

COASTAL CONSERVANCY

Staff Recommendation
December 2, 2004

MALIBU ACCESS IMPROVEMENTS

File No. 04-093
Project Manager: Joan Cardellino

RECOMMENDED ACTION: Authorization to disburse up to \$35,000 to Access For All for a variety of site design tasks necessary to develop public coastal accessways in Malibu.

LOCATION: City of Malibu, Los Angeles County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Malibu Shoreline Map

Exhibit 2: Project Locations

Exhibit 3: 26520-24 Pacific Coast Highway Latigo Shores

Exhibit 4: 22466 Pacific Coast Highway, Carbon Beach

Exhibit 5: 22126-22132 Pacific Coast Highway, Carbon Beach

Exhibit 6: 19016 Pacific Coast Highway, Las Tunas Beach

Exhibit 7: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes a grant of thirty-five thousand dollars (\$35,000) to Access For All (AFA), for the purpose of undertaking a variety of site design tasks for coastal access ways in Malibu on easements held by AFA, subject to the condition that prior to the disbursement of any funds, AFA shall submit for the review and approval of the Executive Officer of the Conservancy a detailed work program, and the names and qualifications of any contractors to be employed on the project.”

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 criteria set forth in Public Resources Code Sections 31400-31409 regarding the establishing a system of public coastal access ways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Access For All is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the California Public Resources Code.”

PROJECT SUMMARY:

Staff recommends a grant of \$35,000 to Access For All (AFA) for a variety of site improvement tasks, ranging from easement surveys to the design and fabrication of a prototype gate and informational signage for coastal accessways in Malibu. To date, AFA has accepted twenty Offers to Dedicate public access easements in the City of Malibu. Five of those easements are vertical easements running between Pacific Coast Highway and the beach, and the rest are beach lateral easements. AFA is seeking funding from the Conservancy to plan site improvements for the vertical easements.

In most cases the vertical accessways will need gates that can be locked at night when the accessways are closed. AFA is interested in using newly developed technology for locks for outdoor use that are self-locking. AFA will be working with a professor and students at Pierce College in Los Angeles to develop a prototype gate with the programmable locking mechanism and they will test the gate and lock in an outdoor marine environment for 3 months prior to installing it at any coastal access site.

Additionally, AFA is interested in developing informational signage for its accessways that is effective for the visitor, comprehensive, and recognizable. Some funding would be made available to hire a graphic designer to help develop a prototype style for AFA’s Malibu accessways.

The specific site analysis and improvement tasks anticipated at the individual locations are as follows:

26520-24 Pacific Coast Highway (Latigo Shores). AFA holds a vertical easement that runs from Latigo Shore Road to the coast. AFA will survey the easement and do preliminary planning for the access way. This easement will provide important access for people trying to reach the upcoast end of Los Angeles County’s Dan Blocker Beach.

22466 Pacific Coast Highway (Carbon Beach). AFA holds a vertical easement across this residential property. The easement needs to be surveyed to determine the boundaries and identify encroachments.

22126-22132 Pacific Coast Highway (Carbon Beach). AFA holds a vertical and three lateral easements on this property, owned by David Geffen. AFA’s acceptance of the OTD has been in litigation since July 2002. However, pending resolution of the litigation, AFA should plan for site improvements and proceed with the design and fabrication of a gate that can be installed at

the entrance to the accessway when it is opened for public use. This easement needs very little site improvements: an entrance gate fronting on PCH, signage, and fencing to demarcate the upcoast boundary of the easement so visitors do not trespass on the neighboring property. This grant would be used to develop a site plan for these improvements.

19016 Pacific Coast Highway The public access easement here is only three feet wide, but it abuts a three-foot-wide deed restriction on the neighboring property. The owner of the deed-restricted property has encroached into the restricted area, and the Coastal Commission has brought an enforcement action against the property owner. AFA will need to coordinate the design of the public accessway on its easement with the enforcement action of the Commission. A site survey, engineering and design of stairways on both ends of the easement, and other site improvements may be necessary for this site.

The items proposed for funding with this authorization are all necessary pre-construction or pre-installation activities. In order to develop these former OTDs into useable public accessways, AFA needs to prepare site designs that can then be implemented.

As the easement holder, it is AFA's responsibility to undertake site design and planning in order to open up these accessways. AFA has been a responsible manager of the easements it holds, to the extent that it can gain access to those easements. Over the past 4 years, AFA has accepted a total of 21 OTDs, 20 in Malibu and 1 in Del Mar. Sixteen of those OTDs are beach laterals, and AFA has been monitoring them according to the terms of the management plans prepared for each easement, pursuant to the requirements of the Conservancy and the Coastal Commission. The five verticals are the subject of this project.

Site Description: The four sites that are the subject of this grant are all located on Pacific Coast Highway. All easements are vertical and run between PCH and the beach.

26520-24 Pacific Coast Highway (Latigo Shores) is 10 feet wide and runs from PCH to the mean high tide line. (Exhibit 3.)

22466 Pacific Coast Highway (Carbon Beach) is 10 feet wide and extends along the eastern property line boundary. It is encroached upon by a fence that runs around the perimeter of the property and crosses the easement on both ends. The easement may have other encroachments, which is why the survey is necessary. (See Exhibit 4.)

22126-22132 Pacific Coast Highway (Carbon Beach) is 9 feet wide and approximately 200 feet long. It runs along the western property line boundary. A gate on the inland end of the easement prevents public access onto this easement from PCH. (See Exhibit 5.)

19016 Pacific Coast Highway (Las Tunas Beach). This easement is three feet wide and runs along an elevated deck immediately adjacent to a residence. A ladder currently provides access to the beach for the fee title property owner. (See Exhibit 6.)

Project History: The Conservancy has been working to open up coastal access in Malibu since the agency's inception. The Conservancy holds 14 public access easements in Malibu, some of which are open to the public, and others are currently in development. In the late 1990s, the Conservancy approached the Los Angeles County Department of Beaches and Harbors about accepting outstanding OTDs, and the County refused on the basis of insufficient funding for the

staff costs associated with managing coastal accessways. On various occasions Conservancy staff have asked the department to reconsider, but without success.

Due to the mounting pressure to accept OTDs prior to their expiration dates, Conservancy staff looked to nonprofit organizations to fulfill the role of easement holder and manager, especially in communities where public agencies were not able to take on this task. AFA has enthusiastically come forward to provide public access to Malibu's beaches, but the pending litigation on the Geffen easement has prevented it from moving forward to develop the easements for public use. Now it is appropriate to begin the site planning process on these individual easements.

PROJECT FINANCING:

Coastal Conservancy	\$35,000
Other sources (in-kind contributions)	<u>3,000</u>
Total Project Cost	\$38,000

The anticipated source of Conservancy funding is the fiscal year 2003 appropriation of the Coastal Access Account. These funds are derived from Coastal Commission permit fees and are appropriated to the Conservancy to help in the development and maintenance of coastal accessways.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is consistent with Public Resources Code Section 31400.1, which allows the Conservancy to provide grants to nonprofit organizations to operate or manage lands for public access purposes. AFA will use this grant to survey public access easements that it holds and undertake site planning and analysis, both of which are basic property management tasks. This project is also consistent with PRC Section 31402.3 in that the Conservancy would be using Coastal Access Account funds to help AFA open these easements for public use (subsection (a)); and AFA has met all the requirements laid out in subsection (c) for acceptance of OTDs by nonprofit organizations.

The proposed project is consistent with the City of Malibu Local Coastal Program as described in the Consistency with Local Coastal Program Policies below.

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

Consistent with **Goal 2, Objective C**, this project is a necessary first step toward opening to the public 5 access easements derived from OTDs.

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

4. **Promotion of the Conservancy’s statutory programs and purposes:** See the “Consistency with Conservancy’s Enabling Legislation” section above.
5. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
6. **Support of the public:** See letters of Support in Exhibit 7.
7. **Location:** The proposed project would be located within the coastal zone of the City of Malibu.
8. **Need:** Many of these easements were offered in dedication over 10 years ago. In order to open them for public use, AFA needs Conservancy funding and technical assistance.
9. **Greater-than-local interest:** Residents and visitors to the greater Los Angeles area would enjoy these Malibu shoreline easements, once they are opened for public use.

Additional Criteria

10. **Leverage:** See the “Project Financing” section above.
10. **Conflict resolution:** Opening up public accessways in Malibu has been tremendously controversial. Preparing site planning documents such as surveys, and obtaining engineering studies and other site analysis should help resolve conflicts about the use of these accessways and provide a way to address owners’ and neighbors’ concerns.
11. **Innovation:** Malibu beach accessways managed by Los Angeles County are closed at night. LA County uses staff at its regional beaches to unlock and lock gates at the beach accessways it owns. AFA is interested in using gates with locks that can be programmed to lock and unlock at set times. While timed lock mechanisms exist and have been used for some time, they have not been used in outdoor, marine environments. Schlage has developed a lock that it believes is suitable for these conditions, and AFA wants to test it before installing it on-site. If it works as planned, it will be a labor-saving innovation and will ease some of the management costs for many owners of coastal accessways where gates and locks are used.
10. **Readiness:** AFA is ready to begin the site surveys and the gate and lock fabrication and testing this winter.
12. **Realization of prior Conservancy goals:** See “Project History” above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Shoreline Access Policy 2.70 of the City of Malibu LCP states that Offers to Dedicate public access shall be accepted with the express purpose of developing them and opening them to the public. This project is consistent with this policy, since AFA accepted the OTDs and is now preparing to develop the sites for public use.

COMPLIANCE WITH CEQA:

Providing funds for the purpose of obtaining property surveys, engineering feasibility analyses and initial site design concepts is statutorily exempt from the California Environmental Quality

Act, pursuant to 14 Cal. Code of Regulations Section 15262, regarding planning or feasibility studies for possible future actions. Upon approval, staff will file a Notice of Exemption.