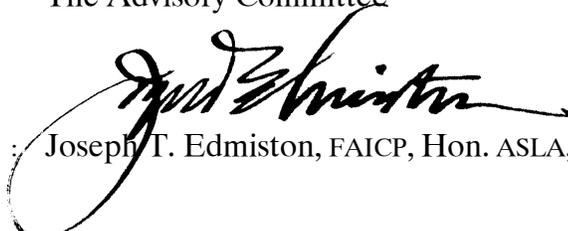


Memorandum

To : The Conservancy
The Advisory Committee

Date: February 24, 2013

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

Subject: **Agenda Item 15: Consideration of resolution authorizing a grant of Proposition 84 Funds to the City of South Pasadena for the Arroyo Seco Bike and Pedestrian Trail.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing a grant of Proposition 84 funds to the City of South Pasadena not to exceed the amount of \$410,000 for the Arroyo Seco Bike and Pedestrian Trail.

Legislative Authority: Section 33204(c) of the Public Resources Code provides that the conservancy may award grants to cities. Public Resources Code section 75050(g)(2).

Background: The proposed trail plan was funded by a previous grant from the Conservancy, awarded in 2011.

The proposed project is to construct a bicycle and pedestrian trail along the Arroyo Seco in South Pasadena. This trail will permit access through the City's Golf Driving Range to open a path closed for nearly 60 years. The City will push the fence inward 20 feet to create a wide path for bikes and pedestrians. The path will be concrete surrounded by drought tolerant or native plants and trees. The designs will keep all native, healthy trees currently along the bikepath. It will also give safe access through parking lots and Lohman Lane which is quite narrow. A Class III bicycle lane will added in selected areas, plus benches, water fountains and butterfly friendly habitat. A trail head and shade structure will anchor the trail. This section of the Arroyo also has bird houses to encourage nesting.

The portion of the project for which the City is requesting Conservancy funding will consist of the planting of drought tolerant and native habitat such as plants and trees to help provide shade for trail users as well as to help restore the natural watershed area along the river channel. Drip, bubble and other irrigation will be installed to establish the trees and plants. The trail area will be graded and non-native or diseased trees removed. Mulch added to the plants and a short term maintenance plan for plant and tree acclimation is planned. A pedestrian access gate will be constructed to permit trail use when the golf course is closed.

The total estimated cost for the project is \$2,005,000. The City Council has committed General Fund resources to this project and is still seeking grant funding from multiple sources. In

addition to this request, the City is submitting applications to the MSRC Local Government Match Grant (\$400,000), Alternative Transportation Program (\$500,000), Metro Call for Projects (\$500,000) and local trails through Supervisor Antonovich (\$100,000).

Please see the attached grant application and supporting materials from the City of South Pasadena for further details.

Analysis - Proposition 84 and the Common Ground Plan

The State of California has authorized expenditure of 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 capital outlay and grants for protection and restoration of land and water resources in the watershed of the Upper Los Angeles River and the Santa Monica Bay and its watersheds.

“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 or those activities.

“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 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 50 definition of protection. The project shall increase public access in the area and contains elements which protect and restore the Los Angeles River watershed and associated land, water and other natural resources.

Proposition 84 allocated the sum of \$36 million to the Conservancy for implementation of watershed protection activities throughout the watershed of the Upper Los Angeles River pursuant to section 79508 of the water code (Public Resources Code section 75050(g)(2)).

Water Code section 79508 provides that watershed activities shall be consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan (Common Ground). Section 79508 provides that watershed protection activities shall be consistent with the *San Gabriel and Los Angeles River Watershed and Open Space Plan (Common Ground)*.

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 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.

Analysis - General Obligation Bond Law

Proposition 84, as codified in Public Resources Code section 75081, also requires adherence to the General Obligation Bond Law which provides that bond funds may be used for the construction and acquisition of “capital assets” which are defined in Government Code section 16727. 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 City proposes to fund with this grant constitute planning of land acquisitions and 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.

