



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: September 2, 2015

SUBJECT: **Agenda Item XIV: Consideration of resolution authorizing: (a) the exchange of an approximately 1,200-square-foot portion of a conservation easement on APN 2064-006-018 for approximately 1,200-square-feet of new conservation split between APNs 2064-006-018 and 019, and (b) acceptance of processing and restoration funding, Liberty Canyon, City of Agoura Hills.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing: (a) the exchange of an approximately 1,200-square-foot portion of a conservation easement on APN 2064-006-018 for approximately 1,200-square-feet of new conservation split between APNs 2064-006-018 and 019, and (b) acceptance of processing and restoration funding, Liberty Canyon, City of Agoura Hills.

Background: Last year the Mountains Recreation and Conservation Authority (MRCA) completed an easement exchange with the owner of an adjacent commercial property at the southwest corner of the 101 freeway and Liberty Canyon Road. The MRCA secured a conservation easement for a wildlife connection in between the office building and the Caltrans right-of-way. There is now a fully native landscaped wildlife path between the Liberty Canyon Road freeway underpass and MRCA property between Agoura Road and the freeway. The fee simple owner graded, planted, and will continue to maintain the conservation easement per the MRCA staff specifications. It is also a permanent condition of the office park that there never be any external or internal fencing. Wildlife have free reign of the whole property both in and outside the wildlife corridor conservation easement.

In exchange the commercial property owner received an easement from the MRCA to expand the existing office building parking lot into adjacent MRCA open space. The parking lot is completed and landscaped. No fencing is allowed and lighting is to be terminated at midnight. The lot also has native landscaping.

Staff has forged a cooperative and open relationship with the ownership of the existing commercial property. The owner signed onto the Wildlife Conservation

Board approved grant to the Resource Conservation District of the Santa Monica Mountains for the purpose of enhancing the habitat on both sides of the Liberty Canyon Road freeway underpass. Those improvements dovetail with the subject MRCA conservation easement.

The office building owner received permission several years ago from the City of Agoura Hills to remodel the existing building and to construct two additional buildings. To date, two required modifications to the plans have affected the wildlife corridor capability of the site. The first change was a reduction of approximately four parking spaces on the MRCA property. The net result is a more open feeling at the western origin of the wildlife corridor.

The current pending change came about from newly imposed Fire Marshall restrictions for fire truck access to the backside of the existing building. To not lose rear building parking spaces and drop below the code-required number, the owners need to grade about six feet (variable) into the toe of the wildlife corridor slope for a distance of approximately 200 feet. The requested area to be removed from the existing MRCA conservation easement is approximately 1200 square feet. Any associated lighting would be mounted on the retaining wall of the new cut slope face and be pointed down and away from the wildlife travel path. Not granting this request would have major consequences on the commercial project. However, the commensurate mitigation or replacement area to the subject section of wildlife corridor must be demonstrably adequate. Staff has suggested alternatives that remove less easement area, but per the owner, that loss of just two to three parking spaces would bring the parking spaces below the required number.

With the 1200 square feet removed from the MRCA easement, in the most narrow, west portion of the corridor, the existing width of 40 feet would be reduced to 37 feet. In the middle of the affected corridor area, the width would decline from 60 to 54 feet. At the most eastern affected area, the width would decline from 84 to 78 feet. The area of most concern is the narrow west end.

Because the subject 1200-square-foot area already abuts an existing three-foot-tall retaining wall, consists of the area closest to the existing building, and is at the bottom of a steep slope, there are low odds that animals would actually tread on the subject area. The loss of the 1200 square feet of dirt surface would appear not to have a direct significant affect on animals propensity to travel through the corridor. The 1200 square feet would be converted to a paved fire lane. No structures are moved closer to the actual wildlife travel paths. To assure that any adverse indirect effects are balanced with enhanced corridor characteristics contiguous new protected land is essential.

In exchange, the owner has offered new conservation easement area in two locations shown on the attached figure. The new area would be approximately the same 1200 square feet. However, at the writing of this report staff is having trouble with the spatial representation of how the additional area adjoins the existing MRCA

easement. So assuming those spatial issues are resolved, the proposed western conservation easement addition adds the most function because it would widen the most narrow portion of the corridor from approximately 33 feet to almost 60 feet wide. In addition it provides progressively greater width adjacent to the area where the 1200 square foot exaction would most decrease the over all corridor/easement width. Some of this new easement area would have valve boxes and possibly a fire hydrant, but it would be fully open, light element free, and under the permanent protection of the MRCA. Because it is in the direct travel path of animals, it provides clear enhanced corridor function at a weak point in the system.

The second added conservation easement area is located at the east end of the current protected area near the contact with the Liberty Canyon interchange and Liberty Canyon Road. It provides valuable buffer to this habitat linkage transition from Caltrans property to the wildlife corridor easement. It would also be part of a travel path for an errant animal that opts to travel south down Liberty Canyon Road rather than west behind the office buildings to the safety of MRCA land.

In all probability Caltrans will soon grant permission and assist in moving its right-of-way fence closer to the freeway. The effect will be a much wider and open feeling corridor behind the office buildings. That significant expanded width would be for the length of the subject existing conservation easement. Any diminution of corridor function from the loss of the 1200 square feet of dirt surface would be further offset by this expansion. Over time, as requested tall, evergreen native shrubs grow at the edge of the lost 1200 square feet, potential additional corridor functional diminution will also be mitigated.

To compensate the MRCA for the staff time necessary to adjust the conservation easement and for the MRCA restoration crew to further enhance MRCA land next to the subject parking lot, the applicant has agreed to pay the MRCA a lump sum of \$10,000.