

# Memorandum

To : The Conservancy  
The Advisory Committee

Date: December 11, 2017

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

Subject: **Agenda Item 19: Consideration of resolution authorizing a grant of Proposition 84 and Proposition 1 funds to the Mountains Recreation and Conservation Authority for Upper Los Angeles River project planning and design, City of Los Angeles.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 84 and Proposition 1 funds to the Mountains Recreation and Conservation Authority for Upper Los Angeles River project planning and design in the amount of \$500,000, City of Los Angeles.

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

Background: Assembly Bill 466 (AB 466), Chapter 341 of the Statutes of 2017, authored by Assemblymember Raul Bocanegra and signed by the Governor on September 28, 2017 establishes, within the Santa Monica Mountains Conservancy (Conservancy), the Upper Los Angeles River and Tributaries Working Group (Working Group). AB 466 requires that by March 1, 2019, through watershed-based planning methods and community engagement, the Working Group develop a Revitalization Plan (Plan) for the Upper Los Angeles River, the tributaries of the Pacoima Wash, Tujunga Wash, and Verdugo Wash, and any additional tributary waterway that the Working Group determines to be necessary.

The unique obstacles that state and local governments encounter while managing the Los Angeles River and its surrounding areas require consideration when developing a Plan. Since the Mountains Recreation and Conservation Authority (MRCA) has years of management experience along the River and its tributaries, they are uniquely qualified to help develop this Plan. The MRCA is requesting a grant from Proposition 1 and Proposition 84 to fund the planning and design necessary to assist the Conservancy in this effort to develop a Plan. The Plan will at the minimum address the diverse needs of the Upper Los Angeles River, Pacoima Wash, Tujunga Wash, Verdugo Wash, the communities through which they pass, and would include potential watershed education programs.

The Plan will be submitted to the Conservancy board for approval and adoption by March 1, 2019. Once adopted by the Conservancy, the Plan will be considered an amendment to the Watershed and Open Space Plan for the San Gabriel and Lower Los Angeles Rivers also known as, and hereinafter referred to as, the "Common Ground" plan. The Conservancy will

also submit the Plan for adoption to the Los Angeles County Board of Supervisors for inclusion in the Master Plan of the County of Los Angeles and to the Los Angeles City Council for inclusion into the Los Angeles River Revitalization Master Plan.

Earlier this year, the State of California appropriated Proposition 1's Urban Creeks funding to the Conservancy. A portion of the expenses for this grant is requested to come from the Urban Creek appropriation. However, the Proposition 1 appropriation to the Conservancy contained language prohibiting its use for tributary projects, making it necessary to use Proposition 84 funds for the tributary specific planning necessary to develop the AB 466 Plan.

### **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 project planning and design 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 project to be developed contains elements to protect and restore rivers, lakes and streams, their watersheds and associated land, water and other natural resources. The improvement projects that will be planned with the proposed project planning and design grant fits within the definitions of eligible activities: development, preservation, protection, interpretation, and/or restoration.

The project planning and design 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 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.

To help guide decision making in watershed planning and project selection, the Common Ground plan includes a set of Project Evaluation Criteria (Appendix F), developed to help the agencies determine "regionally significant" park, trail, and restoration projects.

The Upper Los Angeles River project scores highly as a project in the following categories:

**Urban Park Value:** The project covers the areas along the Los Angeles River and tributaries which are densely populated and includes multiple disadvantaged communities. The project will identify potential projects and the community priorities for River revitalization in a natural-resource-deficient urban area.

**Trail Resource Value:** The identified projects will be along the Los Angeles River and tributaries and will promote regional trails, and promote access to the Los Angeles River and tributaries including public transit, parking and visitor amenities.

**Public Recreation Value:** The project will implement components of multiple existing plans. The Plan will be submitted for adoption to the Los Angeles County Board of Supervisors for inclusion in the Master Plan of the County of Los Angeles and to the Los Angeles City Council for inclusion into the Los Angeles River Revitalization Master Plan.

**Scenic Value:** The entire length of the Los Angeles River and tributaries offer viewshed of a major public use area.

**Sustainability Value:** The project proposes to provide innovative design of green infrastructure for storm water and substantial water conservation.

**Interpretation Value:** The project will result identify projects for new public access to a watershed resource with high interpretive and educational value to meet community needs. It will include visitor-serving amenities, accessibility, and public safety improvements to public parkland with significant water resources, to serve a regional visitor base.

**Natural Resources Enhancement Value:** The identified project will restore native riparian habitat along the Los Angeles River and tributaries.

**Partnership Value:** The project is a priority of the State of California and the members and the future members of the Working Group such as the County and City of Los Angeles.

Based upon consistency with the selection criteria and Guiding Principles, the Upper Los Angeles River project planning and design project is consistent with the Common Ground Plan as required by Section 79508 of the Water Code.

### **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 MRCA proposes to fund with this grant constitute planning of a land 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.

### **Scoring - Competitive Grant Program**

Please see the attached Proposition 1 grant application from the Mountains Recreation and Conservation Authority for a detailed description and maps. Scoring under the Conservancy's Proposition 1 Guidelines results in the Upper Los Angeles River Project Planning and Design project receiving 69 points (out of a possible 86; 61 minimum required), plus 2 out of 4 climate change value points, plus 15 out of 25 possible points under Additional Criteria. Total points: 86 (out of possible 115).

Consideration: The application from the Mountains Recreation and Conservation Authority is for \$500,000 of Proposition 1 and Proposition 84 funds.