

STATE OF CALIFORNIA
COASTAL COMMISSION

SOUTH CENTRAL COAST
DISTRICT OFFICE

COPY

CITY OF MALIBU)	Local Coastal Program
)	Draft Land Use Plan
COUNTY OF LOS ANGELES)	Public Hearing
)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Tuesday
October, 30, 2001

Webster Elementary School
Auditorium
3602 Winter Canyon Road
Malibu, California

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California Coastal Commission Staff
October 30, 2001
City of Malibu, Local Coastal Program
Draft Land Use Plan

* * * * *

6:05 p.m.

SENIOR DEPUTY DIRECTOR DAMM: Hello, if I can have your attention, the time being five after six, I think we are going to get started now.

First of all, I would like to welcome everyone. I appreciate your attendance, and look forward to hearing what comments you have, with regards to the draft Land Use Plan that the Coastal Commission staff has prepared.

First of all, just so you know, my name is Chuck Damm. I am the Senior Deputy Director for the California Coastal Commission, responsible for the Ventura, Long Beach, and San Diego offices.

Gary Timm, who is sitting to my left at the end of the table here, will be making a presentation, in which he will go over some of the major points of the draft Land Use Plan that the staff has prepared.

But, our intent is not to spend a lot of time by staff going over the Land Use Plan, but rather to hear from you folks, and to hear what it is that is of interest or concern to you regarding the draft Malibu Land Use Plan that the Coastal Commission staff has prepared.

A couple of logistic things, just in case you haven't noticed, the restrooms are located outside the building to my left, the men and the women, or the boys and the girls as it says. Also, from a logistic standpoint, we will have to conclude this meeting by not later than 9:30. We have to be out of the building at 10:00 o'clock, and we have to put away all of the chairs, and the equipment that is in the room, so we need, approximately, a half-hour to get everything put away.

Also, if you wish to speak tonight, there are speaker slips on the table at the back of the room. There is also one or two staff people back there that can assist you. Please be sure to fill out one of the speaker slips, and submit it to them, so that we have a record of those persons who spoke tonight.

And, if you have any written comments that you want to provide, certainly when you come up to the microphone, feel free to hand those comments to one of the staff people here. We will keep a file of all written comments that we receive at the meeting tonight.

I think that concludes my introductory comments. I will turn it over to Gary Timm, and he is also going to introduce several of the staff people that are here.

COASTAL PROGRAM ANALYST TIMM: Thank you, and thanks for coming, folks.

Just, again, before we get started, I want to remind people, we do have speaker slips in the back that we would like people to fill out, if they would like to speak tonight, because we are keeping a tally of the number of people who want to speak, and that is how we will have to limit the amount of time that is available, based on the number of speaker slips that we have.

Currently, we think we can allow four minutes per person, possible a little bit more, but let's try to keep it to four minutes to start, because there may be people who are coming from work, and may be arriving later, so we also want to allow some time to hear from those folks.

Also, we do have a court reporter here tonight, Priscilla Pike, and she is reporting the meeting. We will have a transcript available, and you can contact myself, or just contact our Ventura office if you would like to receive a copy of the transcript. I will give you the phone number now, area code 805.585.1800, so you can just call in and leave your name and address. There

will be a charge. I am not sure what the charge will be. We will have to see how long the document is, and then we'll let you know at that time.

Again, I want to emphasize that the purpose of this meeting is to receive your comments regarding the draft Land Use Plan which was prepared by the staff of the Commission, in accordance with the requirements of Assembly Bill 988, which added Section 30166.5 to the Coastal Act. And, AB 988, in effect, required the Commission to prepare an initial draft of a Land Use Plan, and submit it to the city by January 15, and then to certify as a Local Coastal Program, which is the entire LCP, which includes the implementation portion, by September 15, 2002.

I do want to emphasize that the document before you tonight is a draft. It will be subject to hearings before the Coastal Commission in November, and we assume, again in January.

We will consider the comments that we receive. We assume we will be making revisions to the Land Use Plan. We may not, depending on the number of comments we get, we may not be able to make a lot of changes before the November hearing before the Commission, but between then and January, we will also be considering comments, and we will also be considering the comments that the Commission makes itself.

The document that ultimately comes out of the Commission after January -- I also want to stress -- is also a draft document, and it is not a final Land Use Plan. We do want to make sure that the Commission is comfortable with what they are transmitting to the city, and it will be the document that we will start with, to begin working on the implementation phases well.

Again, we are interested, primarily, tonight in receiving your comments, and we would like those comments to be directed toward the draft Land Use Plan, as much as possible. The contents of the plan, the relevant issues that it raises. There is limited time for staff to respond, and we probably will not be responding, unless it is something we can give a quick answer to, or clarification, because we mainly want to hear from your folks tonight.

We don't intend to discuss the politics that surround Assembly bill 988. We don't intend to discuss prior draft documents that have been submitted and circulated. We only intend to discuss the draft Land Use Plan which has been released by the Commission.

Before I speak to a few of the issues that I have become aware of, and have noticed in the local papers over the last few weeks, I do want to introduce some of our other staff members that are here. I introduced Priscilla Pike, the court reporter, earlier.

On my right is Melanie Hale, Supervisor in the Ventura office, and next to her is Jack Ainsworth, another Supervisor in the Ventura office. Chuck Damm, previously introduced himself, and next to Chuck is Barbara Carey, a staff analyst who worked on the draft Land Use Plan. Primarily, Barbara and myself, put together the plan, with comments from other staff members. We also have a few other staff members that are sitting in the audience, and helping out in back, handing out speaker slips.

Let me go on and just briefly address some of the issues that have been brought up and referenced in some of the local papers, anyway, and speak to the Land Use Plan.

Relative to visitor-serving designations, the Land Use Plan does allow for a greater amount of visitor-serving uses in the plan than is currently existing in the city's general plan. In particular, certain properties within the civic center area have been recommended for redesignation to CV, or a visitor-serving use.

Under this designation, which is a designation that already exists in the city, a range of uses would be permitted. Those uses would include hotels and motels, in some cases other restaurants, various shops and so forth. It is not a mandatory requirement, though, that only a hotel or motel can be the permitted

use on any parcel within the city. That is the city's determination under the Local Coastal Program once it is certified. It will be the city's decision as to what uses are permitted in a particular designation.

However, the Coastal Act does provide for certain uses, certain priority uses, and among those are visitor-serving uses, and in that respect we did feel that there needed to be a few properties that were designated for that use.

Regarding, the civic center, in particular. We are aware of the specific plan that the city has been involved in negotiating. We also realize that that plan is not a done deal yet. But, we also feel that the most effective means of handling the land use issues within the civic center is by a specific plan.

We did not want to be responsible, at the staff level, for writing a specific plan ourselves. We wanted to leave that to the city. We did put some parameters in the Land Use Plan regarding the uses that would be allowed in the civic center in the specific plan. We are certainly open to suggestions on the components to that plan, and will consider that, as well.

Also, as far as that approach to the civic center specific plan, it would be something that would come back to the Commission at a later date, as an amendment to the LCP, if it is not taken care of within the next year, or so, within the final document.

I wanted to address the Malibu Bluffs site, and the Crummer site, as well. As I think everybody knows, the Commission and the State Department of Parks and Recreation have wanted to find a new home for the ball fields for a number of years now. And, we, again, are also familiar with the draft development agreement that is under negotiations with the owner of the site, or Crummer or his representative.

And, we have, in a meeting with the city maybe a year, or so, ago -- I don't remember when -- and also in discussions with State Parks, and representatives of the Crummer site, we are supportive of that concept, and we do have some concerns that we have expressed, relative to the preliminary site plans we have seen for the Crummer site. We think there is too much grading at this point. We think some of the lots are located where there could be some significant view impacts from the State Park, itself.

But, we are supportive of that concept, and we did, in the draft Land Use Plan we released, designate the Crummer site for visitor-serving, and we did that because, again, similar to the civic center, it is not a done deal yet. We don't want to be designating that site for all residential use, and then not have an agreement reached that would provide for the ball fields to be moved to that site.

We are, however, though looking at a way in which we can revise the Land Use Plan to allow for that agreement, something that would more reflect the concept of the development agreement as it is currently being worked out, but yet would have some form of reservations, or some requirements that would not allow development of residential units to go forward until the agreement is complete. We are not quite sure how to do that now. We are talking with our attorneys, and it is something that we are considering, though. And, I do want to assure the folks here that we are supportive -- as I said earlier -- of that particular concept.

Regarding Point Dume, there has been some statements relative to parking in a past agreement that was reached between the Commission and the city on Point Dume. And, our policy in the Land Use Plan, relative to parking at Point Dume, simply recommends -- and this is a recommendation -- recommends continued coordination by the city with State Parks to provide access and parking consistent with efforts to restore, enhance, and protect the sensitive resources of Point Dume. So, we think the recommendation in the Land Use Plan is consistent with the agreement reached with the city.

There has been a statement that we have noticed that seems to suggest that the Land Use Plan requires a sewer in the city. The Land Use Plan does not

do that. There are Policies 7.19 through 7.21 allow a sewer to be proposed in the city. The city would have to initiate the process.

The policy states that any sewer proposed would have to meet certain requirements. It could not be growth inducing. It would have to be sized to meet the amount of growth allowed in the Land Use Plan. It must protect resources, and most importantly, it must be approved as an amendment to the LCP by the Commission. So, the Land Use Plan does not require a sewer in any way, any shape or form.

This is not a major issue, but there were some comments made relative to temporary events, and some statements that under the policies in the Land Use Plan a birthday party on the beach would require a permit. Well, again, this is not true. The LUP simply incorporates the Commission's guidelines on temporary events, which have also been incorporated into the Coastal Act, have been distributed to all local governments over the years, and they are simply there as an aid to local government to determine when permits would be required, but more importantly, to identify the instances when an event would be exempt.

And, these guidelines are actually quite liberal in exempting temporary events on the permit. You would have to fence off a portion of the beach; you would have to charge admission; you would have to hold an event between Memorial Day and Labor Day before a permit would be required. So, I just wanted to clarify the intent of those policies.

Also, as far as exemptions, disaster rebuilds have always been exempted under the Coastal Act, and in fact allow an increase in size of up to 10 percent. There are some other requirements: that a rebuild has to occur in the same location on the site, and be for the same use, but those structures that are destroyed by storms, fires, have always been exempt from permits. In fact, in 1993, after the fires in Malibu, we passed on the authority from the Commission to the city staff to make that determination, so folks would not have to come to us to get it.

Finally, regarding public access, the Land Use Plan, essentially, incorporates the standards and objectives for siting and locating public accessways that were included in the 1986 Land Use Plan that was certified for Los Angeles County.

Where there are policies in the Land Use Plan that state an access easement or dedication, an offer of dedication shall be required, there are also policies in the Land Use Plan that deals with the requirement to consider relevant court decisions, such as the Nollan decision of a number of years ago, and other court decisions.

The city as the permitting agency, will have to be able to demonstrate there is a nexus between the development and an impact on public access before they would be able to require such an easement.

Also, I want to stress, that within the access policies within the Land Use Plan, and also within the resources section of the Land Use Plan, there are numerous requirements that the provision of access be balanced with the protection of resources.

And, we are certainly, again, interested in your comments tonight, but I did want to make those points that is all I have to say at this time. Again, if there is time, we will try to respond to your comments, but we mainly want to hear from you.

I see we need -- we have 40 speaker slips, and so just under four minutes per person, so having said that, we'll let you folks start. And, Melanie will call off the name of the individual, and if you would come up and state your comments, we would prefer it if you would withhold applause, or boos -- even though it is Halloween. If you could do that, then more people will be able to speak, and it will also be easier for Priscilla to report your comments.

Staff will also be keeping a timer --

[Audience Response]

I'm sorry. I am not on the microphone, now, but Jack will be keeping time. There is a little light up here that will indicate when you've got 30 seconds left, and when it turns red your time is up.

COASTAL PROGRAM ANALYST HALE: All right.

The first speaker will be Katie Lichtig, followed by Barry Hogan, and Stacy Richens, and then Jack Evans, in that order.

Katie Lichtig, please.

And, when you come to the mike, if you would state your name for the record, for the court reporter, please.

MS. LICHTIG: Good evening, my name is Katie Lichtig. I am the acting City Manager for the City of Malibu, 23555 Civic Center Way, Malibu.

At the request of the city council, I am here, along with the planning director, Barry Hogan, to take advantage of the city's first opportunity to comment on the Coastal Commission's draft LUP. The city staff, and the city council, are disappointed that there has been little, or no, effort to engage the city's assistance during the development of this LUP. This is true, even though the city produced a draft LUP long before the Coastal Commission completed its draft, and development, of the document that is before us, and even though the city offered repeated offers of assistance.

Not only is it unfortunate, but we believe that it contradicts the fundamental tenets of the Coastal Act. The Act states, and I quote:

"To achieve maximum responsiveness to local conditions, accountability, and public assessability, it is necessary to rely heavily on local government, and local land use planning procedures and enforcement.

End, quote.

As a practical matter, in order for the Coastal Act to work, the city must be involved in the development of the Local Coastal Plan. To date, the city's efforts to be involved in the development of the Local Coastal Plan developed by the Coastal Commission has been in vain.

To exclude the city in the preparation of this document is a gross oversight, in our opinion, and in direct conflict with the stated precepts of the California Coastal Act.

Malibu believes that effective implementation of the Coastal Act is built upon a foundation of local land use policy. The Act recognizes that implementation must occur with city support. It recognizes control of local land use decisions rest with the city. It is the cities which enforce and implement the policies of the Local Coastal Plan, not the state. It is the cities who are the first line in dealing with the complicated issues of protection, access, and development in the coastal zone.

As we all know, the city is located entirely within the coastal zone. This community cares deeply about the coast, the hillsides, and the environment; moreover, this community has a strong record of protecting these resources from over development. Malibu is a city which has a general plan which already embodies most, if not all, of the Coastal Act requirements.

Malibu asked on numerous occasions to be an active participant in the preparation of this draft, and this draft as mandated by AB 988. Obviously, we did not ask for AB 988. It was forced upon the city by the state legislature. Even then, the city council directed staff to work with the Coastal Commission staff in preparation of the plan. At every point the city's participation, while offered, was rejected, or ignored.

I am still trying to figure out who is better to help in the preparation of a Local Coastal Plan than the locals? This being said, we must move forward from here.

City staff, and concerned citizens of Malibu, have spent countless hours analyzing the Commission's draft Land Use Plan. This notebook contains only a

portion of the review to date. So far, the city council has held two hearings to gather comments from Malibu's concerned citizens regarding the proposed draft LCP. This draft evaluation incorporates the analysis completed by staff, as well as the thoughtful input from concerned citizens.

Our review will continue, as will the city council's efforts to obtain input from their constituents.

I would like to ask Barry Hogan, our planning director, to outline broadly the concerns that have been identified with the Local Coastal Plan draft from the Coastal Commission.

COASTAL PROGRAM ANALYST HALE: Thank you.

Barry Hogan.

MR. HOGAN: Thank you, Katie.

I am Barry Hogan. I am the planning director for the City of Malibu.

The draft LUP is replete with detailed regulations which are way beyond the Coastal Act requirements. Appointed state officials have no authority to determine, for example, that only one accessory structure should be allowed on a residential parcel. No policy in the Coastal Act dictates that a guest house must be limited to 750-square feet. We feel that the draft LUP far oversteps its bounds.

The draft LUP also proposes exactions, which have already been settled against the Coastal Commission in court. The city cannot legally take the 10-foot wide easement you want every beach-front property, where there is a single-family home, to be built.

The draft Land Use Plan needs to be consistent with the Coastal Act, respect current settlement agreements, and follow the decisions of the court in this area.

The Coastal Commission has complained about Malibu days at its meetings. This draft LUP, if adopted as proposed, makes every decision subject to appeal to the Coastal Commission; therefore, it does not represent any hope for relief from Malibu days.

The City of Malibu has provided the Coastal Commission staff with a draft Local Coastal Plan which underwent public comments, and reflected the policies in Malibu's general plan, consistent with the Coastal Act. To date, coastal staff has turned a deaf ear to the city's effort, and we hope that in addition to reviewing the comments contained in the binder which I will give to you, the Commission will also take a serious look at the Local Coastal Plan prepared by the city, and previously transmitted to the Commission.

Thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

Stacy Richens, followed by Jack Evans, please.

MS. RICHERS: Good evening, my name is Stacy Richens. And, I am the assistant regional commissioner of Region 759 of the American Youth Soccer Organization. You may know us as AYSO. I am certain that many of you have either played AYSO soccer, or have children who did, or who perhaps currently do.

Since 1969, AYSO has provided a fine, high quality sports experience, for tens of millions of children in the United States. This year, approximately, 400,000 California children, and young adults, age 5 to 19 are enrolled in AYSO. In Malibu, our regular season begins in August, and is followed by a league season, and an all-star season, that extends into the spring. During those nine months, AYSO provides quality recreation experience for California children, without regard to their place of residence, or their ability to pay. In fact, my own family lives in Agoura Hills, but we play here at Bluffs Park.

If the Local Coastal Plan is adopted as drafted, I am concerned that my children, and thousands of other California children, will lose the soccer fields at Bluffs Park forever.

And, that speaks to this point I respectfully make tonight: Malibu Bluffs Park, which is the home field for most of the AYSO soccer teams based in Malibu, is used by dozens of teams, and hundreds of California soccer playing children. Bluffs is not just used by Malibu children.

Just to give the Coastal Commission an idea of the super-regional nature of soccer at Bluffs Park, in just the last four years, AYSO teams from Moorpark, Thousand Oaks, Agoura, Westlake, Pacific Palisades, Simi Valley, Newbury Park, Woodland Hills, and Valencia have played at Bluffs.

In 1998, there were even teams from Sweden and Germany, who played at AYSO matches against California-based AYSO teams.

So, the bottom line is if Bluffs Park is allowed to revert to sage brush, chaparral, and bluff-top trails, as the draft of the Local Coastal Plan contemplates, then thousands of California Children, not just Malibu children, will lose the five premier scenic soccer fields that we share with Little League, and Pony League baseball.

In speaking of sharing, I would like for the California Coastal Commission to recognize that AYSO also shares the Bluffs Park soccer fields with Pop Warner football players, who hold some of their pre-season scrimmages there. Many of these California football players are bused in from Compton, or the Crenshaw district of downtown Los Angeles.

Turning Bluffs into an unimproved field for passive recreation, or worse an RV park, will deny thousands of California children access to playing on well maintain, well manicured, beautiful grassy fields that are scarce everywhere, but especially in the inner-city of Los Angeles.

As a California, and not a Malibu soccer Mom, I don't care about the constitutionality, or the unconstitutionality of the Coastal Commission, and I am not really concerned about which previous Local Coastal Plans were certified, and which were not.

As a California soccer Mom -- and I assure you there are plenty of us -- I am concerned that these premier fields at Bluffs Park will be lost to our California children if the Local Coastal Plan is adopted as currently drafted.

In its 2001 strategic plan, the California Department of Parks and Recreation lists as one of its missions, and I quote:

"Creating opportunities for high quality outdoor recreation."

I respectfully suggest that Bluffs, as it currently exists, is fulfilling that mission for more California children than it would if it were turned into an RV park.

Long live soccer, and football, and baseball, and softball at Bluffs Park.

Thank you.

MR. EVANS: Hi, my name is Jack Evans. That is a hard act to follow, Stacy. I am also here to speak about the Bluffs Park.

As a past commissioner of AYSO, and current president of Little League, I feel like I am representing the families here in Malibu, and on any given weekend you can see, maybe, 900 kids in the fall for soccer, and 400 for baseball in the spring.

I think the point is, I grew up here in Malibu. There wasn't a need for a park, because we had about 2000 people here. Today, we are a full-sized urban community, and we need that park. The government has shown us enough studies that the way to keep kids off drugs and off the streets are through organized sports, and we have an incredible organized sports program here. And, I can't imagine losing it, and I don't feel that any political body has the right to deprive us of organized sports in Malibu.

So, even if the Bluffs, in the future, will have a different utilization, in the short term, we can't afford to lose playing fields, and we need at least the Bluffs for a period of time until some of the alternatives can be developed and we can have playing fields here in Malibu.

Thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

Frank Basso, followed by Laura Rosenthal, and then John Wall.

MR. BASSO: Good evening, my name is Frank Basso. I am representing the Malibu Township Council, which I am president of this year.

The MTC can support some of the September 2001 policies; however, the following are recommendations for changes that we would like to see implemented.

Malibu offers its visitors a unique and natural recreational experience. Since an abundance of manmade recreational facilities are available in the Los Angeles area, and as consistent with the coastal priority of protecting natural resources, Malibu's natural resource areas should be protected.

Most of the Malibu visitors come for the day from greater Los Angeles areas. The remainders are traveling enroute to Los Angeles, Ventura, and Santa Barbara. Malibu's existing motels, and the Adamson project will provide adequate facilities for them.

We recommend that the Crummer site remain RR2, rather than CV2, which would allow a hotel. It is adjacent to the Bluffs Park, which is very important to everybody in this community, and would visibly affect the park, which would be identified by the Santa Monica Bay project as a visibly unique site for the Santa Monica Bay.

The heavy access, or emphasis on coastal access is out of balance with other coastal priorities of resource protection, and access consistent with protection of property rights. The Nollan and Dolan court decisions limit the permitting agency's ability to exact easements in return for a permit. This needs to be acknowledged in the access chapter. Public access should not be allowed in ESHAs.

Parking on the inland side of PCH is unsafe, and should not be allowed.

We do not support developing camp sites along trail routes, because of the hazard camping would be with fires. Camping should be in parks with rangers who can control these problems.

We do not support the requiring of shoreline access every 1000 feet. Malibu already has many beach sites, inland parks, and accessways for public use. The Nollan and Dolan decisions limited the agency's ability to require easements. Accessways must be safe to both the user and the property owner, and should be properly maintained, and who is going to pay for all of this?

We support the stringline policies for beach front development. We support bluff setbacks, and the requirements for construction of shoreline protection devices. We recommend inclusion of the beach rear-yard overlay from the city's Section 9216.

Commercial floor ratio, recommended by the city is .15. You have recommended .25. That over does it.

MTC supports an environmental review board that reports directly to the decision-making body.

We support shielding of night lights.

MTC supports protection of native trees, and other plants in our area.

We recommend a minimum of -- that people with their property can have one residence, one guest house, as well as recreational amenities, such as a pool or tennis court, depending on the size and slope.

MTC has long supported a lagoon management plan. We recommend Trancas Creek, and the mouth of Zuma Creek, seaward side of the Pacific Coast Highway to be protected.

We support many of the waste-water managements; however, P-322 prohibiting garbage disposals is too restrictive and should be removed. If people want to pull up their cesspools and pay for pumping, then let them pay for it.

Thank you very much for your time.

COASTAL PROGRAM ANALYST HALE: Thank you.

Laura Rosenthal.

MS. ROSENTHAL: Good evening, my name is Laura Rosenthal. I am a Little League board member, and I am also a parks and rec commissioner for the City of Malibu.

And, I am really here this evening -- I didn't write anything down, but I've been thinking about this a lot, and I have read the LCP, and many of the comments that the city staff has done also, and I want to talk in generalities this evening, because I think it is very important that we, the citizens of Malibu, have a say in this.

And, though I understand that the Coastal Commission is concerned with visitor-serving activities, the people of Malibu are concerned with resident-serving activities and things. And, I think that we need to find a balance between the two. We can't have all of one, and we can't have all of the other. I understand that Malibu belongs to all of the citizens of this country, and it is a beautiful place, but we live here, and we pay for the upkeep of this, and we cannot lose the very precious few recreational activities and places that we have now.

And, basically -- as I am sure you know -- we are talking about Bluffs Park, and then we do have the high school that we use for AYSO and Little League, and some of our other baseball activities.

What you are asking us to do is to give up the little that we have for the families of Malibu, and the children of Malibu, so that we may serve visitors. Bluffs Park serves visitors and residents of Malibu right now. There are 70,000 cars that go through Bluffs Park every month, and to take that away, and to say we have to have, you know, open chaparral, we have to have this as the chili cookoff site, we can't have that, this is our town. We need to have activities, active recreation activities for the citizens of our city.

And, as a parks and rec commissioner, I am dedicated, and we are all -- all five of us -- are very dedicated to preserving that. We have many, many more families in Malibu, and children than we used to have. We don't want them to feel that they have to drive to Santa Monica to be able to play, to go to parks, to go to play grounds, to be able to play in AYSO, or Little League, or any of the other sporting activities.

So, we -- as I said before -- are dedicated to keeping and finding ways that we can have both resident-serving, and visitor-serving activities.

Thank you.

MR. WALL: I am John Wall, and I do agree with most of the comments that have been made so far, and probably will be made. My remarks are focused on four very specific and small items, because they are probably items that won't be picked up by somebody else.

On page 8, Item D. sub (c) it reads:

"Maximum public access to and along the coast and maximum public recreational opportunities in the coastal zone consistent with sound resources conservation principles and..."

And, I would like to take the word "and" out, and put in a comma.

"...constitutionally protected rights of private property owners."

And, I would like to put a comma.

"...and public safety."

There is a second one on page 9 of the same kind, in Item (2) at the top, where it reads:

"Where conflicts between one of more policies of the Land Use Plan occur, such conflicts must be resolved in a manner which on balance is the most protective of significant coastal

resources."

And, I would like to add after that,

"...while protecting public safety."

The reason is, is that although the Coastal Commission doesn't seem to have an obligation for public safety, the City of Malibu does, and although you have picked it up on some places, for example, on page 13 there are several references to public safety. There are many other places through the whole document where it isn't mentioned, and it is a key factor, and I think it needs to be put in right up front, where everybody sees it, and where it would apply to everything.

My second comment deals with page 60, Item 3.69, and it reads:

"Crop, orchard, or vineyard uses in conjunction with an existing or new single family residence..."

And, I have an orchard. It is commercial, and I have a single-family residence.

"...may be permitted only within the irrigated fuel modification area required by an approved fuel modification plan for the approved structure."

I can't figure out what that means, because I don't have any approved structure except what the Coastal Commission approved in 1973. I don't have any fuel that I know of. The field was chaparral when I moved there, and is now more or less protected from fire by that.

So, whatever it is that is meant there, really needs to be clarified.

On page 125, there are some restrictions on parking on the coast highway, and on the nature of the cross mountain roads, except for Kanan Dume.

The problem I have with those is those are both requirements placed on Caltrans, not the City of Malibu. The coast highway, the city has no jurisdiction over, nor does it have on Encinal Canyon -- not Encinal -- Decker Canyon, which is what? Route 23?

And, therefore, I think those things should be removed from the city's plan, and the Coastal Commission should make whatever adjustments it wants with their agreements it wants with Caltrans, because they have the authority.

And, finally, the document is more than 100 pages long, as you know. It contains numerous policies in it. It reads very much like the Malibu general plan in the detail that is involved.

And, one characteristic of the Malibu general plan is that of the 470 or so requirements in there, only about 20 percent have ever been enforced. And, the reason is, really, fairly simple. It is so complicated, nobody ever can read it. It is probably hardly anybody who has ever read the entire document.

So, I really would like to see you shorten, or simplify the thing, so that it is simple enough we can read, and provides guidance, and not infinite details.

Thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

The next three speakers, in this order, will be Carolyn Van Horn, Efrom Fader, and Bill Carson.

MS. VAN HORN: Carolyn Van Horn, and I am speaking for the Malibu Township Council.

Access and recreation, the Coastal Act encourages visitor-serving facilities that are scaled and designed to be compatible with the existing community character. Malibu offers a unique recreational experience, that of national recreational areas, as opposed to manmade recreational facilities, which are abundantly available in the Los Angeles area.

Because of the fragile environment, a balance must struck between preserving those natural amenities -- which is a Coastal Act priority --

providing for recreational facilities, and public health and safety -- which is a city responsibility.

And, I might add here, that it is documented that there are over 13 million visitors to our beaches every year, and that number is increasing. You can check with the life guard, right.

And, most of those are people -- and I would say, if you go to the Zuma Beach, you will see there are families, Hispanic families. It is only 40 minutes, or so, for them to get from an urban area out here to an undeveloped, pretty much, where you've got the mountains and the ocean and you have this very rural character. They don't come out here to go shopping. They come out here to experience the beach.

And, up at Zuma Beach, where primarily most of these visitors are, you have the protection of the health and safety. You have life guards. You have sheriff, and you have the facilities of eating, and of the restrooms, and so on. So, I think that is very important that the Coastal Commission understands that there is a high visitor-serving already in this area.

Overnight, the accommodations -- experience over many years, indicates that there are two basic groups of visitors to Malibu. The first is made of residents of the greater L.A. area, who come to Malibu for the day. These visitors do not use overnight facilities. This group makes up the majority of visitors -- which I just referenced -- to the coastal zone, who enjoy the natural amenities of the beaches and mountains.

The second group is made up of those who travel through Malibu enroute to either L.A. or Ventura. Eighty- some percent of the traffic on PCH is commuter.

The number needing overnight facilities is modest. There are sufficient overnight accommodations within 30 minutes travel time north, or south, of Malibu that provides much broader services. Malibu's existing motels, and the approved Adamson hotel project, will provide adequate facilities for these visitors.

We recommend, therefore, that the zoning on the Crummer site adjacent to Bluff Park, remain RR2, rather than CV2 which allows a hotel. The federally funded five-year EPA study, Santa Monica Bay Restoration Project Study, identifies the Bluff Park site as one of two environmentally and visually unique sites on the Santa Monica Bay, and I would encourage you to access that study, because there was a lot of research that went into there.

Also, the Crummer site has a long history of abandoned high density projects because of the risks of water percolation, destabilization of the bluff above Malibu Road, and because it is in an Alquist Priola earthquake zone.

Public access and recreation, the Coastal Act's three priorities are protection of natural resources, balanced utilization of coastal resources, and maximization of public coastal access consistent with protection of property rights.

We find the current draft's emphasis on coastal access, and provision of recreational facilities, to exceed the other two priorities, that of resource protection, and protection of property rights. These three priorities need to be implemented evenly to meet the requirement of balance.

The Nollan and Dolan --

Am I finished?

COASTAL PROGRAM ANALYST HALE: Close, but keep going. You have a bit --

MS. VAN HORN: The Nollan and Dolan court decisions limit the permitting agency's ability to exact access and easements in return for permits. There must be a nexus to the easement being required on the development sites.

Again, I would bring attention to the health and safety factor.

Thank you.

MR. FADER: My name is Efrom Fader, and I am also speaking for the Malibu Township Council, and I would like to refer to some of the items in the LCP that was prepared by the Coastal Commission.

As for the shoreline erosion and protective structures, MTC supports most of these policies, in particular 4.26, setbacks for bluff development; 4.29 and 4.38 pertaining to stringline restriction of seaward extension of structures, decks, patios, and shoreline protective devices; and 4.36 pertaining to construction of shoreline protective devices.

We recommend that for protection of Broad Beach dunes, 4.31 be amended to include implementation of the Trancas Beach Rear-Yard Overlay District, Section 9216 of the Malibu Zoning Code.

In 3.42 and 5.16, limit of the number of structures on site, we recommend this be modified to allow one main residence and one additional structure for habitation, guest house, and so forth, plus recreational amenities such as a corral, pool, and/or tennis court, or similar type improvement, depending on the site size and slope.

The proposed TDC program, to allow additional structures on site should not be implemented. This provides for preferential treatment for those who are willing to purchase TDCs to increase allowable number of structures, and has nothing to do with the site's capability of accommodating those structures.

As for item 7.19, citywide public sewer, the Malibu Township Council has a long history of strongly opposing a regional sewer system, and still does. The geological history of Malibu, and Malibu's experience with continual breaks in the underground water mains amply demonstrate the folly of attempting to provide waste water treatment for the Malibu area via conventional collector system, which concentrates treatment of sewage, and subsequent disposal of the effluence.

The civic center area has a very high water level that would impact underground pipe installation. PCH has many landslides traversing it, which could trigger much more devastating sewage spills into the ocean, than would come from malfunctioning individual septic systems.

As for the hillside management program, Item 4.7 and 5.6, the Malibu subdivision ordinance establishes a slope density formula to determine lot areas for new lots that is applied to property of 10 percent, or greater, slope. Malibu general plan use implementation measure 26 delineates a formula for calculating structure size, dependent on slope of the site that also is applied to property of 10 percent, or greater, slope. We recommend that both of these formulas be incorporated in the LUP replacing the recommendation that hillside management evaluation be applied only to properties with slopes of 25 percent, or more.

Section 5.24 to 5.32, lot retirement program, MTC does not support the transfer of development credit program, especially if it is cross-jurisdictional, that is county to city. We do support a land trust program which can receive monetary and land donations, which afford tax credits to donors and that provides for direct purchase of properties for use of open space and recreation and parks.

COASTAL PROGRAM ANALYST HALE: Mr. Fader.

MR. FADER: Restriction of --
I'm sorry.

COASTAL PROGRAM ANALYST HALE: You are almost out of time. I notice you have detailed comments, and for anyone else here who does, you can certainly submit those to us and we will put them into the record.

MR. FADER: Okay, well, that we will do.

COASTAL PROGRAM ANALYST HALE: That will be fine, thank you.

MR. FADER: Okay, thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

Bill Carson.

MR. CARSON: Bill Carson, I live at 23233 Mariposa here in Malibu. I am going to hand out this, so you can follow along what I am going to talk about.

And, the issue that I have is the Arizona crossing of Malibu Creek at Cross Creek Road. Let me tell you that it was a great shock to me to read Section 3.1 and 3.3, which effectively said the only way you can go across the creek is with the bridge. Well, that seems like a wonderful idea until you think about a bridge.

And, the other factor that I certainly am concerned about, is this is dramatically different than our coastal permit which was issued by your agency in 1996 for the creek crossing. I recommend that you go back and read that permit.

For the last several months we have been meeting with every agency known to man, it seems, concerning improving that creek crossing. We have general agreement that the best way to implement any crossing, within all of the constraints that there may well be, is through a series of box culverts.

Now, why is that crossing important to us? It is the only deeded access to a public road for 34 homeowners. It is required by the fire department. The fire department doesn't like to come in if they can't get out, and we want them to come out.

And, the other thing is, long before the Coastal Commission, and any of us were around here, that crossing existed. We have pictures in the 1890s of people going across that crossing.

And, certainly, what we want to do is, certainly, to deal with the Coastal Commission, make you part of our team, and let's get something done on the crossings.

I want to talk a little bit about the bridge, and why I think it is not the best idea in the world. Your requirements are a single-span bridge. The abutments have to be out of the waterway, and way out. Right now, we sit with a 100-year flood plain at 29 feet above sea level, and if you build a bridge you are going to make an allowance for trees and obstructions coming through, you are going to make an allowance for any deck, and superstructure. This estimate puts our roadbed at elevation of 35 feet.

The bridge length is about 200 feet to do this. Do you realize that the Malibu Lagoon bridge, the piers are 90-feet apart. We are dealing with more than twice that amount. This is a freeway construction project, not a nice simple, do-it-yourself bridge project.

The other factor that turns out when you have got a 35-foot high bridge, it ends up 11 feet above Cross Creek Road, and 10 feet at Mariposa. So, if you look at the pictures that we have, kind of look at, the bridge kind of goes out and stops in mid-air, and you can see, David Foster can never get into his house, and if we build a bridge would have to take all, or a good deal of David Foster's property, a good deal of Bill Walhoffer's property, and the same thing is true on both sides, you know, we shoot right through the middle of Bill Willaker's property.

To build a bridge would mean we'd have to acquire four major properties. That is \$10 or \$12 million at prices here in Malibu, just unaffordable, you know. Even, the state wouldn't do that, although the federal government might, but the state wouldn't.

COASTAL PROGRAM ANALYST HALE: Your time has run out.

MR. CARSON: Okay, I'll just wrap it up and say we want to work with you. We'd like to meet with you. We will meet with you at any time, any time, about this.

So, thank you.

COASTAL PROGRAM ANALYST HALE: The next three speakers, in this order, will be Geoffrey Hunter, Richard Sol, and Sarah Dixon, please.

MR. HUNTER: My name is Geoffrey Hunter. I am a Point Dume resident, and I am here to address a number of points that specifically concern my own property.

My comments are based on my reading of the plan, and I am not a lawyer; however, I am not naive, either, and I have had some rather contentious dealings with the Coastal Commission, so I read this stuff, and I can see all types of problems for me.

I live in an area, which according to the current zoning, is RR1, which is one unit per acre. My house was constructed prior to 1950. The lot was subsequently split in the late '50s so that my portion of the lot where my house sits is approximately one-half an acre. It is also in an area that is currently designated as an environmental sensitive habitat area.

My concerns are primarily concerning non-conforming use policies in the plan; restrictions on repairs, maintenance; and life-extending activities. It appears life-extending activities could be interpreted to I can't even paint the house, I can't caulk the windows, I can't replace the roof.

I am in serious trouble if my house has extensive fire or termite damage, because I can't rebuild it, as I interpret it. I lose the use of my property. The ESHA policies further complicate my problems. I really read these -- they are very confusing. I really can't quite understand and fathom, and all, but it really sounds like big trouble to me. It really complicates my historical use of the property, and historical use that is prior to the Coastal Act.

I recommend that, two, grandfathering take place. Now, people talk about grandfathering, and they say grandfathering is in the plan, but that is bullshit -- pardon the language. For example, show my property as grandfathered, that is what I would like. I am sure there are a lot of other people that have the same problem I have, in this room, that would like to see the same sort of thing.

The other problem I have is reading the draft plan. There are many sections that are repeated time and time again in the plan, and each time they repeat them, they change something in it. They add something, they subtract something. It is really hard to get a thread on this thing.

And, that is my comments.

COASTAL PROGRAM ANALYST HALE: Thank you.

Richard Sol.

[No Response]

Is he not here?

UNIDENTIFIED SPEAKER: No, he is not.

COASTAL PROGRAM ANALYST HALE: Okay, sorry.

Sarah Dixon.

MS. DIXON: My name is Sarah Dixon, and I would like to take just a moment before I go ahead with my comments, to point out that the Malibu Coalition for Slow Growth has brought a model for you to look at, that takes a look at how we think you might be able to do some increased commercial development in the civic center area, and still allow us to have some of the amenities that we need, and also allow us to restore the historic wetlands that exist underneath the civic center area, particularly, in view of the fact that so many of California's wetlands have been decimated.

We have some historical wetlands that are just sitting under fill, and this is a wonderful opportunity, if you could find a way to facilitate that, while at the same time compensating the landowners, of course, for their land. There is money available in various places, and there will be more with all of the bond issues that are coming up, so we hope you take a good look at that, and take it into your creative center. Thank you.

As to my own comments, I pretty much agree with what everyone has said, and I would just like to add a few comments to what has been said.

I would like to point out that the Santa Monica Mountains National Recreation Area extends from Point Mugu to Griffith Park, and Malibu is part of that. We are an inter-jurisdictional national recreation area. And, the national recreational area, as I am sure you all know, values natural resources,

and natural experiences over commercial recreation in the national recreation area. You will find that in their plans, and you'll find reasons for it in the enabling legis- lation that created the national recreation area.

I have great concern about the commercialization of Malibu. The reason for that is pretty much what some people from the Township Council said, that we serve low- income people from everywhere, and it is a wonderful diversity that you see, between an area with very high land values, where it is difficult for many people to ever expect to live. And, yet, this area is available for low- cost, and no-cost, recreational activities. It is just really important, and I just hate seeing it commercialized. I don't like the idea of high-cost lodgings, and high-cost visitor serving in this area. We have as much of that as we need.

I think that resource-dependent development could perhaps be more carefully defined for this area, in terms of what is really needed to serve the population that enjoys it.

I would like to address 3.65 and 3.66, and this is about trees. I think it is a really good idea to try to keep our native trees, but I am not sure that allowing people to pay to put them somewhere else is such a good idea, because these ESHAs need the trees that are already there.

I am on "yellow" so I will just have to leave my comments with you. I have lots more. I will send you more.

COASTAL PROGRAM ANALYST HALE: Thank you very much.

The next three speakers, in this order, John Mazza, Ozzie Silna, and Susan Jordan --

MS. JORDAN: I'll pass.

COASTAL PROGRAM ANALYST HALE: Then, Marny Randall would be third.

MR. MAZZA: John Mazza. I am representing Malibu Riviera One, Malibu Riviera Two, Malibu Riviera Three, and the Point Dume Association, which represents about 20 percent of the people in Malibu, and we urge you to reject the policies regarding the Dume Cove, and Paradise Cove, found on pages 33 and 34 of the draft coastal LCP.

The 1976 Coastal Act Section 301075 define environmentally sensitive areas as, quote:

"Any area in which plant and animal life, or their habitats, are either rare or specially valuable because of the special nature and role of the ecosystem, and which could be easily disturbed and degraded by human activities, development."

End quote.

This definition applies equally to both marine and land resources. The Coastal Act further requires that these areas be identified and protected from any loss, degradation of habitat values.

The Malibu Santa Monica Land Use Plan, certified by the Coastal Commission in 1986, recognized the extreme high ecological value of Point Dume, and its need to be protected through the following policies: Policy 51 provided that new vertical accessway will not be required in areas identified by the LUPs, marine resources, and area specific policies as being inappropriate for unrestricted public access.

Such areas are identified in Policies 112, 111, and 116, and include the beach between Point Dume and existing areas of development at Paradise Cove, the eastern part of Paradise Cove. These areas are rocky areas with tide pool life, and beaches where sea lion haulouts, seabird nesting, roosting sites, and areas which are sensitive to increased public use.

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Policy 112 says:

"There should be no increased access to the

beach between Point Dume and the existing area of development at Paradise Cove. Scientific research in such areas should be encouraged, but unnecessary collection of specimens and disturbance of habitat should be prohibited."

Policy 112, quote:

"There should be no provision for uncontrolled public access in the western portion of Paradise Cove, as this area provides a natural protective buffer between the sensitive Point Dume area, and the more intensively developed Paradise Cove."

Policy 116, quote:

"The marine mammal habitat shall not be altered, disturbed by recreational and other uses of this area."

These protective policies should be retained and included in the draft Malibu LCP. Policies on pages 33 and 34, regarding, Point Dume and the Paradise Cove area are contrary to the basic tenets of the Coastal Act to protect the natural resources from overuse. If enacted, they will destroy the fragile ecosystem of Point Dume.

This has been approved by the boards of all five -- four organizations.

As a personal comment, 20 percent of the people live on Point Dume in this community, and they use those beaches, and they are very protective of those beaches. And, we've managed over the years to maintain an active ecosystem down there, where you can actually have starfishes that aren't hauled away and taken to the valley and tacked up to a wall.

And, these are very small, little coves. At high tide they are cut off from access vertically, and we would respectfully request that you protect them.

Thank you very much.

MR. SILNA: Hello, my name is Ozzie Silna, 23301 Palm Canyon Lane. I pretty much want to follow in the footsteps that Sarah Dixon had articulated before.

My biggest concern is development in the civic center area. I have some concerns about the draft that was presented in that Table 1, which exists since 1986 LCP does not appear anywhere, and it is a significant document in determining where ESHAs are, and what ESHAs can do, et cetera, et cetera.

Some of the mapping that exists in these documents are not clear enough to articulate where ESHAs really do exist, and I think a study has to be conducted to more clearly identify where ESHAs and disturbed areas do exist.

In that Malibu is the closest rural area to the metropolis of Los Angeles, with a very limited road access to the ocean, and the area should be protected from any excessive amount of traffic that comes into this area. And, I don't care whether it be visitor serving, or non-visitor serving, I think the amount of development that is projected to occur in the civic center is highly excessive.

In accordance with the Coastal Act, as well as the general plan of the City of Malibu, this area cries out to be restored and preserved as part of Malibu's natural resources.

There are constant references to the restoration of the creek, the lagoon, and the ocean, and both of the above referenced documents, and there are a host of studies that direct the city to make every effort to achieve this restoration, and some of them are the UCLA Study, February 1999; Malibu Task Force made a report on February 2001; Heal the Bay reported on a number of studies in a letter dated February 2001; Huffman and Carpenter made a report,

also in February 2001, all suggesting that the general plan of the city, as well as numerous items in the Coastal Act be followed.

The City of Malibu General Plan of 1995 reads as follows, conservation goals, objectives, policies and implementation measures state as follows:

"Policy 1.1.6 the city shall..."

and underlined for emphasis,

"restore disturbed sensitive resource areas to the extent feasible and ecologically desirable. Note, the Malibu Creek flood plain would be a DSRA if it is mostly a wetland disturbed with fill deposits."

I have significant evidence to show that many of the parcels in the civic center, including pictorials that will designate to you that since the Coastal Act was implemented, there has been an awful lot of fill put into the civic center, and I would like you to address those matters in the future.

Thank you.

MS. RANDALL: My name is Marny Randall, for the record.

This is a very complex plan you've put together, and there are a number of very important and interlocking, and interrelating issues here, and as you've seen the concerns of residents that aren't really addressed in the Coastal Act, itself, but that certainly needs to be taken into account in the LUP, and an LCP.

And, I would like to make a suggestion that -- something I've been thinking about for awhile. We use to have something called -- we had CALVO exemptions for certain areas in Malibu at one time. The city has adopted CALVO, finally, and yet through their down-zoning they have removed most of their properties from qualifying as CALVO, under CALVO, because that had a specific section relating to lot size, and zoning.

And, I would like to suggest that the city staff and coastal staff work together to identify existing developed neighborhoods, some criteria that should be applied to evaluating proposed development in those neighborhoods, and bring the -- and then once that criteria is established, and the neighborhood's identified, bring that criteria in those neighborhoods before the Commission to start exempting single-family residential development, not on a beach, not on a bluff, and not adjacent to an ESHA, from the requirements of the Coastal Act, so that we can start to get some of these projects, single-family residential projects, moved along a little more quickly, and give staff, both city staff and coastal staff, the time to focus on these more complicated issues that have more to do with commercial development, beach front development, and development in truly sensitive areas.

Thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

The next three speakers, in this order, would be Roy Crummer, John Harlow, and Douglas O'Brien.

[No Response]

Are all three here?

MR. CRUMMER: Hi, I am Roy Crummer, owner of the bluff parcel.

I wanted to support the development agreement that is proposed to take place between State Parks, the City of Malibu --

Shall I raise this?

COASTAL PROGRAM ANALYST HALE: I just thought you might be more comfortable, yes. There you go.

MR. CRUMMER: Okay.

I think that that agreement will do several things which I think promotes the public use of both properties. The state will get back its property, six acres, for its more general purpose; the city will acquire about seven acres for a more specific recreational purpose that will serve the children both here and

regionally; and the private owner will get a productive use of his property, consistent with the general plan, which if the eight lots are approved, it is no more than we would have achieved by the general plan. So, that development agreement doesn't provide us anything extra for having made the donation.

I think, when you consider how valuable a resource having recreational facilities that serve the community is, you have to realize that so much of how people travel in this community takes place along Pacific Coast Highway. And, it is very important, particularly, if you are going to have movement of parents and children, and concentrating it at a particular location, at a particular time, to have managed flow of traffic in a very safe way.

And, this intersection at Malibu Canyon and PCH is one of the very significant intersections, and probably ought to be recognized that it is a way to safely allow parents and children to go to a public place in a safe way. And, also, when you have the Adamson Hotel at that same intersection, it accomplishes the same thing, a safe management of traffic.

One other point, I think that the Adamson Hotel was approved by the Coastal Commission back in the mid-80s. It was approved by the city in the mid-90s. And, I think that it might -- even though the hotel is not built yet, putting another approved property right in front of it, might actually frustrate their ability to attract hotel operators to the site, because it might be a competitive thing that would have a chilling effect on their wanting to have something in front of them.

So, since I know it is your purpose to try to create that kind of access to the beach orientation, you might want to consider that.

Thank you, very much.

COASTAL PROGRAM ANALYST HALE: Thank you.

MR. HARLOW: John Harlow.

Thank you, Mr. Timm, for returning my call today, and of course you know what the first question was, that I asked, was how many cities and counties in the State of California are requiring an LCP, and how many have been certified, perhaps you can later on comment on that.

But, I want to talk to you about the appeal process, because as I think as the City Planning Director, Barry Hogan, indicated this evening, you have got 422 land use policies, all of which I think are appealable to the Coastal Commission.

And, what bothers me about the appeal process is the ease of appeal to the Coastal Commission, which puts, really, our city council, if we accept the LCP, it pretty much as what has been submitted to us, puts our city council in a position of a planning commission, with everything appealable to the Coastal Commission, so your work is going to be cut out for you, and lots of attorneys will be building in Malibu, I am assuming.

But, I want to just make -- if you can, perhaps, comment on the appeal process, here are some of the things I've reached the conclusions on. It doesn't cost anything to file an appeal with the Coastal Commission, or if anything a minimal filing fee, if that is correct? And, is the current cost the same for all of the various cities and counties? or do you have different kinds of filing fees for appeals based on what the appeal is about? Are there any restrictions on appeals, at all, to the Coastal Commission, currently with these cities that have LCPs, as certified by you?

And, then, finally, I guess the bottom line is if the appeal is upheld by the Coastal Commission do we end up in courts again? just like we do now?

Thank you very much.

COASTAL PROGRAM ANALYST HALE: Thank you.

After Mr. O'Brien, we will take a 10 minute break, before we resume testimony.

MR. O'BRIEN: Doug O'Brien. I am a Malibu resident, member of the Parks and Recreation Commission, and I am talking about the Bluffs Park.

In 1978, the Coastal Commission mandated that the state aid and assist Little League in relocating their facilities, which Little League did up to the Bluffs Park.

Since we've been there, there has been over \$5 million of taxpayers' money invested in the Bluffs Park to develop it. Now, the Coastal Commission and the state want to scrap that \$5 million. I feel badly about that.

And, that is the only place we have in Malibu right now, where we can play the athletics that we have the baseball, and soccer, and the other sports that are involved there. And, like an earlier lady said, from AYSO, it is used regionally by lots of people that come to this community.

Now, the state says that they need that whole 94 acres is what that is. We are using six of it. They also have 1400 acres they just purchased between Tuna Canyon and Las Flores mesa. They own 160-acres in Corral Canyon. They own 566 acres Soltice Canyon. How much does the state need, that they can't afford to give up six acres to Malibu Little League? or Malibu baseball? or Malibu sports?

And, they want to turn that back into -- in a letter I got from a gentleman from State Parks, they want to turn it back into coastal scrub and native vegetation -- and, you know, people flock to Malibu to look at coastal scrub and native vegetation.

Thank you very much for your time, and I appreciate your consideration.

COASTAL PROGRAM ANALYST HALE: We will return at 7:40 p.m.

[Recess]

COASTAL PROGRAM ANALYST HALE: Let's take our seats. Mr. Timm has a few remarks about the appeals process to clarify, before we begin again.

And, the next three speakers will be Ronn Hayes, Art London, and Norm Haynie, if they are all present.

COASTAL PROGRAM ANALYST TIMM: While you are sitting down, folks, I want to address John Harlow's questions real quickly, particularly regarding the appealable areas under an LCP.

Every property and every permit in the city will not be appealable to the Coastal Commission once this document is certified. In fact, there will be a limited area in Malibu, because of the development on the shoreline. There will be more properties that will be subject to the appeal process, than others, but without going into all of the details of establishing appeal areas, it is essentially for development approved on properties between the first public road and the sea; public works projects are appealable, and there are a couple of others.

As far as fees, it is up to the city whether they want to charge a fee for appeals to the city, itself, from a planning commission project to the city council, for instance. However, under the Commission's regulations, if a fee is charge for that appeal, when a project is within the Commission's appeal area, the city can be bypassed, if the fee is required, and the appeal can be filed directly with the Commission.

If there is no fee, then the city council would have to hear the appeal first. Hopefully, that clarifies your --

[Remark off microphone]

COASTAL PROGRAM ANALYST TIMM: -- well, that is good enough for now, anyway. We'll discuss that with the city, and we will give your remarks consideration.

So, having said that, we will move on, again, I would like to remind people that we'd love to have your comments in writing. Again, we are recording this, and we will have a transcript provided -- and by the way, that is the reason we took the break. We had to give our court reporter a break, and I think we all needed one, anyway.

So, again, when you are speaking you might pay attention to the little lights that will be to your left up here, and when that light turns yellow it means you have 30 seconds, I believe, left to speak.

So, having said that, let's continue on and I don't recall who the next speaker was.

COASTAL PROGRAM ANALYST HALE: Again, the order was Ronn Hayes, Art London, then Norm Haynie, and then Dermot Stoker.

MR. HAYES: I am Ronn Hayes. It is good to see you up close. We hear about this phantom group.

There are two subjects that I would like to briefly talk about. One is passive and active recreation in Malibu. We have some remarkable places, and I hope that you will consider them. We've already talked about the Bluffs Park, a recreational facility in Malibu, but I would like to address my comments to Chamlee Park, which is probably one of the best docent projects in Los Angeles. It is a wilderness park. It is up in the mountains, and you are probably very familiar with it. We very much want to protect it from any active recreational use.

The school system in Malibu depends upon the Chamlee Park and its docent program for many of its close-up educational projects with children. The children are not only from Malibu. They come up from far afield. It is a very active program. They have a newsletter that is published. It is contributed to by many people in Malibu, who care deeply about the environment. It is sort of a chalice for many of us who believe in the recreational, passive recreational use, in Malibu.

The other subject has to do with sewers. In 1987, September 1987, at dawn 14 buses left the Malibu Civic Center with 1000 people. They all had t-shirts that said "Save our Coast" on them.

And, thank God for Mary Frankin. I don't know if she is here, but she is the one that that was her idea for the t-shirts.

All of those people went downtown to the board of supervisors, to protest sewers in Malibu. It was the greatest demonstration ever, at that time, taken place before the board of supervisors of the County of Los Angeles, against the sewer program.

At that time, and subsequent for many months -- I remember seeing Roy Crummer at some of those hearings -- we proposed alternatives to the sewer system. And, that is one thing that you don't have in your report, are the many, many very viable alternatives that should be considered. They were presented at that time. John Seibert, and Ann Hutchinson, Anna Hutchinson presented a lot of that material during that period of time.

And, I think it is extremely important to realize that Malibu does not want to dump all of its sewage in a Hyperion Plant, or anywhere in the Santa Monica Bay. There are alternatives to the sewer system, and they should be explored.

There is another financial problem connected with that, and that is that many of us who live on fixed incomes in Malibu, or limited incomes, some of these people will be driven out of Malibu because of the high cost of contributing to a sewer system. There are alternatives. They have been developed in other parts of the world, such as Sweden, that are very cost effective, and can accommodate any particular site.

A lot of us are considerably worried about the over development of Malibu, and of course, that could, and would take place, if a sewer system, citywide, were implemented.

And, this would only contribute to the traffic problems on the highway, and the resource for recreation for many people who come to Los Angeles beaches in the summer-time. The more we think of implementing sewers in Malibu, the more you've got to think of it in terms of massive development that would result.

Thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

MR. LONDON: My name is Art London, 2070 Las Flores Canyon Road.

I think it might be a little useful to consider just what has been happening in Malibu from starting back when the general plan was adopted. That general plan was considered by a -- and adopted by a council which basically had a philosophy that the less restriction, the better. And, I think we can demonstrate that that same sort of attitude now.

There has been quite a campaign of hostility towards the Coastal Commission, and respecting the Coastal Act. A lot of frightening suggestions were made as to the impact of the Commission's draft. I was gratified to hear that explanation up front, as to answers to some of these things where the community has been frightened.

And, what seems to be happening in Malibu is driven by changes in the political situation in Malibu. That is why we have a city attorney drafted Year 2001 document, because there was a change in composition of the city council, and that sort of stopped the document which was prepared over a period of 75 or 100 hearings by the local coastal plan program committee.

Malibu has been operating under, I think, a misapprehension based on advice, legal advice, that it obtained, that where you have a general plan, who's policy is quite general, and you run up against a policy, or against an ordinance in the zoning code where there appears to be a conflict, Malibu has operated under the idea that since the general plan provision was not implemented, is not implemented, it doesn't really count for anything, and the ordinance prevails.

So, that is why so much of the general plan has not been implemented, and is not being enforced, where it could even been enforced because of the concept that if it is not translated, and implemented in the form of an ordinance, it has no effect, which I think is quite a fallacy, but that is what has been going on.

This is all results in these changes from -- or these differences between the 2001 city attorney drafted document, and the document prepared, the administrative draft of the year 2000 prepared by the local coastal program committee.

Consider these numbers, the Local Coastal Program Committee's year 2000 draft had 356 policies. The city attorney year 2001 draft cut that 356 down to 28 -- 356 to 28 policies, quite a difference in philosophy.

Then, we had the general plan land use policies, which were based on an updating and review of the L.A. County Land Use Plan, there were 84 land use policies, and there are, you know, remain those in the Malibu general plan. The city attorney proposes to cut those down to 49, 84 down to 49, again based on the 2001 draft.

And, finally, the general plan land use implementation measures, there are 98, and these are cut down to 32 in the city attorney's 2001 draft, and many of these 32 are substantial revisions of what they came up with. The idea that less is better because it is not really enforceable, I think, is the problem we have with the approach of the city.

Thank you.

MR. HAYNIE: My name is Norm Haynie. My office is at 22761 Pacific Coast Highway in Malibu.

By the way, there is no truth to the rumor that in your honor the kids from this school made images in your likeness and put them up here in this meeting room. It just is not true.

I have three points to make, and they are all interrelated. The first is that virtually all of the properties that are landward of PCH are fairly consistent with the use designation that was in the LUP that was certified in

1986, also consistent with the general plan, and consistent with your proposed general plan.

My particular interest goes to the area that is zoned residential. I believe -- I know that the City of Malibu went through many, many, many public hearings, six years of public hearings before their general plan was approved, and many things were taken into account: the pattern of development within the neighborhood, the slope of the property, the availability of access, the location of ESHAs, all of these things were taken into account when the densities were established for these residential areas, including the densities that were shown in the 1986 LUP that was approved on June 6, 1986 by this Coastal Commission.

I would like to see those densities reinstated, and the reason I would like to see that is because it creates a better development pattern, a better development pattern for the entire coastal zone.

More specifically, when a person asks for a sub-division, a parcel map, or a tract map, they have to meet the Coastal Commission policies and guidelines. If they don't, the tract map is not approved, irrespective of what the density shows, they simply won't be approved.

But, if they can meet those policies, not only will they be able to develop in those areas which were appropriate for development, but also they are going to have to deed restrict properties that currently can be developed, but which are not consistent with coastal policies. So, the overall result is a better development pattern throughout the coastal zone.

If you down zone properties to one unit per 40 acres, that were zoned one unit per two acres, and when the adjacent parcels are one unit per two acres, and the property is generally flat, you lose the opportunity to increase the overall development pattern in Malibu. And, I suggest that you ought not do that. It is not a good idea. Okay, that is one.

Two, the transfer of development credit program, and you can see how that overlaps. If the transfer of development credit program is a requirement of new development, then as a result the overall protection of coastal habitat will be better through approved subdivisions that meet the policies, and which restrict properties that ought not be developed.

Last, but not less, I think there should be a nexus with regard to the cumulative impact mitigation program, meaning if a person wants to build a swimming pool, okay, requiring a transfer of development credit is -- there doesn't seem to be a nexus between that condition and a gentleman wanting to swim in his swimming pool.

I think they need to meet the coastal policies to build the swimming pool, and if they don't they should be denied. But, if they do, then they shouldn't have to go out and buy properties and deed restrict the development of that property just to be able to go swimming. And, the same thing goes for corrals, and the same thing goes for barns. There has to be a relationship between the condition, and the impact of the development.

Having said that, I will make one last statement. I think that the cumulative impact mitigation program can be improved. I have worked with the TDC program, as most of you know, since its implementation in 1980. I have probably created one-third of the TDCs, or at least one-fourth of the TDCs used in the Malibu area. I know it by heart. I think it can be improved. I think we need to keep an open mind, and look towards a concept of perhaps protecting open space area, as well as deed restricting properties that could be developed otherwise.

Thank you for the time. I have a handout for you which indicates at least two of those points. Thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

Dermot Stoker?

MR. STOKER: Good evening, members of the Coastal Commission. I am Dermot Stoker, Chairman of Parks and Recreation Commission. Thank you, and welcome to Malibu. This is very nice of you to hold this forum. It is not only bold, but necessary.

When I first found out you were holding a forum, I thought, "This is great. I need to vent. I need to get up and tell you my true feelings."

And, I've, thank heavens, have calmed down a bit, and toned down my comments, and my colleagues and I on the parks and rec commission have spent many hundreds of hours debating what we could do, what we can do, for the children and families of Malibu regarding active recreation facilities.

I was going to go into that in depth. I thought there were so many things I could talk about: the open space issue in Malibu, I've heard numbers as high as 75 percent of Malibu, as it exists right now, is open space. There are thousands and thousands of acres of park land, not only state parks, the national parks, federal and the Santa Monica Mountains Conservancy land, as well.

I thought I could talk about the importance of team sports for our children. I wanted to talk about land use and the beaches and the oceans and all of that. And, I thought, you know, I think I'd better focus on the two agendas that are at hand here: the people's agenda, and the Coastal Commission agenda.

And, I would really like you to -- like everybody to take a deep breath, and look at this rationally, and I would like the two sides, the people of Malibu -- we have a wonderful city government here. We have a fantastic city staff. We have a fabulous community of people that care, immensely, immeasurably about this place.

And, I would like you to set aside whatever differences you may have. I know you spend an inordinate amount of time dealing with things regarding Malibu, and if you could just set those aside, work with the people, with the elected city government here, and come up with a new formula. Let's start with a clean slate. Let's start from ground zero, and build ourselves up that we can have a document that you can be proud of, and you can work with, and that the people can be proud of, to say that they have had a voice, that they've been heard, and all areas have been addressed and concerned.

So, please -- it was suggested maybe a week retreat with the city council and the Coastal Commission up at Escalon would be an appropriate venue so that you could kind of commune and get to know each other. Anyway -- and we could pass the hat, and probably pick up the tab for that.

But, anyway, I plead with you. I urge you to work with us. I know you will. You have -- I know the city council and the people here have this community's best interests at heart. So, please work with us, and let's start afresh.

Thank you very much.

COASTAL PROGRAM ANALYST HALE: Thank you.

Pat Healy, followed by Joanna Rogari, and then Trish Van Devere Scott.

MS. HEALY: Hello, I am Pat Healy, and tonight I am speaking for the Malibu Coalition for Slow Growth.

And, I invite you, at the Coastal Commission staff, as well as everyone here, to look at the Slow Growth model which gives an alternative to the high density development that is planned for the civic center.

As many of you know, there is a proposed 1.1 million to 1.5 million square-feet of development in this area, alone. The Coastal Commission has the ability through its land use designations to temper this high density development, and as many of you know, the Malibu Creek and Lagoon are impaired water bodies, capable of restoration. And, numerous studies, as has been mentioned before, have been done telling us how this creek can be restored.

If the Coastal Commission's land use designations model the city's, as it does right now, all we are going to have is shopping malls, and overnight accommodations, and the creek and the lagoon and ocean will never been cleaned up.

You have the ability to deviate from the old way of thinking and create something that I think that everyone in the state and in the City of Malibu would be very, very proud of. You can actually save and restore the natural resources of this area.

Just because it is called the civic center, it doesn't mean that the enormous ecological value should be ignored. And, the Coalition, as I said, has prepared a park plan that meets both the requirements -- which meets the requirements of the Coastal Act. It protects and restores the natural resources, and it also creates a park for both the residents and the visitors to use.

I have given you written comments on how this park can be actually achieved, but you have the ability to leave Malibu, and this whole area, with an incredible legacy that is profoundly more important than just more shopping centers.

So, I hope you will take on the challenge, thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

Is Joanna Rogari here?

[No Response]

And, the next speaker is Trish Van Devere-Scott.

MS. VAN DEVERE-SCOTT: Trish Van Devere-Scott. God, can I turn around and talk with the audience a little bit? I hate to turn my back on an audience.

Thirty-two eleven Retreat Court, Paul Grisanti will tell you, gleefully, that is not actually within the Malibu city limits, totally --

UNIDENTIFIED SPEAKER: That's right.

MS. VAN DEVERE-SCOTT: -- it is only four minutes from here, in this area

--

COURT REPORTER: Excuse me, Ms. Van Devere-Scott.

MS. VAN DEVERE-SCOTT: -- retreat section.

COURT REPORTER: I would like to be able to take down what you are saying.

MS. VAN DEVERE-SCOTT: Absolutely, forgive me.

[Returns to facing staff]

COURT REPORTER: Yes.

MS. VAN DEVERE-SCOTT: Okay?

COURT REPORTER: All right.

MS. VAN DEVERE-SCOTT: Since 1971, I have been representing my own opinion, and that is that there is an Otis elevator capacity limit everywhere, including whether the issue be public access -- and I certainly believe in public access -- or recreation, I like kids to play, or any kind of private use of land, of course. But, I thought, in 1971, we had too much stuff in Malibu, so we've missed the boat, I guess.

And, at this point, I don't think you can begin to add what you are talking about, or what some other bodies of people, making a land use plan has derived, either. We can't have this in civic center. It is just out of the question. You can't get in or out of Malibu as it is now. And, it is -- the Pacific Coast Highway, to have as a main street in a town is awful. It is dangerous. It is disasterville.

And, Malibu Bluffs Park, the amenities there are so filthy. If I take my five-year old adopted son up there on a Sunday afternoon, if he has to relieve himself, we have to get in the car, and drive all the way home -- not that I have sanitized conditions at my house, I don't, but at least they are reasonable clean.

We can't take care of what we have here. And, you just look at the garbage strewn areas, and this is called paradise? We need help just to take

care and maintain what we have. We don't need more. We don't need visitor-designated centers.

I mean, Carolyn Van Horn gave the statistics on the number of people who do visit and make use of this area.

That's a lot of people using it. And, we can't invite more and more and more, because then you turn what you are inviting people to come to into misery.

I think there is one overriding issue, period, and it is incumbent upon all of us, and that is not to exploit the land. It cannot tolerate it. It turns into what you don't want in the first place. And, we need the open space, and we need what we have, as it is, or better preserved. Protect the environment, that is the overriding issue.

COASTAL PROGRAM ANALYST HALE: Thank you.

The next three speakers are Georgianna McBurney, Judy Decker, and Harry Salzberg.

MS. MC BURNEY: I have watched people stand up here -- don't start that thing -- and it is like -- I feel like I'm standing before the high school disciplinary committee, so don't mind if I move this.

I won't move it far, dear.

And, on the other hand, being in the west, and knowing the legion of Wild Bill Hickock, you don't turn your back on a big audience like this.

My name is Georgianna McBurney. I am very glad to be here.

I want to raise a question: what should a colony look like? The appointed staff of George, King of England, sat in his ivory tower, and designed what a colony should look like.

George Washington's ragtag army said, "No". And, since that day, 225 years ago, we have struggled to maintain and deepen the rights of local citizens to decide their own destiny, create their own communities, and vote for those who will represent them at the local, state, and national level.

Now, why should I be disenfranchised? And, that for me is the core issue. And, here comes the appointed staff, nice as they look, of a politically appointed state Coastal Commission, hurriedly publishing their addition of the ivory-tower-knows-best picture of what Malibu should be.

Did they bother to look through the two plans produced by Malibu? no. Did they bother to investigate all that had been done by the city to clean the pollution of the ocean? no. The cooperation with cities upstream, and Tapia, along this 100-mile waterway, called Malibu Creek? no. The \$1 million ozonator, which will soon be joined by two more? the concern over preserving wetlands? the over \$600,000 grant to study, map, and monitor the water tables in our city? no. The discovery of all of the small drains who are big polluters? no.

This staff has no idea how many local people and groups have invested years of their lives in the cleaning of the bay and the creek projects to make our coast the way it is, the way we want it.

Now, take traffic, bumper to bumper, people said, on good beach weekends - - sometimes on regular days. Does this ivory tower staff understand that Malibu welcomes so many millions of visitors each year? no. In their zeal to make all beaches the same, beach entrances every 1000 feet, I have a feeling that is going to fall, because I used to live in trepidation over which of my friends would have a beach entrance going through their living room.

There seemed to be no real acknowledgement of the traffic problem, both human and car. More parking spaces is not the answer. And, there is no answer to the car pollution problem which is now acknowledged to be a major contributor to water pollution.

Have you looked at the history of care that Malibu's citizens have given to Malibu? no. For example, no railroad train runs along our coast, no nuclear plant stands nearby us, no mountains were ever -- had their tops cut off to enable a super freeway, no 500,000 density population was to make this place look like Miami Beach ever took place, no \$40 million sewer system took place.

And, finally, after all of that, we realize our only hope in creating our own city, and being responsible for our own destiny, was to take the battle to get a city.

If this isn't clear, let me put it another way: if your staff had sailed up to our pier, with a load of tea, I wouldn't be here tonight. I'd be out there with my fellow citizens dumping your tea overboard.

MS. DECKER: First, is from Kay Ferguson, who has a major case of the flu.

COASTAL PROGRAM ANALYST HALE: Are you Judy Decker?

MS. DECKER: Yes, I am.

COASTAL PROGRAM ANALYST HALE: Thank you.

MS. DECKER: And, she asked me to submit this in writing to you.

I am Judy Decker. I live at 7107 Grasswood Avenue on Point Dume, and there is a few policies I would like to ask about.

One is 3.52, fencing or walls shall be prohibited within reptilian bluff, Point Dume Canyon, or dune ESHAs. First of all, I don't know where Point Dume Canyon is. What scientific justification, or finding, has been made to single out Point Dume Canyon from all of the hundreds of Malibu Canyons -- prevent fencing for pets and children safety?

Fences, walls, and landscaping shall not block or obscure views from scenic highways, parks, beaches, and other public view areas. Now, coastal proposes that no parcel in Malibu can have fences, walls, landscaping, if all of Malibu is a highly scenic.

Very few parcels in Malibu are not going to be seen from the public viewing areas. Sometimes, that is the very reason that homeowners wish to have fences, walls, and landscaping.

Number 6.1 is the Santa Monica Mountains includes the city as a highly scenic area of regional and national importance. The scenic and visual qualities of the area shall be protected, and where feasible enhanced. This provision that designates all of the City of Malibu as a highly scenic area will allow for the Coastal Commission appeals of all parcels, and permit decisions, made by the City of Malibu. This provision allows that all policies, restrictions having to do with scenic value in Malibu will affect every single parcel and application. This provision insures that the Coastal Commission will be in the City of Malibu permit business in perpetuity, contrasting dramatically with their public statement that they want Malibu to regulate and enforce the Coastal Act, when the LCP is accepted.

Thank you.

COASTAL PROGRAM ANALYST HALE: Is Harry Salzberg here?

[No Response]

Okay, then we will go onto Roger Wolk, Jeff Harris, and Ted Vaill, in that order, please.

MR. WOLK: I'll move the mike over here.

My name is Roger Wolk, and tonight I am representing the Malibu Colony Association. I am the current president of the Colony Association. My comments are specific to the part of the draft which relates to us, specifically. I think the people who have already spoke made a case for the other more general issues that we have to deal with.

But, to give you a little background, on page 15, I guess, Section 30214, there is an issue in the Colony, and in other beaches along the coast, when, historically, when somebody wants to remodel their house, or to build a new home, they are asked to give lateral access.

And, lateral access is something that, I suppose maybe 15 years ago, maybe -- well, there was the storm in 1983, I know it was at least that long ago. And, it was defined as the right to pass and repass along someone's beach, up to within 10 feet of their bulkhead, or their deck, or whatever the front of their property was. It didn't mean to spend the afternoon.

People who do live on the beach are very sensitive to that language, because there seems to be no objection to the pass and repass language, but it is the lack of it that they are sensitive to.

And, in one of your documents -- let's see. I will give you the -- number, it is 2.68 -- I'm sorry, 2.67 in the shoreline access paragraph.

I'll quote, it says:

"Lateral access is defined as an accessway that provides for public access and use along the shoreline."

Well, "use" is a very broad term. Use can mean bringing your entire family, and playing volleyball, or football, or do something all day in front of someone's house. That should -- at least, we request that the language be changed to what it always was, pass and repass.

Secondly, the 10-foot limit to the access for the public to pass and repass has always been on the books, and all of a sudden it is not there anymore. Now, it has actually expanded for the access to actually go right to someone's deck, like right to their house. I think that is excessive.

We all know, from the Supreme Court decision of 1987, that the Supreme Court deems this to be illegal, anyhow. But, at least we request that you go back to the language that was there, then, and not try to make it more objectionable and more excessive.

Thank you.

MR. HARRIS: Good evening, I am Dr. Jeff Harris, and what I have to say tonight is critical of how the current Coastal Commission has gone beyond reason in interpreting and implementing the Coastal Act.

Those who know me know I have been valuing environmental resources, clean water, public health and safety checks as for years. I've practice medicine here since 1975, and lived here. I was one of the founding members of the Malibu Creek Watershed Group, and have worked closely with Heal the Bay and Natural Resources Defense Council, involved now in the Surfrider Foundation, among others.

I am an early supporter of Proposition 20, and the Coastal Act, and I have had many fair, unbiased, and objective dealings and interactions with the L.A. Water Quality Control Board, and the Coastal Commission staff and members in the past.

I also served on the LCP committee, by the late Councilman Harry Borosky, where we spent hundreds of hours compiling a study which this body summarily rejected, and did not review.

The reasons the Coastal Commission has changed their attitudes, I don't know, but in my experience they have gained a new fanaticism in self righteousness that just can't be tolerated any more by this community, or others up and down the coast.

What I've found from personal experience, and from talking with others, is that they are trying to impose rules and regulations that have no basis under the Act, or are unscientific and require ridiculous compliance, and don't really help the environment, improve public access, and only add to homeowner frustration, expense, and result in the actual taking of private property without compensation.

My personal experience is that it took me two years to attempt to get a coastal permit for 12 acres in Malibu. I dreamed of a family farm up there, and searched for this property for only 20 years. After I went through, and had Klaus Radky and Marty Witter, and other biologists, assess what was on the property, they found that there was nothing there, except weeds and dirt that had been disked, with a few areas of chaparral.

I let the chaparral create an area for open space, and for animal linkage there, and attempted to have my dream fulfilled by it. I found that the coastal staff, and a key Commissioner, do not believe that any agriculture, nurseries,

or even gardens, should be allowed more than 100 feet from one's home or garage in Malibu. And, in the Santa Monica Mountains genre, that was what the regulation is all about. You can't have an orchard more than 100 feet from your house, or you are illegal.

I have learned about abusive and unreasonable tactics all up and down the coast. There are similar battles right now in Santa Barbara County, in Encinitas, and elsewhere. We are not alone in this, and we need to unite with others.

You know, I found out that our plan that was locally generated -- I have two plans here, that are very similar, right here, which represents a large body of work, were totally denied because the staff, quote, "Didn't have the time to review them." And, we have ample documentation of that.

We also found out the key, instead of -- that there was a political contributor whose frustrations with his own coastal committee procedures made a call to the Governor, and then what we have as the result of that is this imposed plan from you people. I feel this is unconstitutional and illegal.

What remains to be seen is whether the Coastal Commission is out of control. I believe the general public doesn't know what the Commission has been doing. With wide-spread public exposure and discussion, these abuses can be remedied by Governor Gray Davis, and California's elected representatives in election year, if they see that the Commission's conduct is a political liability. I think we need to educate them.

Likewise, I think the public should have the opportunity in courts to see whether many of the ill-founded tactics and policies are illegal or unconstitutional.

COASTAL PROGRAM ANALYST HALE: Dr. Harris, could you sum up, please.

MR. HARRIS: Yes.

COASTAL PROGRAM ANALYST HALE: You are out of time, thank you.

MR. HARRIS: I'll try and sum up.

I think people need to know that under this plan you are not allowed to have lawns, non-native plants, and landscaping, vegetable gardens, orchards, horse corrals, farms, security fences, pastures, workshops, adequate fire protection buffers, or even garbage disposals.

I think you need to know that people have been asked to take a stand of eucalyptus trees away, in order to get a permit to remodel, and these are places where birds and monarch butterflies used to use.

COASTAL PROGRAM ANALYST HALE: Dr. Harris, we are out of time. We can take the written comment you have into the record, if you'd like.

MR. HARRIS: I have two other points to make.

If you look at the 1986 LUP, and look at the ESHAs here, what you will find is that there is a marked difference between the mapping of these ESHAs which were done by biologists in scientific surveys, and if you look at what is proposed here, you will see that those ESHAs have been extended without any scientific verification. I think this needs to be addressed directly.

And, if you look under the current plan, you will find that the Coastal Commission has also tried to change the ruling of what an ESHA is. They are trying to impose the idea that you have to prove, as a citizen, that you are not in an ESHA, either historically or in the present, rather than having them mapped. This places an unfair burden on the applicant.

Finally, if you look closely the Coastal Commission plan uses the word native plants and natural plant communities interchangeably --

COASTAL PROGRAM ANALYST HALE: Dr. Harris.

MR. HARRIS: -- as if they had the same value.

NO. 1 UNIDENTIFIED SPEAKER: I think it is more important to hear what Dr. Harris has to say --

NO. 2. UNIDENTIFIED SPEAKER: Yes, let's hear him. There are some people who didn't speak --

NO. 1. UNIDENTIFIED SPEAKER: I want to hear what Dr. Harris has to say.

NO. 3. UNIDENTIFIED SPEAKER: I would be happy to sign up and give Dr. Harris my time.

COASTAL PROGRAM ANALYST HALE: We could do that, but I have one thing to say. We have lots of other people who would like to speak, and if we could complete their testimony, then we would have time to come back to Dr. Harris.

MS. SCHULTZ: I would cede my time to him.

COASTAL PROGRAM ANALYST HALE: And, your name?

MS. MARGARET SCHULTZ: Margaret Schultz.

COASTAL PROGRAM ANALYST HALE: All right.

You have an additional three minutes.

Thank you.

MR. HARRIS: Okay, if you look closely at the document, they are equating exotic weeds, such as mustard, thistle, fennel, scotch broom, and the like as part of the natural topography, as something that they want to have preserved, and it is something that they want in somebody's backyard. They equate that with native plants. I think this is a very misleading, and shouldn't be the case.

They also -- the issues of access has been raised. I think, if you look closely at this document, it looks like the plan acts like it championing access to the coast. What you have to look at is that these access points really can't ever exist, and I think this is purely propaganda, or PR at this point. There is no way you can have public access every 1000 feet. And, this is a -- it is just a plan that, you know, is just impractical.

The Malibu coastline is too rugged and limited by small or non-existence areas of sandy beach at medium to high tides to enable this kind of access. PCH is so dense, and the lack of parking is so dense, that you can't have access every 20 houses, which is what this plan proposes.

If you look closely -- and I encourage everyone in this audience to look at the plan, and see how it affects their own individual areas, and areas that they know about. I know about Malibu Cove Colony and Latigo Beach because I surf there. The proposed access points there can never exist.

The so-called parking lot on PCH has a house that is already approved by the Commission. The vertical access goes across privately owned lots. They are in landslide areas that will never be built on, and therefore will never require a coastal permit.

These access points, and others like them, are merely false promises. They are phantom access points, and these occur in an area where the public already enjoys access by walking onto Latigo Beach, or strolling on the only sandy, permanently sandy portion of Escondido and Malibu Cove Colony Beaches. So, they are asking for access where none can exist, and it is -- I consider it just a PR kind of thing, to try and create the common people versus the elitists. This is a real issue.

And, will the residents and visitors to Malibu and other coastal cities really be heard in their three minutes of testimony -- you know, I got six today -- I don't think so.

I would love to see a change of attitude from the current Coastal Commission staff and members, but they certainly didn't respond to hundreds of hours of community input in these two plans.

I think it is time for the citizens of California to see through these smokescreens, and special interests, that have enable abuses of power and trust. It is time to rewrite this LCP to make it truly a community document, with community knowledge, and make it realistic and fair. It is time to enforce and unite coastal visitors, and residents, and their governmental representatives, to persuade the Coastal Commission to return to processes that are fair and reasonable. Only then will the environment and its residents, and visitors, truly benefit.

COASTAL PROGRAM ANALYST HALE: Thank you.

MR. VAILL: My name is Ted Vaill. I am a 27-year resident of Malibu, and a member of the Malibu planning commission, although I make this statement personally, and as a Malibu resident, attorney, and voter, and not as a member of the planning commission.

I think it is ironic that the State of California is trying to buy the property, and has bought the property at Topanga, and is trying to get rid of the visitor serving. You folks are trying to make Malibu a more visitor-serving place. Get your act together. Get your state agencies together. I do not intend to seek a Coastal Commission permit in the near future, so your retribution for what I am about to say will have to come from elsewhere.

And, others have focused on the cutting down and the planting of trees, and I am going to try to focus on the general, the forest.

I think the plan that you have drafted should be scrapped. I have analyzed Barry Hogan's analysis side-by-side with the City of Malibu's plan. The draft LUP that you put together has 414 policies. Of those 414, over 30 percent have been determined by the City of Malibu to be unacceptable. And, another 34 percent have determined to be acceptable with changes by the City of Malibu. In other words, 65 percent of the policies are unacceptable in their current state to the City of Malibu.

How are we going to harmonize this? how are we going to possibly harmonize this? I have done a written piece, and a chart, that I will be presenting to you.

I've also analyzed the Coastal Act, itself, and I want to quote to you, and to the people in the community, some of the provisions, that:

"Existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division of the statute are essential to the economic and social well being of the people of this state, and especially the working people employed within the coastal zone."

We, in the City of Malibu, are working people, as well as everybody else in the state.

The goals of the Coastal Act include:

"Maximizing public access to and along the coast, and maximizing public recreational opportunities..."

All well and good.

"...in the coastal zone, consistent with sound resources conservation principles, and constitutionally protected rights of private property owners."

Constitutionally protected rights of private property owners, keep that in mind, that is what the law says.

Other goals say that:

"To achieve maximum responsiveness to local conditions, accountability, and public acceptability, it is necessary to rely heavily on local government and local land use planning procedures and enforcement."

My question to you is how are you going to be able to do this in the City of Malibu if you ram your LCP down our throats? You have got to rely on us to enforce it.

I am a descendant of Ethan Allen, who early in the Revolutionary War lead his Green Mountain Boys in the capture of the British garrisons at Fort

Ticonderoga. I am thinking of forming a Santa Monica Mountain boys and girls to protect the interests of the residents of Malibu from outsiders who seek to harm these interests -- and Georgianna McBurney will be my first recruit there.

Finally, there is a taking provision in the Coastal Act, and as I live in Big Rock, we took \$40 million off of the state for some incorrect things they did a number of years ago, so you know, if you make a wrong decision, it is going to come back to haunt you.

Senator Burton's bill AB 988 -- which in his district, ironically, is not subject to the jurisdiction of the Coastal Commission -- he rammed it through with the help of Sheila Kuell, our senator, and it provides for consultation with the City of Malibu. What does consultation mean? It means deliberation of persons on some subject, and deliberate together, and we insist on the deliberation over this. Not, a nodding, and then going on and ramming it through. You ram it through, and you've got a revolution on your hands. We want meaningful dialogue.

The City of Malibu is not some charitable resource to be dipped into on behalf of the citizens of this state. Visitor serving does not mean the residents of Malibu are to be forced to pay for the recreational needs of the rest of the state.

When Malibu became a city in 1991, the county and state exacted a terrible price from the city, giving a paltry amount of each property tax dollar to the city, about \$.07, compared to what over \$.20 to each dollar, for many other coastal area cities. We also get a pitifully small percentage of the revenues from the beach parking fees, generated within the City of Malibu. Visitors to the city, typically, do not use Malibu's retail and commercial establishments, but usually come to visit the beach, and often to raise hell, except for the ball field kids, who are good guys and girls.

Yet, we citizens of Malibu have to pay for most of the law enforcement which polices our city, and those who visit it. We are tired of it, and if you are visitor-serving code word means more of the same, we will not accept it.

Thank you.

COASTAL PROGRAM ANALYST HALE: David Brown, Marcia Hanscom, and Paul Grisanti will be next.

MR. BROWN: David Brown, I am representing the Santa Monica Mountains Task Force of the Sierra Club.

I would like to make a couple of personal comments, first. By the way, although I do not live in Malibu, I was at one time chairman of the environment and development committee of the Township Council, as Frank Vassa will attest, if he is still here.

I'm listening to you bash the Coastal Commission. Drive from here to Santa Monica, and look at what is along PCH. That is what the marketplace would like to put here. The Coastal Commission has saved you from that. I admit they have created other aggravation for you, and some of it may be justified, and some of it not, but if you abolish that Coastal Commission you are cutting your own throats ultimately, because -- and the Commission, on the other hand, needs to respect that Malibu is a special community. And, it needs -- most important to us, the Sierra Club -- it needs to respect the natural environment of Malibu.

And, that is what I am going to focus on here, and this plan does not fully respect that environment. It does some good things. I agree we should not be protecting weeds, but I think we need to be protecting watersheds. We need to be protecting riparian habitats, tide pools, kelp beds, a whole lot of things.

We don't need to abolish the Coastal Commission to do that. We need to get behind the Coastal Commission, and point them in the right direction, if you think they are not going in the right direction.

My special concern, in my testimony, is going to be basically the eastern part of the civic center, and the Sierra Retreat area, which I have been

fighting for 20 years to get that properly planned for, and Gary you've made a little progress in this one, and occasionally a few steps forward. You've taken some steps backwards, too.

This is flood plain. I don't think that has ever been argued. There is a wide swathe of land. Malibu Creek, basically, drops 150 feet to the mile through Malibu Canyon north of the city, and then drops only 25 feet in the last mile within the city, you know what happens: the sediment gets dropped there, the creek bed gets elevated, the creek spreads out. The civic center east of the library is flood plain.

What this plan needs to do, and doesn't do, and there is a provision in the plan that basically talks about mitigating the flood hazard in environmentally acceptable areas for individual projects. That is not how they do things in New Orleans, or St. Louis. You know, you look at the total situation. You can't mitigate a flood hazard project-by-project, because you may need to address a larger means of mitigating it, and that has to be the most environmentally sensitive way of mitigating it possible. Look at options, setbacks from the creek, for people who talk about open space in the civic center.

The people talking about the Little League, the Little League is on land that was paid for with \$7 million of state park bond money. It is not a city park. And, I had a kid in soccer, myself. I understand. But, not on state park land. Why don't we work out a way to put the soccer field in the civic center, then they could be flooded periodically, and be much better than putting structures there.

When we start putting more structure there, which is what this plan envisions, and this plan also up-zones the property in the Sierra Retreat area, and east of the hills, east of the civic center, and the hills north of the civic center. Look at those things. One house to the acre on the hills north of the flats at the civic center, north of the civic center building. What do you think it is going to take to put one house to the acre on those hills? cut, fill, cut, fill. And, you are going to have an urban hillside, instead of having a few scattered homes that are esthetically pleasing right now.

The hill across from the lagoon, across from the shopping center, in the original county LUP that was designated as part of the watershed, and was designated M2, which is one house per 20 acres. It is all one lot, and it is all deed restricted anyway, so it is all academic, but that is now designated one house to the acre. That is the wildlife corridor that enable upland animals to get to the lagoon. That is why it was designated M2 in the county LUP. Now, we have erased that, and it is one house per acre. It is one house per acre right up to the banks of the creek going through the Sierra Retreat. It is all flood plain.

In that area, the riparian area spreads out. The sycamores are scattered all over the place. They are not -- remember, again, Malibu Creek is not your typical coastal canyon. If you don't get up north of here too often, you don't see that. But, Malibu Creek is a 100-square mile drainage, and the ground water, the riparian habitat, is well spread out from the creek.

One of the things that has to be worked on in this plan is determining what is legitimate riparian habitat, that needs to be designated ESHA, and what can safely be developed, and at what density? The state owns the creek, virtually all of it. The state owns the lagoon, but it doesn't own the areas needed to buffer it.

If we let those areas build, build out, to the kind of densities envisioned in this plan, we are going to have millions of dollars worth of property in the civic center. We are going to have people complaining every time it floods, demanding that creek be armored, concreted, and whatever. That is what happened after the floods of 1980.

COASTAL PROGRAM ANALYST HALE: Mr. Brown.

MR. BROWN: Okay, so that is one of my concerns.

I would also just point out one quick other thing, since others got to speak a little bit over. I'll try to be very brief.

The policies regarding ESHAs, which now permit development in ESHAs, up to 10,000-square feet, use terms that are not defined: investment-backed expectation of approval of the proposed use, economically viable use. There is no criteria in the plan for determining what those terms mean, and how they would apply to an application for a development in an ESHA. We need to know what this means.

Obviously, every developer is going to tell you it is not economically viable unless he can put a forest or a house there, so we have got to have a standard here, okay.

Thank you.

COASTAL PROGRAM ANALYST HALE: Thank you.

MS. HANSCOM: Commission staff, my name is Marcia Hanscom. I am executive director of the Wetlands Action Network. I am also speaking for the Sierra Club California Coast and Ocean Committee, and I am a resident of Malibu. I have lived at Point Dume for five years. I have lived for 1.5 years in Las Flores Canyon, and I am very grateful to be able to live in this beautiful landscape, and to enjoy it with my many neighbors here.

I want to say that I am grateful, also, for the opportunity to speak to you, and to have our community speak with you, because for six years I did everything I could with the City of Malibu to try and get information about Malibu's LCP process, and was consistently denied the opportunity to participate. So, I am very grateful that now we actually have a document, and we actually have something we can react to, and submit comments to.

I want to make sure that it is really clear that there is a distinction between our city government, and our city residents, and many, many hundreds of residents here do not feel that our current city government is representing them, in the vitriol and rhetoric, that is going on, related to the Coastal Act.

I voted for the Coastal Act in 1972. It was the very first election I got to vote in, and I remember how important that was to many, many people in this state, that we protect our coast, and that we all have the opportunity to enjoy it.

And, I just hope that those are the most important things we keep in mind here, and not get caught up a lot of the bureaucratic parts of the LCP that I know sometimes seem really important, but actually don't end up helping us protect our coast.

I also want to underscore what I heard one of the earlier speakers talk about, related to limits. We do have limits here, and for those of us who live here, we all remember two years ago, when the water main broke, and we only had a water supply here in Malibu for two days. We don't have the kind of resources here to sustain a huge amount of development here. We are already at our limits.

And, I would just like to plead with you to listen to some of the arguments that I know Frank Angel is going to be submitting to you about how we can limit further development within the Malibu city limits.

I am particularly interested, of course, in our wetlands. We have many wetlands along our coast here, and the Malibu Lagoon is a very important part of that. For years, people have been trying to clean that up, and if we continue to allow development upstream of it, it is not going to get cleaned up.

What we need to do is to realize that the Malibu civic center area is actually part of the Malibu Lagoon eco-system. There is a development proposal from the Malibu Bay Company that actually says that white tailed kites are nesting in the area there, that is one of the state's most protected bird species. There are black crowned night heron rookeries in the area, and just recently a couple of big trees, where black crown night herons were nesting,

have been cut down on Malibu Bay Company property, and I want to know if they had Coastal Commission permits to do that? I don't believe they did.

And, this, of course, there are a number of bird species, and other species, in that area that I believe point toward designating much of that area an environmentally sensitive habitat area, or an ESHA.

I also want to offer a different perspective about access. I would say that most of the people that live in Malibu do not have a beach front access, and most of us are not, necessarily, do we have access to the coast, either, even though we live here. For three miles, in either direction of my home, I cannot access the beach, and I have neighbors who surf, and they have to drive for miles to get to the surf. So, I do think, at the same time, we have limits for that access, and we have to realize that our streets on weekends are clogged, and we have to really think about the balance of all of that, and go back again to the limits we have.

Finally, I'd like to submit to you some maps. I really appreciated that you included maps with the environmentally sensitive habitat areas. There was nothing about the harbor seal haul outs, and we have maps from our research and restoration director, Roy Van De Hook, who has been observing these for quite some time, and it shows exactly where they haul out. And, I would suggest that maybe in those beach areas, not only do we not have a lot of access, but no dogs or anything near that area that would prevent those seals from being protected as under the Marine Mammal Protection Act.

Thank you.

MR. GRISANTI: Hi, I am Paul Grisanti. I have a couple of issues I would like to deal with.

Throughout the draft LCP, there are several areas where we have criteria that start out very clear, and then get very muddled after that.

On page 19, we talk about:

"Temporary events shall minimize impacts to public access, recreation, and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: held between Memorial Day and Labor Day, occupy all or a portion of a sandy beach area, and involve a charge for general public admission where no fee is usually charged."

So far, very clear, very concise, very enforce- able. Then it says:

"A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access and/or coastal resources."

Well, every 4th of July party that you see along Carbon Beach snarls traffic. Every time a politician comes to Malibu, and holds a fund raiser on Carbon Beach, they mess up the traffic. Every time Barbra Streisand hosts something on wildlife, the access to that beach access at the end of the street is significantly impaired.

We are setting up a situation here where we are begging for people to appeal each others' events. I don't think that is what is intended here, and I think that the plan should be looked at with an eye to reducing those types of conflicts.

Give us something clear, so that we don't end up fighting. Malibu is a city full of chiefs. We have very few Indians here, and everybody -- we are willing to follow the rules as long as the rules are clear, but if you make them

as loosey-goosey as that, we are going to be fighting our neighbors. It is no fun.

Also, on page 105, there is some criteria here that scares the hell out of me. It is 5.55. The heading is non-conforming uses and structures.

And, 5.55 says:

"Existing, lawfully established structures, built prior to the effective date of the Coastal Act..."

That is prior to 1976.

"...that do not conform with the provisions of the LCP..."

Basically, anything before then isn't going to comply with the LCP.

"...may be maintained and repaired. Minor improvements to such structures may be permitted provided that such improvements do not increase the degree of non-conformity, or extend the life of the structure.

Substantial additions, demolition, and reconstruction, or remodeling of non-conforming structures are not permitted unless such structures are brought into conformance with the policies and standards of the LCP."

Well, we have a couple of problems here. One of them is on page 112, Item 6.1 designates all of Malibu, or nearly all of Malibu, a highly scenic area. And, the maps that cover the highly scenic area designates scenic highways. Anything you can see from one of those scenic highways is not supposed to be seeable. It is supposed to be natural. So, all of these homes along the beach that were built before 1976 are in violation. The homes that can be seen from the scenic roads in the hills are also in violation.

We've got some other problems, as well. On page 100, there is a criteria that allows us to have a house, and one -- plus one from the other category. If you have a house that was built before 1976, that has a pool -- I'm sorry, a tennis court and a guest house, when it comes time to remodel or change it, you then would have to get rid of the tennis court or the guest house.

I know that I am out of time. I do apologize for that. I would love it, if you would do something to make that more livable. I think it is unfair to people whose houses were built before 1976.

COASTAL PROGRAM ANALYST HALE: Thank you.

Sam Hall Kaplan, Vicki Cooper, and John Hearne.

MR. KAPLAN: I am Sam Hall Kaplan. I live at 29061 Cliffside. Actually, you can see it almost on your plan picture here, which raises a number of points, in terms of scenic easements.

But, let me first say that I welcome this opportunity. A number of -- I think Marcia said it well, there are the residents, and there is the government of Malibu, and there is an element here, such as myself, a founding director of the sustainable cities movement, community movement many years ago, and very active, that feels that this is a wonderful opportunity, what the Commission is doing, and that we welcome it, but we see it as a beginning, and hopefully for a dialogue.

And, there has been a number of specifics raised. I want to raise just a few major points to help put it in perspective. One, first and foremost, I see the Coastal Commission, the Coastal Act, as protect and preserve, protect and preserve. That is your major matrix. All else becomes secondary. If you can't protect and preserve, why have access? why have anything, because you will degrade that environment.

With that in mind, bearing in mind my misanthropic Malibu, the unique environment that it is, where, you know, the fires meet the floods, I have a number of points. One, if you are going to protect and preserve that coast, the number one priority is to limit commercial development, and particularly limit commercial development where there is an opportunity to restore wetlands, to filter that water to surfrider beach. This is paramount. You, by doing that, and raising these points in here, if you address that, you address a harmful situation in Malibu.

Two, the bluffs. I served for a time a form of penance, which was defined as the parks and recreation commission here, and the bluffs, if you would look at the history of the bluffs, which were given by the Ahmanson family -- not when there was a city -- to the county, and the county then turned it over to the state.

The very fact that they are considering, the state, to put an imposition, an edifice as you will, on a piece of scenic land like that, where there is active use in the center of the city shows a complete lack of understanding and sympathy to what Malibu -- what community is, what a sense of place is, where my four children have played over the years, where hopefully my grandchildren will play.

The very fact that you would take that and convert it into other uses other than open space, shows a complete lack of understanding and sympathy with Malibu. And, I urge you, on good faith, to save the bluffs and preserve it, and it will bring you in conflict with the state.

Third, if you want to do a good deed, if you really believe in scenic, if you put that map, which you can see my -- actually see my house on this. The very fact that one of the more scenic routes, is as you come around Bird View on Cliffside, and see that bay, this is what you see. It is beautiful. I happen to walk it almost every day. Most people walk. That is a concept here. Numerous people walk here, and that they have -- to develop parking access by putting up a forest of signs, and develop what amounts to an offramp, really compromise that scenic, and it says something about values.

You are the Coastal Commission. You are not the coastal parking authority. There is a difference. And, I think, in terms of your priorities, again, think of parking not as that tail that wags the dog, but as surfing.

Finally, ah, access, yes. We need access, but we have to do the sensitive, and there are areas we don't need access in, and it should be banned, in terms of all access, in terms of sensitive areas.

Anyway, thank you, good luck, you'll need it.

COASTAL PROGRAM ANALYST HALE: Is Vicki Cooper still here?

[No Response]

John Hearne.

MR. HEARNE: My name is John Hearne, and I have been involved in the Surfrider Foundation, and a lot of environmental groups for the past 20 years, working on public access and environmental projects. And, we have had a lot of victories here, and some defeats.

But, I am a resident of Malibu, and I was really struck by this document when I first read it, when I down loaded it from the internet, and it struck me as being a cram-down on the local population here, and the local residents here, and it feels to me that this process is pretty much lip service, that you've really made up your mind what you want to do.

And, I would hope that that is not going to be the case, and that there will be a very serious reconsideration of a lot of the elements in this plan, because it is destructive to the environment in a lot of areas, and it is going to be counterproductive, and it is going to lead to a lot of litigation, and probably some very large Lucas lawsuits.

And, I think that you would be well advised to not run with this as a fait accompli, and to seriously reconsider its contents. And, that is the extent of

my comments, and I would hope that going forward that local input will be seriously considered.

COASTAL PROGRAM ANALYST HALE: Is Margaret Shultz still here?

MS. SHULTZ: Yes, I'm here.

COASTAL PROGRAM ANALYST HALE: Would you like to take your time back, because we have come to the end of the speaker slips, and there is a bit more time.

MS. SHULTZ: Well, I waived my time -- [voice fades out of hearing range.]

COASTAL PROGRAM ANALYST HALE: Yes, I am going to call the people who weren't here when I called them first, to see if anyone is still here.

And, if anyone else would like to speak who hasn't turned in a slip, you can still do that, so please let us know.

MS. SHULTZ: Thank you, I appreciate that. I also appreciate all of your work, and I hope that this is the beginning of more opportunities for this dialogue.

Overall, I thought that the plan was organized and readable, and as a lay person and a local for a long time in Malibu, I asked myself, what does this mean? if these plans are implemented in the next 10, 20 or 30 years, how will Malibu change? what will be different?

I know that this presentation is a visual one, and I would like to see -- and I think that was from someone in the Malibu community that did that.

I would like -- I don't know if you could add something like an executive summary, or vision statement describing in a story form what you see Malibu looking like, how will things look in the future? Or, maybe you could add templates, where you had overlays. I think a lot of people, there is just so much room for interpretation, and really not being able to visualize what you mean. There is a lot of variables that are unexplained, and undefined.

And, I think somebody else mentioned about terms. In the back of this there was no glossary of terms: what do we mean by significant adverse impact? or mitigate? or appropriate where feasible? I mean these are really open for all kinds of miscommunication.

Also, I had something like administrative things, like once the LCP is certified, who oversees its timely implementation? or who determines the time frames? and, what expenses does the Coastal Commission envision the City of Malibu paying? and what formula or rationale do you use?

And, I had hoped that you would add some more maps and tables. Maybe you just didn't include them in this because of the bulk, or something, but I thought that the only ESHAs that I saw were on map 1, and I thought that that was really, really, limiting to what I understand other reports have used.

And, I also don't know how you will be giving us feedback on all of this that you've heard tonight, so maybe we could have that answered?

Thank you.

COASTAL PROGRAM ANALYST HALE: I will just read through the slips that we called, and no one was here at the time, quickly, to make sure you aren't back in the room, to see if you are here.

Richard Sol?

[No Response]

Elias Davis?

[No Response]

Vincent Cortazzo?

[No Response]

Wayne Pepper?

[No Response]

Joanna Rivari?

[No Response]

Harry Salzberg?

[No Response]

Vicki Cooper?

[No Response]

And, that's it.

Is there anyone left who would like to speak?

[No Response]

I believe that Mr. Timm had some concluding remarks.

COASTAL PROGRAM ANALYST TIMM: At this point, I think I just want to thank everybody for being here tonight.

We have listened to your comments. We have recorded them. I think there are too many for me to start addressing those. And, I really think I need to read the transcript, and we need to look at providing a response in a comprehensive way. And, we will do that.

Now, there is a Coastal Commission hearing coming up in November, and the tentative date for the Land Use Plan is the 15th, which is a Thursday, a couple of weeks from now. We don't have our final agenda published, so it is possible that day could get, the day that the Land Use Plan is scheduled, could get moved around. I doubt it, but it is possible.

[Audience Reaction]

Pardon me?

It is held in downtown L.A. at the --

Go ahead.

SENIOR DEPUTY DIRECTOR DAMM: It will be at the Hyatt Regency downtown Los Angeles, and if you are interested, that is 711 South Hope Street.

COASTAL PROGRAM ANALYST TIMM: I believe it will start at 9:00 a.m. That is typically when a Commission hearing starts.

As far as -- we are going to try and read through your comments. We may attach the transcript to the staff report to go to the Commission. I don't believe there is any way we are going to be able to address every comment we've received tonight in detail in time for that meeting.

But, I think we did get -- we certainly heard your opinions tonight. I think a number of good points were raised. And, we do plan to seriously consider those. It doesn't mean that down the road there is not going to be some areas where we are going to have to agree to disagree, because there were even a lot of conflicting statements made tonight. I don't think everybody in this room would agree with everybody else.

But, having said that, we are going to, again -- I don't want to be redundant, but we will consider these policies, and hopefully we can establish a dialogue with the city, as well.

So, thank you all for coming --

MS. MC BURNEY: Are you saying that it is going to be decided "Yea" or "Nay" on the 15th?

COASTAL PROGRAM ANALYST TIMM: I don't believe so, no, no, no.

MS. MC BURNEY: What are you saying?

COASTAL PROGRAM ANALYST TIMM: I am saying the Commission is holding a hearing on the Land Use Plan on the 15th. I fully anticipate that they will then schedule a second hearing in January.

Now, under the legislation that we are dealing with, the Commission is required to transmit a draft Land Use Plan to the city -- as I said earlier -- a draft Land Use Plan by January 15 of this year -- by next year, yes, 2002, I'm sorry.

UNIDENTIFIED SPEAKER: What is a hearing?

COASTAL PROGRAM ANALYST TIMM: It is a public hearing on this document.

UNIDENTIFIED SPEAKER: Are comments and their response presented?

COASTAL PROGRAM ANALYST TIMM: Yes, the Commission wants to hear your comments on this draft Land Use Plan. We also want to hear the Commission's comments on it, as well.

UNIDENTIFIED SPEAKER: How much time do you think Malibu will have?

COASTAL PROGRAM ANALYST TIMM: It will be practically the entire day.

The original intent was to spend the entire day on this item. There are a couple of items that are going to be scheduled early in the morning, that should not take much time. But, it is essentially the entire day.

MS. MC BURNEY: Do you mean that we should go down and say the same things to the Commission that we've said to you?

[General Audience Discussion]

COASTAL PROGRAM ANALYST TIMM: That is your decision.

[General Audience Discussion]

I'm sorry?

UNIDENTIFIED SPEAKER: Will they read the present transcript?

COASTAL PROGRAM ANALYST TIMM: We will try and get it to them, but, Ma'am I can't promise --

UNIDENTIFIED SPEAKER: [Question out of hearing range.]

COURT REPORTER: Mr. Timm, I am not able to get these questions, I'm sorry. These questions are not going on the record.

COASTAL PROGRAM ANALYST TIMM: Ma'am, would you come up here and make that comment, because the court reporter is not getting what you are asking.

COURT REPORTER: I can't even see who is asking the question.

Would you just speak into the microphone for me, please. Thank you.

MS. REARDON-HARRIS: My name is Jill Reardon-Harris.

And, I am asking if they will review the comments made tonight before their meeting, and I am asking why they will only perhaps have time to review them, and give them to them. I mean, it is two weeks. I mean, isn't it an obligation to have that done before hand, so that it can be discussed at the meeting.

COURT REPORTER: Thank you.

On the timing for the transcript, let me speak to Mr. Timm.

[Pause in proceedings.]

SENIOR DEPUTY DIRECTOR DAMM: Just so everyone knows, the court reporter has indicated that she can get the transcript completed, and we will get copies of the transcript to the Commissioners.

The purpose of tonight's meeting was really two- fold. Number one --

UNIDENTIFIED SPEAKER: We can't hear you.

SENIOR DEPUTY DIRECTOR DAMM: Number one, the staff wanted to get comments, input, from everyone in the audience here, because this is a work in progress.

We do not expect the Commission to be taking action at the November meeting. There will then be subsequent meetings held next year, in January. And, then additional work will be continuing to occur on this LCP, or Local Coastal Program, right on up until September of next year. So, this is not something that ends with the November Commission's meeting.

But, in light of the comments that have been received, and in light of what Priscilla has indicated, as far as being able to prepare the transcript of tonight's meeting, we will provide that to the Commissioners, so that they can look at that.

But, I would encourage all of you, if you can, to attend the Commission's meeting, because it does make a difference for them to hear from the citizens, rather than just read a transcript. So, if you can attend that meeting, I would certainly encourage you to do so.

MS. MC BURNEY: Do you understand that having this happen only two weeks after this one, makes this meeting seem like a charade. Do you understand that?

UNIDENTIFIED SPEAKER: No, no, they are not going to vote in November. They are not going to vote then.

MS. MC BURNEY: They are now asking us to do this twice in two weeks, because the Commission won't have a chance to really do anything with it. That makes this meeting seem like a charade.

SENIOR DEPUTY DIRECTOR DAMM: Well, that is certainly not the intent. The intent was to get comments.

And, the other point is, if someone cannot attend the November Commission meeting we did want to have input from people who for one reason or another --

MS. MC BURNEY: I am just wondering --

SENIOR DEPUTY DIRECTOR DAMM: -- would not be able to go to the --

MS. MC BURNEY: -- if this input is doing any good.

SENIOR DEPUTY DIRECTOR DAMM: I understand that.

I guess this is turning into quite a question and answer period.

Well, you are going to need to -- well, we only have about 15 minutes, or so.

MR. LONDON: You know, we have a draft now.

COURT REPORTER: May I please have your name for the record.

MR. LONDON: Arthur London.

COURT REPORTER: Thank you.

MR. LONDON: We have a first draft. Now, we've had a meeting, and you've got some input.

And, then the Commission, I guess, will consider some things, and may give some responses. But, wouldn't it be opportune, and important, to have a second draft? something responsive to what has happened? rather than go from this draft conversation and input, and then fait accompli? Shouldn't there be a second draft to show what you are considering to do in response to the public's reaction?

MS. WHITE: Can I ask a question? I haven't been able to speak at all.

MR. LONDON: Well, I was just wondering --

COASTAL PROGRAM ANALYST TIMM: Can you please just step to the microphone.

MR. LONDON: -- I was trying to get an answer to -- what about the question I just asked?

MS. WHITE: Do you want the answer?

COASTAL PROGRAM ANALYST TIMM: Go ahead, and we'll answer them both.

MS. WHITE: Okay. My name is Ruth White and I've tried to find out why the meeting is being held in Los Angeles? And, I was told -- and you'll need to correct me -- that it was a four-day situation, or least an extended situation, and so we had to take that into consideration, and therefore meet in Los Angeles.

Now, if your agenda is not set, and we are going to take most of the day, I would think that you should and could reconsider this, because our residents of Malibu, you are going to have to have half of Malibu traveling down that coast, and I think, even if we had to come up with some money to house your staff up here, that it probably would be forthcoming.

So, I am asking that you reconsider where this is being held, thank you.

COASTAL PROGRAM ANALYST TIMM: Could you give your name, please.

MR. STEARN: Andy Stearn, I am vice chair of the planning commission, Malibu, but I am speaking for myself, now.

The frustration is you are here tonight, where were you a year ago? where were you when this whole process started? So, now we hear about this tonight, and you are going to try your best to get this transcript done, and it is going to take the Commissioners a long time to read it, to really understand it. How are they going to be able to do it before this next meeting? how is everyone going to go downtown? A lot of people are going to be there.

So, I understand your problem, but I guess my question is, where were you months ago? If we could have started this process months ago, we wouldn't be here tonight starting the process again.

Thank you.

COASTAL PROGRAM ANALYST HALE: We must wrap up. We have a permit from the school district, unfortunately, it has very strict limits on when we have to have the room returned to the condition we found it in.

[Audience Reaction]

We want to make sure about a couple of things, but some people may not have heard it, if they came in late: one, is that this document is on our Coastal Commission web site. It is available, if you don't have your own copy to read there.

And, if you call our office in Ventura -- we gave the phone number earlier, but I want to give it once more, if anyone needs it. It is area code 805.585.1800. If you have a concern about hearing notices, future dates, documents, or want to submit written comments to us, please call us, and we'll make sure that your written documents and other things do go to the record.

UNIDENTIFIED SPEAKER: Is the Commissioner's hearing definitely on the 15th? Can rely upon that?

COASTAL PROGRAM ANALYST HALE: Yes, it is, in fact, going to be on Thursday, yes. That is correct. I think you can count on that.

Thank you.

UNIDENTIFIED SPEAKER: Would it just be possible, to request, when the transcript is ready, that it be posted on the web site.

COASTAL PROGRAM ANALYST HALE: I don't know if we can do that.

UNIDENTIFIED SPEAKER: That would make it more accessible to have one.

SENIOR DEPUTY DIRECTOR DAMM: The court reporter says she can give it to us on a disk form, and I think that is a good idea.

COASTAL PROGRAM ANALYST HALE: Thank you.

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[Whereupon the hearing concluded at 9:40 p.m.]