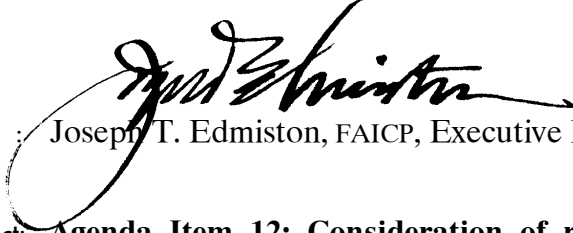


# Memorandum

To : The Conservancy  
The Advisory Committee

Date: December 5, 2011

From :   
Joseph T. Edmiston, FAICP, Executive Director

Subject: **Agenda Item 12: Consideration of resolution authorizing a budget augmentation and modification of scope for grant SMM-50-1108 to the Mountains Recreation and Conservation Authority, for Project Planning and Design services for the Lechuza Beach Public Access Improvements Project, City of Malibu.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing a budget augmentation of Proposition 84 funds in the amount of \$100,000 and a scope modification for grant SMM-50-1108 to the Mountains Recreation and Conservation Authority, for Project Planning and Design services for the Lechuza Beach Public Access Improvements Project in Malibu.

Legislative Authority: Public Resources Code 33204.2, 33204.27 and 75060(d)(1).

Background: On January 24, 2011, the Santa Monica Mountains Conservancy (Conservancy) authorized a grant of Proposition 50 funds to the Mountains Recreation and Conservation Authority (MRCA) for Project Planning and Design services for the Lechuza Beach Public Access Improvements Project on MRCA-owned Lechuza Beach in Malibu. The Conservancy awarded an \$83,000 grant (SMM-50-1108) to the MRCA in April 2011 for said project services. A copy of the approved grant application is attached as an exhibit.

The Lechuza Beach Public Access Improvements Project is designed to provide enhanced access to a public beach obtained via a \$9 million investment by the State Coastal Conservancy. Those proposed access improvements encompass both accessibility for people with disabilities and stairway modifications to meet the building code requirements at a public beach. It is a complicated project with ongoing legal issues with the nearby homeowners, various site constraints, and a long history, some of which is described in the attached early 2011 MRCA grant application. The attached October MRCA grant application provides detailed background on the project and its current status.

Work has continued on the development of this unique access plan and the MRCA has kept staff informed with the submission of required quarterly reports. In October 2011, the MRCA submitted the attached application for both a \$100,000 grant augmentation and minor scope change for the project.

MRCA and consultants have been working on the final project design and providing requested information to the City of Malibu to complete the filing of the coastal development permit application. MRCA states that its staff has almost finalized the complete coastal development permit application.

In summary, the MRCA's request for additional funding is based on an increased volume of work including the probability of doing a Focused Environmental Impact Report (EIR) instead of the Mitigated Negative Declaration proposed in the original grant application. The scope change is requested to explicitly include legal costs and to clarify that the funds could be used to address appeals of City of Malibu decisions on the project to the California Coastal Commission. The prior grant application addressed legal costs but did not explicitly include them in the scope. In addition to the anticipated EIR costs, the stated volume of additional work is attributable to ongoing consideration of new plan configurations proposed by MEHOA the local homeowners association in the hope of obtaining a negotiated settlement on the final permit design submitted to the City of Malibu. The types of additional work are all covered under the original standing grant scope.

Staff finds the proposed scope modification to be consistent with Proposition 84 policy to promote the access to and enjoyment of the coastal resources of the state.