



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

**TO:** The Governing Board

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

**DATE:** May 6, 2015

**SUBJECT:** **Agenda Item XI: Consideration of resolution authorizing (1) acceptance of assignment of the Turnaround Easement from Malibu Encinal Homeowners Association (portion of Assessor parcel number [APN] 4470-021-007) and (2) granting an easement on portion of Lot 156 (APN 4470-028-918) to property owner of 31842 West Sea Level Drive, Lechuza Beach, City of Malibu.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing (1) acceptance of assignment of the Turnaround Easement from Malibu Encinal Homeowners Association (portion of Assessor parcel number [APN] 4470-021-007) and (2) granting an easement on portion of Lot 156 (APN 4470-028-918) to property owner of 31842 West Sea Level Drive, Lechuza Beach, City of Malibu.

Background: The Mountains Recreation and Conservation Authority (MRCA) acquired approximately a quarter mile of beach and various access easements in 2001/2002 just west of Lechuza Point in Malibu with funding provided by the State Coastal Conservancy (SCC) and via donations. The acquisition of and initial planning for public access improvements at Lechuza Beach have been funded by an approximately \$9 million investment by the SCC.

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 in an attempt to settle the existing litigation. MRCA staff and MEHOA representatives 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.

MRCA staff and MEHOA representatives are negotiating multiple legal documents, including the beach management plan, as part of the settlement negotiations. The MRCA currently holds an easement for pedestrian access along East Sea Level Drive and West Sea Level Drive and to locate four parking spaces for people with disabilities. MRCA staff and MEHOA representatives have tentatively agreed to the locations of the parking spaces, although the parking spaces along West Sea Level Drive would require a slight amount of additional land beyond the existing easement.

To remedy this deficiency, the final legal documents would include an “easement swap” at the beach terminus of West Sea Level Drive. The MRCA would grant an easement to the private property owner over a portion of MRCA-owned Lot 156 that would allow limited uses like landscaping and that would prohibit other uses like structures. The private property owner would grant a parking easement to MEHOA, which would later be assigned to MRCA. This parking easement would allow MRCA to install the agreed-upon parking spaces and make the necessary associated improvements to the Fire Department turnaround.

There is an urgency to finalize the details of this easement swap and for the MRCA Board to take a position on the easement swap. Legal staff is working to refine the language to assure that this easement swap is contingent on the overall settlement. Staff would bring the additional legal documents to the MRCA board for consideration in the future.