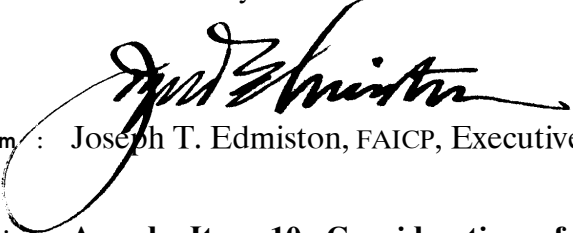


Memorandum

To : The Conservancy
The Advisory Committee

Date: August 26, 2013

From : 
Joseph T. Edmiston, FAICP, Executive Director

Subject: **Agenda Item 10: Consideration of resolution authorizing entering into a management agreement with the Mountains Recreation and Conservation Authority for the following APNs: 4470-021-900, 4470-028-900 through -918, 4470-001-900, 4470-024-900, -901; 4470-021-008, -009; and portions of APNs 4470-001-003, -004, -005, -006, -008, -012, -013, Lechuza Beach, City of Malibu.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing entering into a management agreement with the Mountains Recreation and Conservation Authority for the following APNs: 4470-021-900, 4470-028-900 through -918, 4470-001-900, 4470-024-900, -901; 4470-021-008, -009; and portions of APNs 4470-001-003, -004, -005, -006, -008, -012, -013, Lechuza Beach, City of Malibu.

Legislative Authority: Public Resources Code 33211 and 33211.5.

Background: The Mountains Recreation and Conservation Authority (MRCA) acquired approximately a quarter mile of beach and various access easements in 2001/2002 just west of Lechuza Point in Malibu with funding provided by the State Coastal Conservancy (SCC) and via donations. The acquisition of and initial planning for public access improvements at Lechuza Beach have been funded by an approximately \$9 million investment by the SCC. In addition, the Santa Monica Mountains Conservancy authorized two grants (Proposition 50 and Proposition 84) in the total amount of \$183,000 to the MRCA for project planning and design services for the Lechuza Beach Public Access Improvements Project (Project). That planning effort is ongoing.

Lechuza Beach is beautiful and prime beachfront property that provides valuable recreational access for the people of California, and will provide enhanced access once the public access improvements project is completed. The acquisition and the planning have been paid for by the State, and the successful management and implementation of the public access improvements are of Statewide concern. Entering in a management agreement with MRCA will provide additional opportunities and maximum flexibility for the involved agencies to manage Lechuza Beach.

Section 33211.5(d)(1) of the Public Resources Code states:

The conditions of use and types of uses of property owned or subject to the management of the conservancy are considered to be of statewide significance. The types of uses and the management policies affecting those uses shall be consistent with the policies for permitted uses of lands within the state park system.

The management agreement is intended to apply to all interests and properties that MRCA owns at Lechuza Beach (see attached aerial). The project area covers beach and other land owned by MRCA, and MRCA easements. The MRCA owns the following parcels: Assessor Parcel Numbers (APNs) 4470-021-900, 4470-028-900 through -918, 4470-001-900, and 4470-024-900, and -901. The MRCA holds an easement over East Sea Level Drive and West Sea Level Drive (APNs 4470-021-008, -009) for, among other things, public pedestrian ingress and egress, service access, and the right to provide four parking spaces for vehicles with disabled persons access. The MRCA holds lateral beach access easements over portions of the following properties: APNs 4470-001-003, -004, -005, -006, -008, -012, -013. The grant deeds provide access to other areas.

As background, in 2007, MRCA submitted its coastal development permit application to the City of Malibu for the Lechuza Beach Public Access Improvements Project (Project), including a management plan. The purpose of the Project is to improve accessibility for people with disabilities and to meet the building code at a public beach. Currently there are three public beach entrances to Lechuza Beach: Broad Beach Road at West Sea Level Drive, Broad Beach Road across from Bunnie Lane, and Broad Beach Road at East Sea Level Drive. The Project includes improvements to existing facilities (e.g., existing stairs, view platform) and construction of new facilities (e.g., new disabled parking spaces, restroom, view platform).

The permit application remains incomplete, as the project description has changed over the years partially in response to requests by the homeowners' association (Malibu Encinal Homeowners Association, MEHOA). There have been a myriad of legal nuances, regulatory constraints, and physical site limitations. There are still outstanding issues to resolve with the parties. Significant progress has been made towards finalizing the project elements and provisions of the management plan. The MRCA is trying to resolve any remaining disputes with MEHOA and to address any outstanding issues.