



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: March 13, 2014

SUBJECT: **Agenda Item IX: Consideration of resolution authorizing requesting a budget augmentation for grant SMM-50-1108 from the Santa Monica Mountains Conservancy, for Project Planning and Design services for the Lechuza Beach Public Access Improvements Project, City of Malibu.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing requesting a budget augmentation not to exceed \$20,000 for grant SMM-50-1108 from the Santa Monica Mountains Conservancy, for Project Planning and Design services for the Lechuza Beach Public Access Improvements Project, City of Malibu.

Background: On January 24, 2011, the Santa Monica Mountains Conservancy (Conservancy) authorized a grant of Proposition 50 funds to the Mountains Recreation and Conservation Authority (MRCA) for Project Planning and Design services for the Lechuza Beach Public Access Improvements Project, City of Malibu. That original grant amount was \$83,000.

At its December 5, 2011 meeting, the Conservancy authorized an augmentation to grant SMM-50-1108 with Proposition 84 funds for an amount not to exceed \$100,000 to support an increase in volume of work for existing tasks described in the original grant agreement, and a modification to the scope to include new potential tasks.

The current request is for an amount not to exceed \$20,000 from Proposition 50 Santa Monica Bay public access funds to cover an increase in the volume of work.

The MRCA is proposing the Lechuza Beach Public Access Improvements Project in order to improve accessibility for people with disabilities and to meet the building code requirements at a public beach. This is a complicated project with ongoing legal issues with the nearby homeowners, various site constraints, and a long history. The MRCA has a pending, incomplete coastal development permit application at the City of Malibu for this project.

Staff of MRCA and the Attorney General's office are actively negotiating with Malibu Encinal Homeowners Association (MEHOA) regarding the various project elements including the beach management plan, in an attempt to settle the existing litigation. Staff of MRCA and MEHOA have also been actively communicating with City of Malibu staff to understand and meet the City's permit requirements. It is MRCA's hope that a project that is mutually agreeable to MEHOA and MRCA can be approved by the City.

Changes to the project and beach management plan have been made in response to comments from MEHOA and agencies. Any project changes ripple through the planning process, resulting in additional costs. These costs include additional landscape architect staff time to make changes to the plans; engineering consultant's time to make changes to the plans; environmental consultants' time to provide input on the environmental ramifications; and coordination with, and review by, several outside agencies, along with their permit fees. Project changes have led to additional planning analysis, for example, evaluating the need for variances.

Currently, the negotiations with MEHOA are progressing favorably and the project is almost completely defined. The current request for budget augmentation is needed to address the changes to the project and revisions to the beach management plan and the other legal documents, resulting from those negotiations. This additional funding is also needed to navigate the City of Malibu's permitting process, including addressing recent comments from staff of the various departments (geologist, coastal engineer) and addressing challenges associated with permitting the proposed public restroom. Additional legal review and consultation may also be necessary due to the complexity of the project.

If this item is approved, staff would submit a cover letter signed by the Chair and a revised application to the Conservancy for potential consideration at the anticipated March 24, 2014 Conservancy meeting.

Consideration: The application to the Conservancy would be in the amount not to exceed \$20,000.