

APPROVED

JAN 20 2022

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 22-016

DATE January 20, 2022

C.D. 7

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BRAND PARK – OUTDOOR PARK IMPROVEMENTS (PRJ21451) PROJECT — ALLOCATION OF QUIMBY AND ZONE CHANGE FEES – STATUTORY EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 21080.25(b)(1) OF CALIFORNIA PUBLIC RESOURCES CODE

AP Diaz	_____	M. Rudnick	_____
H. Fujita	_____	<i>Fur</i> C. Santo Domingo	<i>DF</i> _____
J. Kim	_____	N. Williams	_____

M. Slue

General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

- 1) Approve the scope of work of the Brand Park - Outdoor Park Improvements (PRJ21451) Project (Project), as described in the Summary of this Report;
- 2) Authorize the Department of Recreation and Parks' (RAP) Chief Accounting Employee or designee to transfer One-Hundred Ninety-Nine Thousand, Four-Hundred and Ninety-Seven Dollars and Thirty-Eight Cents (\$199,497.38) in Quimby Fees from the Quimby Fees Account No. 89460K-00 to the Brand Park Account No. 89460K-BF;
- 3) Approve the allocation of One-Hundred Ninety-Nine Thousand, Four-Hundred and Ninety-Seven Dollars and Thirty-Eight Cents (\$199,497.38) in Quimby Fees from the Brand Park Account No. 89460K-BF to the proposed Project;
- 4) Approve the allocation of Five Hundred Two Dollars and Sixty-Two Cents (\$502.62) in Zone Change Fees from the Brand Park Account No. 89440K-BF to the proposed Project;
- 5) Approve the proposed Project to be bid and constructed through RAP's list of pre-qualified on-call contractors;
- 6) Approve the authorization of change orders as authorized under Board Report No. 06-136, for the construction contracts for this Project in the budget contingency amounts for such construction contracts as set forth in this Report;

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- 7) Determine that the proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 21080.25(b)(1) of California Public Resources Code and direct staff to file a Notice of Exemption (NOE) with the Office of Planning and Research and with the Los Angeles County Clerk;
- 8) Authorize RAP's Chief Accounting Employee or designee to prepare a check to the Los Angeles County Clerk in the amount of \$75.00 for the purpose of filing an NOE; and,
- 9) Authorize RAP staff to make technical corrections as necessary to carry out the intent of this Report.

SUMMARY

Brand Park is located at 15174 San Fernando Mission Road in the Mission Hills community of the City. This 17.71-acre park provides walking paths, restrooms, water fountains, gardens, a community center and ball diamonds. Approximately 3,323 residents live within a one-half mile distance of Brand Park. Due to the facilities, features, programs, and services it provides, Brand Park meets the standard for a Community Park, as defined in the City's Public Recreation Plan.

PROJECT SCOPE

The proposed Project is necessary due to a sidewalk renovation project that will be implemented in the public right of way adjacent to the park property. The proposed Project includes the following scope of work items:

- Installation of landscaping and irrigation systems.
- Removal of seven (7) damaged eucalyptus trees situated along San Fernando Mission Road.
- Installation of new trees
- Archaeological treatment plan and archaeological monitoring.

The cumulative diameter at breast height (DBH) of the seven (7) eucalyptus trees totals 204". To fully mitigate for the removal of the trees in conformance with RAP tree mitigation standards, all 204" would need to be replaced.

PROJECT FUNDING

Currently, there is Five-Hundred and Two Dollars and Sixty-Two Cents (\$502.62) in Zone Change Fees in the Brand Park Account No. 89440K-BF. Upon approval of this Report, Five-Hundred and Two Dollars and Sixty-Two Cents (\$502.62) in Zone Change Fees can be allocated from the Brand Park Account No. 89440K-BF to the proposed Project.

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Upon approval of this Report, One-Hundred Ninety-Nine Thousand, Four-Hundred and Ninety-Seven Dollars and Thirty-Eight Cents (\$199,497.38) in Quimby Fees can be transferred from the Quimby Fees Account No. 89460K-00 to the Brand Park Account No. 89460K-BF and allocated to the proposed Project.

The total amount of funding available for the proposed Project is Two Hundred Thousand Dollars (\$200,000.00).

The anticipated pre-qualified on-call contracts for this Project will be for Park Facility Construction. The budget contingency for the Park Facility Construction contracts will be Thirty Thousand Dollars (\$30,000.00).

These Quimby and Zone Change Fees were collected within five (5) miles of Brand Park, which is the standard distance for the allocation of Quimby and Zone Change Fees for community recreational facilities pursuant to Los Angeles Municipal Code Section 12.33 E.3.

FUNDING SOURCE MATRIX

Source	Fund/Dept/Acct	Amount	Percentage
Quimby Fees	302/89/89460K-BF	\$199,497.38	99%
Zone Change Fees	302/89/89440K-BF	\$502.62	1%
Total		\$200,000.00	100%

PROJECT CONSTRUCTION

RAP staff has determined that sufficient funding has been identified and construction for the proposed Project is anticipated to begin in Summer 2022.

TREES AND SHADE

The proposed Project will remove seven (7) damaged eucalyptus trees in the park along San Fernando Mission Road. As previously noted, the removal of the seven trees at Brand Park would result in a loss of 204" of DBH. That would require the planting of one hundred (100) 24" box trees, or sixty-eight (68) 36" box trees, or fifty (50) 48" box trees, or some combination thereof.

At this time the number, size, and species of the replacement trees that would be installed as a part of the Project is yet to be determined by RAP Forestry staff. RAP Forestry has identified a number of potential planting areas in Brand Park, including on the east side of the park near the ball diamonds and on the west side of the park near the community building and near the memory garden.

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ENVIRONMENTAL IMPACT

The proposed Project consists of new landscaping and tree planting and minor trenching and backfilling where the surface is restored.

The proposed project is instrumental to a sidewalk renovation which will take place on the sidewalk adjacent to the park property. The sidewalk project is included among the projects statutorily exempt from the California Environmental Quality Act (CEQA) by SB 288. SB 288 (September 28, 2020) establishes California Public Resources Code (PRC) Section 21080.25 which exempts projects such as pedestrian facilities (PRC Section 21080.25(b)(1)) from CEQA, if they are carried out by a public agency, if they are located in an urbanized area, if the project is located in a public right of way, does not increase automobile capacity and does not require the demolition of affordable housing units. Special conditions for projects larger than \$100,000,000 are also included.

The statutory exemption applies to the sidewalk project, as it is carried out by the City of Los Angeles, is located in an urbanized area, is located in a public right of way, does not increase automobile capacity or require the demolition of affordable housing. It also applies to its accessories. Conditions for projects larger than \$100,000,000 do not apply.

This exemption does not authorize any lead agency to bypass or avoid compliance with other applicable safety, public health, environmental, or labor requirements.

The project includes the removal of 7 distressed eucalypti and could potentially have negative effect on nesting birds. However, in compliance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, tree removal activities will take place outside of the nesting bird season to the extent feasible. In accordance with these regulatory requirements, efforts would be made to schedule removal of mature trees between September 2 and January 31 to avoid the nesting bird season. If activities were to occur during the nesting bird season all suitable habitats would be thoroughly surveyed for the presence of nesting birds by a qualified biologist (or a qualified arborist) within three days prior any tree removal. If any active nests are detected, the area will be flagged, and a minimum 250 foot (500 foot for raptors) non-disturbance buffer will be established (a modification of this buffer would be determined by the monitoring biologist and in consultation with US Fish and Wildlife Service and California Department of Fish and Wildlife), and avoided until the nesting cycle has been completed and the monitoring biologist determines that the nest has fledged.

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The project site is located in the vicinity of the San Fernando Mission, an historic place of national relevance, listed in the National Register of Historic Places (NRHP) with # 88002147 and in the vicinity of the Brand Park Memory Garden, an historic landmark of state relevance, listed in the California Register of Historical Resources with number 150. The site is also a well-known archaeological zone, where archeological artifacts have been found at shallow depths. Therefore, the project could potentially cause a substantial adverse change in the significance of a historical resource. The project scope, however, includes the preparation of an archaeological treatment plan (ATP) that ensures long-term protection and proper treatment of archaeological resources of significance. The ATP will include a monitoring plan, research design, and data recovery plan.

As such, staff recommends that the Board of Recreation and Park Commissioners (Board) determines that it is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CPRC, Section 21080.25 (b)(1). RAP Staff will file a NOE with the Office of Planning and Research and with the Los Angeles County Clerk upon the Board's approval.

FISCAL IMPACT

The approval of this allocation of Quimby and Zone Change Fees will have no fiscal 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 Quimby and Zone Change Fees or funding sources other than RAP's General fund. The maintenance of the proposed park improvements can be performed by current staff with no overall impact to existing maintenance service at this facility.

STRATEGIC PLAN INITIATIVES AND GOALS

Approval of this Board Report advances RAP's Strategic Plan by supporting:

Goal No. 1: Provide Safe and Accessible Parks

Outcome No. 2: All parks are safe and welcoming

Result: The installation of landscaping, irrigation and new trees will enhance the park users' experience.

This Report was prepared by Ajmal Noorzayee, Management Assistant, Planning, Maintenance and Construction Branch.