



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: February 15, 2012

SUBJECT: **Agenda Item V: Consideration of resolution authorizing the sale of either a slope easement or a temporary construction easement on APN 2166-013-900 and entering into a maintenance agreement for said easement area with the owner of APN 2166-013-014, Woodland Hills.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing the sale of either a slope easement or a temporary construction easement on APN 2166-013-900 and entering into a maintenance agreement for said easement area with the owner of APN 2166-013-014, Woodland Hills.

Background: The Mountains Recreation and Conservation Authority (MRCA) acquired the 21-acre Chalk Hills property in 2005 using funds from its Santa Monica Mountains Open Space Preservation Assessment District No. 2. The attached maps show the boundary of the parkland. The property contains no park improvements. Fuel modification is conducted annually mostly with herbicide. The dominant vegetation type is non-native annual grassland with high densities of weedy forbes--such as mustard. The property is visible from many areas. The only formal access is from a culdesac at De La Guerra Street on the property's western boundary.

The large, adjacent, approximately 8-acre property to the north was formerly a concert venue and then a Jehovah's Witnesses temple. In 2007 the property was first entitled by the City of Los Angeles for over 300 apartments and some commercial development. The owner contacted staff about acquiring a slope easement on the northern slope of the MRCA's ownership. The slope easement was for excavation on the public land in order to put a large retaining wall system along the property line dividing the two ownerships. The MRCA ownership climbs moderately steeply up from the 8-acre property. Before staff could negotiate a price and boundary for the Governing Board to consider, the private property was sold. The easement requested at that time was approximately a quarter-acre in size.

The City Planning Commission subsequently approved a revised project in 2010. A couple of months ago, a new owner's representative contacted staff about obtaining a larger approximately one-acre slope easement. That approximate requested easement is shown on the attached figures. An attached figure includes an initial cover letter from the developer, an Assessor's plat map, the proposed easement boundary, a photograph, and a cross-section of the proposed cut slope on MRCA land. A larger slope easement is required because according to the project owner, the City wants an area of slope cut back to achieve an adequate factor of safety. The cut on MRCA property would be about 190 feet deep into public land, be 70 feet in elevation, and over 450 feet wide. The total amount of cut and fill volume on MRCA land would not exceed 80,000 cubic yards of earth.

The approved project includes 340 apartments and approximately 6,000 square feet of commercial space. All of its access will all access from Ventura Boulevard. The area of the potential slope easement is only moderately visible from Ventura Boulevard because the hillside immediate next to the street immediately rises from the sidewalk and forms a continuous visual barrier. The proposed grading would not be visible from the De La Guerra Street side of the open space or for that matter from 75 percent of the public land.

Part of the developer's proposal includes the installation of a high quality native landscaping with permanent irrigation as specified by staff on all disturbed MRCA land. The main permanent drawback of the proposal is the need for two cross-slope V-ditches on the resulting manufactured slope. However, they can easily be screened with vegetation and design details. The subject slope is not a portion of the property that people walk on. Visitors walk on the ridge line just above where the proposed grading would terminate. The developer would install a permanent fence between the public property and the development to keep out pets and not provide a private park entrance.

The post-grading and planting habitat quality would increase significantly over time compared to the existing non-native grassland. The north-facing slope should be able to support a mixed woodland with California black walnuts, coast live oaks, valley oaks, Mexican elderberries, toyons, coffeeberry, and more mesic tree species such as California sycamores and Fremont's cottonwood in a few select places.

Staff has been negotiating with the developer for a couple of months. The developer is weighing the costs between the construction of an entirely onsite retaining wall with grade beams and numerous deep soldier piles and paying the MRCA to grade on public property. Staff has consulted with two engineers with large retaining wall construction experience to gain an understanding of the monetary value offered by allowing the developer to grade on MRCA land. That independent consultation included an examination of the City files including geology reports. Staff authorized the developer to bore several test holes on MRCA property last month to assess the composition of rock material on the MRCA parcel.

If authorized by the Governing Board, grading could begin in a several months - probably leaving sufficient time or any ground nesting birds to fledge their young.

The upsides of selling the easement for the public, the MRCA, and the property owners in Santa Monica Mountains Open Space Preservation Assessment District No. 2 are substantial. Chalk Hills is pretty devoid of trees and almost entirely of native trees. The tentative agreement would create a greater than one-acre native woodland with some understory to be established and supplementally watered with an irrigation system at no cost to the MRCA. The habitat quality and appearance of the open space would improve. The transaction would provide hundreds of thousands of dollars to only be used for maintenance and improvement of MRCA-managed properties within District No. 2 with a set portion for sub-area F (Woodland Hills and Tarzana south of Mulholland Drive and west of Vanalden Avenue). In addition the MRCA would be permanently freed from any brush clearance obligations on the north slope of the Chalk Hills property.

The main section of the Final Engineer's Report for the Assessment District that pertains to the sale of an easement on District funded parkland is Section C(9). It states,

"Open Space Properties acquired by the Authority with the proceeds from the Assessment District shall remain as public resources. Such Open Space Properties shall not be sold, transferred or traded to any other person or entity except a public park agency."

To address this issue, staff conferred with outside counsel specializing in these matters. Outside counsel saw no prohibition to the transaction because no actual parkland would be lost or transferred, the land would actually be improved, and the proceeds of the sale would fully stay within District No. 2.

No work would occur on MRCA land and no money would exchange hands until the City of Los Angeles had fully approved and permitted the subject grading work. The proposed grading would have temporary minor biological impacts, but no potentially significant ecological impacts.

Price and terms will be discussed in closed session.