


CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

**Tu12a**

September 24, 1998

TO: Commissioners and Interested Persons

FROM: Steven Scholl, AICP, Deputy Director
Elizabeth Fuchs, AICP, Manager, Land Use Unit
 Rebecca Roth, Analyst, Federal Programs and LCP Assistance

SUBJECT: **City of Malibu LCP Grant Request and Work Program** (for Commission review and action at the meeting of October 13, 1998).

FUNDING REQUEST:

The City of Malibu requests approval of a grant for **\$42,690** for a 12-month period to complete the Land Use Plan portion of its LCP.

STAFF RECOMMENDATION:

Staff recommends **approval of the grant request for the amount of \$ 42,690 subject to special conditions 1.**

SPECIAL CONDITIONS:

1. The work program tasks 3, 4, 6 and 7 shall be modified to include a Public Coastal Access Component consistent with Section 30500 of the Coastal Act.

MOTION:

"I move that the Commission approve the grant request of the City of Malibu, subject to conditions as set forth in this staff report."

Staff recommends a Yes vote.

DISCUSSION:

In 1998, the City of Malibu applied to the Commission for a grant of \$47,800 from the \$340,000 available for LCP grants to complete the Land Use Plan portion of its LCP. On September 22, 1998 the City modified its proposal to seek a \$42,690 grant and revise the work program start date to November 1, 1998 (*Exhibit 4b*).

The common methodology for preparation of Local Coastal Programs is set forth in Coastal Act Sections 30500-30534 and Sections 13500-13577 of the

California Code of Regulations. There are several steps in the process and, as part of past LCP funding programs, these have been identified as follows: Phase I: Issue Identification; Phase II: Work Program Development; Phase III: LUP Development; Phase IV: Zoning Ordinance Development; and Phase V: Implementation and Permit Startup. The regulations outline a process for completion of Issue Identification (the first phase of the methodology) and call for local governments requesting funding assistance to submit the Issue Identification as part of the work program proposals.

The Commission postponed action on this request twice (June 8 1998 and August 8, 1998) to provide the City time to submit issue papers previously completed but not yet submitted to Commission for review. In August 1998, the City provided to Commission staff six Draft Focused Issue Papers that discussed the following: 1) transfer of development credits; 2) trails; 3) residential second units; 4) coastal access; 5) visitor serving uses; and 6) shoreline protective devices.

The Commission staff did not recommend completion of a new submittal of Issue Identification per se, as part of this grant application/work program proposal for two reasons. First, staff believed Coastal Act issues were previously identified prior to City incorporation as part of the Issue Identification for the Los Angeles County LCP planning program. Second, the City's draft issue papers were done without benefit of LCP grant funds, and, Commission staff believed that it would be a more efficient use of limited grant funds to focus on completing the Land Use Plan rather than repeating this issue identification work. The waiver of this requirement was based on the Commission staff's anticipated review and comment of the City's issue papers relative to the consideration and inclusion of key Coastal Act issues within the Land Use Plan.

The City has submitted the required issue papers, including one for coastal access, and is agreeing that comments submitted by Commission staff on these papers will be addressed in the planning process. However, the work program tasks and products for completion of the Land Use Plan (Tasks 3, 4,6,7) do not describe in detail the development of the public access component consistent with the Coastal Act as required by Coastal Act Section 30500(a) and administrative regulations 13512. Section 30500(a) requires that: "each local coastal program prepared pursuant to this chapter shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." Since the work program becomes part of the contract and the basis for any reimbursements, staff recommends that the grant be conditioned to modify the work program tasks 3, 4 6, 7 to clarify that the LUP developed under the grant will included the required Public Access Component.

The amount of the award as recommended, \$ 42,690 is the maximum available for allocation. On June 8,1998, the Commission awarded grants to six other

jurisdictions, and at that time adopted a 10% reallocation of funds in order to award funds to a seventh jurisdiction, the City of San Diego. The amount of funds awarded by the June 8 action total \$297,310 and, since a total of \$340,000 was available for distribution in 1998, only \$42,690 remains to allocate to the City of Malibu. Based on the Commission's action on June 8, 1998, the City of Malibu revised its work program to fund Tasks 2 through 9, which, as modified, equal \$42,690.

The City application is for funding to complete planning to achieve certification of its Land Use Plan, and is therefore a **Priority Level 1** in the Commission's adopted grant priorities. It also meets several of the Commission's grant criteria. The City of Malibu generates a significant permit workload for the Commission. While this grant alone will not result in transfer of permit authority, completion of the LUP is the first step in achieving LCP certification. Unlike other jurisdictions awarded grants, the City of Malibu has received no prior LCP grant funds to assist in LCP planning.

The planning for the City will address some significant regional coastal issues in the Malibu/Santa Monica Mountains area of the coastal zone. The City's application, as well as the application for the County of Los Angeles, offers an opportunity to coordinate planning efforts to address several issues of greater than local importance, including the cumulative impacts of growth and development in the coastal zone, transportation and access issues, and water quality, among others. The work programs for both the City of Malibu and L.A. County will benefit directly from the ongoing efforts by the Commission's Regional Cumulative Assessment Project (ReCAP) to evaluate impacts of growth and development and provide technical assistance and guidance to local LCP Planning efforts. ReCAP's data and evaluation will be available to the City during the grant period and early coordination will facilitate efficient data sharing. Given related work programs for the City and Los Angeles County, the Commission is in a good position to help facilitate coordination between the LCP planning effort to address related issues.



City of Malibu

23555 Civic Center Way, Malibu, California 90265-4804
(310) 456-2489 Fax (310) 456-3356

Planning Department

EXHIBIT 1

Item 12a
GRANT
APPLICATION
May 8 1998
1 OF 3 PAGES

Grant Application for Local Coastal Plan

1998-99 Work Program

Introduction

The City has begun work on preparation of the Land Use Plan (LUP). Steps already complete include:

Issues Identification/Coastal Act Policy Review - Complete
Focused Issue Papers - Five of six papers complete

- Transfer of Development Credits
- Trails
- Residential Second Units
- Coastal Access
- Shoreline Protective Structures

Proposed Work Program

1. Draft Focused Issue Papers - Prepare remaining issue paper on Visitor-serving Uses:
 - Identification of major issues
 - Relevant Coastal Act policies
 - Local conditions
 - Considerations for LCP Policies
2. Finalize Issue Recommendations - City Advisory Committee to review issue papers and identify recommended LUP policies. Policy considerations will be based on local conditions, City of Malibu Vision Statement, the General Plan, and Coastal Act.
3. Draft Land Use Plan - Prepare administrative draft LUP from issue papers and advisory committee recommendation. Consultant will develop the draft document, including graphics, for public review.
4. Refine Draft Land Use Plan - Advisory Committee reviews draft LUP. Changes will be incorporated into document by consultant prior to preparing draft LUP for public review and comment.

5. Public Forums - Conduct two forums to review draft LUP. Consultant and staff will present draft LUP for public comment. Second forum will include discussion of how earlier public comments have been addressed in the LUP.
6. Finalize Draft Land Use Plan - Prepare draft LUP for public hearings and adoption.
7. Public Hearings - Planning Commission and City Council review of draft LUP. Oral and written testimony on the LUP will be received. The Commission will make any adjustments to the LUP before it is presented to the City Council. The City Council will make any final changes prior to presentation of the draft LUP to the Coastal Commission. Notification of hearings will be published in advance.
8. Coastal Commission Review - City staff and consultant will present draft LUP to Coastal Commission for approval. Comments and changes from the Coastal Commission will be forwarded to the City Council for review.
9. Issuance of Final Land Use Plan - Changes resulting from Coastal Commission and final City Council review will be incorporated into the LUP to produce the final Local Coastal Program Land Use Plan.

City of Malibu
Grant Application for Local Coastal Plan

1998-99 Work Program
Proposed Quarterly Schedule and Budget

Task	Consultant	City Staff	TOTAL
First Quarter - July through Sept., 1998			
1. Prepare Issue Paper	\$ 3,200	\$ 800	\$ 4,000
2. Finalize Recommendations	2,200	800	3,000
3. Prepare Admin. Draft LUP	17,000	3,000	20,000
Second Quarter - Oct. through Dec., 1998			
4. Refine Admin. Draft LUP	3,000	2,000	5,000
5. Public Forums	1,600	400	2,000
Third Quarter - Jan. through Mar., 1999			
6. Finalize Draft LUP	5,000	1,000	6,000
7. Public Hearings	2,000	500	2,500
Fourth Quarter - Apr. through June, 1999			
8. Coastal Commission Review	1,500	800	2,300
9. Adopt/Issue Final LUP	<u>2,700</u>	<u>300</u>	<u>3,000</u>
TOTAL	<u>\$38,200</u>	<u>\$9,600</u>	<u>\$47,800</u>

RESOLUTION NO. 98-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MALIBU AUTHORIZING AN APPLICATION TO THE
CALIFORNIA COASTAL COMMISSION FOR A LOCAL
COASTAL PROGRAM GRANT

WHEREAS, the City of Malibu does not yet have a fully certified Local Coastal Program, and

WHEREAS, the City of Malibu, recognizing the problems and issues identified in the attached application for Local Coastal Program Grant, desires to provide for a planning study contributing to the completion and certification by the Commission of its Local Coastal Program, and

WHEREAS, the City of Malibu is seeking funds to expedite the preparation and completion of the Local Coastal Program with the assistance of consultants, and

WHEREAS, the City of Malibu has developed an application package to address these development problems and issues, and

WHEREAS, the City of Malibu desires to complete its Local Coastal Program and assume permit issuing authority pursuant to the provisions of the California Coastal Act, and

WHEREAS, the California Coastal Commission, under authority of the Government Code of the State of California and Chapter 779 of Statutes of 1997, may provide planning and financial assistance for such a program.

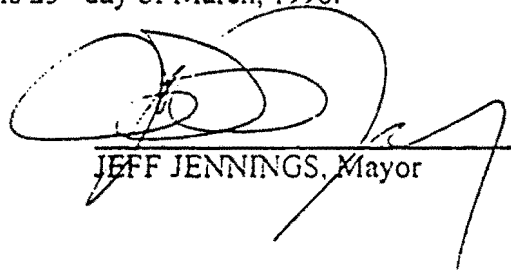
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY RESOLVE:

Section 1. The City Council of the City of Malibu hereby requests the Coastal Commission to provide financial and planning assistance, under authority of the Government Code of the State of California and Chapter 779 of Statutes of 1997, not to exceed the amount of \$47,800. Such planning assistance is more particularly described in a project description that is attached hereto and made a part of this Resolution.


Section 2. The City Manager of the City of Malibu is hereby authorized and empowered to execute, in the name of the City of Malibu all necessary applications, contracts and agreements and amendments thereto to implement and carry out the purposes specific in this resolution.

Section 3. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of March, 1998.


JEFF JENNINGS, Mayor

ATTEST:


HARRY PEACOCK, City Clerk


I CERTIFY THAT THE FOREGOING RESOLUTION NO. 98-017 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 23rd day of March, 1998, by the following vote:

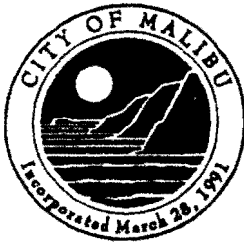
AYES: Councilmembers: Jennings, House, Harlow, Keller, Van Horn

NOES: 0

ABSENT: 0

ABSTAIN: 0


HARRY PEACOCK, City Clerk



City of Malibu

23555 Civic Center Way, Malibu, California 90265-4804
(310) 456-2489 Fax (310) 456-3356

Planning Department

EXHIBIT 3

Item 12a
DETAILED
WORK
PROGRAM
1 OF 3
PAGES

Grant Application for Local Coastal Plan

1998-99 Work Program

Introduction

The City has begun work on preparation of the Land Use Plan (LUP). Steps already complete include:

- A. Issues Identification/Coastal Act Policy Review - The consultant has prepared, and the Local Coastal Program Advisory Committee has reviewed a paper examining the Coastal Act, the Malibu General Plan and the intersection of these two documents as regards coastal issues and policies
- B. Review Los Angeles County Local Coastal Program Land Use Plan for Malibu - The Advisory Committee has begun review of the County plan for Malibu to identify relevant coastal policies which can be incorporated into the Malibu LUP.
- C. Prepare and Review Focused Issue Papers - The consultant has prepared and the Advisory Committee has reviewed issue papers addressing specific areas of concern for the Malibu LUP. Five of six papers are complete:
 - Transfer of Development Credits
 - Trails
 - Residential Second Units
 - Coastal Access
 - Shoreline Protective Structures

A sixth paper on Visitor-Serving Uses will be prepared, as identified in the proposed work program, below.

Proposed Work Program

1. Draft Focused Issue Paper - The City and consultant will prepare one remaining issue paper on Visitor-Serving Uses. The paper will discuss major issues related to the topic, identify relevant Coastal Act policies, establish the set of local conditions appropriate to the major issues and policies, and offer alternative policies for inclusion in the LCP Land Use Plan. The Local Coastal Program Advisory Committee will review the plan and provide comment and recommendations on the alternative land use policies.

Products include:

Issue paper
Committee recommendations

2. Finalize Issue Recommendations - The City and consultant will review the Advisory Committee policy recommendations and prepare a draft set of final recommendations for review by the Committee. Policy considerations will also be based on local conditions, City of Malibu Vision Statement, the General Plan, and Coastal Act.
Products include:
Draft LUP policy recommendations
3. Draft Land Use Plan - The consultant will prepare an administrative draft LUP from issue papers, advisory committee recommendations, the City General Plan and the Coastal Act.
Products include:
Administrative Draft Local Coastal Program Land Use Plan
4. Refine Draft Land Use Plan - The administrative draft LUP will be reviewed by the Advisory Committee, City staff, legal counsel, and Coastal Commission staff. Comments will be reviewed and changes incorporated into the document. A revised administrative draft LUP will be issued for public review.
Products include:
Revised Administrative Draft LUP
5. Public Forums - The City will conduct two public forums to review the administrative draft LUP. Notice will be provided and meetings will be held at different locations to obtain public comment. The consultant and staff will present background information on the Coastal Act, City policy issues, and the draft LUP. The second forum will include discussion of how earlier public comments have been addressed in the LUP.
Products include:
Public presentation materials
Public comments on Administrative Draft LUP
6. Finalize Draft Land Use Plan - The consultant and staff will prepare the draft LUP for public hearing and adoption. Public comments will be reviewed with Coastal Commission staff and incorporated into the document, as appropriate.
Products include:
Draft Local Coastal Program Land Use Plan
7. Public Hearings - The Planning Commission and City Council will review the draft LUP following receipt of oral and written testimony. The Commission will make any adjustments to the LUP before it is presented to the City Council. The City Council will make final changes prior to presentation of the revised draft LUP to the Coastal Commission. Notification of hearings will be published in advance.
Products include:
Revised Draft LUP
Meeting minutes of public hearings.

8. Coastal Commission Review - The consultant and City staff will present the revised draft LUP to the Coastal Commission for review and approval. Comments and changes from the Coastal Commission will be forwarded to the City Council for review.

Products include:

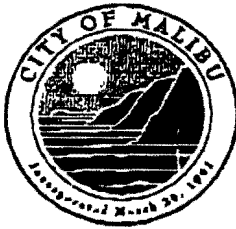
Coastal Commission comments

9. Issuance of Final Land Use Plan - All changes resulting from Coastal Commission and final City Council review will be incorporated into the LUP to produce the final Local Coastal Program Land Use Plan. The City will prepare copies for distribution to the Coastal Commission, City staff and the public.

Products include:

Final Local Coastal Program Land Use Plan

EXHIBIT 4a
Item 12a
9/22/98 letter



City of Malibu

23555 Civic Center Way, Malibu, California 90265-4804
(310) 456-2489 Fax (310) 456-3356

Planning Department

September 22, 1998

California Coastal Commission
45 Fremont Street, Ste. 2000
San Francisco, CA 94105-5200

RE: LCP Grant Application - Receipt of Draft Issue Papers

The City has received your memorandum of September 8, 1998 regarding the issues contained within the six papers previously forwarded to you. We are now reviewing the memo with our consultant and citizen committee.

Our initial impression is that the list of issues that you have identified is more expansive than the scope of the six papers. As we discussed by telephone, the six issue papers are intended to supplement a core document based on the Los Angeles County LCP prepared for Malibu in the 1980's. We are planning to consider each of the issues raised in your letter; although I cannot say at this time if we will take a position on every one of them. We expect to involve the Coastal Commission staff in an on-going dialogue in this regard.

The City remains committed to preparing of a Land Use Plan for review and approval by the Coastal Commission. Again, we seek your support for the grant funds to help us in this effort. A revised work program is attached which reduces the proposed funding, based on work that has been completed since the application was originally filed (and to reflect the reduced allocation from the Commission).

Feel free to contact me if you have any questions.

Sincerely,

Craig A. Ewing, AIOP
Planning Director

c: Harry Peacock, City Manager
Art Bashmakian, Senior Planner
Local Coastal Program Committee

EXHIBIT 4b
Item 12a
REVISED WORK
PROGRAM 9/22/98

**City of Malibu
Grant Application for Local Coastal Plan**

**1998-99 Work Program
Proposed Quarterly Schedule and Budget**

Task	Consultant	City Staff	TOTAL
First Quarter - Nov., 1998 through Jan., 1999			
1. Prepare Issue Paper	-	-	-
2. Finalize Recommendations	1,090	800	1,890
3. Prepare Admin. Draft LUP	17,000	3,000	20,000
Second Quarter - Feb. through Apr., 1999			
4. Refine Admin. Draft LUP	3,000	2,000	5,000
5. Public Forums	1,600	400	2,000
Third Quarter - May through Jul., 1999			
6. Finalize Draft LUP	5,000	1,000	6,000
7. Public Hearings	2,000	500	2,500
Fourth Quarter - Aug. through Oct., 1999			
8. Coastal Commission Review	1,500	800	2,300
9. Adopt/Issue Final LUP	<u>2,700</u>	<u>300</u>	<u>3,000</u>
TOTAL	<u>\$33,890</u>	<u>\$8,800</u>	<u>\$42,690</u>