

Memorandum

To : The Conservancy
The Advisory Committee

Date: April 26, 2010

From : Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 14: Consideration of resolution authorizing (a) two Transfers of Jurisdiction (TOJ) from Sepulveda Pass Bel Air Crest open space dedication parcels (APNs 4377-001-901 and 4377-001-903) to the California Department of Transportation (Caltrans) not to exceed 1.0 and 0.2 acres, respectively; (b) two temporary construction easements and one permanent drainage easement on said parcels to Caltrans, and (c) acceptance of funds for said TOJ s and easements and required compensation and grant source reimbursement for the loss of the park facilities at Gettyview Trailhead and Skirball Center Drive, City of Los Angeles.**

Staff Recommendation: That the Conservancy adopt the attached resolution conditionally authorizing (a) two Transfers of Jurisdiction (TOJ) from Sepulveda Pass-Bel Air Crest open space dedication parcels (APNs 4377-001-901 and 4377-001-903) to the California Department of Transportation (Caltrans) not to exceed 1.0 and 0.2 acres, respectively; (b) two temporary construction easements and one permanent drainage easement on said parcels to Caltrans, and (c) acceptance of funds for said TOJs and easements and required compensation and grant source reimbursement for the loss of the park facilities at Gettyview Trailhead and Skirball Center Drive.

Legislative Authority: Sections 33211 and 33203 of the Public Resources Code.

Background: The California Department of Transportation (Caltrans) is in the process of widening the northbound section of the 405 freeway between Route 10 and Route 101 for an HOV lane. The improvements require the permanent take of two sections of Conservancy property in the Sepulveda Pass and of multiple permanent and temporary easements. Staff has been working with Caltrans for almost four years on this project. The first efforts were to preserve and enhance wildlife crossing conditions across the 405 freeway and Sepulveda Boulevard. The enhancements developed in those meetings were included in the Final EIR/EIS certified for the project. The Conservancy adopted comments on both the Draft and Final EIR/EIS. Subsequently the Conservancy approved a Section 4f Agreement with Caltrans regarding the inevitable damage to park facilities from a Federally-funded project.

Both Caltrans right-of-way and aerial photographs of the two subject areas located on the east side of the 405 freeway are attached. The subject properties were dedicated to the Conservancy in the mid-1980s as part of the adjacent Bel Air Crest development approval. In the late 1990s the Conservancy in conjunction with the Mountains Recreation and

Conservation Authority constructed two trailhead facilities, one on each of the parcels that Caltrans plans to buy from the Conservancy to widen the 405 freeway. The main facility is the Gettyview Trailhead located on the east side of Sepulveda Boulevard just east of where the roadway crosses under the 405 Freeway. This facility includes a developed parking lot, a kiosk, a short trail with shaded picnic sites, and a quarter-mile-long trail that connects to the ridgeline overlooking Hoag Canyon. It is the only formal public trail entrance into Hoag Canyon. The other facility is located at the east end of the Skirball Center Drive bridge over the 405 freeway. The only improvements in this location consisted of minimal signage and a three-quarter-mile long trail that has since grown over. That trail is designed to use the existing park and ride parking lot and Skirball Center Drive crosswalk for access.

Both facilities were funded by an Environmental Enhancement and Mitigation Program (EEMP) grant from Caltrans to the MRCA. In addition the Conservancy used Proposition A tree planting funds for the Gettyview Trailhead. Together these grants totaled over \$250,000. Caltrans has acknowledged the requirement to reimburse the MRCA and the Conservancy for the damage to these facilities. The Gettyview Trailhead will be permanently lost to accommodate a new on ramp to replace the existing circular one across the street. There is no place to create another trailhead on existing State land. Acquisition of private land to south would be necessary. The Skirball park and ride trailhead and trail will remain functional after the freeway work is completed.

The proposed action addresses conditionally authorizing the Transfer of Jurisdiction of two pieces of land to Caltrans, the transfer of easements, and the acceptance of funding to mitigate the loss of parkland and ecological resources. Caltrans and its partners the Metropolitan Transportation Authority (MTA) and Kiewit (project contractor) are in an extreme rush to begin work at both sites. Staff counsel has informed, in writing, all three entities that no work can occur on Conservancy land until the Conservancy and the MRCA are fully reimbursed and executed agreements are in place addressing the required mitigation and compensation packages. Payment should also be made because mitigation funding is the first funding to evaporate when project budgets soar, and staff should not have to chase after due compensation.

Caltrans appraised the 655-square-foot fee simple area at the Skirball park and ride at approximately \$8,000. Staff is preparing a required restoration plan for the 18,148 square foot temporary (12-31-2013) construction easement area.

A Caltrans appraisal will soon be done for the 22,030-square-foot fee simple easement and 8,900-square-foot drainage easement at the Gettyview Trailhead. It is unclear if those appraisals have to be reviewed by the State Department of General Services.

Staff will negotiate mitigation and compensation packages that provide the most recreation, wildlife corridor, viewshed and general habitat protection. Both because of the Caltrans timeline and the severity of impacts to the Gettyview Trailhead, consideration of this item has been brought to the Conservancy ahead of the release and approval of all the necessary appraisals. Nonetheless Caltrans sets the appraisal amount. The requested authority is both to transfer the land at the appraised value and to authorize staff to enter into agreements to receive other mitigation and compensation funding.

Simultaneous negotiations with Conservancy staff, National Park Service staff, Caltrans, MTA and Kiewit are also near completion for construction of a wildlife under-crossing beneath the proposed on ramp at Gettyview Trailhead. The final grading plan for this mitigation measure will have a major impact on grading at the trailhead. It appears that most if not all of the planted trees will be lost.

In addition, the contractor for the design-build project (Kiewit) has requested to set up a multi-year concrete crushing operation in the center of the Gettyview trailhead tree planting area. This request was recently sprung on staff. The resulting temporal but unavoidably significant impacts on wildlife movement and longterm movement patterns were not analyzed in the Final EIR/EIS. The Conservancy is under no obligation to grant this type of use in the proposed temporary construction easement.