COASTAL CONSERVANCY

Project Summary
April 27, 2000

CARBON/LA COSTA BEACH PUBLIC ACCESS DEDICATION

File No. 00-033
Project Manager: Marc Beyeler

RECOMMENDED ACTION: Conservancy acceptance of fee title to property seaward of Pacific Coast Highway in Malibu, dedicated in satisfaction of a Coastal Commission permit condition to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay.

LOCATION: Assessor Parcel No. 4451-003-033, 21704 Pacific Coast Highway, Malibu, Los Angeles County (Exhibit 1)

PROGRAM CATEGORY: Public Access

ESTIMATED COST: The acceptance of the dedication involves staff costs to the Coastal Conservancy. In addition, development of minor public access improvements to allow for safe and controlled public access to the site will involve both staff and capital costs for the Coastal Conservancy. Capital costs are unknown at this time. Conservancy staff will be returning to the Conservancy at the earliest opportunity with a public access management plan, including specific project and construction cost information and long-term ownership and management alternatives.

PROJECT SUMMARY: This authorization would enable the Conservancy to accept the dedication of property seaward of Pacific Coast Highway in Malibu to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay.

The Coastal Commission at its April 12, 2000 meeting approved three Coastal Development Permit Amendments (Permit Nos. 4-99-146-A2, 4-99-185-A, and 4-99-266-A) allowing for off-site mitigation of visual access conditions for the construction of three private residences (Broad, Gamma and Daly) on Carbon Beach in Malibu.

The permit applicants are proposing to satisfy the requirement to provide an alternative location for visual and vertical public access by dedicating to the Coastal Conservancy a private

beach parcel for visual and vertical access at 21704 Pacific Coast Highway just east of Carbon Beach on the western end of La Costa Beach (Exhibit 2).

The Conservancy has sought to open new beach access in Malibu for the last two decades but the lack of appropriate open sites within the densely developed area of Malibu along Carbon and La Costa beaches has contributed to the lack of success in developing new access to these beaches.

Many miles of the Malibu coastline are inaccessible to the public. The proposed access location would provide the only public beach access in almost three miles of coastline. The nearest public beach is approximately 1.3 miles to the west at the Zonker Harris Accessway operated by Los Angeles County. Accepting this beach property for access would create a new opportunity for coastal access in a location of Malibu where public access is limited.

COASTAL CONSERVANCY

Staff Recommendation
April 27, 2000

CARBON/LA COSTA BEACH PUBLIC ACCESS DEDICATION

File No. 00-033
Project Manager: Marc Beyeler

STAFF RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31104.1 and 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby accepts the dedication of fee title to real property located at 21704 Pacific Coast Highway, Malibu, (Los Angeles County Assessor's Parcel No. 4451-003-033), as shown in Exhibits 2 and 3 to the accompanying staff recommendation, to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay in satisfaction of Coastal Commission permit amendments nos. 4-99-146-A2, 4-99-185-A and 4-99-266-A, approved by the Coastal Commission on April 12, 2000, subject to the following conditions:

1. Prior to opening the real property to public access, the Conservancy shall approve a public access management plan, including a site plan for minor public access improvements on the property; and
2. Prior to opening the real property to public access, the Coastal Commission shall approve a coastal development permit for the access improvements described in the site plan."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Sections 31400 *et seq.* of the Public Resources Code;
2. The proposed project is consistent with Section 31104.1 of the Public Resources Code; and

3. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy's Interim Project Selection Criteria and Guidelines adopted on May 27, 1999."

STAFF DISCUSSION:

Project Description: This authorization would enable the Conservancy to accept the dedication of property seaward of Pacific Coast Highway in Malibu to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay..

Project Financing: The acceptance of the dedication involves staff costs to the Coastal Conservancy. However, development of minor public access improvements to allow for safe and controlled public access to the site will involve both staff and capital costs for the Coastal Conservancy. Capital costs are unknown at this time. Staff will be returning to the Conservancy at the earliest opportunity with a public access management plan, including specific project and construction cost information and long-term ownership and management alternatives.

Site Description: The proposed property to be dedicated is a vacant ocean front parcel with 80 feet of frontage on 21704 Pacific Coast Highway (PCH) near the intersection of Rambla Vista (Exhibit 3). The property is almost entirely sand with some rip-rap boulders supporting a narrow dirt shoulder to PCH. The property affords access to both La Costa and Carbon beaches; however, access to Carbon Beach is difficult at high tides due to the cobble point formed by the creek outlet at the end of Carbon Beach from Coal Creek. The parcel contains a small amount of dry sand area elevated above the beach profile which may serve as a small staging area for a handicapped beach viewing platform directly in front of street parking located at the curb on PCH.

Project History: The Coastal Commission at its April 12, 2000 meeting approved three Coastal Development Permit Amendments (Permit Nos. 4-99-146-A2, 4-99-185-A, and 4-99-266-A) allowing for off-site mitigation of visual access conditions for the construction of three private residences on Carbon Beach in Malibu.

The permit applicants are proposing to satisfy the requirement to provide an alternative location for visual and vertical public access by dedicating to the Coastal Conservancy a private beach parcel for visual and vertical access at 21704 Pacific Coast Highway

Malibu Access

Serving the over 10 million inhabitants of Los Angeles County, Malibu is an important beach destination of statewide importance. During the past few decades, Los Angeles has experienced tremendous growth that has increased the demand for recreational opportunities. At the same time, the budget constraints of local governments and increased beachfront development have limited beach access opportunities for the public.

Despite these obstacles, the Conservancy has sought to increase public access to Malibu's beaches since 1979. In that year, the Conservancy provided financial assistance that enabled the California Department of Parks and Recreation to open to the public three beaches in western Malibu, the Robert H. Meyer Memorial State Beaches. These three pocket beaches were subsequently opened in the early 1980s. Throughout that decade the Conservancy evaluated developing public access along the Malibu coast at various locations, accepting a limited number of vertical offers-to-dedicate public access.

In 1990, the Conservancy authorized the acceptance of up to $300,000 from the Coastal Commission's Malibu Beach Access Fund for the operation and maintenance of Malibu accessways. The Conservancy also approved disbursement of funds for the operation and maintenance of one of the Escondido Beach accessways, 27420-28 PCH (Shane/Seacliff). Ultimately the nonprofit was unable to assume these responsibilities.

Coastal Conservancy staff continued to search for other management entities. In 1995, the Mountain Recreation and Conservation Authority (MRCA) agreed to maintain the accessway at 27420-28 PCH (Shane/Seacliff) in addition to two other accessways along Escondido Beach, 27390-400 PCH (Geoffrey's Restaurant) and 27900-10 PCH (Chiate[Mancuso]/Wildman). The MRCA was interested in the Escondido Beach accessways because it owned and managed a trailhead and parking facility nearby on Winding Way. The Conservancy authorized the disbursement of $82,000 from the Coastal Commission's Malibu Beach Access Fund, including the $50,000 that originally was to go to the Surfrider Foundation to cover management cost. The opening of two of these accessways, Geoffrey's and Seacliff, has been delayed by Coastal Commission permit violations. Conservancy staff is working with Coastal Commission staff to resolve these violations and open these sites as soon as possible. The Chiate[Mancuso]/Wildman easement is currently under evaluation by Conservancy staff for possible development.

In 1996, the Malibu Foundation approached the Conservancy about developing the Adamson site along Malibu Road for public access. In the last few years, the Foundation has completed a preliminary management plan and worked with Conservancy staff to create a conceptual design for access improvements to the site. Most recently, in February 2000 the Conservancy approved funds to undertake pre-project feasibility analyses of the proposed acceptance, construction, and management of public access on the Adamson property.

PROJECT SUPPORT: The proposed project is supported by the Coastal Commission. At its April 12, 2000 public meeting, the Commission voted 12-0 to approve the Coastal Development Permit Amendments allowing for the off-site mitigation of the property dedication. Numerous local residents, however, are opposed to the project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION: Public Resources Code Section 31104.1 provides that the Conservancy may accept dedication of fee title required to meet the policies and objectives of the Coastal Act of 1976 (Public Resources Code Sections 30000 *et seq.*)

Public Resources Code Section 31400 provides that it is the policy of the state to guarantee public access and enjoyment of coastal resources. That section also provides that the Conservancy should have a principal role in implementing a system of public accessways to and along the state's coastline.

CONSISTENCY WITH CONSERVANCY'S INTERIM GUIDELINES: The proposed project is consistent with the Conservancy's interim Program Guidelines adopted May 27, 1999, in the following respects:

Required Criteria

Promotion of the Conservancy's Statutory Programs and Purposes: As discussed above, this proposed project is consistent with the purposed of Division 21 of the Public Resources Code, by accepting the dedication of fee title required to meet the objectives of the Coastal Act and by facilitating the development of new coastal access.

Support from the Public: While Malibu access projects have often been opposed by the immediate neighbors, once opened, the sites are enjoyed by other Malibu residents, the majority of

whom live on the inland side of Pacific Coast Highway, as well as visiting southern California residents.

Location: This project is located in the Coastal Zone and will facilitate the creation of new vertical beach access.

Need: The project is located along a portion of the Malibu coast that does not have adequate vertical access opportunities. The nearest vertical public access to the west is more than one mile. The nearest vertical public access to the east is almost two miles.

Additional Criteria:

Greater-than-Local-Need: While Malibu may be one of the most famous sections of the California coast, large parts of its coastline are private or are difficult to reach because of development, beach erosion, and the distances between public accessways. It is difficult for inland residents who don't live on the beach to access the coast and even more so for out-of-town visitors. This project will create new access in a heavily visited section of the Malibu coast with inadequate vertical public access.

CONSISTENCY WITH THE COASTAL ACT:

This dedication is required to meet the policies and objectives of the Coastal Act for visual and vertical access to the California coast, as required by California Coastal Commission permits. Section 30210 of the Coastal Act states that "maximum access . . . shall be provided for all the people." This project will maximum beach access to the La Costa and Carbon beach areas.

This project also is consistent with Section 30214(4) which says "public access policies . . . shall be implemented in a manner that takes into account . . . the need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter." Prior to opening the dedicated land for public access, a public access management plan will be approved by the Conservancy.

Malibu does not have a certified Local Coastal Program at this time. The approved County Land Use Plan, a document used to guide beach planning until the LCP is certified, calls for accessways at every 2,000 feet of beach frontage. The proposed dedication of fee title for public access would open up more than a mile of beach currently inaccessible to the public and provide the only beach access for almost three miles.

COMPLIANCE WITH CEQA: The acceptance of the dedication of fee title to the property for visual and vertical public access is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations Section 15317, acceptance of fee interests in order to maintain the open space character of the area, and Section 15325, transfers of land to preserve open space. The Conservancy will accept the property with Coastal Commission-required deed restrictions on the use of the property for visual open space access and prohibiting any development except for minor access improvements for the safety of users and nearby residents. Upon approval, staff will file a Notice of Exemption for the project.