

Memorandum

To : The Conservancy
The Advisory Committee

Date: March 26, 2018

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

Subject: **Agenda Item 13: Consideration of resolution authorizing a grant of Proposition 84 funds to Mountains Recreation and Conservation Authority for Via Escondido Public Access Improvements, City of Malibu.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 84 funds to Mountains Recreation and Conservation Authority in the amount of \$250,000 for Via Escondido Public Access Improvements, City of Malibu.

Legislative Authority: Sections 33204.2, 33204.27, and 75061(d)(1) of the Public Resources Code.

Background: The Mountains Recreation and Conservation Authority (MRCA) has submitted the attached application for a grant for the Via Escondido Public Access 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 visitor amenities to approximately 2.7 acres of land located at 6118 Via Escondido Drive. The land was acquired in late 2017 and contains high-value ecological resources as well as a key trail linkage for the regionally significant Coastal Slope Trail. A local connector trail was previously proposed at this location. A previously graded and disturbed pad could provide an opportunity for trail user amenities while still maintaining an appropriate buffer to the creek. Accessible parking, picnic tables, and other amenities would be provided. There is also the potential to implement minor trail improvements on the site's gentler slopes for people with varying abilities.

The portion of the Coastal Slope Trail that runs through Escondido Canyon Park is a popular coastal trail, and the existing access point at Winding Way cannot always accommodate all the users. An additional access point from Via Escondido could help alleviate this condition. Once the Coastal Slope Trail is completed, trail users can go from this location westward toward National Park Service's Zuma and Trancas Canyons, and eastward to Solstice Canyon, Corral Canyon Park, and the Cameron Nature Preserve.

Any significant development at the site would require an application for a coastal development permit (CDP). A CDP was previously approved for the property for a 4,184 square-foot single-family residence, a 510 square-foot detached guest house, and other associated improvements. The proposed budget includes funding for the engineering, geotechnical studies, biological surveys, and other technical studies that would be needed to complete a CDP application.

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.
- (i) “Interpretation” includes, but is not limited to, a visitor serving amenity that educates and communicates the significance and value of natural, historical, and cultural resources in a way that increases the understanding and enjoyment of these resources and that may utilize the expertise of a naturalist or other specialist skilled at educational interpretation.
- (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 Via Escondido Public Access Improvements 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, interpretation, 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 promote the enjoyment of natural 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 \$250,000 of Proposition 84 funds.

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