



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: April 16, 2015

SUBJECT: **Agenda Item XII: 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 submission of a budget augmentation request not to exceed \$75,000 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.

At its March 24, 2014 meeting, the Conservancy authorized an augmentation to grant SMM-50-1108 with Proposition 50 funds for an amount not to exceed \$17,000 to support an increase in volume of work for tasks described in the original grant agreement and subsequent amendments.

The current request is for an amount not to exceed \$75,000 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. Specifically, in August 2014, a resident, on behalf of MEHOA, requested that a different type of restroom be reconsidered. (This option of a treatment system and leachfield was previously considered by MEHOA and MRCA a couple of years ago and rejected at that time.) This type of permanent restroom with treatment and disposal system also has fewer maintenance costs than the restroom previously investigated. Evaluating the feasibility and completing the conceptual design of a treatment and disposal system requires several additional steps. These include negotiating costs and evaluating feasibility with existing environmental contractors (design engineer, geotechnical engineer, coastal engineer), hiring new contractors (septic engineer, geotechnical engineer, percolation tester, etc.), and negotiating formalized permission with MEHOA. Additional planning analysis is needed, for example, evaluating the need for variances and coordinating with Malibu staff to ensure the appropriate approvals could be granted.

Malibu staff has also indicated that an archaeology study will be needed as part of the planning review to obtain the coastal development permit. Additional coordination will also be necessary with the waterworks district to obtain a water connection for the restroom and other uses. Updated biology surveys will also be conducted.

The current request for budget augmentation is needed to address the changes to the project, the beach management plan, and other legal documents as a result of the negotiations; finalize the coastal development permit application; and obtain the permit.

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 April 27, 2014 Conservancy meeting.

Consideration: The application to the Conservancy would be in the amount not to exceed \$75,000.