



City of Malibu

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Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

December 3, 2014

California Coastal Commission
John Ainsworth
Deputy Director
South Central Coastal Area
89 South California Street, Suite 200
Ventura, CA 93001

Subject: Resolution and Ordinance Acknowledgement of the California Coastal Commission's Modifications to Local Coastal Program Amendment MAL-MAJ-1-12 (Public Access Map)

Dear Mr. Ainsworth:

On July 10, 2014, the Coastal Commission approved LCP Amendment MAL-MAJ-1-12 (City reference LCPA No. 12-004) with suggested modifications. On November 10, 2014, the City of Malibu City Council adopted Resolution No. 14-69, acknowledging receipt and agreeing to the Coastal Commission's modifications to the maps. The resolution is enclosed for your records.

If you have any questions, you may contact me at (310) 456-2489, extension 245.

Sincerely,

Adrian Fernandez
Senior Planner

Enclosures: City of Malibu City Council Resolution No. 14-69

RESOLUTION NO. 14-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S CONDITIONAL CERTIFICATION OF MAL-MAJ-1-12 AND APPROVING THE ADOPTION OF LOCAL COASTAL PROGRAM AMENDMENT NO. 12-004 CONSISTENT WITH THE COMMISSION'S SUGGESTED MODIFICATIONS TO UPDATE THE LOCAL COASTAL PROGRAM LAND USE PLAN PUBLIC ACCESS MAP

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On September 24, 2012, in compliance with Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 19.2.1(A), the City Council adopted Council Resolution No. 12-36 to initiate an LCP amendment (LCPA) to update the LCP Public Access Map. The City Council directed the Planning Commission to schedule a public hearing regarding the amendment.

B. On November 5, 2012, the Planning Commission held a duly noticed public hearing on LCPA No. 12-004, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. At that meeting, the Planning Commission adopted Resolution No. 12-100, recommending the City Council approve the amendment as modified with the following five map changes: 1) a map note that defines "lateral public access" and "vertical public access"; 2) a map note that reads "The full extent of the parkland in the City can be seen on the LCP Parkland and Trails System Map."; 3) a new west segment of Las Tunas Beach (APNs 4449-007-013 through -017) shown as a beach park; 4) plan references to identify the general location of all major beaches in the City including Escondido, Puerco Canyon, Amarillo, Carbon, La Costa, Las Flores, Big Rock, Westward, and Topanga; and 5) two vertical accessways between Broad Beach Road and west Sea Level Drive (APN 4470-021-008) and east Sea Level Drive (APN 4470-021-009).

C. On November 29, 2012, pursuant to LIP Section 19.3, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold a public hearing on December 10, 2012 to consider an amendment of the LCP. Additionally, a Notice of City Council Public Hearing was mailed to all interested parties; homeowners' associations on record with the City; regional, state, and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC).

D. On December 10, 2012, the City Council held a duly noticed public hearing on the subject amendment, reviewed and considered written reports, public testimony, and related information. At that meeting, the City Council adopted Resolution No. 12-43, as amended, with the following six changes: 1) a lateral easement located at 22716 Pacific Coast Highway; 2) removal of a vertical easement shown at 22716 Pacific Coast Highway (shown in error); 3) a lateral easement across 30974 to 30980 Broad Beach Road; 4) change the vertical easement located at 22626 Pacific Coast Highway from "open" to "closed"; 5) change the correct street name from

Cliffside Drive to Wildlife Road in the eastern portion of Point Dume; and 6) revise the displayed address listings down the coast to reflect the location of open vertical easements.

E. On December 28, 2012, the LCPA was submitted to the California Coastal Commission (CCC). On July 10, 2013, the submittal, identified by the CCC as MAL-MAJ-1-12 (Public Access Map), was reviewed by Commission staff and determined to be complete.

F. On July 10, 2013, the CCC granted a one-year time extension to consider the LCPA.

G. On July 10, 2014, the CCC conditionally certified MAL-MAJ-1-12 (LCPA No. 12-004) subject to modifications as set forth in the Resolution of Certification adopted by the CCC on July 10, 2014.

H. On October 30, 2014, a Notice of City Council Public Hearing to be held on November 10, 2014, was published in a newspaper of general circulation within the City and was mailed to all interested parties; regional, state and federal agencies affected by the amendments; local libraries and media; and the California Coastal Commission.

I. On November 10, 2014, the City Council held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, staff presentation and written reports, public testimony, and other information in the record. After considering of all reviewed materials and information, the City Council agreed to add an asterisk with a footnote to provide context to the vertical offer-to-dedicate on the Tivoli Condominium Property (APN 4460-019-036).

Section 2. Environmental Review.

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the CCC before it takes effect.

Section 3. Local Coastal Program Amendment No. 12-004 Amendments to the Public Access Map as Modified by the California Coastal Commission.

Consistent with the CCC's July 10, 2014 conditional certification of MAL-MAJ-1-12 (LCPA No. 12-004), replace the existing LCP Public Access Map in its entirety with Exhibit A, an updated Public Access Map, attached hereto.

Section 4. Findings.

A. Based on evidence in the record, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act.

B. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP as identified in said document. The proposed LCP Public Access Map reflects the most current inventory of existing lateral (along the coastline) and vertical (from the first public street to the beach) public beach access and public beach parks in the City since December 2001. An updated Public Access Map ensures that development and uses within the City's jurisdiction of the Coastal Zone advances the overarching goals of protecting coastal resources and promoting public access and recreation for the general public. Specifically, LCP Land Use Plan (LUP) Chapter 2 (Public Access and Recreation) states that the overarching goal and intent of the policies within the Chapter is to ensure that the LUP provides for the protection, provision, and enhancement of public access and recreation opportunities in the City of Malibu consistent with goals, objectives, and policies of the California Coastal Act. Other applicable chapters include LUP Chapter 4 (Shoreline Development), LUP Chapter 6 (Scenic and Visual Resources), and LIP Chapter 1 (Purpose).

As a part of the LUP, the updated Public Access Map ensures that future development projects and land uses conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating an updated Public Access Map into the LUP achieves LUP Policy 2.61(b) (mapping preparation for the California Coastal Trail), LUP Policy 2.82 (regional access guide), LUP Policy 2.83 (OTD acceptance prior to expiration), LUP Policy 4.17 (delineate all access on/near development), LUP Policy 6.2 (identification and protection from public viewing areas), LIP Sections 1.2(D) and (G) (guides future growth and development), LIP Section 1.2(F) (promotes public health, safety, and general welfare), and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements). The map was prepared with input and data from the CCC, Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority.

Section 5. Approval of Local Coastal Program Amendment No. 12-004.

A. Pursuant to the California Coastal Commission's Administrative Regulations Section 13544.5, the LCP amendment certification shall not be deemed final and effective until all of the following occur: 1) the City Council: a) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; b) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and c) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program; 2) the Executive Director determines in writing that the City's action is legally adequate to satisfy any specific requirements set forth in the Commission's certification order and the Director reports the determination to the Commission at its next regularly scheduled meeting; 3) if the Director finds that the City's action does not conform to the Commission's order, the

Commission shall review the City action as if it were a resubmittal; and 4) notice of the certification shall be filed with the Secretary of the Resources Agency for posting and inspection.

B. The City Council acknowledges receipt of the California Coastal Commission's modifications to LCPA No. 12-004. The City Council further accepts and agrees to the modified language suggested by the California Coastal Commission pertaining to the Land Use Plan and approves revisions to LCP Amendment No. 12-004 without further changes.

C. The City of Malibu agrees to issue coastal development permits for the total area included in the certified LCP.

D. The proposed amendments to the Local Coastal Program Land Use Plan meet the requirements of, and are in conformance with the policies and requirements of Chapter 3 of the California Coastal Act to the extent necessary to achieve the basic State goals specified in Public Resources Code Section 30001.

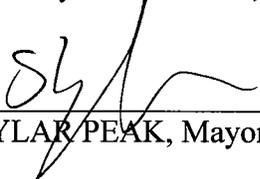
Section 6. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit a copy of this Resolution to the Commission per Title 14, California Code of Regulations Section 134544.5(a).

Section 7. Certification.

The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 10th day of November, 2014.



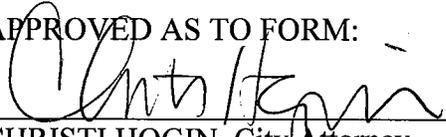
SKYLAR PEAK, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

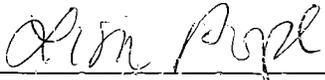
APPROVED AS TO FORM:



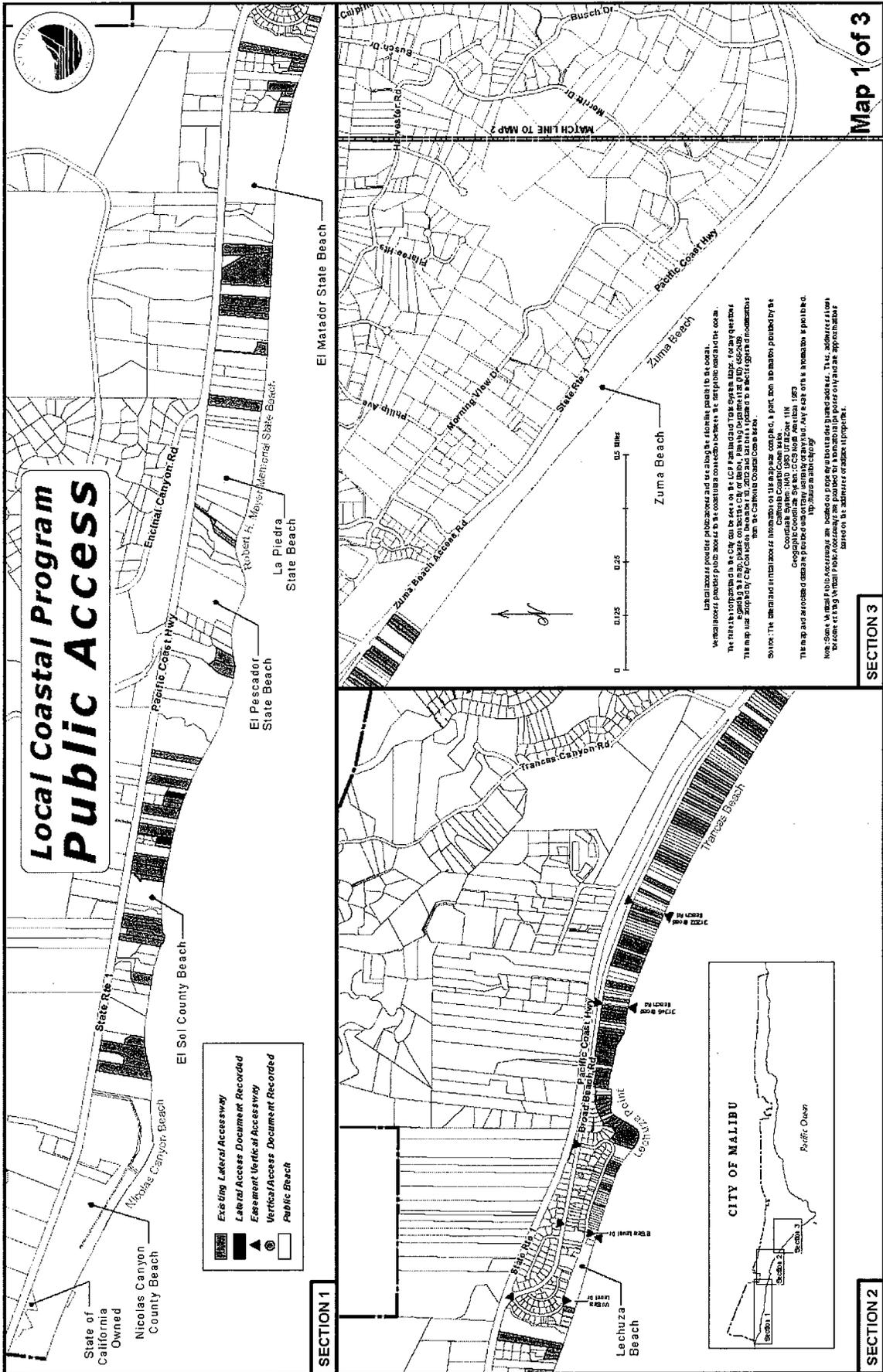
CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 14-69 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 10th day of November 2014 by the following vote:

AYES: 5 Councilmembers: House, La Monte, Rosenthal, Sibert, Peak
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)



Local Coastal Program Public Access

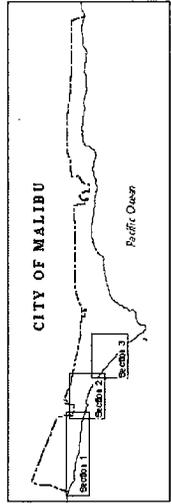
Map 1 of 3

SECTION 3

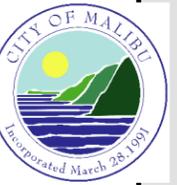
SECTION 2

SECTION 1

- Existing Lateral Accessway
- Lateral Access Document Recorded
- Easement/Right of Accessway
- Vertical/Access Document Recorded
- Public Beach



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Local Coastal Program Public Access

State of California Owned
Nicolas Canyon Beach
Nicolas Canyon Beach

State Rte 1

El Sol County Beach

Pacific Coast Hwy

Encinal Canyon Rd

El Pescador State Beach

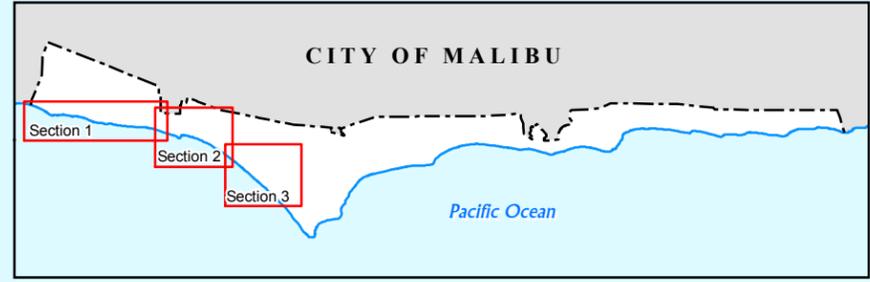
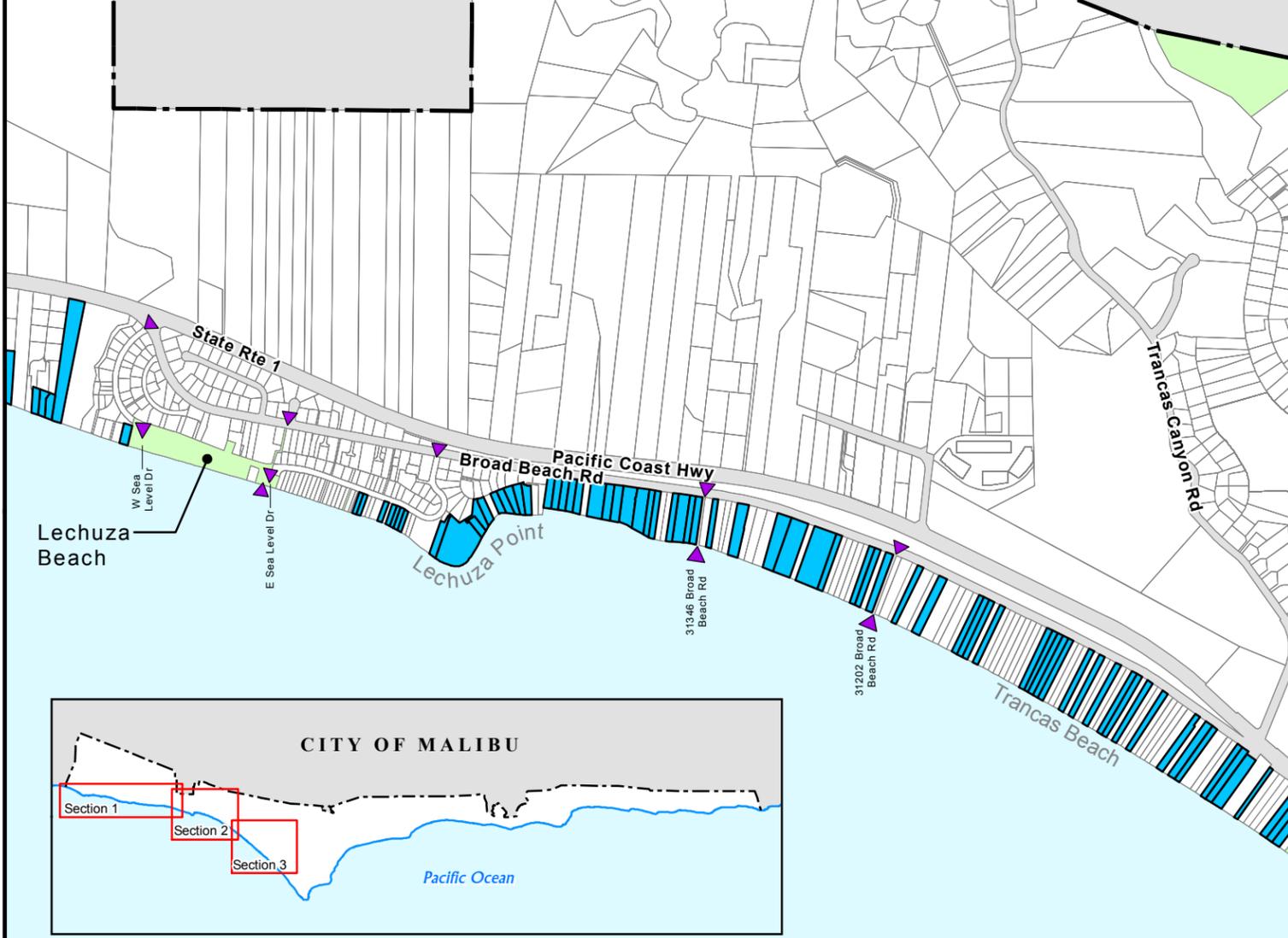
La Piedra State Beach

Robert H. Meyer Memorial State Beach

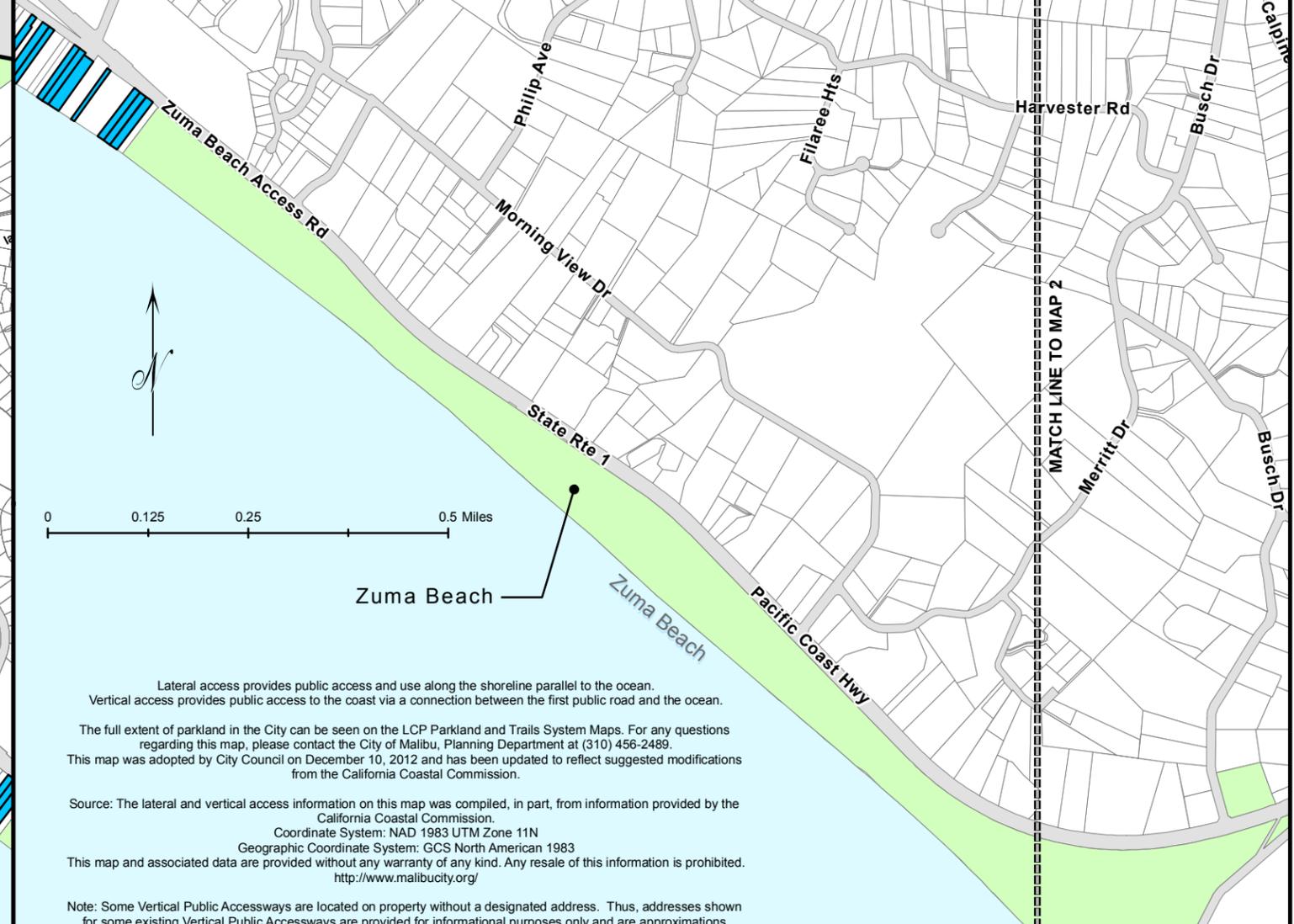
El Matador State Beach

-  Existing Lateral Accessway
-  Lateral Access Document Recorded
-  Easement Vertical Accessway
-  Vertical Access Document Recorded
-  Public Beach

SECTION 1



SECTION 2



SECTION 3

Lateral access provides public access and use along the shoreline parallel to the ocean.
 Vertical access provides public access to the coast via a connection between the first public road and the ocean.

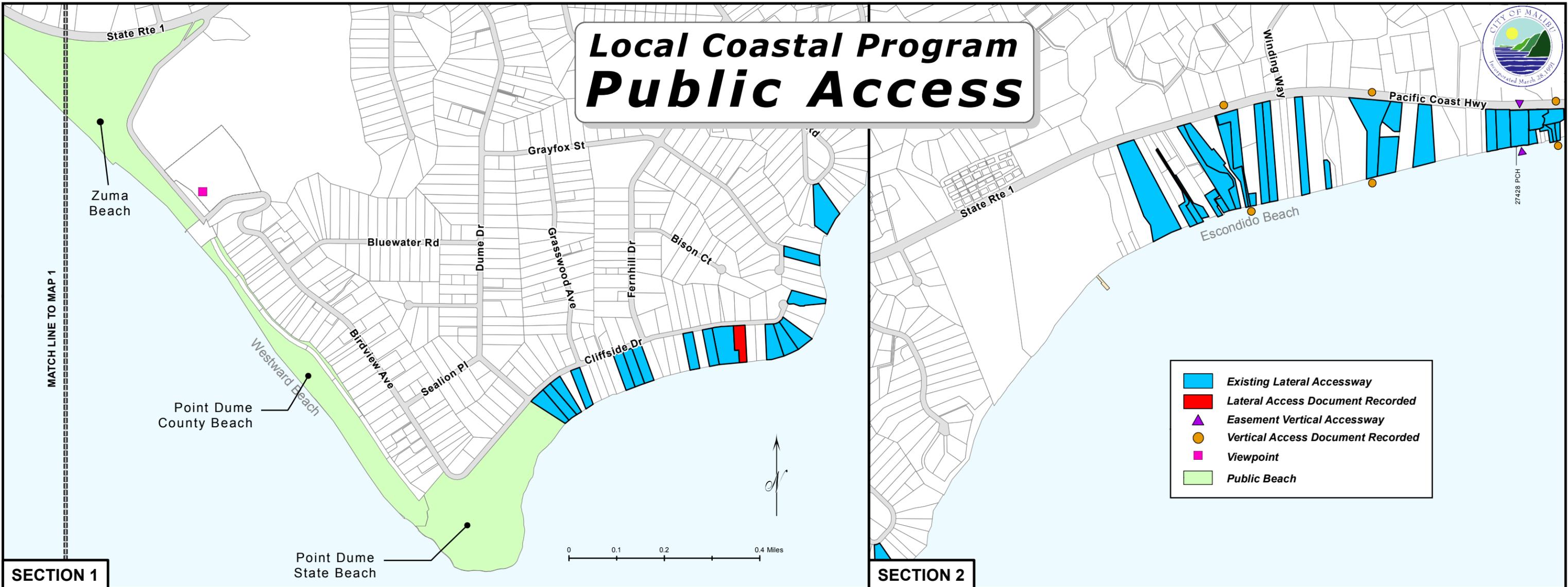
The full extent of parkland in the City can be seen on the LCP Parkland and Trails System Maps. For any questions regarding this map, please contact the City of Malibu, Planning Department at (310) 456-2489.
 This map was adopted by City Council on December 10, 2012 and has been updated to reflect suggested modifications from the California Coastal Commission.

Source: The lateral and vertical access information on this map was compiled, in part, from information provided by the California Coastal Commission.
 Coordinate System: NAD 1983 UTM Zone 11N
 Geographic Coordinate System: GCS North American 1983
 This map and associated data are provided without any warranty of any kind. Any resale of this information is prohibited.
<http://www.malibucity.org/>

Note: Some Vertical Public Accessways are located on property without a designated address. Thus, addresses shown for some existing Vertical Public Accessways are provided for informational purposes only and are approximations based on the addresses of adjacent properties.

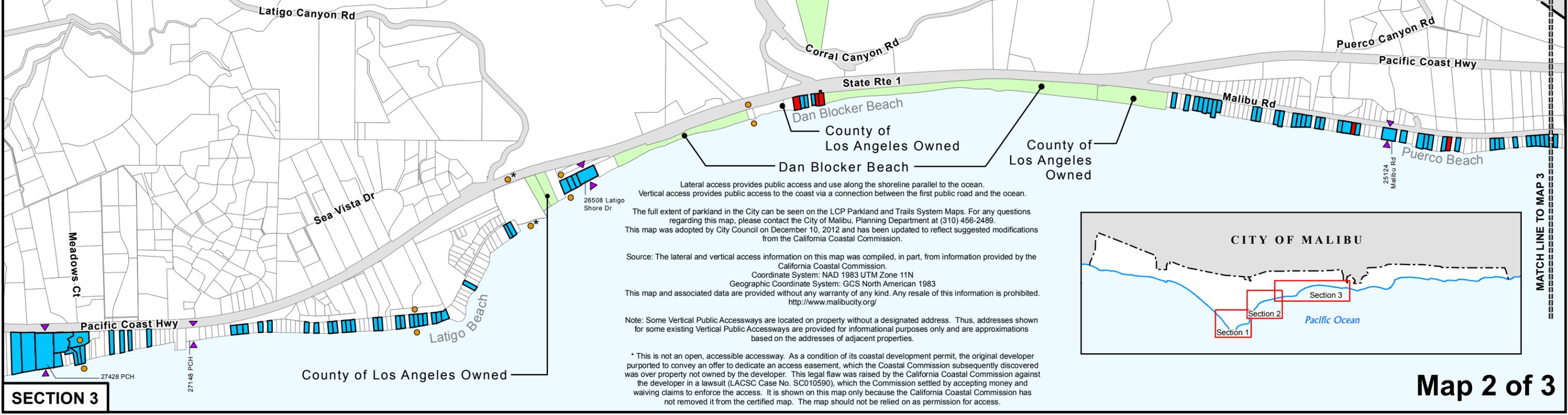


Local Coastal Program Public Access



SECTION 1

SECTION 2



SECTION 3

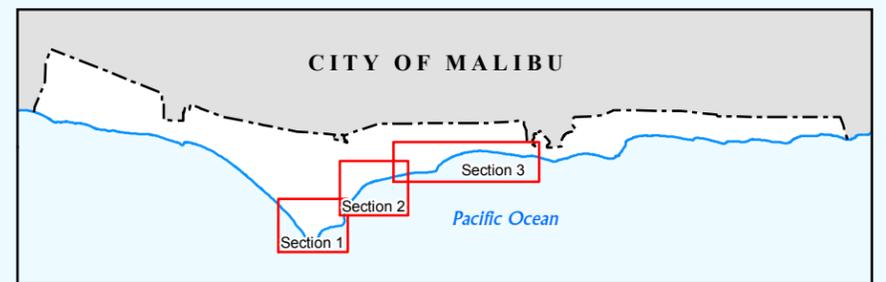
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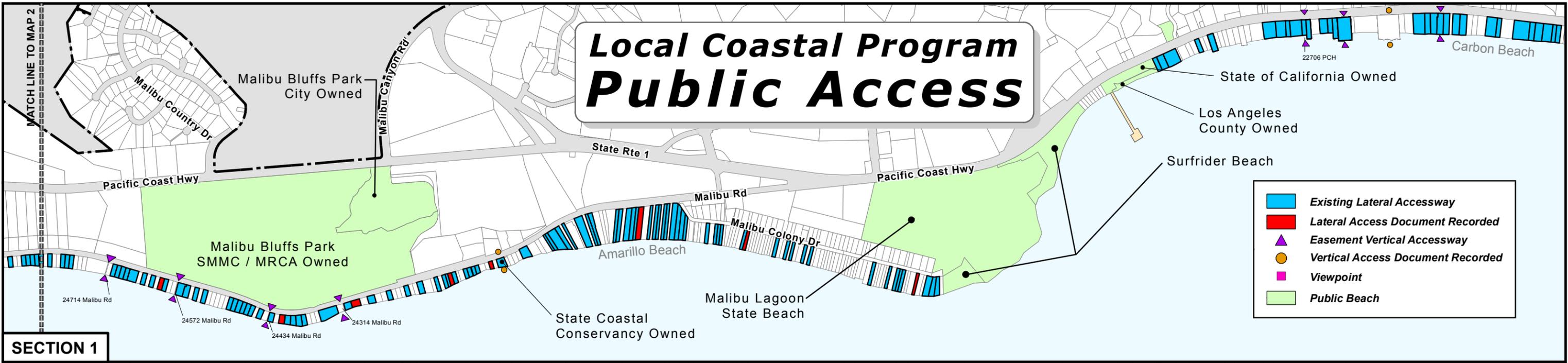
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* This is not an open, accessible accessway. As a condition of its coastal development permit, the original developer purported to convey an offer to dedicate an access easement, which the Coastal Commission subsequently discovered was over property not owned by the developer. This legal flaw was raised by the California Coastal Commission against the developer in a lawsuit (LACSC Case No. SC010590), which the Commission settled by accepting money and waiving claims to enforce the access. It is shown on this map only because the California Coastal Commission has not removed it from the certified map. The map should not be relied on as permission for access.



Local Coastal Program Public Access

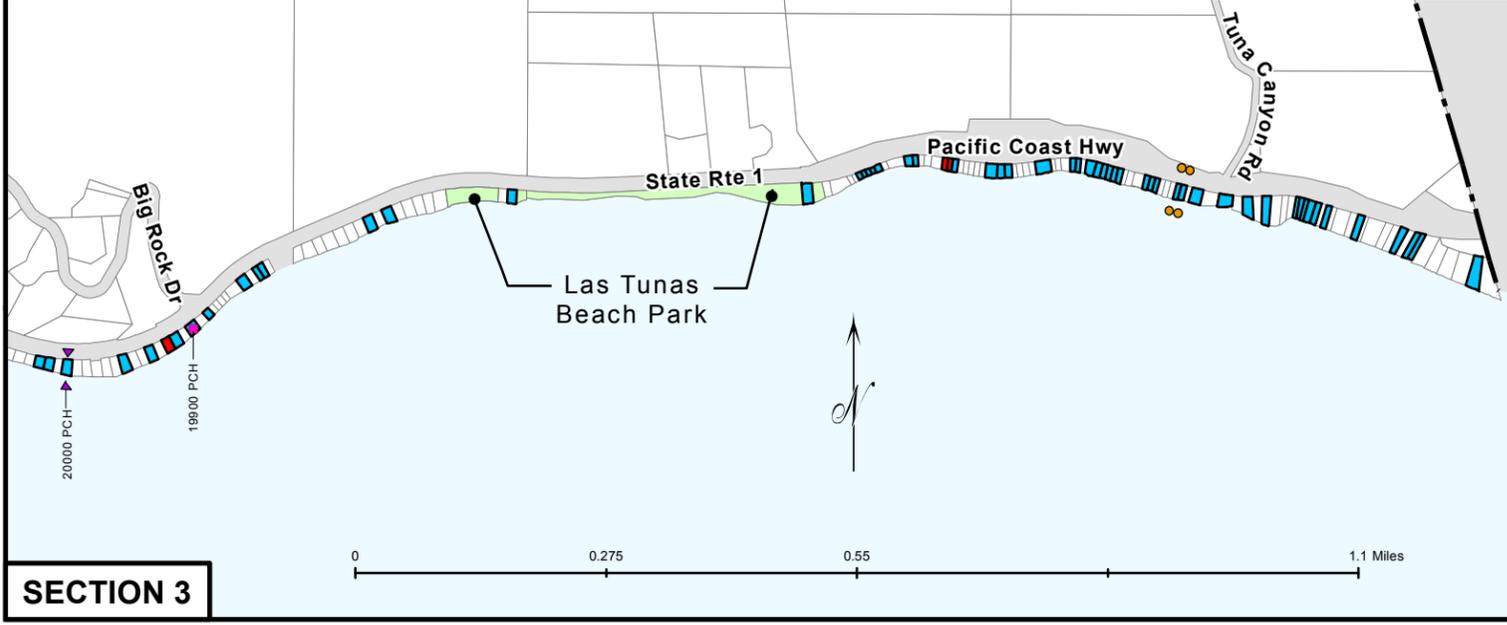


	Existing Lateral Accessway
	Lateral Access Document Recorded
	Easement Vertical Accessway
	Vertical Access Document Recorded
	Viewpoint
	Public Beach

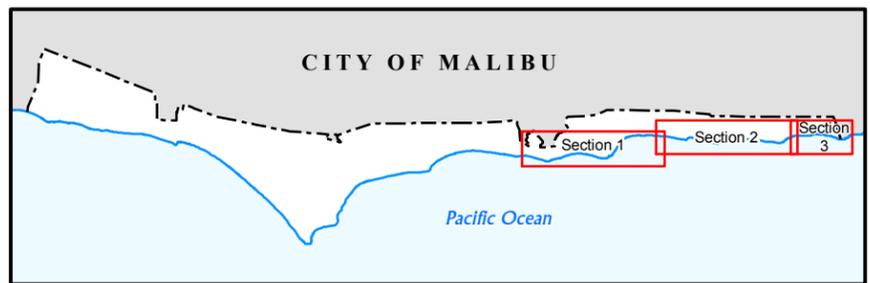
SECTION 1



SECTION 2



SECTION 3



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