



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens  
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## MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Executive Officer

DATE: January 4, 2017

SUBJECT: **Agenda Item VIII: Consideration of resolution authorizing acceptance of funds for (a) construction of two beach access stairways, (b) further modifications to the public access plan, and (c) ongoing operation, maintenance, and other costs associated with the public access stairways project pursuant to Consent Cease and Desist Order CCC-16-CD-04 and Consent Administrative Civil Penalty CCC-16-AP-02, City of Malibu.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing acceptance of (a) \$494,637 for the construction of two beach access stairways, (b) up to \$10,000 for further modifications to the public access plan, and (c) \$300,000 for ongoing operation, maintenance, and other costs associated with the public access stairways project pursuant to Consent Cease and Desist Order CCC-16-CD-04 and Consent Administrative Civil Penalty CCC-16-AP-02, City of Malibu.

Background: On December 8, 2016, the California Coastal Commission (Commission) approved Consent Cease and Desist Order CCC-16-CD-04 and Consent Administrative Civil Penalty CCC-16-AP-02 (Consent Orders) to Mani MBI DE, LLC (Respondents) for the failure to construct two public access stairways as required by Special Condition No. 3(g) of Coastal Development Permit (CDP) No. 5-89-576 and other unauthorized development inconsistent with the CDP.

The Respondents are owners of the Malibu Beach Inn hotel located at 22878 Pacific Coast Highway. The construction of the hotel was approved under CDP No. 5-89-576 in 1988, which required the applicant to also construct two public access stairways to be located on the adjacent State-owned Malibu Pier parking lot to access the County-owned beach below pursuant to Special Condition No. 3(g) of the CDP. However, the stairways were never built. As a result of this CDP violation, the Respondents have agreed to several conditions pursuant to the Consent Orders in order to effectuate Special Condition 3(g) of the CDP.

The Respondents are required as part of the Consent Orders to submit a proposed Public Access Compliance Plan for the review and approval of Commission staff in the form of an engineered plan, prepared by a licensed engineer, containing all elements necessary for the construction of safe and reliable public access stairways. One of the stairways will be entirely new, and the second stairway may be a major repair of an existing stairway adjacent to Malibu Pier or an entirely new stairway in the same or similar location. The Public Access Compliance Plan is required to comply with Section 3 as outlined in the Consent Orders (see attached).

Although the stairways will be located on State-owned land and County-owned land, both California State Parks and the County of Los Angeles Beaches & Harbors Department have expressed preference for a third-party public agency to construct the stairways. Thus, the Respondents have agreed, pursuant to the Consent Orders, to pay the Mountains Recreation and Conservation Authority (MRCA) \$494,637 to construct the two stairways as designed in the Public Access Compliance Plan. Should further modifications to the Public Access Compliance Plan be necessary prior to construction, the Respondents will pay an additional amount up to \$10,000 for such modifications pursuant to Section 3.5 of the Consent Orders.

In addition to construction, California State Parks and the Los Angeles County Beaches & Harbors Department have expressed preference for MRCA to operate and maintain the stairways as well. Thus, the Respondents have agreed, pursuant to the Consent Orders, to pay the MRCA \$300,000, to be divided into two installments, for the operation, maintenance, and other costs associated with the public access stairways. MRCA staff is currently working with California State Parks and the County on a binding agreement for the construction, operation, and maintenance of the stairways.