



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center and Gardens
570 West Avenue 26, Suite 100
Los Angeles, California 90065
Phone (323) 221-9944 Fax (323) 221-9933

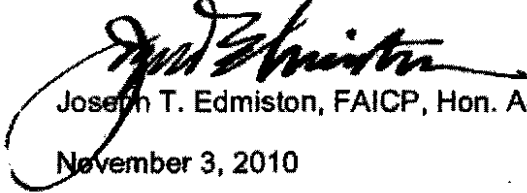
Agenda Item 14

SMMC

11/8/10

MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: November 3, 2010

SUBJECT: **Agenda Item VI: Consideration of resolution authorizing a request to the Santa Monica Mountains Conservancy for a budget augmentation of SMM-0776.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing a request to the Santa Monica Mountains Conservancy for a budget augmentation of SMM-0776 in an amount not to exceed \$1,100,000.

Background: Over three years of sustained effort by the Mountains Recreation and Conservation Authority (MRCA) staff and a strong consultant and legal team, culminated in a unanimous October California Coastal Commission vote to approve the Malibu Parks Public Access Enhancement Plan - Public Works Plan (PWP) with some minor modifications.

The Governing Board last authorized requesting additional PWP project funding from the Santa Monica Mountains Conservancy (Conservancy) in June 2010 in the amount of \$1,100,000. The Conservancy approved that augmentation of SMM-0776. In the absolute interest of both not in any way jeopardizing the substantial public investment in the PWP development to date, and in prevailing in pending litigation, the necessary work that resulted in the unanimous Coastal Commission vote exceeded staff's prior estimates. The combined complexity of the CEQA and Coastal Commission PWP approval processes produced a litany of unexpected costs. Those costs fell in all categories from staff time to EIR consultants to outside counsel. This project has gone through uncharted ground and well funded opponents.

Meeting the stated requirements of the Los Angeles County Fire Department, including fire shelters, required extensive work to avoid any risk of the numerous project component areas not be consistent with those requirements. With over two million dollars of public project development funding at stake, staff had to continually respond in force to challenges presented by opponents, agencies, physical constraints, and the Coastal Commission staff.

One CEQA lawsuit has been filed over the Ramirez Canyon components of the project and the City of Malibu has voted to file suit against the Coastal Commission.

Agenda Item VI
November 8, 2010
Page 2

However, the administrative record for this joint Conservancy/MRCA project is strong and of unprecedented depth. The administrative record is currently being prepared for the CEQA lawsuit.

To pay for overages on the last augmentation from the Conservancy and to cover expenses through the end of litigation, staff is requesting authorization to request a \$1.1 million budget augmentation from the Conservancy. No scope change is necessary. The bulk of this requested funding is for past and future legal expenses.

If this item is approved, staff will prepare a formal grant augmentation request for the Chairperson's signature to send to the Conservancy for consideration at their November 2010 meeting. Staff has advised the Conservancy of this request and has asked to be placed on the next Conservancy agenda.

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

November 3, 2010 — Agenda Item VI

Resolution No. 10-153

**RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION
AND CONSERVATION AUTHORITY AUTHORIZING A REQUEST TO THE
SANTA MONICA MOUNTAINS CONSERVANCY FOR A BUDGET
AUGMENTATION OF SMM-0776**

Resolved, That the Governing Board of the Mountains Recreation and Conservation Authority hereby:

1. FINDS that the Malibu Parks Public Access Enhancement Plan - Public Works Plan is a regionally significant project; and
2. FINDS that augmentation of SMM-0776 is necessary to provide adequate planning, permitting and legal defense for the Malibu Parks Public Access Enhancement Plan - Public Works Plan; and
3. FINDS that the proposed action is exempt from the California Environmental Quality Act; and
4. ADOPTS the staff report and recommendation dated November 2, 2010; and
5. AUTHORIZES a request to the Santa Monica Mountains Conservancy for a budget augmentation in an amount not to exceed \$1,100,000 to SMM-0776; and
6. AUTHORIZES the Executive Officer to do any and all acts necessary to carry out this resolution and any recommendations made by the Governing Board.

Chair

Agenda Item VI
November 2, 2010
Page 2

AYES:

NOS:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 2nd day of November, 2010.

Date:

Executive Officer