parks roofing repairs, maintenance, retrofit and/or construction projects in a timely manner, and it is more feasible, economical and in the Department's best interest, to secure these services by contract with several contractors to perform this work as-needed and on an occasional, but frequent basis, without engaging in a new competitive bidding process for each individual project to be performed;
2. Find, in accordance with Charter Section 371(e)(2) and Los Angeles Administrative Code Section 10.15(a)(2), that competitive bidding is not practicable or advantageous as it is necessary for the Department to be able to call upon contractors to perform this work as-needed and on an occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as-needed contractors each individual project is assigned on the basis of availability of an as-needed contractor to perform the work, the price to be charged and the unique expertise of the as-needed contractor;
3. Find in accordance with Charter Section 371(e)(10), that use of competitive bidding would be undesirable, impractical or impossible or is otherwise excused by the common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services

REPORT OF GENERAL MANAGER

PG. 2                      NO. 14-164

required by the Department to provide roofing repairs, maintenance, retrofit and/or construction projects;

4. Find, in accordance with Charter Section 372, that obtaining competitive proposals or bids for each individual project for which work may be performed pursuant to this agreement is not reasonably practicable or compatible with the Department's interests of having available as-needed contractors who are assigned various projects on the basis of availability, price, and expertise, and that it is therefore necessary to have several as-needed contractors for this type of service available when called upon by the Department to perform services;
5. Approve the proposed contract (Contract), substantially in the form on file in the Board Office, between the Department and the one (1) contractor listed below for as-needed roofing repairs, maintenance, retrofit and/or construction services for a three (3) year contract, specifying the terms and conditions, subject to approval of the Mayor and the City Attorney as to form;

Contractor:

Bravo Roofing, Inc.  
126 South Viking Avenue  
Brea, California 92821

6. Direct the Board Secretary to transmit the Contracts to the Mayor in accordance with Executive Directive No. 3 and to the City Attorney for review and approval as to form; and,
7. Authorize the Board President and Secretary to execute the Contracts upon receipt of the necessary approvals.

SUMMARY:

The Department is in need of roofing repairs, maintenance, retrofit and/or construction services, which current staffing can only provide on a limited basis because the Department does not have available in its employ, personnel with sufficient time or the necessary expertise. Therefore, one or more park facility construction contracts are required. With over 420 park locations under the jurisdiction of the Department, roofing construction services contracts are critical to maintaining and expanding our current park facility infrastructures.

This contract will provide the Department with an additional resource to perform roofing repairs, maintenance, retrofit and/or construction services to help supplement current City forces. In addition, these contracts will provide the Department's Planning, Construction and Maintenance Branch a tool to meet current and future roofing construction projects.

REPORT OF GENERAL MANAGER

PG. 3                      NO. 14-164

On November 20, 2013, the Board approved a Request for Qualifications (RFQ) for Roofing Repairs, Maintenance, Retrofit and/or Construction (Board Report No. 13-288), which was released December 19, 2013. On March 25, 2014, the Department received two (2) proposals in response to the RFQ. The responders were:

- 1) Best Contracting Services, Inc.
- 2) Bravo Roofing, Inc.

The various roofing repairs, maintenance, retrofit and/or construction services will include, but are not limited to, the design, engineering and construction of all new roofing systems, skylights, roof access hatch covers, roof drains and gutter systems for all municipal building structures. The type of roofing systems that may be used includes but is not limited to metal (metal roof systems, standing seam, structural and architectural), torch down, self adhered, hot mopped, tile (ceramic, concrete, clay), asphalt composition roofing shingle systems and tapered roof insulation systems. Roofing maintenance and/or repairs may include minor or major repairs to existing roof systems throughout the City. Roofing services may also include performing a hazardous materials surveys and abatement, re-design and engineering of existing roofing systems and/or repairs to existing trust and/or roofing systems.

The responders were required to provide evidence of their qualifications by meeting the following requirements:

Qualified Responders must have been in good standing with the California Contractor's License Board under a C-39 Roofing Contractors License for the last ten (10) years and must provide the following qualifications to meet the minimum requirement for this RFQ:

Provide a minimum of ten (10) new and/or retrofit roofing projects with a minimum of 10,000 square feet each. All projects must have been performed from May 2008 to present. All projects must have been performed in Los Angeles County.

Only one (1) of the two (2) responders submitted a responsive submittal to this RFQ. One (1) responder failed to submit a complete submittal and/or failed to qualify, and thus was disqualified from any further review process. The following responder was disqualified because they submitted an incomplete RFQ package submittal response, specific details for the disqualifications can be found in Exhibit A.

Best Contracting Services, Inc.  
19027 South Hamilton Avenue  
Gardena, California 90248

REPORT OF GENERAL MANAGER

PG. 4                      NO. 14-164

The following responder met the minimum requirements for the RFQ for roofing repairs, maintenance, retrofit and/or construction as specified above:

Bravo Roofing, Inc.  
126 South Viking Avenue  
Brea, CA 92821

RFQ responses were evaluated solely for the minimum qualifications (as stated in RFQ Document). The minimum qualifications as set forth determined the responder's knowledge and experience to perform the terms and specifications of this Contract. It was found through review and verification by Department staff that the above-listed responder met and/or exceeded the minimum qualifications as set forth in the RFQ.

Once it was determined that the responders had met all of the minimum qualifications, the staff verified with the references provided by the respondents. Questions were posed regarding respondent's ability to produce a quality product that met all necessary standards, in a timely manner. They were also asked whether the respondent was timely and effective in their correspondence with governing agencies. All of the references for the respondent who met our minimum qualifications responded favorably to these questions and highly recommended the respective respondent. It was then determined that the above listed Respondent should be selected as a pre-qualified roofing repairs, maintenance, retrofit and/or construction contractor and eligible to bid on future Department projects.

The responder who submitted and qualified, also performed and passed the City's Business Inclusion Program (BIP) outreach.

The Department is seeking authorization for Board President and Secretary to execute a contract with the one (1) qualified responder, subject to City Attorney's and Mayor's approval. The selected pre-qualified contractor recommended to the Board for a three (3) year contract, in an amount not-to-exceed an annual expenditure of \$7,000,000.00. The contract amount is an estimate, and the Department does not guarantee that the contract maximum amount will be reached. The construction services that the Department is requesting shall be on an as-needed basis. The Department, in entering into an agreement, guarantees no minimum amount of business or compensation. The contract awarded through this RFQ shall be subject to funding availability and early termination by Department, as provided in the Standard Provisions for City Contracts (Rev 03/09).

Funding for projects will be provided from various funding sources including to but not limited to Proposition K, Quimby, and Proposition 40.



REPORT OF GENERAL MANAGER

PG. 5            NO. 14-164

FISCAL IMPACT STATEMENT:

Executing this as-needed contract has no impact to the Department's General Fund.

This Report was prepared by Jim Newsom, Management Analyst II, Planning, Construction and Maintenance Branch.

# EXHIBIT A

## REQUEST FOR QUALIFICATION

### AS-NEEDED ROOFING REPAIRS, MAINTENANCE, RETROFIT AND/OR CONSTRUCTION

"NON RESPONSIVE RESPONDERS"	REASONS FOR "NON-RESPONSIVENESS"
Best Contracting Services, Inc.	<ol style="list-style-type: none"><li>1) Responder did not sign the Bidder Certification For (CEC Form 50) on page 21 of RFQ document; and,</li><li>2) Responder did not Sign the Contractor Responsibility Ordinance Form on page 76 of RFQ documents.</li></ol>

REPORT OF GENERAL MANAGER

NO. 14-165

DATE June 26, 2014

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PROPOSITION 84 STATEWIDE PARK PROGRAM – YORK BOULEVARD  
POCKET PARK (PRJ20646) PROJECT – APPROVAL OF FINAL PLANS

*for*

R. Adams  
\*R. Barajas  
H. Fujita

*CD*

V. Israel  
K. Regan  
N. Williams

General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board approve the final plans for the York Boulevard Pocket Park (PRJ20646) project, substantially in the form on file in the Board Office.

SUMMARY:

York Boulevard Pocket Park is a 0.29 acre park located at 4948-4956 York Boulevard in the Highland Park community of the City. York Boulevard Pocket Park is currently vacant and undeveloped.

On June 27, 2011, the Board of Recreation and Park Commissioners (Board) authorized the General Manager to submit a Proposition 84 Statewide Park Program grant application for the acquisition, development, and construction of a new park at 4948-4956 York Boulevard (Board Report No. 11-196).

On March 26, 2012, Department of Recreation and Park (RAP) received notification from the State that the grant application it submitted for the project was awarded \$2,875,000.00 in grant funding under the second funding round of the Proposition 84 Statewide Park Program.

On December 10, 2012 the Board approved the acquisition of the property at 4948-4956 York Boulevard (Los Angeles County Assessor's Parcel Number (APN) 5477-002-030) for a final negotiated purchase price of \$1,100,000.00, plus associated closing costs of approximately \$6,000.00 (Board Report No. 12-324). Furthermore, the Board authorized the use of Capital Park Development

REPORT OF GENERAL MANAGER

PG. 2                      NO. 14-165

B Account funds (Fund 302, Department 89, Account 89270K-CG) as a source of funds that would be used to cash flow the acquisition and development of the property and then be reimbursed by the awarded grant funds once those funds become available.

On January 18, 2013, the Board approved the conceptual plan for the York Boulevard Pocket Park – Park (PRJ20646) project (Board Report No. 13-013). The conceptual plan was developed by RAP staff, with input from public workshops and meetings that were organized and facilitated by RAP, Council District 14, and local community organizations.

RAP staff has completed and prepared the final plans for the project. The scope of work is for the development of new outdoor park and recreational improvements. The plan for development of the park site includes the construction of a community plaza and open green space area, a children’s play area, a walking loop with adult fitness equipment, a restroom building, decorative art, perimeter fencing, lighting, landscaping, and various standard park amenities. The final design for the park is illustrated on Exhibit A. RAP in-house construction forces and contracted vendors will develop the project.

There is approximately \$1,769,000.00 in grant funds remaining from the Proposition 84 Statewide Park Program grant that was awarded to the project. Staff anticipates that these funds are sufficient to complete the project scope.

Staff has determined that the subject project was previously evaluated for environmental impacts (Board Report No. 13-013) in accordance with California Environmental Quality Act (CEQA) and was determined to be exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 3(6), Class 4(1,3), and Class 11(3) of the City CEQA Guidelines. The work funded by the current Board action will not result in any additional environmental impacts, and therefore, is covered by the existing CEQA exemption. No additional CEQA documentation is required.

FISCAL IMPACT STATEMENT:

The approval and execution of the final plans for the project will not have any impact on RAP’s General Fund. The estimated costs for the design, development, and construction of the proposed park improvements are anticipated to be funded by funding sources other than RAP’s General Fund.

At this time there is no fiscal impact to RAP for the maintenance of the subject project. Once the project is completed, operational maintenance cost will be determined. Upon project completion, a request for funding will be submitted in future RAP annual budget requests.

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



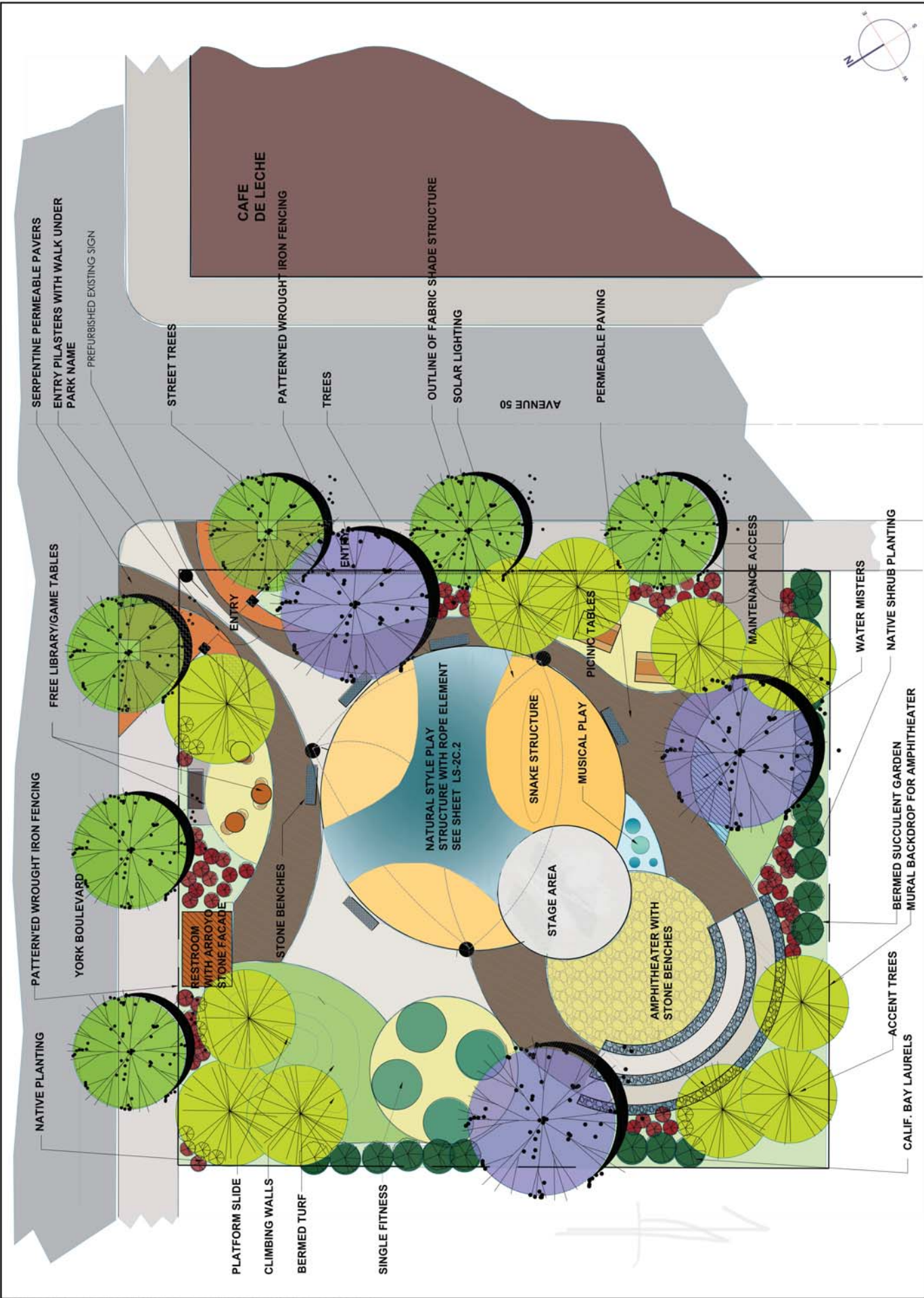
PROJECT NAME: YORK AND AVENUE 50TH PARK  
 ADDRESS: 4948-56 York Boulevard  
 Los Angeles, Ca.  
 GENERAL MANAGER: JOHN YORK  
 ASSISTANT GEN. MANAGER: MIKE SHULL  
 PROJECT MANAGER: [ ]  
 DATE: [ ]



PROJECT NAME: YORK AND AVENUE 50TH PARK  
 ADDRESS: 4948-56 York Boulevard  
 Los Angeles, Ca.

REVISED	DATE

PLAN NAME: DESIGN  
**2C**  
 DRAWING NO: LS-2C.1  
 SCALE: 1"=20'  
 DATE: [ ]  
 FILE NO: [ ]



REVISIONS: 1/20/12 1/1/12 FILE: L:\LAND PROJECTS\YORK AND AVENUE 50TH PARK\LANDSCAPE\LANDSCAPE.DWG

THE CITY OF LOS ANGELES OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN SHEET.





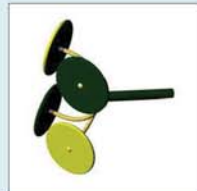
THE CITY OF LOS ANGELES  
 DEPARTMENT OF RECREATION AND PARKS  
 GENERAL MANAGER: JOHN KIRK MARKER  
 ASSISTANT GEN. MANAGER: MIKE SHULL  
 PROJECT NUMBER: \_\_\_\_\_  
 DATE: \_\_\_\_\_



PROJECT NAME: **York and Avenue 50th Park**  
 ADDRESS: **4948-56 York Boulevard**  
**Los Angeles, Ca.**

REVISIONS:	DATE:

PLAN NAME: **DESIGN 2C**  
 DRAWING NO: **LS-2C.2**  
 APPROVED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_



**PLAY POSSIBILITIES**

**SEATING OPTIONS**

**FITNESS POSSIBILITIES**

THE CITY OF LOS ANGELES OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN SHEET.

REPORT OF GENERAL MANAGER

NO. 14-166

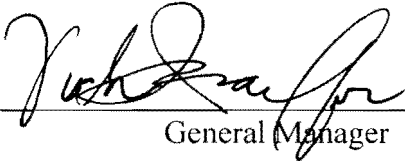
DATE June 26, 2014

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PROPOSITION 84 STATEWIDE PARK PROGRAM – PATTON STREET POCKET PARK PROJECT – APPROVAL OF FINAL PLANS AND SPECIFICATIONS; ISSUANCE OF RIGHT-OF-ENTRY PERMIT TO TRUST FOR PUBLIC LAND TO DEVELOP PARK

<i>for</i> R. Adams _____	V. Israel _____
*R. Barajas <i>CD</i> _____	K. Regan _____
H. Fujita _____	N. Williams _____

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve the final plans and specifications for the Patton Street Pocket Park Project, substantially in the form on file in the Board Office, as described in the Summary of this Report; and,
2. Authorize staff to issue the necessary Right-of-Entry (ROE) permit to Trust for Public Land (TPL) for the development of Patton Street Pocket Park.

SUMMARY:

In September 2009, the State of California (State) released a Request for Proposal for the first round of competitive grants for the State Proposition 84 Statewide Park Grant Program. The \$5.4 billion Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal protection Bond Act of 2006 (Proposition 84) was passed by the voters on November 7, 2006. These funds are used for a number of programs, one of which is the Statewide Park Grant Program. A total of \$368 million has been dedicated to this program. This Grant Program awards grants for the creation of new parks, expansion and/or improvements to existing parks, and the creation/renovation of recreation features with an emphasis on new parks to be located in areas that either lack park space or have significant poverty.

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 14-166

The Department of Recreation and Parks (RAP) staff, the Community Redevelopment Agency (CRA), the Trust for Public Land (TPL), a non-profit organization, and the Los Angeles Neighborhood Initiative (LANI), a non-profit organization, joined together in a partnership and worked with various Council Offices to submit Proposition 84 grant applications.

On May 17, 2010, the Board of Recreation and Park Commissioners (Board) approved a Donation Agreement (Agreement) between RAP and TPL for the acquisition, development, and construction of new parks that would be funded, in whole or in part, through grant funding from the Proposition 84 Statewide Park Grant Program (Board Report No. 10-121). As detailed in the Agreement, TPL is to coordinate the design and construction of the park projects with RAP, prepare detailed final plans and specifications for Board's review and approval, and when construction is completed, to submit each completed project to the Board for final approval and acceptance.

On February 2, 2011, the Board approved the conceptual plans for the park projects to be developed and constructed by TPL (Board Report No. 11-043) namely, Patton Street Pocket Park, Carlton Way Pocket Park and Monitor Avenue Park. Each conceptual plan was developed using the results of outreach and public workshops performed by TPL in partnership with RAP and local community organizations.

The State has awarded grant funding for the development and construction of these parks and it is anticipated that the awarded grant funding is sufficient to meet the project scope for each park project. The State awarded TPL a total of \$2,719,650.00 for Patton Street Pocket Park.

The proposed Patton Street Pocket Park will provide a new park, playground and other small-scale recreational facilities suitable for children of all ages for a community with extremely limited opportunities for safe and pleasant outdoor recreational activities. The proposed Patton Street Pocket Park includes the construction of a community garden, children's play area, fitness equipment, safety lighting, a landscaped open space area, and site amenities such as trees, picnic tables, benches, decorative fencing, and a drinking fountain.

TPL has now prepared detailed final plans and specifications for the development and construction of Patton Street Pocket Park for the Board's approval. Upon approval, staff will issue a ROE permit to TPL for the development and construction of Patton Street Pocket Park.

Staff has determined that the subject project is a continuation of the existing project approved on February 2, 2011 (Board Report No. 11-043) that was exempted from CEQA [Class 3 (6, 9), 4 (1, 3), 11(3, 6), and 25]. A Notice of Exemption for this project was filed with the Los Angeles County Clerk on March 15, 2011. The approval of the final plans and specifications by the current Board action will not result in any additional environmental impacts, and therefore, are covered by the existing CEQA exemption. No additional CEQA documentation is required.



REPORT OF GENERAL MANAGER

PG. 3                      NO. 14-166

FISCAL IMPACT STATEMENT:

The approval of this report will have no impact on RAP's General Fund. The development and construction of this park project is anticipated to be funded by the awarded grant funds or funding sources other than RAP's General Fund.

At this time, there is no fiscal impact to RAP for the maintenance of the subject project. Once the project is completed, operational maintenance cost will be determined. Upon project completion, a request for funding will be submitted in future RAP annual budget requests.

This Report was prepared by Gino Ogtong, Management Analyst II, Planning, Construction, and Maintenance Branch.



REPORT OF GENERAL MANAGER

NO. 14-167

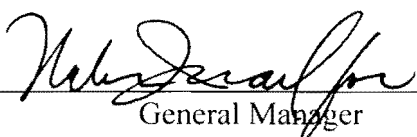
DATE June 26, 2014

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PROPOSITION 84 STATEWIDE PARK PROGRAM – CARLTON WAY POCKET PARK PROJECT – APPROVAL OF FINAL PLANS AND SPECIFICATIONS; ISSUANCE OF RIGHT-OF-ENTRY PERMIT TO TRUST FOR PUBLIC LAND TO DEVELOP PARK

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

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

---

RECOMMENDATIONS:

That the Board:

1. Approve the final plans and specifications for the Carlton Way Pocket Park Project, substantially in the form on file in the Board Office, as described in the Summary of this Report; and,
2. Authorize staff to issue the necessary Right-of-Entry (ROE) permit to Trust for Public Land (TPL) for the development of Carlton Way Pocket Park.

SUMMARY:

In September 2009, the State of California (State) released a Request for Proposal for the first round of competitive grants for the State Proposition 84 Statewide Park Grant Program. The \$5.4 billion Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal protection Bond Act of 2006 (Proposition 84) was passed by the voters on November 7, 2006. These funds are used for a number of programs, one of which is the Statewide Park Grant Program. A total of \$368 million has been dedicated to this program. This Grant Program awards grants for the creation of new parks, expansion and/or improvements to existing parks, and the creation/renovation of recreation features with an emphasis on new parks to be located in areas that either lack park space or have significant poverty.

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 14-167

The Department of Recreation and Parks (RAP) staff, the Community Redevelopment Agency (CRA), the Trust for Public Land (TPL), a non-profit organization, and the Los Angeles Neighborhood Initiative (LANI), a non-profit organization, joined together in a partnership and worked with various Council Offices to submit Proposition 84 grant applications.

On May 17, 2010, the Board of Recreation and Park Commissioners (Board) approved a Donation Agreement (Agreement) between RAP and TPL for the acquisition, development, and construction of new parks that would be funded, in whole or in part, through grant funding from the Proposition 84 Park Program (Board Report No. 10-121). As detailed in the Agreement, TPL is to coordinate the design and construction of the park projects with RAP, prepare detailed final plans and specifications for Board's review and approval, and when construction is completed, to submit each completed project to the Board for final approval and acceptance.

On February 2, 2011, the Board approved the conceptual plans for the park projects to be developed and constructed by TPL (Board Report No. 11-043) namely, Patton Street Pocket Park, Carlton Way Pocket Park and Monitor Avenue Park. Each conceptual plan was developed using the results of outreach and public workshops performed by TPL in partnership with RAP and local community organizations.

The State has awarded grant funding for the development and construction of these parks and it is anticipated that the awarded grant funding is sufficient to meet the project scope for each park project. The State awarded TPL a total of \$1,268,007.00 for the Carlton Way Pocket Park.

The proposed Carlton Way Pocket Park will provide a new park, playground and other small-scale recreational facilities suitable for children of all ages for a community with extremely limited opportunities for safe and pleasant outdoor recreational activities. The proposed Carlton Way Pocket Park project includes the construction of a children's play area, fitness equipment, safety lighting, a landscaped plaza, and site amenities such as trees, picnic tables, benches, decorative fencing, and a drinking fountain.

TPL has now prepared detailed final plans and specifications for the development and construction of Carlton Way Pocket Park for the Board's approval. Upon approval, staff will issue the ROE permit to TPL for the development and construction of Carlton Way Pocket Park.

Staff has determined that the subject project is a continuation of the existing project approved on February 2, 2011 (Board Report No. 11-043) that was exempted from CEQA [Class 3 (6, 9), 4 (1, 3), 11(3, 6), and 25]. A Notice of Exemption for this project was filed with the Los Angeles County Clerk on March 15, 2011. The approval of the final plans and specifications by the current Board action will not result in any additional environmental impacts, and therefore, are covered by the existing CEQA exemption. No additional CEQA documentation is required.

REPORT OF GENERAL MANAGER

PG. 3                      NO. 14-167

FISCAL IMPACT STATEMENT:

The approval of this report will have no impact on RAP's General Fund. The development and construction of this park project is anticipated to be funded by the awarded grant funds or funding sources other than RAP's General Fund.

At this time, there is no fiscal impact to RAP for the maintenance of the subject project. Once the project is completed, operational maintenance cost will be determined. Upon project completion, a request for funding will be submitted in future RAP annual budget requests.

This Report was prepared by Gino Ogtong, Management Analyst II, Planning, Construction, and Maintenance Branch.



REPORT OF GENERAL MANAGER

NO. 14-168

DATE June 26, 2014

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GRIFFITH PARK – TWENTY-YEAR LICENSE AGREEMENT WITH THE DEPARTMENT OF WATER AND POWER FOR THE DEVELOPMENT, USE, OPERATION, AND MAINTENANCE OF PROPERTY LOCATED IN THE VICINITY OF 2930 CAHUENGA BOULEVARD FOR PARK PURPOSES

<i>for</i>	R. Adams _____	V. Israel _____
	*R. Barajas <i>CBP</i> _____	K. Regan _____
	H. Fujita _____	N. Williams _____

*Richard Israel for*  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve a proposed license agreement, substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP) and the Department of Water and Power (DWP) for the development, use, operation and maintenance of approximately 10.72 acres of DWP property located in the vicinity of 2930 Cahuenga Boulevard, Los Angeles, CA 90068, for a period of twenty (20) years, as described further in the Summary of this Report, subject to the completion of the necessary due diligence work and the approval of the Mayor and City Attorney as to form;
2. Direct the Board Secretary to transmit the proposed license agreement to the Mayor in accordance with Executive Directive No. 3 for approval, and concurrently to the City Attorney for review and approval as to form;
3. Authorize the Board President and Secretary to execute the license agreement upon receipt of the necessary approvals; and,

## REPORT OF GENERAL MANAGER

PG. 2

NO. 14-168

4. Direct the Chief Accounting Employee to make a single payment of \$5 to DWP from Fund 302, Department 88, Account No. 006030, Leasing Account, as consideration for the license to use the subject property.

### SUMMARY:

Working with the office of Councilmember Tom LaBonge of Council District 4, RAP staff have identified a portion of DWP property adjacent to Griffith Park as a possible location for additional hiking trails. DWP has an approximately 179+/- acre property in the vicinity of 2930 Cahuenga Boulevard, Los Angeles, California 90068 commonly called the Upper Hollywood Reservoir. Approximately 10.72 acres of this property could be utilized for the development, operation and maintenance of hiking trails (See Exhibit A of the proposed License Agreement). After several months of discussions with staff from DWP, staff is recommending approval of a proposed long-term (20 years) license agreement which is on file in the Board Office. Consideration expected by DWP for the license of their property include \$1.00 per year for the first five (5) years of the license, and all development, operational, and maintenance costs for the proposed park be borne by RAP. DWP retains the option to increase the yearly rental fee.

The portion of the reservoir to be licensed to RAP contains existing hiking trails on 1.43 acres. It is believed that additional trails can be developed on other 9.07 acres, as well as a parking lot on a 0.22 acre portion. These proposed development areas are identified on Exhibit A. It should be noted that RAP's maintenance obligations are limited to the collection of trash and trail clearance to the existing and future hiking trails and parking lot. The Upper Hollywood Reservoir is an operational reservoir and DWP will continue to conduct its normal operational and maintenance activities on the non-licensed portions of the reservoir. RAP staff is looking into the design and development of additional trails and the parking area. When a final conceptual plan has been determined, this will be presented to the Board for approval.

In compliance with the California Environmental Quality Act (CEQA), RAP has determined that the proposed project would consist of the transfer of a leasehold interest in the form of a lease agreement to preserve open space, and minor alterations to the land with other landscaping improvements for the park. Therefore, the project is Categorical Exempt from CEQA, pursuant to Article III, Section 1, Class 1 (3, 14) and Class 4 (7) of the City CEQA Guidelines.



REPORT OF GENERAL MANAGER

PG. 3                      NO. 14-168

FISCAL IMPACT STATEMENT:

As currently conceptualized, there is minimal fiscal impact to RAP's General Fund associated with this project, except for the initial lump sum payment of \$5 for payment for the first five (5) years of the license term to DWP as consideration in exchange for RAP's use of DWP property. Trash pick-up on the current trail will be added to staff's current maintenance route. The payment to DWP will be paid from Fund 302, Department 88, Account No. 006030, Leasing Account. Future development, operations and maintenance costs for the proposed additional hiking trail and parking lot are currently unknown.

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



REPORT OF GENERAL MANAGER

NO. 14-169

DATE June 26, 2014

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: RUNYON CANYON PARK – EARLY CLOSURE FOR THE 2014 INDEPENDENCE DAY HOLIDAY

R. Adams \_\_\_\_\_  
R. Barajas \_\_\_\_\_  
H. Fujita \_\_\_\_\_

V. Israel \_\_\_\_\_  
\* K. Regan \_\_\_\_\_  
N. Williams \_\_\_\_\_

\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board approve a temporary modification of the operating hours of Runyon Canyon Park to close at 5:00 p.m. on July 3, 4, and 5, 2014.

SUMMARY:

Our nation’s independence is celebrated with a number of fireworks displays in the skies over Los Angeles. Runyon Canyon Park is a popular viewing area where many people gather on hill tops to view fireworks displays from afar. However, there is also the potential that people who gather to view legal fireworks displays can bring and discharge illegal fireworks in the park.

Illegal fireworks pose a potential fire risk to the various hillsides and brush areas throughout the City, including Runyon Canyon. Due to the risk that these fireworks pose to the hillsides, it is therefore imperative that measures be taken to ensure that the public is safe from any potential fire danger. Therefore, it is recommended that Runyon Canyon be closed early on July 3, 4, and 5, 2014. Runyon Canyon’s current hours of operation per Los Angeles Municipal Code (LAMC) Section 63.44 B.14.(c), are “closed from one [1] hour after sunset, [and] one [1] hour before sunrise.” Park Rangers and officers from the Los Angeles Police Department’s Security Services Division plan to have units available to perform this early closure and to perform extra patrols until all fire danger from possible fireworks has subsided.

Council District 4, Region Operations staff, and Maintenance staff concur with this recommendation to temporarily modify the hours of operation at Runyon Canyon Park to close at 5:00 p.m. on July 3, 4, and 5, 2014.

REPORT OF GENERAL MANAGER

PG. 2

NO. 14-169

FISCAL IMPACT STATEMENT:

This temporary change in hours of operation for Runyon Canyon Park may result in some accumulated overtime for Park Rangers, but will have no other fiscal impact on the Department's General Fund.

This report was prepared by Kevin Regan, Assistant General Manager, Operations Branch.

REPORT OF GENERAL MANAGER

NO. 14-170


DATE June 26, 2014

C.D. \_\_\_\_\_

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ORDINANCE AMENDING SECTION 42.15 D. OF THE LOS ANGELES MUNICIPAL CODE (LAMC) TO PROHIBIT UNLAWFUL VENDING PRACTICES USED TO AVOID COMPLIANCE WITH THE VENDING BAN AND TO ENHANCE THE PENALTY PROVISIONS TO PREVENT VENDORS FROM AVOIDING PROGRESSIVE PENALTIES BY FAILING TO APPEAR OR FORFEITING BAIL

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 42.15, Exhibit A as originally transmitted pursuant to Rule 38, and attached to this report (Attachment A), amending LAMC Section 42.15 to restrict vending, regulate performing, and prohibit generating noise on beaches or upon immediately adjacent boardwalks, sidewalks, and public ways;
2. Make the legislative findings stated in Section 42.15 D 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 Section 42.15 D of the draft ordinance in support of its enactment; and,
4. Upon the Council's approval of the draft ordinance, instruct staff to make copies of amended LAMC Section 42.15 available for inspection, and/or copying at the Venice Beach Police Substation or Recreation Office.

## REPORT OF GENERAL MANAGER

PG. 2

NO. 14-170

### SUMMARY:

At its meeting of October 5, 2011, the Board of Recreation and Parks Commissioners (Board) approved an amended ordinance of LAMC Section 42.15, attached to this Report (Attachment B). LAMC 42.15 restricts vending, regulates performing, and prohibits generating noise on beaches and or upon immediately adjacent boardwalks, sidewalks, and public ways.

After several years of operation and monitoring, RAP staff, the Office of the City Attorney, and the Los Angeles Police Department determined that additional modifications and amendments to the ordinance are necessary to prohibit practices used to avoid compliance with the ban on vending and prevent the avoidance of progressive penalties by failing to appear in court or forfeiting bail.

### SUMMARY OF ORDINANCE PROVISIONS:

The proposed ordinance adds new Subdivisions to 42.15.D. The new Subdivision D.4 will bar vendors from “displaying” items that are subject to the vending ban. Undercover law enforcement investigations confirm that vendors are unlawfully violating the existing ban on the sale of commercial, non-first amendment protected items by purporting merely to “display” an unlawful item but, in fact, using the “display” as an advertisement for the sale of the item and selling the banned item to a customer in violation of the ban. New Subsection 42.15.D.4 will ban the display of items that may not be lawfully vended.

Proposed new Subdivision 52.15.D.5 will bar the practice of whereby a vendor provides a customer “free of charge” with an item subject to the vending ban if – and only if – the customer simultaneously buys an item that is not barred by the vending ban because it is a non-commercial, first amendment protected item. The vendor then claims only to be selling an item that is not subject to the ban while “giving away for free” an item that is subject to the ban. New Subdivision LAMC 42.15.D.5 will ban the practice of providing “free of charge” an item that may be not be lawfully vending if the purchase of an item that lawfully may be vended is a condition of receiving the free item.

In addition, the ordinance revises Subsection 42.15 I to enhance the efficacy of the existing progressive penalties for multiple violations of LAMC 42.15. To avoid the progressive penalties for convictions under LAMC 42.15, vendors have been failing to appear to contest citations and forfeiting bail rather than standing trial. Vendors thereby forfeit bail as a “cost of doing business” unlawfully in violation of the vending ban while avoiding progressive penalties aimed to prevent multiple violations. New Subdivision 3 makes a failure to appear in court to contest a citation, and bail forfeiture on a citation under Section 42.15 the equivalent to a conviction under Section 42.15 for purposes of imposing progressive penalties.

REPORT OF GENERAL MANAGER

PG. 3

NO. 14-170

The City Attorney has requested that the City Clerk place the draft ordinance on the first available agenda of the City Council for action on an urgency basis so that unlawful vending practices, more prevalent during the summer tourist season, do not detract from the first amendment artistic and expressive atmosphere the City seeks to engender and protect on the Venice Boardwalk.

COUNCIL RULE 38 REFERRAL:

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

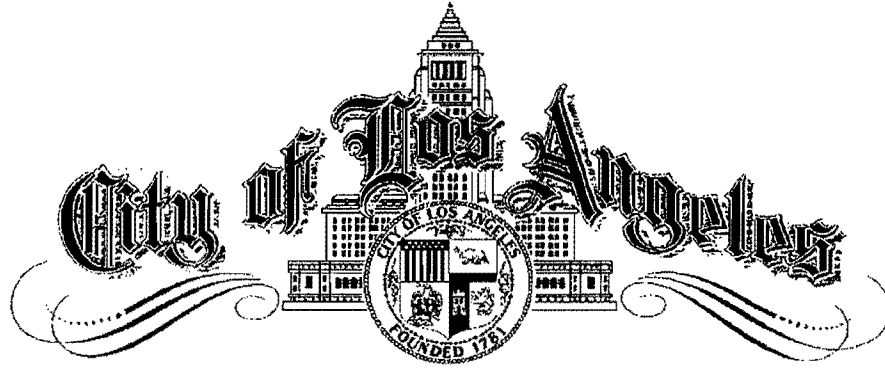
FISCAL IMPACT STATEMENT:

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

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







**MICHAEL N. FEUER**  
CITY ATTORNEY

May 22, 2014

Michael Shull, Acting General Manager  
Department of Recreation and Parks  
221 N. Figueroa St., Suite 1550  
Los Angeles, California 90012

Re: An Ordinance Amending Section 42.15 of the Los Angeles Municipal Code to Prohibit Unlawful Vending Practices and to Enhance the Penalty Provisions

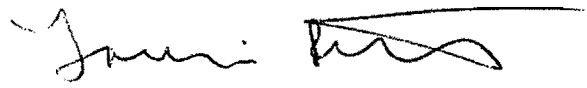
Dear Mr. Shull:

Pursuant to Council Rule 38, this Office transmits a draft ordinance amending Section 42.15.D and I of the Los Angeles Municipal Code (LAMC). The proposed Ordinance adds two new Subdivisions to LAMC Section 42.15.D (Vending and Performing in Designated Spaces), and a new subdivision to LAMC Subsection 42.15.I (Violations).

Please review the ordinance and transmit any comments you may have directly to the City Council.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

LAURIE RITTENBERG  
Assistant City Attorney

MNF:LR:ac  
Transmittal

M:\GENERAL COUNSEL DIVISION\LAURIE RITTENBERG\RULE 38\LAMC 42.15 5-15-14.doc

cc: Regina Adams, Executive Officer  
Department of Recreation and Parks  
Kevin Regan, Assistant General Manager Recreation Operations Branch  
Department of Recreation and Parks

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Subsection D and I of Section 42.15, Article 2, Chapter IV of the Los Angeles Municipal Code to prohibit vending, and to make failures to appear in court to contest a citation or forfeiture of bail for citations under this section a conviction under this section.

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

Section 1. Subsection D of Section 42.15 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

**D. Vending and Performing on Designated Spaces.** To address the findings and purposes set forth in this Section, the City has created reasonable time, place, and manner restrictions on Vending and noise, as well as to facilitate Performing. To preserve the Boardwalk's rich history of fostering new artists, performance and other free speech activity, the City has divided the available space on the Boardwalk into 205 areas, known as Designated Spaces, where:

1. Persons 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.

2. Persons can Vend the following items, which have been created, written or composed by the Vendor or Performer: 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.

3. 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 nominal utility apart from their communication and thus are subject to the Vending ban under the provisions 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.

4. Vendors may not display items that may not be Vended pursuant to this Subsection.

5. Vendors 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 lawfully Vended pursuant to this Subsection is a condition of receiving the free item.

6. Performers can Perform.

7. Any Vendor conducting lawful Vending under Subsections D.1. and D.2., above, must comply with applicable tax and licensing requirements.

Sec. 2. Subsection I of Section 42.15 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

I. **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 11.0 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 for 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.

4. Nothing in this Section shall be construed as prohibiting the City from enforcing any and all other provisions of this Code or other applicable laws. At all times, Los Angeles Municipal Code Section 63.44, which regulates the use of park and recreational facilities, shall apply.

Sec. 3. **URGENCY CLAUSE.** The City Council finds and declares that this Ordinance is required for the immediate preservation of the public peace, health, safety and welfare for the following reasons: the City needs to regulate and govern unlawful vending practices; and enhance the penalty provisions to prevent vendors from avoiding progressive penalties so that these practices do not detract from the First Amendment artistic and expressive atmosphere the City seeks to engender and protect. Therefore, it is necessary for this ordinance to take effect immediately upon its publication, pursuant to Charter Section 253.

Sec. 4. 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 of 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   
LAURIE RITTENBERG  
Assistant City Attorney

Date May 22, 2014

File No. \_\_\_\_\_



APPROVED

REPORT OF GENERAL MANAGER

NO. 11-273

OCT 05 2011

DATE September 21, 2011

BOARD OF RECREATION  
AND PARK COMMISSIONERS

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VENICE BOARDWALK - DRAFT ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE SECTION 42.15 TO RESTRICT VENDING, REGULATE PERFORMING AND PROHIBIT GENERATING EXCESSIVE NOISE ON BEACHES OR UPON IMMEDIATELY ADJACENT BOARDWALKS, SIDEWALKS AND PUBLIC WAYS

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

*[Signature]*  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

*\* Amending section 42.15*

1. Recommend that the Los Angeles City Council (Council) adopt an ordinance, either Exhibit A as originally transmitted pursuant to Rule 38 or Exhibit B as amended at the request of Council District 11, copies of each are attached to this report amending Los Angeles Municipal Code Section 42.15 to restrict vending, regulate performing and prohibit generating noise on beaches or upon immediately adjacent boardwalks, sidewalks and public ways;
2. Make the legislative findings stated in Section 42.15B of the draft ordinance in support of its enactment;
3. Recommend that the City Council, if it chooses to enact the draft ordinance, make the legislative findings stated in Section 42.15B of the draft ordinance in support of its enactment; and,
4. Upon Council's approval of the draft ordinance, instruct staff to post signs providing notice of the existence of rules for the allocation and use of the Designated Spaces, Recreation Area and Boardwalk areas outside the Designated Spaces. A complete copy of Section 42.15 shall be available for inspection and copying at the Venice Police Substation or Recreation Office.

## REPORT OF GENERAL MANAGER

PG. 2 NO. 11-273

### SUMMARY:

At the request of the Los Angeles City Council (Council), the Los Angeles City Attorney's Office prepared, and on July 14, 2011 transmitted pursuant to Council Rule 38, to the Department for its consideration the attached draft ordinance (Exhibit A), approved as to form and legality. The draft ordinance amends Los Angeles Municipal Code (LAMC) Section 42.15 and replaces the current language of Section 42.15, aspects of which a United States Federal District Court and Court of Appeals for the Ninth Circuit have held to be unconstitutional. The draft replacement ordinance restricts vending, regulates performing, and prohibits the generation of excessive noise, on the Venice Boardwalk and adjacent beach and public spaces in a manner consistent with the courts' rulings. After the draft ordinance was transmitted and released to the public in July 2011, City representatives went on a "listening tour" and attended a series of public meetings in the Venice area to solicit comments on the proposed ordinance. As a result of the tour, the City's working group on the Venice Ordinance met. The group agreed with Council District 11 and proposed a few changes to the draft ordinance. Other potential revisions will be deferred until after the ordinance takes effect.

However, after the ordinance is enacted and the community has the opportunity to see how the ordinance works in effect, the Department may make changes through implementation of Program Rules or it may request the City Attorney's Office to make additional changes to the ordinance. A red-lined version of the draft ordinance showing Council District 11's proposed changes to the draft ordinance amending LAMC Section 42.15 (Venice Vending Ordinance) originally transmitted by the City Attorney's Office via Report No. R11-0272 on July 12, 2011 is attached as Exhibit B.

The Venice Boardwalk is a major tourist attraction in the City. Historically, the Boardwalk has served as a traditional public forum, rich with performance and visual artists, as well as other free speech activity. The amount of space on the Boardwalk available for performing and political advocacy is limited due to the size of the Boardwalk and the large crowds of visitors that the Boardwalk attracts. During time periods when the City has not regulated the activities on the Boardwalk, there has often been conflict, at times violent, over available vending and performing space, frequently requiring law enforcement to respond. Excessive noise also is problematic. Persons wishing to secure spaces often arrive before dawn and create loud noise in setting up their displays, thereby disturbing the public peace, including the peace of nearby residents, also often requiring law enforcement to respond.

Unregulated, the Boardwalk is a place where only the strongest and earliest arrivals can secure space to exercise their rights of free expression without threat of intimidation by others seeking to secure space. Unregulated activities on the Boardwalk adversely affect the historic character of the Boardwalk, hamper rather than encourage a wide-variety of free speech activity, and jeopardize the public safety of visitors to the Boardwalk, resulting in an economic and cultural



## REPORT OF GENERAL MANAGER

PG. 3

NO. 11-273

loss to the City. The Boardwalk requires reasonable time, place, and manner restrictions to retain its unique historic character as a center of performance, art, and other free speech activity, preserve its status as a tourist attraction, protect the commercial life of the Boardwalk, and ensure the safety and enjoyment of residents, visitors, artists, performers, and vendors alike. Due to the unique historical, geographical, and physical characteristics of the Boardwalk, it requires its own set of rules and regulations different from those in effect at other public spaces in the City.

### Background of Litigation Regarding Section 42.15

Throughout the years, the City's efforts to regulate vending, performing and excessive noise (including amplified sound) in the Venice Boardwalk area has been the subject of multiple legal challenges alleging that the City's regulatory efforts violated rights protected by the United States Constitution, including the First Amendment and the Due Process Clause.

In October of 2010, in the case of *Dowd, et al. v. City of Los Angeles*, CV09-06731, the United States District Court granted the plaintiffs' motion for preliminary injunction, striking the certain provisions in the current version of LAMC Section 42.15, which had been updated most recently in 2008, including the regulation which restricted amplified sound in selected areas on the Boardwalk.

Additionally, in March of this year, the United States Court of Appeals for the Ninth Circuit addressed various versions of LAMC Section 42.15, including the 2004, 2006 and 2008 versions. See, *Michael Hunt and Matthew Dowd v. City of Los Angeles* No. 09-55750, 09-55765, D.C. No. 2:-06-CV-04691-DDP-SS. In the *Hunt* decision, the Ninth Circuit invalidated several aspects of the 2004 and 2008 versions of Section 42.15, but upheld key provisions in the 2006 version.

In *Hunt*, the Ninth Circuit held unconstitutional the City's 2004 version of LAMC Section 42.15 which banned vending unless the vending was "inextricably intertwined" with merchandise constituting, carrying or making a "religious, political, philosophical or ideological" message or statement. The Ninth Circuit concluded that the 2004 version was unlawfully vague and ambiguous in two respects. First, the ordinance failed to explain when merchandise had a message that was "inextricably intertwined" with the merchandise, leaving unanswered whether the product itself must carry and display the message or whether it was sufficient for the vendor to explain the product's message. Second, the ordinance failed to define what constitutes a "religious, political, philosophical or ideological" message, and held that those terms had amorphous meanings. The Ninth Circuit also faulted the failure of the 2004 ordinance to provide examples of permitted or prohibited vending, noting that examples could have clarified its ambiguities. The current 2008 version of Section 42.15 also utilizes the "inextricably intertwined" standard that the Ninth Circuit found to be unconstitutionally vague.

Despite invalidating provisions in the 2004 and 2008 versions of LAMC Section 42.15, the Ninth

## REPORT OF GENERAL MANAGER

PG. 4 NO. 11-273

Circuit in *Hunt* held that the City's 2006 version of Section 42.15 was constitutional. The 2006 version of Section 42.15 allowed vending of items that were created by the vendor, were "inherently communicative," and had "nominal utility" apart from their communication, and provided as examples of such items "books, cassette tapes, compact discs, photographs" and other communicative items. The Ninth Circuit found that the 2006 ordinance clearly stated a standard and that the ordinance provided examples that vendors could use to determine whether their merchandise was permitted or banned. The Ninth Circuit also determined that the regulations were a lawful and "reasonable fit" between the "legislature's ends and the means chosen to accomplish those ends."

As is more fully set out below, the draft ordinance presented for your consideration is consistent with the Ninth Circuit's ruling in *Hunt* and with the District Court's preliminary injunction ruling in *Dowd*. Specifically, the draft ordinance amends LAMC Section 42.15 by deleting the "inextricably intertwined" standard for vending and reinstating the "nominal utility" standard. The draft ordinance also deletes the regulations relating to amplified sound in selected areas of the Boardwalk.

### Summary of Draft Ordinance and Proposed Legislative Findings

The draft ordinance regulates vending, performing and the generation of excessive noise along the Venice Boardwalk from the City of Santa Monica on the north, to the City of El Segundo on the south.

Except as specified, the draft ordinance prohibits vending on the Boardwalk and adjacent areas. Only a limited exception exists, which permits the vending of expressive items that have nominal utility apart from the vendors' communications, in other words, where the items have no common or dominant non-expressive purposes. The draft ordinance identifies the following expressive items that may be vended: newspapers, leaflets, pamphlets, bumper stickers, patches, buttons, books, audio communication materials, videos, paintings, prints, and sculptures. The draft ordinance also includes, as examples of items that have more than nominal utility and thus may not be vended, housewares, appliances, clothing, sunglasses, auto parts, oils, incense, perfume, crystals, lotions, candles, jewelry, toys and stuffed animals.

The draft ordinance designates 205 spaces in which permitted vending may occur on a first come, first-served basis, beginning at 9:00 a.m. and concluding at sunset. In addition to vending items with expressive purpose and no common or dominant non-expressive purpose, the draft ordinance permits persons to perform. Five of the 205 spaces are double-sized. The double-sized spaces are reserved for performances that generate large audiences. The double-sized performance spaces require performers to relinquish the space each hour if another performer is waiting to use the space, to encourage a wide-variety of performances.

REPORT OF GENERAL MANAGER

PG. 5

NO. 11-273

The draft ordinance also regulates the use of a "Recreation Area" near the Boardwalk, which contains public safety ingress and egress routes, grassy areas, the tourist attraction known as "Muscle Beach," paddle tennis courts, a skate park, a skate plaza and other areas suitable for large-scale events. The draft ordinance provides that the City's Board of Recreation and Parks Commissioners may allocate use of the Recreation Area through the adoption of Program Rules detailing an advance reservation system or other legally permissible allocation system.

Although the draft ordinance deletes the ban on amplified sound in selected areas, the draft ordinance still bans the generation of noise levels beyond certain decibel levels during specified hours of 9:00 a.m. to sunset. The draft ordinance expressly notes that all of the other provisions in the LAMC regulating the use of park property at all hours, including but not limited to noise and sound restrictions, apply to the Boardwalk and adjacent park areas.

The draft ordinance provides that a first violation of LAMC Section 42.15 shall be an infraction, punishable by a fine in the amount of \$100. A second or subsequent violation may be prosecuted pursuant to Section 11.00 in the LAMC, as either an infraction or a misdemeanor.

Also, the draft ordinance requires the City to post signs providing notice of the existence of rules for the allocation and use of the Designated Spaces, Recreation Area and Boardwalk areas outside the Designated Spaces. The posted signs would direct persons to the Venice Police Substation or Recreation Office for inspection and copying of LAMC Section 42.15.

In addition, the draft ordinance contains a number of proposed legislative findings regarding the disturbance of public peace that results when vending, performing and the generation of noise on the Boardwalk is unregulated. By adoption of the ordinance, the Council will make those findings in support of its enactment. Although courts do not necessarily defer to legislative findings, such findings can provide an important tool in defense of a challenge to the legality of an ordinance that implicates the First Amendment. *Santa Monica Beach, Ltd. v. Santa Monica Rent Control Board* (1999) 19 Cal.4<sup>th</sup> 952, 973, n.4.

California Environmental Quality Act

The City Attorney's Office and Department staff have determined that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378 since the ordinance is not a project in that it represents general policy and/or procedure making. Adoption of the ordinance is also exempt pursuant to State CEQA Guidelines Section 15301 (City CEQA Guidelines Article III, Section 1.a), in that the ordinance involves negligible or no expansion of use of existing facilities; and State CEQA Guidelines Section 15305 (City CEQA Guidelines, Article III, Sec. 1.e) in that the ordinance implements a minor change in land use limitations. Additionally, adoption of the ordinance is also exempt from CEQA under State CEQA Guidelines Section 15323 (City CEQA Guidelines, Article III.

REPORT OF GENERAL MANAGER

PG. 6 NO. 11-273

Sec. 1.w) in that the ordinance provides for the normal operation of existing facilities for public gatherings. Finally, adoption of the ordinance is exempt from CEQA under City CEQA Guidelines Article II, Section 1 (General Exemption) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

If Council concurs, then it may comply with CEQA by making one or more of the above determinations prior to or concurrent with its action on the ordinance. Council should thereafter direct staff to cause the filing of a Notice of Exemption.

FISCAL IMPACT STATEMENT:

The adoption of the ordinance has no impact to the Department's General Fund. The one-time posting of the signs will be done by existing staff and enforcement of the ordinance will be the responsibility of the Los Angeles Police Department.

This report was prepared by Arletta Maria Brimsey, Deputy City Attorney, and reviewed by Kevin Regan, Assistant General Manager, Department of Recreation and Parks.

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 42.15 of the Los Angeles Municipal Code to prohibit vending and excessive noise on beaches or upon immediately adjacent boardwalks, sidewalks and public ways.

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

Section 1. Section 42.15 of the Los Angeles Municipal code is amended to read:

**SEC. 42.15. VENDING AND EXCESSIVE NOISE ON BEACHES PROHIBITED.**

A. **Definitions.** For purposes of this Section, the following words or phrases shall have the following meanings:

1. **Board.** The Board of Recreation and Park Commissioners of the City of Los Angeles.
2. **Boardwalk.** The Boardwalk is the manmade promenade that runs parallel to the beach and is designated or referred to as "Ocean Front Walk" or just the "Boardwalk." The Boardwalk runs from the City of Santa Monica on the north to the City of El Segundo on the south. A map depicting the Boardwalk is available for inspection and copying at the Police Substation or at the Recreation Office.
3. **City.** The City of Los Angeles, a municipal corporation, acting by or through any of its officers, employees or agencies, including, but not limited to, the City's Department of Recreation and Parks.
4. **Designated Space or Designated Spaces.** A Designated Space or Designated Spaces are the 205 areas on the Boardwalk designated by the City and located between Navy Street on the north and 17<sup>th</sup> Avenue on the south. A map depicting the Designated Spaces is available for inspection and copying at the Police Substation or at the Recreation Office.
5. **Department.** The Department of Recreation and Parks of the City of Los Angeles.
6. **Donation.** A gift; a voluntary act which is not required and does not require anything in return.
7. **Food.** Any type of edible substance or beverage.
8. **Goods or Merchandise.** Any Items that are not food.

9. **Pagodas.** The shade structures and seating, plus the area within a ten foot radius around each of the shade structures and seating, located on the Boardwalk at Clubhouse Avenue, Breeze Avenue, Park Avenue, Sunset Avenue and Dudley Avenue. A map depicting the Pagodas is available for inspection and copying at the Police Substation or at the Recreation Office.

10. **Perform, Performing, Performance or Performances.** To present or enact a play, work of music, work of art, physical or mental feat, or other constitutionally protected entertainment or form of expression.

11. **Performer.** A Performer is a Person who Performs. Performer includes the employers, employees, and agents of a Performer.

12. **Person or Persons.** 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 the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.

13. **Police Substation.** The Police Substation is the Los Angeles Police Department office building located at 17th Avenue and Ocean Front Walk.

14. **Program Rules.** Rules adopted by the Board pursuant to its Charter authority and made applicable to use of the public space on and adjacent to the Boardwalk. The Program Rules will be adopted at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, at least ten (10) days prior to implementation. The Program Rules, as may be amended from time-to-time by the Board, shall be available for inspection and copying at the Police Substation or at the Recreation Office.

15. **Pushcart.** Any mobile device that holds Food or Goods or Merchandise, as defined in this Subsection, and is used to vend.

16. **Recreation Area.** The area between Horizon and 20<sup>th</sup> Avenues that includes the Boardwalk, grassy areas, the Police Substation, which is co-located with an office of the City's Department of Recreation and Parks, Muscle Beach, paddle tennis courts, skate park, skate plaza and other recreational facilities. This does not include the area west of the Boardwalk immediately adjacent to this area. A map of the Recreation Area is available for inspection and copying at the Police Substation or at the Recreation Office.

17. **Recreation Office.** The Recreation Office is an office of the City's Department of Recreation and Parks that is physically co-located with the Police Substation at 17<sup>th</sup> Avenue and Ocean Front Walk.

18. **Sunset.** Sunset is the time at which the sun's disk descends below the western horizon. The precise moment of Sunset is listed in almanacs and newspapers of general circulation in Los Angeles.

18. **Vend or Vending.** To sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter Food, Goods or Merchandise, or services in any area from a stand, table, Pushcart, motor vehicle, bicycle, or by a Person with or without the use of any other device or other method of transportation, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing Food, Goods or Merchandise, or services, even if characterized by the Vendor as a Donation.

19. **Vendor.** A Vendor is a Person who Vends. Vendor includes the employers, employees, and agents of a Vendor.

20. **Westside of the Boardwalk.** The area on the ocean-side of the Boardwalk. A map depicting the Westside of the Boardwalk is available for inspection and copying at the Police Substation or at the Recreation Office.

B. **Findings and Purposes.** The City Council of the City of Los Angeles finds and declares as follows:

1. **The Boardwalk is a major tourist attraction in the City.** Historically, the Boardwalk is significant as a traditional public forum for its performance and visual artists, as well as other free speech activity. Unregulated Vending and Performances adversely affect the historic character of the Boardwalk, hamper rather than encourage a wide-variety of performances, visual artists and other free speech activity, as well as jeopardize the public safety of visitors to the Boardwalk, resulting in an economic and cultural loss to the City. Therefore, the Boardwalk requires reasonable time, place, and manner restrictions to retain its unique historic character as a center of performance, art, and other free speech activity, preserve its status as a tourist attraction, protect the commercial life of the Boardwalk, and ensure the safety and enjoyment of residents, visitors, advocates, artists, performers, and Vendors alike. Due to its unique historical, geographical, and physical characteristics, the Boardwalk requires its own set of rules and regulations different from other public parks in the City.

2. **Unregulated Vending and Performing harms the Boardwalk, and therefore must be regulated because:**

(a) Tourists are deterred from visiting or shopping at the Boardwalk as they are constantly approached, solicited, and sometimes harassed by unregulated Vendors and Performers. Regulation is therefore necessary to manage the time, place, and manner of Vending on

the Boardwalk, in order to ensure that tourists are not deterred from visiting or shopping at the Boardwalk;

(b) The amount of space on the Boardwalk that is available for performing and visual artists and for political advocacy is limited due to the size of the Boardwalk and the large crowds of visitors that the Boardwalk attracts. Due to the limited amount of space, unregulated Vending along the Boardwalk prevents many Persons from engaging in performance, art, advocacy or other expressive activities. The lack of regulations for Vending, Performing and noise has resulted in conflicting claims for the available spaces. Numerous altercations occurred, in competition for locations and amounts of space, during time periods in which the City lacked regulations for noise and a system for allocating available space for Vending and Performing. Frequently, the altercations became violent requiring law enforcement response to preserve the public peace. Persons wishing to secure spaces often arrived prior to dawn and created loud noise in setting up their displays, thereby disturbing the public peace, including the peace of the residents on and near the Boardwalk, and requiring a law enforcement response. Unregulated, the Boardwalk became a place where only the strongest and earliest arrivals could secure space to exercise their rights of free expression without threat of intimidation. Regulation is necessary, therefore, to manage the use of the limited space on the Boardwalk to prevent conflicting claims for the space and to allocate the limited space available fairly to all who desire to use it for lawful purposes;

(c) Tables, Pushcarts, stands, and equipment of Vendors and Performers impede the orderly movement of pedestrian traffic and may make the Boardwalk unsafe for pedestrians by limiting the City's ability to effect crowd management and control. Regulating the use of equipment by Vendors and Performers therefore is necessary to manage the orderly movement of pedestrian traffic. Regulation also is necessary to avoid injuries to pedestrians as well as ensure the existence of emergency and non-emergency ingress and egress between the beach and the Boardwalk;

(d) The Vendors, Performers and their equipment impede the ingress and egress of emergency and public safety vehicles by creating physical obstacles to emergency response and administration of aid to those in need of immediate medical attention and to victims of criminal activity. Regulation is therefore necessary to ensure that Vendors, Performers and their equipment do not interfere with emergency response vehicles that provide assistance to individuals with medical needs and victims of criminal activity;



(e) Unregulated Vending has resulted in the sale of stolen, defective or counterfeit merchandise. Regulation therefore is necessary to protect the public and the Boardwalk commercial life;

(f) Unregulated Vending causes visual clutter/blight along the Boardwalk, impedes views of the beach and the Pacific Ocean, and threatens the City's ability to attract tourists and preserve businesses along the Boardwalk. Regulation therefore is necessary to manage the number of Vendors, the size of their equipment and displays, and the location of Vending activity;

(g) Unregulated Vending creates unnecessary, excessive and annoying noise on the Boardwalk, is detrimental to the public health, welfare and safety and contrary to the public interest, harms residents, the commercial life of the Boardwalk and the historic character of the Boardwalk, and diminishes the quality of life for those who visit, live or work on or near the Boardwalk. Regulation therefore is necessary to establish restrictions on noise at the Boardwalk; and

(h) The Recreation Area is a site that is uniquely suitable to and frequently used for events that require pre-planning and advanced notice. The Recreation Area is the location of the Police Substation where vehicles require the ability for unobstructed ingress and egress. Due to the size, shape, and physical attributes of the Recreation Area, it is also a site uniquely suitable to and used by many Persons for skateboarding, paddle tennis, and other sports and exercise. The Recreation Area is the home of historic "Muscle Beach," a popular tourist attraction.

**C. Beach Vending Prohibition.** Except as specifically allowed in this Section, no Person shall engage in Vending upon any public beach lands or properties adjoining the waterfront of the Pacific Ocean, or upon any immediately adjacent Boardwalk, sidewalk or public way between the southerly boundary of the City of Santa Monica and the northerly boundary of the City of El Segundo and between the northwesterly boundary of the City of Santa Monica and the northwesterly boundary of the City of Los Angeles.

**D. Vending and Performing on Designated Spaces.** To address the findings and purposes set forth in this Section, the City has created reasonable time, place, and manner restrictions on Vending and noise, as well as to facilitate Performing. To preserve the Boardwalk's rich history of fostering new artists, performance, and other free speech activity, the City has divided the available space on the Boardwalk into 205 areas, known as Designated Spaces, where:

1. Persons 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.

2. Persons can Vend the following items, which have been created, written or composed by the Vendor or Performer: books, audio, video, or other recordings of their performances, paintings, photographs, prints, sculptures or any other item that is inherently communicative and has nominal value apart from its communication.

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 nominal utility apart from their communication and thus are subject to the Vending ban under the provisions 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.

### 3. Performers can Perform.

E. **Allocation and Use of Designated Spaces.** The City's Board of Recreation and Parks Commissioners shall designate a total of 205 spaces on the Boardwalk, which will be referred to as the "Designated Spaces." The Designated Spaces will be available for use in accordance with a first-come, first-served allocation system or any other legally permissible allocation system adopted by the Board at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, and made effective by posting at the Recreation Office for at least ten (10) days prior to implementation.

The 205 Designated Spaces shall be made available for the activities described in Subsection D above. Five of the Designated Spaces shall be double-sized, large act spaces for Performers whose number of Performers plus audience can be anticipated to exceed 25 Persons. Two of the regular-sized Designated Spaces shall be made available for Persons engaging in any activity that is described in Subsection D and who are predominantly giving away Food. The remainder of the regular-sized, Designated Spaces shall be made available for Persons engaging in any exempt activity described in Subsection D.

Persons using the 205 Designated Spaces are subject to, and shall comply with, the following restrictions and the Program Rules adopted by the Board:

1. The five double-sized large act Performer spaces are the only spaces able to safely accommodate a large audience and, therefore, in order to facilitate a variety of Performers on and proximate to these spaces, the Performer spaces are subject to a rotation requirement, whereby each Performer using one of the five Performer spaces shall relinquish the space on the hour, every hour, whenever another Performer is waiting to use the Performer space in which the Performer is Performing.

2. No Person shall Vend any item in a Designated Space, except as expressly authorized by Subsection D.

3. No Person shall place or allow anything in any Designated Space to extend beyond the boundaries of the Designated Space nor place anything adjacent to the Designated Space nor obstruct or impede the access areas between the Designated Spaces.

4. No Person shall Vend in, Perform in, or place or allow any item to extend into a designated emergency ingress and egress area. A map depicting the emergency ingress and egress areas is available for inspection and copying at the Police Substation or at the Recreation Office.

5. No Person shall place or allow any item (except an umbrella, sun shade, easel or display board) exceeding four feet above ground in any Designated Space, nor shall any Person cause or allow a Designated Space to be enclosed on more than two sides. An umbrella or sun shade shall not exceed eight feet above ground. An easel or display board shall not exceed 68 inches in height.

6. No Person occupying a Designated Space shall leave that Designated Space for a period longer than 45 minutes without first removing all items from the Designated Space.

7. No Person shall occupy more than a single regular-sized or double-sized Designated Space at any given time, nor shall any Person solicit another Person to obtain or occupy a Designated Space on his or her behalf.

8. No Person shall purchase, sell, barter or exchange any Designated Space with any other Person.

9. No Person shall set up or set down items in, take down items from or block, or attempt to reserve a Designated Space between Sunset and 9:00 a.m.

10. Any umbrella used in connection with the activities authorized in the Designated Spaces must be adequately secured in an upright position with a diameter no greater than eight feet.

11. Designated Spaces must be kept clean and litter, debris, or any marking must be removed from the Designated Space by the later of Sunset or when the Person vacates the Designated Space.

12. No open flames combustible fuel or gasoline-fueled generators are allowed in any Designated Space. Electric cords may not be connected outside the assigned space or to any City or private power source.

**F. Special Rules for Other Areas of the Boardwalk.**

**1. Areas Outside of the Designated Spaces, Pagodas, and Recreation Area.**

(a) Areas where use of equipment is prohibited. The activities described in Subsection D may occur in all areas covered by this Section outside the Designated Spaces, Pagodas, and Recreation Area, provided that no Person may set up a display table, easel, stand, equipment or other furniture, use a Pushcart or other vehicle or place any item on the property defined in Subsection C except as provided in Paragraph (b) of this Subdivision.

(b) Areas where limited use of equipment is permitted. The activities described in Subsection D, but not including Vending, may occur on the Westside of the Boardwalk outside the Designated Spaces, Pagodas, Recreation Area and other areas designed as access points for or constitute routes for emergency ingress and egress. In connection with permissible activities in the area on the Westside of the Boardwalk, outside the Designated Spaces, Pagodas, Recreation Area and other areas designated for emergency ingress and egress, a Person may set up a display table, easel, stand, equipment or other furniture, a Pushcart or other vehicle, or place an item on the ground in the areas where limited use of equipment is permitted, subject to reasonable size and height restrictions set forth in paragraph E.5., herein, provided the equipment or the activity associated with the equipment does not materially impede or obstruct pedestrian or vehicular traffic or areas designed for emergency ingress and egress. Nothing in this paragraph shall be construed to allow a person to use or set up equipment in connection with Vending.

(c) The areas in which use of equipment is prohibited and areas in which limited use of equipment is permitted is available for inspection and copying at Police Substation or Recreation Office.

**2. The Recreation Area.**

(a) The Recreation Area is a limited space containing a confluence of public safety ingress and egress routes, and at which pre-planned events, recreation activities and tourism occur. The City's Board of Recreation and Parks Commissioners may allocate use of the Recreation Area through the adoption of Program Rules detailing an advance reservation system or any other legally permissible allocation system, and the advance reservation system or other legally permissible allocation system contained in the Program Rules will be adopted by the Board at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, and

made effective after reasonable public notice by posting at the Recreation Office for at least ten (10) days prior to implementation. A copy of the Program Rules shall be available for inspection and copying at the Police Substation or the Recreation Office.

(b) No Vending, and no display tables, easels, stands, equipment, Pushcarts or other vehicles, or structures shall be allowed in the Recreation Area except as may be expressly authorized in connection with the pre-approval of the Board.

(c) No Person shall use the Recreation Area or any part of the Recreation Area while the Recreation Area or any part of the Recreation Area has been reserved, set aside, is being used, set up, maintained or designed for a specific recreational purpose, park purpose or event authorized by the City through the Department or Board. When the City, through the Department or Board, has reserved, intends to use, set up, maintain or designate the Recreation Area or any part of the Recreation Area for a specific recreational purpose, park purpose or event, the Department will make available for inspection and copying at the Police Substation or Recreation Office information describing the nature of the authorized park purpose or event, the location of the park purpose or event and the times during which the park purpose or event will take place.

**G. Use of City Property for Vending, Performing, or Display Prohibited.**  
No Person shall use or obstruct access to any City-owned or maintained property or equipment, including, but not limited to, street furniture, benches, planters, trash receptacles, Pagodas or other structures or equipment installed on public property, for Vending, Performing, or display of anything whatsoever.

**H. Noise Regulation for all Property on or Immediately Adjacent to the Boardwalk.**

1. No Person shall create any noise, or allow the creation of any noise, which causes the noise level to exceed the following  $L_{max}$  levels between 9:00 a.m. and Sunset:

(a) 75 dBA, when measured at a minimum distance of 25 feet from the source of the noise; or,

(b) 96 dBA, when measured at a minimum distance of one foot from the source of the noise.

When  $L_{max}$  levels are measured for noise emanating from a building located on private property adjacent to the Boardwalk, the measurement shall be taken from the property line dividing the private property and the Boardwalk.

2. Nothing in this Section shall be construed as prohibiting the City from enforcing other provisions of this Code regulating noise and sound levels. At all times, the noise and sound provisions of Chapter 11 of the Los Angeles Municipal Code, Sections 111 through 115, inclusive, and Los Angeles Municipal Code Sections 63.44B.6, 41.42, 41.57, 53.63 shall apply.

3. No Person shall interfere with or resist the taking of any noise measurement authorized by this Section.

I. **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 L.A.M.C, 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 \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. Nothing in this Section shall be construed as prohibiting the City from enforcing any and all other provisions of this Code. At all times, Los Angeles Municipal Code Section 63.44, which regulates the use of park and recreational facilities, shall apply.

J. **Other Applicable Opening and Closing Hours.** Nothing in this Section amends or extends the opening or closing hours otherwise established by law for any area subject to this Section.

K. **Posted Notice.** The City shall post signs providing notice of the existence of rules for the allocation and use of the Designated Spaces, Recreation Area and Boardwalk areas outside the Designated Spaces. A complete copy of this Section shall be available for inspection and copying at the Police Substation or at the Recreation Office.

L. **Severability.** If any provision or application of a provision of this Section is held invalid, the remainder of the Section and application of its provisions will not be affected.

Sec. 2. 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, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality:

CARMEN A. TRUTANICH, City Attorney

By Arletta M. Brimsey (ABE)  
ARLETTA MARIA BRIMSEY  
Deputy City Attorney

Date July 12, 2011

File No. CF # 07-2112

## EXHIBIT B

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 42.15 of the Los Angeles Municipal Code to prohibit vending and excessive noise on beaches or upon immediately adjacent boardwalks, sidewalks and public ways.

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

Section 1. Section 42.15 of the Los Angeles Municipal code is amended to read:

**SEC. 42.15. VENDING AND EXCESSIVE NOISE ON BEACHES PROHIBITED.**

A. **Definitions.** For purposes of this Section, the following words or phrases shall have the following meanings:

1. **Board.** The Board of Recreation and Park Commissioners of the City of Los Angeles.

2. **Boardwalk.** The Boardwalk is the manmade promenade that runs parallel to the beach and is designated or referred to as "Ocean Front Walk" or just the "Boardwalk." The Boardwalk runs from the City of Santa Monica on the north to the City of El Segundo on the south. A map depicting the Boardwalk is available for inspection and copying at the Police Substation or at the Recreation Office.

3. **City.** The City of Los Angeles, a municipal corporation, acting by or through any of its officers, employees or agencies, including, but not limited to, the City's Department of Recreation and Parks.

4. **Designated Space or Designated Spaces.** A Designated Space or Designated Spaces are the 205 areas on the Boardwalk designated by the City and located between Navy Street on the north and 17<sup>th</sup> Avenue on the south. A map depicting the Designated Spaces is available for inspection and copying at the Police Substation or at the Recreation Office.

5. **Department.** The Department of Recreation and Parks of the City of Los Angeles

6. **Donation.** A gift; a voluntary act which is not required and does not require anything in return.

7. **Food.** Any type of edible substance or beverage.

8. **Goods or Merchandise.** Any items that are not food.



9. Pagodas. The shade structures and seating, plus the area within a ten foot radius around each of the shade structures and seating, located on the Boardwalk at Clubhouse Avenue, Breeze Avenue, Park Avenue, Sunset Avenue and Dudley Avenue. A map depicting the Pagodas is available for inspection and copying at the Police Substation or at the Recreation Office.

10. Perform, Performing, Performance or Performances. To present or enact a play, work of music, work of art, physical or mental feat, or other constitutionally protected entertainment or form of expression.

11. Performer. A Performer is a Person who Performs. Performer includes the employers, employees, and agents of a Performer.

12. Person or Persons. 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 the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.

13. Police Substation. The Police Substation is the Los Angeles Police Department office building located at 17th Avenue and Ocean Front Walk.

14. Program Rules. Rules adopted by the Board pursuant to its Charter authority and made applicable to use of the public space on and adjacent to the Boardwalk. The Program Rules will be adopted at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, at least ten (10) days prior to implementation. The Program Rules, as may be amended from time-to-time by the Board, shall be available for inspection and copying at the Police Substation or at the Recreation Office.

15. Pushcart. Any mobile device that holds Food or Goods or Merchandise, as defined in this Subsection, and is used to vend.

16. Recreation Area. The area between Horizon and 20<sup>th</sup> Avenues that includes the Boardwalk, grassy areas, the Police Substation, which is co-located with an office of the City's Department of Recreation and Parks, Muscle Beach, paddle tennis courts, skate park, skate plaza and other recreational facilities. This does not include the area west of the Boardwalk immediately adjacent to this area. A map of the Recreation Area is available for inspection and copying at the Police Substation or at the Recreation Office.

17. Recreation Office. The Recreation Office is an office of the City's Department of Recreation and Parks that is physically co-located with the Police Substation at 17<sup>th</sup> Avenue and Ocean Front Walk.

18. **Sunset.** Sunset is the time at which the sun's disk descends below the western horizon. The precise moment of Sunset is listed in almanacs and newspapers of general circulation in Los Angeles.

18. **Vend or Vending.** To sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter Food, Goods or Merchandise, or services in any area from a stand, table, Pushcart, motor vehicle, bicycle, or by a Person with or without the use of any other device or other method of transportation, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing Food, Goods or Merchandise, or services, even if characterized by the Vendor as a Donation.

19. **Vendor.** A Vendor is a Person who Vends. Vendor includes the employers, employees, and agents of a Vendor.

20. **Westside of the Boardwalk.** The area on the ocean-side of the Boardwalk. A map depicting the Westside of the Boardwalk is available for inspection and copying at the Police Substation or at the Recreation Office.

**B. Findings and Purposes.** The City Council of the City of Los Angeles finds and declares as follows:

1. The Boardwalk is a major tourist attraction in the City. Historically, the Boardwalk is significant as a traditional public forum for its performance and visual artists, as well as other free speech activity. Unregulated Vending and Performances adversely affect the historic character of the Boardwalk, hamper rather than encourage a wide-variety of performances, visual artists and other free speech activity, as well as jeopardize the public safety of visitors to the Boardwalk, resulting in an economic and cultural loss to the City. Therefore, the Boardwalk requires reasonable time, place, and manner restrictions to retain its unique historic character as a center of performance, art, and other free speech activity, preserve its status as a tourist attraction, protect the commercial life of the Boardwalk, and ensure the safety and enjoyment of residents, visitors, advocates, artists, performers, and Vendors alike. Due to its unique historical, geographical, and physical characteristics, the Boardwalk requires its own set of rules and regulations different from other public parks in the City.

2. Unregulated Vending and Performing harms the Boardwalk, and therefore must be regulated because:

(a) Tourists are deterred from visiting or shopping at the Boardwalk as they are constantly approached, solicited, and sometimes harassed by unregulated Vendors and Performers. Regulation is therefore necessary to manage the time, place, and manner of Vending on the Boardwalk, in order

to ensure that tourists are not deterred from visiting or shopping at the Boardwalk;

(b) The amount of space on the Boardwalk that is available for performing and visual artists and for political advocacy is limited due to the size of the Boardwalk and the large crowds of visitors that the Boardwalk attracts. Due to the limited amount of space, unregulated Vending along the Boardwalk prevents many Persons from engaging in performance, art, advocacy or other expressive activities. The lack of regulations for Vending, Performing and noise has resulted in conflicting claims for the available spaces. Numerous altercations occurred, in competition for locations and amounts of space, during time periods in which the City lacked regulations for noise and a system for allocating available space for Vending and Performing. Frequently, the altercations became violent requiring law enforcement response to preserve the public peace. Persons wishing to secure spaces often arrived prior to dawn and created loud noise in setting up their displays, thereby disturbing the public peace, including the peace of the residents on and near the Boardwalk, and requiring a law enforcement response. Unregulated, the Boardwalk became a place where only the strongest and earliest arrivals could secure space to exercise their rights of free expression without threat of intimidation. Regulation is necessary, therefore, to manage the use of the limited space on the Boardwalk to prevent conflicting claims for the space and to allocate the limited space available fairly to all who desire to use it for lawful purposes;

(c) Tables, Pushcarts, stands, and equipment of Vendors and Performers impede the orderly movement of pedestrian traffic and may make the Boardwalk unsafe for pedestrians by limiting the City's ability to effect crowd management and control. Regulating the use of equipment by Vendors and Performers therefore is necessary to manage the orderly movement of pedestrian traffic. Regulation also is necessary to avoid injuries to pedestrians as well as ensure the existence of emergency and non-emergency ingress and egress between the beach and the Boardwalk;

(d) The Vendors, Performers and their equipment impede the ingress and egress of emergency and public safety vehicles by creating physical obstacles to emergency response and administration of aid to those in need of immediate medical attention and to victims of criminal activity. Regulation is therefore necessary to ensure that Vendors, Performers and their equipment do not interfere with emergency response vehicles that provide assistance to individuals with medical needs and victims of criminal activity;

(e) Unregulated Vending has resulted in the sale of stolen, defective or counterfeit merchandise. Regulation therefore is necessary to protect the public and the Boardwalk commercial life;

(f) Unregulated Vending causes visual clutter/blight along the Boardwalk, impedes views of the beach and the Pacific Ocean, and threatens the City's ability to attract tourists and preserve businesses along the Boardwalk. Regulation therefore is necessary to manage the number of Vendors, the size of their equipment and displays, and the location of Vending activity;

(g) Unregulated Vending creates unnecessary, excessive and annoying noise on the Boardwalk, is detrimental to the public health, welfare and safety and contrary to the public interest, harms residents, the commercial life of the Boardwalk and the historic character of the Boardwalk, and diminishes the quality of life for those who visit, live or work on or near the Boardwalk. Regulation therefore is necessary to establish restrictions on noise at the Boardwalk; and

(h) The Recreation Area is a site that is uniquely suitable to and frequently used for events that require pre-planning and advanced notice. The Recreation Area is the location of the Police Substation where vehicles require the ability for unobstructed ingress and egress. Due to the size, shape, and physical attributes of the Recreation Area, it is also a site uniquely suitable to and used by many Persons for skateboarding, paddle tennis, and other sports and exercise. The Recreation Area is the home of historic "Muscle Beach," a popular tourist attraction.

C. **Beach Vending Prohibition.** Except as specifically allowed in this Section, no Person shall engage in Vending upon any public beach lands or properties adjoining the waterfront of the Pacific Ocean, or upon any immediately adjacent Boardwalk, sidewalk or public way between the southerly boundary of the City of Santa Monica and the northerly boundary of the City of El Segundo and between the northwesterly boundary of the City of Santa Monica and the northwesterly boundary of the City of Los Angeles.

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D. **Vending and Performing on Designated Spaces.** To address the findings and purposes set forth in this Section, the City has created reasonable time, place, and manner restrictions on Vending and noise, as well as to facilitate Performing. To preserve the Boardwalk's rich history of fostering new artists, performance, and other free speech activity, the City has divided the available space on the Boardwalk into 205 areas, known as Designated Spaces, where:

1. Persons can engage in traditional expressive speech and petitioning activities.

2. Persons can Vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches and/or buttons.

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3. Persons can Vend the following items, which have been created, written or composed by the Vendor or Performer: books, audio, video, or other recordings of their performances, paintings, photographs, prints, sculptures or any other item that is inherently communicative and has nominal value apart from its communication.

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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 nominal utility apart from their communication and thus are subject to the Vending ban under the provisions 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.

### 3. Performers can Perform.

**E. Allocation and Use of Designated Spaces.** The City's Board of Recreation and Parks Commissioners shall designate a total of 205 spaces on the Boardwalk, which will be referred to as the "Designated Spaces." The Designated Spaces will be available for use in accordance with a first-come, first-served allocation system or any other legally permissible allocation system adopted by the Board at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, and made effective by posting at the Recreation Office for at least ten (10) days prior to implementation.

The 205 Designated Spaces shall be made available for the activities described in Subsection D above. Five of the Designated Spaces shall be double-sized, large act spaces for Performers whose number of Performers plus audience can be anticipated to exceed 25 Persons. Two of the regular-sized Designated Spaces shall be made available for Persons engaging in any activity that is described in Subsection D and who are predominantly giving away Food. The remainder of the regular-sized, Designated Spaces shall be made available for Persons engaging in any exempt activity described in Subsection D.

Persons using the 205 Designated Spaces are subject to, and shall comply with, the following restrictions and the Program Rules adopted by the Board:

1. The five double-sized large act Performer spaces are the only spaces able to safely accommodate a large audience and, therefore, in order to facilitate a variety of Performers on and proximate to these spaces, the Performer spaces are subject to a rotation requirement, whereby each Performer using one of the five Performer spaces shall relinquish the space on the hour, every hour, whenever another Performer is waiting to use the Performer space in which the Performer is Performing.

2. No Person shall Vend any item in a Designated Space, except as expressly authorized by Subsection D.

3. No Person shall place or allow anything in any Designated Space to extend beyond the boundaries of the Designated Space nor place anything adjacent to the Designated Space nor obstruct or impede the access areas between the Designated Spaces.

4. No Person shall Vend in, Perform in, or place or allow any item to extend into a designated emergency ingress and egress area. A map depicting the emergency ingress and egress areas is available for inspection and copying at the Police Substation or at the Recreation Office.

5. No Person shall place or allow any item (except an umbrella, sun shade, easel, display board or microphone stand) exceeding four feet above ground in any Designated Space, nor shall any Person cause or allow a Designated Space to be enclosed on more than two sides. An umbrella or sun shade shall not exceed 8 feet above ground. An easel, display board or microphone stand shall not exceed 68 inches in height. Persons shall not hang objects of any nature on or from any umbrella or sun shade.

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6. No Person occupying a Designated Space shall leave that Designated Space for a period longer than 45 minutes without first removing all items from the Designated Space.

7. No Person shall occupy more than a single regular-sized or double-sized Designated Space at any given time, nor shall any Person solicit another Person to obtain or occupy a Designated Space on his or her behalf.

8. No Person shall purchase, sell, barter or exchange any Designated Space with any other Person.

9. No Person shall set up or set down items in, take down items from or block, or attempt to reserve a Designated Space between Sunset and 9:00 a.m.

10. Any umbrella used in connection with the activities authorized in the Designated Spaces must be adequately secured in an upright position with a diameter no greater than 8 feet.

11. Designated Spaces must be kept clean and litter, debris, or any marking must be removed from the Designated Space by the later of Sunset or when the Person vacates the Designated Space.

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12. No open flames combustible fuel or gasoline-fueled generators are allowed in any Designated Space. Electric cords may not be connected outside the assigned space or to any City or private power source.

**F. Special Rules for Other Areas of the Boardwalk.**

**1. Areas Outside of the Designated Spaces, Pagodas, and Recreation Area.**

(a) Areas where use of equipment is prohibited. The activities described in Subsection D may occur in all areas covered by this Section outside the Designated Spaces, Pagodas, and Recreation Area, provided that no Person may set up a display table, easel, stand, equipment or other furniture, use a Pushcart or other vehicle or place any item on the property defined in Subsection C except as provided in Paragraph (b) of this Subdivision.

(b) Areas where limited use of equipment is permitted. The activities described in Subsection D, but not including Vending, may occur on the Westside of the Boardwalk outside the Designated Spaces, Pagodas, Recreation Area and other areas designed as access points for or constitute routes for emergency ingress and egress. In connection with permissible activities in the area on the Westside of the Boardwalk, outside the Designated Spaces, Pagodas, Recreation Area and other areas designated for emergency ingress and egress, a Person may set up a display table, easel, stand, equipment or other furniture, a Pushcart or other vehicle, or place an item on the ground in the areas where limited use of equipment is permitted, subject to reasonable size and height restrictions set forth in paragraph E.5., herein, provided the equipment or the activity associated with the equipment does not materially impede or obstruct pedestrian or vehicular traffic or areas designed for emergency ingress and egress. Nothing in this paragraph shall be construed to allow a person to use or set up equipment in connection with Vending.

(c) The areas in which use of equipment is prohibited and areas in which limited use of equipment is permitted is available for inspection and copying at Police Substation or Recreation Office.

**2. The Recreation Area.**

(a) The Recreation Area is a limited space containing a confluence of public safety ingress and egress routes, and at which pre-planned events, recreation activities and tourism occur. The City's Board of Recreation and Parks Commissioners may allocate use of the Recreation Area through the adoption of Program Rules detailing an advance reservation system or any other legally permissible allocation system, and the advance reservation system or other legally permissible allocation system contained in the Program Rules will be adopted by the Board at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by

the Ralph M. Brown Act, and made effective after reasonable public notice by posting at the Recreation Office for at least ten (10) days prior to implementation. A copy of the Program Rules shall be available for inspection and copying at the Police Substation or the Recreation Office.

(b) No Vending, and no display tables, easels, stands, equipment, Pushcarts or other vehicles, or structures shall be allowed in the Recreation Area except as may be expressly authorized in connection with the pre-approval of the Board.

(c) No Person shall use the Recreation Area or any part of the Recreation Area while the Recreation Area or any part of the Recreation Area has been reserved, set aside, is being used, set up, maintained or designed for a specific recreational purpose, park purpose or event authorized by the City through the Department or Board. When the City, through the Department or Board, has reserved, intends to use, set up, maintain or designate the Recreation Area or any part of the Recreation Area for a specific recreational purpose, park purpose or event, the Department will make available for inspection and copying at the Police Substation or Recreation Office information describing the nature of the authorized park purpose or event, the location of the park purpose or event and the times during which the park purpose or event will take place.

**G. Use of City Property for Vending, Performing, or Display Prohibited.** No Person shall use or obstruct access to any City-owned or maintained property or equipment, including, but not limited to, street furniture, benches, planters, trash receptacles, Pagodas or other structures or equipment installed on public property, for Vending, Performing, or display of anything whatsoever.

**H. Noise Regulation for all Property on or Immediately Adjacent to the Boardwalk.**

1. No Person shall create any noise, or allow the creation of any noise, which causes the noise level to exceed the following Lmax levels between 9:00 a.m. and Sunset:

(a) 75 dBA, when measured at a minimum distance of 25 feet from the source of the noise; or,

(b) 96 dBA, when measured at a minimum distance of one foot from the source of the noise.

When Lmax levels are measured for noise emanating from a building located on private property adjacent to the Boardwalk, the measurement shall be taken from the property line dividing the private property and the Boardwalk.



2. Nothing in this Section shall be construed as prohibiting the City from enforcing other provisions of this Code regulating noise and sound levels. At all times, the noise and sound provisions of Chapter 11 of the Los Angeles Municipal Code, Sections 111 through 115, inclusive, and Los Angeles Municipal Code Sections 63.44B.6, 41.42, 41.57, 53.63 shall apply.

3. No Person shall interfere with or resist the taking of any noise measurement authorized by this Section.

I. **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 L.A.M.C, 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 \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. Nothing in this Section shall be construed as prohibiting the City from enforcing any and all other provisions of this Code. At all times, Los Angeles Municipal Code Section 63.44, which regulates the use of park and recreational facilities, shall apply.

J. **Other Applicable Opening and Closing Hours.** Nothing in this Section amends or extends the opening or closing hours otherwise established by law for any area subject to this Section.

K. **Posted Notice.** The City shall post signs providing notice of the existence of rules for the allocation and use of the Designated Spaces, Recreation Area and Boardwalk areas outside the Designated Spaces. A complete copy of this Section shall be available for inspection and copying at the Police Substation or at the Recreation Office.

L. **Severability.** If any provision or application of a provision of this Section is held invalid, the remainder of the Section and application of its provisions will not be affected.

Sec. 2. 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, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN TRUTANICH, City Attorney

By \_\_\_\_\_  
ARLETTA BRIMSEY  
Deputy City Attorney

Date \_\_\_\_\_

File No. CF # 07-2112

M Drive: General Counsel; Valerie Flores; Ordinances

REPORT OF GENERAL MANAGER

NO. 14-171

DATE June 26, 2014

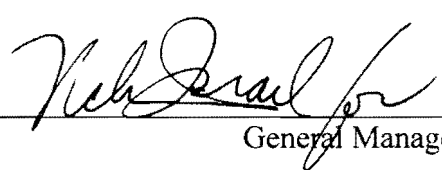
C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PERSHING SQUARE PARKING GARAGE – ANNUAL STATUS REPORT FOR FISCAL YEAR 2012-2013: TRANSFER OF APPROPRIATIONS

R. Adams \_\_\_\_\_  
R. Barajas \_\_\_\_\_  
H. Fujita \_\_\_\_\_

V. Israel \_\_\_\_\_  
\*K. Regan \_\_\_\_\_  
\*N. Williams now

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Note and file the Pershing Square Parking Garage Annual Status Report for Fiscal Year 2012-2013 (Attachment A);
2. Authorize the Department's Chief Accounting Employee to transfer garage operations revenue between accounts and funds within Recreation and Parks as follows:

From:	Fund No./ Department No./ <u>Account No.</u>	Fund <u>Amount</u>
<u>Funding Source</u>		
Pershing Square Garage Operation	302/89/89810M	\$1,616,273
Total Funding		\$1,616,273

To:	Fund No./ Department No./ <u>Account No.</u>	Fund <u>Amount</u>
<u>Funding Source</u>		
Pershing Square Capital Improvements -	302/89/89812M	\$ 516,273
Pershing Square - Park Operations and Programming	301/88/88015M	\$ 400,000

REPORT OF GENERAL MANAGER

PG. 2

NO. 14-171

Pershing Square - Facility Repair/ Maintenance	301/88/88012M	\$ 400,000
Pershing Square - Mobile Youth Programming	301/88/88012M	\$ 200,000
Pershing Square - Downtown on Ice	301/88/88012M	\$ 100,000
Total Transfers		\$1,616,273

3. Authorize the General Manager, or his designee, to make technical corrections, as necessary, to those transactions included in this Report.

BACKGROUND:

Pershing Square Park is one of the City of Los Angeles, Department of Recreation and Parks' (RAP) oldest parks. Park operation is funded by budgeted funds. The Pershing Square Parking Garage (Garage) is a three-story underground public parking facility, located directly under Pershing Square Park. The garage, constructed in 1950, was leased for fifty (50) years to a private operator. In September 2000, at the end of the long-term lease, RAP assumed self-operation of the parking garage.

The Department of General Services (GSD), under a Memorandum of Understanding with RAP, carries out daily garage management and operations. In addition to funding garage operations, Garage revenues (Revenues) provide enhanced funding for park maintenance, park programs, and special events, and capital improvements. Revenues also provide funding for youth programming for youth and families within a five (5) mile radius of the park. The following summary reviews Pershing Square Garage operations for the Fiscal Year 2012-2013 (July 2012 to June 2013).

SUMMARY:

Parking Garage Operation

Major improvements and projects in the Garage during Fiscal Year 2012-2013 included completion of upgrades to and replacement of selected garage lighting and electrical equipment, upgrade of garage entrances and exits and replacement of selected garage signing. GSD carried out daily operations, maintenance and repairs in the Garage and continued to make concerted efforts to attract movie crews and special event parking in order to increase gross revenue by approximately \$200,000. Garage staff worked in cooperation with RAP to support and accommodate parking needs related to RAP park programs.

## REPORT OF GENERAL MANAGER

PG. 3

NO. 14-171

### Pershing Square Park Operations and Programming

Garage revenues provided enhanced recreation programming. Pershing Square Park programming highlights included the annual Downtown on Ice Outdoor Ice Skating Rink and participation in the City's Holiday Lights/Downtown Program, when the park is decorated with enhanced winter holiday lighting during the Ice Rink (Ice Rink). Approximately 56,000 attended the events and visited the Ice Rink. Daytime and evening concerts in the park were presented during the Ice Rink, on St. Patrick's Day, Salsa Sundays and at other times during the summer. Attendance at some concerts averaged approximately seven thousand (7,000) patrons. Awards were received for best free summer concert series. Community movies provided an opportunity for friends and neighbors to gather on the lawn at the park for movies under the stars. Community response to RAP programs was enthusiastic.

Mobile Youth Programming - Various youth programs including concerts, cultural performances, recreational activities and special events., including the annual Winter Holiday Festival for youth and families, held in December at Pershing Square during the Downtown on Ice Outdoor Winter Ice Skating Rink, attract thousands of youth and their families throughout the year.

The Mobile Youth Recreation Program serves youth who may not have access to a recreation center nearby, by setting up regular programming at selected pocket parks within a five (5) mile radius of Pershing Square. The program offers sports, puppet shows and arts and crafts, tutoring, and a snack and serves Pico-Union Park, Julian C. Dixon Park, Prospect Park, Hope and Peace Park, and Unidad Park.

During the summer, approximately two hundred (200) underserved youth were enrolled in day camps which provided daily recreational activities, field trips, and other opportunities for enrichment. During the school year, approximately thirty (30) youth each day at seven (7) locations in underserved areas participate in after school programming including: homework help, cultural activities, arts and crafts projects and sports.

### Pershing Square Facility Repair, Maintenance and Park Improvements

Garage revenues provided enhanced park and facility maintenance and provided funding for park improvements. During Fiscal Year 2012-2013 Pershing Square garage funds enabled the maintenance personnel to begin enhanced maintenance services including the steam cleaning of the park twice a day, replacement of aging electrical components and design of a new community room.

## REPORT OF GENERAL MANAGER

PG. 4

NO. 14-171

### Parking Garage Revenue and Expenditures

The gross revenue for Fiscal Year 2012-2013 for Pershing Square Garage was \$3,578,852. After utility encumbrances of \$184,048, and parking tax liability of \$323,424 transferred to the City's Office of Finance, the net revenue was \$3,071,380. The operating expenses and capital expenditures for Fiscal Year 2011-2012 were \$1,455,107. Net income for Fiscal Year 2012-2013 after all related expenses was \$1,616,273.

### Funds Available to be Allocated

At fiscal year end, the net income from Fiscal Year 2012-2013, and adjustments (changes in funding for projects and resulting transfers) are available to be re-allocated. The total amount of funds available to be re-allocated as described below for Fiscal Year 2012-2013 is \$1,616,273.

### Fiscal Year 2013 Allocation of Funds

Revenues from the Garage provide funding for capital improvements for the garage and for the park level, for enhanced park operations and park programming and for facility repair and maintenance. It is recommended that available funds to be allocated as follows:

Pershing Square Capital Improvement and Equipment (CIP) Fund - Recommendation to transfer \$516,273 to Fund 302, Department 89, Account 89812M, Pershing Square Capital Improvement and Equipment Fund. The funds will be used for lighting and electrical improvements, security systems, escalator refurbishment and other capital improvements.

Pershing Square Park Operations and Programming - Recommendation to transfer \$400,000 to Fund 301, Department 88, Account 88015M, Pershing Square Park Operations and Programming. The funds will provide for enhanced park operations and park programming.

Pershing Square Facility Repair and Maintenance - Recommendation to transfer \$400,000 to Fund 301, Department 88, Account 88012M, Pershing Square Facility Repair and Maintenance. The funds will be used to provide facility repair and maintenance at Pershing Square Park.

Garage Operation Reserve - The Operation Reserve Account (Reserve) was established in order to safeguard operations and provide interim funding for both Garage and park operations in the event of unexpected needs, problems and emergencies. The Reserve is funded with a minimum of three (3) months anticipated gross revenue, with adjustments as needed. The current Reserve funding balance is \$917,607. No additional adjustments to the operating reserve are necessary at this time.

REPORT OF GENERAL MANAGER

PG. 5

NO. 14-171

Mobile Youth Programming - Recommendation to transfer \$200,000 to Fund 301, Department 88, Account 88015M, Mobile Youth Programming. The funds will be used to provide youth programming to youth who may not have access to a recreation center nearby.

Downtown on Ice - Recommendation to transfer \$100,000 to Fund 301, Department 88, Account 88015M, Downtown on Ice. The funds will be used for the annual Downtown on Ice Outdoor Ice Skating Rink.

Additional details regarding expenditures and allocation of excess revenue over expenditures for Fiscal Year 2013-2013 are included in Attachment A.

FISCAL IMPACT STATEMENT:

Pershing Square Garage continues to generate a positive fiscal impact for the Department by providing funds for Garage operation, security for the garage and the park, facility improvements, park and facility maintenance, enhanced park programming and youth programming.

This Report was prepared by Kevin Regan, Assistant General Manager and Noel D. Williams, Chief Management Analyst.

City of Los Angeles  
 Department of Recreation and Parks  
 Pershing Square Parking Garage Annual Status Report  
 Fiscal Year 2012-2013

Attachment A

	Actual Revenue/ Expenditures as of 6/30/2013
<b>Revenue</b>	
Actual Revenue Earned	3,578,852
Transfer- Utilities Payment for Pershing Square	(184,048)
Tax Liability (Transferred to City's Office of Finance)	(323,424)
<b>Net Actual Revenue</b>	3,071,380
<b>Expenses</b>	
<b>General Services Department/Parking Garage</b>	
Parking Operating Expense	505,880
Building Maintenance Expense	52,669
Capital Improvement and Equipment Fund - Garage	
Below Ground Security	362,344
<b>Total Expenses - General Services</b>	920,893
<b>Department of Recreation and Parks</b>	
Above Ground Security	344,054
Facility Administration	190,160
Surface Maintenance	
Capital Improvement and Equipment Fund - Park	
Recreation Programming	
<b>Total Expense - Recreation and Parks</b>	534,214
<b>Total Expenses</b>	1,455,107
<b>Net Income</b>	1,616,273
<b>FY 12 Allocation of Net Income</b>	
Fund 302, Dept 89, Account 89812M, Pershing Square Capital Improvement -	516,273
Fund 301, Dept 88, Account 88015M, Pershing Square Park Operations and Programming	400,000
Fund 301, Dept 88, Account 88012M, Pershing Square Facility Repair and Maintenance	400,000
Fund 301, Dept 88, Account 88012M, Mobile Youth Programming	200,000
Fund 301, Dept 88, Account 88012M, Downtown on Ice	100,000
<b>Total Allocation of Net Income</b>	1,616,273
<b>Final Net Income</b>	0



## MATTERS PENDING

Matters Pending will be carried for a maximum of six months, after which time they will be deemed withdrawn and rescheduled whenever a new staff report is received.

### GENERAL MANAGER'S REPORTS:

<u>ORIGINALLY PLACED ON BOARD AGENDA</u>	<u>PLACED ON MATTERS PENDING</u>	<u>DEEMED WITHDRAWN</u>
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None

### BIDS TO BE RECEIVED:

None

### PROPOSALS TO BE RECEIVED:

7/15/14	Griffith Park Halloween Event
8/5/14	Operation and Maintenance of the Greek Theatre Concession

### QUALIFICATIONS TO BE RECEIVED:

None