

Memorandum

To : The Conservancy
The Advisory Committee

Date: December 10, 2018

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

Subject: **Agenda Item 18: Consideration of resolution authorizing a grant of Proposition 84 funds to the Mountains Recreation and Conservation Authority for improvements to El Dorado Park, City of Los Angeles.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 84 funds to the Mountains Recreation and Conservation Authority for improvements to El Dorado Park, in the amount of \$800,000, City of Los Angeles.

Legislative Authority: Sections 33204.2, 33204.27(a) and Section 75050(g)(2) of the Public Resources Code.

Background: The Mountains Recreation and Conservation Authority (MRCA) has submitted a grant application for project planning and capital improvements of a 1.21-acre parcel located in the east San Fernando Valley adjacent to the Pacoima Wash. The project is a unique opportunity for the MRCA to convert a vacant City-owned property into a natural park along the future Pacoima Wash Greenway, which will connect the Angeles National Forest to Ritchie Valens Park and Recreation Center. The completed project is expected to provide public parkland with educational opportunities, water quality improvements, flood protection, and habitat restoration along a tributary of the Los Angeles River.

Elements of El Dorado Park include entry plazas with seating areas, pedestrian trails with exercise stations, California-native plant landscaping, picnic area, play elements for children, and other park amenities. A unique element is that nearly 50% of the site is devoted to a network of bio-swales and infiltration basins that intercept and treat stormwater at the park from the surrounding twenty-three (23) acres of community tributary area, preventing polluted water from being discharged into the Pacoima Wash. Project construction is partially funded by capital improvement grants from California State Parks, and the Natural Resources Agency, and the Conservancy previously granted funds for pre-improvement planning.

Since the project's kickoff in 2013, the El Dorado Park project has gone through a process of community design workshops and engagement, design development, construction documents, and permitting. The project is currently in permitting with the United States Army Corps of Engineers, County of Los Angeles Flood Control Division, and City of Los Angeles'

Department of Building and Safety. Permitting is expected to be completed in 2019 with construction of the park expected to begin shortly thereafter. Original projections in 2013 for construction were around \$1,000,000, but current estimates, based on completed plans (which incorporate regulatory requirements) and knowledge of current contractor costs, are that construction cost will be closer to \$1,700,000. The MRCA now seeks additional funds, including contingency, to be able to bid and construct the park. Failure to close the funding gap at this time could result in project cancellation, since the other funding sources may choose to terminate grant agreements when they expire.

Analysis - Proposition 84 and the Common Ground Plan

Sections 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.” “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. “Development” is defined in Proposition 84 to mean “includes, but is not limited to, the physical improvement of real property including the construction of facilities or structures”. “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, development, 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 definitions of protection, preservation, development, and restoration. The project contains elements which protect and restore the Los Angeles River watershed and associated land, water and other natural resources.

Section 75050(g)(2) 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 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 Watershed shall be consistent with the *San Gabriel and Los Angeles Rivers Watershed and Open Space Plan*.

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 project would provide opportunities to implement Guiding Principles in *Common Ground* including: *Improve habitat quality, quantity and connectivity*, and *Establish riverfront greenways to cleanse water, hold floodwaters and extend open space*. This project is also consistent with the Conservancy’s Strategic Objectives: Further Cooperation with Local Governments in the Region to Secure Open Space and Parkland, and Expand Efforts to Integrate Nature into the Urban Environment, and Expand Education, Public Access, and Resource Stewardship Components in a Manner That Best Serves the Public, Protects Habitat, and Provides Recreational Opportunities in several ways.

Based upon consistency with the selection criteria and Guiding Principles, the El Dorado Park 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 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.

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Consideration: The application from the Mountains Recreation and Conservation Authority is for \$800,000 of Proposition 84 funds.