

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

January 6, 2010; Item XV
Resolution No. 10-

**RESOLUTION OF THE GOVERNING BOARD APPROVING INITIAL
MANAGEMENT PLAN FOR LECHUZA BEACH**

Resolved, That the Governing Board of the Mountains Recreation and Conservation Authority hereby:

1. FINDS that the Initial Management Plan for Lechuza Beach, Malibu, will be incorporated in the pending application for a Coastal Development Permit for Lechuza Beach improvements and therefore is exempt from the environmental impact report requirements of the California Environmental Quality Act because it will be reviewed in a functionally equivalent process under the California Coastal Act of 1976.
2. ADOPTS the staff report and recommendation for this item dated January 6, 2010 and incorporates the content thereof as the findings of the Governing Board.
3. APPROVES the Initial Management Plan, Lechuza Beach, Malibu, California as shown in Exhibit A thereto.
4. DIRECTS the Executive Officer to amend the pending Coastal Development Permit for Lechuza Beach improvements to include the Initial Management Plan as approved by this resolution; provided that those portions of the plan directed at complying with the California Coastal Act of 1976 shall be implemented forthwith.
5. AUTHORIZES the Executive Officer to take any and all actions he may deem necessary to carry out the provisions of this resolution.

Chairperson

AYES:
NOES:
ABSTAIN:
ABSENT:

I HEREBY CERTIFY that the foregoing resolution was adopted a regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, at Thousand Oaks, California, on the 6th day of January, 2010.

Dated: _____

Executive Officer

EXHIBIT "A"

Mountains Recreation and Conservation Authority

INITIAL MANAGEMENT PLAN LECHUZA BEACH, MALIBU, CALIFORNIA

January 2010

Section 1. Introduction, Status, and Statement of Purpose

1.0. Introduction. The Mountains Recreation and Conservation Authority (hereinafter "Authority") is a local agency exercising the joint powers of the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The Authority acquired Lechuza Beach in Malibu, comprising over four acres, almost a quarter mile of beach front, for \$9,000,000 by virtue of a grant from the State Coastal Conservancy. The Coastal Conservancy grant contemplated a management plan prior to approval of any improvements.

1.1. Current Status. After almost eight years of negotiation there is no comprehensive agreement between the Authority, the local homeowner's association (Malibu-Encinal Homeowners Association), and the State Coastal Conservancy.

1.2. Statement of Purpose. This Initial Management Plan is designed to provide a minimum framework for the Coastal Development Permit proposing improvements and enhanced public access that has been submitted to the City of Malibu. The ultimate desired outcome of the process will be a plan agreed upon, in addition to the Mountains Recreation and Conservation Authority, by the homeowner's association, the Coastal Conservancy, the California Coastal Commission, and the city of Malibu. This Initial Management Plan recognizes, however, that given the controversial nature of the issues at stake agreement between all interested parties may not be possible, and that to wait until such total agreement can be reached will delay—perhaps indefinitely—needed public access improvements.

Section 2. Invocation of the Police Power of the City of Malibu as the Default Management Authority

2.0. Malibu Municipal Code as the underlying enforcement power. In absence of agreement of all interested parties, the default situation is enforcement of the local police power of the city of Malibu. Malibu has adopted, with some exceptions not relevant here, the Los Angeles County Beach Code.

2.1. Enforcement of Malibu Municipal Code by peace officers of the Mountains Recreation and Conservation Authority. The Authority employs park rangers who are California peace officers pursuant to Penal Code § 830.31(b). Such peace officers may enforce for any public offense and a violation of the Malibu Municipal Code is a public offense.

Section 3. Substantive Provisions

3.0. Substantive provisions. The following substantive provisions will be enforced at Lechuza Beach:

- No loitering on beach between midnight and 6:00 a.m. (§ 17.12.350 M.M.C.)
- No smoking. (§ 12.08.035 M.M.C.)
- No dogs. (§ 17.12.290 M.M.C.)
- No littering. (§ 17.12.380 M.M.C.)
- No alcoholic beverages. (§ 17.12.320 M.M.C.)
- No fires. (§ 17.12.370 M.M.C.)

3.1. Warnings. All applicable signs shall carry the following warning: “No lifeguard. Riptides and submerged rocks. Swim at your own risk.”

3.2. Enforcement calls. All signs shall have the Ranger Services phone number.

3.3. Equal Applicability of Rules to All Persons. The provisions of this plan shall apply equally to all persons, whether or not they are members of the Malibu-Encinal Homeowners Association or are members of the general public using, or seeking to use, property of the Authority acquired by virtue of a grant from the State Coastal Conservancy using proceeds from General Obligation Bonds of the State of California. It shall not be a defense to a violation of this plan that a person is a member of the Malibu-Encinal Homeowners Association, or a member of the family of such member, where such membership is asserted as a defense to what would otherwise be a violation of the provisions of this management plan.

Section 4. Compliance with California Coastal Act

4.0. Coastal Act Compliance Policy. It is the policy of the Mountains Recreation and Conservation Authority to fully comply with the California Coastal Act of 1976 and to that end the Authority will avoid any possible fines or enforcement actions against the Authority for violation of the Coastal Act.

4.1.1. Removal of Unpermitted Development per Coastal Commission. The Executive Officer shall cause any unpermitted development, as identified by the California Coastal Commission staff, to be removed forthwith so that the Authority will not be liable for violation of the California Coastal Act of 1976.