

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
(805) 585-1800



July 6, 2015

Bonnie Blue
Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED
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PLANNING DEPT.

RE: City of Malibu Local Coastal Program Amendment 1-12 (Public Access Map Update)

Dear Ms. Blue:

On July 10, 2014, the Coastal Commission (Commission) approved Malibu Local Coastal Program (LCP) Amendment 1-12 with suggested modifications. The subject amendment consisted of an update to the Land Use Plan Public Access Map to reflect current information showing the location of existing public beaches, lateral public access ways along the shoreline, and vertical public access ways between the first public road and the shoreline.

On November 10, 2014, the Malibu City Council adopted Resolution No. 14-69, acknowledging receipt of the Commission's certification of LCP Amendment No. 1-12 and accepting and agreeing to the modifications suggested by the Commission. However, Recital I of Resolution No. 14-69 also notes that the City Council also decided to add an asterisk "with a footnote to provide context to the vertical offer-to-dedicate on the Tivoli Condominium Property." The document was transmitted to Commission staff on December 4, 2014.

Pursuant to Section 13544.5 of Title 14 of the California Code of Regulations, the Executive Director must determine whether the action taken by the City of Malibu acknowledging receipt and acceptance of, and agreement with, the Commission's certification of the above referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. Furthermore, as noted in section 5 of Resolution 14-69, Section 13544.5 also states if the executive director finds that the local government action does not conform to the provision of the Commission's action to certify the land use plan, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 "as if it were a resubmittal."

Commission staff reviewed the City's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of, LCP Amendment 1-12, as certified by the Commission on July 10, 2014, as contained in the adopted Resolution 14-69 of November 10, 2014, and find that the City's action is not adequate to satisfy the terms and requirements of the Commission's certification. Specifically, as Steve Hudson of our staff previously discussed with Jim Thorsen, City Manager, after the City's resolution was submitted, the City's incorporation of an asterisk and footnote on the public access map effects a substantive changes to the contents of the map with respect to the Tivoli Condominium Property without Commission review or approval

thereof. This modification to the public access map is therefore inconsistent with the modifications approved by the Commission on its July 10, 2014 action. Therefore, pursuant to Section 13544.5, as cited above, the Commission will review the City's adopted Resolution 14-69 as a land use plan resubmittal. Review of the land use plan resubmittal will be done in accordance with Section 13541(b) of Title 14 of the California Code of Regulations, which states that review of the land use plan shall take place when the Commission determines that the land use plan submittal can be reviewed without adversely affecting the review of other land use plans previously scheduled.

Should you have any questions regarding this matter, please contact Denise Venegas in our Ventura office. The Commission and staff greatly appreciate the City's cooperation and assistance in this matter.

Authorized on behalf of the California Coastal Commission by:

Charles Lester
Executive Director



By: Denise Venegas
Coastal Program Analyst