

**CALIFORNIA COASTAL COMMISSION**

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



# Th16c

**DATE:** November 19, 2015

**TO:** Commissioners and Interested Parties

**FROM:** Steve Hudson, Deputy Director  
Barbara Carey, District Manager  
Denise Venegas, Coastal Program Analyst

**SUBJECT:** City of Malibu Minor LCP Amendment No. MAL-MIN-2-08 for Commission Action at its December 10, 2015 hearing in Monterey.

---

## AMENDMENT DESCRIPTION

The City of Malibu is requesting that the Commission certify an amendment to the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP). The LCP amendment includes revisions to correct an existing inconsistency between the ending date of the rainy season, as summarized below.

The proposed LUP and LIP amendment includes: (1) revision to resource protection LUP Policy 3.47 and LUP Policy 3.48 which to replace the end date of the rainy season from March 1 with March 31<sup>st</sup> and (2) revision to grading development standard LIP Section 8.4.A and LIP Section 8.4.C to replace the end date of the rainy season from March 1 with March 31.

## MINOR LCP AMENDMENT DETERMINATION

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the Commission's regulations, the Executive Director has determined the proposed amendment is "minor" in nature. Sections 13554 and 13554(a) of the Regulations provide that a minor amendment includes, but is not limited to, changes which: 1) make the use as designated in implementing actions more specific; 2) do not change the kind, intensity, or density of use; and 3) are consistent with the certified Land Use Plan (LUP). Section 13554(c) of the Regulations also provides that a minor amendment may include changes in the notification and hearing procedures that are consistent with the requirements of the Coastal Act.

The City's proposed modifications include minor changes to correct an existing inconsistency between the ending date of the rainy season contained in the City of Malibu's certified Local Coastal Program. Both LUP Policies 3.47 and 3.48 and LIP Section 8.4.A and 8.4.C prohibit earthmoving during the rainy season when development is located within or adjacent to environmentally sensitive habitat areas or includes grading on slopes greater than 4:1; and when grading is permitted during the rainy season, erosion control measures shall be implemented. The subject amendment request, submitted via City Council Resolution No. 15-62 and reflected in Ordinance No. 397 (attached), represent changes to make implementing provisions consistent,

and which do not change the kind, location, intensity or density of uses allowed. The original amendment submittal also comprised of the incorporation of Hillside Residential Development Standards, however this element of the amendment has been rescinded. Further, the changes proposed in the subject amendment are consistent with the certified Coastal Land Use Plan, and the notification and hearing procedure changes are consistent with the requirements of the Coastal Act. Therefore, the proposed amendment is consistent with the certified Coastal Land Use Plan and the Coastal Act, and is considered “minor” as defined under Section 13554(a).

## **PROCEDURES**

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government’s resolution for submittal of a proposed LCP amendment must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission’s approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. In this case, the County has submitted the amendment as one that will take effect automatically upon approval by the Commission. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with 14 CCR Section 13555(b).

## **PUBLIC NOTICE**

Section 13555 of Title 14 of the California Code of Regulations requires the Executive Director to prepare a report describing the proposed amendment and providing notice of the Executive Director’s determination the amendment is of a “minor” nature. Section 13555 also requires the Executive Director to report to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within 10 working days. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with Section 13555(b).

Notification of the proposed amendment will be mailed on November 20, 2015. The ten working-day objection period will therefore terminate on December 8, 2015. The Commission will be notified at the December 2015 meeting of any objections.

Also, Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification and amendment of any LCP. The City held public hearings on the proposed ordinance changes. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations and the County provided evidence of the measures taken to provide notice of their hearings, consistent with Section 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

**Received**

RESOLUTION NO. 15-62

NOV 03 2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING LOCAL COASTAL PROGRAM AMENDMENT NO. 07-004 TO WITHDRAW ALL LANGUAGE PERTAINING TO HILLSIDE RESIDENTIAL DEVELOPMENT STANDARDS, BY REPEALING SUBSECTION 4(A) OF RESOLUTION NO. 08-01 AND REPEALING RESOLUTION NO. 10-24 IN ITS ENTIRETY

California Coastal Commission  
South Central Coast District

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. On January 14, 2008, the City Council adopted Resolution No. 08-01 approving Local Coastal Program Amendment (LCPA) No. 07-004, amendments to the Local Coastal Program (LCP) Land Use Plan (LUP), and directed staff to submit the amendment to the California Coastal Commission (CCC) for certification. The amendments included clarification of the definition of "rainy season" and incorporation of the hillside residential development standards of Malibu Municipal Code (MMC) Title 17 into the LCP.
- B. January 28, 2008, the City Council adopted Ordinance No. 320 approving amendments to the Local Coastal Program Local Implementation Plan and corollary amendments to Title 17 of the MMC.
- C. In 2009 and 2010, California Coastal Commission (CCC) staff made several requests for additional information, including a consistency analysis for the hillside development standards portion of the amendment.
- D. On May 24, 2010, the City Council adopted Resolution No. 10-24 further amending LCPA No. 07-004 and, at the direction of City Council, the requested information was submitted to the CCC.
- E. On June 14, 2014, the City Council adopted Ordinance No. 349 further amending LCPA No. 07-004 and corollary amendments to Title 17 of the MMC. Upon receipt of the information, CCC staff requested further information pertaining to the amendment.
- F. Having reviewed those proposals, the Council determined it was important for the "rainy season" portion of the amendment to be processed and that more time was needed to resolve the issues pertaining to the hillside development standards.

SECTION 2. Repeal Language Related to Hillside Residential Development Standards from the Local Coastal Program Amendment.

- A. The City Council hereby repeals Subsection 4(A) of Resolution No. 08-01 and repeals Resolution No. 10-24 in its entirety, specifically the following:

Amend LUP Section 6.C.2 (New Development) to add the following policies and renumber subsequent LUP Chapter 6 Policies:

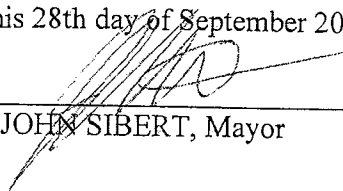
6.24 Residential development occurring on a parcel of land visible from a scenic road or area on the inland side of Pacific Coast Highway on a proposed development area located on slopes greater than thirty (30) percent and which will result in grading on slopes greater than thirty (30) percent, as calculated on a slope analysis utilizing 10-foot contour lines.

6.25 The proposed development area is the portion of a project site that will be developed, including the building pad and all graded slopes, all structures, and parking areas. The area of one proposed access driveway or roadway not to exceed twenty feet wide, and one proposed hammerhead or safety turnaround, as required by the Los Angeles County Fire Department not located within the approved building pad, shall be excluded from the total proposed development area.

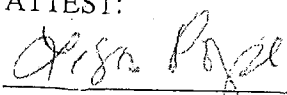
SECTION 3. The City Council hereby directs the Planning Department to work with CCC staff to resolve issues pertaining to the hillside residential development standards so that inconsistencies between the LCP and MMC may be resolved in a future LCPA.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

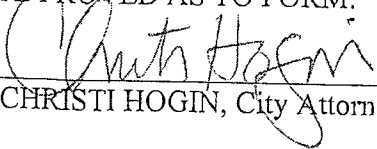
PASSED, APPROVED, AND ADOPTED this 28th day of September 2015.

  
\_\_\_\_\_  
JOHN SIBERT, Mayor

ATTEST:

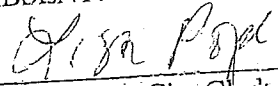
  
\_\_\_\_\_  
LISA POPE, City Clerk  
(seal)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 15-62 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 28<sup>th</sup> day of September 2015 by the following vote:

AYES:	4	Councilmembers:	House, La Monte, Peak, Rosenthal
NOES:	0		
ABSTAIN:	0		
ABSENT:	1	Councilmember:	Sibert

  
\_\_\_\_\_  
LISA POPE, City Clerk  
(seal)

ORDINANCE NO. 397

AN ORDINANCE OF THE CITY OF MALIBU AMENDING LOCAL COASTAL PROGRAM AMENDMENT NO. 07-004 TO WITHDRAW ALL LANGUAGE PERTAINING TO HILLSIDE RESIDENTIAL DEVELOPMENT STANDARDS, BY REPEALING SUBSECTION 4(A) OF ORDINANCE NO. 320 AND REPEALING ORDINANCE NO. 349 IN ITS ENTIRETY

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Repeal.

Ordinance No. 349 is hereby repealed in its entirety and Subsection 4(A) of Ordinance No. 320 is repealed to remove all portions of Local Coastal Program Amendment No. 07-004 that pertain to Hillside Development Standards.

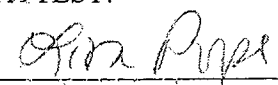
SECTION 2. Certification.

The City Clerk shall certify the adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of October 2015.

  
\_\_\_\_\_  
JOHN SIBERT, Mayor

ATTEST:

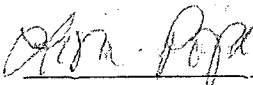
  
\_\_\_\_\_  
LISA POPE, City Clerk  
(seal)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 397 was passed and adopted at the Adjourned Regular City Council meeting of October 14, 2015, by the following vote:

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

  
\_\_\_\_\_  
LISA POPE, City Clerk  
(seal)