

**APPROVED**  
JUL 17 2019

**BOARD OF RECREATION  
AND PARK COMMISSIONERS**

**BOARD REPORT**

NO. 19-139

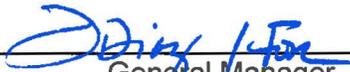
DATE: July 17, 2019

C.D. 4

**BOARD OF RECREATION AND PARK COMMISSIONERS**

**SUBJECT: FRANKLIN-IVAR PARK – SUPPLEMENTAL AGREEMENT BETWEEN THE DEPARTMENT OF RECREATION AND PARKS AND SANTA MONICA MOUNTAINS CONSERVANCY TO EXTEND THE TERM OF AGREEMENT NO. C-132477 FOR AN ADDITIONAL THREE YEARS**

AP Diaz	_____	S. Piña-Cortez	_____
H. Fujita	_____	C. Santo Domingo	_____
V. Israel	_____	*N. Williams	<u>NBW</u>

  
General Manager

Approved X Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS

1. Approve a Supplemental Agreement to the Memorandum of Understanding and Cooperative Agreement (Agreement No. C-132477) with the Santa Monica Mountains Conservancy (SMMC), a state agency established under the laws of the State of California, which extends the term of Agreement No. C-132477 for an additional three (3) years and authorizes the Department of Recreation and Parks (RAP) to continue to operate and maintain Franklin-Ivar Park, which is currently owned by SMMC, under the same terms and conditions of Agreement No. C-132477;
2. Direct the Board of Recreation and Park Commissioners (Board) Secretary to transmit the proposed Supplemental Agreement to the City Attorney for review and approval as to form;
3. Authorize the Board President and Secretary to execute the Supplemental Agreement upon receipt of the necessary approvals.

SUMMARY

SMMC, a state agency, is the sole owner of real property commonly referred to as Franklin-Ivar Park (Park), a 0.75-acre passive park located at 6351 Franklin Avenue in the community of Hollywood, which opened to the public in 2017. SMMC had previously requested that RAP operate the Park on its behalf. This request was approved by the Board on June 11, 2018 (Report No. 18-148), and resulted in the execution of Agreement No. C-132477 on July 1, 2018, stipulating each party's role and responsibilities regarding the operation and maintenance of the Park, including the transition of certain responsibilities to RAP, continuance of certain obligations by SMMC, and ultimately the uninterrupted operation and maintenance of the Park. Since then, as part of the terms and conditions of Agreement No. C-132477, RAP has assumed the full cost of operating and maintaining the Park.

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Currently, RAP and SMMC (Parties) are in discussions regarding the transfer and future control of the Park to RAP and exploring various options such as a simple transfer of fee-title of the Park to RAP, or a long term lease agreement between SMMC and RAP. Until such decisions are made, the Parties have agreed to continue with existing arrangements under the same terms and condition of Agreement No. C-132477 by extending the term of Agreement No. C-132477 for an additional three (3) years until June 30, 2022, or an earlier date on which a successful transfer of fee title of the Park to RAP or execution of a long-term lease agreement transferring jurisdiction and control of the Park to RAP occurs, subject to the Board's approval.

### FISCAL IMPACT

The Park has been approved for funding for recreation and maintenance purposes under the FY 2019-20 RAP budget. Any necessary increases in the future for additional operation and/or maintenance expenses will be requested through the annual budget process.

### STRATEGIC PLAN INITIATIVES AND GOALS

Approval of this Board Report advances RAP's Strategic Plan by supporting:

<b>Goal No.1:</b>	Provide Safe and Accessible Parks
<b>Outcome No. 1:</b>	Every Angeleno has walkable access to a park in their neighborhood
<b>Key Metric:</b>	Percentage of Angelenos with park access within a ½ mile of their home
<b>Target:</b>	<b>60% by 2022</b>

This Report was prepared by Joel Alvarez, Senior Management Analyst II, and Raymond Chang, Management Analyst, Partnership Section.

### LIST OF ATTACHMENTS

- 1) Supplemental Agreement

**SUPPLEMENTAL AGREEMENT  
TO AGREEMENT NO. C-132477  
BETWEEN  
THE CITY OF LOS ANGELES DEPARTMENT OF RECREATION AND PARKS  
AND  
SANTA MONICA MOUNTAINS CONSERVANCY  
FOR THE OPERATION AND MAINTENANCE  
OF FRANKLIN / IVAR PARK**

This Supplemental Agreement to Agreement No. C-132477 (“Supplemental Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Los Angeles, a charter city and municipal corporation, acting by and through the Board of Recreation and Park Commissioners (“RAP”) and the Santa Monica Mountains Conservancy, a state agency established under the laws of the State of California (“Conservancy”). Collectively together known herein as “Parties” or individually as “Party”.

**RECITALS**

Whereas, the Conservancy is a state agency established pursuant to Division 23 of the Public Resources Code (Section 33000 *et seq*); and,

Whereas, the Conservancy is the owner of a 0.75-acre recreational park amenity located at 6351 Franklin Avenue, commonly known as Franklin / Ivar Park (the “Park”), which opened to the public in 2017; and,

Whereas, RAP operates and maintains an inventory of parkland consisting of more than sixteen thousand (16,000) acres; and,

Whereas, on July 11, 2018, the Board of Recreation and Park Commissioners (“Board”) approved a one-year Memorandum of Understanding and Cooperative Agreement between the City of Los Angeles and Conservancy (Report No. 18-148), setting forth agreed-upon duties and responsibilities of the Parties relative to the operation and maintenance of the Park; and,

Whereas, Agreement No. C-132477 (“Initial Agreement”) was executed on December 4, 2018, between Parties for a one (1) year term commencing on July 1, 2018; and,

Whereas, RAP has since successfully operated and maintained the Park in accordance with the terms and conditions of the Initial Agreement, the Parties continue to explore the feasibility of longer term operations by RAP, either through a transfer of land or multi-year lease agreement, subject to approval by the Board; and,

Whereas, the term of the Initial Agreement expired on June 30, 2019 and RAP and the Conservancy have mutually agreed to extend the term of the Initial Agreement for an additional three (3) years under the same terms and conditions of the Initial Agreement, with the amended term now extending through and including June 30, 2022; and,

Now therefore, the Parties hereby agree to enter into this Supplemental Agreement as follows:

1. The terms and conditions of the Initial Agreement for the operation and maintenance of Franklin-Ivar Park shall be the terms and conditions of this Supplemental Agreement, except as specifically modified below.
2. The recitals set forth above are incorporated in full and made a part of this Supplemental Agreement, and all references to the term "Agreement" made in the Initial Agreement, as incorporated and/or amended herein, shall mean this Supplemental Agreement.
3. Section 3: **Term of Agreement.** Section 3 of the Initial Agreement is hereby amended in its entirety and shall now read:

This Agreement shall be for a term of four (4) years, to begin on **July 1, 2018** and end on **June 30, 2022**, except that the Agreement shall terminate earlier upon either a successful transfer of fee title of the Park to RAP, or upon execution of a long-term lease agreement transferring jurisdiction and control of the Park to RAP. Termination may also occur under the terms of Section 8 (Termination and Surrender of the Park) of this Agreement.

At the request of the Conservancy, and because of the need therefore, RAP began performance of its responsibilities herein required prior to the execution of this Supplemental Agreement. By its execution hereof, the Conservancy hereby accepts such services, and ratifies such services were performed in accordance with the terms and conditions of the Agreement and this Supplemental Agreement.

4. Should any provision of the Initial Agreement as incorporated herein conflict with this Supplemental Agreement, the terms and conditions of this Supplemental Agreement shall prevail.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, the Parties have executed this Supplemental Agreement as of the day and year first written above.

**FOR THE SANTA MONICA MOUNTAINS CONSERVANCY:**

By \_\_\_\_\_ Dated: \_\_\_\_\_

Title \_\_\_\_\_

APPROVED AS TO FORM:

JEFFREY MALONEY  
Chief Staff Counsel

By \_\_\_\_\_ Date \_\_\_\_\_

**FOR THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its BOARD OF RECREATION AND PARK COMMISSIONERS:**

By \_\_\_\_\_ Dated: \_\_\_\_\_  
President

By \_\_\_\_\_ Dated: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

MICHAEL N. FEUER,  
City Attorney

By \_\_\_\_\_ Date \_\_\_\_\_  
Michael Dundas  
Deputy City Attorney