

Memorandum

To : The Conservancy
The Advisory Committee

Date: September 25, 2017

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

Subject: **Agenda Item 20: Consideration of resolution authorizing a grant of Proposition 84 funds to Mountains Recreation and Conservation Authority for Escondido Canyon Parking Lot and Trail Improvements, Malibu.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 84 funds in the amount of \$175,000 to Mountains Recreation and Conservation Authority for Escondido Canyon Parking Lot and Trail Improvements, Malibu.

Legislative Authority: Sections 33204.2 and 33204.27 of the Public Resources Code.

Background: The Mountains Recreation and Conservation Authority (MRCA) has submitted the attached application for a grant for the Escondido Canyon Parking Lot and Trail Improvements project. The proposed grant would fund the planning, permitting, and implementation of limited capital improvements to improve visitor experience.

The project proposes to add amenities to one of MRCA's most highly visited trails. Accessed via a public easement along the privately-owned Winding Way East, the trail through Escondido Canyon to view the seasonal waterfall is popular year-round. Visitation spikes during springtime when the falls are running but the consistent traffic takes a toll on the resources. MRCA currently provides a portable toilet at the parking lot adjacent to Pacific Coast Highway, but it is inadequate for some visitors during the two or more hour hike. The provision of a second portable toilet at the trailhead would help alleviate the impact to resources. Additionally, MRCA gained site control of the parking lot several months ago from Los Angeles County, and a revision to the layout could result in greater accessibility. However, there are numerous aspects to the project that will require application for a coastal development permit (CDP).

Although the scope of improvements is something that could be handled efficiently by MRCA staff, the CDP requirement significantly complicates the project. An extended budget for planning and design of the improvements is needed because the CDP process requires significant investments in engineering, geotechnical studies, biological surveys, and other analysis of the impact of proposed improvements, no matter how small.

Analysis - Proposition 84

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), allocated funds to the Santa Monica Mountains Conservancy in Chapter 7, 75060(d)(1) of the Public Resources Code for the protection of beaches, bays and coastal waters and watersheds of the Santa Monica Bay, including projects to prevent the 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 the access to and enjoyment of the coastal resources of the state.

Chapter 1, Section 75005 of Proposition 84 defines the following terms:

(f) “Development” includes, but is not limited to, the physical improvement of real property including the construction of facilities or structures.

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

(m) “Protection” means 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.

(n) “Restoration” means the improvement of physical structures or facilities...Restoration projects shall include the planning, monitoring and reporting necessary to ensure successful implementation of the project objectives.

The Escondido Canyon Parking Lot and Trail project is within the Santa Monica Bay watershed, and is consistent with Proposition 84’s policy to promote access and enjoyment of land and water resources. All of the activities planned under this grant can be considered development, preservation, protection, or restoration for purposes of Proposition 84 because they physically improve the lands being used for the park and trail. All of the project elements are visitor-serving amenities that educate and communicate the significance and value of natural and cultural resources.

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 the MRCA proposes to fund with this grant constitute planning of a land improvement project 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 application from the Mountains Recreation and Conservation Authority is for \$175,000 of Proposition 84 funds.