

Memorandum

To : The Conservancy
The Advisory Committee

Date: June 3, 2013

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

Subject: **Agenda Item 13: Consideration of resolution authorizing a grant to the Mountains Recreation and Conservation Authority for project planning and design in the Ballona Creek and Ballona Wetlands area from Culver City to the Pacific Ocean, Santa Monica Bay Watershed.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant to the Mountains Recreation and Conservation Authority in the amount of \$40,000 for project planning and design in the Ballona Creek and Ballona Wetlands area from Culver City to the Pacific Ocean, Santa Monica Bay Watershed.

Legislative Authority: Sections 33204.2, 33204.27, and 75060(d)(1) of the Public Resources Code.

Background: The Mountains Recreation and Conservation Authority (MRCA) has submitted the attached application for a Project Planning and Design grant. The proposed grant would fund a continued effort to secure and develop land interests and public recreation resources in the Conservancy's jurisdiction, specifically in the Ballona Creek and Ballona Wetlands area from Culver City to the Pacific Ocean, in the Santa Monica Bay Watershed. The MRCA's Governing Board approved the grant request on May 1, 2013.

Objectives of the project planning and design grant are to plan land acquisitions and improvement projects to protect, restore, preserve, interpret and develop the land and water resources of the Santa Monica Bay watershed, specifically in the Ballona Creek and Ballona Wetlands area. Project planning and design describes a range of staff activities that prepare a potential project to the point that capital funding can be secured for implementation. In the case of land acquisition projects, the project planning and design effort extends throughout the escrow period. For capital improvement projects, project planning and design work extends through the completion of construction.

The project is consistent with the Ballona Creek Greenway Master Plan, Baldwin Hills Master Plan-One Big Park, Park to Playa Feasibility Study and Implementation Plan which support parks, green ways, gateways, linkages, and trail systems from the Stocker Corridor in the Baldwin Hills, along Ballona Creek, to the Pacific Ocean. Ballona Creek consists of 6-miles of the future 13-mile Park to Playa Regional Trail which aims to create a seamless trail network

creating, connecting, and improving a system of trails, parks, and open spaces from the Baldwin Hills Parklands to the Pacific Ocean. The Baldwin Hills Conservancy Draft 2010 Strategic Plan identified the Park to Playa concept as a top priority project.

This project is also consistent with the Conservancy's Strategic Objectives to further cooperation with local Governments in the region to secure Open Space and Parkland and expand efforts to integrate nature into the urban environment.

Analysis–Proposition 84

Section 75060 of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), allocates funds to various entities “for the protection of beaches, bays and coastal waters and watersheds, including projects to prevent 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 to promote access to and enjoyment of the coastal resources of the state.” Section 75060 (d)(1) of the Act specifically allocates funding to the Santa Monica Mountains Conservancy “for protection of the Santa Monica Bay and its watershed.”

The proposed project planning and design grant constitutes watershed protection activities in the Santa Monica Bay Watershed. The geographic area covered by the grant is within the Santa Monica Bay watershed, and the projects to be developed shall contain elements to protect and restore rivers, lakes and streams, their watersheds and associated land, water and other natural resources. The land acquisition and improvement projects that will be planned with the proposed project planning and design grant will be required to fit within the definitions of eligible activities: development, preservation, protection, interpretation, and/or restoration.

Potential projects will be evaluated for consistency with applicable plans, including the County of Los Angeles General Plan and the various Ballona Creek and Baldwin Hills regional plans mentioned above.

Analysis - General Obligation Bond Law

The General Obligation Bond Law provides that bond funds may be used for the construction and acquisition of "capital assets." Capital assets include major maintenance, reconstruction, demolition for purposes of reconstruction of facilities, and retrofitting work that is ordinarily done no more often than once every 5 to 15 years or expenditures that continue or enhance the useful life of the capital asset (Government code Section 16727 (a)). Capital assets also includes equipment with an expected useful life of two years or more, and tangible physical property with an expected useful life of 10 to 15 years. Section 16727 (a) also allows bond funds

Agenda Item 13
June 3, 2013
Page 3

to be used for costs that are in incidentally but directly related to construction or acquisition including costs for planning, engineering and other design work.

The activities that MRCA proposes to fund with this grant constitute planning of land acquisitions and improvement projects to protect land and water resources, protect and restore rivers, lakes and streams, their watersheds and associated land, water and other natural resources. Thus, the proposed activities fall within the definition of “capital assets” or are incidentally but directly related to acquisition or construction, and therefore are proper under the General Obligation Bond Law.