

REPORT OF GENERAL MANAGER

APPROVED

NO. 09-304

DATE December 9, 2009

DEC 09 2009

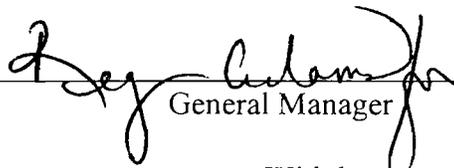
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BOARD OF RECREATION AND PARK COMMISSIONERS

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and PARK COMMISSIONERS

SUBJECT: AVALON-SAN PEDRO PARK AND RICARDO LIZARRAGA ELEMENTARY SCHOOL - JOINT USE AGREEMENT WITH THE LOS ANGELES UNIFIED SCHOOL DISTRICT FOR THE SHARED USE OF AREAS IDENTIFIED AS THE "JOINT USE AREAS"

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



 General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed forty-year Joint Use Agreement (JUA), substantially in the form on file in the Board Office, between City of Los Angeles (City), and the Los Angeles Unified School District (LAUSD) for the shared use of and public access to the "Joint Use Areas" on certain City property and LAUSD property on the block between Avalon Boulevard and San Pedro Street, between 40th Place and Martin Luther King Jr. Blvd;
2. Direct the Board Secretary to transmit forthwith the JUA to the Mayor for approval in accordance with Executive Directive No. 3, and concurrently to the City Attorney, for review as to form; and,
3. Authorize the Board President and Secretary to execute the JUA upon receipt of the necessary approvals.

SUMMARY:

On June 5, 2002, the Board of Recreation and Park Commissioners (Board) was notified through an Informational Board Report of the land exchange and joint use project between the Department of Recreation and Parks (RAP) and LAUSD. The report stated that the proposed project would entail the exchange of 12 City-owned lots which were not dedicated park property for land of equal size

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that LAUSD would acquire and then transfer to RAP. The result of this exchange of land would result in a new reconfigured Avalon – San Pedro Park, and a new elementary school and a “Joint Use Area”, owned in part by City and in part by LAUSD.

On September 3, 2003, the Board agreed to accept LAUSD’s property as dedicated park land (Board Report No. 03-286). On November 18, 2005, the City Council took the following actions, subject to approval of the Mayor: adopted City Ordinance No. 177167 providing for the exchange of lands; approved the Purchase and Sale Agreement; instructed Department of General Services to complete the land exchange transaction as outlined in the Ordinance; and instructed the RAP and City’s team to negotiate a JUA with the LAUSD that will mitigate costs to the City to a degree possible and to report back to the Council to obtain approval of the negotiated agreement along with a request for resources required by RAP for the establishment and operation of the park. On September 25, 2006, RAP took possession and control of the property transferred to RAP as part of the land exchange between LAUSD and the City. As per the agreement between the City and LAUSD, the City has received a new park with improvements made to the park and the “Joint Use Area”. The improvements consist of: hard courts; playfield; landscaping to both the “Joint Use Areas” and park; and playground equipment for the park. The improvements were provided by LAUSD at their cost.

As a result of the newly reconfigured park and new school, the community will be able to share in the use of a larger and more suitable playground area, the “Joint Use Area”, which will increase the recreational space and programming for children in the community during school and after school, to be enjoyed by a community that greatly needs the added activities and park space. The Councilmember for the Ninth District requested that the RAP develop a Joint Use Agreement with LAUSD which would ensure that the general public was afforded an opportunity to utilize the various athletic and sports facilities at Ricardo Lizarraga Elementary School through mutually supportive RAP and LAUSD programming at the campus.

RAP has completed its negotiations with the LAUSD with regard to a forty-year JUA between the City and LAUSD. The agreement will cover the areas referred to as the “Joint Use Areas” as indicated in Part I, A of the Joint Use Agreement. The “Joint Use Areas” will consist of: 4 handball courts; 2 basketball courts and a turf playfield. The JUA will consist of two categories of use periods: LAUSD’s use period; and, the City’s use period. LAUSD’s use period will be from 7:00 a.m. to 8:00 p.m., Monday through Friday when school is in session. The City’s use period will be from 7:00 a.m. to 8:00 p.m., Saturday, Sunday and those days when school is not in session.

General Maintenance (custodial/janitorial, turf management) and Maintenance, Repair and/or Replacement (MRR) defined as reasonable wear and tear will be performed by LAUSD. Maintenance cost for the “Joint Use Areas” incurred by LAUSD for General Maintenance and MRR work will be prorated to City and LAUSD based upon the respective party’s hours of use. LAUSD will maintain records of maintenance costs and expenses arising from the “Joint Use Area” which the City will have the right to review.

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City will pay its proportionate share of utilities as identified in section 6 of the JUA, for the “Joint Use Areas” based on the City’s hours of use and shall have the right to inspect invoices.

The initial term of this JUA is forty years from the date of full execution. At the conclusion of the initial period, the LAUSD and RAP will discuss the feasibility and desirability of extending the term of the Agreement for an additional period of joint use. As part of the overall Agreement with LAUSD, the City will be required to install an office and storage building on a portion of the park and “Joint Use Area” that will be used by RAP’s staff. Original design plans called for the construction of an office/storage building. City and LAUSD had originally agreed that LAUSD would construct the building as part of the overall school and park project and that the City would later reimburse LAUSD for the cost of constructing the building. City was unable to find a funding source quickly to pay for the building; and so in order not to delay the overall School and Park project, the City and LAUSD agreed that the City would construct the building at a later time at the City’s cost, once a funding source was found. At this time, there has not been a funding source established for the construction of the building. Initial cost for the construction of the building had been estimated at \$400,000 in 2004. A new estimate will be needed in order to find a funding source to fund the construction of the building. The cost of the building/improvement will have to be incurred by the City as agreed with LAUSD.

The new park will not be part of the Joint Use Area and will be for the exclusive use by RAP as a public park.

In accordance with the requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) for the project was prepared and adopted by LAUSD as the Lead Agency, and a Notice of Determination (NOD) was filed in November 2001. Subsequently, an Addendum to the original MND, which evaluated the potential impacts of the proposed land exchange with RAP and development of a new Avalon-San Pedro Park and joint use recreation area, was prepared and adopted by LAUSD and an NOD was filed September 29, 2003.

The City Council considered and adopted the amended MND at its regular meeting on November 18, 2005, and a NOD was filed with the Los Angeles County Clerk on December 22, 2005.

This project has the support of the Councilmember for the Ninth District and of LAUSD. In addition, the Assistant General Manager of Operations East and Superintendent for the Pacific Region have been consulted and concur with staff’s recommendations.

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FISCAL IMPACT STATEMENT:

The proposed office/storage building improvement and increase in staff and maintenance cost demands will increase the RAP's cost and will require a budget increase which will be requested through the RAP's standard budget process. Cost for utilities and maintenance will be determined after the first quarter of use and LAUSD will provide "Maintenance Costs" invoices for cost incurred for the "Joint Use Areas". The "Maintenance Costs" is defined as all costs and expenses incurred by LAUSD for the General Maintenance and MRR Work. These costs will be prorated equally to City and LAUSD.

This report was prepared by John Barraza, Real Estate and Asset Management Section.