

Memorandum

To : The Conservancy
The Advisory Committee

Date: June 28, 2010

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

Subject: **Agenda Item 12: Consideration of resolution authorizing a grant augmentation and scope change for SMM-0776 to the Mountains Recreation and Conservation Authority for work associated with the Malibu Parks Public Access Enhancement Plan – Public Works Plan.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant augmentation in the amount of \$1.1 million of Proposition 84 funds and a scope change to add Malibu Bluffs Park for SMM-0776 to the Mountains Recreation and Conservation Authority for work associated with the Malibu Parks Public Access Enhancement Plan – Public Works Plan.

Legislative Authority: Sections 33204.2(a), 33204.27(a), and 75060(d)(1) of the Public Resources Code and Section 6500 *et seq.* of the Government Code.

Background: Through two and a half years of work funded by SMM-0776, the Mountains Recreation and Conservation Authority (MRCA) staff and a consultant team has advanced the Malibu Parks Public Access Enhancement Plan - Public Works Plan project close to the expected release of a Final Environmental Impact Report in the first week of August 2010 and the consideration of a Public Works Plan (PWP) by the California Coastal Commission early this fall. In addition the MRCA has used the grant to orchestrate closing two key Coastal Slope Trail properties that link Ramirez Canyon Park to Escondido Canyon Park. Substantial progress has also been made on two other Coastal Slope Trail acquisitions within the PWP boundary. In addition, the California Coastal Commission approved a major Malibu Local Coastal Plan Amendment (LCPA) last June to help implement the PWP.

The 3,000 page PWP Draft Environmental Impact Report demonstrates the detail, volume, and precision necessary to support the development of the proposed multi-park Public Works Plan. The PWP boundary extends from Ramirez Canyon Park on the west, encompassing Escondido Canyon Park and Corral Canyon Park in the core, extending east to the Conservancy's Malibu Bluffs Park. It also includes the relevant section of the Coastal Slope Trail and the Beach to Backbone Trail.

The Conservancy last augmented SMM-0776 in August and November 2009 to bring the total grant amount to \$2,200,000. The Conservancy last amended the scope of SMM-0776 in

November 2009 to include fire safety improvements to Ramirez Canyon Park access over Ramirez Canyon Road and Delaplane Road.

The Chairperson of the MRCA submitted the attached application dated June 16, 2010 to augment SMM-0776 by \$1.1 million and to amend the scope to include the Conservancy's Malibu Bluffs Park. The MRCA cover letter and application provide a strong justification to augment the Proposition 84 grant by that amount and to amend the scope as requested. The MRCA materials state:

“that the complexity, difficulty, and expected legal challenges to the project have required extraordinary amounts of work to assure the quality and viability of the project. The project components are continually being refined or eliminated both to reduce implementation cost, to respond to Draft EIR comments, and to reduce legal exposure. This extensive front end work effort should pay great dividends in regards to reducing litigation and implementation costs.”

The MRCA application reserves \$450,000 of the augmentation for a host of different expected legal costs including litigation of the FEIR and Coastal Commission approval of a PWP. Settlements could obviate the need to spend that full proposed budget amount.

The remaining \$650,000 requested by the MRCA would cover the main EIR and PWP consultant, MRCA staff time, the principal engineering firm, geology and geotechnical consultants, coastal planning consultants, an ADA consultant, and printing costs.

The MRCA proposal indicates that this augmentation should be the final amount necessary, even under unfavorable circumstances, to deliver a certified FEIR, an approved Public Works Plan, and a conclusion of legal challenges.

The proposed action would also add all necessary project planning and design and legal work associated with the Malibu Bluffs park portion of the project to the grant's scope of work. The Malibu Bluffs project planning and design work to date has been covered under a separate Conservancy grant.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), allocated funds to the Santa Monica Mountains Conservancy in Chapter 7, 75060(d)(1) of the Public Resources Code, for the protection of beaches, bays and coastal waters and watersheds, including projects to prevent the contamination and degradation of coastal waters and watersheds, projects to protect and restore the natural habitat values of coastal waters and lands, and projects and expenditures

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to promote the access to and enjoyment of the coastal resources of the state. As outlined in the MRCA's application, staff finds the proposed project consistent with Proposition 84's policy to promote the access to and enjoyment of coastal resources.