COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DEAN D. EFSTATHIOU, Acting Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: MP-6

November 12, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PACOIMA WASH - PARCELS 132, 155, AND 176
WILSON CANYON CHANNEL - PARCELS 81, 82, AND 96
USE AGREEMENT BETWEEN
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
AND THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
CITY OF SAN FERNANDO
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)

SUBJECT

This action will allow the Los Angeles County Flood Control District to enter into a Use Agreement with the Mountains Recreation and Conservation Authority for recreational purposes along portions of Pacoima Wash and Wilson Canyon Channel in the City of San Fernando.

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Acting as a responsible agency for the proposed project, consider the Mitigated Negative Declaration prepared and adopted by the Mountains Recreation and Conservation Authority as lead agency, together with any comments received during the public review period, certify that your Board has independently considered and reached its own conclusions regarding the environmental effects of the project as shown on the Mitigated Negative Declaration, find on the basis of the whole record before your Board that there is no substantial evidence the project will have a

significant effect on the environment, and adopt the Mitigation Monitoring Program for the project finding the program is adequately designed to ensure compliance with the mitigation measures.

2. Find that the proposed 20-year Use Agreement between the Los Angeles County Flood Control District and the Mountains Recreation and Conservation Authority for recreational use of Pacoima Wash will not interfere with or be inconsistent with the primary use and purposes of such lands, facilities, and works of the Los Angeles County Flood Control District.

3. Instruct the Chair to sign the Use Agreement and authorize delivery to the Mountains Recreation and Conservation Authority.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to allow the Los Angeles County Flood Control District (LACFCD) to enter into an agreement with the Mountains Recreation and Conservation Authority (MRCA) to use portions of Pacoima Wash, Parcels 132, 155, and 176, and Wilson Canyon Channel, Parcels 81, 82, and 96, to construct, operate, and maintain a pedestrian trail, a wood trail bridge, landscaping, and an irrigation system and for incidental recreational uses. These actions will allow for the dual use of flood control right of way without interfering with the primary use for flood control purposes.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Community Services (Goal 6). The improvements will enhance river aesthetics and recreational opportunities in the area, thereby improving quality of life for the residents of the County.

FISCAL IMPACT

There will be no impact to the County General Fund.

There will be no monetary consideration paid for the Use Agreement since the use of the LACFCD property is for recreational purposes. The Los Angeles County Flood Control Act provides for LACFCD property to be used for recreational purposes as long as the public recreational purposes are compatible with the LACFCD purposes of flood control, water quality, and water conservation.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pacoima Wash, Parcels 132, 155, and 176, and Wilson Canyon Channel, Parcels 81, 82, and 96, are located between Foothill Boulevard and 8th Street in the City of San Fernando.

The proposed Use Agreement is for 20 years.

Section 2, Paragraph 5 of the Los Angeles County Flood Control Act provides that the "...improvement of existing facilities may involve...aesthetic treatment in order that the facility will be compatible with existing or planned development in the surrounding area of the improvement." Section 2, Paragraph 14 of the Los Angeles County Flood Control Act authorizes the LACFCD "To provide, by agreement with other public agencies..., for the recreational use of the facilities, and works of such district, which shall not interfere or be inconsistent with the primary use and purposes of such lands, facilities, and works of such district."

The proposed 20-year Use Agreement has been reviewed and approved by County Counsel as to form.

ENVIRONMENTAL DOCUMENTATION

The Department of Public Works (Public Works) is acting as a responsible agency for the proposed project. MRCA, as lead agency, has prepared an Initial Study and adopted the attached Mitigated Negative Declaration for this project on July 6, 2005. The recommended actions will not have a significant effect on the environment.

Upon your Board's finding that the project will not have a significant effect on the environment, Public Works will file a Notice of Determination with the Registrar-Recorder/County Clerk in accordance with Section 21152(a) of the California Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for the use and enjoyment of the LACFCD right of way by the public without interfering with the primary mission of the LACFCD.

CONCLUSION

Please return one adopted copy of this letter and two executed Use Agreements to Public Works, Mapping & Property Management Division.

Respectfully submitted,

DEAN D. EFSTATHIOU
Acting Director of Public Works

DDE:PAP:mr

Attachments (2)

c: Auditor-Controller (Accounting Division-Asset Management)
Chief Executive Office (Lari Sheehan)
County Counsel

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Sean Walsh
Director

MAY 25 2005

May 19, 2005

Paul Edelman
Mountains Recreation and Conservation Authority
570 W. Avenue 26, Suite 100
Attn: Cara McLane
Los Angeles, CA 90065

Subject: 8th Street Park (City of San Fernando)
SCH#: 2005041107

Dear Paul Edelman:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 18, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2005041107
Project Title 8th Street Park (City of San Fernando)
Lead Agency Mountains Recreation and Conservation Authority

Type Neg Negative Declaration

Description Conversion of undeveloped parcel into natural public park. Minor trail improvements, grading; addition of minor amenities related to passive park uses. Addition of stormwater treatment and infiltration system for street runoff.

Lead Agency Contact

Name Paul Edelman
Agency Mountains Recreation and Conservation Authority
Phone (310) 589-3230 x128 **Fax**
email
Address 570 W. Avenue 26, Suite 100
Attn: Cara McLane
City Los Angeles **State** CA **Zip** 90065

Project Location

County Los Angeles
City San Fernando
Region
Cross Streets 8th Street / Pacoima Wash
Parcel No. 2513-033-006, 007, 008
Township **Range** **Section** **Base**

Proximity to:

Highways I-210, SR 118
Airports
Railways
Waterways Pacoima Wash
Schools
Land Use GP: Low Density Residential
Z: R1 - Single Family

Project Issues Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Recreation/Parks; Vegetation; Water Quality; Wetland/Riparian

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Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 4; Department of Parks and Recreation; Native American Heritage Commission; Office of Historic Preservation; Department of Fish and Game, Region 5; Department of Water Resources; California Highway Patrol; Caltrans, District 7; State Water Resources Control Board, Clean Water Program

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Date Received 04/19/2005 **Start of Review** 04/19/2005 **End of Review** 05/18/2005

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-3747
FAX: (213) 897-1337

Flex your power!
Be energy efficient!

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Clear
5-18-05
@

IGR/CEQA No. 050453AL, ND
8th Street Park Project
Vic. LA-210 / PM R4.94
SCH#: 2005041107

May 2, 2005

Mr. Paul Edelman
Mountains Recreation and Conservation Authority
570 West Avenue 26, Suite 100
Los Angeles, CA 90065

Dear Mr. Edelman:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project is to convert undeveloped parcel into natural public park.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful of your need to discharge clean run-off water.

Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods. Thank you for the opportunity to have reviewed this project.

If you have any questions, please feel free to contact me at (213) 897-3747 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 050453AL.

Sincerely,

Cheryl J. Powell

CHERYL J. POWELL
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

July 6, 2005 — Agenda Item VI

Resolution No. 05-68

RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY ADOPTING MITIGATED NEGATIVE DECLARATION FOR THE 8TH STREET PARK PROJECT ALONG THE PACOIMA WASH, CITY OF SAN FERNANDO

Resolved, That the Governing Board of the Mountains Recreation and Conservation Authority (MRCA) hereby:

1. FINDS that the 8TH Street Park project will not have a significant effect on the environment and that a Draft Mitigated Negative Declaration has been prepared; and

2. FINDS that the Draft Mitigated Negative Declaration prepared for the subject project was adequately noticed and posted with both the State Clearinghouse (SCH No. 2005041107) and the Los Angeles County Clerk; and

3. ADOPTS the staff report and recommendation dated July 6, 2005; and

4. ADOPTS the Mitigated Negative Declaration for the 8TH Street Park project; and

5. AUTHORIZES the Executive Officer or his designee to perform all actions necessary to carry out the intent of this resolution.

Chairperson

AYES: Hayduk, Daniel, Lange, Berger

NOS: none

ABSTAIN: none

ABSENT: none

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 6th day of July, 2005.

Date: 7-6-05

Executive Officer

MOUNTAINS RECREATION & CONSERVATION AUTHORITY
Los Angeles River Center and Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-9944 Fax (323) 221-9934

May 17, 2005

ORIGINAL FILED

MAY 20 2005

LOS ANGELES, COUNTY CLERK

County Clerk
County of Los Angeles
Environmental Filings
12400 Imperial Highway, Rm 1101
Norwalk, California 90650

Notice Of Intent To Adopt A Mitigated Negative Declaration

Dear Sirs:

Please find enclosed a Notice of Intent to Adopt A Mitigated Negative Declaration for 8th Street Park Project, located in City Of San Fernando.

If you have any questions regarding this, please contact me at 323-221-9944, extension 188.

Sincerely,

Barbara Romero

Barbara Romero
Special Projects Manager

Attachments: Notice Of Intent To Adopt A Mitigated Negative Declaration
Initial Study and Environmental Checklist
Location Map
$25.00 Check

MOUNTAINS RECREATION & CONSERVATION AUTHORITY
Los Angeles River Center and Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-9944 Fax (323) 221-9934

ORIGINAL FILED

MAY 20 2005

LOS ANGELES, COUNTY CLERK

May 17, 2005

TO: **ALL INTERESTED AGENCIES, ORGANIZATIONS AND PARTIES**

SUBJECT: **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE 8TH STREET PARK PROJECT**

A Mitigated Negative Declaration has been prepared for the proposed project described below. Public notice is hereby given that the Mountains Recreation and Conservation Authority ("MRCA") will consider adoption of the Mitigated Negative Declaration and approval of the proposed project.

Project Location
The project is located in the City of San Fernando at 8th Street on the west side of Pacoima Wash.

Project Description
On Friday April 1, 2005, the MRCA took title to the proposed project site, an undeveloped parcel approximately 3 acres in size. The proposed project is a joint-use multiple-benefit park project combining the creation of public park space with local stormwater treatment and infiltration. It is the conversion of an undeveloped parcel into a park that will also produce significant positive environmental benefits to a community with few public parks. The project will create a significant amount of natural habitat planted with native species. It will also positively impact water quality, flood protection and water conservation. There will be minor trail improvements, grading to create a bioswale and dry pond, and the addition of minor amenities related to passive park usage such as benches, interpretive markers and an information kiosk. The proposed stormwater capture system (BMP) will treat stormwater runoff from the adjacent residential neighborhood. Stormwater will be captured at 8th Street and Bromont Avenue, directed through a sand media filter and released into a bioswale and dry-pond combination for infiltration. Street-to-park transitions outside the site may be redesigned or altered.

Pursuant to the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the MRCA, as Lead Agency, has analyzed the project and determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by the project proponent. Based on these findings, the Lead Agency has prepared a Mitigated Negative Declaration.

Public Review
The review period begins May 16, 2005 and will end on June 6, 2005. The Notice of Intent and Initial Study are available for review at the following locations:

- Los Angeles County Clerk's Office, Environmental Filings – 12400 Imperial Highway, Room 1101 Norwalk, CA 90650
- Mountains Recreation and Conservation Authority – 570 West Avenue 26, Suite 100, Los Angeles, CA 90065

Comments must be delivered, in writing, by 5pm, June 6, 2005 to Barbara Romero, MRCA Project Manager at 570 West Avenue 26, Suite 100, Los Angeles, CA 90065 or by fax to 323-221-9934.

A public hearing is tentatively scheduled at the MRCA Governing Board Meeting on June 1, 2005 at 3:00 p.m. at the Conejo Recreation and Park District headquarters at 403 Hillcrest Drive, Thousand Oaks, CA 91360. Please confirm public hearing date and location with Barbara Romero at 323-221-8900 x 188 or by email at barbara.romero@mrca.ca.gov

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST

1 Project Title: **8th Street Park (City of San Fernando)**

2 Local Agency Name and Address:
Mountains Recreation and Conservation Authority
570 West Avenue 26, Suite 100
Los Angeles, CA 90065

3 Contact person and phone number:
Paul Edelman, 310-589-3230, extension 128

4 Project Location: San Fernando, CA
8th Street and Pacoima Wash

5 Project sponsor's name and address:
Mountains Recreation and Conservation Authority ATTN: Cara McLane
570 West Avenue Twenty-Six, Suite 100
Los Angeles, CA 90065

6 General Plan Designation:
Low Density Residential

7 Zoning:
R-1 Single Family

8 Description of the Project:

This is a joint-use multiple-benefit park project combining the creation of public park space with local stormwater treatment and infiltration. It is the conversion of an undeveloped parcel into a park that will also produce significant positive environmental benefits to a park-poor community. The project will create a significant amount of natural habitat planted with native species. It will also positively impact water quality, flood protection, and water conservation. There will be minor trail improvements; grading to create a bioswale and dry pond; addition of minor amenities such as benches, interpretive markers and information kiosk, etc. related to passive park uses. The proposed stormwater capture system (BMP) will treat storm runoff from the adjacent neighborhood. Stormwater will be captured at 8th Street and Bromont Ave., directed through a sand media filter and released into a bioswale and dry-pond combination for infiltration. Street-to-park transitions outside the site may be redesigned or altered.

9 Surrounding land uses and setting:
The property is located in the City of San Fernando.
Adjacent land uses are residential, industrial, and vacant.

10 Other agencies whose approval is required:
County of Los Angeles, Flood Control/DPW

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	■ Air Quality
☐ Biological Resources	■ Cultural Resources	☐ Geology / Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	■ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation / Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project may have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only those effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Barbara Romero — 5·17·2005

Signature — Date

Barbara Romero — Mountains Recreation & Conservation Authority

Printed Name — For

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion:
(a), (b) (c) and (d): The project site is bare and does not offer any scenic vistas. The proposed project will develop the site as parkland, adding trees, shrubs, flowering perennials, and groundcovers. The new landscaping will be irrigated to ensure that it maintains a healthy green appearance. Views onto the site will be improved, resulting in a beneficial impact. There will be no landscape lighting in the project area with no increase of the amount of light or glare in the area.

II. AGRICULTURAL RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses?				X

Discussion:
(a) through (c): There is no farmland on the proposed project site or in the vicinity. No agricultural operation exists and no Williamson Act contract has been executed. The project will not result in changes that could result in conversion of farmland to non-agricultural uses. No impact will result.

III. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:
(a) The regional air quality plan is based on regional growth projections, and the project will not impact regional growth. No conflicts with the South Coast Air Quality Management Plan will result. No impact would result.

(b) The proposed park is not anticipated to generate traffic volumes capable of producing concentrations of pollutants that would violate air quality standards.

(c) Construction of the proposed project would temporarily increase emissions of dust and No_x, due to the use of diesel-powered equipment and grading operations. The proposed project will not result in long-term increases of criteria pollutants or long-term cumulatively significant increases of criteria pollutants. Because construction emissions are temporary in nature, and diesel-powered trucks already traverse the nearby streets on a daily basis, there will be no permanent impact. The temporary impacts on ambient air quality would be significant without mitigation.

Mitigation Measures:
1. All vehicles traveling on unpaved areas shall not exceed 15 miles per hour.
2. All trucks hauling dirt, sand, soil, or other loose material shall be covered.
3. All construction equipment shall be properly tuned and maintained.
4. Low-emission construction equipment (methanol, gasoline, electric, natural gas) shall be utilized, as feasible.
5. All construction equipment shall be turned off when not in use for extended periods of time.
6. Deliveries of construction materials and haul truck trips shall be scheduled during non-peak hours, if possible.

Level of Significance with Mitigation
Implementation of the identified mitigation measures will reduce the impact to a less-than-significant level.

(d) No sensitive receptors will be affected by the project.

(e) The proposed project is a park that does not typically generate objectionable odors during construction or operation. No impact will result.

IV. BIOLOGICAL RESOURCES. Would the project:

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion:
(a) through (f) The project site is an empty lot along a paved flood control channel that has been used by a local resident to stable horses. Surfaces consist of bare soil, pavement, and grass. Grass has been used as feed for horses and was infrequently mowed for fire and weed control. There are no candidate, sensitive, or special status species in the project area. There are no trees on site. There are no wetlands on the project site. The project site is fenced and does not support the movement of wildlife. There is no adopted Habitat Conservation Plan or other approved local, regional, or state habitat conservation plan.

The proposed project would create biological habitat on the site through the addition of native plant materials, resulting in a beneficial impact.

V. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside formal formal cemeteries?		X		

Discussion:
(a): No historical resources will be affected by the project.

(b) through (d) The site was developed previously and the land was substantially disturbed during construction of the old San Fernando Airport and the Pacoima Wash Flood Control Channel. No archaeological resources have been identified. It is unlikely that unknown cultural resources would be discovered during construction grading.

Mitigation Measures if Cultural Resources are found:

1. If archaeological or paleontological resources, including human remains, are discovered during construction, all construction shall be suspended immediately and a licensed archaeologist or paleontologist, and/or Native American representative and County coroner, as appropriate, shall determine the significance of the find. If the expert consultant(s) determines that the find is unique or of other importance, all grading shall be suspended indefinitely, and the site shall be surveyed for additional resources, unless in the expert opinion of the consultant the find is isolated, in which case construction need be suspended only in the immediate area surrounding the find. If the resources discovered are unique or important, construction in the affected area shall not resume until they have been catalogued, stabilized, and/or removed, as described below.

2. All handling of archaeological resources and human remains, if discovered during construction, shall be in accordance with the CEQA Guidelines, Section 15064.5.
3. Any unique or important paleontological resources, if discovered during construction, shall be removed by a licensed paleontologist prior to resuming construction and donated to a museum or other appropriate entity.

Level of Significance with Mitigation
In the unlikely event that cultural resources are discovered during construction, implementation of the identified mitigation measures will ensure that impact is less than significant.

VI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
iv) landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

Discussion:
(a) through (d) The project site is located in Southern California, which is subject to a variety of geological phenomenon, including seismic events, due to its proximity to the boundary of the North American and Pacific tectonic plates. On-site geologic hazards due to seismicity are not substantially different than in most other areas in the region.
The project area is included in the Alquist-Priolo Earthquake Fault Zoning Map. The distance to the nearest fault is 0.6 km. Since the project will be a park, the risk of damage from earthquakes on the site will be minimized. There will be no building structures on the project site.
Grading for development will not result in a significant loss of topsoil or soil erosion. The proposed project will result in the project site being primarily permeable, allowing stormwater to percolate in to the ground, resulting in a beneficial impact.

The project site's soil was heavily disturbed and mixed during construction of the Foothill Blvd. bridge and the Pacoima Wash Flood Control Channel. Review of historic aerial photography indicates that the site was originally part of the active Pacoima Wash channel. This channel is part of a larger alluvial fan complex with corse sandy and gravelly soils. These soils are typically well drained, and have high subsoil permeability. The existing top soil is a pale-brown coarse sandy loam no more than 8 inches thick that is heavyly impacted by incorporated construction rubble. It is underlain by an irregular substrate of sands and gravels. This soil is not an expansive soil. No impact will result.

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion:

(a), (b) and (d) No hazardous materials have been identified on site. No hazardous emissions will be created by the project.

(a) through (b): Any proposed development would likely involve the use of diesel-powered heavy machinery and equipment. The presence of combustible fueled construction equipment does pose an increased risk of fire hazards in the event of an accident. Because the construction is temporary in nature, and diesel-powered trucks already traverse nearby streets and freeways on a daily basis, the impact is less than significant.

(c) The project is located within 1/4 mile of a church and religious educational facility. Because the construction is temporary in nature, and diesel-powered trucks already traverse nearby streets on a daily basis, the impact is less than significant.

(e) through (h) This project is not located within an existing airport land use plan or within two miles of a public airport or public use airport or private airstrip. The San Fernando airport, previously located near the site, was closed several decades ago. No emergency response or evacuation plans are in place. No wildlands are in the project's vicinity. No impact will result.

VIII. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?				X
c) Substantially alter the existing drainage pattern of the site or area, including		X		

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion:
(a) Stormwater currently flows from neighborhood streets directly into the adjacent Pacoima Wash Flood Control Channel. At the site, the project will create several stromwater improvements, including sand media filters, vegetated bioswales and a vegetated dry pond for infiltration. The resulting impact will be beneficial and will demonstrate use of best management practices along a flood control channel. There are direct positive impacts to water quality, water conservation, and flood control.

(b) Captured and treated stormwater will be infiltrated in-site and will re-charge the aquifer. The impact will be beneficial.

(c) The proposed project's grading will not result in substantial erosion or siltation on- or off-site. The planting of native vegetation will stabilize soils and control erosion. The dry pond will trap eroded materials preventing them from being discharged into the flood control channel.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
(d) The proposed project will alter the existing unregulated drainage of urban stormwater into the Pacoima Wash channel. It will intercept runoff at the street level and route it into sand media filters for treatment. The project will create depressed vegetated areas for stormwater infiltration, resulting in temporary storage of water on site. The project will be engineered so that all areas will drain completely within 72 hours for vector control. The temporary storage of water could be considered on-site flooding, but this will not affect any residences or businesses. The impacts will be temporary in nature and less than significant.				
(e) and (f) The stormwater infiltration described under (d) will provide a substantial reduction of polluted runoff. The proposed project will include the addition of landscaping and permeable surfaces, allowing stormwater to filter naturally through the site and percolate into the ground. The amount of stormwater runoff will be reduced, the quality of runoff will be increased, and infiltration poses a positive impact to water conservation. All impacts will be beneficial.				
(g) and (h): The proposed project site is located on the City of Los Angeles General Plan 100-Year Flood Plain map. The only structures that may be constructed on site are limited to small storage facilities, one restroom facility, and a mobile home. All structures will be constructed to appropriate standards and codes for flood protection. The mobile home will not be located in an area subject to flooding. No impact would result.				
(i): The project does not include any modifications to the existing flood control infrastructure with no increased possibility of risk of loss, injury, or death involving flooding. The impact will be less than significant.				
(j) Inundation by seiche, tsunami, or mudflow is not likely. The proposed project site is not located within an area of Inundation Hazard as identified in the City of Los Angeles General Plan. There will be no impact.				
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:
(a) The proposed project site is composed of vacant land and industrial buildings. The site is within the community of Elysian Valley and at the end of a dead-end street. The project will add a public park amenity to the Elysian Valley area and provide access to the planned Los Angeles River Bikeway, helping to unite the community. The impact will be beneficial.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
(b) The applicable plans include the City of Los Angeles General Plan (specifically, the Silver Lake-Echo Park-Elysian Valley Community Plan), the Rim of the Valley Trail Corridor Master Plan, and the San Gabriel and Los Angeles Rivers Watershed and Open Space Plan. The project is in conformance with the Rim of the Valley Trail Corridor Master Plan and the San Gabriel and Los Angeles Rivers Watershed and Open Space Plan, and will not result in any impacts. The proposed project's land use, park / recreation, will bring the site into conformance with the land use designated in the City of Los Angeles General Plan, adopted as part of the Silver Lake-Echo Park-Elysian Valley Community Plan dated 8/11/04. The impact will be beneficial. (c) There is no known applicable habitat conservation plan or natural community conservation plan for the project area. No impact would result.				
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
Discussion: (a) through (b): There are no known mineral resources on the proposed project site. The project area is not identified in the City of Los Angeles General Plan as having important mineral resources. No impact will result.				
XI. NOISE. Would the project result in :				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive ground-borne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:
(a) and (b): Grading and other construction activities could generate noise levels in excess of applicable standards, and/or result in groundborne vibration or noise levels, but the impacts will be temporary and less than significant.

(c): Ambient noise levels may increase in the project area during weekends and periods of high use. There may be a temporary increase in ambient noise levels in the project area that exceeds levels currently existing due to construction activities. The ambient noise level is currently affected by the surrounding land uses. The proposed project site is adjacent to residential land uses, and the Pacoima Wash Flood Control channel. The impacts will be less than significant.

(d) Construction of the project will result in temporary impacts to noise levels, raising them above current levels. The temporary impacts on noise would be significant without mitigation.

Mitigation Measures
1. All construction activities shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No construction shall be permitted on Sundays or federal holidays.
2. Muffled construction equipment shall be used whenever possible.
3. Rubber-tired construction equipment rather than track equipment shall be used whenever possible.

Level of Significance After Mitigation
Implementation of the identified mitigation measures will ensure that impact is less than significant.

(b): Grading and other construction activities could result in groundborne vibration or noise levels, but the result will be less than significant.

(c) through (d) Ambient noise levels may increase in the project area during weekends and periods of high use. There may be a temporary increase in ambient noise levels in the project area that exceeds levels currently existing due to construction activities. The impacts will be less than significant.

(e) through (f) The project area is not located within an airport land use plan or private airstrip.

XII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly or indirectly?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:
(a) through (c): Development of the proposed park is not likely to increase population. The project area is currently vacant, and there is no existing housing that will be displaced. The project will create a public park amenity in a densely populated neighborhood. The impact will be beneficial.

XIII. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection?				X
Police Protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Discussion:
The proposed project will not induce population growth either directly or indirectly.
In the case of fire protection, the project may have a beneficial impact because the site will become irrigated.
In the case of police protection, the proposed park will be patrolled by San Fernando Police and MRCA Rangers and maintenance crews.
No change in demand for governmental facilities is expected. The proposed park will add an amenity to the area and will not increase usage of other parks. Maintenance will be performed by the MRCA for a transition period and the City of San Fernando will subsequently inegrate the park into their parks program.

XIV. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion:

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
(a) through (b): The proposed project is a park, and will add a recreational amenity to the area. The park will be developed as a nature park with passive recreational activities, such as picnics, hiking, and bird-watching. The proposed park may result in a slight decrease in the use of other parks in the area. No impact will result.				
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature or incompatible uses?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X

Discussion:
(a): Additional traffic is expected at the 8th Street entrance. However, because of the small size of the park, additional traffic will have a less than significant impact.

(b) The proposed project will not cause a significant impact on the county's level of service standard. No impact will result.

(c): Air traffic patterns will not be affected. No impact will result.

(d): There are no anticipated increased hazards due to a design feature or incompatible use. No impact will result.

(e): The property is currently fenced off. The park entrance will allow full emergency access. No impact will result.

(f): The proposed park would not typically result in a large demand for parking. On-street parking is available on 8th Street and Bromont Ave. No impact would result.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion:
(a) through (b) and (d) through (g) The proposed project will not generate significant volumes of trash, water or storm water. Compliance with federal, state, and local statutes and regulations relating to solid waste is anticipated. No impact will result.

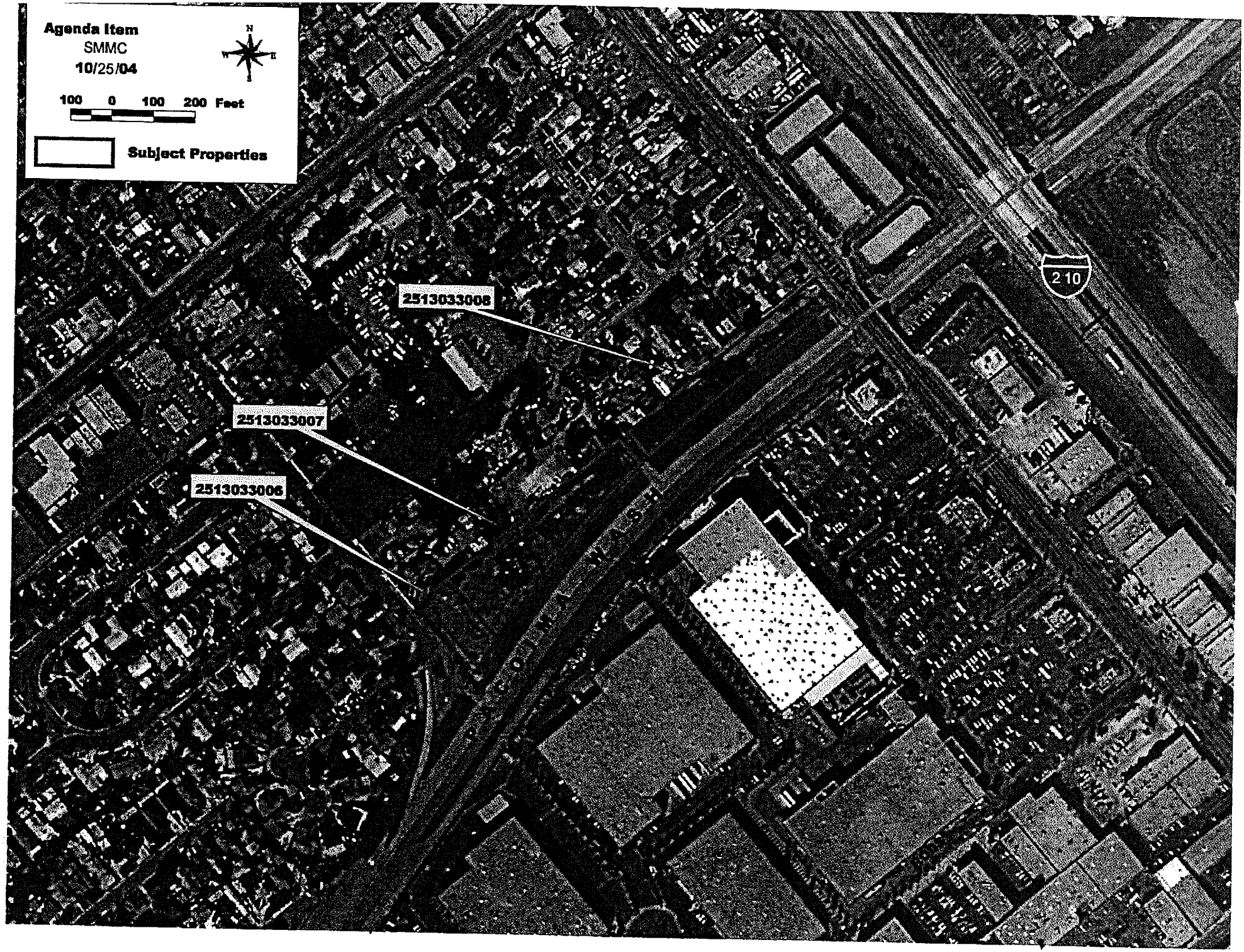
(c) The proposed park will add vegetation throughout the site. Currently stormwater runs off the site directly into Pacoima Wash. After the project is completed, stormwater will have additional vegetated area in which to infiltrate stormwater, causing a reduction in runoff and a beneficial impact. The project will create a bioswale and dry pond resulting in and a beneficial impact.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history and pre-history?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion:
(a) As discussed previously, the proposed park will not affect biological, historical, or cultural resources. Impact will be less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
(b) There are few other development projects in the area. As the proposed park will have several beneficial impacts, no substantial cumulative effects will result.				
(c) In general, parks are not known to result in unusual hazards or detrimental environmental effects. The MRCA will comply with all OSHA requirements to ensure the safety of construction and maintenance personnel. Since all impacts related to adverse effects on human beings either will be mitigated to a less-than-significant level, or will be less than significant without mitigation, the proposed project will not result in substantial adverse effects on human beings, either directly or indirectly.				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JOB DESCRIPTIONS:	QUANTITY	AMOUNT
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☐ REVOCATION		
☐ FINANCIAL STATEMENT		
☐ HUMANE OFFICERS		
☐ PROFESSIONAL PHOTOCOPIERS		
☐ PHOTOCOPIES PLAIN		
☐ CERTIFICATION - FBN		
☐ RECORD SEARCH		
☐ CERTIFICATE OF NON FILING/FILING/SURETY		
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Business Times - MPCA

NAME: 5700 W. Ave 26

ADDRESS: Los Angeles CA 90065

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CONNY B. McCORMACK
REGISTRAR-RECORDER/COUNTY CLERK
COUNTY OF LOS ANGELES

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LOS ANGELES, CA 90053-0592
(562) 462-2060

CUSTOMER COPY

AGREEMENT NO. _____
PACOIMA WASH
PARCEL 132, ALSO AFFECTS 155 AND 176
R/W MAP NOS. 21-RW 4.1 AND 27-RW 2.1
ALSO AFFECTS WILSON CANYON
CHANNEL, PARCELS 81, 82 AND 96
THOMAS GUIDE NO. 482-D5 & D6
SUPERVISORIAL DIST. NO. 3

USE AGREEMENT

This Use Agreement, entered into on _____ , 200____, by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (herein referred to as DISTRICT)

and

MOUNTAINS RECREATION & CONSERVATION AUTHORITY, a local government public entity (herein referred to as MRCA)

W I T N E S S E T H

WHEREAS, the DISTRICT owns fee title along that portion of Pacoima Wash, between Foothill Boulevard and 8th Street, in the City of San Fernando, State of California, as more particularly as shown on Exhibit A, attached hereto, and made a part hereof hereunder referred to as PREMISES; and

WHEREAS, the MRCA proposes to use a portion of PREMISES, for recreational purposes, in connection with the MRCA's project known as 8th Street Park, hereinafter referred to as PROJECT; and

WHEREAS, the MRCA proposes and desires to develop, construct, operate and maintain a pedestrian trails a wood trail bridge, landscaping, an irrigation system, and incidental recreational uses, hereinafter collectively referred to as IMPROVEMENTS; and

WHEREAS, the DISTRICT, while performing the primary function of flood control and water conservation, is willing to cooperate where feasible with the MRCA, in the MRCA's development of IMPROVEMENTS along PREMISES; and

WHEREAS, the DISTRICT and the MRCA desire to enter into this Use Agreement to establish the construction, operation, maintenance, and financial obligations of each party.

(a)

NOW, THEREFORE, in consideration of the promises and faithful performance by MRCA and DISTRICT of mutual covenants herein contained, for the period of time herein set forth, the DISTRICT and MRCA hereto mutually agree as follows:

SECTION I

MRCA AGREES:

1. To bear all costs to prepare plans and specifications and to construct the IMPROVEMENTS and all appurtenant facilities, and all other costs of any nature whatsoever which are necessary for the MRCA's use of the PREMISES.

2. To obtain approval of the plans and specification for construction of the IMPROVEMENTS in the form of a permit from DISTRICT's Construction Division, Subdivision and Permits Unit, prior to any construction. MRCA shall also secure DISTRICT's prior approval as set forth herein, and revise the permit for any changes made to the approved plans and specifications. A copy of this Use Agreement will be made a part of the Permit Conditions.

3. To fence the PREMISES and bear all costs for the installation, operation, and maintenance of all improvements, including but not limited to, landscaping and its irrigation system constructed or placed on the PREMISES by MRCA made pursuant to this Use Agreement.

4. To provide DISTRICT with approved As-Built plans.

5. To keep, inspect and maintain the PREMISES and IMPROVEMENTS in a safe, clean, and orderly condition at all times during the term of this Use Agreement and not permit rubbish, tin cans, bottles, garbage, etc., to accumulate at any time, nor to commit, suffer, or permit any waste on the PREMISES and IMPROVEMENTS or any acts to be done in violation of any laws or ordinances.

6. To remove any graffiti from the PREMISES and improvements and any walk, fences, and signs which are adjacent to the PREMISES anytime they discover graffiti or are notified by DISTRICT. It must be removed within the following guidelines:

    a. Remove vulgar graffiti (i.e. profane, obscene, or racist) within 24 hours, Monday through Friday.
    b. Remove other graffiti within 72 hours, Monday through Friday.

7. If property of DISTRICT is damaged by MRCA or any person entering the PREMISES with the consent of the MRCA, either expressed or implied,

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MRCA shall replace or repair the damaged property within a reasonable time to the satisfaction of the DISTRICT or compensate the DISTRICT for the damage within thirty (30) days of billing.

8. All IMPROVEMENTS installed by MRCA will be subject to removal by MRCA at DISTRICT's request, and cost for removal, and restoration of PREMISES shall be borne by MRCA. At the expiration or sooner termination of this Use Agreement, MRCA shall, at its owns expense, restore the PREMISES to the satisfaction of DISTRICT, to a condition similar or better to that which existed on the Commencement Date (defined in Section III, subsection 9) reasonable wear and tear excepted. If MRCA fails to remove the improvements and restore the Premises within thirty (30) days after receipt of notice by DISTRICT, DISTRICT may remove the improvements itself and the MRCA agrees to reimburse DISTRICT for any and all expenses incurred within thirty (30) days of billing.

9. To close all gates and take all actions necessary to render the PREMISES inaccessible to public access in the event MRCA abandons its operation and maintenance of the PREMISES when the weather forecast for the next 24-hour period is for an inch of rain or more, or when notified by the DISTRICT.

10. In accordance with Government Code Section 895.4, DISTRICT and MRCA agree to apportion responsibility and indemnification notwithstanding any other provision of law as follows:

- MRCA agrees to indemnify, defend, and hold harmless DISTRICT, its governing board, officers, employees, engineers, contractors, or agents against any claims of any nature whatsoever, arising from or in connection with the construction, reconstruction, maintenance, operation, or removal of any improvements constructed or maintained by MRCA on, above or under the PREMISES in or arising from any and all uses of the PREMISES by MRCA.

- DISTRICT shall not be liable for any loss occurring due to the operation of the PREMISES; injury, loss, death to any person whomsoever; any damage or destruction to the PREMISES, at any time, occasioned by or arising out of, indirectly, solely, or contributorily by: (a) any act, activity or omission of MRCA or anyone holding under MRCA; (b) the occupancy or use of the PREMISES or any part thereof, by or under MRCA; and/or (c) any state or condition of the PREMISES or any part thereof.

- MRCA releases DISTRICT and waives all right to damages for any loss, costs, or expenses MRCA may sustain as a result of damage

to or destruction of MRCA's improvements to the PREMISES attributable to DISTRICT's flood control or water conservation function or flooding caused by inadequacy or failure of DISTRICT's facilities.

- Each party agrees to include the other within the protection of any indemnification clause contained in any contract relating to the PREMISE.

11. Without limiting MRCA's indemnification of the DISTRICT, MRCA shall procure and maintain in full force and effect during the term of this Use Agreement, insurance policies providing for the following insurance coverage:

    - Comprehensive General Liability Insurance. MRCA shall procure Commercial General Liability Insurance with General Aggregate Coverage not less than FIVE MILLION DOLLARS ($5,000,000), and ONE MILLION DOLLARS ($1,000,000) coverage per occurrence.

    - Automobile Liability Insurance. MRCA shall procure such policy with coverage not less than ONE MILLION DOLLARS ($1,000,000) per accident.

    - Worker's Compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the DISTRICT and MRCA against any loss, claim or damage arising from any injuries or occupation diseases occurring to any worker employed by or any person retained by MRCA in the course of carrying out the work or services contemplated in this Agreement.

    - The County of Los Angeles and Los Angeles County Flood Control District, its governing board, officers, agents, contractors, and employees shall be named as Additional Insured on all policies of liability insurance. MRCA shall furnish to DISTRICT a Certificate of Insurance evidencing MRCA's insurance coverage no later than (10) working days after execution of the Agreement, but before MRCA takes possession of the Premises. Upon renewal of said policy MRCA shall furnish to DISTRICT a Certificate evidencing MRCA'S continued insurance coverage as required herein.

    - The District may accept, should MRCA elect to provide, a Certificate of Self-Insurance. The limits of such self-

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insurance coverage shall meet or exceed those stated herein.

SECTION II

DISTRICT AGREES:

1. To review plans and specifications for the IMPROVEMENTS, and notify MRCA of its approval.

2. To grant MRCA permission to use DISTRICT's right of way for purposes stated herein.

3. To inspect the PREMISES for compliance with approved plans and specifications.

SECTION III

IT IS MUTUALLY UNDERSTOOD AND AGREED:

1. MRCA and DISTRICT shall have no financial obligation to each other under this Use Agreement, except as herein expressly provided.

2. MRCA's use of the PREMISES shall be subordinate to the primary uses and purposes of the PREMISES by DISTRICT for flood control, water conservation, watershed management, utility and transportation and MRCA's use of the PREMISES shall at no time interfere with DISTRICT's use of the PREMISES for such purposes. The DISTRICT reserves the right to cancel this Use Agreement, should, in its opinion, there develop a substantial incompatibility between the MRCA's permitted use herein and DISTRICT's uses for flood control and water conservation, watershed managment, utility, or transportation purposes, arising from any cause whatsoever. Said use shall be terminated thirty (30) days after notification in writing by the DISTRICT's Chief Engineer. MRCA also agrees to perform any required modifications or to relocate or remove any of its improvements within the Premises upon written receipt of notice from DISTRICT if in the sole opinion of the DISTRICT, it is determined that MRCA's improvements interfere with the DISTRICT's primary function of flood control, water conservation, and watershed management purposes.

3. The parties expressly recognize and intend that in consideration of this Use Agreement which is solely for MRCA's benefit, that DISTRICT is not to incur any liability whatsoever, for any injury, death, or property damage arising from any use of the PREMISES or improvements by persons who

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gain entry through openings or areas provided for MRCA's use even in the event that the injury, death, or damage is caused by DISTRICT's ordinary negligence and not willful or gross negligence. Should any person or persons enter the DISTRICT's adjacent right of way in the vicinity of the PREMISES , it shall be presumed, unless proved otherwise by MRCA, that such person or persons gained entry through openings provided by MRCA's use.

4. MRCA waives all rights to damages and releases DISTRICT of all liability for any loss, cost or expense MRCA may sustain as a result of damage to or destruction of its facilities on or adjacent to the premises caused by the inadequacy or failure of DISTRICT's flood control or water conservation facilities.

5. DISTRICT, its Board, any authorized officer, engineer, employee, contractor, through its agents or representatives, shall have full right and authority to enter in and upon PREMISES at any and all reasonable times during the term of this Use Agreement all without interference or hindrance by MRCA, its agents, officers, contractors, employees, or representatives for the purpose of inspecting the same and to serve or post any notice required or permitted by law for protection of any right or interest of DISTRICT.

6. Except as to fuels, lubricants and products associated with motorized vehicles, equipment, gardening or maintenance-related substances, or all of the above, MRCA shall not cause or allow the presence, use, storage, or disposal of any hazardous substances on or about the PREMISES without the prior written consent of the DISTRICT. In the event of spillage, leakage or escape of any hazardous substance onto the PREMISES, MRCA shall immediately notify DISTRICT by calling (800) 675-4357. If the spillage, leakage or escape was caused by MRCA, MRCA shall promptly remove any such substance from the PREMISES to the DISTRICT'S satisfaction. In addition to removing any of MRCA'S HAZARDOUS substances, MRCA shall be liable for and reimburse DISTRICT for any and all cost and expenses that DISTRICT may incur or suffer. Such responsibility shall include cost or expenses as DISTRICT may incur by reason of Federal, State, local or other authoritative agency's laws and regulations. Notwithstanding the foregoing, MRCA shall have no responsibility regarding any spill, leak or escape associated with any of DISTRICT'S tenants, licensees or easement holders

7. MRCA shall be the lead agency and will provide the necessary environmental clearances and any other permits as required by law in connection with the IMPROVEMENTS.

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8. Use of the PREMISES is limited to the construction, operation, maintenance and use of IMPROVEMENTS, in accordance with the terms and conditions of this Use Agreement.

9. The term of this Use Agreement shall be twenty (20) years and shall commence upon execution by the DISTRICT (Commencement Date). This Use Agreement and any subsequent permit(s) affecting the PREMISES issued by the DISTRICT shall terminate upon thirty (30) days' written notice from DISTRICT or designee to MRCA, at DISTRICT'S sole discretion.

10. Any amendment to this Use Agreement shall be executed by the DISTRICT'S Chief Engineer or his designee.

11. Any notice to be given or document to be delivered by DISTRICT or MRCA to the other party may be delivered in person to either party or by private courier or may be deposited in the United States mail, duly registered or certified, with postage prepaid and addressed to the party for whom intended as follows:

To DISTRICT: Los Angeles County Flood Control District
c/o Department of Public Works
P.O. Box 1460
900 So. Fremont Avenue, 10th Floor
Alhambra, CA 91802-1460
Telephone: (626) 458-7072
Fax: (626) 289-3618
Emergencies: (626) 458-HELP (4357)

To MRCA: MRCA
Los Angeles River Center and Gardens
570 West Avenue Twenty-Six, Suite 100
Los Angeles, CA 90065
Telephone: (323) 221-9944
Fax: (323) 221-9934

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IN WITNESS WHEREOF, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic, by order of its Board of Supervisors, has caused this Use Agreement to be subscribed by the Chair of the Board of and the seal of the DISTRICT to be affixed hereto and attested by its executive Officer of the Board of Supervisors, and the USER has hereunto subscribed their names, the date and year first above written.

DISTRICT:

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
a body corporate and politic

By _____

ATTEST:

Sachi A. Hamai, Executive Officer
of the Board of Supervisors of the County of Los Angeles

By: _____
Deputy

Approved as to Form:
RAYMOND G. FORTNER, JR.
County Counsel

By: _____

MOUNTAINS RECREATION &
CONSERVATION AUTHORITY,
a local government public entity

By Cara Mclane 7/20/08

Cara Mclane Contracts Officer
Name Title

ACKNOWLEDGMENT

State of California
County of Los Angeles)

On July 30, 2008 before me, Shannon Murray, Notary Public, personally appeared Cara McLane, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

SHANNON MURRAY
Commission # 1641532
Notary Public - California
Los Angeles County
My Comm. Expires Jan 28, 2010

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring the Chair's signature.

The undersigned hereby certifies that on this _____ day of _____, 20____, the facsimile signature of _____, Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By_____
Deputy

(LACFCD-SEAL)

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.
County Counsel

By_____
Deputy

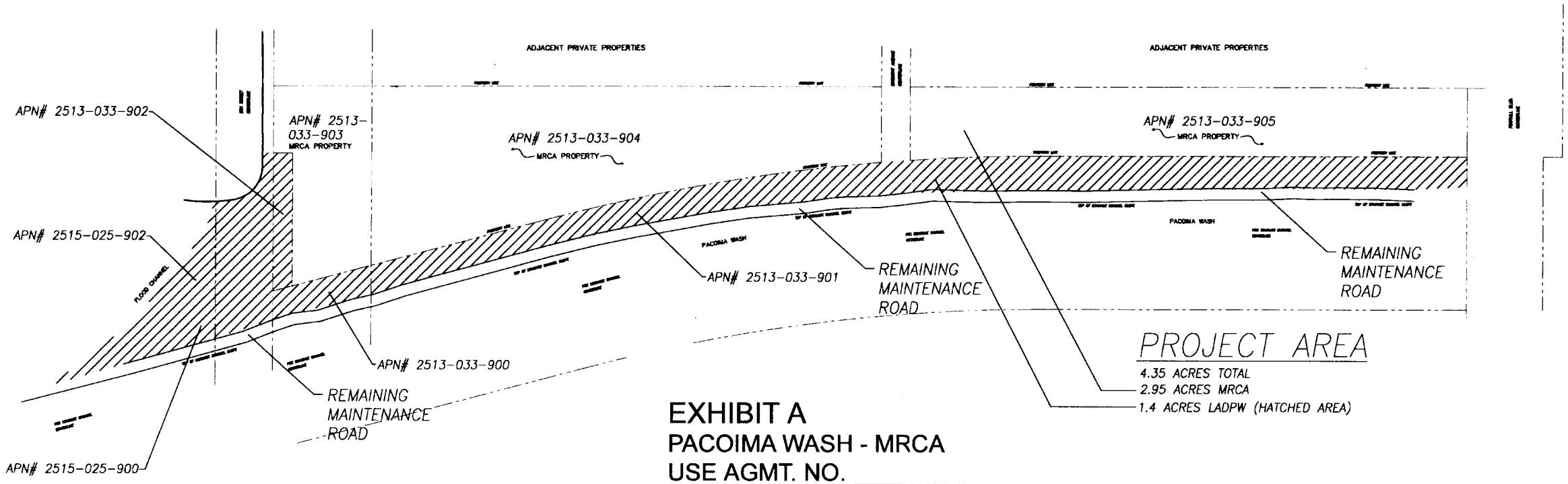
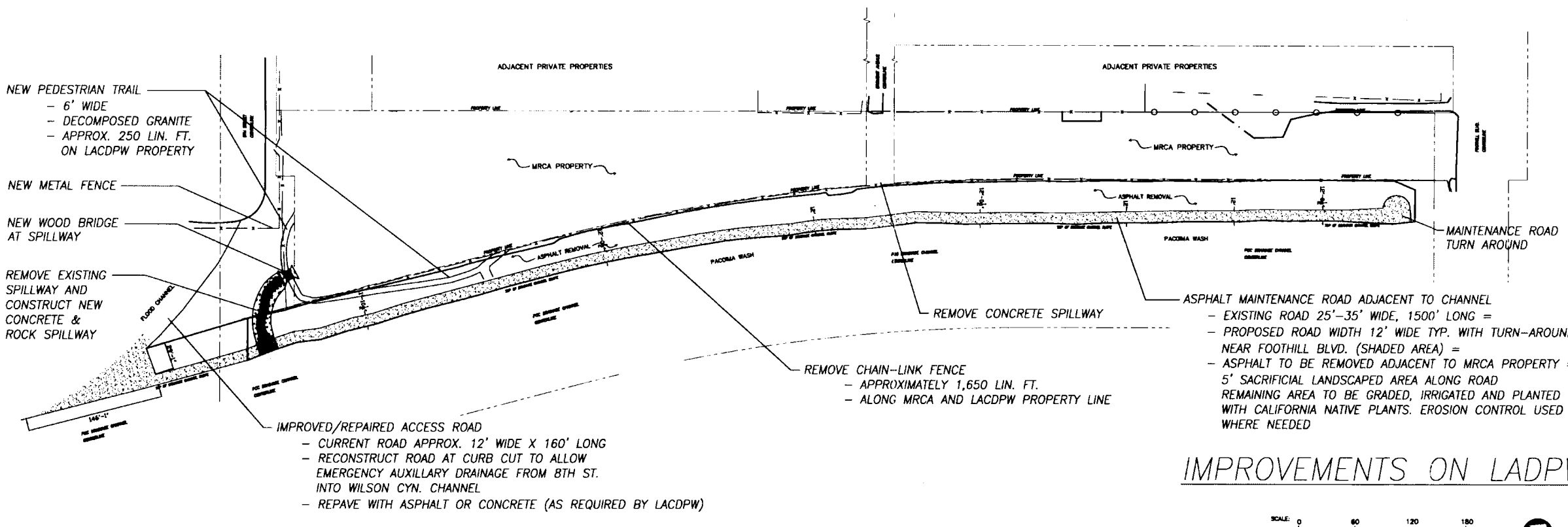


EXHIBIT A

PACOIMA WASH - MRCA

USE AGMT. NO. _____

PREMISES are from MRCA'S property line as indicated on the map, to the top of channel wall. MRCA shall maintain & preserve the existing maintenance road as required by the Los Angeles County Flood Control District.



MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
Santa Monica Mountains Conservancy
570 WEST AVENUE TWENTY-SIX
LOS ANGELES, CALIFORNIA

Blue Green
Open Space Planning & Design
REGISTERED LANDSCAPE ARCHITECT CALIFORNIA # 3807
570 WEST AVENUE 26, SUITE 700
LOS ANGELES, CALIFORNIA
(323)221-9500

SHEET TITLE: TITLE SHEET

PROJECT TITLE: 8TH STREET PARK
801 8th Street
San Fernando, CA 91340

REVISIONS	DATE
1. BMR	11/14/07
2. BMR	02/15/08
3. BMR	05/08/08
4.	
5.	
6.	
7.	
8.	

DRAWN BY:	B RIECHERS
CHECKED BY:	L DWYER
PROJECT NO.	
DATE:	05/08/08

LICENSED LANDSCAPE ARCHITECT
LYNNE DWYER
Signature
Renewal Date
Date
LICENSE NO. 3807
STATE OF CALIFORNIA

SHEET 1 OF 48

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