

Memorandum

To : The Conservancy
The Advisory Committee

Date: November 2, 2015

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

Subject: **Agenda Item 13: Consideration of resolution authorizing a grant of Proposition 84 funds to the Los Angeles River Revitalization Corporation for an integrated design and technical analysis of Upper Los Angeles River reaches to identify a range of river interventions and multi-benefit projects, City of Los Angeles.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 84 funds to the Los Angeles River Revitalization Corporation for an integrated design and technical analysis of Upper Los Angeles River reaches to identify a range of river interventions and multi-benefit projects in an amount not to exceed \$1,000,000, Los Angeles.

Legislative Authority: Sections 33204.2(a) of the Public Resources Code.

Background: The Los Angeles River Revitalization Corporation (River Corp) has submitted the attached application for a grant to perform a technical analysis of certain areas/reaches of the Upper Los Angeles River. The jurisdictional complexity of the Los Angeles River has had the unintended consequence that no single entity has been able to evaluate the river in this manner, with an eye toward enhanced public benefits and use of the river. Although the Los Angeles County Flood Control District manages the vast majority of drainage infrastructure in the County, that agency is limited in purpose. As a nonprofit organization whose mission is to ensure the 51-mile Los Angeles River integrates design and infrastructure to bring people and nature together, the River Corp is uniquely positioned to lead an effort for comprehensive multi-benefit planning.

The proposed study will provide a comprehensive overview of the amount of water that actually flows through the River's primary channels under dry vs. storm or flood conditions, as well as compiling data regarding public health, land use, water resource demands and supplies, and economics. A similar effort is planned for the Lower Los Angeles River using matching funds. The analysis of these datasets will provide recommendations for capital improvements that would provide multiple benefits while also maintaining flood protection throughout the river. The River Corp's proposal is described in more detail in the attached document.

Analysis—Proposition 84 and the Common Ground Plan

Section 75050 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 and restoration of rivers, lakes and streams, their watersheds and associated land, water, and other natural resources.” Section 75050 (g)(2) of the Act specifically allocates funding to the Santa Monica Mountains Conservancy “for implementation of watershed protection activities throughout the watershed of the Upper Los Angeles River pursuant to Section 79508 of the Water Code.” The section of the Water Code referenced therein states that watershed protection activities in the Los Angeles River shall be consistent with the *San Gabriel and Los Angeles Rivers Watershed and Open Space Plan*.

The proposed grant constitutes watershed protection activities in the Upper Los Angeles River watershed. The geographic area covered by the grant is within the Upper Los Angeles River 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 capital projects that will be evaluated in the proposed study will be required to fit within the definitions of eligible activities: development, preservation, protection, interpretation, and/or restoration.

The grant is consistent with the *San Gabriel and Los Angeles Rivers Watershed and Open Space Plan* as required by Section 79508 of the Water Code. The *San Gabriel and Los Angeles Rivers Watershed and Open Space Plan*, also known as and hereinafter referred to as the “Common Ground” plan, was jointly developed by the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and the Santa Monica Mountains Conservancy. The purpose of the plan is to “articulate a vision for the future of the San Gabriel and Los Angeles Rivers Watersheds” and “provide a framework for future watershed and open space planning.” The plan outlines a holistic approach to watershed protection and development, organized by a set of Guiding Principles. These broad principles are designed to accommodate the varying priorities and needs of projects in the region. The proposed grant is consistent with all of the Guiding Principles, in particular the following:

- Coordinate Watershed Planning Across Jurisdictions and Boundaries
- Maintain and Improve Flood Protection
- Encourage Multiple-Objective Planning and Projects
- Involve the Public Through Education and Outreach Programs
- Use Science as a Basis for Planning
- Create, Expand and Improve Public Open Space Throughout the Region
- Improve Access to Open Space and Recreation for All Communities
- Encourage Sustainable Growth to Balance Environmental, Social and Economic Benefits
- Establish Riverfront Greenways to Cleanse Water, Hold Floodwaters, and Extend

Open Space

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

The activities that River Corp proposes to fund with this grant constitute planning of land acquisitions and capital 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.

Consideration: The grant request from the Los Angeles River Revitalization Corporation is for \$1,000,000. Staff recommends making the grant contingent upon matching funds at a 1:1 ratio.