

COASTAL CONSERVANCY

Staff Recommendation  
December 4, 2008

**MALIBU ACCESS IMPROVEMENTS PHASE 3**

File No. 04-093-03

Project Manager: Joan Cardellino

**RECOMMENDED ACTION:** Authorization to disburse up to \$75,000 to Access for All to prepare site designs and complete planning work to develop three public coastal accessways in Malibu.

**LOCATION:** City of Malibu, Los Angeles County

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

Exhibit 1: [Malibu Shoreline Map](#)

Exhibit 2: [Project Locations](#)

Exhibit 3: [22466 Pacific Coast Highway, Carbon Beach](#)

Exhibit 4: [26520-24 Pacific Coast Highway Latigo Shores](#)

Exhibit 5: [Sign Prototype](#)

Exhibit 6: [19016 Pacific Coast Highway, Las Tunas Beach](#)

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**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 seventy-five thousand dollars (\$75,000) to Access For All (AFA), to prepare and finalize site designs and undertake other analysis needed to apply for necessary permits to develop coastal accessways 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:

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

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding establishing a system of public coastal access ways.
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.”

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**PROJECT SUMMARY:**

Staff recommends disbursement of up to \$75,000 to Access for All (AFA) to prepare site designs, engineering analyses and other documents necessary to obtain any permits required to develop accessways at three locations. AFA holds forty public access easements in the City of Malibu. The three easements that are the subject of this grant run between Pacific Coast Highway and the beach and will provide public access to the beach when the necessary site improvements are made.

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

26500 Pacific Coast Highway (Latigo Shores). AFA holds a vertical easement that runs between Latigo Shore Road and the beach. The easement contains a stairway that has been open to the public but signage and a new gate need to be installed at the entrance to the stairway (See Exhibit 4.) Per the terms of the easement, this accessway will be managed by the homeowners association controlling the underlying fee title property.

22500 Pacific Coast Highway (Carbon Beach). AFA holds an easement that crosses this residential property and leads to the beach. A site survey done in January 2008 confirms the existence of encroachments into the easement. This phase of work will involve removal of the encroachments and design of the public access improvements, which likely will include gates, signs, and a paved pathway. (See Exhibit 3.)

19016 Pacific Coast Highway (Las Tunas Beach). 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 brought an enforcement action against the property owner. That action has now been resolved, and the property owners are willing to cooperate with AFA to get the easement opened. Engineering and design of stairways on both ends of the easement, signage and other site improvements may be necessary for this site. (See Exhibit 6.)

The items proposed for funding with this authorization are all necessary pre-construction or pre-installation activities. In order to develop these easements (derived from Offers to Dedicate) into useable public access ways, AFA needs to prepare site designs and obtain permits so the improvements can be built.

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As the easement holder, it is AFA's responsibility to undertake site design and planning in order to open up these access ways. 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 eight years, AFA has accepted a total of forty OTDs in Malibu, most of which are located along the beaches ("lateral" easements). Of the six vertical easements (located between the first public road and the beach) it holds in Malibu, AFA has successfully opened two. Funds provided by this grant will help bring three more easements closer to public use.

**Site Description:**

26500 Pacific Coast Highway (Latigo Shores) is 10 feet wide and runs from PCH to the mean high tide line. (See Exhibit 4.)

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. (See Exhibit 3.)

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:** Since the agency's inception, the Conservancy has been working to open public coastal access in Malibu. Currently the Conservancy holds fourteen public access easements in Malibu, some of which are open to the public, and others are currently in development. In the absence of any local public agency willing to accept, open and manage these easements, AFA has accepted forty access easements in Malibu, including six verticals.

In December 2004 the Conservancy authorized funding of up to \$35,000 to AFA for a variety of site planning and management tasks on coastal access easements, including the one across David Geffen's property. In spring 2005, Mr. Geffen made a settlement offer to resolve the 3-year-old lawsuit against AFA, the Coastal Commission and the Conservancy, and dismissed the action. As a result, AFA was able to open the access way on Mr. Geffen's property in May, 2005. Since then, AFA has been managing public access on the Geffen easement with the help of Conservancy funding. With Conservancy funds, AFA has also developed a sign prototype for Malibu beach access ways (see Exhibit 5) and obtained site surveys of the three easements that are the subject of this proposed authorization.

**PROJECT FINANCING:**

Coastal Conservancy	\$75,000
<b>Total Project Cost</b>	<b>\$75,000</b>

Staff expects to use funds appropriated to the Conservancy in fiscal year 2007-08 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Among other things, this funding source may be used to promote access to and enjoyment of the coastal resources of the state pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project promotes public access by providing funding for site designs. In addition, as discussed below, the project

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is consistent with Chapter 9 of Division 21.

**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 develop, operate or manage lands for public access purposes. AFA will use these funds to undertake site planning on public access easements that it holds in Malibu, and obtain the necessary permits and environmental review prior to construction.

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 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective C** of the Conservancy's 2007 Strategic Plan, the proposed project will open stretches of beach that are currently inaccessible to the public.

**CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 20, 2007, 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:** No opposition has been expressed.
4. **Location:** The proposed project would be located within the coastal zone of the City of Malibu.
5. **Need:** Without assistance from the Conservancy, AFA would not be able to undertake these necessary planning and permitting activities and get these important coastal access ways open to the public.
6. **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**

7. **Realization of prior Conservancy goals:** See "Project History" above.

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8. **Readiness:** As discussed above, all three of these projects are ready to be implemented as soon as the analysis and permitting is completed.

**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.