



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon ASLA, Executive Officer

DATE: March 16, 2009

SUBJECT: **Agenda Item VI: Consideration of resolution authorizing all actions necessary to accept approximately 260-acre Big Tujunga Wash open space dedication, including, but not limited to, the formation of a Community Facilities District or Landscape Maintenance District to fund maintenance and required environmental mitigation measures, entering into agreements with the Angeles National Golf Course and/or the City of Los Angeles, and acceptance of funding for all said purposes.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing all actions necessary to accept approximately 260-acre Big Tujunga Wash open space dedication, including, but not limited to, the formation of a Community Facilities District or Landscape Maintenance District to fund maintenance and required environmental mitigation measures, entering into agreements with the Angeles National Golf Club and/or the City of Los Angeles, and acceptance of funding for all said purposes.

Background: In May of 2007 the MRCA adopted resolution number 07-42 that authorized acceptance of an approximately 280-acre open space dedication, conservation easements, trail easements and maintenance funding in the Big Tujunga Wash located in the Sunland-Tujunga area at the base of the San Gabriel Mountains. Until the end of 2008, staff had every intention of accepting the dedication and negotiating a permanent funding source with the owner the Angeles National Golf Club (ANGC). In addition to these basic operational expenses, staff generally was not interested in additional funding to implement the project's mitigation and monitoring requirements.

ANGC approached staff this fall fully ready to transfer the property. However, ANGC provided a draft grant deed that would have allowed ANGC the right to enter protected public property to fix wash outs of the golf course and would have prevented the MRCA from objecting to future development of ANGC property. Because of deteriorating State financial conditions, increasingly taxed maintenance funding, and new experience with the financial costs of relocating homeless individuals living on parkland, staff pulled back from outright acceptance of the property and put on the table (in the presence of the applicant's representatives) the

need for \$100,000 annually to maintain the property. That number was not accepted, nor officially rejected, by ANGC. Staff assumed the City of Los Angeles Department of Parks and Recreation would accept the property because the MRCA maintenance figure was not affordable by ANGC.

In all cases, except fee simple ownership by the MRCA, staff would push for an MRCA conservation easement over the whole open space dedication. Subsequently there was strong community pressure and interest expressed by the California Department of Fish and Game (CDFG) for the MRCA to find a solution that would allow the agency to accept the property. Staff put forth the idea of the MRCA immediately accepting a conservation easement and the ANGC recording an irrevocable offer to dedicate the whole open space lot in fee if case the MRCA, or another public agency, decided to take on all of the management at some point in the next approximately twenty years.

A meeting with all parties associated with the open space dedication was hosted by the 2nd District City Council office on February 4th. The ANGC seemed willing to negotiate a funding package with the MRCA. The community and CDFG also expressed sentiment that it would be best if the MRCA assumed the mitigation requirements with additional guaranteed funding. ANGC expressed an immediate desire for a written proposal to respond to and to have that proposal backed in concept by a more precise Governing Board action.

In order to provide such a Governing Board approved maintenance and mitigation funding proposal before a City of Los Angeles hearing on February 13th, staff put an item on the February 11, 2009 agenda. The staff report was distributed and posted on the MRCA website. The staff report did not include specific dollar figures because staff needed additional time for analysis. The applicant's attorney e-mailed the Executive Officer on the afternoon of the 10th stating that the staff report did not contain enough specifics and requested that the item be removed from the agenda to allow for discussion.

The evening of the 10th, staff e-mailed the applicant's attorney the attached e-mail with specific dollar figures for annual maintenance (\$65,000 with inflation adjustor), year-one homeless relocation fee (\$85,000), and year-one gate and sign installation (\$15,000). Staff was going to present these dollar amounts and associated responsibilities as the framework for a bottom line proposal at the February 11th meeting.

Early on the morning of the 11th, unaware of staff's email to the applicant's attorney regarding a maintenance funding framework, the Executive Officer e-mailed a response to the applicant's attorney and the Governing Board agreeing to remove the item from the agenda, making some key clarifications, and expressing dismay at the applicant's chosen path to resolve both the ownership and maintenance funding for the open space dedication. The item was not heard at the Governing Board meeting on the 11th.

Staff subsequently testified at the City of Los Angeles hearing on February 13th to address ANGC's condition compliance relative to gaining a certificate of occupancy for a new club

house that is paramount to their business model. Staff's testimony, in part, addressed how the ANGC had never presented any proposal on how to fund and maintain the open space consistent with the adopted CEQA mitigation measures, the arbitrated settlement agreement with CDFG, and the City's conditions of approval to date. Staff's testimony left open a window for the MRCA to accept the property under acceptable conditions.

At the hearing, community issues remained with the adequacy of trail easements and ANGC's care of the dedication area since the golf course was constructed approximately four years ago. In addition, the California Department of Fish and Game has strong concerns about ANGC's compliance with an arbitration settlement and the City's conditions both relative to the protection of the washes' unique ecological resources.

ANGC has not provided any feedback to staff on the attached funding framework. There has been no new information circulated officially or unofficially about how the property would be managed if not assumed by the MRCA. Recognizing the regional ecological significance of the property and that the MRCA is the only good fit for a management agency, and from feedback given by CDFG staff, staff realized that the public record should unequivocally reflect that the MRCA is willing to accept title to the open space lot if the amount of requested funding is guaranteed to the satisfaction of the Executive Officer. The hearing record for written material closes on March 20th.

Assuming there is a deal on the general open space maintenance funding near at hand, staff will work assiduously with ANGC to work out an acceptable package to take over most or all of the mitigation requirements.

The proposed action authorizes all actions necessary to achieve permanent protection of the property and funding to maintain those protections and safe recreational use.

The applicant's attorney contacted staff yesterday expressing anguish that the justification for staff's request for \$65,000 annually for maintenance was pulled out of thin air. The property is large, has multiple entrance points, multiple trails, and a history of abuse in specific areas. In addition, CDFG stated that daily patrol is necessary to arrest any further ecological decline that has occurred. Factoring in travel time and special details, 2.7 hours a day of ranger time devoted to site would allow for two approximately one hour visits and travel time on either end. An hour is enough time to drive to the current higher crime areas, to travel on dirt Conover Road (only vehicle permitted road on property), empty trash cans, pick up trash, and have limited contact with park users.

The one time, up front \$85,000 figure for homeless relocation would include MRCA staff time, services of other agencies, and other expenses. Addressing the homeless issue in a definitive way may cost less and may cost more. Until the problem is tackled, it is impossible to budget for with any specificity. Staff would certainly agree to bill against an

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escrow account with that amount of funding available and be willing to have the remainder returned to ANGC 18 months after receipt of the grant deed simultaneous with the \$85,000 escrow account and the other requested funding. That is fair. The risk needs to be on the applicant's side not the MRCA's.

The \$15,000 amount for site fixtures and labor is probably low and given the complexity of the site should not be questioned. Again, the risk needs to be on the applicant's side not the MRCA's.