

REPORT OF GENERAL MANAGER

NO. 05-50

DATE February 16, 2005

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SANTA YNEZ CANYON PARK - SECOND AMENDMENT TO THE SHARED USE AGREEMENT WITH THE CALVARY CHURCH OF PACIFIC PALISADES

* K. Chan	<u>kc</u>	J. Kolb	_____
J. Combs	_____	F. Mok	_____
H. Fujita	_____	K. Regan	_____

*Frank J. Mok*  
for General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve the Second Amendment, substantially as attached, to the Agreement executed on July 11, 2001, between the Department of Recreation and Parks and Calvary Church, located at 701 Palisades Drive in Pacific Palisades, concerning the shared use of a portion of Santa Ynez Canyon Park as a playing field, subject to approval of the Mayor, of the City Attorney as to form, and of the City Council;
2. Direct the Board Secretary to transmit the Second Amendment to the Mayor for review and approval, in accordance with Executive Directive No. 16 and concurrently to the City Attorney for review as to form; and
3. Upon obtaining the necessary approvals, authorize the Board President and Secretary to execute the Amendment.

SUMMARY:

The Shared-Use Agreement, with an initial term of twenty-five years, authorized the creation of a playing field from an unimproved hillside portion of Santa Ynez Canyon Park. The field was to serve the mutual benefit of the public and the students who attend a school run by the Church on their adjacent site. The Church was to pay for the construction and maintenance of both the playing field and a retaining wall on each side of the field. Subsequently, the California Coastal Commission approved the permit required for the project's construction, subject to certain conditions. As a result of their action, Report No. 02-119 was presented to the Board on

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March 20, 2002. The Report sought approval of a First Amendment, which would incorporate these conditions into the Shared-Use Agreement. The Board approved the Amendment, and it was executed on November 13, 2002.

As stated in the Agreement, Calvary Church has been paying the Department a monthly fee of \$600.00 during the construction period. Section 2.B(2) states that after construction is complete, the Church will reduce the size of the park property they use from the initial 1.25 acres to a size that can reasonably accommodate ongoing use of the playing field by the school's students and the public. The monthly fee will also be reduced proportionally but not below \$400.00.

On October 20, 2004, the Church sent Department staff correspondence, including "project final" sign-offs from the Department of Building and Safety, stating that the playing field was ready for use. Also included was a revised legal description indicating that the Church's park portion had been reduced to 0.8 acre, a 36% reduction from the initial size. Since this reduction would reduce the monthly fee to \$384.00, which is below the agreed-upon minimum of \$400.00, the Church has begun to pay the minimum amount. The effective date of the reduction was October 1, 2004. The proposed Second Amendment acknowledges this fee reduction and also contains the revised legal description and site plan of the park property covered by the Agreement.

For future reference, the original Agreement provided that the monthly fee will be adjusted every two years according to a formula detailed in Section 2C. The next adjustment is to occur October 1, 2006, using U. S. Department of Labor statistics then in effect.

The Superintendent of Operations West concur with staff's recommendations.

This Report was prepared by Joan Reitzel, Senior Management Analyst in Real Estate and Asset Management.