

Memorandum

To : The Conservancy
The Advisory Committee

Date: April 27, 2015

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

Subject: **Agenda Item 23: Consideration of resolution authorizing a budget augmentation 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 Conservancy adopt the attached resolution approving a budget augmentation of Proposition 50 Santa Monica Bay Public Access funds in an amount not to exceed \$75,000 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.

Legislative Authority: Public Resources Code 33204.2(a) and 33204.27(a) and Water Code Section 79570.

Background: The Mountains Recreation and Conservation Authority (MRCA) has submitted the attached application for an augmentation of grant SMM-50-1108 not to exceed \$75,000 for its Lechuza Beach Public Access Improvements Project in Malibu. The MRCA owns Lechuza Beach and has easements for disabled parking spaces over land owned by Malibu Encinal Homeowners Association (MEHOA). The map in the grant application shows the extent of the MRCA's ownership.

The grant augmentation would be funded from a restricted section of the Conservancy's Proposition 50 funding that must be spent on public access projects in the watersheds of Santa Monica Bay as defined by the proposition.

The MRCA is proposing the Lechuza Beach Public Access Improvements Project in order to improve accessibility for people with disabilities and to meet the building code requirements at a public beach. This is a complicated project with ongoing legal issues with the nearby homeowners, various site constraints, and a long history. The MRCA's Coastal Development Permit (CDP) application to the City of Malibu has been on hold for many years while a settlement is being reached with the Malibu Encinal Homeowners Association (MEHOA) and studies to verify the feasibility of the defined project are conducted.

The final lay out and elements of the MRCA's Lechuza Beach Public Access Improvements Project are almost set. These elements include reconstructed beach stairways, new and reconstructed viewing areas, parking spaces for people with disabilities, gates, signage, and an Americans with Disabilities Act (ADA)-compliant restroom right at the beach at the terminus of East Sea Level Drive.

Changes to the project and beach management plan have been made in response to comments from MEHOA and agencies. Any project changes ripple through the planning process, resulting in additional costs. Specifically, in August 2014, a resident, on behalf of MEHOA, requested that a different type of restroom be reconsidered. (This option of a treatment system and leachfield was previously considered by MEHOA and MRCA a couple of years ago and rejected at that time.) This type of permanent restroom with treatment and disposal system also has fewer maintenance costs than the restroom previously investigated. Evaluating the feasibility and completing the conceptual design of a treatment and disposal system requires several additional steps. These include negotiating costs, evaluating feasibility, and updating technical reports with existing environmental contractors (design engineer, geotechnical engineer, coastal engineer); hiring new contractors (septic engineer, geotechnical engineer, percolation tester if needed, etc.); negotiating formalized permission with MEHOA; and revising draft legal documents. Additional planning analysis is needed, for example, evaluating the need for variances and coordinating with Malibu staff to ensure the appropriate approvals could be granted.

In addition, staff from City of Malibu recommended an archaeology study and coordination with the waterworks district. Updated biology studies will also be done.

Staff of MRCA and the Attorney General's office are actively negotiating with MEHOA members and lawyer regarding several legal documents, including the beach management plan, in an attempt to settle the existing litigation. Once the legal documents are final, the relevant elements would be reflected in the consultant reports and MRCA's permit application.

Staff of MRCA will address existing and future comments from City of Malibu staff, Environmental Review Board, and Planning Commission in light of the different restroom proposal and the rest of the beach access project. Staff of MRCA and MEHOA have also been actively communicating with City of Malibu staff to understand and meet the City's permit requirements. The MRCA would pay for the City of Malibu to prepare the California Environmental Quality Act document. It is MRCA's hope that a project that is mutually agreeable to MEHOA and MRCA can be approved by the City. The additional funding is needed to address the feasibility and conceptual design of the different restroom, finalize the legal documents, finalize the CDP application, and obtain the permit.

Agenda Item 23
April 27, 2015
Page 3