

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



ITEM W 10a

DATE: June 27, 2002

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Chuck Damm, Deputy Director
Gary Timm, District Manager
Barbara Carey, Coastal Program Analyst

SUBJECT: Draft City of Malibu Local Coastal Program (Including Revised Draft Land Use Plan and Draft Local Implementation Plan)

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission take public testimony, discuss and provide direction to staff regarding the provisions of the attached Draft City of Malibu Local Coastal Program (including Revised Draft Land Use Plan and Draft Local Implementation Plan).

BACKGROUND

On August 31, 2000, the State legislature passed Assembly Bill 988 which added Section 30166.5 to the Coastal Act. Subsection (a) requires the Coastal Commission to prepare an initial draft of the Land Use Plan for the City of Malibu and submit it to the City on or before January 15, 2002. Subsection (b) requires the Commission, after public hearing and consultation with the City of Malibu, to certify a Local Coastal Program for the City by September 15, 2002. Section 30166.5 also requires the City to immediately assume coastal development permitting authority subsequent to certification of the LCP by the Commission and provides that, notwithstanding specified requirements for the review and approval of development projects, no application for a coastal development permit shall be deemed approved if the City fails to take timely action to approve or deny the application.

The Commission held two public hearings on the Draft Land Use Plan. The Commission considered public comments on the LUP on November 15, 2001 in Los Angeles and continued the hearing to the January 10, 2002 meeting. The Commission voted to submit the Initial Draft LUP to the City at its January 10, 2002 public hearing. The Initial Draft LUP submitted to the City on January 14, 2002 included the changes that the Coastal Commission made at the January hearing.

ATTACHMENTS

Revised Draft Land Use Plan

Attached is the Revised Draft LUP, dated June 2002. This document includes policies and text that have been modified since the January 10, 2002 Initial Draft LUP. The modifications are in response to Commission comments from the January 10, 2002 hearing regarding further investigation, comments from the City of Malibu regarding policy modifications, and staff changes. The modifications to the policies and text of the LUP are shown with underlining for new text and strikethrough for deletions.

Additionally, the LUP ESHA Map (1-4) has been revised to reflect updated information and comments from the City and the public. The LUP Land Use Map (1-5) has also been revised. Modifications have been made to several areas of beachfront parcels to designate each area for the "Multi-Family Beachfront" land use. The Land Use Map has also been revised to designate several parcels as "Public Open Space" to reflect recent public acquisitions.

Draft Local Implementation Plan

Also attached is the Draft Local Implementation Plan (LIP), dated June 2002, which implements the policies and provisions of the Revised Draft LUP. The Draft LIP has been prepared by Commission staff with input from the City of Malibu staff. Commission staff prepared several chapters of the Draft LIP and several chapters were prepared by the City's consultant LSA Associates, Inc., under the supervision of City staff. The chapters were then revised and integrated into the Draft LIP document by Commission staff. Included in the LIP are the Zoning Map (1-5) and the ESHA Overlay Map (1-4).

The Draft LIP was made available for public review on June 10, 2002.

Modifications to Draft Local Implementation Plan

Additionally, Recommended Modifications to the Draft Local Implementation Plan, dated June 27, 2002 are attached. Staff recommends several changes to the text of the Draft LIP (June 2002). The changes are shown in this document with underlining to show new text and strikethrough to show deletions.

Land Use Plan Staff Report for January 2002 Commission Hearing

The staff report that was originally provided for Commission consideration at the January 10, 2002 hearing on the Draft Malibu LUP is attached for background information. This document has not been updated. (Revised proposed draft findings on environmentally sensitive habitat areas have been developed, as described below) Therefore, many of the LUP policies and provisions discussed in this document have

been changed since the staff report was prepared. However, background and issue descriptions remain relevant and informative. Staff will be revising and augmenting the findings for the Commission's consideration at the September 2002 hearing.

City Comments and Public Correspondence

Attached are comments (dated May 31, 2002) provided by the City of Malibu regarding Local Implementation Plan text chapters that were prepared by Commission staff. These chapters include: Title and Purpose, ESHA Overlay, Native Tree Protection, Scenic and Visual Resources, Transfer of Development Credits, Shoreline Protection, Public Access, Coastal Development Permits, and Local Coastal Program Amendments.

Additionally, staff has attached all new public correspondence regarding the Malibu LCP that has been received since the January 10, 2002 Commission hearing.

Revised Draft Environmentally Sensitive Habitat Findings

The next attachment is the Revised Draft Findings on the Determination of Environmentally Sensitive Habitat Areas for the City of Malibu Local Coastal Program. These findings have been substantially revised from the Draft environmentally sensitive habitat area findings that were considered by the Commission at the January 10, 2002 hearing. The attached findings will ultimately comprise a major portion of the findings regarding Marine and Land Resources that will be prepared for the Commission's consideration at the September 2002 hearing.

These proposed draft environmentally sensitive habitat area findings are incomplete and should be considered a work in progress. Most major components are included in the draft proposed ESHA findings and the draft findings do provide the information that is critical for the Commission's review and discussion at the public hearing on July 10.

We have incorporated many of the suggestions of reviewers, input from the public hearings, some information from the June 13 workshop, and further staff research into the draft findings. However, because of time constraints, staff was not able to complete the draft and we have noted in the text areas that will be expanded in the draft proposed environmentally sensitive habitat area findings for the Commission's consideration in September.

Transcripts of the Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains

Finally, the transcripts from the Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains, held on June 13, 2002 are attached.