

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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DATE: October 27, 2010

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
John Ainsworth, Deputy Director
Deanna Christensen, Coastal Program Analyst

SUBJECT: **City of Malibu LCP Amendment No. 2-09-B:** Executive Director's determination that action by the City of Malibu, acknowledging receipt, acceptance, and agreement with the Commission's certification with suggested modifications, is legally adequate. This determination will be reported to the Commission at the November 18, 2010 meeting in Santa Monica.

On June 10, 2010, the Commission approved Local Coastal Program Amendment No. 2-09-B with suggested modifications. The subject amendment consists of changing the land use and zoning designation of a property known as 21200 Pacific Coast Highway (APN 4451-001-042) from Commercial Visitor-Serving (CV-1) to Multi-Family Beachfront (MFBF) in the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP). The amendment also consisted of a change to the LIP portion of the LCP to add water wells to the list of development that may be processed as an administrative coastal development permit in Section 13.13.1 of the LIP.

On August 9, 2010, the City Council adopted Resolution Nos. 10-49 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. 2-09-B and accepting and agreeing to all modifications suggested by the Commission. On September 13, 2010, the City Council adopted Ordinance No. 352 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. 2-09-B and accepting and agreeing to all modifications suggested by the Commission. The documents were transmitted to Commission staff on September 20, 2010.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Malibu acknowledging receipt and acceptance of, and agreement with the Commission's certification of the above referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the City's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment 2-09-B, as certified by the Commission on June 10, 2010, as contained in the adopted Resolution of August 9, 2010 and Ordinance of September 13, 2010 and find that the City's action and notification procedures for appealable development are legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.