

REPORT OF GENERAL MANAGER

NO. 02-400

DATE November 20, 2002


C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LINCOLN PARK, THE WALL - *LAS MEMORIAS* MEMORIAL - ADOPTION OF A MITIGATED NEGATIVE DECLARATION, A MITIGATION MONITORING REPORTING PROGRAM, AND CONCEPTUAL APPROVAL OF THE MEMORIAL

J. Combs _____
A. Corrales _____
J. Duggan _____
J. Kolb _____

H. Fujita _____
* M. Matthews MM
L. Barth _____



General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Review and consider the attached Final Mitigated Negative Declaration (MND) together with the initial study and all comments received during the public review process for the proposed The Wall - *Las Memorias* Memorial (Memorial) at Lincoln Park;
2. Find that an initial study identified potentially significant effects on the environment, but revisions in the project plans or proposals made by, or agreed to by, the Wall - *Las Memorias* Memorial Agency (Agency) before the MND was released for public review will avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment occur;
3. Find, on the basis of the whole record before it, that there is no substantial evidence that the project may have a significant effect on the environmental and the MND reflects the Department's independent judgment and analysis;
4. Adopt the Mitigation Monitoring and Reporting Program (Section 6) that was incorporated in accordance with the requirements in Section 21081.6 of CEQA;
5. Direct staff to file a Notice of Determination (NOD), along with the California Department of Fish and Game fee exemption (de minimis waiver), for the project with the Los Angeles City and County Clerks within five working days of the Board's action;
6. Authorize the Director of Finance to issue a check in the amount of \$25.00, payable to the Los Angeles County Clerk, for the NOD filing fee;

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7. Approve the proposed conceptual plan for the development, construction, and maintenance of the Memorial at Lincoln Park;
8. Authorize the General Manager to negotiate and develop an agreement with The Wall-*Las Memorias* Agency (Agency) that will set the process and milestones for the design, construction, maintenance, and associated features of the Memorial for an initial term of five years and a renewal option of an additional five years, for a total of ten years; and,
9. Authorize staff to issue an interim revocable Right-of-Entry Permit to the Agency to access the proposed area for pre-construction activities (i.e. soil sampling, etc.) relating to the design phase of the Memorial.

SUMMARY:

At the meeting of the City Council held October 27, 2000, a motion (CF 00-1140) was adopted to transfer \$20,000.00 from the Council District 1, Real Property Trust Fund to the Department for the preparation of a MND, in compliance with the CEQA, and any related efforts for the construction of the Memorial as proposed by The Wall - *Las Memorias* Agency.

The Agency is a non-profit organization founded in 1993 to educate the Latino community about cultural denial of Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS). The Agency's vision is to build a memorial in honor of those that have died of AIDS. Lincoln Park was selected as the location because of the park's name recognition in the Latino community. In addition, for the past eight years, the park has been the site of the annual World AIDS Day event, *Noche De Las Memorias* (Night of the Memories), which commemorates victims of AIDS. The Memorial will become the annual hosting site for the activities surrounding the annual World AIDS Day event on December 1st.

The proposed project will be fully funded, developed, and maintained by the Agency. Construction will be accomplished through various funding sources, including \$400,000.00 from the California Arts Council and \$75,000.00 from the CDBG Trust Fund (CF 99-2257). The Agency will establish an endowment fund through private donations for all future maintenance costs associated with the Memorial.

The Department, with the assistance of the City Attorney's office, will negotiate and develop an agreement with the Agency for the design, construction, and maintenance of the memorial. All work will be in conformance with City construction requirements, permits, and specifications. The agreement will be submitted for Board approval prior to the commencement of construction but following final design plan and artwork approval by all other required City agencies (i.e. Department of Cultural Affairs, Department of Building and Safety, etc.). If necessary, the Department will issue a Right-of-Entry Permit to the Agency or its consultants to conduct pre-construction activities that may be needed for the design phase of the Memorial. No construction activity will commence prior to the Board giving final approval of the agreement negotiated by the General Manager.

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The conceptual plan includes an open garden area integrated with bench seating, a walking path with accent lighting, eight art-wall-panels, a rose and sculpture garden, and a medicinal herb garden. Two of the panels will contain the engraved names of people who have died as a result of HIV/AIDS. The remaining six panels will display various murals related to the Memorial. The conceptual layout design is detailed in the MND document.

In accordance with the requirements of CEQA, a MND was prepared based on an Initial Study, which determined that all potentially significant environmental effects would be mitigated to a level less than significant. The MND was circulated to all interested parties and responsible agencies, and filed with the State Clearinghouse for a 30-day review and comment period from September 26 to October 28, 2002. All comments have been incorporated into the final MND (Section 5), copies of which have been provided to the Board for its review and consideration. A Mitigation Monitoring and Reporting Program has been prepared that specifies all the mitigation measures identified in the MND (Section 6), which will either reduce or eliminate the potentially significant environment impact of the project. It was determined that the project, as proposed, will not individually or cumulatively have an adverse effect on wildlife resources or their habitats as defined by Fish and Game Code 711.2.

Mayor James K. Hahn and Councilmember Ed Reyes, Council District One, have been supportive of the project and concur with the proposal and recommendations.

Report prepared by Paul Davis, Environmental Specialist III, Environment Management Section, Blanca Gomez-Revelles, Management Analyst II, Real Estate and Asset Management Section.