

REPORT OF GENERAL MANAGER

APPROVED
DEC 09 2009

NO. 09-303

DATE December 9, 2009

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 2

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SOCIAL AND PUBLIC ART RESOURCE CENTER, INC. - AMENDMENT TO THE SUBLICENSE WITH THE CITY OF LOS ANGELES FOR THE TUJUNGA WASH PROJECT

R. Adams	_____	J. Kolb	_____
V. Israel	_____	F. Mok	_____
H. Fujita	_____	K. Regan	_____
S. Huntley	_____	*M. Shull	<u><i>Mf</i></u>

[Signature]
General Manager

Approved *[Signature]*

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Amendment, substantially in the form on file in the Board Office, to the Sublicense between the City of Los Angeles and the Social and Public Art Resource Center, Inc., for improvements in the vicinity of the Tujunga Wash, subject to the approval of the Mayor and City Council and of the City Attorney as to form;
2. Direct the Board Secretary to transmit forthwith the proposed Amendment concurrently to the City Attorney and in accordance with Executive Directive No. 3, to the Mayor for expedited review and approval;
3. Authorize the Board President and Secretary to execute the Amendment upon receiving the required approvals; and,
4. Direct staff to work with the City Administrative Officer (CAO) to secure City Council approval to replace the project's State grant of \$100,000 in Proposition 40 Roberti-Z'Berg-Harris (RZH) funds with an equivalent sum in Sites and Facilities funds.

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SUMMARY:

On April 5, 2007, the Board approved a proposed Use Agreement between the City of Los Angeles and the Los Angeles County Flood Control District (Board Report No. 07-81). This document was to supersede a 1970's permit whereby the City had been maintaining recreational trails in the community of Valley Glen. The trails extend on both sides of a portion of the Tujunga Wash from Oxnard Street south to Burbank Boulevard.

There is another public amenity within this "Use" area that also involves County Flood Control. It is a 1970s mural titled "The Great Wall of Los Angeles". The mural covers a half-mile section of the Wash's western retaining wall and celebrates the cultural/ethnic diversity characteristic of California history. The artwork had been created and is maintained by the Social and Public Art Resource Center, Inc. (SPARC). Their offices are in Venice, California.

At some point, the County built a bridge for pedestrians to use in crossing the Wash near the mural and Los Angeles Valley College, hence the name "Valley College Bridge". Department staff assumed its maintenance. It was closed after being damaged in the 1994 Northridge earthquake. Besides the trails, the new Use Agreement specifies that the City will maintain a replacement bridge.

When approving the Use Agreement, the Board also approved a proposed Sublicense between the City and SPARC. The purpose was to enable them to enter the City's "Use" area to restore the damaged mural and continue maintaining it under authority of a separate agreement between them and the County. SPARC was also to maintain any related artistic components they created nearby, for example, as part of the new bridge.

The Use Agreement between SPARC and the County was executed May 29, 2007 (County Agreement No. 76112); the Use Agreement between the City and the County was executed August 14, 2007 (County Agreement No. 76319); the City's Sublicense with SPARC was executed August 16, 2007 (City Contract No. 112122). All three agreements have a term of twenty years.

In order to demolish and replace the bridge, the City allocated \$100,000 in State Proposition 40 RZH funds and \$250,000 from the Capital Improvement Expenditure Program. SPARC soon approached the City with a proposal to combine this work and the \$350,000 in funding with their own project, which had expanded beyond the mural to include certain enhancements, such as solar lighting, for the new bridge. SPARC will also install several interpretive stations on the bridge and five others along the eastern bank of the Wash. These graphic/textual displays are intended to enhance the public's understanding of the mural.

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For funding, SPARC received \$1.29 million from a Proposition 40 program called the "California Cultural Historical Endowment" (CCHE) and another \$375,000 from the Santa Monica Mountains Conservancy. Because of cash-flow and other constraints, they obtained on October 1, 2009, an extension of the CCHE deadline for project completion. The new deadline is June 30, 2011.

Demolishing the bridge has cost the City nearly \$52,600, leaving approximately \$297,400 toward funding a replacement. At the time of proposing the Sublicense, staff thought that another document would be drafted to provide operational detail such as the City's reimbursement for SPARC's bridge expenditures. Staff now think a more efficient plan is to amend the Sublicense. The proposed Amendment addresses the City's transfer of funds to SPARC. The document also contains technical provisions acknowledging its relation to other agreements concerning the joint project.

Staff previously determined that these underlying agreements are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (1) and Class 2 (7) of the City CEQA Guidelines. The determination was cited in Board Report No. 07-81 and based on a Notice of Exemption filed with the Los Angeles County Clerk on December 18, 2006. The proposed Amendment to the Sublicense will not result in any new environmental impact; therefore, the Amendment is also exempt from CEQA with no need for further documentation.

The Office of Council District Two, the Assistant General Manager of Operations West and the Acting Superintendent of the Valley Region concur with staff's recommendations. The CAO also concurs with the recommendation to seek Council approval to replace the \$100,000 in RZH funds with an equivalent sum in Sites and Facilities funds, the latter source being less restrictive for the City.

FISCAL IMPACT STATEMENT:

Board approval of the recommended actions will have no anticipated impact on the Department's General Fund. The current City fiscal contribution for the Tujunga Wash project was allocated from other sources. The proposed replacement for the RZH funding is still another City source.

This report was prepared by Joan Reitzel, Senior Management Analyst in Real Estate and Asset Management, Planning and Construction Division.