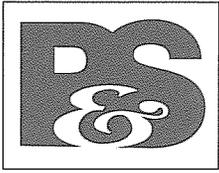


Attachment
MRCA Item VIII
June 4, 2008



Penfield & Smith



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Santa Barbara, CA 93101

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www.penfieldsmith.com

Santa Barbara
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Civil Engineering

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Land Use Planning

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Traffic & Transportation
Engineering

Transportation Planning

Structural Engineering

March 19, 2008

W.O. 13638.05

Ms. Lisa Soghor
Mountains Recreation and Conservation Authority
570 W. Avenue 26, Suite 100
Los Angeles, CA 90065

Subject: **Civil Engineering & Surveying Proposal – Additional Work
Santa Monica Mountains Conservancy &
Mountains Recreation & Conservation Authority
Malibu Park & Trail Improvement LCPA**

Dear Ms. Soghor:

We are pleased to present this proposal of new and revised scope for the Local Coastal Plan Amendment (LCPA) and the Public Works Plan (PWP). As you know this project has been modified from the original scope from which it was previously based upon. We have been updated by Dudek and requested to provide you with this proposal. This proposal is based on the updated information received from Dudek and the services we are proposing will provide them with plans, details, calculations and specifications related to the submittal of the LCPA and the PWP plans.

UNDERSTANDING OF PROJECT REQUIREMENTS

As noted previously, many of the former goals and products remain unchanged, however, the scope and magnitude has been revised from what was previously proposed on. Based on our current understanding of the project, the Conservancy is proceeding on two fronts; the LCPA and the PWP. Part of our work will be incorporated into an Environmental Impact Report relative to the PWP. The level of increased design detail is now required and the scope of the project has expanded. Submittal of a PWP requires more design detail than is currently depicted on the Concept Plans previously prepared by Penfield & Smith, as work now needs to be at an Entitlement Permit level. Additional design of trail alignments is also part of the new work as well as the implementation of a new pedestrian bridge in Ramirez Canyon and recommendations for repairs or replacement for the existing wood bridge at the entrance to the property on Ramirez Canyon Road. A large component of work is the preparation of a creek restoration grading plan for Ramirez Canyon. This will be a significant effort. Charmlee Park has been removed from the scope of work at this time. Parking at Latigo Canyon has been added to the scope of work.

The six primary areas of work are as follows:

- 1. Ramirez Canyon Park –**
 - A. Design a new trail which connects the proposed parking on Kanan Dume Road with the meadow at the north end of the property.
 - B. Specify a pre-fabricated steel pedestrian bridge and design the approaches and bridge abutments.
 - C. Recommend repairs or replacement for the existing wooden bridge at the entrance to the project at Ramirez Canyon.
 - D. Prepare a creek restoration grading plan.
 - E. Based on the Concept Plans, upgrade the drawings to Entitlement Permit level grading plans.
- 2. Escondido Canyon Park –**
 - A. Prepare Entitlement Permit level grading plans for a parking lot near the end of Winding Way. Additionally, recommend improvements for the existing parking lot on Winding Way near Highway 1.
 - B. Prepare Entitlement Permit level grading plans for proposed camp sites and minor trail improvements.
 - C. Prepare Entitlement Permit level utility plans for one restroom with running water at the proposed parking area.
- 3. Corral Canyon Park –**
 - A. Prepare Entitlement Permit level grading plans for proposed camp sites, small parking area and minor trail improvements as shown in the Concept Plans.
 - B. Prepare a layout plan and general specifications for a proposed fire water storage tank that serves the camp sites located on the bluff above Highway 1.
 - C. Design and prepare plans and details for minor retaining walls for the proposed parking area adjacent to Highway 1.
 - D. Prepare Entitlement Permit level detailed grading plans for the proposed trails in Corral Canyon.
- 4. Charmlee Park –**
 - A. Revised the concept plans to remove Charmlee Park and references to it.
- 5. Latigo Parking –**
 - A. Prepare construction level grading plans for proposed parking area as shown in the Concept Plans.
- 6. Interconnecting Trails –**
 - A. Based upon topography and orthophotography provided by HJW Geotechnical



we will prepare a basemap for a single trail alignment that extends from Zuma/Trancas Canyon to Corral Canyon. This route will be established in conjunction with MRCA and Dudek.

SCOPE OF SERVICES

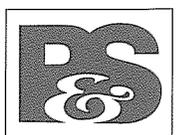
Based on our knowledge of the site and the project, we propose to perform the following services for use in the LCPA and PWP:

1. Utilize topographic mapping and orthophotography provided by HJW to prepare base maps for the areas of work indicated above.
2. Prepare 22"x34" grading plans at 40 scale and/or 20 scale of the above noted proposed park improvements for use in entitlement permit processing. Earthwork estimates will also be provided.
3. Prepare typical details, plan sheet construction notes, preliminary structural calculations, specifications, and an engineer's construction cost estimate for the proposed improvements.
4. Assist with processing of the plans by answering questions and providing information. Attend meetings and coordinate with the projects consultants.
5. Perform project management, coordination and quality control.

SERVICES NOT INCLUDED

The following services and all other services not specifically listed herein are excluded.

1. Reimbursable expenses, such as photocopies, FAX transmissions, postage, shipping/delivery, long distance phone calls, prints, maps/documents.
2. Governmental and public agency fees.
3. Design or analysis of structures, traffic plans, roadway striping plans or septic systems.
4. Final construction level plans.
5. Services by consultants other than Penfield & Smith.
6. Geotechnical or geologic investigation.
7. Storm Water Pollution Prevention Plan or water-shed analysis.
8. Environmental work including permits, processing, documents, specifications or plans.
9. Field topographic survey, office survey, legal descriptions, map recordation, easements, slope analysis and area calculations.
10. Construction staking, construction administration and construction engineering or construction services.
11. No services past the preparation of plans for the LCPA and PWP permit submittal are proposed at this time. A separate proposal may be prepared based on requested/required modifications after the first submittal.



PROPOSED FEE AND METHOD OF PAYMENT

Our proposed services will be performed on a time and materials basis and shall be billed monthly at the rates then in effect. Charges for "time" include professional, technical and clerical support services provided by Penfield & Smith. "Materials" include all reimbursable expenses, such as photocopies, FAX transmissions, postage, shipping/delivery, mileage, plots, prints, maps/documents and outside consultant fees.

Payment is due on receipt of statements (net 30 days). Unpaid account balances are subject to a finance charge which will be the lesser of one and one-half percent (1½%) per month or a monthly charge not to exceed the maximum legal rate. This fee shall be applied to any unpaid balance commencing thirty days after the original billing. If an account is unpaid and would be subject to a finance charge, we may consider this as constructive notice to suspend work.

Based on our understanding of your requirements and our experience with similar projects, we estimate that the fee, not including reimbursable expenses, required for our services will be as follows:

Creek Restoration Grading Plan	\$ 60,000
All other work noted herein	<u>\$ 80,000</u>
Total	\$ 140,000

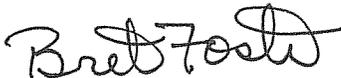
We have estimated the cost of our services based on our understanding at this time of the scope and complexity of the work. However, please note that our services will be performed on a time and materials basis, and it is possible that our actual charges could exceed the amount we have estimated. During the performance of our services, the need for additional or expanded services may be determined. We will make every reasonable effort to keep you informed of our progress and costs incurred.

AUTHORIZATION

Should you have any questions, please feel free to contact me on my direct line at (805) 963-9538, extension 108. If this proposal is agreeable with you please provide an amendment to the existing contract. Thank you for allowing us to assist you on this important project.

Very truly yours,

PENFIELD & SMITH



Bret Foster, P.E.
Project Engineer
RCE 48,267
Expires 6/30/08



Memorandum

To : The Conservancy
The Advisory Committee

Date: December 28, 2007

From :  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: Agenda Item 8: Consideration of resolution further amending the scope of work for grant SMM-0776 to the Mountains Recreation and Conservation Authority from Proposition 84 to include additional project planning and design for the Malibu Public Parks Access Enhancement Plan—Public Works Plan, including compliance with the California Environmental Quality Act, and project planning and design for the Santa Monica Mountains Conservancy/Mountains Recreation and Conservation Authority Malibu Local Program Amendment to be submitted pursuant to the California Coastal Commission LCP override procedures (14 Cal. Code Regs. Sec. 13666 *et seq.*), all such scope amendments in furtherance of, and directly related to, capital outlay for: (1) acquisition and construction of the Coastal Slope Trail; (2) acquisition and construction of alternative access improvements to Ramirez Canyon Park; (3) public camping facilities at Ramirez Canyon Park both within and without the city of Malibu; (4) public parking, public restrooms, and public camping facilities at Escondido Canyon Park together with related handicapped access improvements, and (5) public parking, public restrooms, and public camping facilities at Corral Canyon Park together with related handicapped access improvements, city of Malibu and unincorporated Los Angeles County.

Staff Recommendation: That the Conservancy and Advisory Committee adopt a resolution incorporating this staff report and authorizing the actions noticed above.

Legislative Authority: Public Resources Code Sections 33204.27, 33203.5 and 33211 subdivisions (b) and (c).

Background: The history over the past two years of the Conservancy's efforts to effectuate greater public use and enjoyment of Malibu parks is detailed in the "Background" section of the staff report and recommendation for Item No. 7 on today's agenda. Please refer to that section of Item No. 7 staff report and consider it to be incorporated herein.

Malibu Public Parks Access Enhancement Plan—Public Works Plan: As outlined in the staff report for the previous item on this agenda (Item No. 7), it is obvious that going the individual Coastal Development Permit route through the city of Malibu, even when the Coastal Commission approves the Conservancy's Local Coastal Program Amendment submitted pursuant to the LCP Override process (14 Cal. Code Regs. § 13666 *et seq.*), will be a tortuous if not torturous process. Much better in terms of everyone's time, efficiency, and fair play, is

to use the Public Works Plan (PWP) process pursuant to Public Resources Code § 30605. This section was specifically enacted for situations such as this. Members will recall that under the PWP process, once a detailed plan is adopted by the Coastal Commission, rather than have individual permits submitted for approval, a notice is given to local government and the Coastal Commission, and then, unless there is an appeal that the proposed project is outside the scope of the PWP, the project goes ahead without further permitting delay. The PWP must be consistent with the certified Local Coastal Program as amended.

California Environmental Quality Act (CEQA) Compliance: There is a disagreement among counsel with respect to the applicability of CEQA to the PWP adoption process. Suffice it to say, however, that with the near certainty of litigation over the issue, the prudent course of action is to prepare a full Environmental Impact Report on the proposed Malibu Public Parks Enhancement Plan-Public Works Plan.

Local Coastal Program Amendment “Override” procedure: As mentioned above, the LCP “override” provision will be used to get the Conservancy’s proposal before the Coastal Commission in the most expeditious manner possible. There will be additional project planning and design costs associated with making this submission to the Coastal Commission’s Executive Director and then back to the city of Malibu.

Proposed Scope Change to Grant SMM-0776: By adoption of the resolution the Conservancy is approving the Executive Director making scope of work changes to said grant in an amount not to exceed \$300,000 for the purposes of: (a) project planning and design for development of additions and refinements to the Malibu Park Public Access Enhancement Plan–Public Works Plan; (b) additional project planning and design related to the Conservancy and Mountains Recreation and Conservation Authority submission to the Executive Director of the Coastal Commission and the city of Malibu pursuant to 14 Cal. Code Regs. § 13666 *et seq.*; (c) the costs of CEQA compliance; (d) contingent directly related legal and litigation costs (outside counsel) not to exceed \$50,000 without further action by the Conservancy, and (e) miscellaneous related expenses necessary to accomplish the foregoing.

As used in the proposed scope of work change, project planning and design specifically includes “preliminary plans” and “working drawings” as those terms are defined in Section 3.00 of the Budget Act of 2007 (Chap. 171/172 Statutes of 2007).

Relationship of Planning Activity to Capital Outlay Expenditures: Each and every one of the proposed expenditures pursuant to the scope change is directly related to land acquisition and/or the construction of a capital improvement. Reference is made to the definitions in Section 3.00 of the Budget Act of 2007 for the terms “land acquisition” and “construction.”