

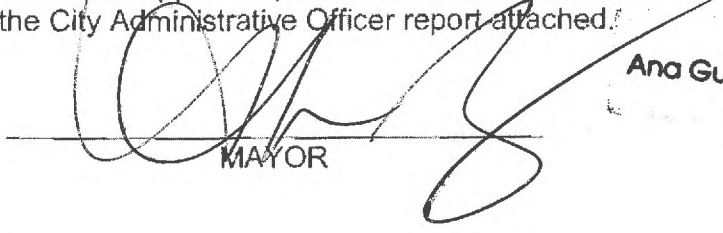
0150-10458-0000

TRANSMITTAL

TO The City Council	DATE SEP 16 2015	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT 14	

**Memorandum of Agreement between City of Los Angeles and
North East Trees Relative to the
Ascot Hills Park Habitat Restoration and Greening Project**

Transmitted for your consideration. The Council has 60 days from the date of receipt to act, otherwise the contract will be deemed approved pursuant to Administrative Code Section 10.5(a). See the City Administrative Officer report attached.



MAYOR
Ana Guerrero

MAS:LGC:081600211

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: September 16, 2015

CAO File No. 0150-10458-0000
Council File No.
Council District No.: 14

To: The Mayor

From: Miguel A. Santana, City Administrative Officer



Reference: Letter to the Mayor from the Board of Recreation and Parks Commissioners dated July 17, 2015; referred by the Mayor on July 21, 2015

Subject: **MEMORANDUM OF AGREEMENT WITH NORTH EAST TREES RELATIVE TO THE ASCOT HILLS PARK HABITAT RESTORATION AND GREENING PROJECT**

SUMMARY

North East Trees (NET), a non-profit 501(c)(3) organization, received funding from various sources for the design and development of the Ascot Hills Park Habitat Restoration and Greening Project (Project). Funding received includes \$989,000 from Urban Greening for Sustainable Communities Grant Program (Proposition 84). Pursuant to the Proposition 84 Grant Agreement, NET must provide a fully executed copy of the following documents by October 1, 2015 for the State to make funding available:

- Agreement between the Department of Recreation and Parks (Department) and NET that provides NET permission to access and develop the Project site and indicates which entity shall be responsible for the 20-year land tenure requirement; and
- Lease agreement between the Department of Water and Power (DWP) and the Department for the Project site for the relevant contract performance period.

At its meeting of June 18, 2015, the Board of Recreation and Park Commissioners (Board) approved a Memorandum of Agreement (MOA) with NET relative to the Project. The MOA provides the Department's and NET's responsibilities relative to the Project. The Department shall be responsible for implementing oversight of the Project, which includes completing the environmental review, design review, and authorizing planting activities, and fulfilling the 20-year land tenure requirement. The MOA requires additional clarification to ensure that the Department's outlined oversight responsibilities are consistent with the terms of the DWP lease (Lease), which indicates that plans for improvements on the property are subject to the approval of the Department of Water and Power (DWP). NET shall take overall responsibility for the execution of the Project, manage the grant and complete the re-vegetation, and bioswale installation.

The proposed Project shall restore approximately 14 acres of native habitat, create two natural storm water infiltration areas, plant 950 trees and 5,000 shrubs, and install interpretative signage. The Project site is located within property owned by the Department of Water and Power (DWP). The total estimated cost of the proposed Project is \$1,651,486. NET was awarded \$989,000 from Urban Greening for Sustainable Communities Grant Program (Proposition 84), \$100,000 from Los County Tree Planting Grant, and \$150,000 from CALFIRE Demonstration Reingarten Grant. The Department will contribute \$251,366 and NET \$161,120 of in-kind services and materials towards this Project.

The terms of the MOA does not include provisions on Insurance Requirement, Indemnification Provision, and Termination Provision. The Department indicated that these provisions may be included in the Right-of-Entry permit.

The MOA will be for a minimum term of 20 years. However, the Proposition 84 Grant Agreement specifies that the land tenure requirement shall be maintained until March 30, 2037. The Department currently holds a 20-year Lease Agreement (Lease) for the Project site, and five years have passed since the execution of the Lease. The Department is aware, and has been directed by the Board to seek an amendment to extend the Lease to satisfy the Proposition 84 Grant Agreement's land tenure requirement. The extended Lease shall be subject to the approval of both the Board of Water and Power Commissioners and the Mayor.

The proposed Project consists of minor alterations to land involving the creation of two vista points within the existing Ascot Hills Park and new landscaping to enhance the existing upland habitat, and issuance of an MOA for design and construction. The Department has determined that the Project will not have a significant effect on the environment with the use of standard environmental mitigation measures to protect unanticipated archaeological resources and existing biological resources, and is therefore, categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Article III, Section 1, Class 4(2,3,7) of the City CEQA Guidelines.

Council approval of the MOA is required because the proposed agreement will exceed three years.

RECOMMENDATION

That the Council:

- 1) Approve and authorize the President and Secretary of the Board of Recreation and Park Commissioners to execute the proposed Memorandum of Agreement, between the Department of Recreation and Parks and North East Trees, with the understanding that the Indemnification Provisions, Insurance Requirements, Termination Provisions and other relevant provisions shall be included in the North East Trees Right-of-Entry permit, subject to the approval of the City Attorney as to form; and
- 2) Request that the Board of Recreation and Park Commissioners amend the following sections of the Memorandum of Agreement:

a. Replace the Department of Recreation and Parks stipulations B and C with the following:


- B. The City of Los Angeles, Department of Recreation and Parks will implement oversight of the project, including the following activities, which may be further subject to the approval of the Department of Water and Power: completing all necessary environmental review, completing all necessary design review, and authorizing all planting activities.
- C. The City of Los Angeles, Department of Recreation and Parks will maintain the park project and all installed amenities during the term of the land tenure requirement ending on March 31, 2037.

b. Replace the Agreement length language as follows:

The agreement, in accordance with North East Trees' California Urban Greening Grant Program Grant Agreement, is to be in effect until March 31, 2037.

FISCAL IMPACT STATEMENT

North East Trees received \$1.24 million in funding and \$0.25 million of in-kind services and materials for the design and development of the Ascot Hills Park Habitat. Funding for the operation and maintenance of the Park by the Department of Recreation and Parks is subject to future appropriation by Mayor and Council through the regular budget process. To the extent applicable, the recommendation above complies with the City Financial Policies in that on-going revenue will be used to meet on-going expenditures.


MAS:LGC:08160021

Attachments

**BOARD OF RECREATION AND
PARK COMMISSIONERS**

SYLVIA PATSAOURAS
PRESIDENT

IRIS ZUÑIGA
VICE PRESIDENT

LYNN ALVAREZ
MELBA CULPEPPER
MISTY M. SANFORD

ARMANDO X. BENCOMO
COMMISSION EXECUTIVE ASSISTANT II

**CITY OF LOS ANGELES
CALIFORNIA**



**ERIC GARCETTI
MAYOR**

**DEPARTMENT OF
RECREATION AND PARKS**

COMMISSION OFFICE
POST OFFICE BOX 86328
LOS ANGELES, CA 90086-0328

Telephone: (213) 202-2640
Facsimile: (213) 202-2610
RAP.Commissioners@LACity.org

MICHAEL A. SHULL
GENERAL MANAGER

JUL 21 PM 4:16
ADMINISTRATIVE OFFICES

July 17, 2015

Hon. Eric Garcetti, Mayor
City of Los Angeles
Room 303, City Hall

Attention: Ms. Mandy Morales

Dear Mayor Garcetti:

In accordance with Executive Directive No. 3, there are attached herewith three copies of a proposed Memorandum of Agreement with North East Trees for the design, construction and maintenance of Ascot Hills Park Habitat Restoration and Greening Project.

Also attached for the assistance of your Office in reviewing this proposed agreement is Report No. 15-140 adopted by the Board of Recreation and Park Commissioners at its meeting of June 18, 2015. After review and recommendation by you, the proposed Memorandum of Agreement will be submitted to the Board for final action.

If you have any questions with regard to the Proposed Memorandum of Agreement, please contact the undersigned at (213) 202-2640.

Very truly yours,

BOARD OF RECREATION AND
PARK COMMISSIONERS

ARMANDO X. BENCOMO
Commission Executive Assistant II

Attachments

cc: Joel Alvarez, Senior Management Analyst, Partnerships (w/out enclosure)

OFFICE OF THE CLERK
2015 JUL 17 AM 10:56
CITY OF LOS ANGELES



MEMORANDUM OF AGREEMENT

Between

North East Trees and the City of Los Angeles, Department of Recreation and Parks

This agreement regarding the responsibilities for the Ascot Hills Park Habitat Restoration and Greening Project funded by the "California Urban Greening Project Grant Program" is entered into on _____ between the City of Los Angeles, Department of Recreation and Parks and North East Trees.

Introduction

- A. A grant application has been submitted to, and a grant awarded by, the State of California Resources Agency, California Urban Greening Grant Program (see grant agreement and application) to North East Trees, a non-profit organization.
- B. The grant funded project will green an existing, largely barren park with native trees and shrubs and create vegetated bioswales as natural infiltration systems.
- C. The project will be located on City of Los Angeles, Department of Water and Power property upon which the City of Los Angeles, Department of Recreation and Parks holds a lease agreement for passive recreation and habitat purposes.

The City of Los Angeles, Department of Recreation and Parks stipulates and/or agrees to the following:

- A. The City of Los Angeles, Department of Recreation and Parks has a lease agreement with the City of Los Angeles, Department of Water and Power through properties where grant activities will occur, with no grant funds to be used to buy or encumber property.
- B. The City of Los Angeles, Department of Recreation and Parks will implement oversight of the project, including the following activities: completing all necessary environmental review, completing all necessary design review, and authorizing all planting activities.
- C. The City of Los Angeles, Department of Recreation and Parks will maintain the park project and all installed amenities for a minimum of 20 years from the start date of this agreement.

North East Trees Non Profit agrees to the following:

- A. Manage the grant and take overall responsibility for the execution of the project in a timely and effective manner.
- B. Complete all aspects of the re-vegetation project and bioswale installation, which will occur on property owned by the City of Los Angeles, Department of Water and Power and leased to the City of Los Angeles, Department of Recreation and Parks.
- C. North East Trees will resume responsibility for the ongoing maintenance and operations of the project for the required 20 years if the City of Los Angeles were to cease to exist as a governmental entity.

Agreement length:

- A. This agreement, in accordance with the criteria established by the California Urban Greening Grant Program, is to be in effect for a minimum of 20 years.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and date first written above:

Executed this _____ day
of _____, 20__

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its BOARD OF RECREATION AND PARK COMMISSIONERS

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 20__

North East Trees, a non-profit organization

By _____
PRESIDENT

By _____
SECRETARY

Approved as to Form:

Date: _____

MICHAEL N. FEUER,
City Attorney

By _____
DEPUTY CITY ATTORNEY



REPORT OF GENERAL MANAGER

NO. 15-140

DATE June 18, 2015

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ASCOT HILLS PARK – APPROVAL OF CONCEPTUAL PARK DESIGN FOR THE HABITAT RESTORATION AND GREENING PROJECT; MEMORANDUM OF AGREEMENT WITH NORTH EAST TREES; AND EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

[Signature]
General Manager

Approved ✓ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve the conceptual design for the Ascot Hills Park Habitat Restoration and Greening Project, as described in the Summary of this Report and shown on Exhibit A;
2. Approve the proposed Memorandum of Agreement with North East Trees, substantially in the form on file in the Board Office, specifying the terms and conditions of each party for the design, construction and maintenance of the proposed Project subject to the approval of the Mayor, City Council, and City Attorney as to form;
3. Direct the Board Secretary to transmit the proposed Agreement to the Mayor, in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review as to form;
4. Authorize the Board President and Secretary to execute the Agreement upon receipt of the necessary approvals; and
5. Direct Department staff to work with staff from the Department of Water and Power to seek an amendment to extend the Lease Agreement issued to RAP for the operation and maintenance of Ascot Hills Park to satisfy the twenty (20) year site control requirements

REPORT OF GENERAL MANAGER

PG. 2 NO. 15-140

of the Urban Greening for Sustainable Communities Grant Program grant awarded to North East Trees; and,

SUMMARY:

Ascot Hills Park is a 92.44 acre park located at 4371 Multnomah Street in Northeast Los Angeles (Exhibit A). It is an unstaffed park that contains a parking lot, restroom facilities, outdoor classrooms, and nature trails. The park has been developed on land owned by the City of Los Angeles, Department of Water and Power (LADWP). The Department of Recreation and Parks (Department) currently operates and maintains the property through a twenty (20) year lease agreement with DWP which was executed in 2010.

In 2013, North East Trees, a non-profit community-based organization, submitted the Ascot Hills Park Habitat Restoration and Greening Project grant application for funding under the State of California Strategic Growth Council's Urban Greening for Sustainable Communities Grant Program.

North East Trees was founded in 1989 to restore nature's services in resource challenged communities, through a collaborative resource development, implementation, and stewardship process. Their projects throughout the years have included design, construction, planting, and maintenance of parks, greenbelts, watershed revitalization projects, and storm water cleanup and infiltration projects. They specialize in working with local, underserved communities to identify degraded areas and derelict parcels of land and work collaboratively to successfully transform them into safe, inviting and healthful areas.

The proposed project's concept is to enhance about forty (40.0) acres of Ascot Hills Park through the restoration of about fourteen (14.00) acres of native habitat; the creation of two (2) natural storm water infiltration areas by constructing swales, berms, and infiltration basins along the natural topography of the park; the planting of about nine hundred fifty (950) trees and 5,000 shrubs; and, the installation of interpretative signage. The project is designed to help restore the native flora of Ascot Hills Park, attract native fauna back to the park, capture storm water runoff and allow for natural infiltration, and improve air quality through the planting of native plants and trees throughout the park (Exhibit B).

Recently, North East Trees was notified that their grant application was approved and they would have to provide certain documentation in order to begin drawing upon the grant award to begin the design process. The grant amount awarded to North East Trees totaled \$989,000.00. The total project cost for the proposed project is \$1,651,486.00. In addition to the State Grant, North East Trees has also been awarded a \$100,000.00 Los County Tree Planting Grant and a \$150,000.00 CALFIRE Demonstration Raingarden Grant. They are also contributing \$161,120.00 worth of In-kind services and materials. The Department, as a supporter of this

REPORT OF GENERAL MANAGER

PG. 3

NO. 15-140

endeavor, is contributing \$251,366.00 worth of In-kind services spread out through the initial design phase and maintenance services during the service payback period of twenty (20) years.

In order for North East Trees to begin the design process and avail of the funding awarded through the grant, the Board needs to make a CEQA determination on the proposed project. The Board will also need to approve the proposed Memorandum of Agreement (MOA) with North East Trees that specifies and indicates the terms and obligations of each party for the design, construction and maintenance of the proposed Project. As indicated in their grant application, North East Trees complete all the design and construction of the proposed project. The Department will provide assistance and cooperate in the design process and will maintain the improvements during the service payback period.

As mentioned above, the grant awarded to North East Trees requires a service payback period of twenty (20) years. The lease agreement with DWP is in the fifth (5) year of a twenty (20) year term and therefore will need to be amended to add the additional time required by the grant. Should the Board approve this report, Department staff will work with DWP staff on obtaining this amendment.

Staff has determined the proposed project will consist of minor alterations to land in the creation of two (2) vista points within the existing park, and new landscaping to enhance the existing upland habitat. The project will also involve the issuance of a MOA for project design and construction. Therefore, the project will not have significant effect on the environment with the use of standard environmental mitigation measures to protect unanticipated archaeological resources and existing biological resources, and is, therefore, categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the Article III, Section 1, Class 4(2, 3, 7) of the City CEQA Guidelines. A Notice of Exemption will be filed with the Los Angeles County Clerk upon approval of the project.

FISCAL IMPACT STATEMENT:

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

This Report prepare by Cid Macaraeg, Sr MA II, Planning, Construction and Maintenance Branch.

Ascot Hills Park

Project Site

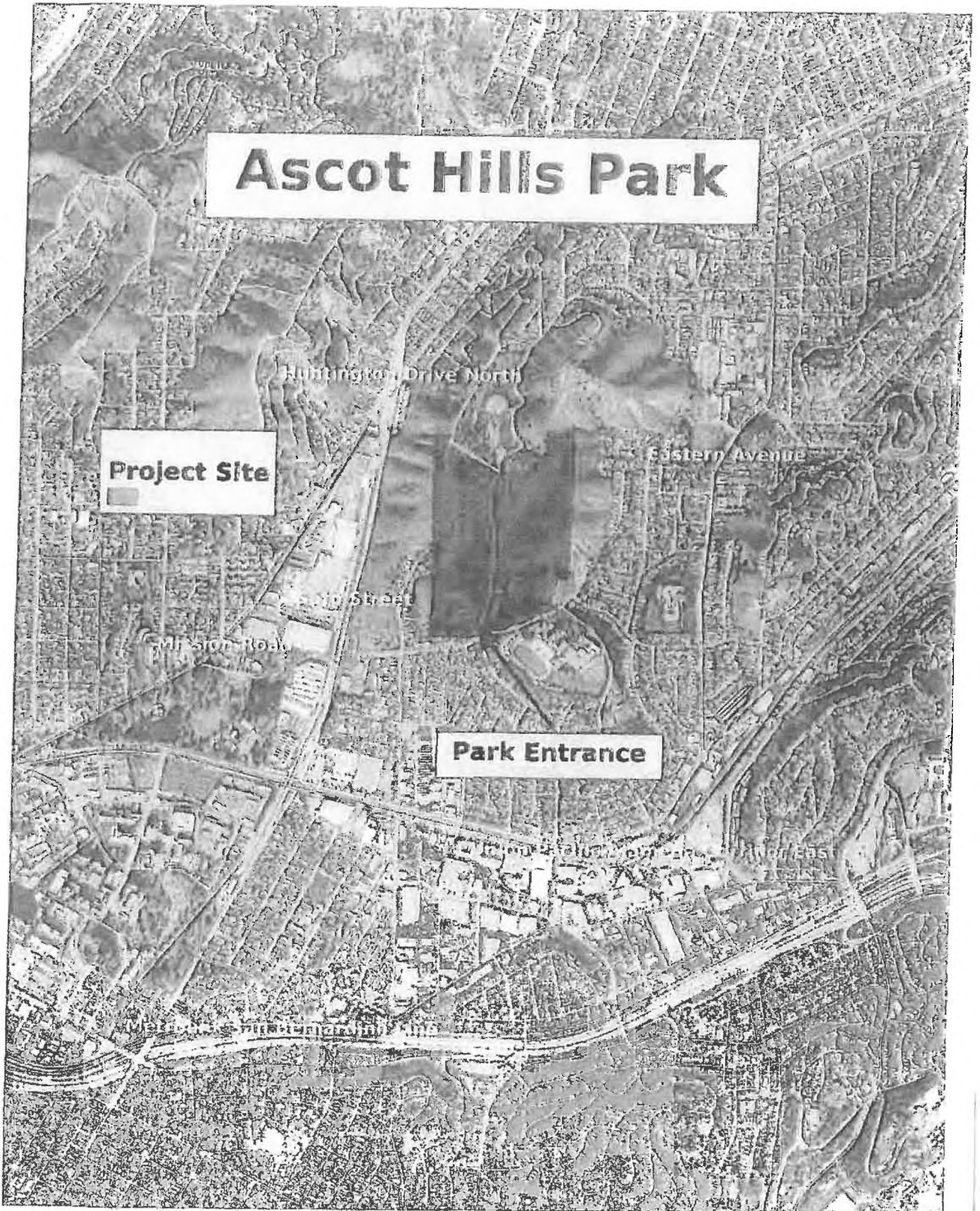
Huntington Drive North

Eastern Avenue

Mission Road

Park Entrance

North East



Please note that for graphic clarity, each symbol represents several trees from the associated plant communities.

