

CALIFORNIA COASTAL COMMISSION

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October 24, 1995

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Linda Locklin, Manager, Coastal Access Program *L.L.*

SUBJECT: Malibu Beach Access Fund
Scheduled for Commission discussion
and possible action during its
November 14-17, 1995 meeting in Los Angeles

Background

The Malibu Beach Access Fund was established by the Commission, and adopted in the Los Angeles County Malibu/Santa Monica Mountains LUP, to mitigate impacts resulting from new non-visitor serving commercial development in the Malibu area. In certifying the County Land Use Plan on June 13, 1985, the Commission first found the County's submitted LUP inconsistent with Sections 30210, 30240, and 30250(a) of the Coastal Act and then approved it with suggested modifications to address the cumulative impact of buildout on traffic and other coastal resources. In addressing the effects of urban buildout in the area, the Commission also found that the devotion of upland areas to non-visitor serving uses, such as offices and general retail, would a) preclude the use of the land for visitor-serving uses consistent with Sections 30222 and 30223, and b) impact Pacific Coast Highway by competing with beach visitors and making access to and along the coast more difficult. To mitigate these impacts, the Commission certified the following County LUP Policy:

#54 - To help finance the construction and maintenance of new vertical access points, a fund shall be established by the County of Los Angeles to accept reasonable and equitable user fees, franchise fees, and other appropriate revenue. In particular, a one time fee based on the gross square footage of the structure shall be required of new non-visitor serving commercial and general office uses approved in the Malibu coastal zone for deposit into the fund described herein.

While the City of Malibu now has jurisdiction for the Malibu area, they have not submitted a LUP. Therefore, in the absence of a certified plan for the Malibu area, the Commission has continued to routinely require a fee of \$1.50 per gross square foot of space for non-visitor serving commercial development to mitigate adverse impacts on public access. The current balance in the Malibu Beach Access Fund is \$420,183.

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In January 1991, the Commission authorized the transfer of \$50,000 from the Fund to the Coastal Conservancy for subsequent grant to the Surfrider Foundation. This money was to be used to open, operate, and maintain a new vertical accessway to Escondido Beach. This vertical accessway required by the Commission per the Shane/Seacliff coastal permit A-184-80. Following the Commission action, the Surfrider Foundation experienced internal reorganization and was unable to carry out its intent to operate the accessway. The money was never transferred from the Conservancy and is still available for use.

Discussion

The lack of adequate public vertical accessways in Malibu persists. While both the Commission and Conservancy staffs have spent considerable time with Los Angeles County staff attempting to design a program involving County participation in opening new accessways, those attempts have failed. Therefore, other managing entities have been pursued and, in this case, the Mountains Conservation and Recreation Authority (MRCA) has agreed to open, operate and maintain two existing private vertical accessways. The MRCA is a joint powers agency consisting of the Santa Monica Mountains Conservancy and the Conejo Recreation and Park District. The MRCA operates rural and urban parks in the Malibu area and the San Fernando Valley and has construction and maintenance crews as well as rangers on its staff. The MRCA prefers to focus on Escondido Beach easements since it maintains facilities along the nearby Escondido Falls trail. At this time, the MRCA lacks the resources to take on management responsibilities for other accessways in Malibu. Additionally, the MRCA is not willing to accept OTD's. Therefore, in order to facilitate the opening of two private vertical accessways to public use, the State Coastal Conservancy accepted these OTD's in September 1995 and entered into a 20 year interagency agreement with the MRCA for their management of the accessways. Pending Commission approval, the Conservancy agreed to disburse \$82,000 to the MRCA for at least the first five years of operation and maintenance costs. The Conservancy is requesting \$25,000 be transferred from the Fund for this purpose. This \$25,000 will be added to the previously transferred \$50,000 still held by the Conservancy, for a total of \$75,000 to be used from the Fund. During the five years the Conservancy held the \$50,000, the money accrued \$7,000 in interest; therefore the total to be utilized by the MRCA is \$82,000.

At the Coastal Conservancy's September 20, 1995 meeting, the Board accepted the two vertical access easements (Stern and Shane/Seacliff), two lateral easements along Escondido Beach and one parking easement adjacent to PCH per Shane/Seacliff. In 1982, the Conservancy accepted the Chiate/Wildman OTD; thus they have now accepted all three Commission required vertical OTD's to Escondido Beach. Conservancy staff is in the process of evaluating the Chiate/Wildman OTD and if it is feasible to construct an accessway, the costs will be funded from the Commission required in-lieu fee, a condition of the Black Tor permit (5-89-1197), and the MRCA will operate and manage this accessway as well.

The subject two vertical accessways have already been constructed by the property owners and have been in private use for years. Both accessways span from PCH, across the blufftop area, down a stairway and eventually end at Escondido beach. The Stern accessway, P-2130, is located adjacent to Geoffroy's Restaurant. The Shane/Seacliff accessway, A-184-80, is located adjacent to condominiums.

The Draft Management Plan for the accessways includes the following. Signs will be placed at both PCH and at the beach with information stating: a) the accessway is maintained by the MCRA, owned by the Coastal Conservancy, and funded by the Coastal Commission; b) conditions of use, including hours of operation, and c) 24 hour emergency phone numbers. The Plan states that a coastal access sign (i.e., brown, Caltrans "wave and feet") shall be placed in the Highway right of way for the Shane/Seacliff stairway. However, due to possible conflicts with the existing development (restaurant parking lot, valet use only) at the Geoffroy's Restaurant accessway, it will not be signed for highway travelers. Rather signs will be posted at the edge of PCH to notify pedestrians. Thus the Plan recognizes that, of these two accessways (which are located about 170 yards apart), the Shane/Seacliff one is better suited to the general public -- it is a long vertical walkway which is completely separated from the adjacent residential development on each side with solid walls and landscaping. The metal stairway is enclosed. Two public parking spaces, required by the coastal permit, will be installed next year. The Geoffroy's Restaurant accessway crosses the developed parking lot and then is adjacent to the outside dining area with a stairway going down the bluff, crossing Escondido Beach Road, then between two houses to the beach.

Staff Recommendation

The staff recommends that the Commission authorize the transfer of \$25,000 from the Malibu Beach Access Fund to the Coastal Conservancy for subsequent grant to the Mountains Recreation and Conservation Authority to open, operate, and maintain two vertical accessways to Escondido Beach.

Location of Offers-to-Dedicate Public Access
Escondido Beach, Malibu

ALL accepted by Coastal Conservancy

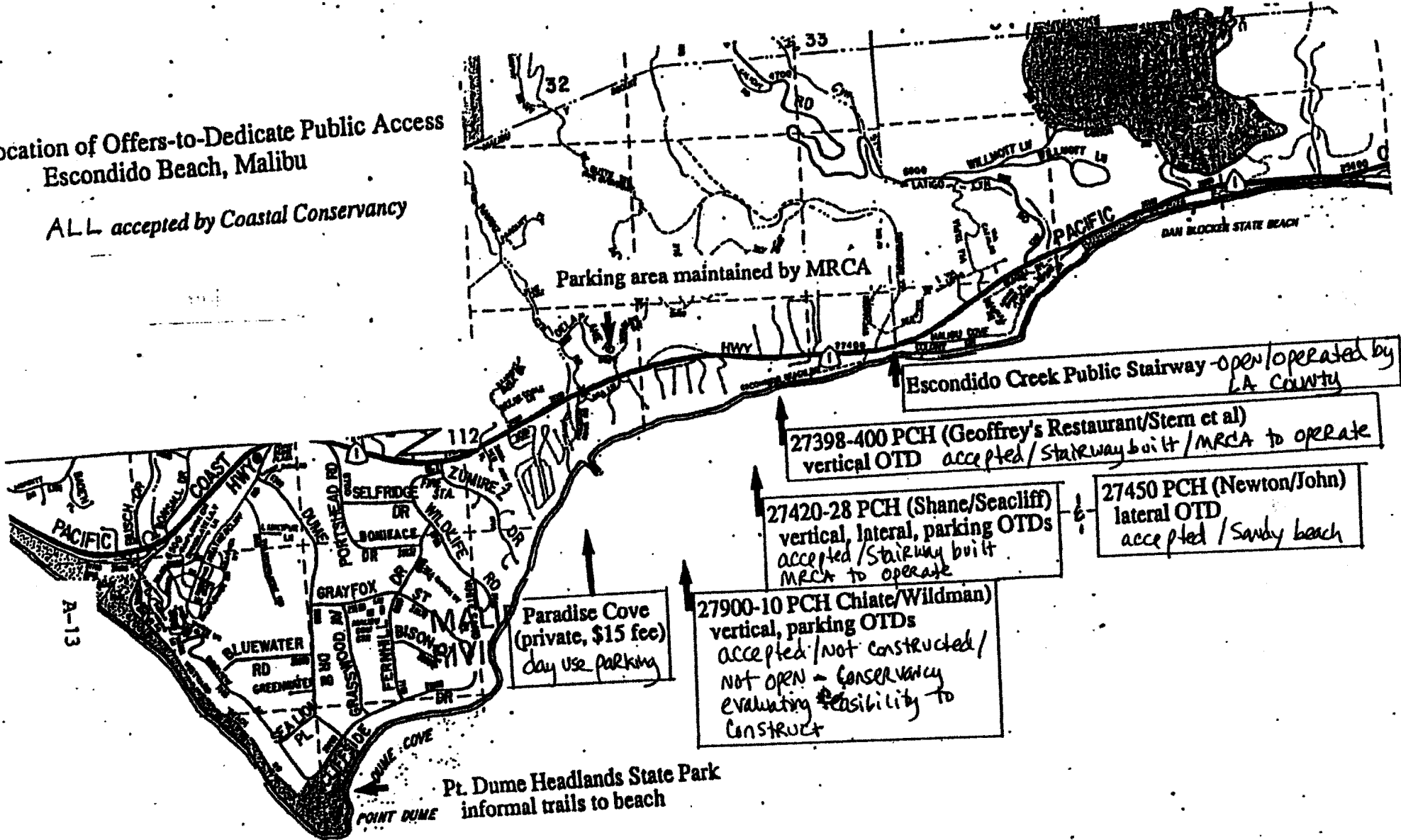


EXHIBIT NO.	1
APPLICATION NO.	
MALIBU BEACH	
ACCESS FUND	

