

COASTAL CONSERVANCY

Staff Recommendation  
September 22, 2011

**MALIBU ACCESSWAYS MANAGEMENT**

Project No. 11-051-01  
Project Manager: Joan Cardellino

**RECOMMENDED ACTION:** Authorization to disburse up to \$20,000 to the Mountains Recreation and Conservation Authority to manage public beach accessways in Malibu.

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

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

- Exhibit 1: [Project Location and Site Map](#)
  - Exhibit 2: [26664-26668 Seagull Drive](#)
  - Exhibit 3: [26520, 26524 and 26530 Pacific Coast Highway](#)
  - Exhibit 4: [26500 Latigo Shore Drive](#)
  - Exhibit 5: [22126 Pacific Coast Highway](#)
  - Exhibit 6: [19016 Pacific Coast Highway](#)
  - Exhibit 7: [Project Letters](#)
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**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 authorizes a grant of twenty-thousand dollars (\$20,000) to the Mountains Recreation and Conservation Authority (MRCA) to manage public beach accessways on easements it holds in the City of Malibu, subject to the condition that prior to the disbursement of any funds, MRCA shall submit for the review and approval of the Executive Officer of the Conservancy a 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 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 accessways.
3. The project serves greater than local needs.”

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**PROJECT SUMMARY:**

Staff recommends a grant of \$20,000 to the Mountains Recreation and Conservation Authority (MRCA) to manage public accessways on easements it holds on coastal properties in the City of Malibu. The immediate need is for MRCA to manage an existing beach access stairway located at 26500 Pacific Coast Highway in the neighborhood known as “Latigo Shores”. Until the end of August, 2011 this easement was held and managed by Access For All (AFA), a nonprofit organization. AFA notified the Conservancy in July 2011 that AFA no longer had an interest in holding five of the six vertical public access easements (i.e., those easements providing access to the beach from Pacific Coast Highway or other public street) held by AFA in Malibu (with the exception of the Ackerberg easement). The Coastal Commission, Conservancy and AFA agreed that those five easements would be voluntarily transferred to another public entity or nonprofit organization as of September 1, 2011.

In August 2011, the MRCA board voted to accept title to the five vertical easements in transfer from AFA, and to manage them as necessary for public use. Accordingly, those easements were transferred to MRCA. Currently, of these five easements, the stairway at Latigo Shores and the accessway on the Geffen property are the only ones open and needing management. Management of the Geffen accessway has been funded with monies provided through settlement of the litigation pertaining to the opening of that accessway. The settlement funds will be made available to MRCA as the successor to AFA for management of that accessway. Staff anticipates that most of the funding provided under the proposed new authorization will be used for management of the vertical accessway and its stairway at Latigo Shores, but it is possible that site management tasks may be necessary at the other locations as well.

The MRCA is a local government entity established in 1985 pursuant to the Joint Powers Act. The members of the joint powers entity are the Santa Monica Mountains Conservancy, which is a state agency, and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District, both of which are local park agencies established by the vote of the people in those communities. The MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns and that are owned by other public agencies.

**Site Description:** The five easements are located from upcoast to downcoast as follows:

Stout—26664-26668 Seagull Drive (Latigo Shores). See Exhibit 2

Goldbaum—26520, 26524 and 26530 PCH (Latigo Shores). See Exhibit 3.

Young and Golling—26500 Latigo Shore Drive. See Exhibit 4. This is the existing stairway that needs active maintenance.

Carbon Beach East (aka Geffen)—22126 PCH. See Exhibit 5.

Friedman —19016 PCH (Las Tunas Beach). See Exhibit 6.

**Project History:**

Since 2000, Access For All, a nonprofit organization based in Malibu, has accepted 47 access easements that were derived from Offers to Dedicate required by the Coastal Commission as part of its coastal development permitting authority. Most of these easements are located in Malibu where the task of opening the easements for public use is very challenging. The Conservancy has provided grant funding to AFA over the years to get these easements opened, and AFA was successful in opening the easement on the Geffen property. However, the relationship between AFA and the Conservancy soured in 2009 over litigation involving the Ackerberg easement. During the course of the summer of 2011, AFA volunteered to divest its interests in these easements, and MRCA staff expressed willingness to step in and take over ownership and management of these easements.

The Conservancy and MRCA have recently been working together to construct a beach stairway on Malibu Road, to design another accessway on Conservancy-owned property on La Costa Beach and to manage Lechuza Beach. This grant will expand MRCA’s role in managing beach accessways in Malibu.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	\$20,000
<b>Total Project Costs</b>	\$20,000

Staff anticipates using funds from the Conservancy’s Coastal Access Account to pay for the management costs identified above. The Coastal Access Account is funded by coastal development permit fees paid to the Coastal Commission and appropriated to the Conservancy for public access related project expenses.

**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 local government organizations to develop, operate or manage lands for public access purposes. MRCA will use these funds to manage public accessways on property it holds in Malibu. As required by Section 31400.1, the proposed authorization will serve more than local needs. Malibu and its beaches attract visitors from the rest of the State and from outside California and Malibu is a particular attraction for visitors to California. The accessways to be held and managed by MRCA will serve these visitors as well as local users.

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 D** of the Conservancy's 2007 Strategic Plan, the proposed project will ensure that these public access easements remain open for public use.

**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 June 4, 2009, 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:** The Latigo Shores accessway is utilized by a number of persons on a daily basis. The proposed authorization has the support of a number of public officials, including Zev Yaroslavsky, Supervisor, Los Angeles County, and John Ainsworth, Deputy Director, Coastal Commission. See Project Letters, Exhibit 7.
4. **Location:** The proposed project would be located within the coastal zone of the City of Malibu.
5. **Need:** The Conservancy has played a key role in opening public accessways in Malibu and without this grant, MRCA would not be able to take on the responsibility of managing these easements.
6. **Greater-than-local interest:** Malibu and its beaches holds a fascination for visitors from far and wide, in addition to residents and visitors to the greater Los Angeles region.
7. **Sea level rise vulnerability:** The current project provides funding only for short-term management of the accessways and, thus, there is no need to consider the longer term effects of sea level rise.

**Additional Criteria**

8. **Urgency:** AFA was not willing to manage these easements past August 31, 2011. Thus, it is urgent to provide funding so that another management entity be able to assume management responsibilities immediately.
13. **Readiness:** MRCA is ready to assume management responsibilities immediately.
14. **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 the easements originated from OTDs and this project would ensure they are available for public use.

**COMPLIANCE WITH CEQA:** Management activities are categorically exempt from the California Environmental Quality Act, pursuant to 14 California Code of Regulations, Section 15301 regarding maintenance and repair of existing facilities. Upon approval, staff will file a Notice of Exemption.