

APPROVED  
JUN 20 2012

REPORT OF GENERAL MANAGER

NO. 12-203

DATE June 20, 2012

BOARD OF RECREATION  
& PARK COMMISSIONERS

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: THREE-PARTY AGREEMENT BETWEEN DEPARTMENT OF RECREATION AND PARKS, THE LOS ANGELES PARKS FOUNDATION AND THE DILLER-VON FURSTENBERG FAMILY FOUNDATION FOR THE REFURBISHMENT OF EXISTING OUTDOOR BASKETBALL COURTS AT VARIOUS RECREATION AND PARKS FACILITIES

R. Adams	_____	K. Regan	_____
H. Fujita	_____	M. Shull	_____
*V. Israel	_____	N. Williams	_____

  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Agreement ("Agreement"), substantially in the form on file in the Board Office, between the City of Los Angeles Department of Recreation and Parks ("RAP"), the Los Angeles Parks Foundation ("LAPF"), a California 501(c)(3) non-profit corporation, and the Diller-von Furstenberg Family Foundation ("DVFFF"), a California 501(c)(3) nonprofit public benefit corporation (RAP, LAPF, and DVFFF referred to collectively as "Parties"), setting forth the terms and conditions for the refurbishment (repair and upgrade) of potentially up to a maximum of 50 existing outdoor basketball courts ("Courts") at various RAP recreation centers Citywide ("Project"), performed under one or more Project phases (Phase I, II, III, etc.) and funded through a series of charitable, monetary contributions from the DVFFF to LAPF, as described in the proposed Agreement and Summary of this report, subject to the approval of the Mayor and of the City Attorney as to form;
2. Approve Phase I of the Project, consisting of the refurbishment of the four (4) Courts at RAP's Venice Beach Recreation Center, located at 1800 Ocean Front Walk, in the community of Venice, to be completed by LAPF through an initial charitable contribution from the DVFFF to the LAPF in the amount of \$141,385;
3. Request LAPF to enter into one or more contracts with a licensed contractor(s) for the design

## REPORT OF GENERAL MANAGER

PG. 2

NO. 12-203

and implementation of the outdoor basketball court refurbishments (“Improvements”), pursuant to plans and specifications submitted to and approved by RAP and DVFFF, and to proceed with the Improvements in coordination with RAP staff;

4. Direct Staff to issue one or more right of entry permits to LAPF as required for each Phase of the Project, authorizing access to selected park sites, initially at Venice Beach Recreation Center under Phase I of the Project, and subsequently at six (6) additional park sites under Phase II as described in this Report, to install Improvements in accordance with the terms and conditions of the proposed Agreement;
5. 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 and approval as to form;
6. Authorize the Board President and Secretary to execute the Agreement upon receipt of the necessary approvals;
7. Upon completion of Improvements at Venice Beach, accept such Improvements as a gift to the City from DVFFF and LAPF, valued at approximately \$141,385, and thank the donors accordingly for their generosity;
8. Direct Staff to return to the Board at a future date as necessary, upon completion of any subsequent Court Improvements at additional park sites identified for refurbishment under Phase II, up to maximum of 7.5 Courts, to report on and request the Board’s acceptance of such additional Improvements funded through charitable, monetary contributions provided by DVFFF to LAPF, valued at an amount or amounts established at that time; and,
9. Direct Staff to return to the Board at a future date for approval of additional Court refurbishments up to a maximum of 38.5 additional Courts under Phase III and beyond, mutually selected by Parties to be refurbished through additional charitable, monetary contributions provided to LAPF by DVFFF.

### SUMMARY:

To further its goal of positively impacting the world by improving people’s lives and strengthening communities, DVFFF, a California 501(c)(3) public benefit nonprofit corporation, has generously offered to donate to the City, through a series of charitable, monetary contributions to LAPF, a gift consisting of the refurbishment of potentially up to 50 existing outdoor Courts at various RAP recreation centers, valued potentially at approximately \$1.5 Million Dollars. Pursuant to the proposed Agreement, the LAPF shall contract directly with a preselected, licensed contractor, as

## REPORT OF GENERAL MANAGER

PG. 3

NO. 12-203

more fully described below.

The Project, which consists of the repair and upgrade of up to 50 Courts evaluated and selected by the Parties, includes the installation of new asphalt court surfaces, acrylic accents (perimeter, lines, and/or key areas), cantilevered goal posts, tempered glass backboards, breakaway goal rings, nylon nets, and needed individual site-specific improvement. Although the Project objective is for each site to receive all said Improvements, the type and/or design of such Improvements for any particular Court will be contingent upon the location of the Court(s) within each park site and the existence of any physical impediment(s), restrictions, or limitations. The Project's overall objective is to perform the Improvements under multiple phases as mutually determined by RAP, LAPF and DVFFF.

The Project will be completed through three (3) or more phases, commencing with the four (4) Courts at RAP's Venice Beach Recreation Center, located at 1800 Ocean Front Walk in the community of Venice (Phase I). Upon execution of the proposed Agreement, the DVFFF will make an initial charitable contribution to LAPF in the amount of \$141,385 for the completion of Phase I. Pursuant to the terms and conditions of the proposed Agreement, DVFFF will provide LAPF with the initial charitable contribution upon execution of the proposed Agreement. Based on RAP's existing contract and working relationship with Commercial Paving and Coating, Inc. ("Contractor"), and in order to expedite the commencement of the Project, LAPF has chosen Contractor to perform Phase I of the Project, pursuant to plans and specifications approved by RAP and the DVFFF. RAP will issue LAPF a temporary, revocable right of entry permit ("ROE") authorizing access to the Courts for LAPF, Contractor, and any subcontractors, to perform the Improvements. Phase I is expected to be completed by August 2012.

Following the completion of the Venice Courts, and contingent upon the completion of Phase I on time and within budget, the DVFFF has agreed to provide additional funding for the refurbishment of additional Courts under subsequent Project Phases at other park sites (Phase II, III, etc.). For Phase II, Parties have tentatively selected Lafayette Park (2 Courts), Glassell Park Recreation Center (1 Court), Sepulveda Recreation Center (1.5 Courts), and Victory/Vineland Recreation Center (1 Court), Mount Carmel Recreation Center (1 Court), and Boyle Heights Sports Center (1 Court). The initial 11.5 Courts were chosen for Phases I and II due to their high use and severe need for repairs and equipment replacement. Subsequent Courts, up to a maximum of 38.5 additional Courts to complete a total of 50 Courts, will be added to future Project Phases as mutually determined by the Parties.

The proposed Agreement, which carries a three- year term, sets forth the terms and conditions under which the LAPF will (i) design and install the Improvements at no cost to the City, (ii) accept funding as a donation from DVFFF, (iii) proceed with the Improvements in coordination with the DVFFF and RAP staff; and once completed, (iv) provide the finished Improvements for the Board's acceptance as a gift to the City. The LAPF will be entitled to use the Improvements at no charge for

## REPORT OF GENERAL MANAGER

PG. 4

NO. 12-203

certain special events, a maximum of 10 non-consecutive days per year during the term of the Agreement, subject to coordination with and approval by RAP. Such use shall be limited to the use of one site per event, not ten days or 10 events per Court or per site.

Staff have evaluated the four Venice Beach Courts and potential 7.5 additional Courts to be refurbished under Phases I and II of the overall Project, and determined that every site will involve the refurbishment of existing basketball facilities with negligible or no expansion of use beyond that already existing, and further determined that there are no unusual environmental conditions present, such as historic resources or sensitive habitats at any of the sites that would be impacted by the refurbishment of each Court, individually or cumulatively. Therefore, the court refurbishment at each site is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 of the City CEQA Guidelines. Any additional sites funded in future phases of the Project will be reviewed for exceptional environmental impacts to determine if they too are categorically exempt from CEQA when approved by the Board.

Region Operations staff and maintenance staff support the recommendations set forth in this report.

### FISCAL IMPACT STATEMENT:

There will be no fiscal impact on RAP's General Fund as the proposed Improvements will be funded by DVFFF and installed by LAPF at no cost to the City.

This report was prepared by Joel Alvarez, Senior Management Analyst, Partnership Division.