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May 20, 1999

TO: COMMISSIONERS AND INTERESTED PARTIES

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SUBJECT: **RESPONSE TO COMMENTS AND PROPOSED ACTION PLAN FOR IMPLEMENTING RECOMMENDATIONS OF THE SANTA MONICA MOUNTAIN/MALIBU REGIONAL CUMULATIVE ASSESSMENT PROJECT (ReCAP)**

Background: In April, 1999, the Commission held a public hearing on the proposed ReCAP Action Plan and on staff's response to public comments on the ReCAP Preliminary Findings and Recommendations. The ReCAP report had previously been heard at the Commission's November, 1998, hearing. At this time, the Commission initiated a 30 day public comment period on the ReCAP findings. The April, 1999, hearing also generated substantial public comment on the ReCAP findings. At that time, the Commission postponed action on the ReCAP Action Plan to give staff time to address the additional comments. This staff report addresses those comments and again presents the Action Plan for adoption.

ReCAP was developed to periodically review the implementation of LCPs, as required under the Coastal Act, and recommend corrective actions where necessary. ReCAP also provides guidance to local governments in completing LCPs for certification. The Santa Monica Mountains/Malibu ReCAP evaluated the implementation of coastal policy through Commission permits and local government actions and developed preliminary recommendations to address cumulative impacts identified in three key issue areas: the concentration and location of development, with a focus on the Commission's transfer of development credit (TDC) program; public access; and shoreline armoring.

Organization of this Staff Report: The first section of this report presents the ReCAP staff's proposed Action Plan. The recommendations in the Action Plan have been modified and updated as necessary to address the comments received. The Preliminary Findings and Recommendations for the Santa Monica Mountains/Malibu ReCAP (Oct. 1998) should be read with staff's response to comments for more complete findings. For reference, a copy of the Executive Summary is attached, with a complete list of updated recommendations. A copy of the full ReCAP report was distributed to Commissioners for the April meeting. Staff should be contacted if additional copies are requested.

ReCAP staff's response to comments received since the April, 1999, Commission meeting follows the Action Plan. (Responses to comments received prior to that date were provided at the April, 1999, meeting, and are provided in Attachment 1.) The preliminary ReCAP report will be revised as necessary based on the comments received and a final report will be published following Commission action. A number of comments received by staff reflect concerns with issues that ReCAP staff did not directly address in its analysis. Although staff agrees that those issues are important in managing development in the Santa Monica Mountains, ReCAP staff could not address all the issues pertinent to the region, and focused on the three priority issues identified above. However, comments received on these Coastal Act issues will be relayed to the applicable local government staff for considering during development of the LCPs for the Santa Monica Mountains region.

ReCAP Action Plan- Summary of the Staff Recommendation:

The Action Plan details a strategy for implementing the Santa Monica Mountains/Malibu ReCAP recommendations. **The staff recommendation, which addresses all the recommendations in the Oct. 1998 draft report as revised by public comments, is presented in three parts:**

Part 1: Recommendations for Commission adoption and transmittal to local governments for assistance in their LCP planning and/or to consider modifications to an existing LCP. Part 1 is organized to present the specific recommendations of the preliminary report, grouped by issue and referenced by the number in the preliminary report, which should be carried out through Local Coastal Planning. The recommendations are followed by suggested *findings* that support Commission adoption of the recommendations.

Part 2: Priority Action Items for Commission adoption which include ReCAP recommendations to be carried out by the Commission as part of the Commission's existing regulatory or planning programs during the next 1-2 years. In this part of the report, the *Action Item* summarizes the overall program objectives. Each *Action Item* is followed by the specific ReCAP recommendations from the report which will be carried out as part of the action item. The specific recommendations are identified by the number in the preliminary ReCAP report. For each Priority Action Item, specific *tasks* necessary to implement the full range of recommendations and a suggested timeframe are identified. Finally, suggested *findings*, referencing applicable portions of the preliminary ReCAP report, identify the basis for Commission adoption of the recommendations. Adoption of this part of the Action Plan will provide direction to staff for reviewing future coastal permit applications and for carrying out other planning tasks.

Part 3: Other ReCAP recommendations for Commission endorsement, to be implemented as time and resources are available, and preferably within five years. This section of the report organizes the specific recommendations from the preliminary ReCAP report under overall objectives as in part 2, but, because staff is recommending that these recommendations are not the first priority to address, there are no specific tasks or timeframes given. As resources become available, staff will propose revisions to this Action Plan to propose specific steps to carry out these other recommendations.

The complete language for each recommendation as numbered in the Oct. 1998 ReCAP report and as revised by staff's response to public comments is found in the attached Executive Summary; revised recommendations in this Action Plan were *summarized* where possible.

Staff Recommendation: The Staff recommends that the Commission adopt the following resolution:

Approval and Endorsement of the ReCAP Recommendations and Action Plan.

The Commission hereby approves the Recommendations as set forth in Parts 1 and 2 of the ReCAP Action Plan and directs the staff to transmit recommendations of Part 1 to the applicable local government for consideration in their Local Coastal Programs and amendments, and to

implement the recommendations of Part 2 by July 1, 2001. The Commission endorses the recommendation of Part 3 of the Action Plan for future consideration.

PART 1: Recommendations for Commission adoption and transmittal to local governments.

Description: The following ReCAP recommendations require action on the part of local governments, involving either modifications to an existing LCP (Ventura County) or incorporation of the recommendation into an LCP currently under development (County of Los Angeles and/ or City of Malibu).

Concentration and Location of Development

ReCAP Recommendations:

III-10	Adopt a TDC program which is implemented across jurisdictional lines in the Santa Monica Mountains, to ensure no net increase in the number of lots in the region. The program should be structured to incorporate the recommendations of the ReCAP report. If the City and County find that a joint TDC program cannot be structured, separate TDC programs should be included in each LCP to ensure no net increase in the number of lots in the region. (County of Los Angeles and City of Malibu)
III-10	Retain use of the slope-intensity formula in the existing Santa Monica Mountains LUP. (County of Los Angeles)
III-10	Include in LCP a slope intensity formula in the City of Malibu LCP, where applicable. (City of Malibu)
III-11	Amend the LA County Santa Monica Mountains LUP to reduce the maximum building pad size, and implement the new standard throughout the coastal zone. (County of Los Angeles) Include policies to address sedimentation and runoff into sensitive resources. (County of Los Angeles and City of Malibu)
III-9	Develop and maintain a post-certification tracking system for the location of approved development and required easements, and transmit information to Commission staff. (County of Los Angeles and City of Malibu)
III-4a	Coordinate with National Park Service, Department of State Parks, and the Santa Monica Mountains Conservancy to ensure the integrity of wildlife corridors/habitat linkages. Identification and mapping of habitat linkages should be included in the LCP along with measures to protect such areas, including potential designation as donor areas under a TDC program. (County of Los Angeles)

Public Access

ReCAP Recommendations:

IV-1	Open El Sol Beach and Dan Blocker Beach. (County of Los Angeles)
IV-3	Improve access to Point Dume State Preserve by improving the availability of parking in the area. (City of Malibu)
IV-2	Include in LCP plans for alternative locations for local park uses currently at Malibu Bluffs State Park and ensure that existing athletic fields at Malibu Bluffs State Park are not expanded or reconstructed. (City of Malibu)
IV-6	Include strategy to utilize parking for office and commercial development near beach areas for public shoreline access parking in off-peak periods. (City of Malibu)
IV-10	Incorporate policies designed to minimize and mitigate impacts of development on public shoreline access, including policies to require access Offers to Dedicate (OTDs) to mitigate demonstrated impacts to public access. LCP policies should include details on a program to implement OTDs, including timing for developing each OTD, funding sources for construction of improvements and operation costs, and City department responsible for implementation. (City of Malibu)
IV-11	Improve and/or include permit review procedures to provide for obtaining State Land Commission review on the boundary between public tidelands and private property as a part of coastal permit filing requirements for new development along the shoreline. (Ventura County, County of Los Angeles, City of Malibu)
IV-15	Include measures, policies and standards to prevent unauthorized encroachment of development, and to remove non-permitted encroachments, on any area covered by a recorded and accepted inland trail easement. Include policies to require as part of permit procedures, the submittal of mapped documentation locating any recorded easement or OTD in relation to a proposed development that may affect an existing or proposed easement. (County of Los Angeles and City of Malibu)

Shoreline Armoring

ReCAP Recommendations:

V-1	Include policies in the LCP to prohibit development that would require armoring for those shoreline areas that do not constitute “infill”. Prohibit new subdivision, including lot splits, that would create new lots within high wave hazard areas. (City of Malibu and Ventura County)
V-2	As a condition of new development or demolition and rebuilding of structures subject to wave hazards, ensure that policies require development to be sited outside areas subject to wave hazard or elevated above the Base Flood Elevation and set back as far landward as possible. Require alternatives for waste treatment, including the redesign and/or relocation of septic systems to avoid the need for bulkheads or retaining walls. (City of Malibu and Ventura County)
V-3	Include policies in LCP to ensure that new development and demolition/reconstruction development be set back as far landward as possible, regardless of the location of protective devices on adjacent lots. Policies should clearly state that a “stringline” for shoreline protective devices be applied as a maximum extent of development only if no further landward setback is possible. (City of Malibu)
V-4	Require submittal of maps locating any existing OTD or dedicated easement area in relation to the proposed development of any shoreline protective device or revetment as part of application filing. If such an OTD or dedicated easement is required as a condition of approval, the mapping should be completed prior to issuance of the permit. (City of Malibu and Ventura County)
V-7	Amend LCP to incorporate procedures for emergency permitting and for reconstruction of shoreline protective devices (SPDs), including modification in recommendations V-2 and V-3. (Ventura County)
V-9	Include policies in LCP to establish periodic sand nourishment of key beaches vulnerable to wave damage. Policies should be developed in consultation with the L.A. County Dept. of Beaches and Harbors and State Lands Commission. Policies and programs developed for beach nourishment should include measures to minimize adverse resource impacts. (County of Los Angeles and City of Malibu)
V-11	Include policies in LCP to require that sediment removed from catchment basins be tested for suitability and, if appropriate, used for disposal in the littoral system. (County of Los Angeles, Ventura County, and City of Malibu) In consultation with the L.A. County Dept. of Beaches and Harbors, designate appropriate beaches or offshore feeder sites in the littoral system for placement of suitable sand materials, consistent with Coastal Act policies. Policies and programs developed for beach nourishment should include measures to minimize adverse resource impacts. (City of Malibu)

Summary of Findings: The ReCAP analysis of policy implementation in the Santa Monica Mountains involved three jurisdictions: the City of Malibu, the County of Los Angeles, and a portion of Ventura County. The analysis and recommendations for transmittal to the City of Malibu and the County of Los Angeles are intended to provide guidance to those local governments for their LCP planning. As described in the Preliminary Draft Findings and Recommendation for the Santa Monica Mountains/Malibu Area ReCAP, dated October, 1998, cumulative impacts to coastal resources have resulted from the amount and location of development.

The Coastal Act requires, in part, that new development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The Coastal Act also requires that the location and extent of new development maintain and enhance public access to the coast, and minimize impacts to shoreline resources.

If implemented, the recommendations of the ReCAP report will address those impacts and improve the management and protection of coastal resources, as required under California's coastal management program. Since the City of Malibu and the County of Los Angeles are both in the process of developing a LCP for Commission approval, after which they will assume regulation of most coastal zone development, the findings and recommendations for the issues ReCAP identified are pertinent to transmit to the respective local governments.

Ventura County, however, has a certified LCP. Although the ReCAP analysis did not cover the entire county, the analysis of the implementation of the Ventura County LCP for this small part of the County can be transmitted pursuant to Coastal Act section 30519.5. This section mandates that the Commission periodically review the implementation of certified LCPs to determine if the LCP is being carried out in conformity with the policies of the Coastal Act.

During the public comment period on the ReCAP report, the following issues relating to the management of growth and development in the Santa Monica Mountains region were raised: 1) reducing the allowable density in the region; 2) developing a maximum building pad size within the City of Malibu; and 3) updating the County's circulation plan and coordinating development patterns to that plan. While ReCAP staff's analysis did not directly address these concerns, staff agrees that they are important issues in managing growth and development in the region. Therefore, as part of transmittal of the above ReCAP recommendations, staff will also encourage County and City staff to also address these four issues as part of LCP planning.

PART 2. Priority Action Items for Commission Implementation

Description: Staff proposes to carry out the following recommendations as resources permit. The Commission can begin implementation of these recommendations immediately through modifications to its current regulatory and planning programs. However, staff notes that carrying out recommendations resulting from the ReCAP review will add work tasks to programs that are already very limited in available staff resources. Some of the recommendations can be carried out using federal funds available through the CZMA Section 309 Enhancement Grants Program. In other cases staff is recommending that ReCAP action items be carried out by other agency programs, such as through the Access or Enforcement Programs. Given limited resources, competing demands and priorities will have to be weighed in pursuing these recommendations.

Action Item 1: Implement improvements to the TDC program through the CCC regulatory program to address cumulative impacts of the concentration and location of development.

ReCAP Recommendations:

III-1	Continue the use of the Transfer of Development Credit (TDC) program with the modifications proposed below until LCPs are certified.
III-2	Continue use of the slope intensity formula/GSA program as a means to reduce the cumulative impacts of development in the small lot subdivisions.
III-3	Remove Malibu Mar Vista, Malibu Lake, Las Flores Heights, and El Nido from the TDC program except where lots to be retired are adjacent to each other and have sensitive habitat.
III-4	Revise approved donor areas to include parcels in wildlife corridors and parcels adjacent to parkland where development could not be sited to avoid fire abatement requirements encroaching into public parkland. Propose revisions to the Commission to expand the approved donor areas, as information identifying expansion to habitat linkages is developed by the National Park Service (NPS) or through the LCP.
III-5	In small lot subdivisions, base TDC credit only on acreage (i.e. size and slope) and existence of services (i.e. proximity of roads and water), as described in the 1981 Interpretive Guidelines. No additional credits should be given for sensitive habitat.
III-8	Revise TDC process to prohibit future use of in-lieu fee transactions.

Tasks	Schedule
1.1 Revise staff procedures for qualifying TDCs in conjunction with applicable coastal permits.	FY 98/99
1.2 Distribute revised procedures to district permit staff and provide training in qualifying future TDCs, based on the revised procedures.	FY 99/00

Summary of Findings: As found in the Santa Monica Mountains/Malibu Area ReCAP report, the cumulative impacts of development in the Santa Monica Mountains has long been a concern. Mitigation measures imposed by the Commission to reduce the impacts resulting from the amount and location of development through the use of Transfer of Development Credits (TDCs) and the slope intensity formula have been vital tools in addressing cumulative impacts in the region. The ReCAP report assessed the effectiveness of the TDC program and identified the above modifications that, if implemented, would assure its continued effectiveness in the future and ensure better protection of coastal resources. Some comments were made to retain the El Nido and Malibu Lake small lot subdivisions as donor areas. As noted in the response to comments, TDC requirements have significantly reduced cumulative impacts in these four subdivisions and implementation of these ReCAP recommendations will focus mitigation on areas where greater mitigation of cumulative impacts can be achieved. In addition, at a minimum, parcels within previously identified wildlife corridors should be included as donor areas. As more specific mapping of needed habitat linkages is completed through the LCP or other planning efforts, further revisions may be suggested.

Action Item 2: Pursue changes in TDC process through interagency coordination.

ReCAP Recommendations:

III-6	Work with L.A. County to ensure that lots retired under the TDC and GSA programs are recombined into one parcel, (for example, through an expedited reversion to acreage process).
III-7	Explore options for developing an MOU with appropriate agencies to accelerate acceptance of existing OTDs and future dedications of open space easements for TDCs. If an MOU is developed designating an entity as an accepting managing entity, the Commission should revise its special condition language to provide that when an open space easement is required as part of a TDC transaction, the easement be dedicated directly to the accepting entity.
III-8	Maintain and update Geographic Information System (GIS) data layers for the TDC and Gross Structural Area (GSA) programs which were developed as part of ReCAP.

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Tasks	Schedule
2.1 Identify high priority TDC OTDs that are due to expire soon.	FY 98/99
2.2 Identify potential agencies for accepting OTDs and set up meetings to identify their concerns. (III-7)	FY 98/99
2.3 Based on responses, follow up research to resolve identified obstacles to accepting OTDs, including issues related to fire abatement. (III-7)	FY 99/00
2.4 If one or more agency (ies) is willing to accept existing OTDs, work with agencies to complete transaction. (III-7)	FY 99/00 and FY 00/01
2.5 With legal staff and L.A. County staff, research feasibility of establishing reversion to acreage or other lot merger process. (III-6)	FY 98/99
2.6 Conduct meeting(s) with L.A. County Assessor's office to identify and discuss potential barriers to establishing reversion to acreage process or other lot merger process. (III-6)	FY 99/00 and FY 00/01
2.7 Research options to encourage acceptance of future OTDs and, if appropriate, draft revised language for special conditions.	FY 99/00 and FY 00/01
2.8 Complete data entry for TDC/GSA transactions post-ReCAP. (III-8)	FY 99/00
2.9 With the Commission's information systems staff, technical services staff, and legal staff, develop process for keeping TDC/GSA data layers updated. (III-8)	FY 99/00
2.10 Transfer TDC/GSA database and GIS layers to appropriate Commission and local government staff. (III-8).	FY 99/00

Summary of Findings: As documented in the Preliminary ReCAP report, the mitigation required through Offers to Dedicate (OTDs) that are recorded against the title of permit applicant's property is not fully implemented unless the OTDs are accepted by a managing entity and the lands protected from future development. The ReCAP report found that the successful protection of lands retired through the TDC program requires continuing coordination with local governments. As local government assume permitting authority following certification, this coordination becomes even more important. In addition to the modifications detailed in Action Item 1, the ReCAP analysis identified a number of measures to ensure that the TDC implementation is effectively carried and interagency coordination improved, especially through

the use of improved information exchange. Identification, mapping and acceptance of the priority OTDs which are due to expire in the next few years is also a main objective of this action item.

Action Item 3: Ensure maximum protection of public access to the coast.

ReCAP Recommendations:

IV-8	Commission staff should continue to coordinate with local government to accept all existing vertical and lateral OTDs and develop, as necessary, and open accepted easements to public use. The Commission and Coastal Conservancy should also provide funding where feasible (such as from the Malibu Beach Access Fund, the permit fee fund, the violation remediation fund, and other sources) to public agencies or non-profit organizations for the development, operation, and maintenance of public accessways.
IV-14	Recommend the following as top priority tasks for the Commission Statewide Access Program: 1) map the location of the 8 accepted and 80 recorded inland trail OTD easements, with priority to those due to expire by 2004; 2) coordinate with local governments as part of LCP planning to rank the 80 recorded inland trail OTD easements in priority for acceptance; 3) assist local government and other agencies to accept and open for public use high-priority recorded inland trail OTD easements.
IV-5	In consultation with State Lands Commission, identify and seek removal of all unauthorized physical development that encroaches into state tidelands areas.
IV-9	Identify and seek removal of all unauthorized physical development that encroaches into recorded and accepted access easement areas. Investigate specific cases of encroachment into recorded but unaccepted OTD easement areas and take steps to remove and/or reduce encroachments as allowable and feasible.
IV-7	Inventory existing available public parking along Pacific Coast Highway and public roads seaward of PCH to establish baseline data to prevent future loss of shoreline access through unpermitted signage or construction of physical barriers.

Tasks	Schedule
3.1 In cooperation with the Access Program identify priority OTDs set to expire in the next four years.	FY 98/99
3.2 Complete mapping of the highest priority OTDs.	FY 99/00

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| 3.3 | Identify potential agencies for accepting OTDs and set up meetings to identify concerns and develop strategy. | FY 99/00 |
| 3.4 | Set up initial coordination meeting with State Lands Commission and others; develop plan to identify encroachments on state land and strategy for removal. (IV-5) | FY 00/01 |
| 3.5 | Conduct file review and field checks to identify areas with encroachments. (IV-5) | FY 00/01 |
| 3.6 | Submit encroachment information to Enforcement Unit for possible action to seek removal. (IV-5) | FY 00/01 |
| 3.7 | Coordinate with Commission's LCP grant program; condition grants to require recipient to provide parking data; Provide assistance to local governments to design methodology for parking inventory and data to be collected (IV-7) | FY 99/00 |
| 3.8 | For parking inventories not funded under LCP grants, undertake field analysis and aerial photo analysis to identify current public parking inventory. (IV-7) | FY 00/01 |
| 3.9 | Compile local parking data and Commission parking data to develop parking inventory in GIS. (IV-7) | FY 00/01 |
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Summary of Findings: The Coastal Act requires that the Commission and local governments, through their LCPs, protect and enhance opportunities for public access to the coast. The ReCAP report documented that the cumulative loss of public access opportunities has been significant in the Santa Monica Mountains/Malibu area. The scarcity of beach parking has led to conflicts between visitors and local residents. Public access needs could be addressed by increasing the supply of beach parking and by protecting the existing supply.

As noted in the ReCAP report, accepting outstanding OTDs that would provide new shoreline access opportunities is a high priority for the Commission's Access Program. The Access Program has developed information on the shoreline OTDs and their potential expiration dates statewide and is completing mapping of the vertical accessways in Malibu. Efforts of these tasks will focus on acceptance of the highest priority access OTDs. In addition, the Commission conditioned the recent award of a LCP planning grant to LA County on developing a strategy to accept outstanding Access OTDs as part of their Access Component. These tasks will focus on the OTDs likely to expire before LCP planning is completed and will provide technical assistance to the local governments. ReCAP found that encroachments presented an obstacle to facilitating OTD acceptance and tasks are proposed to address this issue.

Action Item 4: Ensure protection of public easement areas.

ReCAP Recommendations:

III-12; IV-9; IV-15; V-4	Modify Commission permit procedures to require permit applicants to submit, prior to issuance of the permit, mapped documentation locating any existing, proposed or required OTDs or dedicated easements on the applicant's property that may be affected by the proposed development. For proposed or required public access easements, mapping should be done on air photos and project plans.
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Tasks	Schedule
4.1 Modify condition compliance forms and/or draft new special condition language for OTDs and review with legal staff and mapping staff.	FY 98/99
4.2 Finalize language in staff procedural memo.	FY 98/99

Summary of Findings: One of the primary tools that the Commission has used to protect shoreline and trail access opportunities and sensitive habitats is the use of easement areas and offers to dedicate (OTD) easements. The Santa Monica Mountains/Malibu Area ReCAP report documented that a lack of spatial information on the easements has hindered acceptance by land management entities of outstanding OTDs. While the Commission will need to complete mapping of OTDs for permits already issued in order to facilitate acceptance, future permit conditions to require mitigation through an offer to dedicate an easement should include mapping of the easement area as part of the condition compliance.

Action Item 5: Increase protection of shoreline resources from impacts caused by armoring.

ReCAP Recommendations:

V-2	The Commission should, as a condition of new development or of demolition and rebuilding of structures subject to wave hazards, require that new development be sited outside areas subject to wave hazard or elevated above the Base Flood Elevation, and set back as far landward as possible. As part of reconstruction, require investigation of alternatives for waste treatment, including the redesign and/or relocation of sewage disposal systems to avoid the need for bulkheads or retaining walls designed solely to protect such systems.
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V-3	Require in the review of coastal development permits for new development and for demolition and reconstruction of existing development, any permitted shoreline structures be set back as far landward as possible from the most landward mean high tideline (MHTL), regardless of the location of protective devices on adjacent lots. The stringline for shoreline protective devices should be applied as a maximum extent of seaward development only if no further landward setback is possible.
V-6	Pursue modification of Section 30600 (e) of the Coastal Act to require a follow up coastal development permit for emergency actions taken by road departments to protect public roads that result in placement of new or expanded shoreline armoring.

Tasks	Schedule
5.1 Draft staff procedures for review of permit applications for development on the shoreline or revise special condition language; (V-2; V-3)	FY 00/01
5.2 Draft suggested revisions to Section 30600 (e) of Coastal Act for Commission consideration. (V-6)	FY 98/99 and FY 99/00

Summary of Findings: As discussed in the ReCAP findings, the cumulative effects of development of structures, including shoreline armoring on sandy beaches, has resulted in the loss of public resources on sandy beaches, including loss of recreational area. Many of the impacts were a result of placement of armoring during emergency conditions, which often prevents adequate consideration by the Commission of alternative engineering designs or siting of the armoring. The Santa Monica Mountains/Malibu Area ReCAP report identified recommendations to minimize impacts from emergency armoring and to encourage consideration of alternatives. In addition, recommendations address measures to discourage further seaward encroachment of new development which could result in additional armoring.

**PART 3. Other ReCAP Recommendations for Future Implementation
Dependent on Additional Resources and/or Actions by other Agencies**

Description: These recommendations may require additional resources and/or a longer time frame for implementation than those contained in Part 2. In many cases, these recommendations will require collaboration with other agencies. Clearly, the Commission lacks sufficient resources to undertake all of these efforts at the present time. For some of these recommendations, staff proposes to begin implementation now, while recognizing that complete implementation may take several years. Staff may begin collaboration with other affected agencies and may also pursue additional funding where necessary to begin the process of implementation. These recommendations are not part of the priority Action Items for immediate implementation, and staff has not included specific task lists for the recommendations. Instead, as part of future implementation, staff will bring revisions to the Action Plan back to the Commission.

Ensure mitigation is carried out by improving the Commission's permit and condition compliance procedures.

ReCAP Recommendations:

III-8	Modify the Commission's existing statewide permit tracking system to include a condition compliance component.
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Summary of Findings: Monitoring existing TDC requirements as future permit applications are reviewed is important to protect any existing easements or offers to dedicate easements. Currently there is no easy way for Commission staff analysts to be alerted through the permit tracking system of the existence of TDC conditions on past permits. In addition, the ReCAP report noted several cases where a permit was issued prior to completion of TDC conditions, contrary to the intent of the permit condition. Although the number of such cases was small, modification of the existing tracking procedures will help ensure that required conditions are met prior to a permit being issued.

Expand interagency coordination and activities to address the cumulative impact of development on coastal resources.

ReCAP Recommendations:

III-6	Work with L.A. County to ensure that lots retired under the TDC and GSA program are actually recombined into one parcel (for example, through an expedited reversion to acreage process). Once a program is established, the Commission should update its special condition language to require that, prior-to-issuance of the permit, any necessary TDC transactions be completed through this reversion to acreage process.
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III-7; IV-13	Investigate changes to special condition language requiring OTDs for inclusion in future coastal permits which would facilitate acceptance of OTDs required by the Commission.
III-8	Encourage the Mountains Restoration Trust to complete existing in-lieu fee TDC transactions, as required by the terms of the transactions.
III-9	Develop a system to ensure that the local governments' planning departments receive updated TDC/GSA mapped information (GIS data layers) showing the location of restricted lots.
IV-1	Work with Los Angeles County's Beaches and Harbors Department to open currently undeveloped El Sol and Dan Blocker Beaches.
IV-2	Work with the California Department of Parks and Recreation to develop and submit for certification a public works plan for Malibu Bluffs State Park that provides for regional/state park uses, as opposed to existing community park uses.
IV-3	The California Department of Parks and Recreation and the City of Malibu should improve access to Point Dume State Preserve by improving the availability of public parking in the area adjacent to or within the blufftop portion of the Preserve.
V-10	The state Department of Transportation should assist the L.A. County Beach Nourishment Task Force in investigating measures to fund regional beach sand nourishment and to address the use of clean material for placement on the beach. Beach sand nourishment proposals should also be coordinated with the LA County Beaches and Harbors Department and the State Lands Commission. Policies and programs developed for beach nourishment should include measures to minimize adverse resource impacts.

Summary of Findings: As identified through the ReCAP report, assuring that Commission-required coastal permit mitigation of impacts to coastal resources is fully complete in some cases relies in part on actions by other agencies, including local governments and/or other governmental agencies such as the state Department of Parks and Recreation. While implementing solutions may require direct action by other governmental agencies, by focusing additional Commission resources, as they are available, on technical assistance and coordination, the Commission could help to encourage other agencies to take needed action to help address the cumulative impacts of development to coastal resources.

Mitigate cumulative impacts to public access through expansion of the Commission's Access Program efforts.

ReCAP Recommendations:

IV-4	Work with local governments, the Coastal Conservancy, the State Department of Parks and Recreation, the Santa Monica Mountains Conservancy, and Caltrans to develop a comprehensive signage program to better identify public use opportunities and minimize conflicts between public and private use.
IV-12	Develop and publish a regional public access guide for the Malibu area.
IV-16	Support the appropriation of public funds for the purchase of parcels and/or easements to close existing gaps in the public trail system in the Santa Monica Mountains.

Summary of Findings: The ReCAP report identified a number of opportunities to enhance public access opportunities in the Santa Monica Mountains/Malibu region which cannot be achieved solely through the regulatory program. The report noted that additional resources should be provided to the Commission's Access Program to carry out alternative mechanisms to maximize public access and minimize cumulative impacts through acceptance and opening of accessways, signing, public information and other non-regulatory actions. The Access Program, if provided additional resources, could provide significant assistance to help maximize public access to the shoreline and through the mountains.

Improve public access through Commission enforcement activities in the region.

ReCAP Recommendations:

IV-9	The Commission should enforce the terms of recorded and accepted access and trail OTDs and deed restrictions, including requiring removal of encroachments unauthorized by the terms of the accepted easement.
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Summary of Findings: The ReCAP report identified physical encroachments from shoreline development into public access easement areas and state tidelands as a cumulative impact to coastal access and recreation resources. Similar to the impacts identified from encroachments into shorefront easements, encroachments into inland trail easements could also result in significant impacts to coastal access. In order to protect access, each OTD must be researched for uses allowed under the terms of the recorded and accepted offer and information submitted to the Commission's enforcement program for possible action. Since this process for inland OTDs will require more extensive resources than are now available, it is proposed for later action as

resources become available. In addition, additional legal research is needed into the ability of the Commission to remove encroachments from OTD areas which have been recorded but not yet accepted.

Recommend legislative changes to address cumulative impacts.

ReCAP Recommendations:

V-5	Investigate incentives for relocating of replacement structures destroyed by natural disaster to be located outside of hazardous shoreline areas. Consider modifications to Section 30610 of the Coastal Act to require a full permit application for the rebuilding of structures damaged or destroyed by ocean waves if such rebuilding is proposed in the same location and footprint as the damaged structure.
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Summary of Findings: The ReCAP report documented the effects of shoreline armoring rebuilt as a result of coastal permit exemptions. Under current Coastal Act exemptions, certain structures located in hazardous areas under certain criteria can continue to be rebuilt without full permit review which would consider other alternatives such as relocation of structures to avoid the need for the shoreline protective device. This perpetuates the likelihood of additional and continued shoreline armoring to protect those structures. Incentives should be pursued to locate development destroyed by a natural disaster out of hazardous areas.

Improve the Commission's management of shoreline resources

ReCAP Recommendations:

V-6 (a)	Develop modified emergency permit procedures to require that where emergency actions by Caltrans are required and are not exempt pursuant to PRC 30600(e), permits require Caltrans to use the least environmentally damaging engineering alternative in responding to emergencies to protect Pacific Coast Highway. If the least environmentally damaging engineering alternative can not be installed during the emergency response, all reasonable efforts shall be made to install engineering alternatives that can later be replaced by the least environmentally damaging engineering alternative.
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V-8	Establish procedures for Commission and local governments for coordination with property owners for field inspections before and after storm seasons. Procedures should: provide advance information on location of easement areas to assure emergency structures are not occupying public easements; provide for inspections to identify shoreline protective structures built without permits; and, assure emergency structures are removed or regular permit follow-up is completed within the 60 day period.
V-12	The Commission should develop a long-term strategy to address the issue of sea level rise. The strategy should define the criteria for estimated sea level rise (i.e., projections of sea level rise from EPA) and should develop measures to avoid or to minimize the effects of sea level rise in permit actions and in Local Coastal Programs. Such measures could include modifying Commission permit requirements to: 1) require that the potential for sea level rise is considered in the design of all development proposals and habitat restoration projects along the ocean shoreline and the shoreline immediately adjacent to or within a harbor, river, bay, or estuary; and, 2) require that buffer areas adequate to address sea level rise are included in wetland restoration projects.

Summary of Findings: The ReCAP report identified the cumulative adverse impacts to shoreline resources and public access from the placement of shoreline armoring in response to storms and erosion. However, projected sea level rise will result in even greater exposure of shorefront development to threats from erosion and thus increased demand for shoreline protective devices. However, before modifications to the Commission's regulatory program can be made and before guidance can be developed for incorporation of policies into LCPs, more study needs to be completed on the implications of sea level rise to the shoreline development in the area. As resources permit, the Commission should initiate these efforts.

The ReCAP report identified the cumulative effects resulting from the placement of armoring during emergencies. Implementation of recommendation V-8 will result in improved monitoring procedures to respond to future emergencies in order to minimize future emergency armoring.

Improve the Commission's use of open space easements.

During the public comments period, Commission staff received a comment that the Commission should modify the uses allowed in open space OTDs. Although ReCAP staff looked at the issue of open space easements under the TDC program, staff could not undertake a full analysis of uses allowed in open space easements. Under the TDC program, a wide range of uses are allowed in some cases; other cases significantly restrict what development can be placed in an open space easements. ReCAP staff agrees that this issue should be addressed and guidance developed. As resources are available, staff will undertake this analysis and develop guidance for permit conditions.

Responses to Comments on the Draft ReCAP Report

Comments on the Concentration and Location of Development:

A. Comments on General Findings:

Comment: Clarify how Table 3-1 is related to the LCP policy 272, which puts a cap on the total development appropriate under the LCP.

Table 3-1 (Summary of Two Different Potential Buildout Scenarios for the ReCAP Area) in the ReCAP report and previous response to comments represents a *theoretical maximum* buildout which could occur in the Santa Monica Mountains. As explained in the report, ReCAP's analysis does not account for restrictions to development on existing parcels (e.g., restrictions on development due to safety and health limitations) and does not determine whether each lot is a legal lot. Both these factors can affect whether a particular parcel is ultimately developed and to what extent. Table 3-1 does *not* establish these numbers as a policy direction or goal, but identifies one possible buildout scenario for planning discussions.

Policy 272 of the LUP outlines a number of possible programs to manage growth and development in the Santa Monica Mountains. One option under Policy 272 is a cap on the number of residential units overall, and within the small lot subdivisions. The numbers in ReCAP's Table 3-1 differ from the cap discussed in Policy 272 because ReCAP's analysis sought to show a theoretical maximum buildout that could potentially occur, without consideration of any restraints on development based on LUP or other policies.

Comment: The identification of Significant Watershed Boundaries along hydrographic lines can be done using GIS and should be incorporated into the plan maps.

Because ReCAP staff's use of significant watersheds is in the context of sensitive resources, staff used the boundaries identified on the LUP ESHA map. The LUP map was developed based on the hydrographic boundaries of the watersheds. However, as part of LCP planning, the adequacy and accuracy of the existing maps should be verified and updated as appropriate.

B. Comments on Managing the Amount of Potential Growth:

Comment: Use a slope density formula for development on all steep slopes, not just in the small lot subdivisions.

Recommendation III-10 of the ReCAP report states that L.A. County should retain use of a slope intensity formula as described in the existing LUP, and states that the City of Malibu should include a slope intensity formula where applicable as part of its LCP planning. ReCAP staff agrees that development on steep slopes throughout the Santa Monica Mountains is a major

concern, and is one of the many issues that should be addressed as part of LCP planning in the region. Currently, the County often uses a slope density formula as one tool in determining the appropriate level of development for parcels with steep slopes. ReCAP staff believes the County should continue to use the slope density formula. The City of Malibu should also evaluate the need to develop and implement a similar formula for use in reviewing development on steep slopes. This comment will be passed onto the local government staff for consideration in LCP planning.

Comment: ReCAP's analysis has not taken into account lands acquired from NPS, SMMC, and others, and the downzoning that has occurred.

Comment: Including the TDC program in LUP is inconsistent with the Coastal Act (Sections 30108.5, 30105.5, and 30250(a)).

The Commission has consistently found the TDC program to be consistent with Section 30250 of the Coastal Act as one tool in managing growth and development in the region and in addressing the cumulative impacts from that development. The TDC program is a voluntary program, and does not *require* any owner to participate. ReCAP staff has recommended the continuance of the TDC program, with some modifications discussed in the ReCAP report and response to comments, based on its analysis of cumulative impacts in the region and future development trends. This analysis did include the extent that lands have been acquired by other agencies (Figure 4-1 of the ReCAP report) as well as the extent of development in the region and the potential for future development in the region. The use of a TDC program will not preclude the zoning and designation of land under an LCP. The designation of donor sites identifies those areas less suitable for development under Sections 30105.5 and 30240 of the Coastal Act.

C. Comments on Modifications to TDC Donor Areas:

Comment: Include all ESHAs as donor areas under the TDC program, including those not in the significant watersheds.

Comment: Amend Recommendation III-2 to include sensitive resources.

Currently, donor areas included in the TDC program include eleven of the small lot subdivisions in the Santa Monica Mountains, parcels located within environmentally sensitive habitat areas (ESHAs), and parcels within eight significant watersheds. All mapped ESHA areas *are* currently included as donor areas under the TDC program.

Staff does not propose modifying Recommendation III-2. The GSA program (Recommendation III-2) does not specifically address the issue of ESHAs; its use is intended to retire lots or to recombine lots to create a larger building site specifically within a small lot subdivision.

Comment: Recommendation III-3 should include subdivisions, especially in burn and flood hazard areas, but should continue to include Malibu Mar Vista, Malibu Lake, and Las Flores Heights to avoid the loss of retired lots due to failure to properly record and accept OTDs.

Comment: Modify Recommendation III-3 to keep Malibu Mar Vista and Las Flores Heights as donor areas under the TDC program. Remove Malibu Lake and El Nido as donor sites.

ReCAP staff does not propose to modify Recommendation III-3 per the above comments. The TDC program has historically been used as a tool to manage new growth in the region by retiring the existing development potential of lots in specific donor areas. These donor areas include the small lot subdivisions, ESHA lands, and parcels in significant watersheds. By including the ESHA and significant watershed lands, the TDC program also benefits protection of sensitive resources. Staff believes that the donor areas should continue to be focused on the small lot subdivisions and on sensitive resource lands, and does not agree that hazard areas should be added to the program at this time.

Although the ReCAP staff's recommendations propose to add additional donor areas (wildlife corridors/habitat linkages and parcels which, if developed, would affect existing public parkland (Recommendations III-4 and III-4a)), the focus of the donor areas would continue to be in sensitive resources areas. While staff recognizes that the issue of hazards is a significant one throughout the Santa Monica Mountains region, staff believes the constraints to development from hazards would be better addressed through other mechanisms. Staff would expect the City and County to develop appropriate mechanisms for addressing hazards through their LCP planning.

As discussed in the ReCAP report and previous response to comments, ReCAP staff believes that four of the small lot subdivisions warrant removal from the TDC program (Malibu Lake, Malibu Mar Vista, El Nido, and Las Flores Heights). These small lot subdivisions either have a significant number of lots already retired, are essentially built-out, or a combination of these two factors. Since most of the past TDC transactions have occurred in these four small lot subdivisions, the remaining donor small lot subdivisions have had a minimal number of lots retired, and therefore, have *not* had densities in the subdivision significantly reduced. By eliminating the proposed four small lot subdivisions as donor areas, future TDC transactions will have to occur in the other donor areas, including the remaining small lot subdivisions, and will better address the need to reduce densities in those areas. Further, removing the four small lot subdivisions from the TDC program assures a continued pool of lots available under the GSA program. Without lots available for use under the GSA program, future applicants will be severely restricted in the extent of development that could be authorized on individual small lots.

The TDC process includes Commission staff's review of documents both prior to recordation and after recordation. As part of the ReCAP action plan, staff is working to ensure that all OTDs are accepted prior to their expiration date. Steps have already been taken to assure that TDC OTDs which would expire in the next couple years are accepted prior to their expiration date.

Comment: Revise recommendation III-4 to include as donor areas lands adjacent to ESHAs.

ReCAP staff does not propose to incorporate this modification to Recommendation III-4. Many of the parcels adjacent to ESHAs are in the significant watersheds or wildlife corridors – already designated donor areas. In addition, parcels adjacent to ESHAs could be large enough to support development which, with proper site specific mitigation, would not negatively affect the ESHA on the adjacent property. While adding the lands adjacent to ESHAs could provide a buffer to further protect the ESHA, there is no guarantee that those lots will be retired. In addition, including them as donor areas reduces the likelihood that the actual ESHA lands will be retired.

Comment: Add Santa Monica Mountains Conservancy and State Parks as part of coordination with National Park Service to ensure integrity of habitat linkages (Recommendation III-4).

Recommendation III-4 will be modified to state that both agencies should be involved in the coordination efforts. Although extensive new mapping efforts are not proposed, the existing ESHA map will be reviewed as part of LCP planning for the area. This review provides an opportunity to incorporate additional information from the National Park Service, Santa Monica Mountains Conservancy, and State Parks regarding the wildlife corridors/habitat linkages.

Comment: Small lots within ESHAs should be granted a full TDC if they include over 4,000 sq. ft. of buildable land.

Comment: Revise Recommendation III-5 to state that additional credits for small lots will be granted if the site is adjacent to other larger sensitive resources areas.

Staff proposes no modification to Recommendation III-5. Recommendation III-5 states that where a TDC credit is given for lots in a small lot subdivision, the value of a TDC should be based solely on the acreage and existence of services to the lot. Generally, this practice results in a fractional TDC for each small lot (i.e., several lots need to be retired to equal one TDC). The Commission has on occasion granted a full TDC for small lots having sensitive resources. ReCAP staff's recommendation proposes to discontinue this practice and qualify lots based on the original criteria of acreage and existence of services due primarily to two factors: the current practice of granting additional TDC credit has had a minimal benefit in protecting ESHA lands and has made administration of the TDC program difficult.

As discussed in the ReCAP findings, giving added credit for small lots with sensitive resources reduces the effort to retire larger lots with more sensitive habitat value. Since lot retirement in the small lot subdivisions tends to be scattered, ReCAP staff questions that the value and integrity of the sensitive habitat is worth the extra TDC value. It should be noted that ReCAP staff is *not* advocating that the small lots be removed from the TDC program; the small lots remain donor sites under this recommendation.

The practice of granting additional credit for sensitive habitat has also made administering the program cumbersome and difficult for Commission staff, and has led to delays in finalizing TDC transactions. For each small lot with ESHA which is proposed as a TDC, staff must evaluate whether the habitat qualifies as ESHA and must judge whether the presence of a small quantity of

ESHA should qualify the lot for additional TDC credit. This process has led to lengthy disagreements between staff and applicants over the qualification of lots.

In addition, ReCAP staff does not agree that the recommendation should be revised to grant extra credit if the small lot is adjacent to other, larger lots containing sensitive resource areas. Because the TDC program is voluntary, staff cannot assure that any particular parcel will be retired. Therefore, the larger parcel adjacent to the small lot may not ever be retired. The effect will be to grant additional TDC credit for the small lot, without any significant habitat gains, at the potential expense of retiring the larger parcel. Implementation of this standard will again lead to disagreements between staff and applicants over what lots qualify for additional TDC credits and, since the retirement of adjacent lots cannot be guaranteed, may lead to minimal benefit. By removing the extra credit for small lots with ESHA, ReCAP staff believes that overall the more sensitive and viable resource lands will be protected.

D. Comments on Improving the Implementation of Mitigation:

Comment: Clarify previous discussion of brush clearance and the role of the L.A. County Fire Department. Has the 200 foot abatement requirement been increased?

The Los Angeles County Fire Department's abatement standards extend up to 200 feet from the proposed development. This requirement has not been increased. A previous comment suggested revising the Commission's special condition language to require that the applicant provide some funding for minimal brush clearance when the Commission requires an open space easement for a TDC transaction. In its response, ReCAP staff noted that the Los Angeles County Fire Department can only "recommend that fire abatement (vegetation thinning) occur on property adjacent to the one being developed, but cannot require it". This statement should read that the County Fire Department cannot require abatement on *State and Federal* property which is adjacent to the property being developed. The Fire Department *can* require it on private property. Complying with fire abatement requirements remains the obligation of the private property owner. ReCAP staff recognizes that the fire abatement issue has raised concerns over acceptance of OTDs; however, ReCAP staff believes that since acceptance of the OTD does not transfer title of the property, the private property owner retains responsibility of fire abatement requirements, the same as if no OTD was in place. As stated previously, although ReCAP staff does not believe that the Commission should require fire abatement funding at this time as part of a TDC transaction, staff has incorporated further investigation of this issue under its Action Plan and its efforts work with relevant agencies to accept OTDs.

Comment: Modify Recommendation III-8 to read "prohibit use of in-lieu fees for future TDC transactions".

Staff will modify Recommendation III-8 to read "prohibit use of in-lieu fees for future TDC transactions".

Comment: Modify the uses allowed in an open space OTD.

Staff will add a task to Part 3 of the ReCAP Action Plan to investigate this issue and develop possible guidance for use in permits, as resources are available. Although ReCAP staff did not undertake a complete review of the specific OTDs required as part of a TDC transaction, the issue of appropriate uses in an open space is important, and will need to be addressed both in future permit actions before the Commission and in LCP preparation. Separate from the open space OTDs required under the TDC program, the Commission also requires open space easements as mitigation for impacts on habitat and visual resources from development; ReCAP staff was unable to look at these other open space OTDs. An initial review of some of the TDC OTDs shows a range of allowable uses in open space easements: some specifically allow swimming pools, horse corrals, gazebos, green houses, and other accessory residential uses. Others state that no development shall be allowed, including grading, signs, and paving, except to address natural hazards, diseased vegetation, fire abatement, and allow some signs for recreational use or no trespassing. ReCAP staff agrees that limiting the uses in open space areas is appropriate, although different limitations *may* be appropriate for different open space easements depending on the basis that the easement is required. Based on its initial review, staff believes that to ensure the integrity of the resource, open space easements on parcels with sensitive resources (i.e. ESHAs and parcels in wildlife corridors/habitat linkage areas) should *not* allow development within the easement area.

Comment: Review existing permit conditions to ensure that OTDs required through a TDC transaction cannot be developed by creating maps and inventories of the open space lots.

As part of ReCAP, staff has created a GIS layer mapping all the TDC OTDs in the Santa Monica Mountains through 1997. Commission staff continues to maintain a database for all TDC transactions. In addition, this information will be given to the local governments in the region. The ReCAP action plan includes tasks to update and maintain the GIS layers. The action plan also includes the development of a database to track *all* easements required by the Commission, including other open space easements. With this database, Commission staff will more easily be able to identify where easements have been required, enforce conditions of those easements, and assure that offers are accepted in a timely manner.

Comment: Recommend that the City of Malibu and County of Los Angeles accept outstanding OTDs.

Under the ReCAP action plan, ReCAP staff will be working with all appropriate entities, including the City of Malibu and Los Angeles County, to ensure that OTDs are accepted. The City of Malibu has stated that they will be the accepting agency of offers that are "appropriate to the City". The initial focus will be on those OTDs that are due to expire within the next couple years.

Comment: Develop ways to expedite the TDC process.

Expediting the TDC process depends primarily on the Commission obtaining additional staff resources. The review of TDC transactions must be undertaken by Commission staff as part of

condition compliance monitoring. Because the TDC transaction occurs as a result of a condition on a permit, it is important for staff to assure that the condition is accurately complied with. Staff review of the document includes verifying the specific lots retired, assuring there are no liens on the property, verifying any use restrictions for the OTD, and assuring that lots are under a common ownership. One of the factors in the length of time to process the TDC paperwork is a constant need for Commission staff to correct the documents prior to their recordation. Commission staff estimates that in approximately 90% of the documents submitted to staff, staff needs to correct information on the documents before returning them to the owner for recordation. While in some cases, these errors are simple to correct (i.e., APN, permit number, etc.), the errors in other cases are more substantial and require more time. If left uncorrected, these could compromise the ability to get the offer accepted.

E. Comments on Local Coastal Planning:

Comment: The TDC program under the LCPs should be structured to limit the transfer of development credits within the political jurisdiction where the development occurs (Recommendation III-10).

Staff proposes no change to Recommendation III-10. ReCAP recommendation III-10 recommends a joint TDC program between the City of Malibu and Los Angeles County, but recognizes that such a program must be voluntary between the two political jurisdictions. ReCAP staff continues to believe that a joint program would best serve the objectives of the overall TDC program and best protect coastal resources. However, if either jurisdiction does not wish to pursue a joint program, the recommendation provides for LCP planning to consider separate TDC programs for the two jurisdictions.

Comment: Encourage the City of Malibu and Los Angeles County to reduce allowable density.

The appropriate levels of density will be a key element in the County's LCP planning. Although the TDC program mitigates the impacts from the creation of *additional* lots, it does not address the cumulative impacts from development of the *existing* vacant parcels. Staff agrees that even with the TDC program, other mechanisms to address the overall allowable density may be needed. Staff's experience in reviewing applications for subdivisions in the Santa Monica Mountains has often required a reduction in the proposed density in order to comply with Coastal Act policies. The need to reduce density in the region should be addressed as part of LCP planning.

F. Comments on Reducing Impacts from New Development:

Comment: Modify Recommendation III-11 to require that the City of Malibu adopt a maximum building pad size.

Recommendation III-11 was developed to address a problem identified in the existing LUP for the Santa Monica Mountains, and recommends that the County amend its LUP to “reduce the maximum building pad size and implement the new standard throughout the coastal zone...”. Although ReCAP did not evaluate the issue of building pad size in the City of Malibu, it is likely to be an issue that will be addressed in the City’s LCP planning.

Comment: Revise the Commission’s process to restrict lot line adjustments as a way of generating more parcels by reconfiguring existing parcels, and avoiding the more stringent review associated with the subdivision process.

Independent of the Santa Monica Mountains/Malibu area ReCAP, Commission staff has addressed this concern, and has worked with the County staff to ensure the appropriate level of review for different lot line adjustment proposals. Through the recommendations of Commission staff, the County of Los Angeles passed an ordinance to ensure a more thorough review of lot line adjustments involving three or more lots. This process is expected to be incorporated into the County’s LCP.

Comments on Public Access:

A. Comments on Improving Existing Access Opportunities:

Comment: Amend Recommendation IV-4 to include the Santa Monica Mountains Conservancy.

Recommendation IV-4 recommends the development of a comprehensive signage program to improve public access opportunities. *Staff will amend the recommendation to include the Santa Monica Mountains Conservancy in the development of the program.*

Comment: Add the work “unauthorized” to recommendation IV-5.

ReCAP staff will correct the recommendation to state that “unauthorized physical development” should be removed from state tidelands.

Comment: The coastal bluff/terrace area of Point Dume State Beach and Point Dume Natural Preserve should not be used to accommodate public parking (Recommendation IV-3). Long-range protection of the preserve should transcend efforts to increase visitation of the site so that the natural environment is not compromised.

Comment: While access to Point Dume should be improved, it should not be at the expense of the already constrained parkland. Alternatives should be considered, such as retiring a nearby lot for parking and introducing shuttle services.

Staff agrees that improving access at Point Dume should not be at the expense of sensitive parklands. However, ReCAP staff believes that improved access to the blufftop headlands,

including parking, is necessary. Parking areas could be provided along the roadway where unpermitted boulders and no parking signs have been placed.

Comment: Malibu Bluffs State Park provides valuable recreational opportunities for both local and regional uses. The ReCAP report assumes that the seven acre ball field is a local park and does not give consideration to the opportunities provided in the overall 95 acre park (Recommendation IV-2).

The original permit for the ballfields specified that the ballfields were a *temporary* use in the State Park. The Department of Parks has also indicated that they view the ballfields as a temporary use, and has begun the process to identify the appropriate uses for the ballfield area. ReCAP staff believes that the ballfields are not an appropriate use in Malibu Bluffs State Park, as they provide recreation for a very specific type of use and for limited users. Visitors to the California coast come from all parts of the Country and other nations as well as inland areas within the state. As part of a state park, the area should be available for more appropriate uses typically found in other state parks.

B. Comments on Improving Access Mitigation Measures:

Comment: Revise recommendation IV-10 to remove the requirement to include “details on a program to implement OTDs, including timing for developing each OTD, funding sources for construction of improvements and operation costs, and City departments responsible for implementation”.

Staff does not propose modifying Recommendation IV-10, but will continue discussions with the City over the specific requirements of the LCP access component. Recommendation IV-10 seeks to ensure that the City of Malibu’s LCP incorporates policies designed to minimize and mitigate impacts of development on public shoreline access. Because OTDs are a form of mitigation to address impacts from development on public access opportunities, it is appropriate to include a program to ensure their acceptance and availability for public use. While staff appreciates the City of Malibu’s concern about delaying completion of the LCP by developing such a program, LCPs are required to have an access component; part of the access component should include at least some identification of implementation schedules, costs, and responsibilities. Commission staff is available to assist the City in developing the specifics of the access component of the LCP.

Comment: Where the Commission requires an OTD to mitigate impacts from development on access, revise the Commission’s special condition to include a funding source to allow for the construction and operation of access areas.

A new funding source for access opportunities has recently become available. Senate Bill 72 [McPherson, 1997] established the Coastal Access Account administered the California Coastal Conservancy; permit fees collected by the Commission are required to be deposited in the account, for use in “the development, maintenance, and operation of new or existing facilities that

provide public access to the shoreline of the sea”. Staff believes that this funding program for access OTDs is a preferred mechanism to address the construction and operation of access areas.

Comment: To further encourage the acceptance of OTDs, the Commission should support legislation for legal costs to protect non-profit organizations from liability.

Commission staff has been working with the legislature to address this issue. In 1996, Civil Code section 846.1 was amended to add that if an entity operating a public accessway was sued under a personal injury claim, and won the suit, that entity could submit a bill to the legislature for reimbursement of attorney fees. This provision covers both private and public entities. Since this bill covers only personal injury claims, Commission staff has been continuing to work with the legislature to expand the scope of protection covered.

C. Comments on Improving Trail Access Mitigation:

Comment: Recommendation IV-15 should be amended to delete mapping of alleged prescriptive easements.

Comment: The ReCAP analysis should include information on prescriptive easements.

Comment: Use prescriptive rights studies to assist in obtaining new OTDs.

ReCAP staff proposes to modify Recommendation IV-15 to delete the mapping of prescriptive rights. Recommendation IV-15 suggests modifying Commission filing requirements, and recommends inclusion in the City of Malibu’s and Los Angeles County’s LCPs, a requirement that mapped documentation of existing recorded easements or known prescriptive trail easements in relation to the proposed development, if the development may affect an easement. ReCAP staff developed this recommendation to assure the continued protection of easements, many of which may have been required as a condition of a Commission permit to mitigate impacts from previous development. However, ReCAP staff did not undertake an in-depth analysis of potential prescriptive easements in the ReCAP area. Without this information, staff agrees that mapping prescriptive easements is infeasible. Due to the level of information necessary to determine prescriptive rights, ReCAP staff believes that an assessment of prescriptive rights should be done on a case-by-case basis. However, staff continues to recommend that mapped documentation is included as part of filing requirements for other easements, as outlined in Recommendation IV-15.

Comments on Shoreline Armoring:

A. Comments on Measures to Avoid or Minimize Future Armoring:

Comment: Recommendation V-2 should reflect the Commission’s implementation of Section 30253 to require that conditions of permits in hazardous areas reflect that risk is assumed and that future armoring may not be allowed.

Staff proposes to revise Recommendation V-2 as follows: The Commission should, as a condition of new development or demolition and rebuilding of structures subject to wave hazards, require that new development be sited outside areas subject to wave hazard or ~~built on caissons~~ elevated above the Base Flood Elevation (as defined by FEMA) and set back as far landward as possible. If siting outside areas subject to wave hazard is feasible but the applicant elects not to site development there, conditions of allowable developments should provide that the applicant assumes the risk of building in the hazardous areas without assurance that future armoring will be allowed. As part of reconstruction, require alternatives for waste treatment, including the redesign and/or relocation of septic systems to avoid the need for bulkheads or retaining walls. Similar requirements should be incorporated as part of LCPs for the City of Malibu and Ventura County.

This recommendation reinforces the critical importance of considering all possible alternatives to design and/or site the development in a manner that will not result in the need for future armoring. Only if such resiting or redesign is not feasible as a less environmentally damaging option should the option for future armoring be considered.

Comment: Develop new suggested conditions to approvals of development that assure that for undeveloped stretches of existing vacant lots, development is required to be sited and designed to avoid exposure to erosion and wave hazards.

Consideration of alternatives for siting of development on a specific parcel is most effective on a case by case basis depending on the specific location of hazards and alternative sites. PRC Section 30253 already provides the ability to address this concern. The Action plan task 5.1 includes reviewing and/or developing sample condition language to assist the Commission in responding to proposed development in hazardous areas.

Comment: Develop new suggested conditions to approvals of development to assure that where development is proposed to be renovated in place instead of demolished, alternatives be considered to require relocation outside of hazardous areas.

Most renovations in-place, if located on the beach, require a permit. The determination of whether an in-place renovation is so extensive as to require a review as *new development* is made on a case by case basis. New development would be addressed by Recommendation V-2.

Comment: Are there specific standards for identifying areas subject to these recommendations?

All oceanfront lots have some potential for being exposed to wave hazard. When considering applications for development on ocean-fronting lots, a site determination of the extent of hazards, and the applicability of these recommendations would be made by staff based on site specific information available through the permit process. Generally, geology reports and wave up-rush studies are often required as part of filing requirements and guidance for those reports is provided to permit applicants.

Comment: In determining hazardous areas, is it taken into account how the shoreline would erode over generations?

In applying PRC Section 30253, the applicant is generally required to provide information as part of filing requirements on hazards on the site and assures that the development will be stable and not be subject to risk over the expected life of the structure.

Comment: Special consideration should be given to those structures which provide for and/or support safe use and enjoyment of public beaches (Recommendation V-2).

PRC Section 30235 already provides consideration for protecting existing structures or public beaches in danger from erosion.

B. Comments on Emergency Armoring of the Coast:

Comment: A significant missing link is a coordinated planning process with Caltrans in order to protect Pacific Coast Highway using the most environmentally friendly engineering methods (Recommendations V-8, V-12 and Action Item 5).

Staff proposes to add an additional recommendation 6(a) to the ReCAP findings and to part 3 of the ReCAP Action Plan as follows: "Develop modified emergency permit procedures to require that where emergency actions by Caltrans are required and are not exempt pursuant to PRC 30600(e), permits require Caltrans to use the least environmentally damaging engineering alternative in responding to emergencies to protect Pacific Coast Highway. If the least environmentally damaging engineering alternative can not be installed during the emergency response, all reasonable efforts shall be made to install engineering alternatives that can later be replaced by the least environmentally damaging engineering alternative".

Frequently Caltrans is limited in what it can do during an emergency because of the need to take immediate action in conditions less than ideal for construction. In some cases provided for in PRC 30600(e), emergency actions are exempt from any Commission review. However, in situations where emergency permits and follow up permits are required, the Commission could develop procedures and suggest conditions to assure that emergency actions are temporary and that consideration of engineering alternatives is undertaken as part of a follow up permit.

Comment: A pro-active planning process which requires Caltrans to work with Coastal staff to develop strategies for dealing with emergency situations in less damaging ways should be required (Recommendations V-8, V-12 and Action Item 5).

Recommendations V-8 and V-12 could be carried out by developing procedures to apply to Commission action but the Commission is limited in what requirements can be placed on Caltrans, given PRC Section 30600(e). Legislative action would be required to mandate a comprehensive, coordinated planning strategy, especially for responding to emergencies. Voluntary interagency agreements may be possible to implement a coordinated planning effort. The Commission in cooperation with Caltrans is pursuing such a process in the Big Sur area.

Lessons from that effort may be transferable to this area, and staff can continue to discuss with Caltrans various options for improved coordination. Staff has undertaken continuous efforts to work with Caltrans pro-actively toward developing appropriate responses to emergency structures and follow-up permit requirements.

C. Comments on Beach Nourishment Opportunities:

Comment: Recommendations V-9, V-10, and V-11 on beach nourishment should address impacts to biological resources associated with beach nourishment.

Staff proposes to revise Recommendations V-9, V-10, and V-11 to add: Policies and programs developed for beach nourishment should include measures to minimize adverse resource impacts from deposition of material, including measures such as timing or seasonal restrictions or identification of preferred locations for deposits.

D. Comments on Impacts of Armoring Pacific Coast Highway:

Comment: An effective program dealing with road spoils storage needs to be implemented.

Staff proposes to modify Recommendation V-10 as follows: The state Department of Transportation should assist the L.A. County Beach Nourishment Task Force in investigating measures to fund regional beach sand nourishment and to address the use of clean material for placement on the beach. Beach sand nourishment proposals should also be coordinated with the L. A. County Beaches and Harbors Department.

Deposition of road spoils is development as defined under PRC 30106 for which a coastal permit is required, except as exempt under PRC 30600(e). Deposition of road spoils in conjunction with activities that require a coastal permit can be effectively addressed through conditions on coastal development permits. Deposition in conjunction with emergency actions would need to be addressed through interagency agreement and/or legislative changes. Currently, local communities in the San Diego County area are developing an “opportunistic sand program” that will allow the deposition of clean beach quality material from construction projects, dredging, cleaning of sediment basins, etc. to be placed at designated beach nourishment sites. If implemented, lessons and guidelines from that program may be transferable to this area.

Comment: Add State Lands Commission to Recommendation V-10.

Recommendation V-10 addresses the need for regional beach nourishment efforts. *Staff will revise the recommendation to include the State Lands Commission as one of the parties which Caltrans should coordinate with.*

Comments on Other Issues:

Comment: The Commission and local governments need to have more emphasis on enforcement. Recommendations should spell out the need to deal with enforcement in a timely way.

ReCAP staff recognizes that enforcement is a primary concern in the Santa Monica Mountains and throughout the coastal zone. Many of the recommendations developed through the ReCAP project will help with enforcement in the region by providing better information, and more accessible information, to staff both at the Commission and the local governments. Other recommendations specifically address enforcement needs, particularly with regards to encroachment of development in OTDs. The following ReCAP recommendations will improve enforcement in the region by 1) improving the information available to Commission staff and local government staff; 2) directly addressing enforcement needs to protect access opportunities; and/or 3) improving procedures and condition compliance monitoring to prevent future enforcement issues:

- ◆ Recommendation III-6: Work with LA County to ensure lots retired under the TDC and GSA program are actually recombined into one parcel. Implementation of this recommendation will help ensure that previously retired lots cannot be sold separately to be developed.
- ◆ Recommendation III-7 and IV-13: Pursue development of MOUs with appropriate entities to facilitate their acceptance of existing OTDs. When this framework is established, the Commission should revise its special condition language to provide that when an easement is required, the easement be dedicated directly to the accepting entity. Implementation of this recommendation will prevent the future potential loss of important mitigation measures.
- ◆ Recommendation III-8: Improve the tracking and monitoring of all prior to issuance conditions. Implementation of this recommendation will assist staff with monitoring and assuring that permit conditions are met. It will also result in better information and easier access to that information for both Commission and local government staff.
- ◆ Recommendation III-12, IV-15, and V-4: Modify permit procedures to include the submission of maps locating any existing or proposed OTD which could be affected by the proposed development. Providing this information will better ensure the protection of those easements.
- ◆ Recommendation IV-5: In consultation with the State Lands Commission, identify and seek removal of all unpermitted physical development that encroaches into state tideland areas. This recommendation begins to address unpermitted development in access areas.
- ◆ Recommendation IV-7: Inventory existing available parking along Pacific Coast Highway and public roads seaward of PCH to establish baseline data to prevent future loss of access. Developing a baseline inventory of parking will provide better information to monitor future activities and prevent future losses.
- ◆ Recommendation IV-9: Enforce terms of recorded and accepted access and trail OTDs and deed restrictions, including requiring removal of encroachments. As with recommendation IV-5, this recommendation begins to address unpermitted development in access areas.

- ◆ Recommendation V-8: Establish procedures for Commission and local governments for coordination with property owners for field inspections before and after storm seasons. This process will provide better information to track permitted and unpermitted shoreline protective devices.

In addition, the Commission is seeking additional enforcement positions in its next fiscal budget.

Comment: The County needs to look at circulation patterns and coordinate their development patterns with a circulation plan.

While ReCAP staff agrees that circulation patterns and the effect on development is an important issue, ReCAP staff could not undertake this analysis as part of the project. Staff agrees that the issue should be analyzed, and, as part of its LCP planning, the County should coordinate its development policies and locations with an updated circulation plan.

Comment: While GIS is mentioned in several places as a way of tracking and monitoring, there is no directive to specifically evaluate cumulative impacts using this tool. A firm commitment to cumulative impact analysis needs to be made.

Through its ReCAP projects, the Commission is committed to continuing to evaluate cumulative impacts on coastal resources, and improve management of those resources throughout the state's coastal zone. The ReCAP action plan includes measures to maintain the GIS data layers, and train staff in their use, as one tool to continue to address cumulative impacts in the Santa Monica Mountains region. Development of the GIS data layers will make ongoing evaluation and improved management of cumulative impacts easier and more effective. Ongoing implementation of the many ReCAP recommendations will also improve management of cumulative impacts in the region.

Comment: Recognition of the ecological value of areas such as lower Solstice Canyon, lower Topanga Canyon, and additional portions of Malibu Creek as habitat for endangered steelhead trout should be incorporated into the planning process. Maintaining water quality and hydrologic regimes, protecting riparian vegetation, and reducing the need for armoring must be addressed, in addition to reducing sedimentation and erosion.

Comment: To further protect steelhead habitat, policies should include re-landscaping conditions.

As discussed in staff's previous response to comments, ReCAP staff acknowledges the need to protect all sensitive resources, but was unable to undertake a thorough analysis of sensitive resources and all the cumulative impacts to those resources. ReCAP's recommendation III-11, as modified by the previous response to comments, begins to address some of the concerns affecting habitat values for steelhead trout. Staff agrees with the above comments, and recommends that Los Angeles County and the City of Malibu address the above comments through their LCP

planning. Staff notes that the LCP planning grant awarded to Los Angeles County was also conditioned to require the County to address polluted runoff issues in its LCP planning.

The Commission generally conditions a development permit to require that any disturbed ground be re-landscaped to reduce sedimentation and erosion. In staff's previous response to comments, staff modified Recommendation III-11 to require that the LCPs for the City of Malibu and the County of Los Angeles include policies to address sedimentation and polluted runoff into sensitive resources, including the use of best management practices (BMPs.) Revegetation or landscaping requirements are a basic tool under BMPs to address sedimentation and polluted runoff, and will be incorporated into the LCPs for the area.

Comment: Table 1 of the County's LUP has only been applied to driveways, and not roads.

Table 1 in the Santa Monica Mountains/Malibu LUP sets standards for development in the significant watersheds, ESHAs, and wildlife corridors, and states that new on-site access roads should not exceed 300 feet in length, or one-third of parcel depth, whichever is less. Table 1 applies only to driveways. Again, ReCAP staff recognizes that the issue of paving and road development is a concern in the Santa Monica Mountains region; however, ReCAP staff did not directly analyze this issue. Staff agrees that it may be appropriate to revise Table 1, and has begun discussions with County staff as part of LCP planning efforts. Staff expects that the LCP will clarify the standards and intent of Table 1, possibly by developing specific policies within the body of the LCP.

Attachment 1: Response to Comments
 April, 1999

Responses to Comments on the Draft ReCAP Report

The following responses contain proposed revisions to the Draft Report. Suggested revisions to the recommendations are reflected in the Action Plan and Attachment 1. Following Commission review and action on the Action Plan a Final Report will be published.

Comments and Responses on the Concentration and Location of Development:

A. Comments on General Findings

Comment: In Table 3-1, clarify the difference in the "Number of Additional Units from Vacant SFR Lots" for the two buildout scenarios.

ReCAP staff analyzed potential buildout in the ReCAP region based on two different scenarios: 1) assuming no further subdivisions; and, 2) assuming additional potential subdivisions occurring to create more Single Family Residential (SFR) units. Table 3.1 will be revised as noted below to clarify the numbers. Please refer also to the discussion of terms and concepts on page 17 of the October 1998 draft report for additional discussion. In the final report, the terms used in this table, the text and the methodology discussion in the appendix will be made consistent.

Table 3-1:

Buildout Scenario #1: No Further Subdivisions				
	L.A. County	City of Malibu	Ventura County	Total ReCAP Area
Current Dwelling Units	3,193	5,846	313	9,352
Number of new residential units from buildout of all existing vacant residential lots ¹	3,841	1,370	311	5,522
TOTAL RESIDENTIAL UNITS under this scenario (and % increase over current units)	7,034 (+120%)	7,216 (+23%)	624 (+99%)	14,874 (+60%)

Buildout Scenario #2: With Potential Subdivisions				
	L.A. County	City of Malibu	Ventura County	Total ReCAP Area
Current Dwelling Units	3,193	5,846	313	9,352
Number of new residential units from buildout of non-subdividable vacant residential lots ²	3,578	1,222	216	5,016
Number of new residential units from buildout of potentially subdividable residential parcels ³	1,481	1,209	690	3,380
TOTAL RESIDENTIAL UNITS under this scenario (and % increase over current units)	8,252 (+158%)	8,277 (+42%)	1,219 (+289%)	17,748 (+90%)

¹ Assumes one dwelling unit per existing vacant lot or parcel, regardless of whether a parcel may be potentially subdividable under current LUP designation.

² Assumes one dwelling unit per existing non-subdividable vacant lot or parcel. This number is lower than the "Number of new units from buildout of all existing vacant residential lots" under the first scenario because it excludes those parcels which could potentially be subdivided.

³ Assumes subdivision of parcels to maximum extent provided for under LUP designation (without considering other LUP and Coastal Act policies) and subsequent development of one dwelling unit on each new vacant lot.

Comment: Why are parcels located outside of the coastal zone on some of the ReCAP figures?

A number of figures in the ReCAP report show parcels extending beyond the coastal zone. This occurs for several reasons. First, the coastal zone boundary may bisect some parcels; where this occurs, the entire parcel is shown on the map. Second, a certain amount of spatial inaccuracy results from overlaying GIS maps. For this reason, the location of a specific parcel with respect to the coastal zone boundary should be viewed as approximate, and subject to confirmation for individual parcels. Finally, for some of the ReCAP maps, such as Figures 4-5, A-1, and A-2, ReCAP chose to show a number of parcels outside of the coastal zone to provide an understanding of land uses. For example, if an area designated as “parks” extends beyond the coastal zone, ReCAP’s analysis included the entire unit of land.

Comment: Parcel lines should be added to Figure 3-3 to better illustrate how constrained parcels are.

Figure 3-3 is intended to show the **overall** level of constraints to development in the Santa Monica Mountains at a regional scale, based on ReCAP’s criteria. Parcel lines were not included for two reasons. First, at the map scale used in the figure, the density of parcel lines would have obscured the constraint information and thereby defeated the purpose of the map. Second, the map was never intended to show the level of constraint for individual parcels. Such use would be inappropriate because constraints were mapped at a much grosser scale and with a lower level of positional accuracy than the parcel lines. While the data used to produce the constraint layer is accurate enough to show the overall level and general location of constraints in the Santa Monica Mountains, it is not accurate enough to determine the level or location of constraints on *individual* parcels. Therefore, placing parcel lines on the constraints map, while physically possible using a GIS, would have been misleading.

Comment: The identified land uses of some specific parcels in Figure A-1 are incorrect.

For the final draft of the ReCAP report, the maps will be corrected to reflect the identified inaccuracies. In developing the maps, ReCAP staff used County assessor’s data as reported by TRW Experian (1997) as the source for current uses of individual parcels. Since the Assessors of Ventura and Los Angeles Counties use different classification systems, ReCAP staff combined and generalized land use classes. For example, Ventura County assigns a land use of “Federal Building” to any Park Service parcel containing a structure. Such parcels appeared as “Institutions & Public Facilities” in the preliminary draft, but will appear as “Parks” in the final report. The ReCAP land use maps are intended to show regional land use patterns and therefore should not be used as a definitive source for up-to-date information about the use of particular parcels. While ReCAP staff used the best available information, land use designations for individual parcels change over time, and even the County Assessor’s office may take a year or two to register a change in use.

B. Comments on Preliminary Recommendations for Modifications to TDC donor areas

Comment: The TDC donor areas should include those parcels which, if developed, would require clearing of vegetation within existing public parklands in order to meet local fire abatement requirements.

ReCAP staff proposes to revise preliminary recommendation III-4 to include as TDC donor sites those parcels where the entire parcel lies within 200 feet of existing parkland boundaries. Fire abatement standards in the Santa Monica Mountains can require vegetation thinning up to 200 feet from proposed structures. Therefore development on those parcels that lie entirely within 200 feet of park boundaries may require vegetation removal within public park areas. Retirement of these parcels through the TDC program would create a buffer around existing parklands and prevent the need to encroach upon existing park resources to meet fire abatement standards. ReCAP staff estimates that approximately 150 parcels could be included as donor sites under this revised recommendation.

Comment: Revise Preliminary Recommendation III-3 to continue use of TDC transactions in Malibu Lake and El Nido small lot subdivisions.

ReCAP staff recommends that Preliminary Recommendation III-3 be implemented as proposed in the preliminary draft ReCAP report.

Preliminary Recommendation III-3 proposes to remove four small lot subdivisions (Malibu Lake, El Nido, Las Flores Heights, and Malibu Mar Vista) from the designated donor areas under the TDC program. ReCAP staff's proposal was based on a number of criteria, including the extent lots have been retired in each small lot subdivision, the extent of lots still available for potential development, and the relative development potential remaining in each small lot subdivision. ReCAP staff concluded that the TDC program has been successful in significantly reducing densities in the Malibu Lake, El Nido, Las Flores Heights, and Malibu Mar Vista small lot subdivisions, and recommended that future TDC transactions be targeted to the other small lot subdivisions. The intent of the recommendation is not to minimize the sensitivity of these four areas or the impacts from additional development, but to direct future lot retirements in other sensitive areas where the overall density has *not* yet been significantly reduced. Densities in the four identified small lot subdivisions could continue to be reduced through the continued use of the slope intensity/GSA formula as mitigation for permitted development.

The comments received over this recommendation seek to continue the use of TDC transactions in Malibu Lake and El Nido due to 1) the fact that these small lot subdivisions are adjacent to parkland and continued development will impact park resources, and 2) the remaining number of lots in El Nido that could be developed. ReCAP staff acknowledges the sensitivity of much of the ReCAP area, including the four small lot subdivisions at issue. However, ReCAP staff continues to recommend that the four proposed small lot subdivisions be removed from the TDC

donor sites. ReCAP staff's analysis shows that approximately 17 parcels remain vacant in the Malibu Lake small lot subdivision and future mitigation of permitted development to address density may be more appropriate through the use of the GSA formula. In many cases, one owner owns more than one parcel, which could facilitate compliance with any required GSA conditions and allow better siting for development of the parcels. While the small lot subdivision does border on parklands, a significant amount of the subdivision has been retired and protected; many of these retired lots are now part of the park system. In addition, any remaining vacant parcels that are entirely within 200 feet of a park boundary would still qualify as a TDC donor site, as proposed above. The proposed recommendation also still allows for the use of TDCs where the lots to be retired are adjacent lots with sensitive resources. This measure was included in the recommendation to continue encouraging the protection of sensitive resources.

In the El Nido small lot subdivision, an estimated 59 parcels remain vacant. In spite of this number of parcels, a significant number of parcels have already been retired under the TDC program (52% of the total number of parcels in the small lot subdivision), reducing the overall density of the subdivision. As a comparison, Malibu Vista, the small lot subdivision with the next highest level of retirement, has only had 31% of parcels in the subdivision retired. The remaining small lot subdivisions have between 4% and 13% of their respective parcels retired. Again, in a number of cases in the El Nido subdivision, one owner owns multiple lots. Given the extent of retirement in the Malibu Lake and El Nido subdivision, and the remaining development potential in the other small lot subdivisions and sensitive resource lands, ReCAP staff has concluded that the emphasis of the program should be directed towards other resource areas.

Comment: The wildlife corridors shown in Figure 3-7 (Approved Development and Retired Lots in Sensitive Resource Areas within LA County 1978-1996) should be widened in the north/south direction, and should include a region between the Malibu Creek State Park/Cold Creek Management Area and Topanga State Park. The phrase "wildlife migration corridor" should be replaced with the term "wildlife corridor/habitat linkage". Habitat linkages serve as an extension of core habitat, rather than a narrow passageway for seasonal movement of wildlife.

Comment: Significant watershed boundaries should follow actual hydrologic basin topographic boundaries.

The ReCAP report's analysis and mapping of significant watersheds and wildlife corridors is based on the existing definitions and boundaries available as part of the Santa Monica Mountains/Malibu LUP. Because of limited resources, ReCAP staff used existing information whenever possible. Figure 3-7 illustrates the location of existing development and lot retirement patterns relative to these sensitive resources. Expansion of these designations could enhance protection of sensitive resources in the area. However, such expansion may require additional fieldwork, resource identification and mapping, which was beyond the resources available to the ReCAP staff and which may be appropriate for the County to undertake in conjunction with the LCP planning. ReCAP staff agrees with the comments and general direction of the National Park Service and understands that the Service is working to identify areas that are important to

protect for habitat linkages. When additional information is available through updated NPS mapping or through the LCP, ReCAP staff may propose additional modifications in the donor areas for Commission consideration. In addition, ReCAP staff will encourage the County of Los Angeles to coordinate with the National Park Service to ensure the integrity of the wildlife corridors/habitat linkages.

Comment: What is a Coastal Conservancy Restoration plan (pg. 25)?

The ReCAP preliminary findings discuss the use of Coastal Conservancy restoration plans in conjunction with the TDC program. Coastal restoration plans are developed by the California Coastal Conservancy to “correct undesirable development patterns in the coastal zone” (Public Resources Code Section 31007). In the Santa Monica Mountains, the Coastal Conservancy has undertaken these restoration plans to address the impacts from development in the small lot subdivisions; the lots addressed in these restoration plans have generally been used as TDC donor lots.

Comment: Identify in Figure 3-5 (Retired and GSA Lots in Small Lot Subdivisions in Los Angeles County and Malibu) parcels already developed and those still vacant.

ReCAP staff will revise Figure 3-5 to include developed and vacant lands.

Comment: Clarify that for Preliminary Recommendation III-4 the term “significant watersheds” also includes all “significant oak woodlands” and all other ESHAs as part of the donor sites for the TDC program.

The intent of Preliminary Recommendation III-4 is to revise the donor areas for TDC lot qualification to include parcels located within wildlife corridors (and parcels adjacent to park lands under limited circumstances) in addition to parcels located within designated significant watersheds which have always qualified for TDC values. Significant Watersheds are large, relatively undisturbed, natural drainage basins that contain riparian and oak woodlands and provide habitat for various declining, restricted, rare or endangered species. The current TDC program recognizes eight Significant Watersheds, which are mapped in the certified Santa Monica Mountains LUP.

Parcels located within designated Environmentally Sensitive Habitat Areas (ESHAs) will continue to qualify for TDC values as described in this report. The TDC program recognizes riparian woodland, streams, undisturbed oak woodland and Savannah as ESHAs consistent with the Coastal Act definition of environmentally sensitive area (emphasis added). Significant Watersheds and ESHAs were designated as donor areas in order to preserve the most sensitive

resource areas and protect them from the significant disruption of habitat values and other adverse cumulative impacts of continued build-out.

Not all oak woodlands are designated as ESHA in the certified LUP nor would all oak woodlands meet the Coastal Act definition of environmentally sensitive area. These areas, which do not qualify for the ESHA definition, and therefore would not qualify as TDC donor lots, are designated as "Significant Oak Woodland" or "Disturbed Sensitive Resource" in the LUP. Parcels qualifying as TDC donor lots under this criteria would be limited to those areas that are either mapped as Significant Watersheds, ESHAs or undisturbed Oak Woodlands in the certified Malibu/Santa Monica Mountains LUP and which meet the Coastal Act definition of environmentally sensitive area on the basis of substantiating evidence.

For further clarification, consistent with Preliminary Recommendation III-5, qualification of lots in small lot subdivisions for TDC values will be based solely on criteria originally established in the 1981 District Interpretive Guidelines. Under these criteria, the applicability of a number of factors, i.e., size and slope of lot (GSA) and/or existence of roads and water service to the parcel determine a credit. Typically, it will require a number of small lots to qualify for one TDC. The presence of sensitive resources on the site will not be considered in determining TDC eligibility for small lots.

Comment: Delete Preliminary Recommendation III-5. Clarify criteria for qualifying small lots under the TDC program.

ReCAP staff continues to propose that the Commission implement Preliminary Recommendation III-5. Preliminary Recommendation III-5 states that where a TDC credit is given for lots in a small lot subdivision, the value of a TDC should be based *solely* on the acreage and the existence of services to the lot, as described in the 1981 District Interpretive Guidelines (i.e., lots are served by existing road and water services, and are not located in an area of landslide or other geologic hazard). This process usually gives *fractional* TDC value to lots in small lot subdivisions (i.e., more than one small lot is required to complete one TDC). Occasionally, the Commission has granted a full TDC value for these small lots when sensitive habitat is present on the lot. By granting a full TDC credit to a small lot in these situations, the Commission has in effect authorized a reduction in the total number of lots retired.

The comment made requested that Preliminary Recommendation III-5 be deleted, stating that the current practice creates an incentive for developers to protect sensitive resources. Given the small size of the lots in question, and the generally fragmented nature of the habitat, staff has concluded that the Commission could obtain more significant gains in habitat protection by targeting other areas in the future. In those cases where the Commission staff has *already* determined the TDC value of a lot in writing, that value will not be changed as a result of the adoption of any of the ReCAP recommendations. The revised guidance to staff for qualifying lots for TDC credit would only apply to any new mitigation required by the Commission on future coastal development permits for subdivisions. The recommendation will be revised to clarify this.

Comment: Pursue TDC program beyond the boundary of the coastal zone, where parcels in the coastal zone could serve as donor sites to the larger Los Angeles and Ventura County area.

Transfer of Development Credit (TDC) requirements have been required as mitigation for certain coastal development permits, therefore the Commission cannot extend such requirements beyond the coastal zone. However, the County may consider developing a broader program which would identify donor sites within the coastal zone and receiver sites outside the coastal zone through its general plan process.

B. Comments on Preliminary Recommendations for Improving the Implementation of Mitigation

Comment: Until an OTD, required as part of a TDC transaction, is accepted, the mitigation for the approved project is not complete; therefore, the permit should not be issued until the OTD is accepted.

ReCAP staff's analysis shows that there has been a serious problem with getting the OTDs accepted and assuring that the mitigation for approved development is complete. If the Commission were to develop and have in place a program with a designated accepting agency willing to accept all such dedications, it might be possible to consider such revisions to permit conditions. However, until such a program is in place, staff concludes that the Commission cannot require that an OTD be accepted prior to issuance of the permit because it may be many years before such a condition could be met, or the permit may never issue. To address the concern of unaccepted OTDs, ReCAP staff will work with appropriate entities in the region to ensure that existing OTDs are accepted prior to their expiration date. ReCAP staff will also explore options for ensuring that *future* OTDs are accepted, including evaluating the option of developing an MOU with appropriate agencies to accelerate the acceptance of future OTDs. ReCAP staff recommends a similar approach to address the concern over public access OTDs.

Comment: Special conditions requiring an open space easement for a TDC transaction should also require the applicant to provide some funding for minimal brush clearance.

This comment was raised with regards to the ongoing problem of getting open space easements accepted and the associated costs for an agency to accept easements. Because of the fire abatement requirements discussed below, ReCAP staff concludes that the Commission should not require fire abatement funding *at this time* as part of a TDC transaction. However, staff has

incorporated expanded tasks into the Action Plan to investigate this as a possible option should accepting agencies identify this concern as an obstacle to accepting OTDs (See Action Item 2).

Due to the small size of many lots in the Santa Monica Mountains, fire abatement requirements may cross onto an adjacent property from the one being developed. In some cases, the adjacent parcel may have an open space OTD recorded on it; generally, these OTDs allow for fire abatement to occur. Discussions with the Los Angeles County Fire Department indicate that the Department can recommend that fire abatement (vegetation thinning) occur on property adjacent to the one being developed, but cannot require it. This process involves negotiation between the applicant proposing development and the adjacent property owner; the adjacent property owner can voluntarily allow fire abatement practices on his or her property. According to the Los Angeles County Fire Department, even with this voluntary concurrence, the owner of the property to be developed is ultimately responsible for the fire abatement practices to occur, including any associated costs. Generally, the applicant obtains a legal document from the adjacent property owner allowing the applicant to undertake the work, including long-term maintenance. If the adjacent property owner does not permit fire abatement work to occur on the property, the County Fire Department will require other measures on the applicant's property to address fire concerns, including irrigated landscape or a fire wall on the property line.

Comment: Revise Preliminary Recommendation III-8 to read "require the Mountains Restoration Trust to complete existing in-lieu fees TDC transactions, and prohibit use of in-lieu fees for future TDC transactions".

ReCAP staff is not recommending revisions to this recommendation because the future use of in-lieu fees for mitigation of impacts resulting from a specific coastal development permit application must be determined by the Commission based on facts of a particular permit application. The ReCAP report noted that the current in lieu fee mitigation was required as part of a restoration program specifically to address the retirement of 100 lots in the Cold Creek and Fernwood areas. The terms of the restoration program were previously approved by the Commission and once the outstanding in lieu fee transactions are completed, the mitigation objective will have been met. However, because of problems in monitoring and condition compliance identified with the in-lieu fees, staff can continue to recommend to the Commission that their use as mitigation be discouraged.

C. Comments on Preliminary Recommendations for Local Coastal Planning

Comment: Modify Preliminary Recommendation III-10 to delete the option for separate TDC programs for the City of Malibu and the County of Los Angeles.

Preliminary Recommendation III-10 states that the City of Malibu and the County of Los Angeles should adopt a TDC program which is implemented across jurisdictional lines. However, the recommendation also states that if such a program cannot be structured, each jurisdiction should develop and implement its own TDC program as part of its LCP planning.

While the ReCAP report strongly supports the need for a joint TDC program because of the type and location of resources in the region, staff recognizes that a joint program can succeed only with the willing cooperation and joint implementation by both Los Angeles County and the City of Malibu. In the event that the two local jurisdictions choose not to structure a joint program through their LCPs, Commission staff concludes that the cumulative impacts of new development could be addressed in part if each jurisdiction develops its own TDC program to mitigate the effects of any new subdivisions authorized.

D. Other Comments on Concentration and Location of Development

Comment: The designation of the southern steelhead as an endangered species has increased the need to protect undeveloped canyons with present, former, or potential steelhead runs to the ocean. These areas include Lower Topanga Canyon, Malibu Canyon and Lagoon, Solstice Canyon, and Arroyo Sequit.

ReCAP staff acknowledges the need to protect all sensitive resources in the region but was unable to undertake a thorough analysis on all cumulative impact issues in the Santa Monica Mountains. Much of the land surrounding Malibu Creek and Solstice Creek is parkland. Continuation of mitigation through the TDC program could also lead to additional retirement of lots adjacent to steelhead habitat. However, sedimentation and runoff from non-parkland can continue to degrade these streams. ReCAP's Preliminary Recommendation III-11 begins to address this concern by recommending that the maximum building pad size allowed in Los Angeles County be reduced. To further address the concern of sedimentation and runoff into coastal streams, ReCAP staff recommends that Preliminary Recommendation III-11 also require that the LCPs for the City of Malibu and the County of Los Angeles include policies to address sedimentation and polluted runoff into sensitive resources, including the use of best management practices (BMPs). Policies should ensure that grading ordinances are effective in controlling sedimentation and runoff, and that runoff from construction activities is adequately addressed. Effective policies would achieve the following goals:

1. Prior to land disturbance, an approved erosion and sediment control plan is prepared.
2. Erosion and sedimentation is reduced to the maximum extent practicable.
3. Sediment is retained onsite during and after construction.
4. Schedule projects so that clearing and grading are performed during the time of minimum erosion potential.
5. The area of soil exposed at any one time is minimized.
6. Cut and fill slope areas exposed during construction are minimized.

Staff notes that the LCP planning grant recently awarded to Los Angeles County was also conditioned to require the County to address polluted runoff issues in its LCP planning.

Comments and responses to Recommendations on Public Access to the coast

A. Comments and Responses on General Findings and ReCAP Maps

Comment: The 21 vertical and 162 lateral shoreline access easements that remain to be accepted and opened may not all be easements; some may be deed restrictions.

The ReCAP report (Table 4-2 on page 51 of the preliminary draft report) identifies the lateral and vertical access easements by both deed restriction and OTD easements. 162 lateral OTDs remain to be accepted and/or opened for public use and 11 vertical OTDs remain to be accepted and/or opened for public use.

Comment: The date for the Malibu/Santa Monica Mountains Trails Plan cited on pages 57 and 58 should be changed to 1982.

ReCAP staff will revise the findings to correct the date from 1983 to 1982.

Comment: The ownership and land uses of some specific parcels in Figure 4-1 and A-1 are incorrect. The Lower Corral Canyon property has recently been acquired by the Santa Monica Mountains Conservancy. The full extent of state park ownership inland from Malibu Lagoon State Beach is not shown on the maps.

Comment: The A-3 series of maps and Chapter 4 fail to fully map the upland park areas in close proximity to public beaches north of public roads.

Comment: A critical linkage is the Beurivage property, which includes about 300 yards of lower Solstice Creek between PCH and the Corral Canyon Road crossing. A trail easement linking Solstice Canyon Park to the beach was required here several years ago, but it is not open.

Comment: There may be trail easements on McKain Street associated with the Plechner permit and picked up by the Mountains Restoration Trust.

Comment: Was a trail easement accepted by L.A. County on the Ben Johnson Estates property? This easement is on the tract map. If it has not been accepted, what steps need to be taken to get this accepted?

ReCAP staff is still investigating the status of these identified parcels and any associated easements and prior to publication of the final report will update the appropriate maps. As

discussed under the Concentration and Location of Development section, ReCAP staff used the County assessor's data as reported by TRW Experian (1997) as the source for current uses of individual parcels. ReCAP staff combined and generalized land use classes. In addition, while ReCAP staff used the best available information, land use designations for individual parcels change over time, and even the more recent data may not immediately reflect all changes.

For an OTD to be accepted, a potential accepting agency would usually need to see the easement area mapped and legally described and then would need to take an affirmative action to accept the easement.

B. Comments and Responses on Improving Existing Public Access Opportunities

Comment: Preliminary Recommendation IV-1 and findings regarding El Sol and Dan Blocker Beaches should be reviewed with the County of Los Angeles Department of Beaches and Harbors.

Preliminary Recommendation IV-1 and the related findings discuss the need to open El Sol Beach and Dan Blocker Beaches. ReCAP staff agrees with the comment. This is a recommendation that is directed to the County as a partner in coastal management and the participation of the County, in particular the County Department of Beaches and Harbors, is essential to open the beaches. The Staff will revise the findings for these preliminary recommendations to promote coordination with the County of Los Angeles' Department of Beaches and Harbors.

C. Comments and Responses on Improving Public Access Mitigation Measures:

Comment: Few access and trail OTDs have actually been accepted and opened for public use. Future applicants should dedicate easements to an accepting agency.

As with OTDs required to implement TDCs, the ReCAP report found that the access mitigation required by the Commission is often incomplete because require OTDs have not yet been accepted by managing agencies and opened to the public. Achieving acceptance of OTDs is a critical objective of the Commission's Access Program. In addition, conditions placed on the recent LCP planning grant awarded to LA County will help address outstanding trail OTDs. The Action Item 2 of this Action Plan proposes to investigate ways to modify Commission regulatory procedures to facilitate acceptance of OTDs in conjunction with the TDC program. Mechanisms developed under this Action Plan can be applied to future Access OTDs as well.

Comment: Add Mountains Restoration Trust and Santa Monica Mountains Conservancy to list of agencies who could accept inland trail easements (page 62).

ReCAP staff will include these agencies as potential managing agencies to accept inland trail easements.

Comment: The Coastal Commission should require the accepting agency to consult with other possible agencies to determine which agency is the most appropriate final recipient of the dedication.

Such coordination is usually accomplished as part of the process in getting OTDs accepted. The Commission's experience from its Access Program indicates that ongoing coordination to identify an agency to accept OTDs is more appropriate than requiring more formal procedures. Tasks under Action Items 2 and 3 allow for such coordination meetings.

Comment: We recommend the Commission's GIS technician map the most important open space and trail OTD expirations, i.e., those OTDs that will expire within the next two years.

Comment: Expedite mapping of open space and trail OTDs.

Comment: The Coastal Commission should expedite the process of OTD acceptance by coordinating a meeting/workshop among the possible agencies to determine the most appropriate long-term holder. Subsequent meetings should be held when all previous OTDs have been mapped in the Coastal Commission's GIS.

ReCAP staff recognizes that the potential expiration of OTDs is a serious concern. Because of this, the Commission recently conditioned the award of an LCP planning grant to LA County to develop as part of their LCP Access Component a strategy to have the outstanding Access OTDs accepted within 2 years of certification. The Commission staff anticipates working with the County to assist them in meeting this condition. However, there may be some priority OTDs which will expire before the County planning process is completed. Under the Action Plan, staff will focus on getting accepted any TDC OTDs which might expire in the next 2-4 years. Staff will also be working with the Access Program to identify the priority OTDs and to try to get the most urgent OTDs accepted. Meetings/workshops could be an effective mechanism to facilitate acceptance and are contemplated in the tasks under Action Items 2 and 3.

Regarding mapping, all lots in the Santa Monica Mountains on which the Commission has required a trail OTD (through 1996) have been mapped through the ReCAP project. ReCAP staff will produce a map identifying those lots on which are located trail OTDs which will expire in the next two-four years. Preliminary recommendation IV-14 identifies the need to prioritize the trail OTDs to be accepted and opened. The date of expiration of the OTD will be one factor in this assessment. However, more specific mapping of the location of the easement on the property, which may be necessary for an agency to accept an easement, requires significant time

and resources, which must be balanced with competing demands. Therefore, it is likely that the task will focus only on the most critical OTDs.

Comment: The Santa Monica Mountains Conservancy will seek to accept OTDs for inland trails.

Commission staff appreciates the Conservancy's interest in accepting inland trail OTDs, and will work with the Conservancy to address priority OTDs for acceptance.

D. Comments and Responses to Trail Linkages

Comment: It is important to identify and protect in the planning, permit, and enforcement process the few places in Malibu where there is the potential to link public beaches to adjoining parklands containing undeveloped canyons and uplands, and to develop picnic and tent camping sites in upland park areas. In addition, the potential to develop feeder trails linking the Backbone Trail to public beaches along the Malibu coast should be preserved.

Comment: Both Solstice and Corral Canyons are linked to Corral Beach by culverts easily negotiated by people of all ages and sizes. The Commission needs to be aware of the importance of these culverts and trail linkages between upland parks and public beaches.

Comment: As with Solstice and Corral Canyons, the Commission needs to keep close watch on the Malibu LCP to ensure that public access from Malibu Canyon to Malibu Lagoon State Beach is preserved through the Serra Retreat and Civic Center areas.

ReCAP staff notes that comprehensive recreation facilities and trail planning to address these and related issues should be an important part of LCP planning by both the City of Malibu and L.A. County, which has recently begun under grant funding awarded by the Commission to both jurisdictions. These comments will be transmitted to the City and County for consideration.

E. Other Comments and Responses:

Comment: Similar to Preliminary Recommendation IV-14, which recommends that the Commission prioritize trail OTDs to be accepted and opened, the Commission should prioritize which open space dedications should be accepted.

ReCAP staff agrees with the comment and it is reflected in Action Item 2 for TDC OTDs. The Commission uses open space easements as one tool to protect a variety of coastal resources from impacts from development. Often, these easements are in the form of an OTD, which generally

expires 21 years from the date of recordation. Although ReCAP staff analyzed the OTDs in conjunction with the TDC and access programs, ReCAP staff was unable to evaluate all the OTDs required in other cases, due to limited resources. As part of implementation of the ReCAP recommendations, ReCAP staff will be working with the Commission's information systems staff to develop a database to track legal documents, including OTDs. As resources allow, the Commission will be computerizing and analyzing the over 4,000 records of OTDs statewide which will enable the staff to more quickly identify OTDs about to expire.

Comment: We highly recommend a workshop be held with accepting agencies to define OTDs that address parkland manageability as well as overall environmental protection of the Santa Monica Mountains.

Such a workshop can be an effective mechanism to facilitate OTD acceptance and is contemplated in tasks under Action Items 2 and 3. Also, since both LA County and the City of Malibu are undertaking LCP planning, there will be opportunities to coordinate as part of this planning effort, especially since a recent LCP grant to LA County was conditioned to require that the County address the issue of ensuring acceptance of OTDs as part of its LCP Access Component.

Comment: We request the Coastal Commission work with Los Angeles and Ventura Counties to adopt policies that significantly deter illegal grading.

ReCAP staff did not analyze illegal grading in the Santa Monica Mountains. However, the Commission's statewide enforcement unit addresses this concern through its Santa Monica Mountains/Malibu taskforce. ReCAP staff will transmit the concern to the Commission's statewide enforcement unit.

Comments and Responses on Shoreline Armoring:

Comment: The discussion of beach nourishment issues (Preliminary Recommendations V-9 through V-11) should be reviewed with the Los Angeles County Department of Beaches and Harbors.

Preliminary Recommendations V-9 through V-11 discuss the use of beach sand nourishment to better address the cumulative impacts of seawalls on shoreline resources. ReCAP staff will revise the findings for these preliminary recommendations to promote coordination with the Los Angeles County Department of Beaches and Harbors.

Comment: The ReCAP report should address the issue of potential sea level rise.

The response to sea level rise requires a detailed analysis but the Commission lacks sufficient resources at this time to undertake this project. However, a revised recommendation is incorporated into Part 3 of the Action Plan. The potential for sea level rise is another hazard for development along the coast of California. Although estimates of the likelihood and the extent of sea level rise vary, many scientists believe the threat is real. EPA estimates that global warming could raise sea levels 15 cm by the year 2050 and 34 cm by the year 2100 (Titus, 1996).⁴

A rising sea level will affect both existing and future development along the coast, harbors, and rivers of California.⁵ Higher water level will mean that higher waves will hit the coast; as wave energy is proportional to the square of the wave height, so cliffs, coastal structures etc., will be exposed to much higher wave energy. Accelerated cliff retreat could also occur from increased exposure to wave attack. Sea level rise would reduce beach size, making summer beaches narrower and entirely submerging some winter beaches. Sea level rise can also affect harbors and coastal structures: increased water levels could damage jetties and lead to increased forces on pier supports. Existing shoreline protective devices may not be as effective in protecting inland development with an increase in sea level. These impacts could have a significant economic impact in California.

In addition, sea level rise could lead to a loss of wetland and other habitat, and losses to recreational opportunities. A loss of habitat areas, particularly wetlands, could lead to significant economic and social impacts.

Although some projects reviewed by the Commission have addressed the potential for sea level rise in their designs, the Commission does not currently have a policy or direction to address the issue. While a full analysis of the potential of sea level rise and the effects of sea level rise was beyond the resources available to ReCAP, the issue is one that the Commission should address. Therefore, ReCAP staff recommends that additional resources be sought to undertake a more detailed analysis of the issue, and develop an appropriate strategy. In the interim, the Commission should require that proposed development be planned to address the possibility of sea level rise, assuring the integrity of the development for the lifetime of the structure. To accomplish this goal, the Commission will need to adopt specific criteria or estimates of sea level rise against which to assess a project.

⁴<http://www.epa.gov/oppeoeel/globalwarming/impacts/coastal/summary.html>. (Titus, James and Vijay Narayanan. EPA. "The Probability of Sea Level Rise".

⁵ Information taken from Ewing, Lesley, Jaime Michaels and Richard McCarthy. *Draft Report: Planning for an Accelerated Sea Level Rise Along the California Coast*. 1989.



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Attachment 2



November 3, 1998

EXECUTIVE SUMMARY

**THE SANTA MONICA MOUNTAINS/MALIBU
 REGIONAL CUMULATIVE ASSESSMENT PROJECT (RECAP)**

The Coastal Commission, through the ReCAP process, evaluates how well the Commission and the local governments with certified LCPs are implementing the goals, policies, and objectives of the Coastal Act in a particular region. ReCAP provides an opportunity to assess the cumulative impacts of thousands of decisions the Commission and local governments have made on individual projects over the years. It also provides information for use in review of future projects and helps to improve the coastal management program. The Santa Monica Mountains/Malibu area was chosen, in part, to assist the County of Los Angeles and the City of Malibu in completing LCPs for their jurisdictions.

The Santa Monica Mountains/Malibu ReCAP analysis covers permit actions during the period 1978-1996 in the following three issue areas¹:

- The overall amount and location of development, including an assessment of the effectiveness of the Transfer of Development Credits (TDC) program.
- Public access to the shoreline and inland parks.
- Armoring of the shoreline in response to beach erosion.

The preliminary recommendations in the report include recommendations which the Commission can implement immediately through modifications in its own permit actions or procedures; recommendations to Ventura County for incorporation into its certified LCP; suggestions for Los Angeles County and the City of Malibu to assist with completion of their LCPs; recommended actions for other government agencies which may be addressed through intergovernmental coordination activities; and longer-term recommendations which may require additional funding, additional staff, or legislative authorization.

Regional Overview

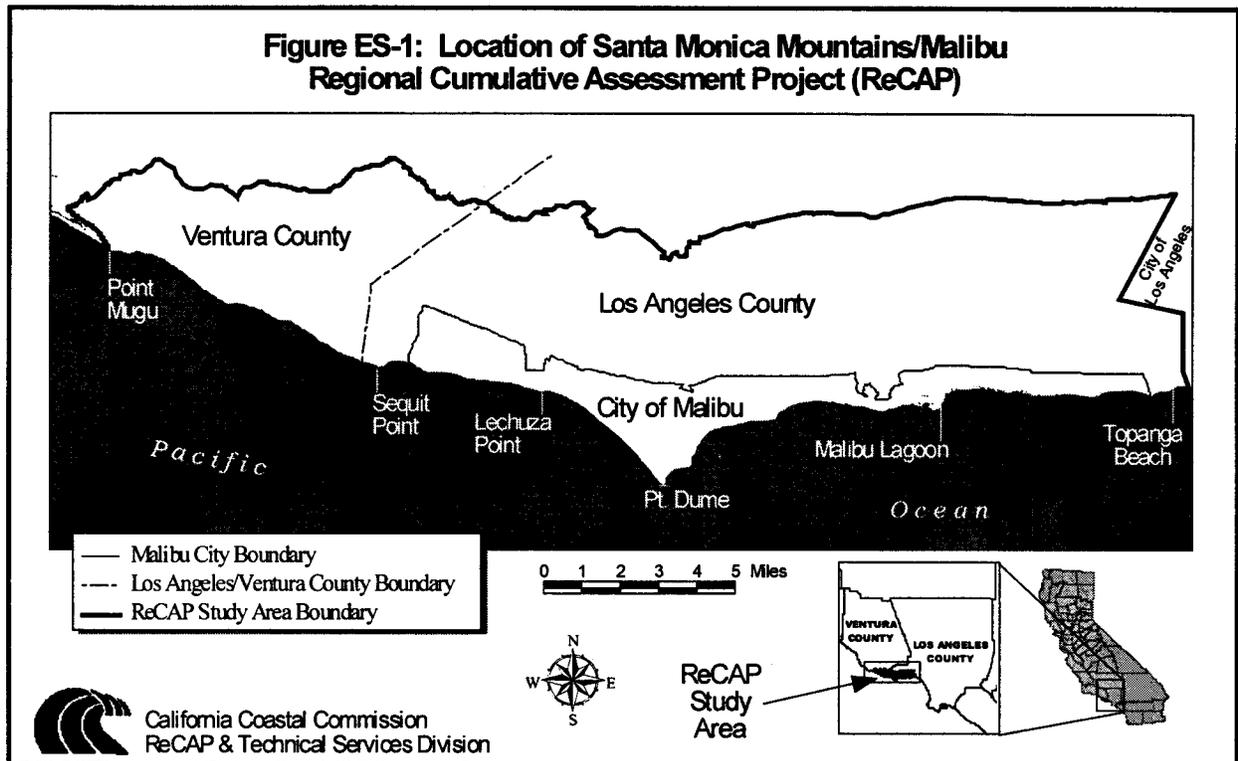
The study area is comprised of all or part of three jurisdictions: Los Angeles County, Ventura County, and the City of Malibu. Only Ventura County has a certified LCP and is issuing local coastal development permits. The area extends approximately 32 miles from Pt. Mugu in the west to Topanga Canyon in the east, and approximately five miles inland to the coastal zone boundary, covering an area of about 81,850 acres (Figure ES-1, next page). ReCAP noted the following overall changes to aspects of the region that affect analysis of coastal management issues:

- Currently there are about 9300 existing residential units, about 3200 of which are located in the mountainous inland portion of the project area, with about half of those located within the small lot subdivisions.² There are approximately 5500 vacant lots in the study area.
- About 44% of the area is publicly owned, much of it parkland acquired by state and federal agencies in the late 1970s as part of the Santa Monica Mountains National Recreation Area.

¹ The data is based on permit actions and not actual construction. Neither the Commission nor local governments have easily accessible data to show which specific projects have been completed. ReCAP used a sampling technique to estimate that roughly 50% -65% of approved projects were actually built. For subdivisions, the analysis showed that to date approximately 700 of the 957 new lots approved through subdivisions were actually created (73%).

² The number of existing residential units was derived from 1997 county assessor's data.

- Approximately 25,000 people reside within the ReCAP area. Population in the two counties as a whole has increased by 25% in the 20 year period to over 10 million and is projected to continue to increase in a similar manner in the next two decades, placing even more pressure on the coastal resources.
- Visitor use has more than doubled from 14 million visitors recorded in the late 1970s to the current 33 million.



Overview of Regulatory Activities

ReCAP analysis found that:

- The Commission acted on over 4300 permit applications, approving more than 90%, mostly with conditions to reduce or mitigate impacts to coastal resources.
- The Commission approved approximately 2900 new residential units and the creation of 957 new residential parcels.
- Since certification, Ventura County has approved 136 new homes and creation of 40 new lots.
- About half of the new parcels and a third of the new residences approved in the ReCAP study area were located on the coastal terrace in or near existing developed areas. The remaining parcels were located in the mountainous inland portion of the ReCAP area.

ReCAP PRELIMINARY FINDINGS AND RECOMMENDATIONS

The Coastal Act requires, in part, that new development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant

adverse effects, either individually or cumulatively, on coastal resources. The location and extent of new development should also maintain and enhance public access to the coast.

I. CONCENTRATION AND LOCATION OF DEVELOPMENT

Minimizing cumulative impacts of new development in the study area is challenging due to the presence of over 6000 lots, some as small as a few hundred square feet, located in several small lot subdivisions created prior to the Coastal Act.

Since 1978, the Commission has recognized that buildout of these parcels will lead to significant cumulative impacts, due, in part, to the large number of parcels in a small geographic area and steep slopes. Prior studies documented cumulative impacts to resources that would occur as a result of increased traffic on coastal access roads, impacts to water quality from development of numerous septic systems, increased exposure to hazards, and impacts to environmentally sensitive habitat resources.

Since 1978, the Commission has mitigated the cumulative impacts of the approval of new subdivisions by eliminating development potential on other lots in eleven small lot subdivisions (the donor areas) through Transfer of Development Credit (TDC) requirements. The donor areas were later expanded to include significant watersheds and environmentally sensitive habitat areas (ESHAs). The Commission has also addressed the impacts of the build out of the existing small lot subdivisions by requiring slope intensity/Gross Structural Area (GSA) conditions which have the effect of encouraging lot consolidations.

Summary of Key Findings: Development Mitigation and Buildout Scenarios

To date, ReCAP found that the Commission's actions on permits requiring TDC and GSA conditions have:

- Extinguished development potential on approximately 1050 lots, including approximately 20% of all existing lots in the small lot subdivisions.
- Shifted development from lots that were on average 87% constrained by steep slopes and sensitive habitats to lots that were on average only 41% constrained.
- Successfully reduced density in four of the small lot subdivisions to such an extent that it may be more beneficial to focus future efforts in other areas.

The ReCAP staff also identified opportunities to improve implementation of TDC and GSA conditions. The mitigation required by the permit actions is not being fully achieved because: 1) most of the Offers to Dedicate Open Space Easements required to retire development potential have not been accepted by a managing agency and will begin to expire in the year 2000; 2) the recombination of lots retired through TDC and GSA conditions does not always occur; and, 3) the use of in lieu fees to meet TDC condition requirements often results in a significant lag time before lots are retired.

As part of its analysis, ReCAP staff developed two buildout scenarios to estimate future growth in the study area and thus identify future potential cumulative impacts issues related to the extent of future development.³ As part of these scenarios, ReCAP staff also evaluated the extent to which the parcels were constrained by slopes greater than 25% or within 100 feet of an environmentally sensitive habitat area to estimate potential cumulative effects from development of the lots.⁴

³ ReCAP staff's analysis of potential buildout scenarios represents a theoretical maximum for discussion purposes only. Any discussion of potentially buildout is based solely on the maximum density limitations specified in the applicable LUP or zoning ordinance for each jurisdiction, as applied to the estimated acreage of each parcel. The analysis of potential buildout or subdivision does not take other potentially relevant policies or facts into account that could entirely preclude development or significantly limit allowable density or use. For example, neither the applicability of resource protection policies to a particular lot, the legality of a lot, nor the exact location of any parcel have been determined or taken into account in the analysis or discussion herein.

⁴ Los Angeles County's Hillside Protection Ordinance places certain development restrictions on lands greater than 25% slope, and the County's LUP, which the Commission uses to guide its decisions, requires a 100 foot setback from riparian tree canopies and designated Environmentally Sensitive Habitat Areas (LA County LUP, 1986, Table 1).

Scenario 1 estimated that if each existing vacant lot were to be developed, but no new subdivisions were allowed (or, alternately, if all new lots created were offset through TDC requirements) more than 5500 existing vacant lots would be developed, increasing the number of units in the region by 60%. The mountainous inland portion of the project area would see a doubling of the number of residential units.

Scenario 2 assumed that potential subdivisions could occur and would not be offset through TDC requirements. This scenario estimated that about 8400 potential new residential units could be built. This would represent nearly a doubling of current levels of development for the region as a whole, with over 5000 of those new units located in the mountainous interior of the region (a 156% increase).

Under both scenarios, future development would occur on parcels that are significantly more constrained by steep slopes and sensitive habitat than the parcels that are already developed. Impacts to resources are likely to increase as the remaining supply of relatively unconstrained vacant land diminishes. In addition, with the current County requirements for fire abatement, under both scenarios, approximately 470 parcels are of a size that, if developed, brush clearance would encroach into state or federal park lands or into ESHAs.

The difference between the two scenarios is a testament to the importance of the TDC program. Without the TDC program (and absent some other compensating mechanism), the theoretical maximum buildout and attendant cumulative impacts from increased traffic, septic system development and landform alteration would be 2900 units (50+%) more than with the TDC program.

Summary of Key Recommendations: Development

The ReCAP recommendations outlined in the report and the Table attached to this summary, include:

- Continuing both the TDC and GSA programs and incorporating them into LCP planning for L.A. County and the City of Malibu.
- Modifying the TDC donor areas to target key small lot subdivisions and other areas such as wildlife corridors, where lot retirement will achieve greater resource protection. Eliminate granting of extra TDC credits in some cases in the small lot subdivisions.
- Improving implementation of the TDC program to assure that the land retired as mitigation is protected by 1) developing improved means for recombining retired lots; 2) improving efforts to have the approximately 830 outstanding Offers to Dedicate an Open Space Easement, which will start to expire in the year 2000, accepted by a managing entity; 3) discontinuing use of in-lieu fees for compliance with TDC conditions;
- Improving the monitoring of condition compliance, including modifying permit conditions to require the applicant to map OTD easement areas.
- Minimizing the cumulative effects of new development of the remaining vacant parcels by reducing the 10,000 sq. ft. maximum building pad size allowed in significant watersheds and by applying a maximum building pad size throughout the mountains area.

II. PUBLIC ACCESS

Maximizing coastal public access is a primary objective of the Coastal Act. Among all Coastal Act policies, the protection of public access to the beach may most directly affect the general population. The ReCAP staff evaluated only one aspect of coastal access, that of supply, which generally includes lateral access (along the beach), vertical access (from an upland bluff or street to the beach), and upland trails that lead to the shore or traverse inland parklands in the coastal zone.

Cumulative impacts to coastal access result from the loss of coastal recreation opportunities. In the Santa Monica Mountains region, the overall level of development also affects the public's ability to reach and use the shoreline and inland trails. Extensive development can block off areas of the shoreline, and

can lead to added pressures on major coastal access roads. In the study area, many of the coastal access roads have limited capacity that must be shared between residents and visitors to the coast.

Shoreline Access

Summary of Key Findings: Shoreline Access

Since 1978, public access has increased in the study area. However ReCAP staff found situations where existing access opportunities could be improved, and where improvements to the Commission's procedures could further protect and enhance access opportunities. The ReCAP report notes:

- About 20,000 acres of public parkland were acquired by state and federal park agencies in the study area since 1979.
- The Commission have required 26 vertical and 475 lateral access easements or deed restrictions to mitigate impacts of development on public access. Five of these required vertical easements and 313 lateral easements have been accepted by a managing agency and opened to public use.
- Although the Commission has made progress in assuring that OTDs do not expire, 21 vertical easements and 162 lateral easements remain to be accepted and opened.
- The Commission's Access Program has mapped the vertical easements in the Malibu areas but mapping of other easements (including those for trail and open space easements) still needs to be completed. Mapping of easements would provide information to staff for use in future permit reviews and would help facilitate acceptance of the offers by a managing entity.
- Funding to open and operate accessways remains a significant impediment, although new sources of funding have been identified.
- Some public parklands are not yet fully accessible to the public. Several beaches in public ownership are underutilized for public access: (1) El Sol Beach and portions of Dan Blocker Beach are not open for public use; (2) portions of Malibu Bluffs State Park are primarily used for community recreation services, limiting the availability of regional coastal recreation opportunities; and (3) inadequate parking at Point Dume State Preserve limits public use of the Preserve.
- There is inadequate parking and information signs are lacking. Many accessways in the ReCAP region are difficult to locate, particularly for visitors unfamiliar with the area. A signage program will improve the public's ability to reach and use existing access areas by identifying access points from public roads.

Summary of Key Recommendations: Shoreline Access

The ReCAP recommendations outlined in the report are summarize as follows:

- Encourage regional agencies to maximize access opportunities on publicly owned lands by opening Dan Blocker and El Sol State Beaches, relocating the athletic fields and community recreation uses from Malibu Bluffs State Park, and providing adequate parking at Pt. Dume State Reserve.
- Increase access through improved public information, including implementation of a sign program and future publication of a regional access guide specific to the Malibu area.
- Pursue removal of obstructions and encroachment on public lands and dedicated easement areas. Include provisions in LCPs to minimize or avoid encroachment of development onto public lands. Modify permit conditions to require applicants to map any required easement area.
- Establish baseline data of available parking along public roads adjacent to the coast and encourage provisions for implementing joint-use parking in future LCP planning. Continue efforts to coordinate regional agencies to ensure all remaining access OTDs are accepted and opened for public use. Use additional sources of funding not previously available to help finance the development, operation, and maintenance of accessways.

Inland Trails

Within the Santa Monica Mountains, inland trails represent significant public access opportunities. These inland trails provide recreational opportunities, views to the ocean and shoreline, and alternative means of access to the coast.

Summary of Key Findings: Inland Trails

- There currently exist 88 recorded Offers-To-Dedicate a trail easement as a result of mitigation for impacts on trail access arising from Commission approved development. Eight of the recorded OTDs have been accepted by a managing agency but none have been opened to public use. The remaining 80 recorded OTDs will begin expiring in 1999.
- Approximately one-half of the recorded OTDs are associated with trails identified in the 1983 L.A. County Trails Plan; the balance are associated with other trails used by the public.

Summary of Key Recommendations: Inland Trails

The ReCAP recommendations outlined in the report are summarized as follows:

- Set priorities for which trail OTD easements already recorded should be accepted.
- Develop an Memorandum of Understanding (MOU) with a principle management agency for accepting trail OTDs; once this MOU is in place, modify future conditions requiring a trail OTD to require the applicant to offer the easement directly to the designated management agency.
- Modify permit conditions to require the applicant to map any required trail easement. Encourage local government to incorporate similar measures to prevent encroachment of development in easement areas.
- Support the appropriation of public funds for the purchase of parcels and/or easements to close existing gaps in the Santa Monica Mountains trail system.

III. SHORELINE ARMORING

Ocean beaches are one of California's most valuable recreational resources. The cumulative loss of public beaches from encroachment of shoreline armoring such as seawalls and revetments is an important coastal management issue. Sediment from much of the region's drainage area has been trapped behind catchment basins and dams and the addition of sediment from the incremental erosion of the coastal bluffs has been blocked by development, including Pacific Coast Highway (PCH), vertical seawalls, and revetments.

Key Findings: Shoreline Armoring

- Approximately 11 miles of shoreline (35% of the project area) was affected by shoreline armoring prior to 1978.
- From 1978 through 1996, shoreline armoring was authorized over an estimated 2.8 additional miles of shoreline in the project area. This represents about 9% of the study area's shoreline and affects an estimated 3.5 acres of beach.⁵ Nearly five miles (or about 15%) of the project area's shoreline has been armored to protect PCH; over four miles of this occurred prior to the establishment of the Coastal Act.
- In total, at present close to half of the shoreline in the study area is affected by shoreline structures. Unless future armoring is avoided, up to 5 miles of additional shoreline (or an additional 15% of the project area shoreline) could be armored with hard structures.

⁵ These figures are based on permit actions but not field checked to confirm construction. See Methodology discussion in Appendix)

- About 65 % of the Commission actions approving shoreline structures had requirements for access mitigation, either lateral or vertical, and close to 70% of these lateral access easements have been accepted.
- ReCAP found that there are several problems with emergency permitting of shoreline structures in the study area: (1) applicants often fail to submit follow-up permits; (2) once constructed, few if any emergency structures are removed; (3) the emergency permit process leads to incremental, haphazard armoring of the coast without mitigation for the impacts to sand supply; and (4) development is generally rebuilt in hazardous locations. In the project area, in response to the most recent El Niño storms of 1997-98, a total of 54 emergency permits were issued, including 27 for riprap and 15 for vertical seawalls, and no follow up permits have been approved and many follow-up applications have not been filed.
- Some other emergency placements of armoring occurred as actions exempt from permits under the Coastal Act. Under current Coastal Act provisions, once structures are destroyed during a natural disaster, the Coastal Act in most cases exempts the reconstruction of the structure in kind and in place from a future permit requirement. If destroyed or damaged in a storm, structures can continue to be rebuilt exempt from coastal permit review if they meet certain criteria. This does little to encourage resiting of the development outside of the hazardous area.
- In addition, recent amendments to the Coastal Act exempt certain emergency actions to protect public facilities or to restore a highway under certain conditions. These provisions have resulted in some additional armoring in the project area, especially to maintain PCH.

Summary of Key Recommendations: Shoreline Armoring

The ReCAP recommendations outlined in the report are summarized as follows:

- Avoid authorizing subdivisions which create new lots in hazardous areas and redesign projects to site development fully outside of hazardous areas or as far landward as possible.
- In areas currently built out and where major demolition and redevelopment is likely to occur, institute measures through permits and LCPs to increase setbacks of primary structures as well as shoreline structures as far landward as possible.
- Use the stringline drawn between structures to site development only as a maximum seaward limit, where no further landward setback is feasible and to avoid seaward encroachment.
- Modify the Coastal Act to discourage rebuilding of structures in hazardous areas by eliminating the permit exemption contained in Section 30610 and requiring a full permit application if the rebuilding of property damaged or destroyed by ocean waves or erosion is proposed in the same location and footprint.
- Modify Coastal Act Section 30600 to require follow up permits for emergency shoreline armoring to protect public service facilities or existing highways so that armoring needed during an emergency can be removed or mitigated. The LCPs in Ventura County and future LCP planning in L.A. County and the City of Malibu should incorporate similar provisions.
- Support efforts of the L.A. County Beach Nourishment Task Force. Encourage Caltrans to play an active role in developing and implementing any beach nourishment efforts.
- Encourage LCP planning for the project area to include policies for maintenance of catchment basins to require that the sediment is tested for suitability and, if found suitable, placed in the littoral system as sand replenishment for beaches.

IV. Conclusion

As part of the federal FY 98/99 Section 309 enhancement grant, the staff will be developing an Implementation Strategy and Action Plan for this ReCAP. The Implementation Strategy will consider any feedback and direction from the Commission's review of this report, the comments and input on this report received from local government, other agencies and the public, and available staffing and funding resources, as some of the recommendations suggested in this report may be dependent upon obtaining *additional* staff or funding.

Preliminary ReCAP Recommendations

Concentration and Location of Development

- III-1:** The Commission should continue use of the TDC program, as structured across the City of Malibu and Los Angeles County, with the modifications proposed through Preliminary Recommendations III-3 through III-10, until Local Coastal Programs are certified for Los Angeles County and the City of Malibu in order to meet the objective of no net increase in parcels in the Santa Monica Mountains region.
- III-2:** The Commission should continue use of the slope intensity formula/GSA program as an effective means to reduce the cumulative impacts of development in the small lot subdivisions.
- III-3:** Revise the approved donor areas for TDC retirement to exclude certain small lot subdivisions that are substantially built out and/or have had sufficient lot retirement to reduce density at buildout, and focus lot retirement under the TDC program in other areas. The small lot subdivisions proposed for removal as donor areas are: Malibu Mar Vista, Malibu Lake, Las Flores Heights, and El Nido. However, within these small lot subdivisions, TDC credits should be given where the lots to be retired are all adjacent to each other *and* contain sensitive habitat. Continue to use the slope intensity formula/GSA in *all* small lot subdivisions to further reduce densities and prevent cumulative impacts.
- III-4:** Revise the approved donor areas for TDC retirement to include parcels in wildlife corridors and parcels adjacent to parkland where development could not be sited to avoid fire abatement requirements encroaching into public parkland. Propose revisions to the Commission to expand the approved donor areas as information identifying critical habitat linkages is developed by the National Park Service or through the LCP planning process.
- III-4a:** The County of Los Angeles should coordinate with the National Park Service, Department of State Parks, and the Santa Monica Mountains Conservancy to ensure the integrity of wildlife corridors and habitat linkages. Identification and mapping of habitat linkages should be included in the LCP along with measures to protect such areas, including potential designation as donor areas under a TDC program.
- III-5:** Where TDC credit is given for lots in small lot subdivisions, the value of a TDC should be based solely on the acreage (i.e., size and slope) and the existence of services to the lot (i.e., proximity of roads and water), as described in the 1981 District Interpretive Guidelines. Additional TDC value should not be given for the presence of sensitive habitat on lots within the small lot subdivisions.
- III-6:** Work with L.A. County to ensure that lots retired under the TDC and GSA program are actually recombined into one parcel (for example, through an expedited reversion to acreage process). The Commission should update its special condition language to require that, prior-to-issuance of the permit, any necessary TDC transactions be completed through the lot recombination stage.
- III-7:** The Commission should pursue development of Memorandums of Understanding (MOUs) with Los Angeles County, the Coastal Conservancy, the Mountains Conservancy, and/or other non-governmental organizations to facilitate their acceptance of existing offers-to-dedicate open space easements for TDCs. This strategy should include a monitoring program to track whether offers-to-dedicate are accepted. The MOU should also designate one or more of the agencies as an on-going "accepting managing entity". When this framework is established, the Commission should revise its special condition language to provide that when an open space easement is required, the easement be dedicated directly to the accepting entity.
- III-8:** Improve the tracking and monitoring of all prior to issuance conditions, including TDC and GSA mitigation, by 1) modifying the statewide permit tracking system to include a condition compliance component; 2) encouraging the Mountains Restoration Trust to complete existing in-lieu fee TDC transactions, and prohibit use of in-lieu fees for future transactions; and 3) maintaining and updating the Geographic Information System (GIS) layers for the TDC and GSA programs which were developed as part of ReCAP.
- III-9:** Develop a system to ensure that the local governments' planning department receives updated TDC/GSA layers showing the location of the restricted lots. The City of Malibu and the County

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of Los Angeles, as part of their LCP planning, should develop and maintain a post-certification tracking system to track the location of approved development and required easements, and should transmit such information to Commission staff on a regular basis.

- III-10:** The City of Malibu and the County of Los Angeles should adopt a TDC program which is implemented across jurisdictional lines in the Santa Monica Mountains, so as to ensure no net increase in the number of lots in the region as a whole. The program should be structured to incorporate the recommendations of the ReCAP report.

If the City and County find that a TDC program cannot be structured across both jurisdictions, Los Angeles County should amend its LUP to include a TDC program within its jurisdiction to ensure no net increase in the number of lots in the area. The City of Malibu should also include in its proposed LCP, a TDC program within its jurisdiction to ensure no net increase in the number of lots.

Los Angeles County should retain use of a slope intensity formula as described in the 1986 LUP. The City of Malibu should include a slope intensity formula where applicable as part of its LCP planning.

- III-11:** The County of Los Angeles should amend its LUP to reduce the maximum building pad size, and implement the new standard throughout the coastal zone, rather than only in the significant watersheds. In addition, the County of Los Angeles and the City of Malibu should include in their LCPs policies to address sedimentation and runoff into sensitive resources.
- III-12:** The Commission should modify its permit procedures for subdivisions to include the submission of maps locating any existing or proposed OTD, dedicated easement, or prescriptive trail easement on the subject property. For public access easements, including trails, such mapping should be done on air photos and project plans.

Public Access

- IV-1:** Los Angeles County should open El Sol Beach and Dan Blocker Beach.

- IV-2:** The California Department of Parks and Recreation should develop and submit for certification a public works plan for Malibu Bluffs State Park that provides for regional/state park uses. The City of Malibu LCP should include plans for alternative locations for local park uses. No expansion or reconstruction of athletic fields should be permitted.

- IV-3:** The California Department of Parks and Recreation and the City of Malibu should improve access to Point Dume State Preserve by improving the availability of parking in the area adjacent to or within the blufftop portion of the Preserve.

- IV-4:** The Commission, the Coastal Conservancy, the local governments, the State Department of Parks and Recreation, the Santa Monica Mountains Conservancy, and CalTrans should work together to develop a comprehensive signage program to better identify public use opportunities and minimize conflicts between public and private use.

- IV-5:** In consultation with the State Lands Commission, identify and seek removal of all unauthorized physical development that encroaches into state tidelands areas.

- IV-6:** The City of Malibu should develop a strategy in its LCP to utilize parking for office and commercial development near beach areas for public access parking in off-peak periods.

- IV-7:** The Commission should inventory existing available parking along Pacific Coast Highway and public roads seaward of Pacific Coast Highway to establish baseline data to prevent future loss of access through unpermitted signage or construction of physical barriers.

- IV-8:** Commission staff should continue to coordinate with the Coastal Conservancy and other public agencies or non-profit organizations to accept all existing vertical and lateral OTDs to ensure that no offers expire and to develop, as necessary, and open accepted access easements. The Commission and the Coastal Conservancy should also provide funding where feasible (e.g., from the Malibu Beach Access Fund, permit fee fund, violation remediation fund, and other sources) to public agencies or non-profit organizations for the development, operation and maintenance of accessways.

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- IV-9:** The Commission should enforce terms of recorded and accepted access and trail OTDs and deed restrictions, including requiring removal of encroachments. Investigate specific cases of encroachment into recorded but unaccepted OTD easement areas and take steps to remove and/or reduce encroachments as allowable and feasible. The Commission should improve its access mitigation condition compliance by including as part of any access condition or as part of permit procedures the requirement that applicants map the location of existing and proposed easements or OTDs air photos and project plans. Where access is proposed as part of the submitted project, filing requirements should include such mapping.
- IV-10:** As part of its LCP planning, the City of Malibu should incorporate policies designed to minimize and mitigate impacts of development on public shoreline access, including policies to require access offers-to-dedicate (OTDs) to mitigate demonstrated impacts to public access. The LCP policies should include details on a program to implement OTDs, including timing for developing each OTD, funding sources for construction of improvements and operation costs, and City departments responsible for implementation.
- IV-11:** The County of Ventura should improve its permit review procedures to provide for obtaining State Lands Commission reviews on the boundary between public tidelands and private property as a part of filing requirements for new development along the shoreline. The County of Los Angeles and the City of Malibu should include such a requirement in their LCP planning process.
- IV-12:** Develop and publish a regional access guide for the Malibu area.
- IV-13:** Pursue development of a Memorandum of Understanding to designate a principal management agency to directly accept future inland trail easement dedications, thereby eliminating the need for an offer-to-dedicate (OTD), when a public trail easement dedication is an element of a coastal development permit application. Once the MOU is achieved, revise the Commission's special condition language to require dedication of a trail easement directly to the principal management agency designated in the MOU, rather than requiring an OTD.
- IV-14:** The Commission should recommend the following as priority tasks for the Statewide Access Program: (1) map the location of the eight accepted and 80 recorded inland trail OTD easements, with priority to those due to expire by 2004; (2) coordinate with local governments as part of LCP planning to rank the 80 recorded inland trail OTD easements in priority for acceptance by qualified public agencies and private organizations; and (3) assist those agencies and organizations to accept and open for public use high-priority recorded inland trail OTD easements.
- IV-15:** Modify Commission permit filing requirements to include the submittal of mapped documentation locating any existing recorded inland trail easements or recorded inland trail OTD easement in relation to a proposed development if such development may affect an existing or proposed easement. Require LCP planning in the County of Los Angeles and City of Malibu to include similar measures and other policies and standards to prevent encroachment of development, and to remove non-permitted encroachments, on any area covered by a recorded and accepted inland trail easement.
- IV-16:** Support the appropriation of public funds for the purchase of parcels and/or easements to close existing gaps in the public trail system in the Santa Monica Mountains.

Shoreline Armoring

- V-1:** The City of Malibu, as part of its LCP planning, should prohibit development that would require armoring for those shoreline areas which do not constitute "infill" and should prohibit new subdivisions, including lot splits, which create new lots within high wave hazard areas. The Ventura County LCP should be amended to incorporate similar restrictions.
- V-2:** The Commission should, as a condition of new development or demolition and rebuilding of structures subject to wave hazards, require that new development be sited outside areas subject to wave hazard or elevated above the Base Flood Elevation (as defined by FEMA) and set back as far landward as possible. If siting outside areas subject to wave hazard is feasible but the

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applicant elects not to site development there, conditions of allowable developments should provide that the applicant assumes the risk of building in the hazardous areas without assurance that future armoring will be allowed. As part of reconstruction, require investigation of alternatives for waste treatment, including the redesign and/or relocation of sewage disposal systems to avoid the need for bulkheads or retaining walls designed solely to protect such systems. Similar requirements should be incorporated as part of LCPs for the City of Malibu and Ventura County.

- V-3:** Require in the review of coastal development permits for new development and for demolition and reconstruction of existing development, any permitted shoreline structures be set back as far landward as possible from the most landward mean high tideline (MHTL), regardless of the location of protective devices on adjacent lots. The stringline for shoreline protective devices should be applied as a maximum extent of seaward development *only if* no further landward setback is possible. Similar requirements should be incorporated into the LCP planning for the City of Malibu.
- V-4:** Require the submittal of documentation and maps locating any existing OTDs and dedicated easement areas in relation to the proposed development of any shoreline protective device or revetment as part of application filing. If such an OTD or dedicated easement is required as a condition of approval, the mapping should be completed prior to issuance of the permit. The City of Malibu and Ventura County should include similar measures in their LCP planning.
- V-5:** Investigate incentives for relocation of development in hazardous shoreline areas. Consider modification of Section 30610 of the Coastal Act to require a full permit application for the rebuilding of property damaged or destroyed by ocean waves or erosion even if reconstruction occurs in the same location and footprint as the damaged structure.
- V-6:** Pursue modifications of Section 30600 (e) of the Coastal Act to require a follow up coastal development permit for emergency actions undertaken to protect public roads which result in placement of new or expanded shoreline armoring.

- V-6 a** Develop modified emergency permit procedures to require that where emergency actions by Caltrans are required and are not exempt pursuant to PCR 30600(e), permits require Caltrans to use the least environmentally damaging engineering alternative in responding to emergencies to protect Pacific Coast Highway. If the least environmentally damaging engineering alternative can not be installed during the emergency response, all reasonable efforts shall be made to install engineering alternatives that can later be replaced by the least environmentally damaging engineering alternative.
- V-7:** The Ventura County LCP should be amended to incorporate procedures for emergency permitting and for reconstruction of SPDs, including modifications in Recommendations V-2 and V-3.
- V-8:** Establish procedures for Commission and local governments for coordination with property owner for field inspections before and after storm seasons. Procedures should: provide advance information on location of easement areas to assure emergency structures are not occupying public easements and provide for inspections to identify shoreline protective structures built without permits and assure emergency structures are removed or regular permit follow-up is completed within the 60 day period.
- V-9:** LCP Planning for the City of Malibu and Los Angeles County should include policies to establish periodic sand nourishment of key beaches vulnerable to wave damage. Policies should be developed in consultation with L.A. County Beaches and Harbor and the State Lands Commission. Policies and programs developed for beach nourishment should include measures to minimize adverse resource impacts from deposition of material, including measures such as timing or seasonal restrictions or identification of preferred locations for deposits.
- V-10:** The state Department of Transportation (Caltrans) should assist the LA County Beach Nourishment Task Force in investigating measures to fund regional beach sand nourishment and to address the use of clean material for placement on the beach. Beach sand nourishment proposals should also be coordinated with the LA County Beaches and Harbors Department and State Lands Commission. Policies and programs developed for beach

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nourishment should include measures to minimize adverse resource impacts from deposition of material, including measures such as timing or seasonal restrictions or identification of preferred locations for deposits.

- V-11:** The City of Malibu and Los Angeles County should include policies in their LCP planning to require that sediment removed from catchment basins be tested for suitability, and, if appropriate, used for disposal in the littoral system. In consultation with Los Angeles County Department of Beaches and Harbors, the LCP for Malibu should designate appropriate beaches or offshore feeder sites in the littoral system for placement of suitable materials from the catchment basins, consistent with Coastal Act Sections 30233 (b) and (d). The Ventura County LCP should be amended to include similar policies. Policies and programs developed for beach nourishment should include measures to minimize adverse resource impacts from deposition of material, including measures such as timing or seasonal restrictions or identification of preferred locations for deposits.
- V-12:** The Commission should develop a long-term strategy to address the issue of sea level rise. The strategy should define the criteria for estimated sea level rise (i.e., projections of sea level rise from EPA) and should develop measures to avoid or to minimize the effects of sea level rise in permit actions and in Local Coastal Programs. Such measures could include modifying Commission permit requirements to: 1) require that the potential for sea level rise is considered in the design of all development proposals and habitat restoration projects along the ocean shoreline and the shoreline immediately adjacent to or within a harbor, river, bay, or estuary; and 2) require that buffer areas adequate to address sea level rise are included in wetland restoration projects.