

REPORT OF GENERAL MANAGER

NO. 04-84

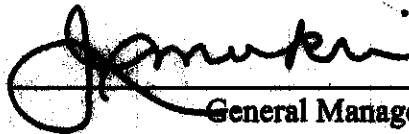
DATE: March 17, 2004

CD. 8

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: APPROVAL OF ONE (1) MASTER AGREEMENT REGARDING JOINT USE BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES UNIFIED SCHOOL DISTRICT; AND APPROVAL OF A SITE-SPECIFIC JOINT USE AGREEMENT FOR A PROPOSED PROPOSITION 40 PROJECT AT CRENSHAW HIGH SCHOOL

* K. Chan	<u>hc</u>	J. Combs	_____
H. Fujita	_____	J. Kolb	_____
M. Mariscal	_____	F. Mok	_____
K. Regan	_____	G. Stigile	_____

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve the proposed Master Agreement Regarding Joint Use (substantially in the form on file in the Board Office) between the City of Los Angeles (City) and the Los Angeles Unified School District (LAUSD), for the joint operation, improvement, and maintenance of various facilities at LAUSD's Crenshaw High School for a term of thirty-five (35) years based upon guidelines established by the State of California, Department of Parks and Recreation; the L.A. For Kids Steering Committee; and the Council and subject to review by the Mayor, in accordance with the Executive Directive No. 16 and of the City Attorney as to form;
2. Approve one (1) site-specific joint use agreement (substantially in the form on file in the Board Office) between the City and LAUSD for a proposed Proposition 40 Murray-Hayden project at Crenshaw High School, subject to review by the Mayor and City Attorney and conditioned upon LAUSD receiving the award of funding from the State pursuant to the site-specific Proposition 40 Murray-Hayden application;
3. Direct the Board Secretary to expeditiously transmit this report, the Master Agreement Regarding Joint Use (Agreement), and the site-specific joint use agreement forthwith to the Mayor and concurrently to the City Attorney for review and approval; and,

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4. Authorize the Board President and Secretary to execute these agreements following their approval by the Mayor and City Attorney as to form.

### SUMMARY:

On December 5, 2003, the Los Angeles City Council (CF 03-2608) approved and authorized the Department to submit an application in conjunction with LAUSD for a Proposition 40 Murray-Hayden grant award to fund proposed athletic field improvements at Crenshaw High School. One of the State's requirements for this application to continue being eligible in the competitive process is for the City and LAUSD to enter into a formal joint use relationship, subject to the approval and award of Proposition 40 funding. The agreement(s) must be executed and submitted to the State by March 24, 2004. As a consequence, staff has prepared a Master Joint Use Agreement and a site-specific agreement to comply with the State's requirements.

The Master Agreement delineates points of consensus between the City and LAUSD regarding prospective joint use operations at various LAUSD facilities. At this time, the Master Agreement for Proposition 40 funding applies only to Crenshaw High School; however, it will serve as a template that will govern future site-specific agreements in addition to Crenshaw High School.

The Proposition 40 Murray-Hayden application for Crenshaw High School has been judged responsive, responsible, and eligible for competition in the State's funding cycle, subject to submission of a formal joint use agreement addressing public and school uses of the improvements for which funding is requested. The Master Agreement, in conjunction with an accompanying site-specific joint use agreement, addresses public use and access issues that are unique to this school:

- **Crenshaw High School - CD 8** - application for the development of an "Athletic Field Complex" at the high school, including funding for running track upgrading, security fencing (to secure the campus but facilitate public access and use of the proposed Prop 40 - funded improvements), upgrading the football field, and adding an electronic scoreboard (*Proposition 40 Murray-Hayden funding request = \$1,800,000*). Pursuant to the terms of the site specific JUAs, the parties have proposed that City's use of the facility would include the use of the track and the football/soccer field at the "Athletic Field Complex" periodically throughout the year, with specific dates to be negotiated annually and arranged via Civic Center permits issued by LAUSD. Additional facilities at Crenshaw (not related to the Proposition K grant request) that the Department of Recreation and Parks will utilize, via Civic Center permit requests, are the baseball field and the basketball gymnasium.

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The Master Agreement is for a term of 35 years to satisfy site access and public benefit requirements for any Site-Specific JUA that might be approved for funding award, including Crenshaw High School and future applications. The term of the individual site-specific agreement is twenty (20) years.

The Agreements address the following:

- (1) The use of the defined joint use areas by the school during its exclusive use period, during a potential shared City-school use period for collaborative or joint programming, and the City and/or public use period during which the defined premises are exclusively for public access and utilization.
- (2) The site specific agreement refines and elaborates on the hours of use at Crenshaw High School and how that facility will accommodate school and public time;
- (3) Maintenance, repair, and improvement responsibilities, in general, of the respective parties to the Agreement;
- (4) Restroom access and maintenance protocols;
- (5) Sharing of utility costs;
- (6) Indemnification and insurance requirements, acknowledging that each party to the Agreement is self insured, however, recognizing that risk management needs to be assessed and evaluated on a site-specific basis depending upon the type of facilities and activities that will be occurring at each campus under joint use;
- (7) Acknowledgement that a CEQA (California Environmental Quality Act) analysis has been performed; the requisite and appropriate finding is required prior to final approval and execution of the Joint Use Agreement.
- (8) The Crenshaw High School Site-Specific JUA addresses the planned public uses of the identified portions of the facility subject to the agreement. Included in the site-specific agreement will be hours of use, parking accommodations for staff and the general public, any maintenance requirements that are appropriate and necessary due to the types and intensity of public access and anticipated use, and any other matters that are unique to the specific facility.

Subsequent to Recreation and Parks Commission approval (on March 17, 2004) and expedited review by the Mayor's office and the City Attorney, the agreements will be executed and submitted to the State Department of Parks and Recreation on or prior to March 24, 2004.

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The City and LAUSD recognize and acknowledge that, prior to undertaking the activities set forth in the Master JUA and the Site Specific JUA, LAUSD must perform and complete and certify the adequacy of the environmental review in accordance with the California Environmental Quality Act (CEQA). The City and LAUSD further recognizes that, as a result of the information obtained by means of the CEQA process, the parties may decide to modify, condition, or disapprove the activities set forth in the Master and Site Specific JUA. Nothing in the Master and Site Specific JUA shall limit or hinder the parties to exercise their independent judgment and discretion with respect to these activities. In particular, the parties' obligations under the Master and Site Specific JUA are subject to, and shall not arise until after completion of, the CEQA process.

As for compliance with the California Environmental Quality Act (CEQA), the Los Angeles Unified School District has completed Categorical Exemptions for the proposed expansion and renovation of school facilities. Staff has further determined that the approval of the Joint-Use Agreement is also exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 1 (14) of the City CEQA Guidelines, which allows for joint use of the school facilities that result in no change or a negligible change in the previously existing use of the facilities.

The City and LAUSD reserve the right to modify the site specific agreement as to scope based upon future funding decisions to be made by the State of California. It is anticipated that notification of project approval or rejection will occur on or after July 1, 2004.

This report was prepared by Gene Dudley, Senior Management Analyst II, of the Department's Real Estate Group.