

Memorandum

To : The Conservancy
The Advisory Committee

Date: February 28, 2011

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

Subject: **Agenda Item 12: Consideration of resolution authorizing the Mountains Recreation and Conservation Authority to use the Coastal Habitat Impact Mitigation Fund for acquisition of APN 4444-023-010, Topanga Canyon, unincorporated Los Angeles County.**

Staff Recommendation: That the Conservancy adopt a resolution authorizing the action noticed above.

Legislative Authority: Public Resources Code Section 33211(c).

Background: In 2002 the California Coastal Commission approved a Local Coastal Program (LCP) for the City of Malibu. The implementation document included an element in which specific mitigation funds are to be paid to the Mountains Recreation and Conservation Authority (MRCA) into the “Coastal Habitat Impact Mitigation Fund.” In November of 2003, the Conservancy, the MRCA, and the California Coastal Commission signed a Memorandum of Understanding (MOU) regarding administration of this fund.

The MRCA is the entity that receives, holds, and expends the mitigation funds. However, the MOU states, “No funds shall be expended or transferred unless the Conservancy has reviewed and recommended approval of, and MRCA approves, expenditure of the funds either by MRCA or another recipient.” The proposed action would constitute the Conservancy’s approval and recommendation of a property that is integral to the protection of the Topanga Canyon watershed within the Coastal Zone portion of the Santa Monica Mountains.

The parcel addressed by the proposed action is APN 4444-023-010. This parcel is a 0.218 acre lot on the western side of Topanga Creek, in Topanga Canyon. It is small, but part of the Topanga Creek riparian corridor. All of the subject property contains high quality habitat.

Presently, the Coastal Habitat Impact Mitigation Fund has accumulated over \$500,000 to date according to the MRCA staff. In October 2010, MRCA staff used \$5,373.55 to purchase the subject parcel at the Los Angeles County 2010A Tax Defaulted Property Auction. Staff was not able to take this action to the Board prior to the October auction. The action represents the MRCA retroactively seeking authority to use this \$5,373.55 for purchase of the parcel.