COASTAL CONSERVANCY

Staff Recommendation
December 11, 2003

CARBON–LA COSTA BEACH SCENIC VISUAL ACCESS ACQUISITION

File No. 03-148
Project Manager: Marc Beyeler

RECOMMENDED ACTION: Adoption of the Carbon–La Costa Beach Acquisition Mitigated Negative Declaration and Monitoring Program and authorization to disburse up to $1,250,000 to acquire a vacant parcel located at 21724 Pacific Coast Highway, Malibu for scenic visual and passive public access.

LOCATION: Malibu, Los Angeles County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Initial Study/Mitigated Negative Declaration

Exhibit 3: Willing Seller Letter

Exhibit 4: Carbon–La Costa Beach Access Dedication Staff Recommendation

Exhibit 5: Letters of Support

Exhibit 6: Mitigation and Monitoring Program

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby adopts the Carbon–La Costa Beach Acquisition Mitigated Negative Declaration, attached to the accompanying staff recommendation as Exhibit 2; adopts the Mitigation and Monitoring Program for the Carbon–La Costa Beach Acquisition, attached to the accompanying staff recommendation as Exhibit 6; and authorizes the disbursement of an amount not to exceed one million two hundred fifty thousand dollars ($1,250,000) to acquire a vacant parcel located at 21724 Pacific Coast Highway, Malibu (Los Angeles County Assessor Parcel No. 4451-004-031) for scenic visual and passive public access, as more specifically

described in Exhibit 1 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of any funds for the acquisition of the property the State Public Works Board shall authorize the acquisition of the property pursuant to the Property Acquisition Law (Government Code Sections 15750 *et seq.)*
2. The property shall be dedicated for scenic visual and passive public access.
3. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Conservancy's Executive Officer.
4. The Conservancy shall pay no more than fair market value for the property as established in an appraisal approved by the California Department of General Services."

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 authorization is consistent with Public Resources Code Sections 31400 *et seq.* regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project serves greater than local need.
4. The Conservancy has reviewed the proposed Mitigated Negative Declaration attached to the accompanying staff recommendation as Exhibit 2, and finds that the project avoids, reduces or mitigates the possible significant effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
5. There is no evidence before the Conservancy that the project will have a potentially adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.
6. The Conservancy, has on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

PROJECT SUMMARY:

This authorization would enable the Conservancy to acquire a vacant parcel located at 21724 Pacific Coast Highway, Malibu for scenic visual and passive public access. This vacant parcel is located immediately adjacent to another vacant parcel dedicated to and accepted by the Conservancy on April 27, 2000 as part of the Coastal Commission's coastal development permit amendments numbers 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, respectively) on Carbon Beach in Malibu.

The combination of the proposed project acquisition and the dedicated parcel includes nearly 500 feet of public access to the Malibu coastline on the west side of Pacific Coast Highway, directly implementing the Conservancy's goal of opening new beach access in Malibu. No improvements would be constructed on the proposed acquisition site; this site, due to its character as a cobble beach just east of the point formed by Coal Creek, would be used for visual and passive public access.

The Conservancy's efforts to open new beach access has been thwarted by the lack of appropriate open sites within the densely developed area of Malibu along Carbon and La Costa beaches. This site offers a rare opportunity to purchase land from a private landowner and use it for passive and visual public access.

In fact, 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. Acquisition of this beach property would create a new opportunity for coastal access in a location of Malibu where public access is very limited.

Staff anticipates entering into an agreement with a local, yet unidentified, entity to provide property management services.

Site Description: The proposed property is a vacant oceanfront parcel at 21724 Pacific Coast Highway (PCH) near the intersection of Rambla Vista (Exhibit 1). The property is a narrow sand and cobble beach currently separated from PCH by chain link and metal fences and various riprap boulders and concrete rubble atop a narrow shelf of soil. The property is just to the east of a cobble beach point formed by the creek outlet at the end of Carbon Beach from Coal Creek.

The property is bordered by on-site parking along PCH. Just west of the property line on the south side of PCH is an on-street bus stop operated by the Los Angeles County Metropolitan Transit Agency. Directly across PCH to the north, there is a residential neighborhood served by PCH and Rambla Vista Street. To the west approximately 700 feet is a signalized intersection with pedestrian crossing. Also at this location there is a County Fire Station with emergency medical response capability. The property affords access primarily to La Costa beach although, at low tide, access is available to Carbon beach.

The property provides the only visual access to Santa Monica Bay for a distance of almost 2 miles to the east and greater than one mile to the west.

Project History: On April 27, 2000 the Conservancy accepted the dedication of the parcel immediately adjacent to the east at 21704 Pacific Coast Highway (see Exhibit 4) (the dedication parcel). The dedication parcel satisfies three coastal development permit conditions to provide visual and vertical public access to La Costa and Carbon beaches along Santa Monica Bay.

To complement the dedication parcel's visual and vertical public access opportunities through the addition of more passive and visual access, staff contacted the proposed parcel's owner, who is willing to sell to the State on behalf of the Conservancy. See Exhibit 3 for landowner letter.

PROJECT FINANCING:

Coastal Conservancy	$1,250,000
Total Project Cost	**$1,250,000**

The anticipated funding source for this authorization would be from Proposition 40, the California Clean Water, Air, Safe Neighborhood Parks and Coastal Protection Fund for coastal access and urban waterfront projects.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

Consistent with Public Resources Code Sections 31400 *et seq.*, the Conservancy has a principal role in the implementation of a system of public accessways to and along the California coastline and may provide up to the total cost of the acquisition of land to acquire fee title to assure an adequate system of public accessways.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective A**, the proposed project would acquire a vacant parcel to protect open space and views. Consistent with **Goal 2, Objective B**, the project would open an area that is currently inaccessible or closed to public use while respecting the rights of nearby landowners and the need to minimize impacts on sensitive natural resources.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Public support for coastal access in Malibu is strong. Several public interest groups supported the Conservancy's acceptance of the adjacent dedication parcel at 21704 Pacific Coast Highway. The proposed acquisition is supported by the Coastal Commission (See Letter of Support, Exhibit 5). Many neighbors, and neighboring property and home-owners, are strongly opposed to the development of public access at this location.
4. **Location:** The proposed project would be located within the coastal zone of Malibu along a portion of beach currently inaccessible to the public. Development of vertical coastal access at the adjacent vacant parcel is included in the adopted Local Coastal Plan for Malibu.
5. **Need:** Along nearly five miles of coastline in Malibu there is currently no vertical public access and extremely limited scenic and visual access. The subject property is the only remaining vacant parcel along this portion of the Malibu coastline.
6. **Greater-than-local interest:** Providing increased public access in Malibu is of statewide interest as this is an important portion of Santa Monica Bay, which has inadequate public access.

Additional Criteria

7. **Urgency:** The property is currently on the market for sale. The property is owner is a willing seller at this time, but may be open to offers from private parties to purchase the property for private purposes.
12. **Readiness:** Upon approval of the Conservancy, the property owner is willing to enter into a purchase agreement. The property owner expresses a desire to complete the transaction as soon as possible.
13. **Realization of prior Conservancy goals:** See the "Project History" section above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The project is consistent with the Malibu Local Coastal Program adopted by the California Coastal Commission on September 13, 2002. The Local Coastal Program Land Use Plan designates vertical access to La Costa Beach. Specifically, the Plan states, "improve and open parcel at 21704 Pacific Coast Highway at the western end" of La Costa Beach. This property is immediately adjacent to the designated vertical access parcel and would complement the goals of the Local Coastal Program by providing for enhanced visual and scenic access, as well as improved passive public access.

COMPLIANCE WITH CEQA:

The Carbon–La Costa Beach Acquisition Initial Study/Proposed Mitigated Negative Declaration (Exhibit 2) was prepared for the Conservancy by Jones and Stokes in Fall 2003. On October 30, 2003, Conservancy staff circulated for public review and comment the proposed Mitigated Negative Declaration (MND). Staff published a notice of the proposed MND's availability for public review in both the Malibu Times and the Los Angeles Times as well as with the California Office of Planning and Research, State Clearinghouse for public agency review. The proposed MND was available locally for public review at the Malibu Public Library and the Malibu City Clerk's Office as well as in the offices of the Conservancy. Copies were available upon request from the Conservancy.

The public comment period ended on November 28, 2003. No public comments were received by the Coastal Conservancy on the MND.

The proposed MND found potential environmental effects of the project in the following areas: cultural resources; noise; and geology and soils. Mitigation measures are included in the project which would effectively mitigate all of the potentially significant environmental effects identified in the MND to avoid or reduce them to a less-than-significant level. See pp. 4-6 of Exhibit 2. A Mitigation Monitoring Program incorporates these mitigation measures. See Exhibit 6.

Staff recommends that the Conservancy find that the proposed Mitigated Negative Declaration attached to the accompanying staff recommendation as Exhibit 2 identifies the project's potential environmental effects and that there is substantial evidence that changes or alterations have been incorporated into the project to avoid, reduce or mitigate those potential impacts to a level of insignificance. Staff also recommends that the Conservancy adopt the mitigation monitoring program contained in Exhibit 6.

Finally, staff recommends that the Conservancy find that there is no evidence before the Conservancy that the project will have a potentially adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2 and that the Conservancy has on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 Cal. Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.

On the basis of these findings and determinations, staff therefore recommends that the Conservancy approve the MND attached as Exhibit 2. Upon approval, staff will file a Notice of Determination.