

DATE: May 20, 2019
TO: RMC Governing Board
FROM: Mark Stanley, Executive Officer
SUBJECT: Item 13: Consideration of a Resolution authorizing a Proposition 1 grant to the Trust for Public Land for the Urban Orchard Project (RMC18010).

PROGRAM AREA: Lower LA River, Rivers and Tributaries

PROJECT TYPE: Design and Construction

JURISDICTION: City of South Gate

PROJECT MANAGER: Marybeth Vergara

RECOMMENDATION: That the RMC authorize a Proposition 1 grant in the amount of \$1,387,401.44 to the Trust for Public Land for the Urban Orchard Project (RMC18010).

PROJECT DESCRIPTION:

- Exhibit A – Tasklist & Timeline
- Exhibit B – Budget
- Exhibit C – Project Location
- Exhibit D – Concept Design

With the passage of the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1) in November 2014, the RMC established Proposition 1 grant program guidelines which provided for project applications to be submitted for funding consideration (RMC Resolution 2015-18).

In the Fall of 2016, the RMC Governing Board approved Proposition 1 funding guidelines. The RMC Governing Board began approving funding to projects at the start of 2017 through November 2017 as part of the Round One Proposition 1 Call for Projects.

In Fall of 2018, upon approval of the RMC Governing Board (Resolution 2018-22), staff opened the Round Two Call of Projects between October 16, 2018 to December 16, 2018. Of the \$50,000,000 allocated to RMC under Chapter 6, section 79735(a) up to \$19,000,000 is being made available for Round Two, for projects within the Los Angeles River corridor. Note, projects territory-wide have access to a separate funding source.

Projects that score above 80 for Los Angeles River submittals, and subject to other factors upon review, are prioritized for funding recommendations to the Governing Board. Project proponents are provided the opportunity to receive higher scores based on additional information provided through staff interviews that demonstrate an alignment with RMC goals and objectives, and granting of funds is consistent with RMC programs, which include:

Common Ground, from the Mountains to the Sea - Supports the Watershed and Open Space Plan vision for the San Gabriel and Los Angeles River Watersheds, seeks to restore balance between natural and human systems. Guiding principles: 1) growing greener (create, expand and improve open space and access to open space), 2) enhancing waters and waterways, and 3) coordinate regional planning efforts.

RMC Environmental Justice Policy - To ensure that the public, including minority and low-income populations, are informed of opportunities to participate in the development and implementation of all RMC-related programs, policies and activities, and that they are not discriminated against, treated unfairly, or caused to experience disproportionately high and adverse human health or environmental effects from environmental decisions.

Tribal Consultation - To ensure Indian tribes and tribal communities are able to provide meaningful input into the development of regulations, rules policies, programs, projects, plans, property decisions, and activities that may affect tribal communities; supporting AB52 and CEQA, which require separate consideration of tribal cultural resources from that of paleontological resources.

After review, this grant received a score of 91.2/100.

Project:	Urban Orchard Wetlands (RMC18010)	
Applicant:	Trust for Public Land	
Grant Program:	Proposition 1, Lower LA River	
Program area:	Rivers and Tributaries	
Amount requested:	\$2,000,000.00	
Amount recommended for funding:	\$1,387,401.44	
PROJECT EVALUATION CRITERIA SUMMARY		
Factor	Project Score	Total Possible Points
1. Restore River Parkways and Access to Trails	9.9	10
2. Urban Land Value	10.9	12
3. Water Sustainability/Water Quality/Water Infrastructure	10.8	13
4. Habitat and Restoration Resource Values	8.7	9
5. Matching Funds	8	8
6. Environmental Justice and Disadvantaged Communities	26.1	27
7. Project Readiness	3.3	5
8. Stakeholders/Partners Resource Value	8.3	9
9. Stewardship and Management Plan Value	4.6	5
10. Educational/Interpretive Signage	.8	2
TOTAL POINTS	91.2	100

The Urban Orchard Development is a multi-benefit, passive park located along the LA River and the Rio Hondo Channel confluence in the City of South Gate (Exhibit A). The Project is an identified priority (Project 155) in the Lower LA River Revitalization Plan and is part of a larger vision to transform 30-acres of unused, vacant land between the I-710 Freeway and the LA River into new, critically needed green infrastructure and an urban park, including an urban orchard and over one-mile of new riverfront walking and bike paths. The Phase 1 site comprises seven acres owned by the City of South Gate and will create one acre of functioning wetland habitat in a heavily developed, urban area that would treat and utilize stormwater from the adjacent Bandini Channel to irrigate the park and provide the community with a new greenspace (Exhibit D).

After review by RMC Staff, this grant received a score of 91.5/100, placing it in the Tier 1 Category for RMC's Proposition 1 Round 2 grant cycle. This project fulfills a need for public open space and is creating a new creative park space in a location that is currently vacant. In addition, it provides significant positive impacts to the surrounding communities, serving as a community resource along the Los Angeles River. The strengths of this application is that the Phase 1 planning is currently in the implementation phase and the grantee has leveraged approximately \$10,975,100 from other local and federal matching funds. The funding for the planning is an existing RMC Grant in the amount of \$845,000 (RMC Board Resolution 2017-04). Funding for this new grant will be for implementation of the project, specifically the design (Task 1), construction of the treated wetlands (Task 2), and post-storage Conveyance to the stormdrain (Task 3). The total amount for these tasks, including the contingency is \$1,387,401.44.

BACKGROUND: The Urban Orchard Development (UO) is an exciting project with a vision to transform 30 acres of unused, vacant land between the I-710 Freeway and the LA River into new, critically needed green infrastructure and an urban park, including an urban orchard and over one-mile of new river front walking and bike paths. The project will include community gathering spaces, picnic areas, interpretive elements, native plants, fitness equipment, nature play areas for children, a stormwater infiltration area to clean and collect stormwater that currently flows through a small channel within the project boundaries and walking and bicycle paths that will eventually connect with the existing bike path along the LA River.

The Trust for Public Land is a part of an exciting partnership between the City of South Gate and the community, as well as the County of Los Angeles (LA), Southern California Edison, LA Department of Water and Power, Metropolitan Water District, and the State of California to realize the vision of the Urban Orchard. The Urban Orchard is located in the City of South Gate, an underserved, densely urban community. It is surrounded by the I-710 Freeway and industrial and commercially developed areas with limited access to natural green spaces. With a high relative pollution burden (CalEnviroScreen pollution for the project area is 100%) and lack of natural, green open space (Statewide Community Fact Finder lists 0 park acres per 1,000 people within a quarter mile of the project area), the project fills a critical need by providing 30-acres of public open space that will deliver multiple benefits and provide significant positive impact to the community, the Los Angeles River, and the local environment.

Due to its size and complexity, implementation of the Project has been phased. This grant request is for seven-acre Phase 1 of the Project in the northern planning area, which is already owned by the City, and can function as a stand-alone park once completed. The Project proposed here will create one acre of functioning wetland habitat in a heavily developed, urban area that would treat and utilize stormwater from the adjacent Bandini Channel (which collects runoff from a 4,000-acre area) and provide the community with a new greenspace. The Project includes the following components:

- Construct Treatment Wetlands:
 - a. Related electrical services and controls;
 - b. Related stream and backwater habitat;
- Post-storage conveyance to the storm drain.

The wetland component of this project includes the associated plant material to support stormwater filtration and cleansing, as well as a stream and backwater habitat. Once constructed, stormwater from the channel would be pumped via pipes into the wetlands and would filter through the wetlands and be used to irrigate the plants within the park. Native plants at the water's edge will be planted to create a vegetated riparian buffer and further help clean the water. Habitat islands in this area will also create a respite for migratory birds and other species. A subsurface storage chamber (paid for by matching funds) will be located below the wetland and will fill during large storm events when the wetland is at capacity (holding up to 2.4-acre feet of water). Once the subsurface storage chamber is at capacity, an overflow structure would then allow excess stormwater to be diverted from the open wetland area to the Bandini Channel.

The Project would create three types of wetland habitat, including riparian willow habitat, emergent wetland, and riparian woodland areas utilizing native plant species such as tule, arroyo willow, sycamore, California bulrush, and coastal sage brush. The new vegetation will be selected to support and create target habitat for sensitive species such as least Bell's vireo and migratory birds as part of the biodiversity motion for the LA River watershed and tributary systems.

Adjacent to the wetlands, but part of the same constructed aquatic system, would be a fish ladder, stream, and backwater habitat area that would create habitat for aquatic invertebrates, and support native fish species. The proposed habitat and the fish themselves would also facilitate cleaning the water and provide opportunities for the community to engage with aquatic species and wetland habitat types in a highly developed urban area. The intent of the stream is to simulate natural habitat conditions for local fish and support environmental education.

The functioning of the wetland relies on some amount of electricity to pump water from the Bandini Channel through the wetlands, up the fish ladder, and through irrigation equipment. The Project site is currently undeveloped and electrical utilities would need to be extended to the site and sized to support the proposed electrical demand. Required improvements include equipment such as electrical panels, wiring, and other infrastructure to support added capacity needed to support the wetlands over the long-term. After construction, operations and maintenance of the Urban Orchard will be the joint responsibility of the City of South Gate Department of Parks and Recreation and Department of Public Works.

A post-storage conveyance system has been incorporated into the Project to ensure the wetland, and the subsurface storage chamber (not part of this request) do not overflow in a large storm event. Once the wetland is at capacity, the subsurface storage chamber will fill up. Once that system is at capacity, any additional water will be returned to the Bandini Channel.

The Project has been designed to incorporate opportunities for environmental education. The Project includes a wetland overlook that will provide the community and children with opportunities to view and learn about this new system. The overlook will provide users an opportunity to view and enjoy the wetlands and green space and experience a closer connection to the water and native habitat. The stream component will be located along the eastern edge of the Project site to be close to the nature play area (not part of this request) giving kids exposure to open water and wetlands and provide them with information about stormwater management, water treatment, and re-use.

The Urban Orchard Project is an identified priority project (Project 155) in the Lower LA River Revitalization Plan. This project is consistent with goals of Propositions 1 including creating sustainable water infrastructure, optimizing water resources by improving the quality of surface water and enhancing groundwater recharge, improving flood management, encouraging multi-jurisdictional and multi-beneficial planning projects, restoring river parkways, and promoting watershed health. The project is also consistent with the California Water Action Plan as it provides a more resilient and sustainably managed water infrastructure. It is consistent with RMC's Environmental Justice Policy as the Project has and will continue to fully engage and empower the local community, transform land uses and provide much-needed access to community open space and green infrastructure.

The RMC has administered five successful competitive grant programs, the Proposition 40 competitive program, the short term (18 month) program, the Proposition 50 competitive grant program, Proposition 84 competitive grant program, and most recently Proposition 1 competitive grant program. With the passage of Proposition 68 (2018 Park bond), the RMC is well positioned to continue to provide grants through a competitive process to cities, non-profits, other county entities, and joint powers authorities through its existing grant funding program areas: Urban, Rivers & Tributaries; and Mountain and Foothills Programs and Projects. The following is a description of each of these program areas for Proposition 68:

Urban Lands. All land within the developed, urban core of the RMC territory that is NOT within the area identified for River/Tributary Parkway, or within the Mountains, Hills, and Foothills.

River/Tributary Parkway. Land falling within one-quarter mile on either side of the centerline of a river or tributary within the RMC territory, but NOT within the Mountains, Hills and Foothills or Urban Land areas.

Lower Los Angeles River. Projects within the Lower Los Angeles River corridor, defined in the Lower LA River Revitalization Plan as within 1-mile of the river, will mostly fall within the River/Tributary Parkway Program. Applicants should make the case if they feel their project is better defined as an Urban Land Value and Environmental Justice project.

Mountains, Hills, and Foothills. Land lying within the area of a named system of mountains, hills and foothills. More specifically, land lying within the geographic area of the San Gabriel Mountains, the San Jose, San Rafael, Montebello, Puente, Chino, Coyote, or Signal Hills, the San Gabriel foothills, and within the territory of the RMC but NOT within the Urban Lands or River/Tributary Parkway.

FISCAL INFORMATION: The grant amount recommended for funding for this project is \$1,387,401.44. The City has received matching funds from the following sources: \$7,975,100 from the State Water Resources Control Board (SWRCB); and \$3,000,000 from the National Park Service Land & Water Conservation Fund. These matching funds total \$10,975,100 towards the implementation of Phase 1 of this project.

LEGISLATIVE AUTHORITY AND RMC ADOPTED POLICIES/AUTHORITIES: The Rivers and Mountains Conservancy (RMC) statute provides in part that:

Section 32602: There is in the Resources Agency, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, which is created as a state agency for the following purposes:

- (a) To acquire and manage public lands within the Lower Los Angeles River and San Gabriel River watersheds, and to provide open-space, low-impact recreational and educational uses, water conservation, watershed improvement, wildlife and habitat restoration and protection, and watershed improvement within the territory.
- (b) To preserve the San Gabriel River and the Lower Los Angeles River consistent with existing and adopted river and flood control projects for the protection of life and property.
- (c) To acquire open-space lands within the territory of the conservancy.

Section 32604: The conservancy shall do all of the following:

- (a) Establish policies and priorities for the conservancy regarding the San Gabriel River and the Lower Los Angeles River, and their watersheds, and conduct any necessary planning activities, in accordance with the purposes set forth in Section 32602.
- (b) Approve conservancy funded projects that advance the policies and priorities set forth in Section 32602.
- (d) To provide for the public's enjoyment and enhancement of recreational and educational experiences on public lands in the San Gabriel Watershed and Lower Los Angeles River, and the San Gabriel Mountains in a manner consistent with the protection of lands and resources in those watersheds.

Section 32614: The conservancy may do all of the following:

- (b) Enter into contracts with any public agency, private entity, or person necessary for the proper discharge of the conservancy's duties, and enter into a joint powers agreement with a public agency, in furtherance of the purposes set forth in Section 32602.
- (e) Enter into any other agreement with any public agency, private entity, or person necessary for the proper discharge of the conservancy's duties for the purposes set forth in Section 32602.
- (f) Recruit and coordinate volunteers and experts to conduct interpretive and recreational programs and assist with construction projects and the maintenance of parkway facilities.

Further, Section 32614 provides that: The conservancy may do all of the following:

- (g) Undertake, within the territory, site improvement projects, regulate public access, and revegetate and otherwise rehabilitate degraded areas, in consultation with any other public agency with appropriate jurisdiction and expertise, in accordance with the purposes set forth in Section 32602. The conservancy may also, within the territory, upgrade deteriorating facilities and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resources projection. The conservancy may undertake those projects by itself or in conjunction with another local agency; however, the conservancy shall provide overall coordination of those projects by setting priorities for the projects and by ensuring a uniform approach to projects. The conservancy may undertake those projects with prior notification to the legislative body of the local agency that has jurisdiction in the area in which the conservancy proposes to undertake that activity.

Section 32614.5:

- (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.

- (b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:
- (1) The purchase price of any interest in land acquired by the nonprofit organization may not exceed fair market value as established by an appraisal approved by the conservancy.
 - (2) The conservancy approves the terms under which the interest in land is acquired.
 - (3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.
 - (4) The transfer of land acquired pursuant to a grant shall be subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the state.
 - (5) The state shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.
 - (6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the state, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.
- (c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executor interest or right of entry on the part of the state.

Funding for these projects will be allocated from the following sections of Proposition 1, under statute:

Proposition 1, Chapter 6, Sections 79731(f) and 79735(a) which allocates the following funding to the RMC: Section 79731(f) of the funds authorized by Section 79730, the sum of three hundred twenty-seven million five hundred thousand dollars (\$327,500,000) shall be allocated for multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state in accordance with the following schedule:...(f) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, thirty million dollars (\$30,000,000). And Section 79735(a) of the funds authorized by Section 79730, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, for projects to protect and enhance an urban creek, as defined in subdivision (e) of Section 7048, and its tributaries, pursuant to Division 22.8 (commencing with Section 32600) of, and Division 23 (commencing with Section 33000) of, the Public Resources Code and Section 79508.

Grantee: The Trust for Public Land

Project Name: Urban Orchard

Contact and Address: Robin Mark, c/o The Trust for Public Land, 135 W. Green Street, Pasadena, CA 91105

RMC Tasklist and Timeline

Performance Begin and End Date: 1st Quarter 2019- 4th Quarter 2022

	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021	Q1 2022	End
Work Plan Task Number and Name														
Task #1 - Design														06/30/20
Task #2 - Construct Treatment Wetlands														12/31/22
Stream and backwater habitat														
Electrical Service Controls														
Task #3- Construct Post Storage Conveyance to Stormdrain														12/31/22

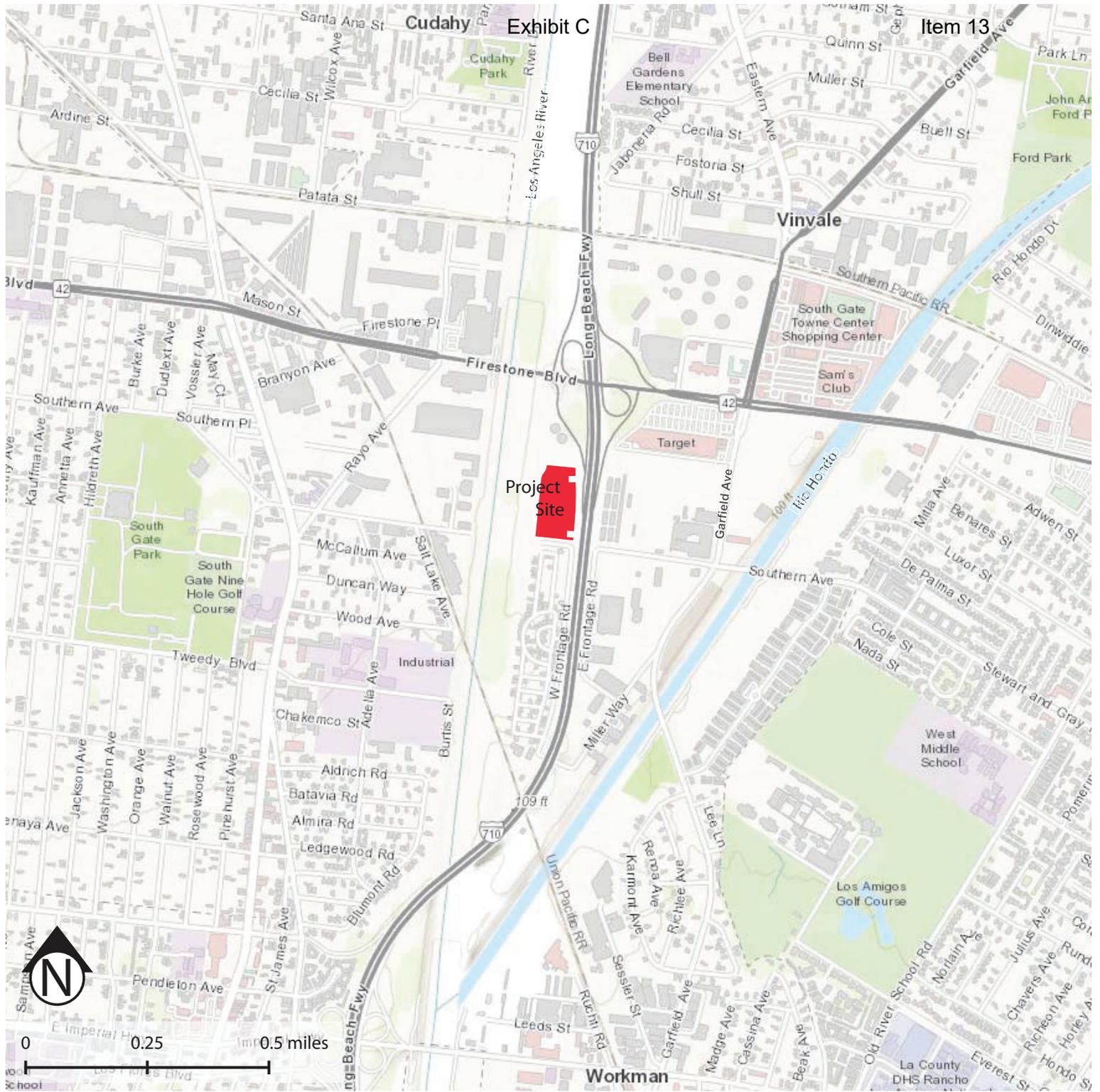
Grantee: The Trust for Public Land

Project Name: Planning for the Urban Orchard Development

Contact and Address: Robin Mark, c/o The Trust for Public Land, 135 W. Green Street, Pasadena, CA 91105

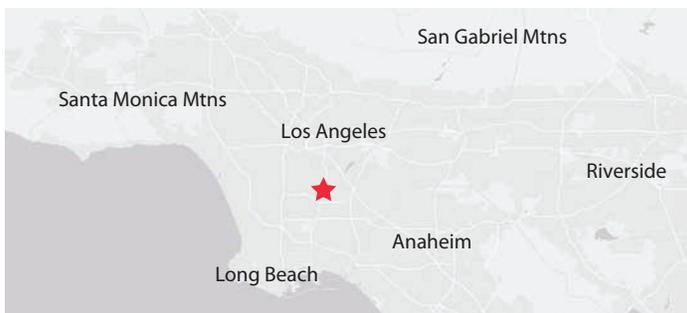
RMC Total Budget Request: \$1,387,401.44

	Work Plan Task Number and Name	Cost Per Task	RMC Budget	Matching Funds #1 - SWRCB	Matching Funds #2 - LWCF (pending)
1	Task #1 - Design		\$ 125,000.00	\$ 389,390.00	\$ 334,885.00
2	Task #2 - Construct Treatment Wetlands		\$ 1,069,639.00	\$ -	\$ -
	Stream & Backwater Habitat		included	\$ -	\$ -
	Wetland related Electrical Service Controls		included	\$ -	\$ -
3	Task #3 - Post-storage Conveyance to Stormdrain		\$ 84,072.00	\$ -	\$ -
6	Other Park Construction		\$ -	\$ 7,118,860.00	\$ 2,665,115.00
7	Project Management		\$ -	\$ 466,850.00	\$ -
8	8.5% Contingency		\$ 108,690.44	\$ -	\$ -
	TOTAL FUNDED = 12,362,501.44		\$ 1,387,401.44	\$ 7,975,100.00	\$ 3,000,000.00



Directions from the nearest major highway (I-710)

From I-710 (traveling either north or south) take exit 13 for Firestone Boulevard. Travel east on Firestone Boulevard for 0.4 miles, then turn right on Garfield Avenue. In 0.5 miles turn right on Miller Way. In 0.3 miles turn right to stay on Miller Way and travel under the I-710 freeway. Directly after exiting the underpass turn right on West Frontage Road. Continue past the Thunderbird Villa Mobile Home Park to reach the project site.





May 20, 2019 – Item 13

RESOLUTION 2019-20

RESOLUTION OF THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (RMC) APPROVING A PROPOSITION 1 GRANT TO THE TRUST FOR PUBLIC LAND FOR THE URBAN ORCHARD PROJECT (RMC 18010)

WHEREAS, The legislature has found and declared that the San Gabriel River and its tributaries, the Lower Los Angeles River and its tributaries, and the San Gabriel Mountains, Puente Hills, and San Jose Hills constitute a unique and important open space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations; and

WHEREAS, The people of the State of California have enacted the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (“Proposition 1”) and

WHEREAS, the State of California has authorized an expenditure of funds from Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for capital outlay and local assistance multi-benefit grants for ecosystem and watershed protection and restoration projects; and

WHEREAS, The RMC may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of Division 22.8 the Public Resources Code; and

WHEREAS, The proposed project meets an objective of the California Water Action Plan for more reliable water supplies, restoration of important species and habitat, more resilient and sustainably managed water infrastructure; and

WHEREAS, The proposed project meets the goals of reducing greenhouse gas emissions consistent with AB 32; and

WHEREAS, The proposed project is consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan; and

WHEREAS, The proposed project protects land and water resources; and

WHEREAS, The grantee has requested a grant from Proposition 1, Section 79731 (f) or Section 79735 (a) of the Water Code; and

This action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); and NOW

Therefore be it resolved that the RMC hereby:

- 1 FINDS that this action is consistent with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Act and is necessary to carry out the purposes and objectives of Division 22.8 of the Public Resources Code.
- 2 FINDS that the Proposition 1 RMC Grant Program is consistent with the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (“Proposition 1”), which provides funds for the RMC grant program.
- 3 FINDS the proposed project meets at least one of the purposes of Proposition 1.

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- 4 FINDS the proposed project meets at least one of the three objectives of the California Water Action Plan.
- 5 FINDS that the proposed action is consistent with the San Gabriel and Lower San Gabriel and Los Angeles River Watershed and Open Space Plan as adopted by the Rivers and Mountains Conservancy;
- 6 FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
- 7 ADOPTS the staff report dated May 20, 2019.
- 8 AUTHORIZES a grant of Proposition 1 funds in the amount of \$1,387,401.44 to the Trust for Public Land for the Urban Orchard Project-Wetlands construction.

~ End of Resolution ~

Passed and Adopted by the Board of the
SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS
CONSERVANCY on May 20, 2019.

Motion _____ Second: _____

Ayes: _____ Nays: _____ Abstentions: _____

Frank Colonna, Chair

ATTEST: _____
David Edsall, Jr.
Deputy Attorney General