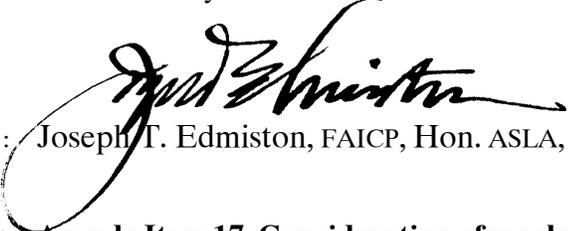


# Memorandum

To : The Conservancy  
The Advisory Committee

Date: December 10, 2018

From :   
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 17: Consideration of resolution authorizing augmentation of grant SMM-50-1108 to the Mountains Recreation and Conservation Authority for the Lechuza Beach public access project, City of Malibu.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing augmentation of grant SMM-50-1108 to the Mountains Recreation and Conservation Authority for the Lechuza Beach public access project in the amount of \$25,000, City of Malibu.

Legislative Authority: Sections 33204.2 and 33204.27 of the Public Resources Code; and Sections 79570 c and 79571 of the Water Code.

Background: The Mountains Recreation and Conservation Authority (MRCA) has submitted the attached request for an augmentation of grant SMM-50-1108 for the Lechuza Beach public access project.

On October 3, 2018, the MRCA Governing Board authorized entering into an agreement with the Malibu Encinal Homeowners Association (MEHOA) regarding the MRCA's proposed public access improvements. There are a few remaining tasks before the agreement with MEHOA can be finalized and executed, including finalizing the set of settlement agreements, revising the site design plans with minor changes to meet the Americans with Disabilities Act, and environmental review pursuant to the California Environmental Quality Act. Once these tasks are completed, MRCA staff will then be able to file a complete application with the City of Malibu for a coastal development permit, and bring the project through the City's hearing process. The proposed grant augmentation will help the MRCA complete the above described tasks.

## Analysis—Proposition 50

The State of California has authorized expenditure of funds from the Water Security, Clean Drinking Water Coastal and Beach Protection Act of 2002 (Proposition 50) to the Santa Monica Mountains Conservancy, in Chapter 10, Section 79570(c), for purpose of protecting coastal watersheds, including but not limited to, acquisition, protection and restoration of land and water resources and associated planning, permitting, and administrative costs, and for the

acquisition and development of facilities to promote public access to and participation in conservation of land, water, and wildlife resources. Eligible public access projects listed in Section 59571 include but are not limited to nature centers that provide wildlife viewing, outdoor experiences, and conservation education programs to the public and to students.

The Lechuza Beach public access project lies within the Santa Monica Bay coastal watershed, and the property and its existing facilities are resources for public recreational use. As outlined in the application, the proposed project is consistent with Proposition 50's goal to promote public access to land, water and wildlife resources. MRCA is requesting a grant augmentation to further provide facilities compliant with ADA that will support public recreational use at Lechuza Beach.

#### Analysis - General Obligation Bond Law

The General Obligation Bond Law provides that bond funds may be used for the construction and acquisition of "capital assets." Capital assets include major maintenance, reconstruction, demolition for purposes of reconstruction of facilities, and retrofitting work that is ordinarily done no more often than once every 5 to 15 years or expenditures that continue or enhance the useful life of the capital asset (Government code Section 16727 (a)). Capital assets also includes equipment with an expected useful life of two years or more. Section 16727 (a) also allows bond funds to be used for costs that are incidentally but directly related to construction including costs for planning, engineering and other design work.

This project is for the development, preservation, and protection of a capital asset, that is, a land and water resource in the Santa Monica Bay watershed. As such, it is a proper expenditure of bond funds. In addition, the activities that this grant will fund will enhance the useful life of the existing facilities and provide additional facilities that support public access, and on that basis as well qualify as capital assets for purposes of the General Obligation Bond Law.

Consideration: The application from the Mountains Recreation and Conservation Authority is for \$25,000 of Proposition 50 funds.