

**APPROVED**

REPORT OF GENERAL MANAGER

NO. 09-185

DATE July 8, 2009

**JUL 08 2009**  
**BOARD OF RECREATION**  
**and PARK COMMISSIONERS**

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: 109<sup>th</sup> STREET RECREATION CENTER - POOL AND BATHHOUSE REPLACEMENT (PRJ#1501P) (W.O. #E1906494) - CONSIDERATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT AND FINAL PLANS AND CALL FOR BIDS

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	M. Shull	_____

*for*

*[Signature]*  
General Manager

Approved AS amended

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Review and consider the Final Environmental Impact Report (FEIR) on file in the Board Office, for the proposed 109th Street Recreation Center - Pool and Bathhouse Replacement Project (State Clearinghouse No. 2007111071 and City Document No. EIR-RP-002-09) and
  - a. Certify that the FEIR was completed in compliance with the California Environmental Quality Act (CEQA) and State and City CEQA Guidelines; that it reflects the Board's independent judgment and analysis; and that the information contained in the FEIR was reviewed and considered prior to approving the project,
  - b. Adopt the Findings of Fact and Statement of Overriding Considerations,
  - c. Adopt the Mitigation Monitoring and Reporting Program (FEIR Chapter 3),
  - d. Direct the Environmental Management staff, to file a Notice of Determination with the Los Angeles City Clerk and County Clerk within five (5) business days of the certification of the FEIR,

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 09-185

2. Approve the final plans and specifications for the 109<sup>th</sup> Street Recreation Center - Pool and Bathhouse Replacement (PRJ#1501P) (W.O. #E1906494) project;
3. Approve the date for receipt of bids to be advertised as Tuesday, September 15, 2009, at 3:00 P.M. in the Board Office; and,
4. Approve the reduction in the value of work that the specifications require to be performed by the Prime Contractor from 50% to 20% of the Base Bid price;

### SUMMARY:

Submitted are the final plans and specifications for 109<sup>th</sup> Street Recreation Center - Pool and Bathhouse Replacement (PRJ#1501P) (W.O. #E1906494) project, located at 1431 East 110<sup>th</sup> Street, Los Angeles, CA 90059. The plans and specifications were jointly prepared by the design consultant, Sparano + Mooney Architecture, Inc., and by the Architectural Division of the Bureau of Engineering (BOE).

The proposed construction involves the demolition of the existing bathhouse and swimming pool at 109<sup>th</sup> Street Recreation Center and construction of a new bathhouse, swimming pool, splash pad and new parking lot.

The existing 109<sup>th</sup> Street Pool, which was built in 1939, has a bathhouse that is approximately 4,000 square-feet in size. The pool is 125 feet long by 45 feet wide, with approximately 4,400 square-feet of pool deck and associated areas. The facility suffers from significant dry-rot, termite damage and aging infrastructure. The overall condition of the facility is extremely poor and has long exceeded its useful life. The Department's 2006 Pool Assessment Report identified the 109<sup>th</sup> Street Pool to be of high priority for replacement.

During the early design phase, the proposed project was presented to the community for input and ideas. In January and March 2007, the community approved the proposed demolition and replacement of the existing bathhouse and swimming pool with a new bathhouse, lap pool and splash pad. They were mostly excited about the water features for toddlers and younger kids. The new six-lane swimming pool will be 75 feet long by 45 feet wide with a surrounding deck-level gutter, steps at the shallow end, a lifeguard chair, and a diving stand at the 12-foot deep end. Sufficient depth markers and warning signs will be laid in ceramic tiles around the pool. A disabled access lift will be provided for use by the disabled. The new kidney-shaped, 20-foot wide by 43-foot long splash pad features spray ground equipment such as bell shower, shower tunnel, raindrop and slant jet.

REPORT OF GENERAL MANAGER

PG. 3 NO. 09-185

To ensure the quality and to meet the standards of the construction of the City pools, all bidders will be required to complete and submit “ Pool Contractor’s Minimum Qualifications – Experiences with Public Swimming Pools Construction” forms as part of their bids, as instructed in the bid package.

The City Engineer’s construction estimate for the project is ~~\$6,700,000~~ <sup>\$3,500,000</sup>. Funds are available from the following accounts:

<u>Funding Source</u>	<u>Fund No. / Dept. No. / Acct No.</u>	<u>Amount</u>
MICLA 2006-2007	298 / 88 / A216	\$900,000
Proposition K 2009-2010	43K/10/F028	\$651,000
Quimby	TBD	\$214,000
MICLA 2009-2010	298/88/F216	<u>\$6,818,000</u>
TOTAL		\$8,583,000

The policy of this Board has been to require that the prime contractor on construction projects perform a minimum of 50% of the work on the project, as measured by the base bid price. It is proposed that the Board reduce the prime contractor’s participation requirement from 50% to 20% on this project. This should help attract a broader range of prime contractors, thus creating a more inviting and competitive bidding environment for this project. Also, it should create more competitive pricing among the subcontractors providing bids to the prime contractors. Additionally, all specialty pool subcontractors will be required to meet the minimum pre-qualification requirements as specified in the Bid Package.

A Draft EIR (DEIR) was completed in January 2009. Based on the information in the Initial Study and on comments received during the Notice of Preparation (NOP) review period, the proposed project was identified as having potentially significant impacts on the following environmental resource areas: aesthetics, cultural resources, and noise. The extent and magnitude of the impacts of the proposed project on these environmental resources during construction and operations were analyzed in detail in the DEIR.

A Notice of Availability for the DEIR was published in the Los Angeles Times on August 16, 2007. Copies of the DEIR were provided to various agencies, individuals, and organizations, and made available at the nearest local public library. The DEIR was also posted on the Department’s environmental management web site ([www.laparks.org/environmental/ennvironmental.htm](http://www.laparks.org/environmental/ennvironmental.htm)). The review period for the DEIR was 45 days, from January 22-March 9, 2009. The DEIR was also submitted to the State Clearinghouse to facilitate review by State agencies.

Only one (1) written comment was received during the public review period from the Los Angeles Conservancy concerning the preservation of the historic bathhouse and pool. A copy of

## REPORT OF GENERAL MANAGER

PG. 4

NO. 09-185

the comment in its entirety has been provided in the FEIR. Issues raised in that comment have been systematically identified and corresponding written responses prepared.

The primary area of concern was the potential impact of the proposed project on the 109<sup>th</sup> Street Pool and Bathhouse complex, which is one of the last remaining historic pool and bathhouses in Los Angeles that was built by the New Deal-era Work Progress Administration (WPA) during the Great Depression. The 109<sup>th</sup> Street Pool complex was constructed in 1938-1939 as the first of two public pools financed by the WPA; the other was Harvard Pool that was replaced in 2007.

The cultural resources impact analysis section in the DEIR stated that the project as proposed would have an adverse unavoidable impact resulting from the total demolition and replacement of the 109<sup>th</sup> Street Pool and Bathhouse complex. In accordance with CEQA, several feasible alternatives were identified and analyzed, including the two preservation/rehabilitation alternatives described below, which could reduce impacts to the historic bathhouse to a level less than significant.

However, a procedural concern was raised that the Department was required under CEQA to reject the proposed project when an “environmentally superior” preservation alternative was clearly identified. As stated in the FEIR in response to this comment, the Department can approve a project that will have a significant effect on the environment, even after the imposition of feasible mitigation measures and/or alternatives, if it, as the Lead Agency under CEQA, makes the required findings that explain how it dealt with each significant effects and the alternatives in the Environmental Impact Report (EIR) (Findings of Effect), and finds that the benefits of the project outweigh the unavoidable adverse environmental effects (Statement of Overriding Considerations). Therefore, the Findings of Fact and Statement of Overriding Consideration attached to this report makes the required findings and recommends reject the environmentally superior preservation alternative and approval of proposed project.

### Environmental Impact Analysis and Significance Determination

With the exception of the potentially unavoidable adverse impacts identified below, the impact analyses conducted for the other environmental resource areas analyzed in the Initial Study and the DEIR determined that the proposed project would have no significant adverse impacts on the environment. Potentially significant impacts, individually or cumulatively, were either avoided or reduced to a less-than-significant level through the incorporation of mitigation measures in the project construction phases or in operations.

### Unavoidable Adverse Project-Specific Impacts

The proposed project would have significant and unavoidable adverse impacts on aesthetics, cultural resources, and noise and vibration as a result of the demolition and replacement of the

## REPORT OF GENERAL MANAGER

PG. 5

NO. 09-185

pool and bathhouse. Even with implementation of all feasible mitigation measures, the permanent loss of the historic structures and the proximity to sensitive residential land uses to the proposed construction site would still result in unavoidable adverse impacts.

### Alternatives to the Proposed Project

As required by CEQA, the DEIR considered a range of reasonable, feasible alternatives to the proposed project that would attain most of the project objectives and that would avoid or substantially reduce the significant adverse aesthetic, cultural, and noise and vibration impacts. Alternatives that did not meet these criteria were not considered in the DEIR. The following four alternatives were evaluated further in the DEIR.

- **No Project Alternative:** This alternative assumes that the proposed project would not be implemented and that the project site would remain unchanged.
- **Adaptive Reuse Alternative:** This alternative consists of the proposed pool and splash pad, parking lot, and walkway being constructed the same as under the proposed project, and the existing bathhouse would be expanded eastward. The west, north, and south sides of the bathhouse would remain intact, but the east facade of the bathhouse would be removed to accommodate an expansion of approximately 1,900 square feet.
- **Rehabilitation (Option 1) Alternative:** This alternative consists of the proposed pool and splash pad, parking lot, and walkway being constructed the same as under the proposed project, while the bathhouse would be retained in place with its character-defining features being left intact; none of the exterior walls would be removed. This alternative would develop an outdoor co-gender dressing area north of the proposed splash pad.
- **Rehabilitation (Option 2) Alternative:** This alternative would result in the removal of a portion of the west wall of the bathhouse in order to provide a semi-open, co-gender changing area in the former girls' changing room. The roof of the bathhouse would remain intact. The remaining stalls and fixtures would be developed in the area north of the splash pad.

The Rehabilitation (Option 2) Alternative has been identified as the environmentally superior alternative because it would reduce impacts to the historic bathhouse to the maximum extent possible. However, none of the alternatives, including the environmentally superior alternative, have been recommended in place of the Proposed Project because of specific social, economic, and technical benefits of the proposed project that are described in the Statement of Overriding Considerations in Exhibit A, which states that these project benefits outweigh the adverse unavoidable impacts of replacement of the historic pool and bathhouse.

## REPORT OF GENERAL MANAGER

PG. 6                      NO. 09-185

### Preparation of FEIR

The FEIR was completed in June 2009, and consists of the DEIR, which is incorporated by reference, and the following new sections:

- Revised Executive Summary; corrections and additions to the DEIR.
- Copies of the letters and other written comments received on the DEIR; responses to written comments received during the review period.
- Mitigation Monitoring and Reporting Program.

There were no corrections and additions to the DEIR. Therefore, no new or significant environmental information, impacts, or mitigation measures were identified that would change the impact analyses and findings in the DEIR, and recirculation of the document was not required.

### Related CEQA Documents for Board Consideration and Action

In addition to the FEIR, the Board must consider and adopt the Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan (MMRP) prior to approving the proposed project. These three documents have been combined into one and is attached as Exhibit A to this report. The document explains how the Department as the Lead Agency dealt with each significant impact and the alternatives in the DEIR and why the Department is willing to approve the proposed project in light of its unavoidable, adverse impacts, setting forth in the process the specific social, economic, legal, technical and other beneficial aspects of the project that outweigh these effects. The MMRP describes all the mitigation measures identified in the DEIR that must be implemented as part of the project.

The bid package has been approved by the City Attorney's Office.

### FISCAL IMPACT STATEMENT:

There is no immediate fiscal impact to the Department; however, future operations and maintenance costs will be assessed upon completion of the project.

This report was prepared by Fred O. David, Project Manager, BOE Architectural Division. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, BOE; by Deborah Weintraub, Chief Deputy City Engineer, BOE; and by Michael Shull, Superintendent, Planning and Construction Division, Department of Recreation and Parks.