

COASTAL CONSERVANCY

Staff Recommendation  
May 27, 2021

**MALIBU COASTAL ACCESS PUBLIC WORKS PLAN**

Project No. 12-024-01  
Project Manager: Kara Kemmler

**RECOMMENDED ACTION:** Authorization to disburse up to \$255,000 for environmental review and community engagement to support the Malibu Coastal Access Public Works Plan for seventeen sites in the City of Malibu.

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

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EXHIBITS

- Exhibit 1: [Project Location Map](#)
  - Exhibit 2: [December 6, 2012 Staff Recommendation](#)
  - Exhibit 3: [September 28, 2017 Staff Recommendation](#)
  - Exhibit 4: [Site Locations Map](#)
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**RESOLUTION AND FINDINGS**

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes the augmentation of previous authorizations to disburse an additional amount not to two hundred thousand dollars (\$200,000) to Environmental Science Associates (ESA) for environmental review and a grant of up to fifty five thousand dollars (\$55,000) to Community Nature Connection for community engagement related to the Malibu Coastal Access Public Works Plan for seventeen sites in the City of Malibu.

Findings:

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

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access.

2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
  3. Community Nature Connection is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.
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## STAFF RECOMMENDATION

### PROJECT SUMMARY:

Staff recommends authorization to disburse up to \$200,000 to Environmental Science Associates for environmental review and grant up to \$55,000 to Community Nature Connection for community engagement to support the Malibu Coastal Access Public Works Plan for seventeen sites in the City of Malibu. The funds for environmental review will be used to augment an existing contract with Environmental Science Associates to continue their work on the Environmental Impact Report (EIR).

The Malibu Coastal Access Public Works Plan (Plan) will be a comprehensive plan that will facilitate the development and guide management of public accessways along the coast in Malibu. The Conservancy's December 6, 2012 authorization and September 28, 2017 authorization for the project included technical studies, conceptual site designs and environmental review (See Exhibits 2 and 3). The project description is unchanged but the shifting dynamics of the sites and their status due to litigation outcomes, changes in entitlements and other changed circumstances has resulted in additional staff time and the need for additional studies. To date, work on the Plan has included preparing drafts of site surveys, technical studies, and conceptual plans for the sites proposed for development; extensive coordination with California Coastal Commission (CCC) enforcement staff regarding unpermitted encroachments in public accessways; preliminary drafting of public works plan policies; and preparing the initial study and holding the public scoping meeting for the environmental impact report (EIR) to be prepared for the Plan. The need for additional studies and staff time to reach this stage has resulted in increased funding needs to complete the EIR.

Input on the Plan to date has primarily come from residents from the local area. CNC proposes to further its mission of increasing inclusive public access by conducting community engagement regarding the Plan within the communities it serves, and providing input on the conceptual site designs and management of the public accessways proposed in the Plan. CNC identified outreach opportunities they can provide to engage a broader stakeholder base, in particular, from communities in park poor areas in the larger Los Angeles region. A more inclusive engagement effort will potentially inform the design of the public access projects proposed in the Plan to make them more accessible and welcoming to all visitors.

**Site Description:** As described in the September 28, 2017 staff recommendation (Exhibit 3), the list of specific sites included in the Plan has been modified since the first grant authorization and sites have shifted again since the 2017 authorization due to changed circumstances that have affected the status of certain sites. The Plan currently includes seventeen public access

sites, see Exhibit 4. The included sites are sites where the MRCA holds either fee title or an easement for public access, and/or where there is an existing deed restriction in favor of public access, and/or where the MRCA has the authority to improve and manage the site.

Of the seventeen sites in the Plan, seven are proposed for development in the Plan. These sites will be referred to as D sites. The other ten sites are included for management purposes and will be referred to as M sites. Several of the M sites are currently open for public access and others are in the process of being developed through separate coastal permit processes. The sites and their current status are listed below.

- D1 Las Tunas Beach: 19016 Pacific Coast Highway (PCH) and 19020 PCH. This site is unimproved for public access, existing encroachments obstruct the accessway.
- D2 Las Tunas Beach: Los Angeles County Assessor Parcel Nos.: 4449-007-013, -014, -015, -016 and -017. A coastal overlook is open on this site, additional improvements are needed for beach access.
- D3 La Costa Beach: 21554 PCH. This site is unimproved for public access.
- D4 Carbon-La Costa Beach: Los Angeles County Assessor Parcel Nos.: 4451-003-900, 4451-004-900. This site is unimproved for public access.
- D5 Escondido Beach: 27348 PCH and 27400 PCH. Portions of this site are improved and the public can access the beach currently, however, additional public access improvements are needed.
- D6 Escondido Beach: 27700 PCH. This site is unimproved for public access.
- D7 Escondido Beach: 27910 PCH and 27920 PCH. This site is unimproved for public access, existing encroachments obstruct the accessway.
- M1 Big Rock Beach: Between 19812 and 19768 PCH, "Dolphin View Coastal Overlook." This site is currently open as a coastal overlook.
- M2 Big Rock Beach: 20500 PCH. This site is currently unimproved but a coastal permit has been approved to develop the site for public access and construction is underway supported by Conservancy funding.
- M3 Las Flores Beach: 20802 PCH. On December 8, 2016, the CCC issued a Cease and Desist Order and imposed an Administrative Civil Penalty on the property owners for unpermitted development that was impeding development and use of the access easement. The property owners complied with the provisions of the CCC's order requiring removal of the encroachments, which allowed MRCA to perform a new site survey and prepare a coastal permit application to the City of Malibu, which is currently pending. The owners, however, are currently pursuing litigation over the amount of the Civil Penalty imposed by the CCC.
- M4 Carbon Beach: 22126 PCH, "Carbon Beach East Access." This easement has been improved for public access to the beach and is currently open to the public. The accessway is operated and managed by the MRCA.

- M5 Carbon Beach: 22466 PCH, “Carbon Beach West Access.” This easement has been improved for public access to the beach pursuant to litigation settlement and is currently open to the public. The accessway is operated and managed by the MRCA.
- M6 Surfrider Beach: 23000 PCH, Malibu Pier. This site is currently open but needs additional public access improvements. The site was the subject of a CCC enforcement action which included approval for development to be undertaken by MRCA. Construction on the access improvements is underway.
- M7 Amarillo Beach: 24038 Malibu Road, “Malibu Road East Access.” This site has been improved for public access to the beach and is currently open to the public. The accessway is operated and managed by the MRCA.
- M8 Latigo Beach: 26500 Latigo Shore Drive, “Latigo Shores Beach Access.” This easement has been improved for public access to the beach and is currently open to the public. The accessway is operated and managed by the MRCA.
- M9 Escondido Beach: 27420-27428 PCH, “Escondido Beach Access.” This easement has been improved for public access to the beach and is currently open to the public. The accessway is operated and managed by the MRCA.
- M10 Lechuza Beach: Los Angeles County Assessor Parcel Nos.: 4470-021-900; 4470-028-900 through 918; 4470-001-900, 4470-024-900, 901; 4470-021-008, 009; 4470-001-003, 004, 005, 006, 008, 012, 013; and 31736 Broad Beach Road. This site includes multiple accessways and each one is open but additional access improvements are needed. The MRCA has reached a settlement agreement with the Malibu-Encinal Homeowners Association on the development and management of the site and a coastal permit is pending for the improvements.

**Grantee Qualifications:** CNC is a community based organization whose mission is to increase equitable access to the outdoors for impacted communities throughout Los Angeles. They have extensive experience eliminating barriers and connecting underserved communities to public lands in the Malibu-Santa Monica Mountains area. CNC staff is a reflection of the diverse communities that they serve and they have the cultural competency to connect with those communities and bring their voice into the process providing meaningful input to help inform the design and management of the accessways proposed in the Plan.

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

The proposed project remains consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on October 2, 2014, as detailed in the December 2, 2012 and September 28, 2017 staff recommendations (Exhibits 2 and 3).

**PROJECT FINANCING**

**Previous Funding:**

Coastal Conservancy 2012 Authorization and 15% Augmentation	\$540,500
Coastal Conservancy 2017 Authorization	\$600,000
Conservancy Executive Officer Authorization for Environmental Services Contract (EIR Preparation)	\$200,000
<b>Proposed Authorization:</b>	
<b>Coastal Conservancy</b>	<b>\$255,000</b>
<b>Project Total</b>	<b>\$1,595,500</b>

There are two anticipated sources of funds for the proposed augmentation. Approximately \$200,000 will come from an appropriation to the Conservancy from the Violation Remediation Account (VRA). Funds in the VRA are available for carrying out provisions of the Coastal Act (Public Resources Code, Section 30823). Funds in the VRA originate from both administrative orders and settlements and judicial actions arising from Coastal Act violations resolved by the Commission. The VRA funds allocated for this project come from violation penalties specifically related to access in Malibu and may be used to develop access within that jurisdiction. The project is consistent with the Coastal Act and will promote its access and recreation policies.

The second funding source is an appropriation (\$55,000) to the Conservancy from Proposition 12, The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Public Resources Code Sections 5096.300, et seq.). These funds are available for projects that restore, enhance and develop coastal resources, including waterfronts and public accessways. Consistent with Public Resources Code Section 5096.352(c) the funds will support community engagement to inform the development of the public accessways to the beach in Malibu. It is consistent with the Conservancy's enabling legislation, as discussed in the "Consistency with Conservancy's enabling legislation" section of the December 6, 2012 staff recommendation (Exhibit 2). The proposed authorization is thus consistent with Proposition 12.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project remains consistent with the Conservancy's enabling legislation, as detailed in the December 6, 2012 staff recommendation (Exhibit 2).

**CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):**

As stated in the Conservancy's 2018-2022 Strategic Plan, opening up public accessways in Malibu is a high priority of the Conservancy.

Consistent with **Goal 2, Objective A**, the proposed public works plan, once approved, will provide a path for implementation of seven new public access projects that will expand access opportunities for barrier-free access to the coast.

Consistent with **Goal 2, Objective B**, the proposed public works plan will contribute toward the opening of coastal areas that are currently inaccessible to the public.

Consistent with **Goal 2, Objective C**, the proposed project will include designs for facilities to increase coastal recreational opportunities and enable people to enjoy natural resources.

**CEQA COMPLIANCE:**

The project is unchanged and remains the same project analyzed under the Conservancy's previous authorizations. The proposed authorization does not change the project itself or the purposes for which the funding will be used. Thus, the proposed project remains statutorily exempt from the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations, Section 15262 because it involves planning studies and feasibility analyses for possible future actions that the Conservancy has not approved, adopted, or funded and will include consideration of environmental factors as detailed in the December 6, 2012 staff recommendation (Exhibit 2).

The project is also categorically exempt under Section 15306 because it involves information collection and resource evaluation for possible future action. The project will not result in disturbance to an environmental resource.