

Memorandum

To : The Conservancy
The Advisory Committee

Date: December 12, 2016

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

Subject: **Agenda Item 12: Consideration of resolution authorizing a grant of Proposition 84 Funds to Friends of the Los Angeles River to develop guidelines for ecological restoration and public access priorities for the Los Angeles River.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 84 Funds to the Friends of the Los Angeles River (FOLAR) not to exceed the amount of \$14,960 to develop guidelines for ecological restoration and public access priorities for the Los Angeles River in the Upper Los Angeles River Watershed.

Legislative Authority: Public Resources Code Section 33204.2(a) provides that the Conservancy may award grants to non-profit organizations.

Background: Friends of the Los Angeles River (FOLAR) has submitted the attached application for a grant of Proposition 84 Funds to create adoptable land use standards to ensure public access is prioritized in all future projects and planning efforts surrounding the Los Angeles River. The focus of this grant will be on the Arroyo Seco Confluence area as a pilot site by developing best practice access and use standards. The end result will be a set of guidelines for the Arroyo Seco Confluence area that can also be adopted as River-wide standards. FOLAR plans for the standards to evaluate setbacks, public rights-of-way, and basic design considerations that are critical to placemaking and driving an equitable public experience. The guidelines should further be used to help make decisions regarding potential capital improvements along the Los Angeles River stretch of 31 miles in the Upper Los Angeles River Watershed, and to ensure that public access and ecological restoration priorities are included in project decisions.

Founded in 1986, FOLAR is a 501(c)3 non-profit organization founded in 1986, whose mission is to protect and restore the natural and historic heritage of the Los Angeles River and its riparian habitat through inclusive planning, education and wise stewardship. FOLAR was founded on the belief that effective advocacy, education, collaboration and imagination can accomplish great things. FOLAR has seen remarkable victories, reminding us of what is possible. They include fighting the Los Angeles County Drainage Area, assisting in the creation of the Council for Watershed Health (a principal forum for discussion of the Rivers' future), and creating a park at the Cornfield Yards. FOLAR is currently celebrating their 30th Anniversary since their founding.

As more public attention comes to the Los Angeles River, it is critical that leading River stakeholders meet to identify what future master planning needs remain. As new public funding streams for Los Angeles River project planning, design, and implementation become available, it is also vital that a consensus process is developed and deployed to identify the important projects that must move forward.

Please see the attached grant application and supporting materials from FOLAR for further details.

Consideration: The grant request from Friends of the Los Angeles River (FOLAR) is for \$14,960.

Analysis–Proposition 84 and the Common Ground Plan

The State of California has authorized expenditure of funds from Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, to the Santa Monica Mountains Conservancy for capital outlay and local assistance grants for protection and restoration of land and water resources in the watershed of the Upper Los Angeles River and the Santa Monica Bay and its watersheds.

“Protection” is defined in Proposition 84 as those actions necessary to prevent harm or damage to persons, property or natural resources or those actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, preservation and interpretation.

“Preservation” means rehabilitation, stabilization, restoration, development and reconstruction, or any combination of those activities.

“Restoration” is defined in Proposition 84 to mean the “improvement of physical structures or facilities and, in the case of natural systems and landscape features includes, but is not limited to, projects for the control of erosion, the control and elimination of exotic species, prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, and other plant and wildlife habitat improvement to increase the natural system value of the property.”

The proposed project constitutes watershed protection, preservation and restoration activities in the Upper Los Angeles River watershed. The site is within the Upper Los Angeles River watershed and is consistent with the Proposition 84 definition of protection. The project contains elements which protect and restore the Los Angeles River watershed and associated land, water and other natural resources.

Proposition 84 allocated the sum of \$36 million to the Conservancy for implementation of watershed protection activities throughout the watershed of the Upper Los Angeles River pursuant to section 79508 of the water code (Public Resources Code section 75050(g)(2)). The project 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.

Analysis - General Obligation Bond Law

Proposition 84, as codified in Public Resources Code section 75081, also requires adherence to the General Obligation Bond Law which provides that bond funds may be used for the construction and acquisition of "capital assets" which are defined in Government Code section 16727. 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 FOLAR proposes to fund with this grant constitute planning of 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.