



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: May 1, 2019

SUBJECT: **Agenda Item X: Consideration of resolution adopting the Negative Declaration and approving the Lechuza Beach Public Access Improvements Project, Lechuza Beach, City of Malibu.**

Staff Recommendation: That the Governing Board adopt the attached resolution adopting the Final Negative Declaration, incorporated by reference as Attachment 1 and approving the Lechuza Beach Public Access Improvements Project, Lechuza Beach, City of Malibu.

Background: In 2002, the Mountains Recreation and Conservation Authority (MRCA) acquired fee simple properties through donations and acquisition within Tract 10630 in the City of Malibu, commonly known as Lechuza Beach. Access to Lechuza Beach was open to the public prior to MRCA ownership. The MRCA continued to maintain public access at Lechuza Beach after public acquisition of Lechuza Beach.

After acquisition, MRCA staff worked extensively to plan and design for the Lechuza Beach public access improvements (the Project) compliant with the Americans with Disabilities Act (ADA) that includes the following components:

- Replacement of existing beach access stairways at the beachside terminus of West Sea Level Drive and East Sea Level Drive;
- New view platforms associated with the reconstruction of beach access stairways;
- A new restroom supported by an advanced onsite wastewater treatment system and leachfield;
- A new ADA-compliant parking space at the beachside terminus of West Sea Level Drive;
- A new ADA-compliant parking space and loading zone at the beachside terminus of East Sea Level Drive;
- A reservation system for the ADA-compliant parking spaces and loading

- zone;
- A new gate at the accessway entrance along Broad Beach Road across from Bunnie Lane; and
- Replacement of vehicle and pedestrian gates at East Sea Level Drive.

In 2007, the MRCA staff filed a Coastal Development Permit (CDP) application with the City of Malibu for implementation of the Project. However, the MRCA's efforts to develop these public access improvements were delayed by litigation initiated by the Malibu Encinal Homeowners Association (MEHOA) and subsequent settlement negotiations that lasted for over 15 years.

On October 3, 2018, the MRCA Governing Board authorized entering into a settlement agreement with MEHOA. The settlement includes easements necessary to implement the proposed Project and a beach management plan for the operation and maintenance of Lechuza Beach and the proposed Project.

Subsequently, the MRCA moved forward and prepared a draft Initial Study/Negative Declaration (IS/ND) as the lead agency pursuant to the California Environmental Quality Act (CEQA), the final of which is attached and incorporated by reference to this staff report. The MRCA provided 45 days for public review and comment for the draft IS/ND from January 10, 2019 through February 24, 2019, and extended the public review and comment period for an additional 30 days from March 14, 2019 through April 13, 2019, totaling 75 days for public review and comment.

The draft IS/ND was adequately noticed pursuant to CEQA, 14 Cal Code of Regs Section 15072. A Notice of Intent to adopt the IS/ND along with a copy of the draft IS/ND was sent to local and state agencies, filed with State Clearinghouse and the County Clerk, posted on the MRCA website, and mailed to all residents within 500 feet of the MRCA-owned Lechuza Beach (485 properties). A hard copy of the draft IS/ND was available for review at the Malibu Library. Additionally, notice of the availability of the IS/ND and review period was published in the Malibu Surfside News, a newspaper of general circulation, on January 10, 2019. Public notice was also sent to the Malibu Times for publication. However, due to a publishing error by the Malibu Times, this notice was not published in the Malibu Times until January 17, 2019. Notice of the extended public review and comment period was published in the Malibu Surfside News and the Malibu Times on March 14, 2019. Notice of the extended public review and comment period was also mailed to all residents within 500 feet of the MRCA-owned Lechuza Beach (485 properties).

The MRCA received a total of 10 comment letters on the draft IS/ND that are included as Appendix A to the Final Negative Declaration. None of the comments received require any substantial change in the draft IS/ND. The Final Negative Declaration includes non-substantial changes to the draft IS/ND in response to comments received from the City of Malibu to include additional clarification of Project impacts in the following sections of the

IS/ND:

- III. Air Quality
- VII. Geology and Soils
- IX. Hazards and Hazardous Materials
- X. Hydrology and Water Quality
- XI. Land Use and Planning
- XIII. Noise
- XVI. Recreation
- XVII. Transportation
- XIX. Utilities and Service Systems

Recirculation of the draft IS/ND is not required as none of the comments received require substantial revisions to the draft IS/ND. The MRCA's written responses to comments are included as Appendix B to the Final Negative Declaration. Both appendices are included as attachments to this report.

Staff recommends that the Governing Board adopt the Final Negative Declaration, make findings as proposed in the attached resolution, and approve the Lechuza Beach Public Access Improvements Project. Upon approval, staff will file a Notice of Determination for the Project.