

Memorandum

To : The Conservancy
The Advisory Committee

Date : December 2, 2008



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

Subject: **Agenda Item No. 14. Consideration of resolution authorizing long term master planning process for Temescal Gateway Park and the Temescal Canyon Conference and Retreat Center.**

Staff Recommendation: That the Conservancy and Advisory Committee adopt the attached resolution authorizing a master planning process for the long-term use and development of Temescal Gateway Park and the Temescal Canyon Conference and Retreat Center.

Legislative Authority: Section 33209 of the Santa Monica Mountains Conservancy Act requires this agency to adopt project plans with “maximum public participation . . . including public hearings and findings.” Section 30605 of the California Coastal Act authorizes the approval and submission of public works plans that apply to “all publically financed recreational facilities” (Sec. 30114(c)).

Background: Following staff’s initial negative reaction to the YMCA’s proposal for a ground lease of 55 years plus two twenty year extensions (total of 95 years) at \$1.00 per year, the Y’s Executive Director asked the sensible question, “what would the Conservancy approve?”

That is, in fact, a very good question and cannot be answered in a vacuum without consideration of the full panoply of planning considerations that affect a critical resource like Temescal Canyon.¹

Temescal Canyon is managed by the Mountains Recreation and Conservation Authority. Using the MRCA’s general planning authority, the staff obtained approval from the Authority

¹ Hereafter the term “Temescal Canyon” will be used to refer to the two legally distinct properties, both owned by the Conservancy, but designated as Temescal Gateway Park—the 20+ acres acquired from the Los Angeles Unified School District in 1982—and the Temescal Canyon Conference & Retreat Center, 140 acres purchased from the Presbyterian Synod of Southern California and Hawaii in 1994 using L.A. County Prop. A funds.

Governing Board to initiate a plan to address the questions raised by the YMCA. Suffice it to say, that was not a popular decision among the Y members who demanded immediate execution of the long-term pool lease, and said any such planning process was a “waste of taxpayer money.”

Frankly, the controversy over the planning process was somewhat unexpected, given that it was initiated for the benefit of the YMCA in the context of negotiations over the pool lease. But once it became clear that there would be a public dispute over whether to do a plan or just sign a long term lease, staff then suspended the consultant’s work and agendized the matter for your direction.

Need for a Master Plan: The Conservancy’s ability to lease property is constrained by statute. Typically state government agencies don’t lease public property for private use, even if the private entity serves a good purpose. There are obvious reasons why such restrictions apply: public land isn’t “up for grabs,” even to otherwise well-meaning organizations. When the taxpayers purchase property it is for a specific public purpose.

Section 33206 of the Santa Monica Mountains Conservancy Act provides: “*The conservancy may lease lands acquired in accordance and for purposes consistent with this division [i.e., the Conservancy Act].*” (Emphasis added.)

This is a high standard: “in accordance and for purposes consistent” with the Conservancy Act. The overwhelming majority of all of the Conservancy’s land has been acquired using money allocated by bond propositions approved by the voters, this includes every acre at Temescal Canyon.

This is not to say that under the appropriate circumstances a private pool cannot meet the criteria of the Santa Monica Mountains Conservancy Act. But it does suggest that unless the role of that pool is clearly identified within the mission of the Conservancy and the objectives to be fulfilled by the particular property in question, then the Conservancy is without jurisdiction to issue a long term lease, and could very well be sued and lose a case that could otherwise have been won had the appropriate planning procedures been applied.

The Master Planning process will evaluate the resources and needs of the various uses in Temescal Canyon and will give the Conservancy the factual basis for evaluating all the proposals in relation to the Conservancy’s mission. The Conservancy will then have the intellectual tools to do it’s work.