

**APPROVED**  
OCT 16 2013  
BOARD OF RECREATION  
AND PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 13-266

DATE: October 16, 2013

C.D. 5

**BOARD OF RECREATION AND PARK COMMISSIONERS**

**SUBJECT: ENCINO PARK; ENCINO PARENTS NURSERY SCHOOL INC., -  
AGREEMENT FOR THE OPERATION AND MAINTENANCE OF A CHILD  
CARE AND DEVELOPMENT PROGRAM ON PARK PROPERTY AND  
EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY**

R. Adams  
H. Fujita  
\*V. Israel

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*for V.I.*

K. Regan  
M. Shull  
N. Williams

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*[Signature]*  
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Withdrawn \_\_\_\_\_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) and the Encino Parents Nursery School Inc. (EPNS), a California non-profit corporation, setting forth the terms and conditions for EPNS's continued use of park property at Encino Park, in accordance with RAP's Partnership Policy, to provide licensed Child Care and Development Services to the surrounding community, subject to the approval of the Mayor and of the City Attorney as to form;
2. 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;
3. Authorize the Board President and Secretary to execute the Agreement upon receipt of the necessary approvals;
4. Direct RAP's Chief Accounting Employee to deposit in Fund 302 Department 89 Account 89702H the utility and other cost recovery reimbursements received from EPNS under this Agreement; and
5. Find that the proposed Agreement is exempt from the California Environmental Quality Act.

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### SUMMARY:

EPNS, a private non-profit corporation, is a cooperative child care and development program provider currently receiving funds through tuition fees, donations, and fundraising events. EPNS runs a licensed childcare and development program located within Encino Park at 16953 Ventura Boulevard, Encino, CA 91316. EPNS currently operates their program through Right of Entry Permit No. PD-ROE-033 (ROE) expiring December 31, 2013, which has allowed time for the Partnership Division to formalize an Agreement between EPNS and RAP, in accordance with RAP Policies.

Pursuant to Board Report No. 11-296 approved November 2, 2011, the Board made a finding that non-profit cooperative nursery, Head Start, pre-school and child care organizations are a recreational use as these programs primarily provide outdoor child development through recreational and educational pre-school experiences such as game playing, free play, and group sports play. Licensed in 1977, EPNS has been providing a child care and development program to children ages two (2) years and nine (9) months through age five (5) for families within the surrounding community of Encino Park. Servicing twenty-one (21) children daily, this program encourages physical activity, demonstrates healthy lifestyle choices and helps prepare participants enrolled in the programs for success in school. EPNS is licensed and operates under the California Childcare Center General Licensing requirements.

Incorporated in 1957, EPNS has provided child care and development services since its beginnings in the early 1950's, when it began as a group of mothers who met at Encino Park each day. Arrangements were made between RAP and EPNS to allow EPNS a more formal space to conduct a cooperative child care and development program within the grounds of Encino Park. EPNS was given use of what was once a former barn and at one time also housed the local Fire Department.

Following the traditional school year, EPNS operates Monday through Friday, 9:00 a.m. – 12:30 p.m. EPNS uses a building and outdoor space measuring a total of approximately 825 square feet. During EPNS's operation times, EPNS and the general public share outdoor play equipment.

The yearly value of EPNS's program services to the public has been determined to be \$52,000, based on their annual operating budget. Staff recommends approval of the proposed three (3) year Agreement, so that EPNS may be allowed to continue using park property to operate a child care and development program which provides recreational benefits and is in the best interest of the community around Encino Park.

Should the proposed Agreement be approved, EPNS's performance will be monitored through an annual performance review conducted by the RAP Partnership Division to ensure compliance

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with the terms and conditions of the proposed Agreement. As part of the proposed Agreement, EPNS will be responsible for building repairs when RAP is unable to fulfill repair requests due to limited resources. In all cases, EPNS accepts full liability for their operations at the location and will maintain appropriate insurance coverage listing the City as an additional insured. Additionally, EPNS will be responsible for the payment of Cost Recovery Reimbursement Fees in the amount of \$181 per month of operation, that is, \$2,172 per year, covering utilities, solid waste disposal, and staff impact fees.

### ENVIRONMENTAL IMPACT:

Staff has determined that the execution of the proposed Agreement is for the operation of programming at an existing park facility involving negligible or no expansion of use and, therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (14) of the City CEQA Guidelines.

Staff has discussed the proposed agreement with the Principal Supervisor and the Superintendent of the Valley Region and each supports the agreement and concurs with staff's recommendations.

### FISCAL IMPACT STATEMENT:

The proposed Agreement will have no adverse impact on RAP's General Fund as operations and program costs associated with EPNS's use of park property will be paid for by EPNS at no cost to the City, and costs impacting RAP shall be compensated through the collection of Board approved Cost Recovery Reimbursement Fees.

This report was prepared by Joel Alvarez, Senior Management Analyst and Leslie Richter, Senior Recreation Director I, Partnership Division.