

CALIFORNIA COASTAL COMMISSION

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

Th22b**ADDENDUM**

DATE: March 7, 2017
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th22b, City of Malibu LCP Amendment No. LCP-4-MAL-15-0031-2 (Public Access Map Update), Thursday, March 9, 2017

Click here to go to
original staff report

The purpose of this addendum is to make minor corrections to Suggested Modifications 5 and 6 in Section III of the staff report in response to comments received from the Mountains Recreation and Conservation Authority (MRCA) on March 6, 2017 (included as Attachment 1 of this addendum), as follows (language to be changed is shown in underline and ~~strike-out~~. Other suggested modifications that do not directly change LCP text such as instructions are shown in *italics*):

- The following correction shall be made to a portion of **Suggested Modification 5** on Page 9 of the staff report to clarify that the Assessor Parcel Number (APN) associated with a recorded lateral public access easement (and to be designated as "Lateral Access Document Recorded" on the map) at 30732 Pacific Coast Highway has been changed recently to reflect an approved land division:

<i>Address</i>	<i>Street</i>	<i>APN</i>	<i>Beach</i>
30732	Pacific Coast Highway	<u>4469-026-017, -018, -019, and -020</u> <u>(formerly 4469-026-005)</u>	Trancas Beach

- The following correction shall be made to a portion of **Suggested Modification 5** on Page 11 of the staff report to correct a typographical error associated with the APN for 26044 Pacific Coast Highway where a lateral public access easement has been accepted (and to be designated as "Existing Lateral Accessways" on the map):

<i>Address</i>	<i>Street</i>	<i>APN</i>	<i>Beach</i>
26044	Pacific Coast Highway	<u>4459-021-0240</u>	Dan Blocker Beach

- The following map correction shall be added as subsection (h) of **Suggested Modification 6** on Page 12 of the staff report in order to change the designation of the vertical public access way at 27400 and 27348 Pacific Coast Highway to reflect its correct status:

(h) Escondido Beach. Change the designation of the vertical public accessway at 27400/27348 Pacific Coast Highway (APN 4460-030-042 and 4460-030-043) from "Vertical/Easement Recorded (Accessway NOT Open Yet)" to "Existing Vertical Accessway" to reflect its correct status as an opened accessway.

From: [Jessica Nguyen](#)
To: [Christensen, Deanna@Coastal](mailto:Christensen_Deanna@Coastal)
Cc: [Judi Tamasi](#)
Subject: LCP Amendment No. No. LCP-4-MAL-15-0031-2
Date: Monday, March 06, 2017 4:54:01 PM

Deanna,

The Mountains Recreation and Conservation Authority (MRCA) submits the following comments on the proposed City of Malibu Local Coastal Program (LCP) Amendment No. LCP-4-MAL-15-0031-2 regarding updates to the City's LCP Public Access Map.

Regarding Suggested Modification 5. Lateral Public Accessways:

- 1) The property at 30732 Pacific Coast Highway has been subdivided into 4 parcels. The APN listed in the staff report should be revised to indicate the recordation of the lateral access document on the correct subdivided parcel(s).
- 2) Please confirm whether the APN listed for the property at 26044 Pacific Coast Highway is correct. The listed APN, 4459-021-021, does not appear in any public County parcel map records.

Regarding Suggested Modification 6. Vertical Public Accessways:

- 1) The vertical accessway at 27400 and 27348 Pacific Coast Highway (APNs 4460-030-042 and 4460-030-043) is currently labeled as "Vertical Access Document Recorded". The label for this vertical accessway should be updated to "Existing Vertical Accessway".

Thank you for your consideration of our comments. Please feel free to let me know if you have any further comments or questions.

Sincerely,

Jessica Nguyen

Project Analyst
Mountains Recreation & Conservation Authority
5810 Ramirez Canyon Road
Malibu, California 90265
Office: (310) 589-3230 ext. 125
Cell: (805) 300-0083

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Th22b

ADDENDUM

DATE: March 6, 2017
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th22b, City of Malibu LCP Amendment No. LCP-4-MAL-15-0031-2 (Public Access Map Update), Thursday, March 9, 2017

The purpose of this addendum is to make minor corrections and clarifications to Suggested Modifications 4 and 5 in Section III and in Sections IV(A) and (B) of the staff report, as follows (language to be changed is shown in underline and ~~strike-out~~. Other suggested modifications that do not directly change LCP text such as instructions are shown in *italics*):

1. Sub-section (d) of **Suggested Modification 4** on Page 8 of the staff report shall be modified as follows to clarify the portions of Point Dume Beach Park that are owned/managed by California State Parks and Los Angeles County:

(d) Correct label of Point Dume State Beach to indicate that the area located at the Point Dume headland and extending down coast ~~it is~~ a State Beach rather than a County Beach and that the area between Zuma Beach and the Point Dume Headland is shown as Point Dume County Beach.

2. The following map corrections shall be added as subsections (h), (i), and (j) of **Suggested Modification 4** on Page 8 of the staff report in order to ensure that APN 4451-003-900 is accurately depicted as public beach owned by the State, to make an address correction, and to clarify that addresses shown on the map for some existing vertical public accessways are approximations based on addresses for adjacent properties:

(h) The parcel of land at APN 4451-003-900 shall be shown on the map as Public Beach and shown as "State of California Owned."

(i) The address shown for the vertical public accessway at 24715 Malibu Road shall be changed to "24714 Malibu Road."

(j) The following text shall be added to the Notation Language located at the bottom of each of the three map sheets:

Note: Some Vertical Public Accessways are located on property without a designated address. Thus, addresses shown for some existing Vertical Public Accessways are provided for informational purposes only and are approximations based on the addresses of adjacent properties.

3. The following change shall be made to a portion of **Suggested Modification 5** on Page 8 of the staff report to correct a minor typographical error:

“Modify the Public Access Map to add 8 12 lateral public accessways (designated as “Existing Lateral Accessway” at the following locations:[...]”

4. The following change shall be made to a portion of **Suggested Modification 5** at the top of Page 10 of the staff report to correct a minor typographical error:

“Modify the Public Access Map to change the designation of the ~~28~~ 56 existing lateral public accessways at the following locations from “Lateral/Offer NOT Accepted (OTD Available)” to “Existing Lateral Accessways” to designate their correct status:[...]”

5. The following text shall be added to the end of Section IV(A) on Page 14 of the staff report:

Correspondence previously received from interested parties when the Commission previously considered this amendment request is included and addressed in the staff report and addendum for that prior action (dated July 9, 2014 and June 26, 2014, respectively) on LCP Amendment No. MAL-MAJ-1-12, and can be found at <https://documents.coastal.ca.gov/reports/2014/7/Th15c-7-2014.pdf>

6. The following corrections shall be made to the second paragraph on Page 24 in Section IV(B) of the staff report:

Lastly, when the Malibu City Council acted to accept the previous Commission approval and set of suggested modifications, a change was made that was deemed to be substantive by the executive director. This change, as reflected in the City’s resolution (Exhibit 1) was in the form of a map note that was added to Map 2 of 3 (Exhibit 2), which states that the Commission extinguished easement rights through a settlement, when in fact this was not the case. This map note, which relates to a ~~lateral~~ vertical public access easement at 26612 Latigo Shore Drive, which was required as a condition for CDP No. ~~5-85-299~~ 5-84-137, states the following:[...]

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SOUTH CENTRAL COAST AREA

89 SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

(805) 585-1800



Th22b

DATE: February 17, 2017

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Jordan Grace, Coastal Program Analyst

SUBJECT: City of Malibu, Local Coastal Program Amendment No. LCP-4-MAL-15-0031-2 for Public Hearing and Commission Action at the March 9, 2017 Commission Meeting in Ventura, at the Ventura County Board of Supervisors Chambers.

DESCRIPTION OF THE SUBMITTAL

The City of Malibu's proposed amendment to its certified Local Coastal Program (LCP) consists of an update to the Land Use Plan Public Access Map to reflect current information showing the location of existing public beaches, lateral public access ways along the shoreline, and vertical public access ways between the first public road and the shoreline. In addition to updating public access information, the City proposes to revise the graphic layout of the Public Access Map, whereby the map would consist of three sheets with three inset maps on each sheet. This graphic layout will allow for the access information to be shown at a larger scale than the certified map. Additionally, the City proposes to modify the map legend to re-name the categories of information shown and to utilize a different color scheme to depict the categories.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **deny** the proposed City of Malibu LCP Amendment No. LCP-4-MAL-15-0031-2 as submitted and **approve** only if modified pursuant to the suggested modifications. The suggested modifications are necessary to ensure that the City's Land Use Plan Public Access Map is consistent with and adequate to implement the Chapter 3 provisions of the Coastal Act. The motions and resolutions for Commission action can be found starting on **page 6** of this report. The suggested modification language can be found starting on **page 7**. The standard of review for the proposed changes to the Land Use Plan is whether the amendment conforms to the Chapter 3 provisions of the Coastal Act.

This amendment is a re-submittal of a previous LCP amendment, No. MAL-MAJ-1-12, which was approved by the Commission with suggested modifications on July 10, 2014. On November 10, 2014, the Malibu City Council adopted Resolution No. 14-69, acknowledging receipt of the

Commission's certification of LCP Amendment No. 1-12 and accepting and agreeing to the modifications suggested by the Commission. However, during this action the City Council added an asterisk and footnote on one of the public access maps indicating that one public accessway shown on the map is not open to the public, questioning whether the offer to dedicate the easement was lawfully created, and stating that the Commission has waived the right to enforce the public's right to access in this location. This asterisk and footnote, which Commission staff believes is inaccurate, was deemed a substantive change by the Executive Director. As such, the modification to the public access map is inconsistent with the modifications approved by the Commission on its July 10, 2014 action, and the LCP Amendment was not properly accepted by the City and did not take effect. For this reason, and pursuant to PRC Section 13544.5, the Commission is treating Malibu City Council's Resolution 14-69 as a land use plan amendment resubmittal and has assigned it a new LCP Amendment No.: LCP-4-MAL-15-0031-2. The LCP Amendment now before the Commission therefore consists both of the City's original LCP Amendment submittal, which was never finally certified, as well as the City's November 10, 2014 addition of the asterisk and footnote described above.

The proposed amendment would add 120 recorded lateral public accessways to the Public Access Map to show a total of 529 recorded lateral public accessways within the City of Malibu. The City has not obtained any new vertical public accessways since the LCP was adopted; however, the amendment includes revisions intended to clarify the location and extent of existing vertical public access ways. In addition to updating public access information, the City proposes to revise the graphic layout of the Public Access Map and modify the map legend to re-name the categories of information shown and to utilize a different color scheme to depict the categories.

The periodic addition of updated information to the Public Access Map is necessary to ensure that the map accurately reflects all recorded and existing lateral and vertical public accessways. Staff has carefully reviewed the proposed maps to confirm the accuracy of the information shown. The accuracy of the map is important because it will be used to apply other policies and provisions of the LCP to development proposals. Staff has identified a number of necessary corrections to the map and updates to the status of multiple accessways identified on the proposed Public Access Map, which can be found in Suggested Modifications 1 through 7. With these suggested modifications, the proposed amendment will accurately depict public access within the City of Malibu to date.

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EXHIBITS

Exhibit 1:	City of Malibu City Council Resolution No. 14-69 (December 3, 2014)
Exhibit 2:	Public Access Maps associated with Resolution No. 14-69
Exhibit 3:	City of Malibu City Council Resolution No. 12-43 (December 10, 2012)
Exhibit 4:	Public Access Maps associated with Resolution No. 12-43
Exhibit 5:	Current Certified City of Malibu Public Access Maps

APPENDICES

Appendix A Substantive File Documents

Additional Information: For further information, please contact Jordan Grace or Barbara Carey at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the City of Malibu Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission or at the City of Malibu Planning Department.

I. PROCEDURAL ISSUES

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))

The standard of review that the Commission uses in reviewing the adequacy of the land use plan, as the City is proposing to amend it, is whether the land use plan is consistent with, and meets the requirements of, the policies of Chapter 3 of the Coastal Act.

A. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Local Coastal Program (LCP). The City held public hearings on this amendment and received oral and written comments regarding the proposed changes from concerned parties and members of the public. The hearings were duly noticed consistent with the provisions of Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment No. LCP-4-MAL-15-0031-2 has been distributed to all known interested parties.

On December 10, 2012, the Malibu City Council held a public hearing on LCP Amendment No. 12-004. The Council approved the subject LCP Amendment and adopted City Council Resolution No. 12-43 (**Exhibit 3**). The City of Malibu submitted the subject LCP Amendment to the Commission on December 28, 2012. The amendment proposal was deemed incomplete on January 9, 2013. Additional information was provided by City of Malibu staff, and the proposed LCP Amendment was determined to be complete on May 2, 2013. At the July 10, 2013 hearing, the Commission granted a one-year time extension to act on this City of Malibu LCP Amendment (No. MAL-MAJ-1-12) pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c). The one-year extension required that the Coastal Commission act on the proposed City of Malibu LCP Amendment (No. MAL-MAJ-1-12) by August 1, 2014.

On July 10, 2014 the Commission approved the City of Malibu LCP Amendment No. 1-12. Subsequently, on November 10, 2014, the Malibu City Council held a public hearing at which it adopted Resolution No. 14-69 (**Exhibit 1**), acknowledging receipt of the Commission's certification of LCP Amendment No. 1-12 and accepting and agreeing to the modifications suggested by the Commission. The City Council considered the suggested modifications and a revised public access map that included all of the Commission's suggested changes. The City Council acted to accept all suggested changes to the map. However, Recital I of Resolution No. 14-69 included the addition of a note to the amended maps that was not considered by the Commission prior to its action and that the executive director determined to be a substantive change (**Exhibit 2**). As such, and pursuant to Section 13544.5, Resolution No. 14-69 will be

treated as a resubmittal of the LCP Amendment. Review of the land use plan amendment is being carried out in accordance with Section 13541(b) of Title 14 of the California Code of Regulations, which states that review of the land use plan shall take place when the Commission determines that the land use plan submittal can be reviewed without adversely affecting the review of other land use plans previously scheduled. As such, this resubmittal is now being brought before the Commission at a time when it will not adversely affect review of other land use plans previously scheduled.

B. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations (“14 CCR”), the City, by resolution, may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because staff is recommending that this approval be subject to suggested modifications by the Commission, if the Commission approves this Amendment as recommended, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (14 CCR §§13544, 13555(b), and Section 13542(b).

Thereafter, pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission’s certification order and report on such adequacy to the Commission. Furthermore, Section 13544.5 states that if the executive director finds the local government action does not conform to the provisions of the Commission’s action to certify the land use plan, the Commission shall review the local government’s action and notifications procedures pursuant to Articles 9-12 “as if it were a resubmittal.”

In this unique case, the City previously submitted an LCPA (No. MAL-MAJ-1-12) that was approved by the Commission and subsequently sent to the City of Malibu. The City Council considered (and approved) the suggested modifications and a revised public access map that included all of the Commission’s suggested changes. However, when the City Council took this action, they also added a note to the map, which was later determined to be a substantive change by the executive director. As such, the local government action does not conform to the provisions of the Commission’s action on the original LCP amendment. Therefore, the Resolution that was submitted by the City following its prior action is a resubmittal, pursuant to Section 13544.5. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation for how to vote on the motion is provided just prior to each resolution.

A. DENIAL AS SUBMITTED

Motion I: *I move that the Commission certify Land Use Plan Amendment No. LCP-4-MAL-15-0031-2 as submitted by the City of Malibu.*

Staff Recommendation of Rejection:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to deny as submitted:

The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-4-MAL-15-0031-2 as submitted by the City of Malibu and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. APPROVAL WITH SUGGESTED MODIFICATIONS

Motion II: *I move that the Commission certify Land Use Plan Amendment No. LCP-4-MAL-15-0031-2 for the City of Malibu if it is modified as suggested in this staff report.*

Staff Recommendation to Certify with Suggested Modifications: Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution to Certify with Suggested Modifications:

The Commission hereby certifies the Land Use Plan Amendment No. LCP-4-MAL-15-0031-2 for the City of Malibu if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

III. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify LCP Amendment No. LCP-4-MAL-15-0031-2 if modified with the modifications as shown below. The City's proposed amended language to the certified LCP Land Use Plan is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics.

1. Map Legend/Key Changes

The legend/key (including all symbols, symbol colors, and text labels) on each proposed map sheet shall be replaced in its entirety with the legend/key (symbols, symbol colors, and text labels) that was used for the certified Land Use Plan Public Access Map. In addition, all symbols and symbol colors shown on each proposed map sheet shall be revised consistent with the above referenced changes to the legend/key.

Specifically, each proposed Public Access Map Category Label in the Legend/Key shall be replaced with the corresponding Certified Access Map Category Label as follows:

Proposed Access Map Category Label	Certified Access Map Category Label
Lateral/Offer Accepted (Easement Recorded)	Existing Lateral Accessway
Lateral/Offer NOT Accepted (OTD Available)	Lateral Access Document Recorded
Vertical/Easement Recorded (Accessway Open)	Existing Vertical Accessway
Vertical/Easement Recorded (Accessway NOT Open Yet)	Vertical Access Document Recorded

2. Public View Point Designations

Modify the Public Access Map to correctly show the availability of a public view point by adding the symbol for a "Viewpoint" and deleting the incorrect symbol showing the availability of public vertical access at the following two locations:

- 6800 Westward Beach Road (APNs 4468-022-001 and 030)
- 19900 Pacific Coast Highway (APN 4450-001-900)

3. Correction of Mapping Errors

Modify the Public Access Map to delete the areas incorrectly depicted as gray polygons seaward of the mapped parcels and correctly show the area as ocean at the following locations:

- a) The area seaward of the Tivoli Cove Condominium Property and immediately downcoast of APN 4460-020-008 (Latigo Shores Drive)*
- b) The area seaward of the eight parcels identified as APNs 4452-005-001, 002, 004, 018, 022, 024, & 025) (between Surfrider Beach and Malibu Pier)*
- c) The area seaward of APN 4452-003-011(at Carbon Beach)*

4. Map Text, Feature Label, and Notation Corrections

The following Public Access Map text, feature labels, and notations shall be modified as follows:

- a) *Add labels to these roads: Corral Canyon Rd, Puerco Canyon Rd, Malibu Canyon Rd, Carbon Canyon Rd, Las Flores Canyon Rd, and Tuna Canyon Rd.*
- b) *Malibu Bluffs Park shall be added to the map as a Public Beach Park.*
- c) *Correct misspelling of Rambla Vista and Rambla Pacifico Street.*
- d) *Correct label of Point Dume State Beach to indicate that it is a State Beach rather than a County Beach.*
- e) *The sixth text line in the reference note located at the bottom of each map sheet, shall be revised to state “Source: The lateral and vertical access information on this map was compiled, in part, from information by a Master OTD List provided by the California Coastal Commission (2012 Database).”*
- f) *The ninth line of the reference note shall be revised to correct a misspelling of the word “resale”.*
- g) *The property at 20516 Pacific Coast Highway shall be added to the map as a Public Beach (and colored accordingly), and it shall be labeled as “State of California Owned”*

5. Lateral Public Accessways

Modify the Public Access Map to add 8 lateral public accessways (designated as “Existing Lateral Accessway”) at the following locations:

Address	Street	APN	Reference Beach
31532	Victoria Point Road	4470-017-029	Lechuza Point
31532	Victoria Point Road	4470-017-030	Lechuza Point
31520	Victoria Point Road	4470-017-032	Lechuza Point
31516	Victoria Point Road	4470-017-033	Lechuza Point
31508	Victoria Point Road	4470-017-034	Lechuza Point
31506	Victoria Point Road	4470-017-035	Lechuza Point
31504	Victoria Point Road	4470-017-036	Lechuza Point
24038	Malibu Road	4458-009-900	Amarillo Beach
21070	Pacific Coast Highway	4450-010-021	Las Flores Beach
28126	Pacific Coast Highway	4460-033-011	Dume Cove Beach
19824	Pacific Coast Highway	4449-008-008	Big Rock Beach
33524	Pacific Coast Highway	4473-020-024	Nicholas Canyon Beach

Modify the Public Access Map to add 2 lateral public accessways (designated as “Lateral Access Document Recorded”) at the following locations:

<i>Address</i>	<i>Street</i>	<i>APN</i>	<i>Beach</i>
30732	Pacific Coast Highway	4469-026-005	Trancas Beach
31302	Broad Beach Road	4470-016-037	Trancas Beach

Suggested Modification 5 continued on Next Page

5. Lateral Public Accessways (cont.)

Modify the Public Access Map to change the designation of the 28 existing lateral public accessways at the following locations from “Lateral/Offer NOT Accepted (OTD Available)” to “Existing Lateral Accessways” to designate their correct status:

Address	Street	APN	Beach
33246	Pacific Coast Highway	4473019022	El Sol Beach
33390	Pacific Coast Highway	4473019005	El Sol Beach
32506	Pacific Coast Highway	4473015004	La Piedra Beach
31636	Sea Level Drive	4470001006	Lechuza Beach
27726	Pacific Coast Highway	4460031013	Escondido Beach
26054	Pacific Coast Highway	4459021023	Dan Blocker Beach
26110	Pacific Coast Highway	4459021005	Dan Blocker Beach
25438	Malibu Road	4459017017	Puerco Beach
25250	Malibu Road	4459016006	Puerco Beach
25228	Malibu Road	4459016002	Puerco Beach
25160	Malibu Road	4459015011	Puerco Beach
24912	Malibu Road	4458013022	Puerco Beach
24848	Malibu Road	4458013016	Puerco Beach
24844	Malibu Road	4458013015	Puerco Beach
24832	Malibu Road	4458013013	Puerco Beach
24460	Malibu Road	4458012001	Puerco Beach
24330	Malibu Road	4458011032	Amarillo Beach
24456	Malibu Road	4458011031	Puerco Beach
24230	Malibu Road	4458011006	Amarillo Beach
24008	Malibu Road	4458009014	Amarillo Beach
23812	Malibu Road	4458007028	Amarillo Beach
23674	Malibu Colony Road	4458005024	Amarillo Beach
23354	Malibu Colony Drive	4452008022	Amarillo Beach
23316	Malibu Colony Drive	4452008016	Amarillo Beach
20726 & 20732	Pacific Coast Highway	4450007043	Las Flores Beach
20766	Pacific Coast Highway	4450007039	Las Flores Beach
20016	Pacific Coast Highway	4450002053	Las Flores Beach
19034	Pacific Coast Highway	4449003022	Las Tunas Beach
25410	Malibu Road	4459017012	Puerco Beach

27460	Pacific Coast Highway	4460030016	Escondido Beach
19220 & 19222	Pacific Coast Highway	4449004024 4449004023	Las Tunas Beach
33730	Pacific Coast Highway	4473021005	Nicholas Canyon Beach
26050	Pacific Coast Highway	4459021009	Dan Blocker Beach
26044	Pacific Coast Highway	4459021021	Dan Blocker Beach
19912	Pacific Coast Highway	4450001036	Big Rock Beach
25164	Malibu Road	4459015012	Puerco Beach
25002	Malibu Road	4458013035	Puerco Beach
24420	Malibu Road	4458011025	Puerco Beach
24254	Malibu Road	4458011009	Amarillo Beach
23338	Malibu Colony Road	4452008027	Amarillo Beach
24300	Malibu Road	4458011011	Amarillo Beach
24616	Malibu Road	4458012020	Amarillo Beach
33334	Pacific Coast Highway	4473019017	Nicholas Canyon Beach
23634	Malibu Colony Road	4458005034	Amarillo Beach
20900	Pacific Coast Highway	4450008049	Las Flores Beach
19906	Pacific Coast Highway	4450001037	Big Rock Beach
20758	Pacific Coast Highway	4450007030	Las Flores Beach
27952	Pacific Coast Highway	4460032021	Escondido Beach
24052	Malibu Road	4458010015	Amarillo Beach
22716	Pacific Coast Highway	4452004070	Carbon Beach
23808	Malibu Road	4458006022	Amarillo Beach
28884	Cliffside Drive	4466009026	Dume Cove Beach
26122	Pacific Coast Highway	4459021015	Dan Blocker Beach
28060	Sea Lane Drive	4460033023	Escondido Beach

6. Vertical Public Accessways

Modify the Public Access Map to add, delete, or change the designation of the vertical public access ways at the following locations to designate their correct status:

- a) Lechuza Beach. Add new symbols showing “Existing Vertical Access” located between the intersection of Bunny Lane and Broad Beach Road (APN 4470-024-901) and the sandy beach. Carbon Beach.*
- b) Western Malibu. Delete symbols showing “Vertical/Easement Recorded (Accessway NOT Open Yet)” on the property at 32340 Pacific Coast Highway (APN 4473-014-009)” to correctly show the status of the property only as “Existing Lateral Access”.*
- c) Carbon Beach. Delete symbols showing “Vertical/Easement Recorded (Accessway NOT Open Yet)” on the property owned by the California Department of Parks and Recreation immediately downcoast of the Malibu Pier (APN 4452-005-902).*
- d) Carbon Beach. Change the designation of the vertical public accessway at 22466 Pacific Coast Highway (APN 4452-002-011) from “Vertical/Easement Recorded (Accessway NOT Open Yet)” to “Existing Vertical Accessway” to reflect correct status.*
- e) Carbon Beach. Change the designation of the vertical public accessway at 22030 Pacific Coast Highway (APN 4451-005-017) from “Vertical/Easement Recorded (Accessway Open)” to “Vertical Access Document Recorded” to reflect correct status and delete symbols showing a second duplicate easement shown as “Vertical/Easement Recorded (Accessway NOT Open Yet)” on adjacent property at 22020 Pacific Coast Highway (APN 4451-005-020).*
- f) Big Rock Beach. Delete symbols showing duplicate “Vertical/Easement Recorded (Accessway Open)” at 20330 Pacific Coast Highway (APN 4450-004-031). The County owned Existing Vertical Public Accessway immediately downcoast and adjacent to 20356 Pacific Coast Highway (APN 4450-004-030) shall remain.*
- g) Amarillo Beach. Change the designation of the vertical public accessway at 24038 Malibu Road (APN 4458-009-900) from “Vertical/Easement Recorded (Accessway NOT Open Yet)” to “Existing Vertical Accessway” to reflect correct status.*

7. Map Note

Remove the note on Map 2 of 3 that reads: “This is not an open, accessible accessway. As a condition of its coastal development permit, the original developer purported to convey an offer to dedicate an access easement, which the Coastal Commission subsequently discovered was over property not owned by the developer. This legal flaw was raised by the California Coastal Commission against the developer in a lawsuit (LACSC Case No. SC010590), which the Commission settled by accepting money and waiving claims to enforce the access. It is shown on this map only because the California Coastal Commission has not removed it from the certified map. The map should not be relied on as permission for access.”

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENTS IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the Local Coastal Program (LCP) amendment as submitted, and approval of the LCP amendment if modified as indicated in Section III (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

The proposed amendment would serve to update the Public Access Map of the City of Malibu's certified Land Use Plan and is intended to show any changes or additions to vertical/lateral public access easements to or along the beach and offers to dedicate such easements that have been recorded, accepted, and/or opened since the Malibu LCP was adopted in September 2002. The Public Access Map depicts the location of all existing and/or recorded lateral and vertical public accessways on beachfront lots in Malibu, including accessways that existed prior to the Coastal Act, and accessways that have been required as mitigation for new development approved by coastal development permits granted by both the Coastal Commission and the City of Malibu.

The proposed amendment would add 120 recorded lateral public accessways to the Public Access Map to show a total of 529 recorded lateral public accessways within the City of Malibu. Specifically, the amendment would add 23 new lateral public access easements and offers to dedicate (OTDs) public lateral access easements to the Public Access Map that have been required by the City or the California Coastal Commission pursuant to the terms and conditions of coastal development permits since the adoption of the City's LCP (**Exhibit 4**). In addition, the amendment would add 97 lateral public accessways that were previously required by the Commission as conditions of approval of coastal development permits, prior to the adoption of the City's LCP in 2002. These 97 additional lateral public accessways were not shown on the previously certified Public Access Map and primarily consist of accessways that had been required by the Commission as a condition of approval for a coastal development permit but which had not yet been recorded at the time that the LCP was adopted, as well as accessways that had been required pursuant to a deed restriction requiring public access rather than an OTD for an easement and had not been accurately reflected on the map.

The City has not obtained any new vertical public accessways since the LCP was adopted; however, two vertical public access easements that were previously required by the Commission as conditions of approval of coastal development permits prior to the adoption of the City's LCP in 2002 are proposed to be shown on the updated Public Access Map at 26664 Seagull Way and at 22548 Pacific Coast Highway. These easements have been accepted by public agencies but have not yet been opened and were inadvertently not included in the originally certified Public Access Map.

The proposed amendment also includes minor revisions intended to clarify the location and extent of existing vertical public access ways including showing that public vertical access is

available at both West and East Sea Level Drives at Lechuza Beach, which was originally shown as a single public access point on the certified public access map. In addition, although an offer to dedicate a vertical public accessway was previously shown on the certified Public Access Map along Las Flores Creek (between Pacific Coast Highway and the beach), the updated Public Map will more accurately show that two recorded offers for vertical public access ways were recorded adjacent to each other at that same location.

The amendment description submitted by the City also describes 14 other vertical public accessways as having been required by the Commission prior to adoption of the LCP which the City believed had not been included on the previously certified Public Access Map. However, 7 of the 14 vertical public accessways that were cited by the City were accurately shown on both the certified and the new proposed Public Access Map; thus, these do not constitute changes to the map. In addition, the other 7 of the 14 vertical public accessways that were cited by the City actually constitute misinterpretations of map/table data and Commission Staff has confirmed that these were accurately reflected on the certified Public Access Map as “Viewpoints”, lateral accessways, or areas where no such easement had been required or recorded. Furthermore, additional revisions have been included to ensure the Public Access Map properly depicts vertical accessways that have opened since the City first initiated the LCPA process.

The amendment also includes the deletion of one previously recorded offer to dedicate a vertical public access easement from the map at 22814 Pacific Coast Highway that was required by the Commission pursuant to Coastal Development Permit P-3-20-78-2984 because the development authorized by that permit was never built and the OTD was properly vacated in 2003 pursuant to the Commission’s approval.

In addition to updating public access information, the proposed amendment also includes revisions to the graphic layout of the Public Access Map, whereby the map would consist of three sheets with three inset maps on each sheet (**Exhibit 4**). This graphic layout will allow for the access information to be shown at a larger scale than the certified map. Additionally, the City proposes to modify the map legend/key to re-name the categories or types of public access ways available. The following chart details the existing category description that is used in the certified Public Access Map and the corresponding category name that is proposed to show the same information in the amended Public Access Map.

Certified Access Map Category	Proposed Access Map Category
Existing Lateral Accessway	Lateral / Offer Accepted (Easement Recorded)
Lateral Access Document Recorded	Lateral / Offer NOT Accepted (OTD Available)
Existing Vertical Accessway	Vertical / Easement Recorded (Accessway Open)
Vertical Access Document Recorded	Vertical / Easement Recorded (Accessway NOT Open Yet)

B. PUBLIC ACCESS AND RECREATION

The beaches of Malibu are world-famous tourist destinations for millions of visitors annually from foreign countries, all 50 states of the U.S., as well as for residents of cities and towns located throughout California. In addition, the Santa Monica Mountains area within and adjacent to the City provides an extensive network of public trails that traverse and connect Federal, State, and County parklands, as well as a system of heavily used historic trails on private land. Overall,

a wide variety of recreational opportunities exist in the area including hiking, biking, horseback riding, camping, fishing, picnicking, nature study, surfing, diving, and swimming. Public access to and along the shoreline and trails, and the provision of public recreational opportunities and visitor-serving facilities such as campgrounds, hotels and motels has historically been a critical and controversial issue in Malibu. Coastal access is generally viewed as an issue of physical supply, and includes lateral access (access along a beach), vertical access (access from an upland street, parking area, bluff or public park to the beach), coastal bluff top trails, and upland trails that lead to the shore or traverse inland parklands within the Coastal Zone.

A broad policy goal of California's Coastal Management Program is to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act. Several additional policies contained in the Coastal Act, which are also incorporated into the Land Use Plan, reinforce this objective. The Coastal Act requires that development not interfere with the public right of access to the sea (Section 30211); provides for public access in new development projects with limited exceptions (Section 30212); addresses the need to regulate the time, place, and manner of public access (30214); and specifies the need to protect ocean front land suitable for recreational use (Section 30221).

Section **30210** of the Coastal Act states that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The Coastal Act also requires that development not interfere with the public right of access to the sea in Section **30211**:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section **30212** of the Coastal Act provides for public access in new development projects with limited exceptions:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section **30212.5** provides for the distribution of parking over a wide area

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section **30214** of the Coastal Act addresses the need to regulate the time, place, and manner of public access:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

The Coastal Act specifies the need to protect ocean front land suitable for recreational use in Section **30220**:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section **30221** also requires the protection of oceanfront land for recreational use:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The public already possesses ownership interests in tidelands, or those lands below the mean high tide line. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access and the provision of access, where applicable, through the regulation of development. To carry out the requirement of Section 4 of

Article X of the California Constitution, PRC Section 30210 provides that maximum access and recreational opportunities be provided consistent with public safety, public rights, private property rights, and natural resource protection. PRC Section 30211 requires that development not interfere with the public's right of access to the sea with certain exceptions. Furthermore, PRC Section 30212 requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. Certain minor types of development also do not require the provision of access. Finally, PRC Section 30214 provides that the implementation of the public access policies shall take into account the need to regulate the time, place, and manner of public access depending on such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses, etc.

As previously described, the proposed LCP Amendment would modify the Public Access map which is part of the Land Use Plan (LUP). As such, the Chapter 3 policies of the Coastal Act are the standard of review for this LCP Amendment. It is also necessary to consider the internal consistency of the proposed changes with applicable LUP policies.

LUP Access Policies

The certified LUP contains several policies to ensure the protection and provision of public access in new development, taking into consideration public safety needs, private property rights, and the protection of natural resources, where applicable. Several policies require an offer to dedicate a lateral or vertical public access easement as a special condition in new development projects where a nexus is demonstrated between the proposed development and its impact on public access. The LUP also states that public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer-to-Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access, construction of related support facilities (e.g. parking, construction of necessary access improvements) shall be permitted in order to allow the public accessway to be opened and operated for its intended use (LUP Policy 2.7).

The LUP policies also provide the physical standards for locating such easements (LUP Policies 2.66 – 2.68). Other policies provide for the opening, construction and maintenance of new accessways or the ongoing operation of existing accessways as well as for the acceptance, operation and maintenance of offers to dedicate beach or trail access easements (LUP Policies 2.40 – 2.41, 2.69 – 2.71, 2.83 – 2.85). Additional policies require the consideration of public safety, minimization of impacts on private property and adjacent private uses such as residential dwellings, and the protection and enhancement of sensitive natural resources in providing and regulating public access (LUP Policies 2.73 – 2.75). To provide maximum access opportunities and to minimize overburdening any particular area, vertical access locations need to be distributed throughout the City's shoreline. The LUP contains specific accessway standards or objectives for specific beaches in the City. Vertical access standards generally recommend at least one accessway to the shoreline for each 1000 linear feet (LUP Policies 2.84-2.86).

All projects within the City's permitting jurisdiction requiring a coastal development permit must be reviewed for compliance with the policies and provisions of the City's certified LCP and the

public access and recreation provisions of Chapter 3 of the Coastal Act. Based on the access, recreation, and development policies contained in Chapter 3 of the Coastal Act, the City and the Commission have required new development to provide public access to and along the shoreline and have required design changes in other projects along the coast to reduce interference with or eliminate impacts on public access. Impacts to access can occur from physical blockage of existing access, direct occupation of sandy beach by structures, as well as from impacts on shoreline sand supply and profile caused by seawalls and other shoreline protective structures.

Development on the beach, particularly the placement of shoreline protective devices, has been found to cause a number of effects on the dynamic shoreline and the availability of public land. As a result, such development can often lead to significant impacts on public access. For example, development on a beach often leads to a steeper beach profile, which will have less horizontal distance between the mean low water and the mean high water lines. This reduces the actual area in which the public can pass on its own property. This steepening of a beach can also lead to a progressive loss of sand on the beach. This material is not then available to nourish the offshore bar which usually provides the sand to replenish beaches after winter storms. The lack of an effective bar can allow such high wave energy on the shoreline that material may be lost far offshore where it is no longer available to nourish the beach, resulting in a smaller beach. In addition, shoreline protective devices cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches and by their direct occupation of sandy beach area.

To eliminate or reduce potential impacts from development on public access and recreation, the Commission, in numerous permit actions, has often required that new shoreline development be located as far landward as possible in order to reduce the development's adverse impacts to the sand supply and public access. In addition, the Commission has also required that public access to or along the shoreline be provided in new development projects as mitigation for adverse impacts to beach sand supply and/or public access. This form of required mitigation is usually accomplished through an offer-to-dedicate (OTD) an easement for public use, although it has also been accomplished through direct dedications of easements and deed restrictions in some cases.

The certified Public Access Map (**Exhibit 5**) is included in the LCP to graphically depict the location of lateral and vertical public accessways, including those that are subject to accepted access easements, other access restrictions, and access OTDs. This information is included primarily as a tool for planning, and is used when applying the policies and provisions of the LCP. It also provides information to agencies that may accept access easements, as well as the beach-going public. However, those are not the primary functions of the Public Access Map. Agencies looking to accept easements will need more specific information than the Public Access Map provides regarding the type, details, and terms of lateral or vertical access easements or other recorded documents in order to make decisions about acceptance. Such information is available from the City of Malibu and/or the Coastal Commission. Additionally, the Public Access map does not provide the level of detail needed for the public to understand precisely where they may access the coast. There are public beach access guides available to the general public that supply more detailed information regarding the location of beach access opportunities and available facilities.

Consistency Analysis

As previously described, the proposed amendment to the certified LUP Public Access Map includes updated depictions of lateral and vertical access ways that have been required as mitigation for new development approved by CDP's granted by both the Coastal Commission and the City of Malibu. This mitigation has been primarily required through the recordation of offers to dedicate (OTDs) an access easement across a designated portion of project sites, but other kinds of access restrictions, such as deed restrictions, have also been required. Pursuant to this amendment, updated public access information maintained by Coastal Commission and City staff and proposed to be shown on the updated Public Access Map will include additional vertical and lateral public accessways that have been required, recorded, accepted, and/or opened since the LUP Public Access Map was certified as part of the LCP in 2002.

The periodic addition of updated information to the Public Access Map is necessary to ensure that the map accurately reflects all recorded and existing lateral and vertical public accessways. Moreover, such updates are necessary to carry out the Coastal Act and the City's LUP, both of which require the implementation of a public access program adequate to provide and maintain maximum access and recreational opportunities.

In this case, the proposed amendment would add 120 recorded lateral public accessways to the Public Access Map to show a total of 529 recorded lateral public accessways within the City of Malibu. Specifically, the amendment would add 23 new lateral public access easements and offers to dedicate (OTDs) public lateral access easements to the Public Access Map that have been required by the City or the California Coastal Commission pursuant to the terms and conditions of coastal development permits since the adoption of the City's LCP (**Exhibit 4**). In addition, the amendment would add 97 lateral public accessways that were previously required by the Commission as conditions of approval of coastal development permits, prior to the adoption of the City's LCP in 2002. These 97 additional lateral public accessways were not shown on the previously certified Public Access Map and primarily consist of accessways that had been required by the Commission as a condition of approval for a coastal development permit but which had not yet been recorded or accepted at the time that the LCP was adopted and accessways that had been required pursuant to a deed restriction requiring public access rather than an OTD for an easement and had not been accurately reflected on the map.

In addition, Commission staff have identified 12 existing lateral public accessways, which were inadvertently omitted from the proposed Public Access Map or have been accepted and recorded since the original LCPA submittal date. These accessways are located at Lechuza Point, Amarillo Beach, Dume Cove Beach, and adjacent to Dan Blocker Beach. Therefore, **Suggested Modification Five (5)** identifies the location of each of these accessways and requires that the Public Access Map be modified to show each of these accessways at their respective locations.

Further, Commission staff have identified 61 lateral public accessways that were inadvertently not updated to reflect the fact that the offers to dedicate lateral public access on the sites have been accepted by public agencies or were accepted by a public agency after the original submittal of this amendment. Thus, **Suggested Modification Five (5)** identifies the location of each of these 61 lateral access easements and requires that their status be changed from

“Lateral/Offer NOT Accepted (OTD Available)” to *“Existing Lateral Accessways”* on the Public Access Map to correctly reflect that lateral access easements have been accepted. Since this LCPA is a re-submittal, all accessway changes associated with Suggested Modification Five (5) have been updated to reflect their current status since the LCPA No. 1-12 was originally submitted.

The City has not obtained any new vertical public accessways since the LCP was adopted; however, two vertical public access easements that were previously required by the Commission as conditions of approval of coastal development permits, prior to the adoption of the City’s LCP in 2002, are proposed to be shown on the updated Public Access Map at 26664 Seagull Way and at 22548 Pacific Coast Highway. These easements have been accepted by public agencies but have not yet been opened and were inadvertently not included in the originally certified Public Access Map.

The proposed amendment also includes minor revisions intended to clarify the location and extent of existing vertical public access ways including showing that public vertical access is available at both West and East Sea Level Drives at Lechuza Beach, which was originally shown as a single public access point on the certified public access map. In addition, although an offer to dedicate a vertical public accessway was previously shown on the certified Public Access Map along Las Flores Creek (between Pacific Coast Highway and the beach), the updated Public Map will more accurately show that two recorded offers for vertical public access ways were recorded adjacent to each other at that same location. However, a third existing vertical public accessway (which is managed by the Santa Monica Mountains Conservancy and open and available for public use) is also located at Lechuza Beach between the intersection of Bunny Lane and Broad Beach Road (APN 4470-024-901) and the sandy beach. Therefore, to ensure that this vertical accessway is correctly shown, **Suggested Modification Six (6)** requires that the Public Access Map be revised to show “Existing Vertical Access” at this location.

In addition, the submitted amendment description incorrectly describes 14 other vertical public accessways as having been required by the Commission prior to adoption of the LCP but not shown on the previously certified Public Access Map. However, Commission staff has confirmed that 7 of the 14 vertical public accessways that were cited by the City were accurately shown on both the certified and the new proposed Public Access Map; thus, these do not constitute necessary changes to the map. In addition, the other 7 of the 14 vertical public accessways that were identified by the City actually constitute incorrect interpretations of map/table data and should not have been shown on the proposed Public Access Map as vertical public accessways. Two of these mapping errors include the incorrect designation of two vertical public accessways at 6800 Westward Beach Road (APNs: 4468-022-001 & 030) where the certified Public Access Map correctly showed a single Public “Viewpoint” on the hillside landward of Zuma Beach County Park. In addition, a third mapping error includes the redesignation of the Public “Viewpoint” shown on the certified Public Access Map at 19900 PCH (APN 4450-001-900) as a vertical public accessway. However, no existing access to the ocean or easements for such access were recorded at these properties; therefore, **Suggested Modifications Two (2) and Six (6)** provide that the Public Access Map be revised to correctly show the availability of a public viewpoint at each of these three locations and delete incorrect references to vertical public access.

In addition, a fourth incorrect accessway was shown on the proposed Public Access Map as “Vertical/Easement Recorded (Accessway NOT Open Yet)” on a property owned by the California Department of Parks and Recreation at the Malibu Pier (APN 4452-005-902). However, no such easement exists, and given that the lot is a publicly owned property that is developed with a public beach parking lot which provides direct beach access, the designation of the site as “NOT Open Yet” would result in potential confusion and impacts to public access. Therefore, **Suggested Modification Six (6)** provides that the Public Access Map be revised to delete the incorrect symbols showing an unopened vertical accessway at this location. The property will still be correctly shown as “Public Beach” on the proposed Map.

Furthermore, two different vertical accessways have been opened and made available for public use since the initial submittal of this Public Access Map LCPA. Vertical access easements had previously been recorded, and accessways have now been built/opened on the following two properties: Ackerberg (Carbon Beach West), and Malibu Beach Road East. As such, **Suggested Modification Six (6)** also requires that their status be changed from “*Vertical / Easement Recorded (Accessway NOT Open Yet)*” to “*Existing Vertical Accessway*” on the Public Access Map.

Finally, three other vertical public accessways were also shown on the proposed map at three other locations where no such accessways or easements have been recorded at 32340 PCH (APN 4473-014-009) and 22020 PCH (APN 4451-005-020). A lateral access easement has been recorded at 32340 PCH and is correctly shown on both the certified map and the proposed map; however, no vertical access easement from the highway to the beach is located at this site. A vertical public access easement was originally required by the Commission at this location pursuant to CDP A-22-080 in 1980; however, the requirement was subsequently removed by the Commission in a subsequent amendment to that permit in the 1980’s. Thus, no vertical accessway is recorded at this site. In addition, the incorrectly shown vertical accessway at 22020 PCH appears to be an inadvertent duplication of the vertical public accessway that is correctly shown on the proposed map adjacent property at 22030 PCH. Another inadvertent duplication of a vertical accessway is shown at 20330 Pacific Coast Highway (APN 4450-004-031) adjacent to the correctly shown County owned vertical accessway located immediately downcoast and adjacent to 20356 Pacific Coast Highway (APN 4450-004-030). Therefore, **Suggested Modification Six (6)** also provides that the Public Access Map be revised to delete the incorrect symbols showing vertical accessways at these three locations.

In addition to updating public access information, the City proposes to revise the graphic layout of the Public Access Map, whereby the map would consist of three sheets with three inset maps on each sheet. This graphic layout will allow for the access information to be shown at a larger scale than the certified map. Additionally, the City proposes to modify the map legend/key to rename the categories or types of public access ways available. The following chart details the existing category description that is used in the certified Public Access Map and the corresponding category name that is proposed to show the same information in the amended Public Access Map.

Certified Access Map Category	Proposed Access Map Category
Existing Lateral Accessway	Lateral / Offer Accepted (Easement Recorded)
Lateral Access Document Recorded	Lateral / Offer NOT Accepted (OTD Available)
Existing Vertical Accessway	Vertical / Easement Recorded (Accessway Open)
Vertical Access Document Recorded	Vertical / Easement Recorded (Accessway NOT Open Yet)

However, while the City’s proposed category titles in the proposed revisions to the legend/key appear to be intended to provide greater specificity than the titles of the vertical and lateral access categories on the existing Public Access Map, they are not as inclusive as necessary nor do they correctly describe the actual vertical and lateral access documents that have actually been recorded for public access on many properties. Although the majority of the recorded accessways shown on the map were recorded as offers-to-dedicate (OTD) an access easement that must be accepted by a public agency or as access easements that were already accepted, a substantial number of accessways were secured pursuant to different methods besides the recordation of an OTD, including the acquisition of a right of way by a public agency, the acquisition of land in fee title by a public agency, or the recordation of deed restrictions requiring the provision of public access across private land. As a result, the text description/title of the types of public access available are not accurately reflected by the proposed language of the map legend/key. In addition, the use of the color red (this color is typically used for “stop”, “don’t enter” or other warning signs) for lateral access easements that are not yet accepted may have an unintended chilling effect on the public’s use of these areas by giving the false impression that no public access is available on the parcels shown in red. This may be inaccurate based on the terms of the individual recorded document, and in any case, access within State lands would be available. As such, **Suggested Modification One (1)** requires that the Public Access Map legend/key be modified to apply the existing vertical and lateral access category names and color scheme (based on the certified LUP Public Access Map) to the updated information in the new graphic layout.

In addition, the proposed Public Access Map legend/key also deletes the existing symbol for “viewpoint” and the updated map does not show any viewpoints on the map itself. It is important to show public viewpoints where they have been required or previously designated, both to ensure that such areas are maintained for the use of the public and to ensure that they are considered in applying the visual resource policies and provisions of the LCP to new development. There are two viewpoints (one viewpoint located across two parcels in the Westward Beach area, and one on a parcel of land owned by Caltrans in the Big Rock Beach area) that are inaccurately shown on the updated map as vertical accessways. **Suggested Modification Two (2)** requires the addition of a viewpoint symbol to the Public Access Map legend and the depiction of the three viewpoints on the map.

Several other minor modifications are suggested to improve the clarity and ease of use of the proposed Public Access Map. **Suggested Modification Four (4)** includes a clarification to the notation on each Map page. **Suggested Modification Four (4)** also contains several modifications, including the addition of name labels to several canyon roads, corrections of misspellings of road labels, revision of label for Point Dume State Beach, the addition of Malibu Bluffs Park, the addition of a State of California owned public beach and corrections to addresses shown for two vertical accessways shown on the map.

Further, the currently certified map uses the seaward edge of parcels as the edge of the shoreline; however, in several areas shown on the new proposed map there are areas shown as “gray polygons” which are located seaward of several beachfront parcels but which are not parcels themselves. These gray polygon areas appear to have been created as unintentional GIS mapping artifact error and do not reflect the boundary of any parcel line. However, because these gray polygons are located between the beachfront parcel and the ocean (shown as blue on the map) they create potential confusion regarding the availability of public access. Therefore, **Suggested Modification Three (3)** requires the that the Public Access Map be modified to delete the areas depicted as gray polygons seaward of the mapped parcels and correctly shown as ocean at those locations.

Lastly, when the Malibu City Council acted to accept the previous Commission approval and set of suggested modifications, a change was made that was deemed to be substantive by the executive director. This change, as reflected in the City’s resolution (**Exhibit 1**) was in the form of a map note that was added to Map 2 of 3 (**Exhibit 2**), which states that the Commission extinguished easement rights through a settlement, when in fact this was not the case. This map note, which relates to a lateral access easement which was required as a condition for CDP No. 5-85-299, states the following:

This is not an open, accessible accessway. As a condition of its coastal development permit, the original developer purported to convey an offer to dedicate an access easement, which the Coastal Commission subsequently discovered was over property not owned by the developer. This legal flaw was raised by the California Coastal Commission against the developer in a lawsuit (LACSC Case No. SC010590), which the Commission settled by accepting money and waiving claims to enforce the access. It is shown on this map only because the California Coastal Commission has not removed it from the certified map. The map should not be relied on as permission for access.

The Commission finds that this note is not accurate. It is true that litigation relating to the property was settled, but the settlement did not include any change to the easement in question and the Commission did not waive its right to ever enforce the offer to dedicate a public access easement (OTD), which had already been recorded at the time of the settlement and was subsequently accepted. Therefore, in order to ensure that the LUP Public Access Map does not contain inaccurate information, the Commission finds it necessary to require that the map note be deleted. **Suggested Modification Seven (7)** requires removal of this factually incorrect language.

The Commission finds that it is necessary to require Suggested Modifications 1 through 7 to ensure that the LUP Public Access Map, as proposed to be amended, will accurately depict public access areas within the City of Malibu. Since this LCPA is a re-submittal, Suggested Modifications 1 through 6, which relate to site specific map changes, have been updated to reflect the most up to date status since the previous staff report (for LCPA No. 1-12) was brought before the Commission. The Public Access Map must be accurate since it will be used as a planning document to inform the City’s interpretation of the public access policies and provisions of the certified LCP. Only as modified will the Public Access Map conform to the public access and recreation policies of the Coastal Act. The Commission finds that, if modified

as suggested, the proposed local coastal program amendment is consistent with the Coastal Act, including Sections 30210, 30211, 30212, 30214, 30220, and 30221.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the Natural Resources Agency found the Commission’s LCP review and approval program to be functionally equivalent to the EIR process, *see* 14 C.C.R. § 15251(f), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for its review of and action on LCP provisions. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission’s regulations (*see* 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Land Use Plan amendment has been found not to be in conformance with Chapter 3 policies of the Coastal Act. To resolve the concerns identified, suggested modifications have been made to the proposed amendment. With incorporation of the suggested modifications, the Land Use Plan is in conformity with the Coastal Act. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the LCP amendment by ensuring that the proposed amendment does not interfere with public recreational opportunities or access trails. The Commission finds that approval of the LCP amendment, as modified, will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any significant adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with CEQA.

Appendix A: Substantive File Documents

1. City of Malibu Local Coastal Program, as amended.

RESOLUTION NO. 14-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL
COMMISSION'S CONDITIONAL CERTIFICATION OF MAL-MAJ-1-12
AND APPROVING THE ADOPTION OF LOCAL COASTAL PROGRAM
AMENDMENT NO. 12-004 CONSISTENT WITH THE COMMISSION'S
SUGGESTED MODIFICATIONS TO UPDATE THE LOCAL COASTAL
PROGRAM LAND USE PLAN PUBLIC ACCESS MAP

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER
AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On September 24, 2012, in compliance with Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 19.2.1(A), the City Council adopted Council Resolution No. 12-36 to initiate an LCP amendment (LCPA) to update the LCP Public Access Map. The City Council directed the Planning Commission to schedule a public hearing regarding the amendment.

B. On November 5, 2012, the Planning Commission held a duly noticed public hearing on LCPA No. 12-004, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. At that meeting, the Planning Commission adopted Resolution No. 12-100, recommending the City Council approve the amendment as modified with the following five map changes: 1) a map note that defines "lateral public access" and "vertical public access"; 2) a map note that reads "The full extent of the parkland in the City can be seen on the LCP Parkland and Trails System Map."; 3) a new west segment of Las Tunas Beach (APNs 4449-007-013 through -017) shown as a beach park; 4) plan references to identify the general location of all major beaches in the City including Escondido, Puerco Canyon, Amarillo, Carbon, La Costa, Las Flores, Big Rock, Westward, and Topanga; and 5) two vertical accessways between Broad Beach Road and west Sea Level Drive (APN 4470-021-008) and east Sea Level Drive (APN 4470-021-009).

C. On November 29, 2012, pursuant to LIP Section 19.3, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold a public hearing on December 10, 2012 to consider an amendment of the LCP. Additionally, a Notice of City Council Public Hearing was mailed to all interested parties; homeowners' associations on record with the City; regional, state, and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC).

D. On December 10, 2012, the City Council held a duly noticed public hearing on the subject amendment, reviewed and considered written reports, public testimony, and related information. At that meeting, the City Council adopted Resolution No. 12-43, as amended, with the following six changes: 1) a lateral easement located at 22716 Pacific Coast Highway; 2) removal of a vertical easement shown at 22716 Pacific Coast Highway (shown in error); 3) a lateral easement across 30974 to 30980 Broad Beach Road; 4) change the vertical easement located at 22626 Pacific Coast Highway from "open" to "closed"; 5) change the correct street name from

Cliffside Drive to Wildlife Road in the eastern portion of Point Dume; and 6) revise the displayed address listings down the coast to reflect the location of open vertical easements.

E. On December 28, 2012, the LCPA was submitted to the California Coastal Commission (CCC). On July 10, 2013, the submittal, identified by the CCC as MAL-MAJ-1-12 (Public Access Map), was reviewed by Commission staff and determined to be complete.

F. On July 10, 2013, the CCC granted a one-year time extension to consider the LCPA.

G. On July 10, 2014, the CCC conditionally certified MAL-MAJ-1-12 (LCPA No. 12-004) subject to modifications as set forth in the Resolution of Certification adopted by the CCC on July 10, 2014.

H. On October 30, 2014, a Notice of City Council Public Hearing to be held on November 10, 2014, was published in a newspaper of general circulation within the City and was mailed to all interested parties; regional, state and federal agencies affected by the amendments; local libraries and media; and the California Coastal Commission.

I. On November 10, 2014, the City Council held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, staff presentation and written reports, public testimony, and other information in the record. After considering of all reviewed materials and information, the City Council agreed to add an asterisk with a footnote to provide context to the vertical offer-to-dedicate on the Tivoli Condominium Property (APN 4460-019-036).

Section 2. Environmental Review.

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the CCC before it takes effect.

Section 3. Local Coastal Program Amendment No. 12-004 Amendments to the Public Access Map as Modified by the California Coastal Commission.

Consistent with the CCC's July 10, 2014 conditional certification of MAL-MAJ-1-12 (LCPA No. 12-004), replace the existing LCP Public Access Map in its entirety with Exhibit A, an updated Public Access Map, attached hereto.

Section 4. Findings.

A. Based on evidence in the record, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act.

B. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP as identified in said document. The proposed LCP Public Access Map reflects the most current inventory of existing lateral (along the coastline) and vertical (from the first public street to the beach) public beach access and public beach parks in the City since December 2001. An updated Public Access Map ensures that development and uses within the City's jurisdiction of the Coastal Zone advances the overarching goals of protecting coastal resources and promoting public access and recreation for the general public. Specifically, LCP Land Use Plan (LUP) Chapter 2 (Public Access and Recreation) states that the overarching goal and intent of the policies within the Chapter is to ensure that the LUP provides for the protection, provision, and enhancement of public access and recreation opportunities in the City of Malibu consistent with goals, objectives, and policies of the California Coastal Act. Other applicable chapters include LUP Chapter 4 (Shoreline Development), LUP Chapter 6 (Scenic and Visual Resources), and LIP Chapter 1 (Purpose).

As a part of the LUP, the updated Public Access Map ensures that future development projects and land uses conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating an updated Public Access Map into the LUP achieves LUP Policy 2.61(b) (mapping preparation for the California Coastal Trail), LUP Policy 2.82 (regional access guide), LUP Policy 2.83 (OTD acceptance prior to expiration), LUP Policy 4.17 (delineate all access on/near development), LUP Policy 6.2 (identification and protection from public viewing areas), LIP Sections 1.2(D) and (G) (guides future growth and development), LIP Section 1.2(F) (promotes public health, safety, and general welfare), and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements). The map was prepared with input and data from the CCC, Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority.

Section 5. Approval of Local Coastal Program Amendment No. 12-004.

A. Pursuant to the California Coastal Commission's Administrative Regulations Section 13544.5, the LCP amendment certification shall not be deemed final and effective until all of the following occur: 1) the City Council: a) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; b) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and c) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program; 2) the Executive Director determines in writing that the City's action is legally adequate to satisfy any specific requirements set forth in the Commission's certification order and the Director reports the determination to the Commission at its next regularly scheduled meeting; 3) if the Director finds that the City's action does not conform to the Commission's order, the

Commission shall review the City action as if it were a resubmittal; and 4) notice of the certification shall be filed with the Secretary of the Resources Agency for posting and inspection.

B. The City Council acknowledges receipt of the California Coastal Commission's modifications to LCPA No. 12-004. The City Council further accepts and agrees to the modified language suggested by the California Coastal Commission pertaining to the Land Use Plan and approves revisions to LCP Amendment No. 12-004 without further changes.

C. The City of Malibu agrees to issue coastal development permits for the total area included in the certified LCP.

D. The proposed amendments to the Local Coastal Program Land Use Plan meet the requirements of, and are in conformance with the policies and requirements of Chapter 3 of the California Coastal Act to the extent necessary to achieve the basic State goals specified in Public Resources Code Section 30001.

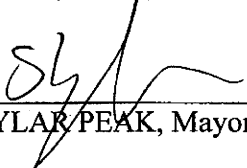
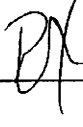
Section 6. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit a copy of this Resolution to the Commission per Title 14, California Code of Regulations Section 134544.5(a).

Section 7. Certification.

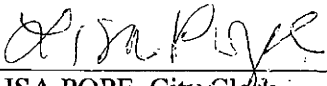
The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 10th day of November, 2014.

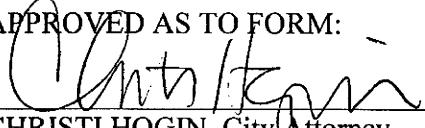
SKYLAR PEAK, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

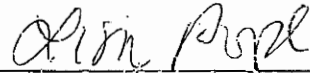
APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

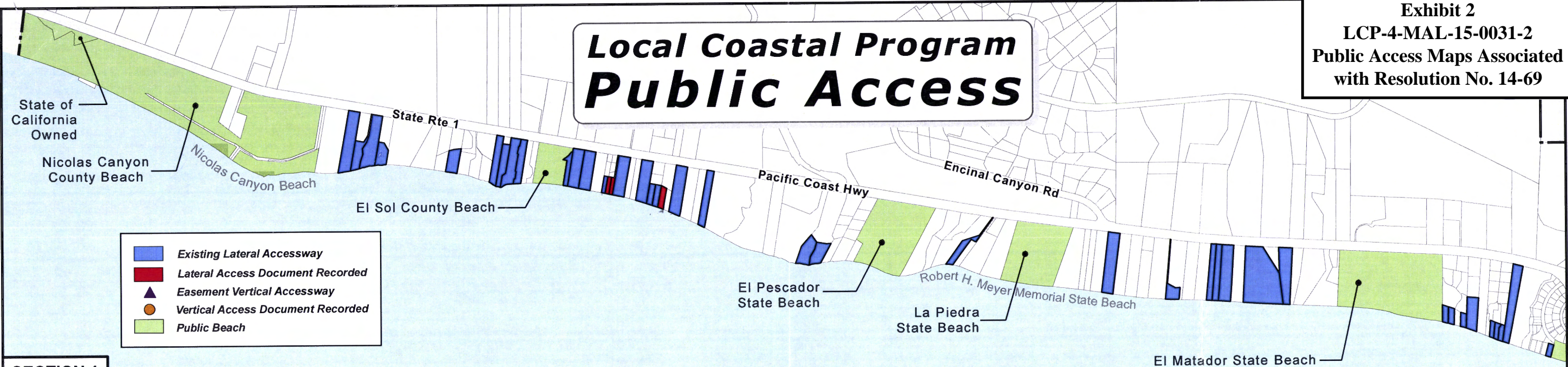
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 14-69 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 10th day of November 2014 by the following vote:

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

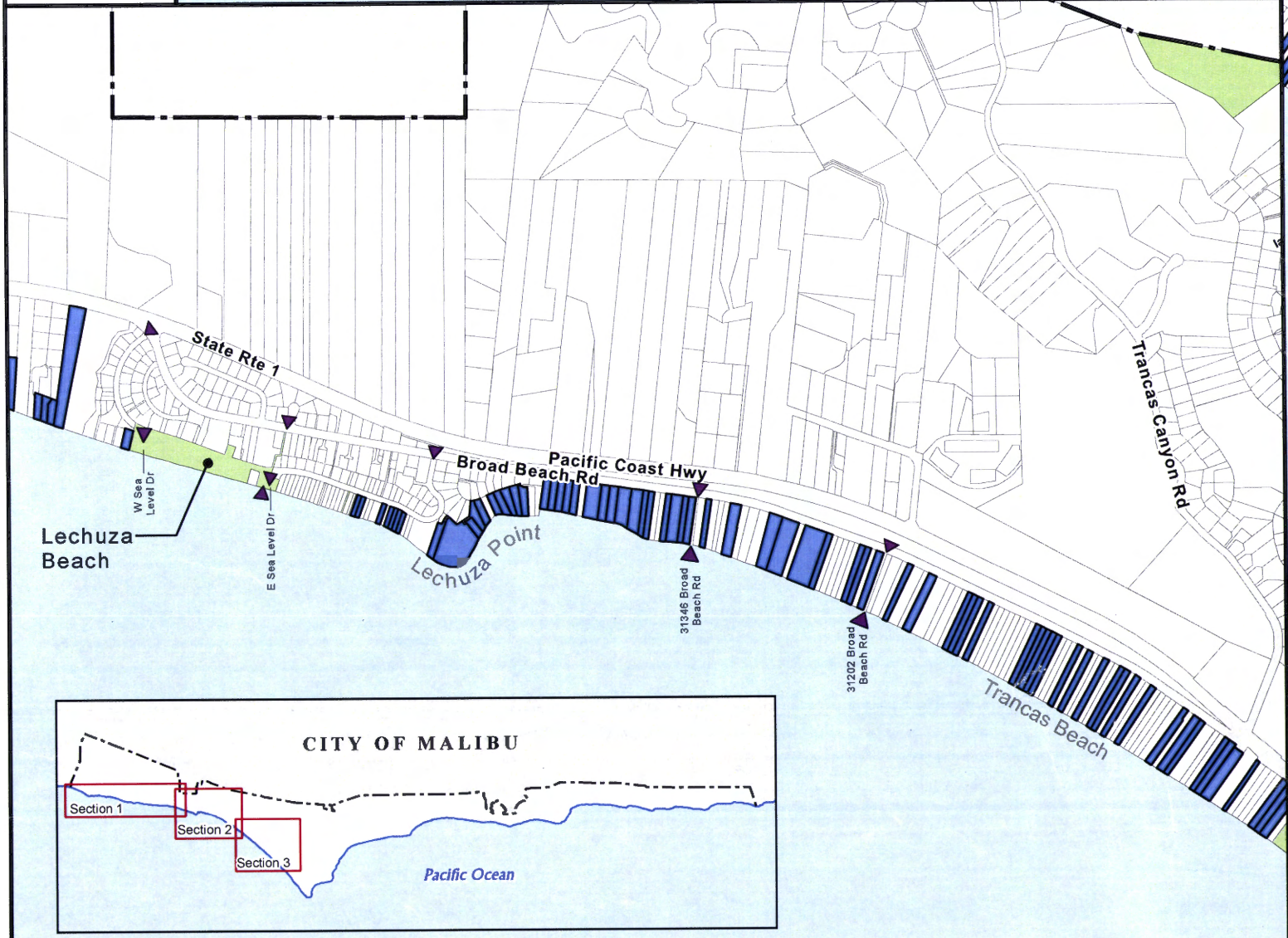


LISA POPE, City Clerk
(seal)

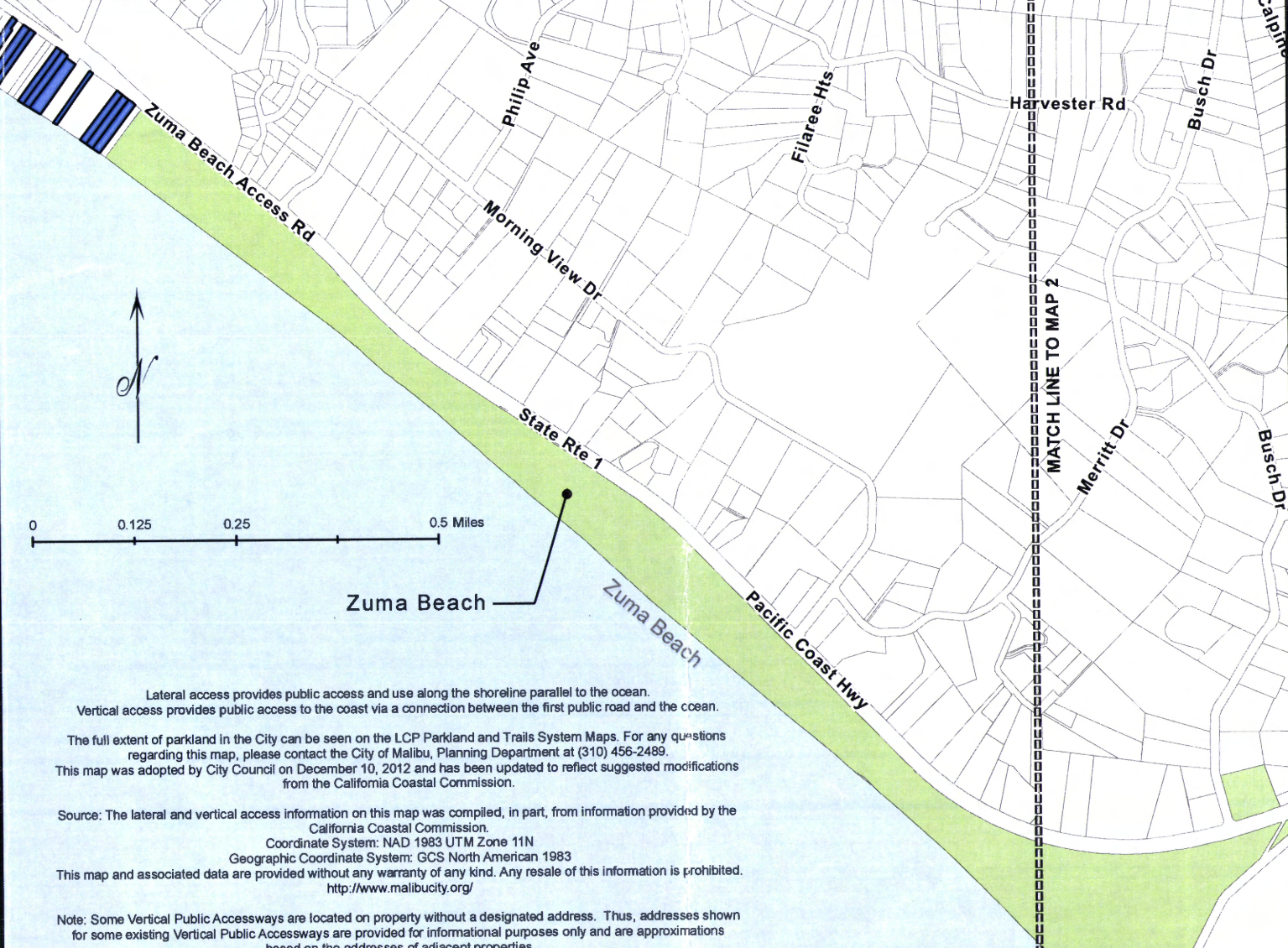
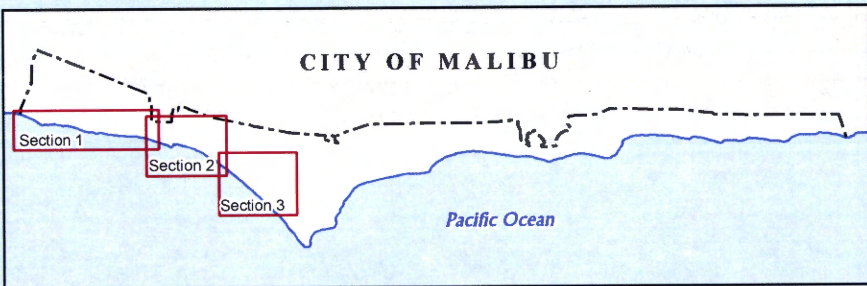
Local Coastal Program Public Access



SECTION 1



SECTION 2



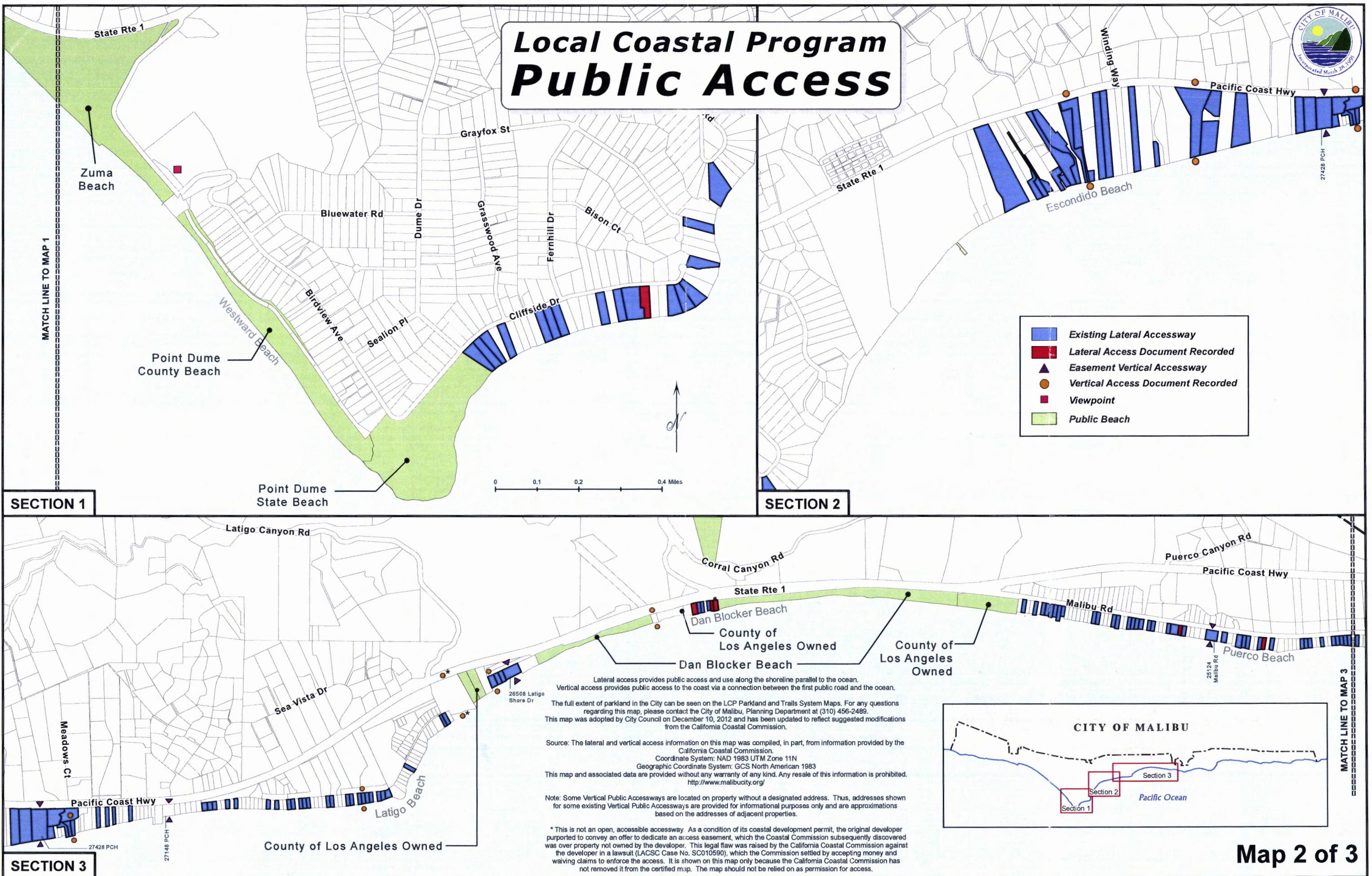
SECTION 3

Lateral access provides public access and use along the shoreline parallel to the ocean.
Vertical access provides public access to the coast via a connection between the first public road and the ocean.

The full extent of parkland in the City can be seen on the LCP Parkland and Trails System Maps. For any questions regarding this map, please contact the City of Malibu, Planning Department at (310) 456-2489.
This map was adopted by City Council on December 10, 2012 and has been updated to reflect suggested modifications from the California Coastal Commission.

Source: The lateral and vertical access information on this map was compiled, in part, from information provided by the California Coastal Commission.
Coordinate System: NAD 1983 UTM Zone 11N
Geographic Coordinate System: GCS North American 1983
This map and associated data are provided without any warranty of any kind. Any resale of this information is prohibited.
<http://www.malibucity.org/>

Note: Some Vertical Public Accessways are located on property without a designated address. Thus, addresses shown for some existing Vertical Public Accessways are provided for informational purposes only and are approximations based on the addresses of adjacent properties.

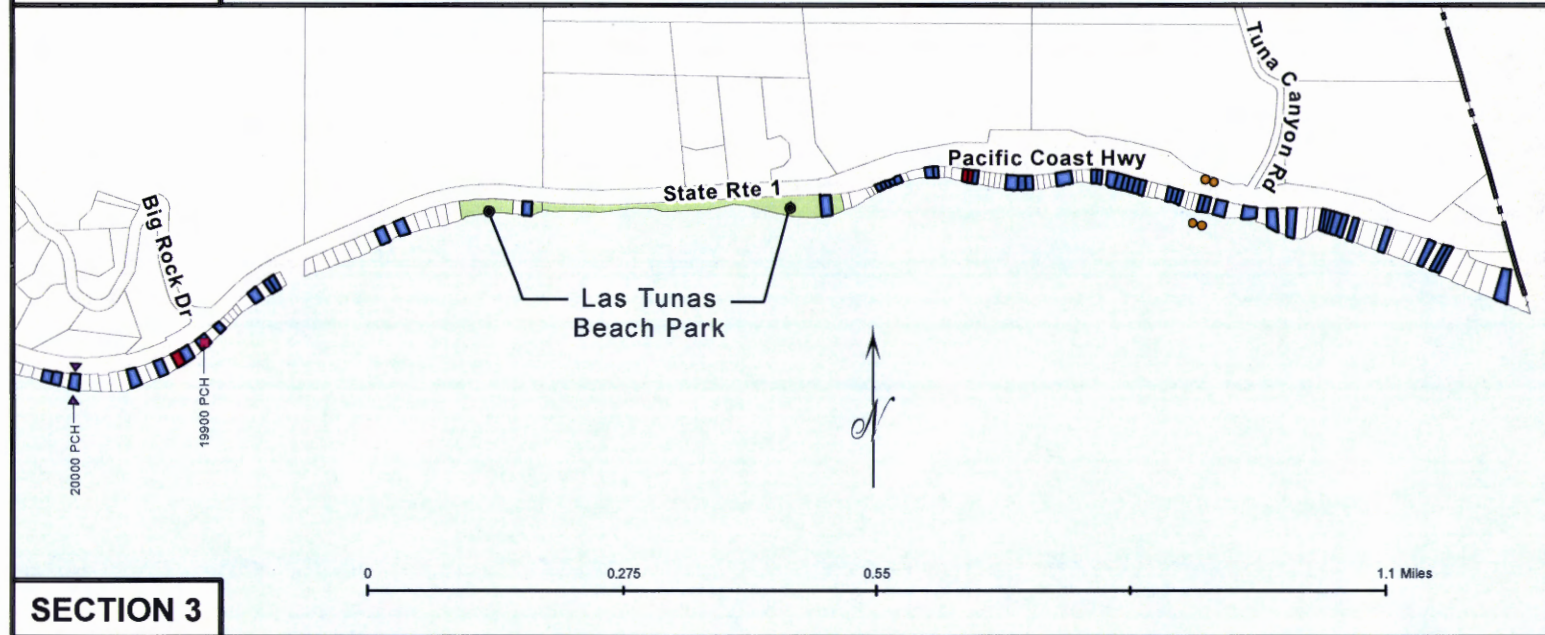
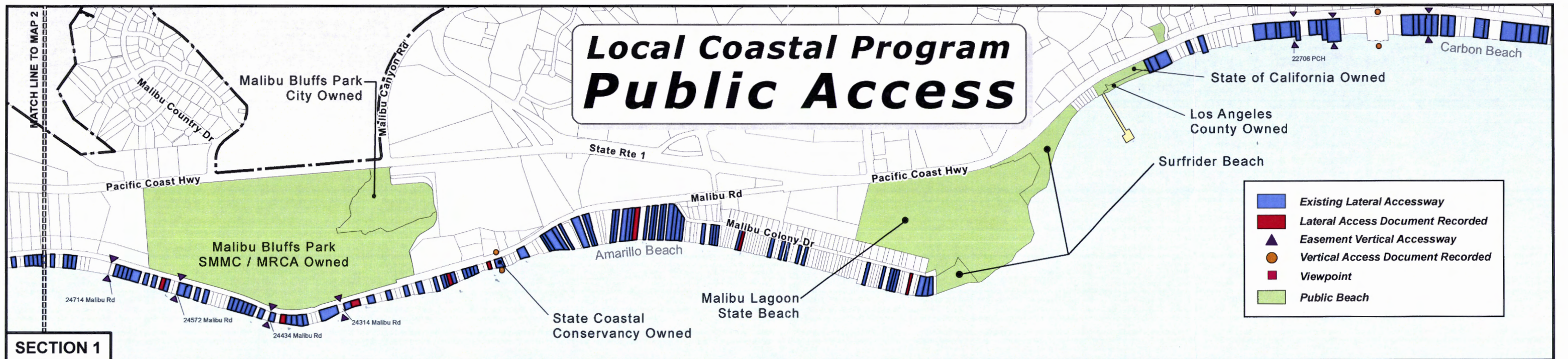


Lateral access provides public access and use along the shoreline parallel to the ocean.
Vertical access provides public access to the coast via a connection between the first public road and the ocean.
The full extent of parkland in the City can be seen on the LCP Parkland and Trails System Maps. For any questions regarding this map, please contact the City of Malibu, Planning Department at (310) 456-2489.
This map was adopted by City Council on December 10, 2012 and has been updated to reflect suggested modifications from the California Coastal Commission.

Source: The lateral and vertical access information on this map was compiled, in part, from information provided by the California Coastal Commission.
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This map and associated data are provided without any warranty of any kind. Any resale of this information is prohibited.
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Note: Some Vertical Public Accessways are located on property without a designated address. Thus, addresses shown for some existing Vertical Public Accessways are provided for informational purposes only and are approximations based on the addresses of adjacent properties.

* This is not an open, accessible accessway. As a condition of its coastal development permit, the original developer purported to convey an offer to dedicate an access easement, which the Coastal Commission subsequently discovered was over property not owned by the developer. This legal flaw was raised by the California Coastal Commission against the developer in a lawsuit (LACSC Case No. SC010590), which the Commission settled by accepting money and waiving claims to enforce the access. It is shown on this map only because the California Coastal Commission has not removed it from the certified map. The map should not be relied on as permission for access.



CITY OF MALIBU

Lateral access provides public access and use along the shoreline parallel to the ocean.
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This map was adopted by City Council on December 10, 2012 and has been updated to reflect suggested modifications from the California Coastal Commission.

Source: The lateral and vertical access information on this map was compiled, in part, from information provided by the California Coastal Commission.

Coordinate System: NAD 1983 UTM Zone 11N
Geographic Coordinate System: GCS North American 1983

This map and associated data are provided without any warranty of any kind. Any resale of this information is prohibited.
<http://www.malibucity.org/>

Note: Some Vertical Public Accessways are located on property without a designated address. Thus, addresses shown for some existing Vertical Public Accessways are provided for informational purposes only and are approximations based on the addresses of adjacent properties.



Map 3 of 3

RESOLUTION NO. 12-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 12-004,
AN AMENDMENT TO THE LOCAL COASTAL PROGRAM LAND USE
PLAN TO UPDATE THE PUBLIC ACCESS MAP

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER
AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On September 24, 2012, in compliance with Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 19.2.1(A), the City Council adopted Council Resolution No. 12-36 to initiate an LCP amendment (LCPA) to update the LCP Public Access Map. The City Council directed the Planning Commission to schedule a public hearing regarding the amendment.

B. On November 5, 2012, the Planning Commission held a duly noticed public hearing on LCPA No. 12-004, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. At that meeting, the Planning Commission adopted Resolution No. 12-100, recommending the City Council approve the amendment as modified with the following five map changes: 1) a map note that defines “lateral public access” and “vertical public access”; 2) a map note that reads “The full extent of the parkland in the City can be seen on the LCP Parkland and Trails System Map.”; 3) a new west segment of Las Tunas Beach (APNs 4449-007-013 through -017) shown as a beach park; 4) plan references to identify the general location of all major beaches in the City including Escondido, Puerco Canyon, Amarillo, Carbon, La Costa, Las Flores, Big Rock, Westward, and Topanga; and 5) two vertical accessways between Broad Beach Road and west Sea Level Drive (APN 4470-021-008) and east Sea Level Drive (APN 4470-021-009).

C. On November 29, 2012, pursuant to LIP Section 19.3, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold a public hearing on December 10, 2012 to consider an amendment of the LCP. Additionally, a Notice of City Council Public Hearing was mailed to all interested parties; homeowners’ associations on record with the City; regional, state, and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC).

D. On December 10, 2012, the City Council held a duly noticed public hearing on the subject amendment, reviewed and considered written reports, public testimony, and related information. At that meeting, the City Council adopted Resolution No. 12-43 as modified with the following six changes: 1) a lateral easement located at 22716 Pacific Coast Highway; 2) removal of a vertical easement shown at 22716 Pacific Coast Highway (shown in error); 3) a lateral easement across 30974 to 30980 Broad Beach Road; 4) change the vertical easement located at 22626 Pacific Coast Highway from “open” to “closed”; 5) change the correct street

name from Cliffside Drive to Wildlife Road in the eastern portion of Point Dume; 6) revise the displayed address listings down the coast to reflect the location of open vertical easements.

Section 2. Environmental Review.

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the CCC before it takes effect.

Section 3. Local Coastal Program Amendment Findings.

A. Based on evidence in the record, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act.

B. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP as identified in said document. The proposed LCP Public Access Map reflects the most current inventory of existing lateral (along the coastline) and vertical (from the first public street to the beach) public beach access and public beach parks in the City since December 2001. An updated Public Access Map ensures that development and uses within the City's jurisdiction of the Coastal Zone advances the overarching goals of protecting coastal resources and promoting public access and recreation for the general public. Specifically, LCP Land Use Plan (LUP) Chapter 2 (Public Access and Recreation) states that the overarching goal and intent of the policies within the Chapter is to ensure that the LUP provides for the protection, provision, and enhancement of public access and recreation opportunities in the City of Malibu consistent with goals, objectives, and policies of the California Coastal Act. Other applicable chapters include LUP Chapter 4 (Shoreline Development), LUP Chapter 6 (Scenic and Visual Resources), and LIP Chapter 1 (Purpose).

As a part of the LUP, the updated Public Access Map ensures that future development projects and land uses conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating an updated Public Access Map into the LUP achieves LUP Policy 2.61(b) (mapping preparation for the California Coastal Trail), LUP Policy 2.82 (regional access guide), LUP Policy 2.83 (OTD acceptance prior to expiration), LUP Policy 4.17 (delineate all access on/near development), LUP Policy 6.2 (identification and protection from public viewing areas), LIP Sections 1.2(D) and (G) (guides future growth and development), LIP Section 1.2(F) (promotes public health, safety, and general welfare), and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements). The map was prepared with input and data from the CCC, SMMC, and the Mountains Recreation and Conservation Authority (MRCA).

Section 4. Local Coastal Program Amendment No. 12-004.

LCPA No. 12-004 includes the following amendment to the LUP portion of the LCP:

A. Replace the existing LCP Public Access Map in its entirety with Exhibit A, an updated Public Access Map, attached hereto.

Section 5. Approval.

The City Council hereby adopts LCPA No. 12-004, amending the City of Malibu LCP Public Access Map.

Section 6. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA 12-004 to the CCC for certification, in conformance with the submittal requirements specified in California Code of Regulation, Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 7 and Chapter 6, Article 2 and Code of Regulations Section 13551, et. seq.

Section 7. Effectiveness.

The LCP amendment approved in this resolution shall become effective only upon certification by the CCC of this amendment to the LCP.

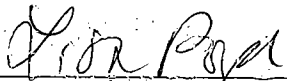
Section 8. Certification.

The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 10th day of December 2012.


LOULA MONTE, Mayor

ATTEST:


LISA POPE, City Clerk
(seal)

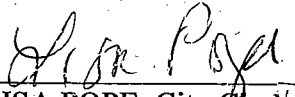
APPROVED AS TO FORM:


CHRISTI HOGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 12-43 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 10th day of December 2012, by the following vote:

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

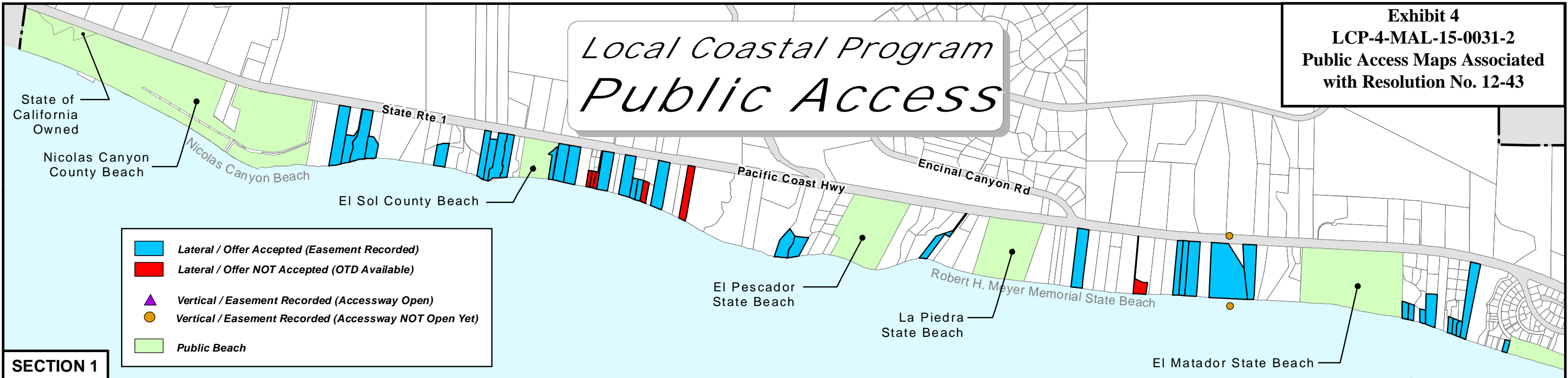


LISA POPE, City Clerk
(seal)

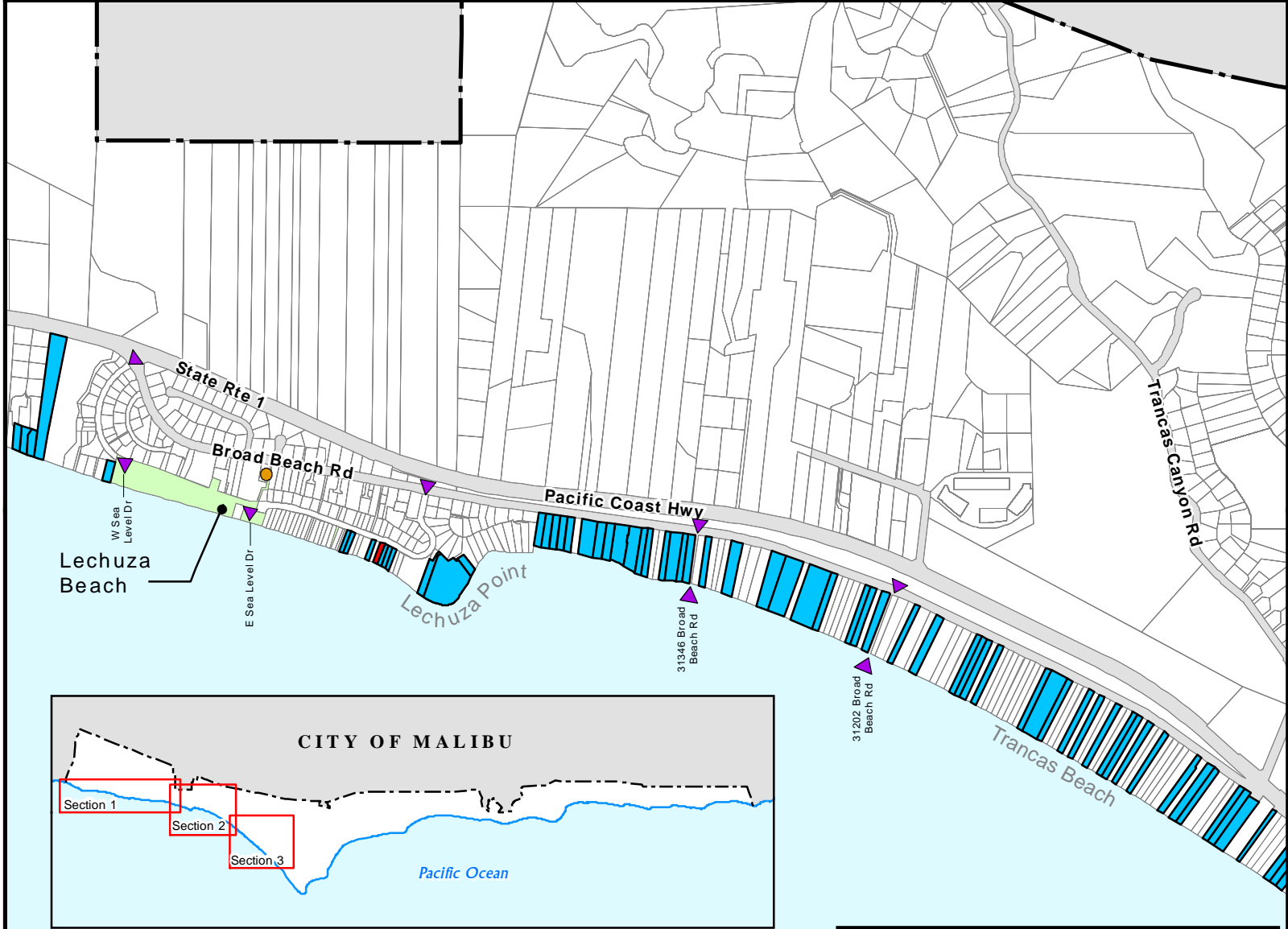
NOTE:

Pages 5, 6, & 7 of the City of Malibu,
City Council Resolution 12-43
are the proposed 2012 Public Access Map
which is included as Exhibit 2.

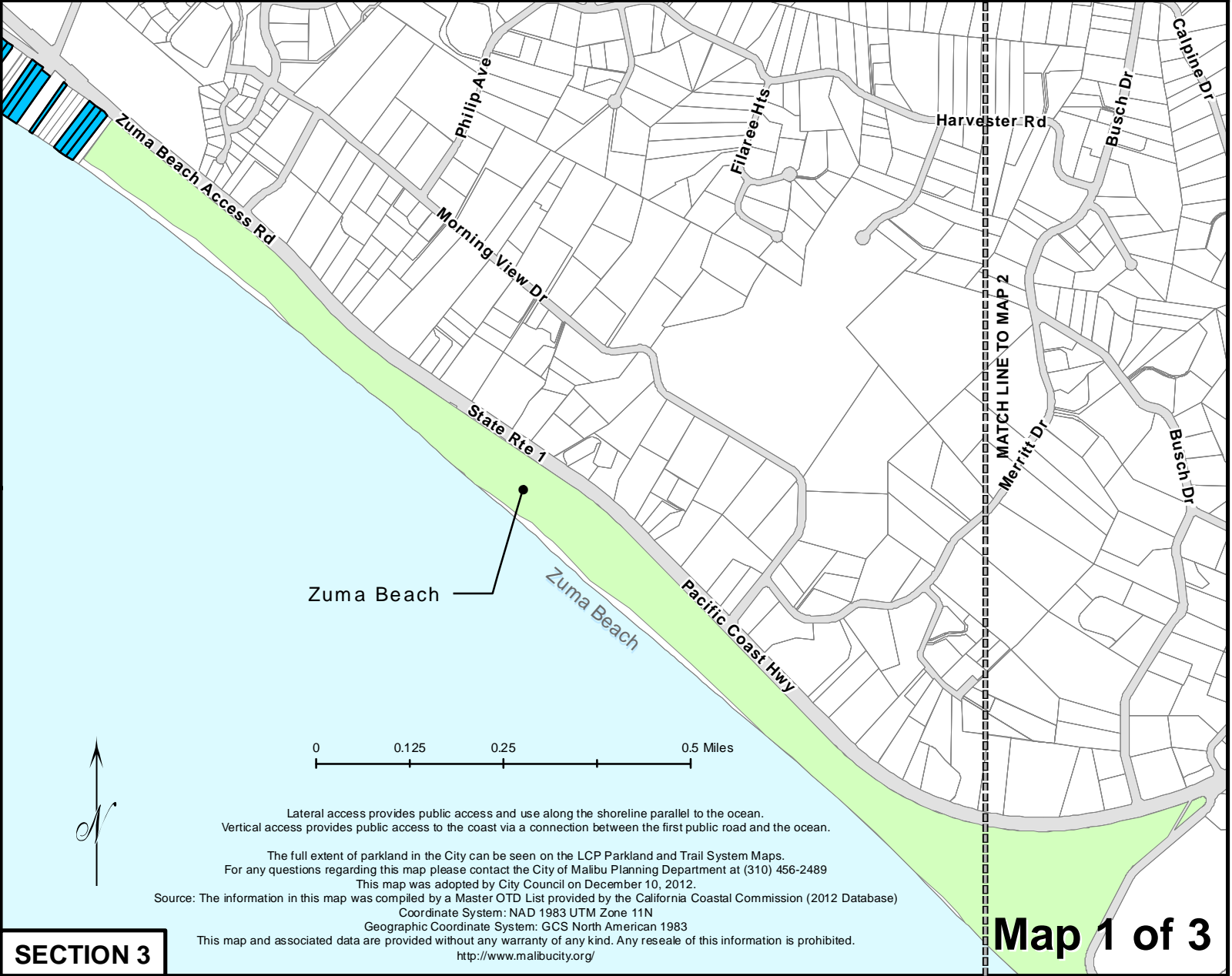
Local Coastal Program
Public Access



SECTION 1



SECTION 2



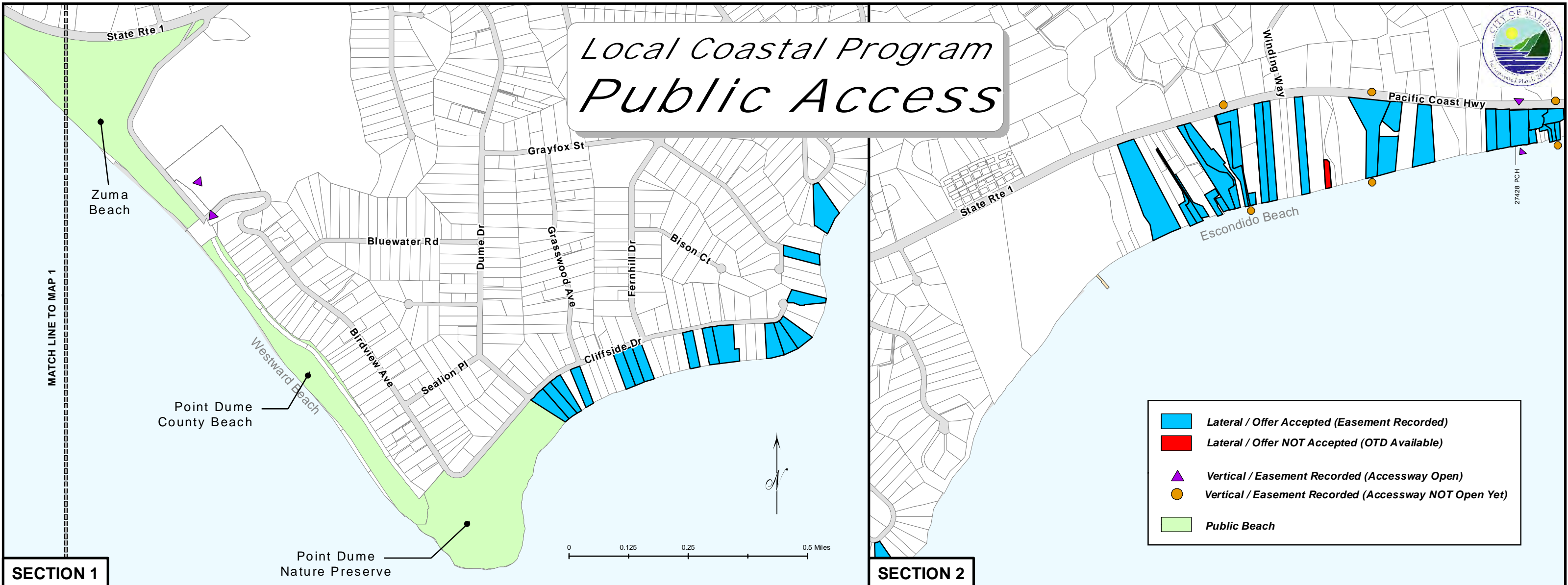
SECTION 3

Lateral access provides public access and use along the shoreline parallel to the ocean.
Vertical access provides public access to the coast via a connection between the first public road and the ocean.

The full extent of parkland in the City can be seen on the LCP Parkland and Trail System Maps.
For any questions regarding this map please contact the City of Malibu Planning Department at (310) 456-2489
This map was adopted by City Council on December 10, 2012.
Source: The information in this map was compiled by a Master OTD List provided by the California Coastal Commission (2012 Database)
Coordinate System: NAD 1983 UTM Zone 11N
Geographic Coordinate System: GCS North American 1983
This map and associated data are provided without any warranty of any kind. Any resale of this information is prohibited.
<http://www.malibucity.org/>



Local Coastal Program Public Access



SECTION 1

SECTION 2



SECTION 3

MATCH LINE TO MAP 3

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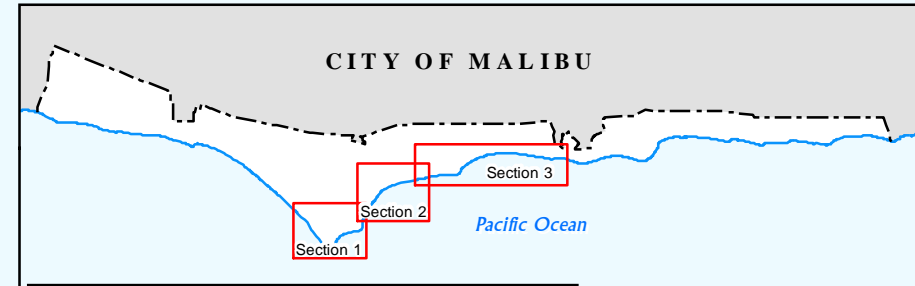


Exhibit 2
City of Malibu LCPA MAL-1-12
Public Access Maps - proposed 2012

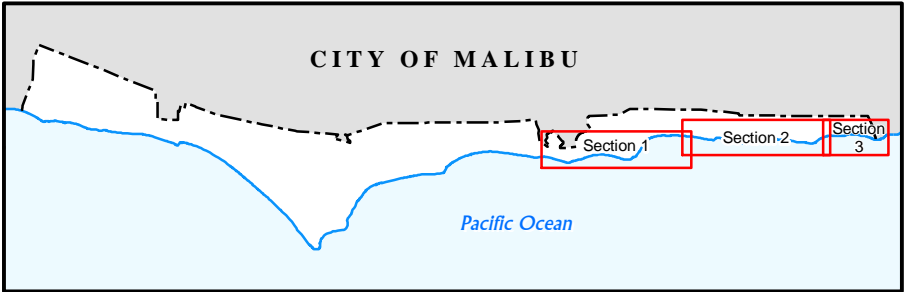
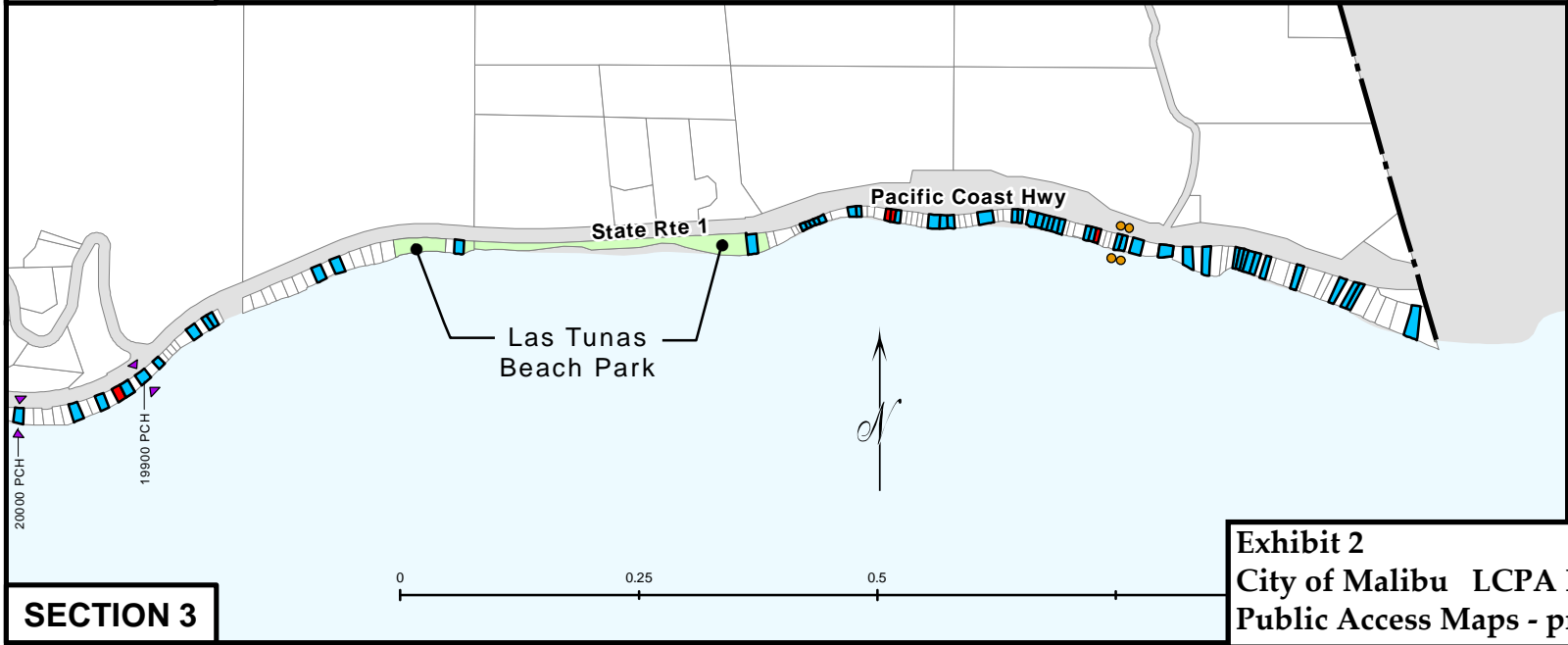
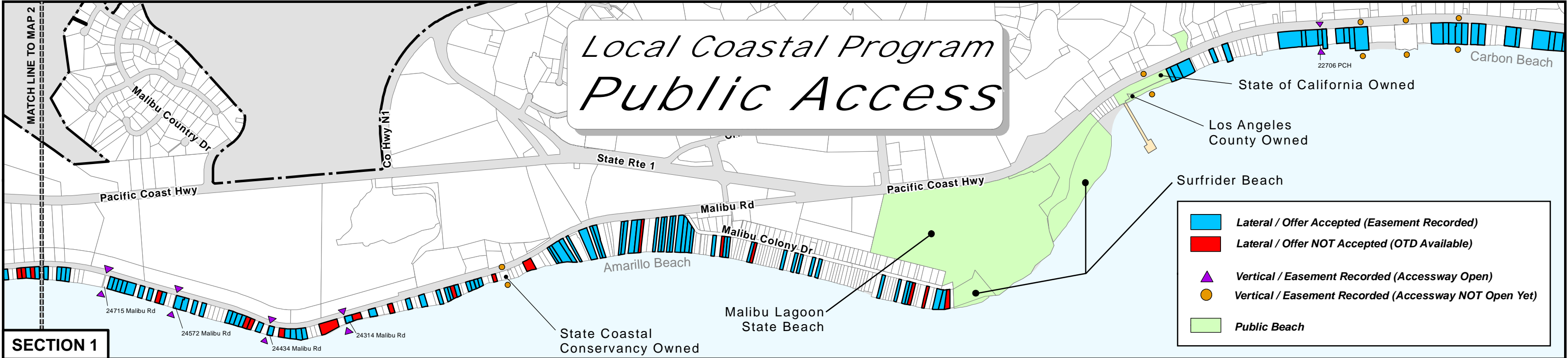


Exhibit 2
City of Malibu LCPA MAL-1-12
Public Access Maps - proposed 2012

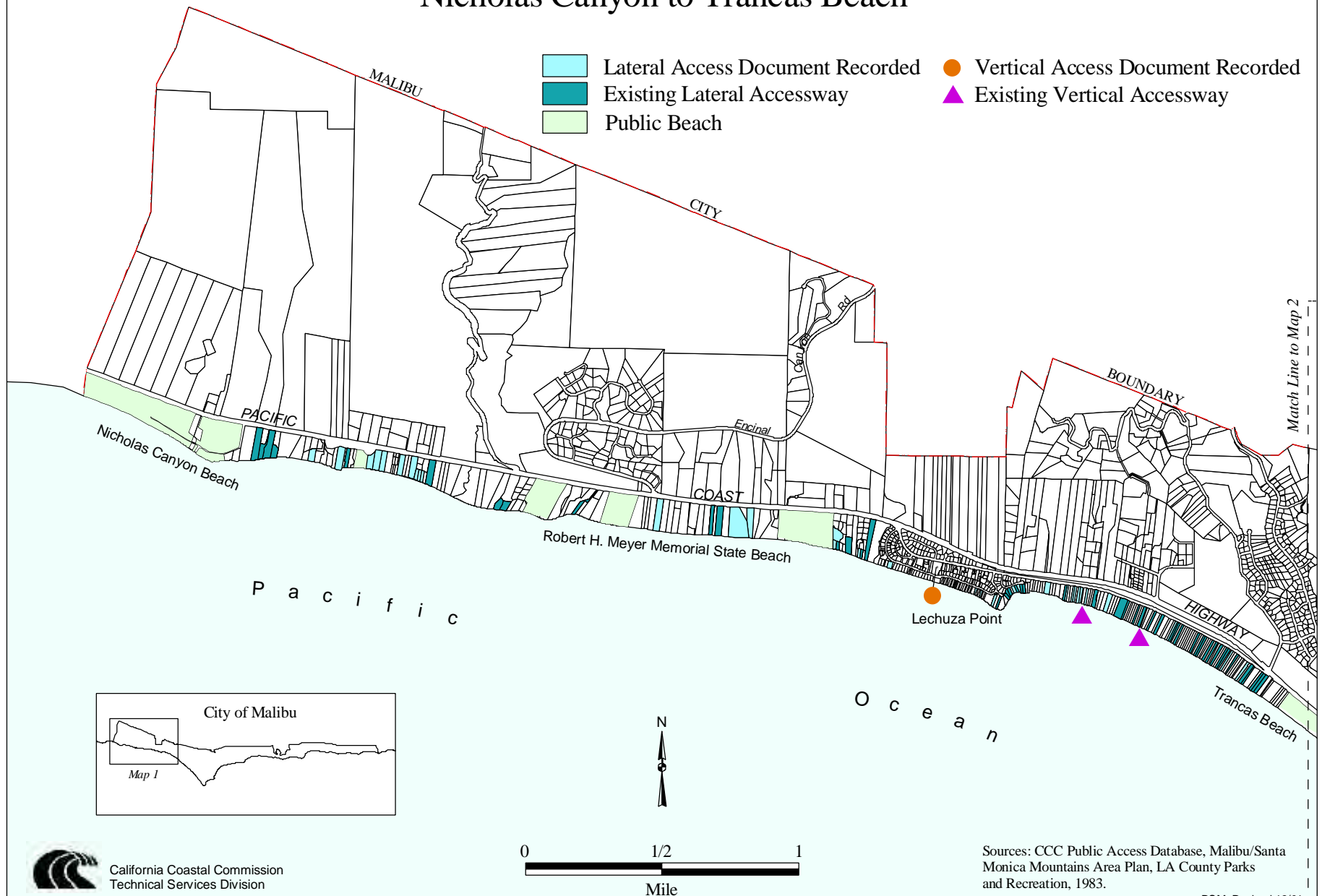
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Local Coastal Program - City of Malibu
Public Access Map 1:
Nicholas Canyon to Trancas Beach

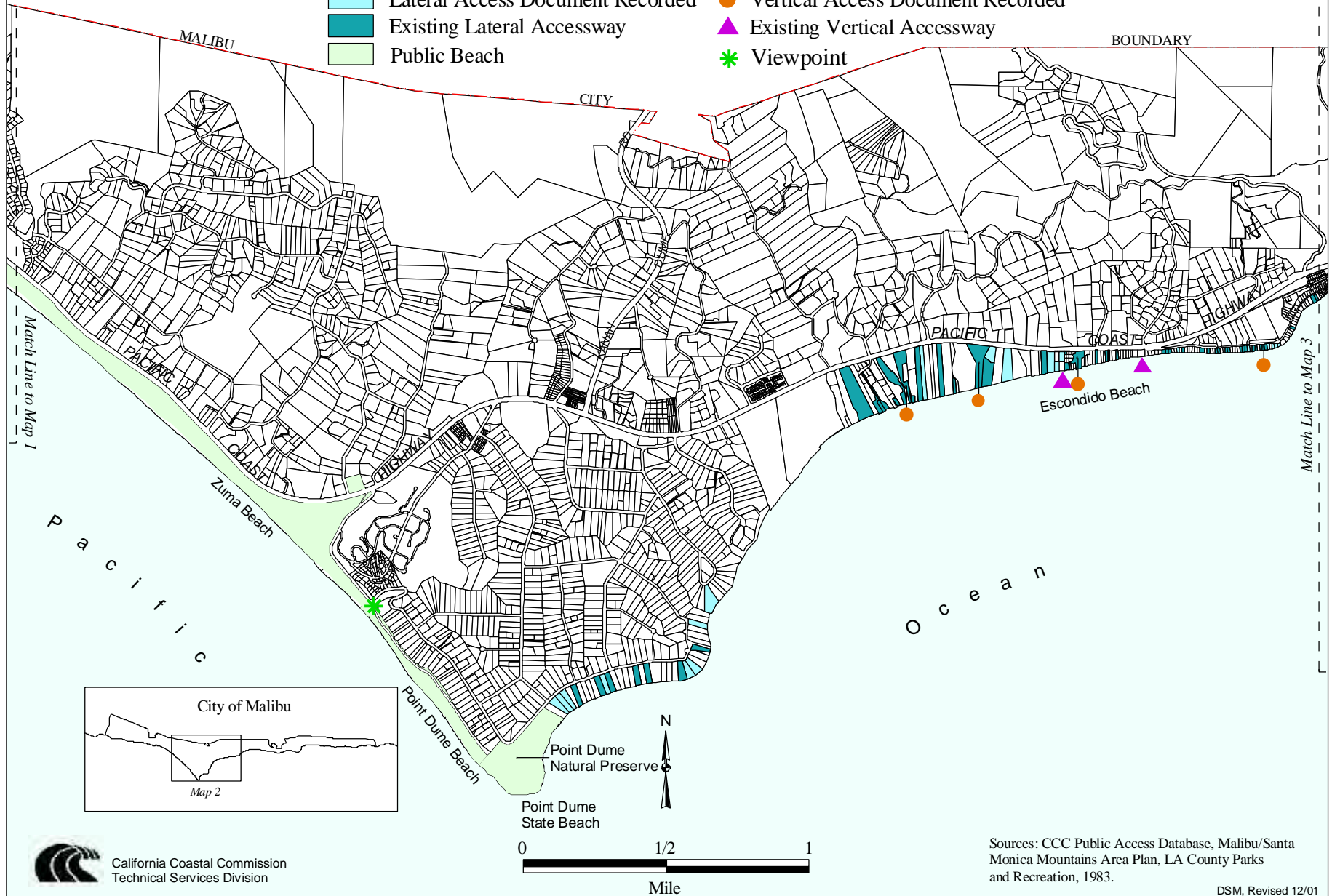
Exhibit 5
LCP-4-MAL-15-0031-2
Certified Public Access Maps



Local Coastal Program - City of Malibu

Public Access Map 2: Zuma Beach to Escondido Beach

- Lateral Access Document Recorded
- Existing Lateral Accessway
- Public Beach
- Vertical Access Document Recorded
- Existing Vertical Accessway
- Viewpoint








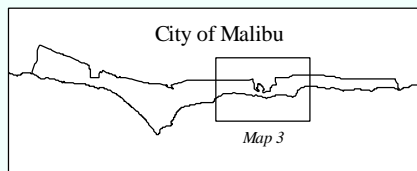
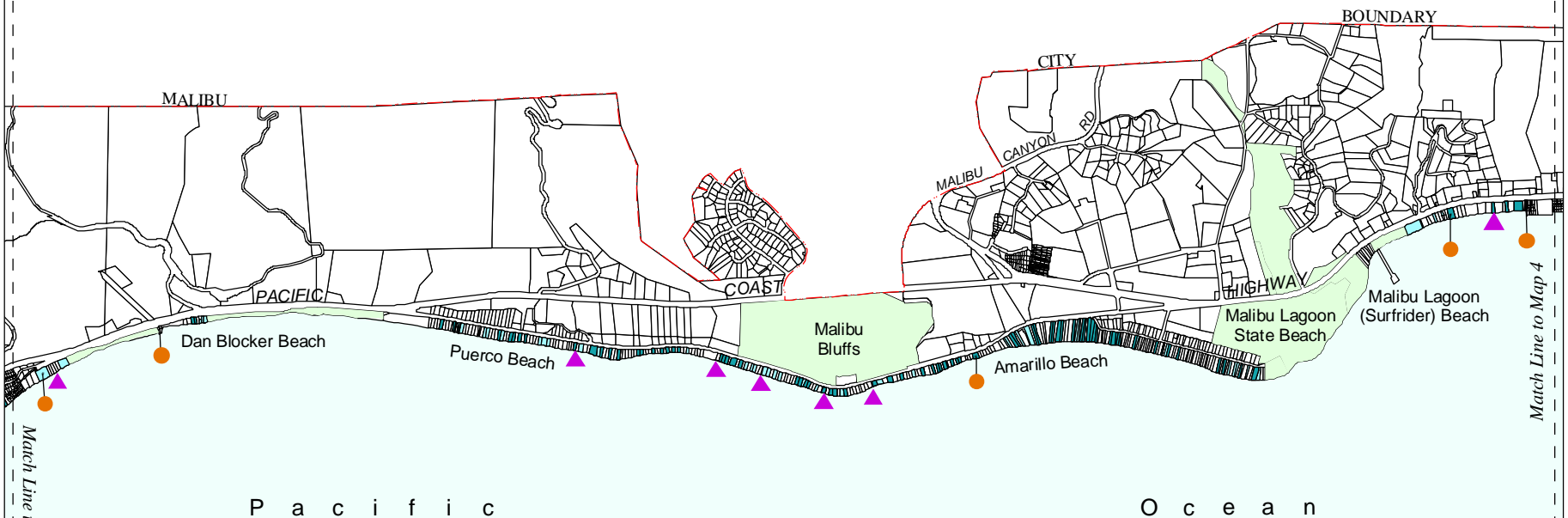
California Coastal Commission
Technical Services Division

Sources: CCC Public Access Database, Malibu/Santa Monica Mountains Area Plan, LA County Parks and Recreation, 1983.

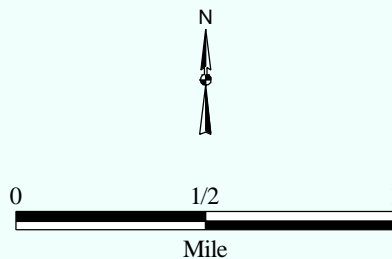
DSM, Revised 12/01

Local Coastal Program - City of Malibu
Public Access Map 3:
Dan Blocker to Malibu Pier

- | | | | |
|---|----------------------------------|---|-----------------------------------|
|  | Lateral Access Document Recorded |  | Vertical Access Document Recorded |
|  | Existing Lateral Accessway |  | Existing Vertical Accessway |
|  | Public Beach | | |



California Coastal Commission
 Technical Services Division





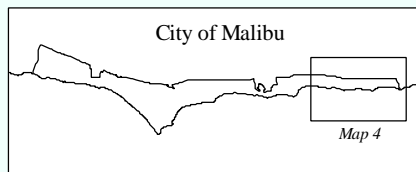
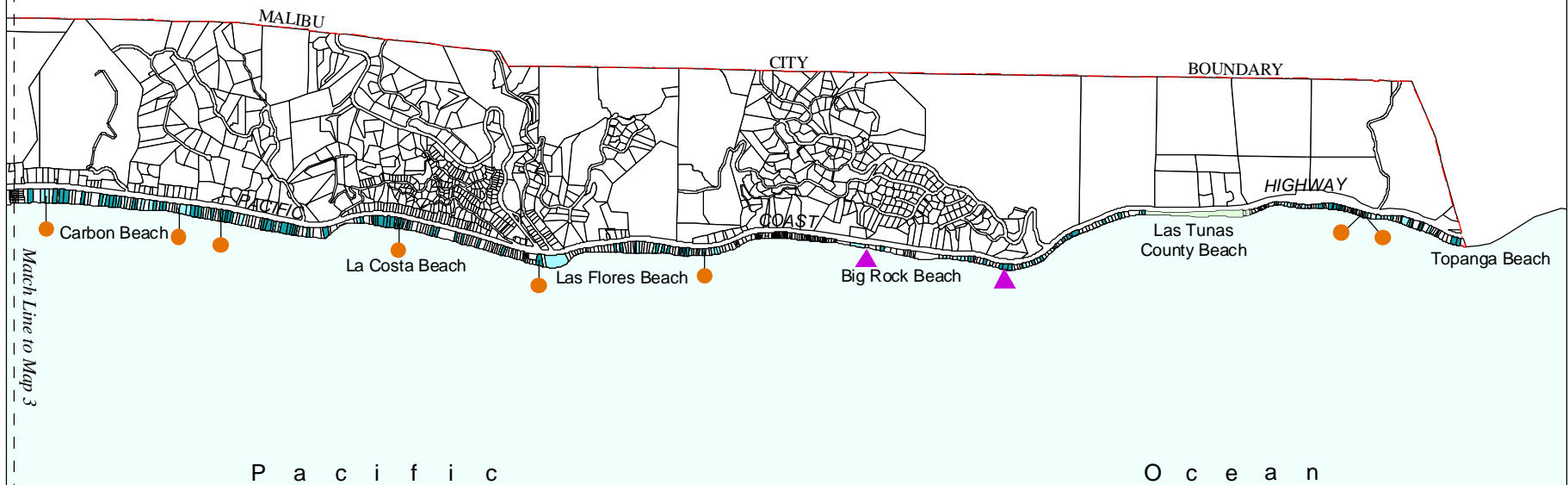
Sources: CCC Public Access Database, Malibu/Santa Monica Mountains Area Plan, LA County Parks and Recreation, 1983.

DSM, Revised 12/01

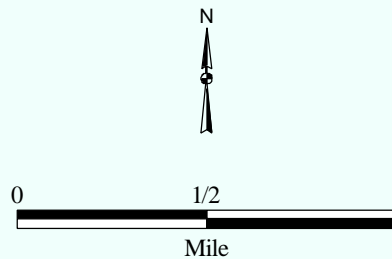
Local Coastal Program - City of Malibu

Public Access Map 4: Carbon Beach to Topanga Beach

- | | | | |
|---|----------------------------------|---|-----------------------------------|
|  | Lateral Access Document Recorded |  | Vertical Access Document Recorded |
|  | Existing Lateral Accessway |  | Existing Vertical Accessway |
|  | Public Beach | | |



California Coastal Commission
Technical Services Division



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DSM, Revised 12/01