

APPENDIX M

POLICY SUMMARY ANALYSIS

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Appendix M:

Summary Analysis:

Broad Beach Geologic Hazard District (BBGHAD) Broad Beach Restoration Project

and its

Relationship to California State Lands Commission and Coastal Policies

The information presented below examines California State Lands Commission, California Coastal Act and Malibu Local Coastal Program (LCP) policies that are most relevant to the Project.

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>6005. Whenever permissive authority or discretion is vested in any public officer or body under this division, such authority or discretion is subject to the condition that it be exercised in the best interests of the State.</p>	<p>The existing revetment and Project would result in adverse effects to public trust lands under the jurisdiction of the CSLC. AMMs would be implemented to reduce adverse environmental impacts and to ensure the Project, if implemented, is in the best interest of the State.</p>
<p>6210.9. If the commission has public land, including school land, tide or submerged lands, and lands subject to the public trust for commerce, navigation, and fisheries, to which there is no access available, it may, in the name of the state, acquire by purchase, lease, gift, exchange, or, if all negotiations fail, by condemnation, a right-of-way or easement across privately owned land or other land that it deems necessary to provide access to such public land.</p>	<p>Public access to the Project area is provided at 4 locations: Lechuza Point, two vertical access points, and Zuma Beach. Therefore, access is available; however, access is considered deficient, as the Malibu LCP requires access to be provided every 1,000 feet along Broad Beach.</p>
<p>6216.1. The commission may remove or cause to be removed any manmade structures or obstructions from ungranted lands under its jurisdiction if the commission determines that such removal is appropriate and the Attorney General advises that there is no legal recourse to compel other responsible parties to effect such removal.</p>	<p>The CSLC maintains the authority to remove or cause the removal of portions of the revetment on public trust lands and AREs that are covered or obstructed by the revetment.</p>
<p>6224.1. Any person who trespasses upon any lands owned or controlled by the state and under the jurisdiction of the commission, including, but not limited to, tidelands, submerged lands, the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, or straits, or any school lands, lieu lands, or swamp and overflowed lands, without lawful authority, is liable to the state for the amount of damages which may be assessed therefore, in any civil action, in any court having jurisdiction.</p>	<p>The CSLC maintains the authority to assess damages associated with trespass of portions of the revetment on public trust lands and AREs that are covered or obstructed by the revetment.</p>
<p>6301. The commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, including tidelands and submerged lands or any interest therein, whether within or beyond the boundaries of the State as established by law, which have been or may be acquired by the</p>	<p>All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are the jurisdiction of the CSLC and subject to the protections of the Common Law Public Trust.</p>

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>State (a) by quitclaim, cession, grant, contract, or otherwise from the United States or any agency thereof, or (b) by any other means. All jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the commission. The commission shall exclusively administer and control all such lands, and</p>	
<p>may lease or otherwise dispose of such lands, as provided by law, upon such terms and for such consideration, if any, as are determined by it. The provisions of this section do not apply to land of the classes described in Section 6403, as added by Chapter 227 of the Statutes of 1947.</p>	
<p>6302. The commission may eject from any tide and submerged lands, beds of navigable channels, streams, rivers, creeks, lakes, bays, and inlets under its jurisdiction, any person, firm, or corporation, trespassing upon any such lands, through appropriate action in the courts of this state. The commission may recover costs of ejectment through the legal action.</p>	<p>The CSLC maintains the authority to remove or cause the removal of portions of the revetment of public trust lands and AREs that are covered or obstructed by the revetment.</p>
<p>6303. The commission may grant the privilege of depositing material upon or removing or extracting material from swamp, overflowed, marsh, tide or submerged lands, beds of navigable streams, channels, rivers, creeks, bays or inlets owned by the State, for improvement of navigation, reclamation, flood control or, for purposes connected with the erection or maintenance of structures authorized under Article 2 (commencing at Section 6321) of this chapter, upon such terms and conditions and for such consideration as will be for the best interests of this State.</p> <p>When a contractor or permittee has a contract with or a permit from the Federal government or any authorized public agency to dredge swamp, overflowed, marsh, tide or submerged lands, beds of navigable streams, channels, rivers, creeks, bays, or inlets for the improvement of navigation, reclamation, or flood control, the commission, may when in the best interests of the State, allow such contractor or permittee to have sand, gravel, or</p>	<p>All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are the jurisdiction of the CSLC and subject to the protections of the Common Law Public Trust. This includes granting the privilege of depositing sand, such as proposed under the Project. AMMs would be implemented to reduce adverse environmental impacts, and to ensure the Project is exercised in the best interest of the State.</p> <p>The Applicant is required to obtain a lease from the CSLC to undertake dredging operations at the proposed Ventura Harbor, Trancas or offshore Broad Beach locations, and from the city of Los Angeles at the offshore Dockweiler Beach location.</p>

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>other spoils dredged from the sovereign lands of the State located within the areas specified in such contract or permit upon such terms and conditions and for such consideration as will be in the best interests of the State notwithstanding the provisions of Section 6900 and Section 6992 in respect to competitive bidding. The amounts of sand, gravel or other spoils so removed from sovereign lands shall not exceed those specified in the contract or permit.</p>	
<p>6303.1. Any person who knowingly and willfully fills, dredges, or reclaims any state-owned land under the jurisdiction of the commission underlying any navigable waters, or who erects, maintains, removes, or alters any structure on such land, without written authorization from the commission is guilty of a misdemeanor. Nothing in this section shall be construed to prevent public agencies from performing emergency alteration, maintenance, repair, or removal of flood control works or structures on state-owned lands underlying navigable waters.</p>	<p>In 2010, the city of Malibu and the CCC authorized the Trancas Property Owners Association (TPOA) to construct the temporary emergency rock revetment. This revetment was accepted as the minimum action necessary, and the least environmentally damaging alternative, to implement the interim shore protection required to protect structures and public health. The CSLC has to date not authorized the construction of the emergency rock revetment for those portions of the revetment located on public trust lands.</p>
<p>6305. The powers granted by this chapter to the commission as to leasing or granting of rights or privileges with relation to such lands owned by the State are hereby conferred upon the counties and cities to which such lands have been granted.</p>	<p>All tidelands and submerged lands granted to counties or cities within the Project area and Off-site Project area are subject to the protections and authority of Chapter 4, of Part 1, of Division 6 of the Public Resources Code.</p>
<p>6309. (a) The commission shall administer the Shipwreck and Historic Maritime Resources Program, which consists of the activities of the commission pursuant to this section and Sections 6313 and 6314. (b) The commission has exclusive jurisdiction with respect to salvage operations over and upon all tide and submerged lands of the state. The commission may grant the privilege of conducting salvage operations upon or over those lands by the issuance of permits. The commission may adopt rules and regulations in connection with applications for those permits, and the operations to be conducted in the salvage operation, that the commission determines to be necessary to protect those lands and the uses and purposes reserved to</p>	<p>No known archeological resources are present on public trust lands in the Project area or Off-site Project area. Should any inadvertent discoveries be made during Project implementation, the commission would have jurisdiction over salvage operations pursuant to this section and PRC Sections 6313 and 6314.</p>

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>the people of the state.</p> <p>(c) The commission may issue permits for salvage on granted tide and submerged lands only after consultation with the grantee and a determination by the commission that the proposed salvage operation is not inconsistent with the purposes of the grant.</p> <p>(d) A salvage permit shall be required of a person or entity to conduct any salvage operation. As used in this section and Section 6313, "salvage operation" means any activity, including search by electronic means, or exploration or excavation using tools or mechanical devices, with the objective of locating, and recovering or removing vessels, aircraft, or any other cultural object from the surface or subsurface of state submerged lands.</p> <p>(e) Salvage permits shall be issued for one year, with the option to renew the permit for additional one-year periods at the discretion of the commission upon a showing that the permit holder has diligently and lawfully pursued the permitted activity and has achieved to a reasonable extent the purpose for which the permit was issued.</p> <p>(f) The commission may require that a person designated by the commission and paid by the permit holder be present during each phase of a salvage operation to observe and monitor compliance with the terms of the permit. The permit holder shall, upon the request of the commission, provide or pay for a reliable communication system for the observer to maintain contact with the office of the commission while on the salvage site.</p> <p>(g) The commission may issue a permit for the search or recovery of nonhistoric vessels, aircraft, or submerged objects, and for the search, archaeological investigation, and recovery of historic vessels, aircraft, or other submerged historic resources as defined in subdivision (b) of Section 6313. The commission shall determine the appropriate type of permit to issue based on its evaluation of the salvage project and the project's probable impact on the site or objective, and</p>	

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>the impact on the state submerged lands. The commission shall not require a permit for any recreational diving activity which does not disturb the subsurface or remove objects or materials from a submerged archaeological site or submerged historic resource as defined in Section 6313.</p> <p>(h) (1) Permits may be revoked by the commission, after notice to the permitholder, at any time the commission finds that the permitholder has failed to comply with the terms of the permit or any law or regulation governing the permitted activity. (2) A stop work order may be issued by the executive officer of the commission at the request of the onsite observer provided by subdivision (f), if the observer determines that the activities of the permitholder are not within the permitted activity. A stop work order shall be issued after the nonpermitted activity is brought to the attention of the person in charge of the onsite operation and that person fails or refuses after sufficient time and opportunity to change or correct the activity. Written notice of the stop work order shall be given to the person in charge of the onsite activity and a hearing by the executive officer or his or her designee shall be provided to the permitholder within three business days. (3) After the hearing the commission may seek enforcement of, or the permitholder may seek relief from, the stop work order in the superior court in the county in which the activity is being conducted. The relief may include damages for failure to comply with the stop work order. The commission may deny an application for a permit when it finds that the applicant has failed to provide, for a period of 60 days, information specifically requested by the commission which is necessary to complete the application.</p> <p>(i) When title to the objects, including a vessel, to be recovered is vested in the state, the commission shall provide for fair compensation to the permitholder in terms of a percentage of the reasonable cash value, or a fair share, of the objects recovered. The reasonable cash value of the objects shall be determined by appraisal by qualified experts selected by the</p>	

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>commission. The commission shall determine the amount constituting fair compensation, taking into consideration the circumstances of each case. Title to all objects recovered is retained by the state until it is released by the commission.</p> <p>(j) The commission may fix and collect reasonable fees and costs for the processing and issuance of permits under this section. The applicant may be required to post a bond to ensure the completion of the project or payment of costs, or to deposit funds with the commission sufficient to cover costs and expenses chargeable to the applicant by law or by an agreement for reimbursement. If a bond is posted, the bond shall be held by the commission and shall be sufficient to cover all potential costs associated with the project, including preserving, restoring, and protecting the site and its associated finds.</p>	
<p>6321. The commission may, upon written application of the littoral owner, grant authority to any such owner to construct, alter or maintain, groins, jetties, sea walls, breakwaters, and bulkheads, or any one or more such structures, upon, across or over any of the swamp, overflowed, marsh, tide or submerged lands of this state bordering upon such littoral lands if, at the time of construction or alteration, such structures do not unreasonably interfere with the uses and purposes reserved to the people of the state. Except as provided in Section 18930 of the Health and Safety Code, the commission shall make reasonable rules with reference to such applications and the location, type, character, design, size, and manner under which such structures may be constructed, altered or maintained, and shall take suitable measures to enforce such rules and building standards published in the State Building Standards Code. It shall fix and collect reasonable fees, not exceeding the actual cost, for the filing and examination of each such application, and for the performance of such other duties as may be required under the provisions of this chapter. Notwithstanding anything in this</p>	<p>The CSLC maintains the authority to grant the construction, authorization, or maintenance of a revetment or other coastal engineering structure on public trust lands, such as the Project revetment. AMMs would be implemented to reduce adverse environmental impacts and to ensure that permitted structures do not unreasonably interfere with the use and purposes of public trust lands reserved to the people of the state.</p>

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>article, no such fees for the filing and examination of applications shall be required of, nor collected from the United States or any agency thereof, or from the state, its agencies or political subdivisions.</p>	
<p>6321.2. In addition to the fees provided in Section 6321, the commission may fix and collect reasonable charges or rentals for the use of lands upon which any of the structures authorized under Section 6321 are situated.</p>	<p>The CSLC may collect charges or rent for the proposed use of the lands upon which the revetment is located within the Project area.</p>
<p>6323. If accretions are caused or occasioned by any such structure authorized hereunder, no fence, building or other structure of any kind, other than the structure so authorized and appliances for the protection of life and public recreation, shall be permitted or suffered to be erected or maintained either by the State or by any political subdivision or municipality, or by any one claiming under or through them, upon any such accretions belonging to others than the littoral owner, to the end that all such accretions shall at all times be and remain an unobstructed and open beach, except as provided in Article 3 of this chapter.</p>	<p>The Project does not propose a seawall or revetment for the designed purpose of accretion, and it is not anticipated that the revetment would result in sand accretion. Further, no building or other structure are proposed, nor would be permitted, to be constructed on sand imported under the Project. However, the construction of any type of fence on and/or obstructing the beach may be prohibited.</p>
<p>6326. Nothing in this chapter abridges any right of the State to erect, maintain, or remove the protective structures herein mentioned, upon, across, or over any of the swamp, overflowed, marsh, tide or submerged lands of this State.</p>	<p>The CSLC maintains the authority to grant the construction, authorization, or maintenance of a revetment or other coastal engineering structure on public trust lands, such as the Project revetment. Further, the CSLC maintains the authority to remove or cause the removal of portions of the revetment of public trust lands and AREs that are covered or obstructed by the revetment.</p>
<p>6357. The commission may establish the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State, by agreement, arbitration, or action to quit title, whenever it is deemed expedient or necessary. The amendment hereby made is declaratory of the existing law and any such agreements heretofore made establishing the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State hereby are ratified and confirmed.</p>	<p>The CSLC has the authority to establish the ordinary high-water mark and ordinary low-water mark on submerged lands within the Project area through a variety of means.</p>

N.1. California State Lands Commission Code Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>6818. All applications made to the commission pursuant to this chapter for erection of any permanent structure on tidelands or submerged lands or for depositing thereon or removal there from of any material shall be submitted by the commission to the Director of Parks and Recreation to make an examination and report concerning possible interference with the recreational use of lands littoral to the tidelands or submerged lands involved in such application. All such applications shall also be submitted by the commission to the Attorney General for approval as to compliance with the applicable provisions of law and of the rules and regulations of the commission. Should it be found by the commission that the action proposed in any such application would unreasonably interfere with the maintenance or use of the lands involved for recreational purposes or protection of shore properties, such application shall not be granted unless modified in a manner which may avoid such interference.</p>	<p>Consultation with appropriate agencies and implementation of AMMs is required to avoid unreasonable Project interference with the use of public trust lands within the Project area. The CSLC would not permit the Project if the Project was deemed unable to avoid such interference.</p>

N.2. California Coastal Act Policy Summary (Pub. Resources Code)

Policy	Relationship to Project
Biological Resources	
<p>Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes</p>	<p>The Project could adversely impact sensitive marine biological resources within the Project area, including seagrass beds, rocky intertidal and subtidal habitat through the potential for imported sand to smother or adversely affect marine habitats and associated fauna, or by changing the hydrology of a coastal estuary (Trancas Lagoon). Project construction could also affect marine water quality through mobilization of sediments.</p>
<p>Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p>The Project could adversely impact the quality and productivity of coastal waters, and estuaries within the Project area, including seagrass beds and rocky intertidal habitat through the potential for imported sand to smother or adversely affect marine habitats and associated fauna, or by changing the hydrology of a coastal estuary (Trancas Lagoon). Project construction could also affect marine water quality through potential release of contaminated materials. Measures to minimize adverse effects, such as entrainment and runoff control would be implemented.</p>
<p>Section 30233. Diking, filling or dredging; continued movement of sediment and nutrients (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</p>	<p>Filling and the movement of sediments are primary components of the Project. The Project would be for beach restoration purposes, consistent with Part (6) of this policy and AMM's would be implemented to reduce adverse environmental impacts, including the minimization of adverse impacts to marine and estuary water quality and habitats. The placement of an estimated minimum of 950,000 cy of fill for beach nourishment over the life of the Project would result in affects to marine water quality, particularly during construction and nourishment activities, and potentially result in adverse effects to the functional quality of the Trancas Lagoon estuary. AMM's, such as consultation with CDFW and LACDPR regarding the need for breaching of the sand berm to Trancas</p>

N.2. California Coastal Act Policy Summary (Pub. Resources Code)

Policy	Relationship to Project
(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the	Lagoon, are intended to reduce effects. The Project with its mix of revetment retention combined with large scale beach and dune nourishment or the Beach
<p>placement of structural pilings for public recreational piers that provide public access and recreational opportunities.</p> <p>(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.</p> <p>(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</p> <p>(6) Restoration purposes.</p> <p>(7) Nature study, aquaculture, or similar resource dependent activities.</p> <p>(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.</p> <p>(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.</p> <p>For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and</p>	<p>Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives over the short- to mid-term project horizon of a projected 10 to 20 years; however, both the Project and this alternative would result in disruption to marine habitats and ESHA.</p> <p>Each of the less environmentally damaging alternatives has a different set of impacts. The Project would offer better protection to limited restored back dunes landward of the revetment as well as septic systems, potentially reducing impacts to marine water quality. The Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could have more substantial water quality impacts due to septic system damage and offer less protection to back dune areas which could increase sedimentation. It should be noted that many homes are already located up against Broad Beach Road, and as such, managed retreat may require gradual surrender of seaward portions of these structures as has been done elsewhere (e.g., Isla Vista in Santa Barbara county), elevation of homes onto pilings, raised foundations, or other techniques.</p>

N.2. California Coastal Act Policy Summary (Pub. Resources Code)

Policy	Relationship to Project
<p>used for commercial fishing activities.</p> <p>(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.</p> <p>(Amended by: Ch. 673, Stats. 1978; Ch. 43, Stats. 1982; Ch. 1167, Stats. 1982; Ch. 454, Stats. 1983; Ch. 294, Stats. 2006.)</p>	
<p>Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.</p>	<p>The emergency coastal permit for the Project revetment was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time. The revetment is not anticipated to result in substantial adverse impacts to local shoreline sand supply due to the limited sand located behind and potentially supplied from areas behind the existing revetment. Nor is the revetment anticipated to or currently resulting in water stagnation or fishkills. Additionally, proposed beach nourishment activities would supplement local sand supply, benefiting local shoreline sand supply to the Project area and downcoast beaches.</p>
<p>Section 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p> <p>(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be</p>	<p>ESHAs within the Project area include existing dunes along Broad Beach, seagrass beds, rocky intertidal areas, the Trancas Lagoon, and offshore waters in the SMCA. Primary issues of concern affecting these resources include construction related impacts, displacement and covering of dune habitats by the revetment and associated impacts to sensitive species (e.g., globose dune beetle); however, if properly designed, implemented</p>

N.2. California Coastal Act Policy Summary (Pub. Resources Code)

Policy	Relationship to Project
compatible with the continuance of those habitat and recreation areas.	and maintained as required through proposed AMMs in Section 3.3, restoration of the dunes would significantly enhance this habitat over the 10 to 20 year project horizon until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. In addition, potential exists for sand to smother or adversely affect marine and estuarine habitats and associated fauna at Lechuza Point, and/or by changing the hydrology of a coastal estuary (Trancas Lagoon). Project construction could also affect marine water quality in the Project area through mobilization of sediments and potential release of contaminated materials, which is of particular concern in the SMCA.
Scenic and Visual Resources	
Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	The Project revetment substantially altered and degraded the scenic and visual qualities of the Project area, in addition to altering the land form of the beach; the approximately 15-foot-high revetment is not subordinate to the scenic character of the existing low tide beach.,. Proposed covering of the revetment with dune habitat would alter the visual effect of these changes on the scenic qualities of the area to one of a more natural environment until such time as the beach nourishment ceases, the dunes begin to erode and the revetment becomes exposed (e.g., estimated 10 to 20+ years, as early as 5 years). Although the Project could incrementally decrease beach width in Off-site Project areas through withdrawal of sand from those littoral cells, such changes would be gradual and would have generally unnoticeable effects on visual and scenic qualities. Project construction, renourishment and backpassing disrupt visual resources over short periods of 2 weeks to 6 months at Broad Beach.
Shoreline Access	
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.	The Project includes long-term authorization of the emergency revetment, burying this revetment in a new sand dune system, and restoration of a wide sandy beach. Portions of the existing, but presently not authorized by the CSLC, emergency revetment encroaches on to

N.2. California Coastal Act Policy Summary (Pub. Resources Code)

Policy	Relationship to Project
	<p>public trust land and easements that were acquired to permit public lateral access along Broad Beach, and thus currently substantially interferes with the public's right of access to and recreate on these lands. The Project also proposes to allow the revetment to remain on 1.16 acres of public land and 0.69 acres of access and recreational use easements for the life of the Project. The Project would initially replace approximately 27 acres of public trust lands available to the public at low tides, with 46 acres of beach and dunes, approximately 83% (38 acres) that would be available for public use and enjoyment and 17% (8 acres) that would be set aside for dune habitat creation (and private access walkways). Although the vast majority of this project is located on public trust lands and would result in temporary loss of access to existing publically held easements, substantial short- to mid-term coastal access and recreation benefits in the form of a wide dry sandy beach are expected to accrue to the public (as well as local residents) over the approximately 10 to 20 year life of the project. These benefits would extend to Zuma Beach and other downcoast Malibu Beaches as newly deposited sand from Broad Beach erodes and incrementally replenishes those beaches. However, after both the initial and second (currently last) proposed nourishment event, these benefits would immediately begin to diminish as coastal processes cause the beach to retreat, with potentially 50 percent or more of the initial wide sandy beach lost in the first 3 to 5 years. Nonetheless, the project would still benefit public coastal access at Broad Beach. It should also be noted that an approximately 55 to 102 foot-wide sand dune system that would be off limits to public access as ESHA would already ensure residential privacy.</p> <p>Public beach access could also be intermittently impacted during major nourishment events and annual backpassing construction activities as portions of the beach would potentially be closed to the public for safety reasons. The duration of these events would be short-term, but of cumulatively</p>

N.2. California Coastal Act Policy Summary (Pub. Resources Code)

Policy	Relationship to Project
	substantial duration (i.e., 560 days of construction over the 20 year Project) and would therefore substantially interfere with public access.
Recreation	
Section 30221. 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 majority of oceanfront land in the Project area is developed for single family residential uses. However, 4 undeveloped parcels exists that would be suitable for public access easements or public recreation facilities. Public access within the Project area is considered inadequate under the Malibu LCP.

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N.3. Malibu LCP Policy Summary

Policy	Relationship to Project
Chapter 2: Public Access and Recreation	
<p>2.1: The shoreline, parklands, beaches and trails located within the city provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state and national importance.</p>	<p>The movement of the shoreline landward resulted in the decline of public beach area for recreation and constraints on public access, which were exacerbated by the construction of the emergency revetment. The Project proposed to enhance the existing degraded recreational conditions occurring on Broad Beach by covering the revetment and expanding the beach area. The Project would result in expanded and enhanced beach areas available for public recreation for the estimated 10 to 20 year life of the project; however, long-term benefits would be eliminated without continued major renourishment and public access on public trust lands and easements along the shoreline would be again severely impeded by the emergency revetment.</p>
<p>2.2: New development shall minimize impacts to public access to and along the shoreline and inland trails. The city shall assure that the recreational needs resulting from proposed development will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and/or development plans with the provision of onsite recreational facilities to serve new development.</p>	<p>The existing revetment along Broad Beach currently interferes with the public access along the shoreline. The revetment is located on public trust lands and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides. However, the proposed beach and dune restoration project would substantially increase dry sand beach area available for public lateral access and recreation for the length of project restoration activities (estimated at 10 to 20 years), which would enhance the availability of lateral access, increasing potential for recreational use of Broad Beach. Increased use in not anticipated to overload the capacity of the beach or parking areas for recreation. However, upon cessation of renourishment, these benefits would be lost as coastal erosion eventually exposes the revetment, again impeding public access to public trust lands and AREs. Effects on recreational uses of Zuma and other downcoast Malibu Beaches are anticipated to be beneficial as eroding sand from Broad Beach would incrementally nourish these beaches.</p>

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<p>2.3: Public prescriptive rights may exist in certain areas along the shoreline and trails within the city. Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. These rights shall be protected through public acquisition measures or through permit conditions for new development, which incorporate measures to provide or protect access when there is substantial evidence that prescriptive rights exist.</p>	<p>The existence of prescriptive rights to or along Broad Beach has not been determined. Please refer to the discussion under Policies 2.1 and 2.2 for a discussion of access issues.</p>
<p>2.5: New development shall be designed to minimize impacts to public access and recreation along the shoreline and trails. If there is not feasible alternative that can eliminate or avoid all access impacts, then the alternative that would result in the least significant adverse impacts shall be required. Impacts may be mitigated through the dedication of an access or trail easement where the project site encompasses and LCP mapped access or trail alignment, where the city, county, State, or other public agency has identified a trail used by the public, or where there is substantial evidence that prescriptive rights exist. Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development.</p>	<p>The existing revetment currently interferes with public access along the shoreline. Portions of the existing, but presently not authorized by the CSLC, emergency revetment is located on public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access to Broad Beach from Zuma Beach to the east during medium and high tides.</p> <p>The Project would increase beach area for the short- to mid-term, which would enhance the availability of lateral access over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements. Continued beach nourishment or removal or landward relocation of the revetment could address this issue.</p>
<p>2.7: 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 OTDs, easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g., parking), construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.</p>	<p>The existing revetment is located on 32 AREs, prohibiting their intended use for public access. Of those, 20 are held by the CSLC. The project would authorize the revetment in its current location, which would preclude public access to AREs intended for public use. The Project proposes to suspend the AREs and all currently existing lateral access easements for the life of the project.</p>
<p>2.11: Public land, including rights of way, easements, dedications, shall be utilized for</p>	<p>The emergency revetment currently blocks access to public trust lands, easements and</p>

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<p>public recreation or access purposes, where appropriate and consistent with public safety and protection of environmentally sensitive habitat areas.</p>	<p>dedications, prohibiting their use for recreation. Although provision of a wide sandy beach for the duration of the Project (estimated at 10 to 20 years) would offset this loss of recreational access over the short- to mid-term, coastal erosion would eventually eliminate this benefit and expose the revetment, again blocking public access to public trust land, easements and dedications.</p>
<p>2.17: Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a coastal development permit.</p>	<p>The existing revetment currently interferes with the public access along the shoreline. The revetment partially overlays public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides.</p> <p>The Project would substantially increase dry sand beach area over the short- to mid-term, which would enhance the availability of public recreational opportunities and lateral access at Broad Beach over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements. Additionally, nourishment events and backpassing would result in closure or portions of the beach for substantial periods. Mitigation to address this issue could include continued beach nourishment or removal or landward relocation of the revetment and contribution of pro rata fair share funds for enhanced coastal access in the vicinity.</p>
<p>2.19: Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in</p>	<p>The Project would minimize disturbance to public access, recreation and coastal resources during Project construction and maintenance through BMPs. However, public beach access would result in beach closure for safety reasons for a cumulatively substantial duration (i.e., 560 days of construction over the 20 year Project) and would therefore substantially interfere with public access. A coastal development permit would be required prior to construction.</p>

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significant adverse impacts to public access and/or coastal resources.	
2.26: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.	The Project does not propose any expansion of parking and would potentially result in increased demand for parking due to enhanced recreational opportunities at Broad Beach. Ample roadside parking appears to be available in close proximity to Broad Beach coastal access points.
2.27: The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.	The Project would temporarily utilize Zuma Beach Parking Lot #12 and 1000 feet of the west end of Zuma beach as a staging area during the initial construction phase and nourishment events. This would result in temporary restrictions of public parking, which would be substantial over the combined one year of initial construction and renourishment activities over the life of the Project. Implementation of AMM REC-1a and -1b would reduce adverse effects to unsubstantial. No long-term impacts to public parking would occur.
2.64: An Offer to Dedicate (OTD) an easement for lateral public access shall be required for all new ocean-fronting development causing or contributing to adverse public access impacts. Such easements shall extend from the mean high tide line landward to a point fixed at the most seaward extent of development (i.e., intersection of sand with toe of revetment, vertical face of seawall, dripline of deck, or toe of bluff).	The existing revetment currently interferes with public access along the shoreline. Portions of the existing, but presently not authorized by the CSLC, emergency revetment is located on public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides. However, the Project includes major beach renourishment that would increase dry sandy beach area over the short- to mid-term, which would enhance the availability of lateral access along Broad Beach over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements. Mitigation to address this issue could include continued beach nourishment, removal or landward relocation of the revetment, or potentially offers to dedicate additional public lateral access

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<p>2.65: On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the ambulatory mean high tide line landward to the ambulatory seaward-most limit of dune vegetation. If at some time in the future, there is no dune vegetation seaward of the approved deck/patio line, such easement shall be located from the ambulatory mean high tide line landward to the seaward extent of development.</p>	<p>easements.</p> <p>The Project would restore dune ESHA within the Project area. Upon implementation of the Project, a public lateral access easement is proposed be located along the entire width of the Beach. However, public access would be limited in the dune system since it would be newly created ESHA with sensitive vegetation and high levels of access could impact this habitat. Access-related impacts to this newly created ESHA are addressed in Section 3-3, <i>Terrestrial Biological Resources</i>, along with several Avoidance and Minimization Measures that address a range of dune management protection measures.</p>
<p>2.86: The following standards shall apply in carrying out the access policies of the LCP relative to requiring and locating vertical accessways to the shoreline. These standards shall not be used as limitations on any access requirements pursuant to the above policies: d. Trancas / Broad Beach: Public acquisition of and/or requirements for vertical access every 1,000 feet of shoreline.</p>	<p>Broad Beach currently supports two vertical public accessways, with addition vertical access available at Lechuza Point to the west and Zuma Beach to the east. However, to meet the intent of this policy, approximately 5 additional access ways would need to be implemented in order to be consistent with this policy. The Project would enhance lateral access over the short- to mid-term; however, no additional vertical accessways are proposed. The Project area would remain non-conforming with LCP vertical access policy.</p>
<p>Chapter 3: Marine and Land Resources</p>	
<p>3.3: All Areas of Special Biological Significance and Marine Protected Areas (as designated by the California Department of Fish and Game), shall be considered ESHA and shall be accorded all protection provided for ESHA in the LCP.</p>	<p>The waters out to 3 miles offshore Broad Beach are included within the Point Dume SMCA. The Project would potentially impact this area through deposition of fill sand into the surf zone. However, Best Management Practices are identified to reduce or avoid impacts to the SMCA, consistent with protections provided for ESHA in the LCP.</p>
<p>3.6: Any area mapped as ESHA shall not be deprived of protection as ESHA, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated.</p>	<p>Dune ESHA along Broad Beach was adversely affected by installation of both geotextile bags and the rock revetment under emergency permits and these structures continue to cover existing and potential habitat. The majority of these actions were permitted and do not constitute illegal removal activities; however, the implementation of some unpermitted geotextile bags may have</p>

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	<p>occurred. While these past improvements substantially degraded the remnant dunes habitat that existed within the Project area, the Project would not deprive ESHA protections and with properly designed, implemented, and maintained habitat restoration, would expand the quality of and extent of dune ESHA within the Project area over the short- to mid-term (estimated 10 to 20 + years).</p>
<p>3.9: Public accessways and trails are considered resource dependent uses. Accessways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.</p>	<p>Two existing public accessways would cross new Dune ESHA created by the Project along with 112 private accessways. The Project would include ropes and bollards along the seaward edge of the dune system as well as signs to limit disturbance of ESHA. However, installation of 110 private and 2 public access ways across this newly created dune ESHA would severely fragment this habitat, lead to long-term management problems, and potentially eliminate many of the benefits of dune restoration. An improved access management plan as set forth in avoidance and minimization TBIO-1a in Section 3.3 could address this issue.</p>
<p>3.12 No development shall be allowed in wetlands unless it is authorized under Policy 3.89. For all ESHA other than wetlands, the allowable development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites are ESHA or ESHA buffer shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. If it is demonstrated that it is not feasible from an engineering standpoint to include all graded slopes within the approved development area, then graded slope areas may be excluded from the approved development area. For parcels over 40 acres in size, the maximum development area may be increased by 500 sq. ft. for each additional acre in parcel size to a maximum of 43,560-sq. ft. (1-acre) in size. The development must be sited to avoid destruction of riparian habitat to the maximum extent feasible. These development areas shall be reduced, or no development shall be allowed, if necessary to</p>	<p>The Project does not include development in wetlands; BMPs and mitigation measures would avoid impacts to Trancas Creek lagoon. However, Project-related development includes permanent authorization of the 4,100 foot-long rock revetment and deposition of hundreds of thousands of cubic yards of sand into the intertidal areas. Displacement and covering of dune habitats by the revetment created impacts to ESHA and sensitive species (e.g., globose dune beetle); however, if properly designed, implemented and maintained as required through proposed avoidance and minimization measures in Section 3.3, restoration of the dunes would significantly enhance this habitat over the 10 to 20 year project horizon until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. In addition, potential exists for imported sand to smother or adversely affect rocky intertidal habitat, seagrass beds and associated marine flora and fauna at Lechuza Point.</p>

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<p>avoid a nuisance, as defined in California Civil Code Section 3479. Mitigation of adverse impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be required.</p>	
<p>3.14: New development shall be sited and designed to avoid impacts to ESHA. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where Off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Commission as an amendment to the LCP. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.</p>	<p>Installation of emergency geotextile walls and the rock revetment along Broad Beach have created substantial adverse effects to ESHA through displacement and covering of dune habitats by the revetment and associated impacts to sensitive species (e.g., globose dune beetle). The Project includes conceptual dune restoration proposals which may lead to restoration of this habitat, although proposals for 114 private accessways across these dunes could fragment and ultimately severely damage restoration potential. However, if properly designed, implemented and maintained as required through proposed avoidance and minimization measures in Section 3.3, restoration of the dunes would significantly enhance this habitat over the 10 to 20 year project horizon until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. Alternative approaches to coastal protection, including landward relocation of the revetment or installation of a seawall, may increase impacts to this ESHA due to heavy construction activities that would occur within this ESHA as part of any such project. Although such proposals could also include dune restoration, initial impacts would appear to be substantially more severe than those associated with the Project.</p> <p>The Project could also impact ESHAs such as the SMCA offshore and the Trancas Creek Lagoon through construction activities, and both this Lagoon and the Zuma Beach wetlands through changes in hydrology due to increased downcoast transport of sand potentially limiting tidal interchange with these estuaries. The inclusion of BMPs and mitigation measures would reduce potential effects to offshore ESHA and construction related effects to Trancas Lagoon. The substantial increase in downcoast transport of</p>

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	sediment may incrementally increase the duration of closure of the mouth of Trancas Creek due to tidal action. Decreased tidal interaction may also limit the potential for reintroduction of steelhead trout to these watersheds.
3.16: Dune ESHA shall be protected and, where feasible, enhanced. Vehicle traffic through dunes shall be prohibited. Where pedestrian access through dunes is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be used. Nesting and roosting areas for sensitive birds such as Western snowy plovers and Least terns shall be protected by means, which may include, but are not limited to, fencing, signing, or seasonal access restrictions.	Two existing public accessways would cross new Dune ESHA created by the Project along with 114 private accessways. The Project would include ropes and bollards or fencing along the seaward edge of the dunes as well as signs to limit disturbance of ESHA. However, installation of 110 private and 2 public access ways across this newly created dune ESHA would severely fragment this habitat, lead to long-term management problems, and potentially eliminate many of the benefits of dune restoration. An improved access management plan as set forth in avoidance and minimization measure TBIO-7a in Section 3.3 could address this issue. Any future nesting or roosting areas that occur with such newly protected dunes would be identified through monitoring and measures such as additional fencing and signs implemented as necessary.
3.36: New development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required.	The Project Applicant has submitted rare plant and dune habitats surveys; wildlife monitoring surveys were also performed during revetment construction. Recommended avoidance and minimization measure TBIO-2a requires additional wildlife and plant surveys.
3.37: New development within or adjacent to ESHA shall include a detailed biological study of the site.	The Project Applicant has submitted rare plant and dune habitats surveys; wildlife monitoring surveys were also performed during revetment construction. Recommended avoidance and minimization measure TBIO-2a requires additional wildlife and plant surveys.
3.46: Grading or earthmoving exceeding 50 cubic yards shall require a grading permit. Grading plans shall meet the requirements of the local implementation plan with respect to maximum quantities, maximum cuts and fills, remedial grading, grading for safety purposes,	The Project includes the importation of approximately 600,000 cubic yards of sand, with an additional major renourishment of 450,000 cubic yards at a future date. This would require a grading permit. BMPs would be implemented to minimize potential effects

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and maximum heights of cut or fill. Grading proposed in or adjacent to an ESHA shall be minimized to the maximum extent feasible.	on ESHA.
3.47: Earthmoving during the rainy season (extending from November 1 to March 1) shall be prohibited for development that is 1) located within or adjacent to ESHA, or 2) that includes grading on slopes greater than 4:1. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 1, unless the city determines that completion of grading would be more protective of resources.	The currently Project construction schedule is for January 2013 through June 2013. There are several ESHAs within the Project area, including the existing dune areas of Broad Beach, seagrass beds, rocky intertidal areas, the Trancas Lagoon, and offshore waters (SMCA). While the schedule may conflict with this policy, the intent of this policy appears to be to minimize grading related erosion and associated sedimentation into coastal streams and estuaries; the policy may not be applicable to the Project.
3.75: Marine ESHAs shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential, commercial, or institutional uses shall not be considered resource dependent uses.	The Project would result in disruption of marine habitats that are considered ESHAs, including areas of the SMCA that would be impacted by deposition of fill in the surf zone. Potential impacts to marine habitat would be minimized through water quality BMPs and mitigation measures. Areas of rocky intertidal habitat and seagrass beds would also be covered by the new wider sandy beach, replacing one type of habitat with another, at least over the short- to mid-term. Although the west end of the beach restoration project has been pulled back from rocky intertidal areas, approximately 2 acre of this habitat would be buried by newly deposited sand, at least for the first 1 to 2 years following nourishment. Rocky intertidal habitats and associated plant and wildlife species are adapted to periodic over-covering by sand and there is evidence that these nearshore Lechuza Point habitats are frequently submerged under sand. While the placement of sand would benefit beach dependent organisms (e.g., intertidal invertebrates, western snowy plover), it would increase the extent and duration of burial of ESHAs such as rocky intertidal habitat and surfgrass, possibly leading to some loss of this habitat type over the 10 to 20 year project

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	horizon. Thus, the propose project would be substituting sandy beach habitat and enhancing public access (consistent with Policy 3.9), in exchange for covering approximately 1 acre of rocky intertidal areas over the short- to mid-term.
3.76: Permitted land uses or developments shall have no significant adverse impacts on marine and beach ESHA.	Refer to discussion under Policy 3.75 above. The Project would substantially expand available beach habitat over the 10 to 20 year project horizon.
3.82: Near shore shallow fish habitats and shore fishing areas shall be preserved, and where appropriate and feasible, enhanced.	The Project would result in disruption of marine habitats, particularly rocky intertidal and subtidal habitats and surfgrass beds, which are considered important fish habitats. The Project would substitute sandy beach habitat suitable for bottom dwelling species such as halibut in exchange for covering approximately 2 acre of intermittently covered rocky intertidal areas over the short- to mid-term; such habitats support a wider variety and density of fish species than sand bottom areas. Shore fishing is no longer allowed within the SMCA.
Chapter 4: Hazards and Shoreline/Bluff Development	
4.22: Siting and design of new shoreline development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100 year economic life of the structure.	The Project includes 2 major nourishment events with the new wider sandy beach expected to endure for approximately 10 to 20 years. After 20 years, CSLC would consider whether to issue a new lease. Although climate change is anticipated to incrementally contribute to sea level over the next 20 years, most models predict modest increases in sea levels through 2050 with potentially more dramatic rises after that point. The Project appears designed to account for sea level rise within this 20 year time frame. If subsequent leases are considered, a more detailed review of beach, dune and revetment stability in the face of post-2033 sea level rise would need to occur at that time.
4.26: Development on or near sandy beach or bluffs, including the construction of a shoreline protection device, shall include measures to insure that: a. No stockpiling of dirt or construction materials shall occur on the beach;	Project construction would require temporary stockpiling of sand on Zuma Beach and use of the public parking lot for a staging area at the western end of Zuma Beach, near the Trancas Lagoon. BMPs would be implemented throughout the construction

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<p>b. All grading shall be properly covered and sand bags and/or ditches shall be used to prevent runoff and siltation;</p> <p>c. Measures to control erosion shall be implemented at the end of each day's work;</p> <p>d. No machinery shall be allowed in the intertidal zone at any time to the extent feasible;</p> <p>e. All construction debris shall be removed from the beach. (Resolution No. 07-04)</p>	<p>phase of the Project, as well as implement on a site-specific construction mitigation plan; however, stockpiling of construction materials would occur. While stockpiling sand may conflict with this policy, the intent of this policy appears to be to minimize grading related erosion, accumulation debris on the beach and potential sedimentation into coastal streams and estuaries; the policy may not be applicable to the Project.</p>
<p>4.32: On any beach found to be appropriate, alternative "soft solutions" to the placement of shoreline protection structures shall be required for new development or to protect existing development such as dune restoration, sand nourishment, and design criteria emphasizing maximum landward setbacks and raised foundations.</p>	<p>The Project includes implementation of 'soft solutions' for beach and dune restoration through sediment importation and nourishment as well as the "hard solution" of authorization of the existing revetment for the life of the project, estimated at 10 to 20 years. The current revetment location was approved as part of an emergency action deemed necessary to protect existing primary residence and septic systems from damage by winter storms. Maximum landward relocation of the revetment or its replacement with a seawall is physically feasible, particularly in the central and eastern segments of Broad Beach. However, such relocation would have secondary substantial impacts to degraded sand dune ESHA. Validation of the revetment in its current location for approximately 10 to 20 years accompanied by substantial beach nourishment may meet the intent of this policy as creation of a new dune complex and wider sandy beach would benefit ESHA and public access and recreation over the short to mid-term. However, after cessation of beach nourishment, coastal processes are projected to begin eroding beach and dune areas such that the revetment would be exposed and these benefits would be eliminated or substantially reduced within approximately 20 years. At that time, without further nourishment, retention of the revetment in its current location would conflict with this policy.</p>
<p>4.37: Shoreline and bluff protection structures shall not be permitted to protect new development, except when necessary to protect a new septic system and there is no</p>	<p>The 4,100 foot-long emergency revetment protects existing homes and septic systems. No vacant parcels existing along this reach could accommodate new development,</p>

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<p>feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible. Shoreline and bluff protection structures may be permitted to protect existing structures that were legally constructed prior to the effective date of the California Coastal Act, or that were permitted prior to certification of the LCP provided that the CDP did not contain a waiver of the right to a future shoreline or bluff protection structure and only when it can be demonstrated that said existing structures are at risk from identified hazards, that the proposed protective device is the least environmentally damaging alternative and is designed to eliminate or mitigate adverse impacts to local shoreline sand supply. Alternatives analysis shall include the relocation of existing development landward as well as the removal of portions of existing development. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping, etc.</p>	<p>although redevelopment and expansion of older smaller existing homes could be facilitated by the revetment. Existing septic systems and leach fields are generally located seaward of these existing homes, with limited room for landward relocation. Most homes on Broad Beach were constructed prior to certification of the LCP in 2002, although remodels and sometimes substantial expansions are ongoing. A number of these homes may have waived the right to future coastal protective structure construction as part of the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time. Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such a structure could be moved 50 to 75 feet landward, closer to existing homes. However, such relocation would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies. The "soft solution" Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could offer adequate protection to all or most structures along Broad Beach over the short- to mid-term (e.g., 10+ years). However, removal of the existing revetment would create short-term construction impacts and its removal would leave both rear dune areas and a number of structures, particularly toward the west end of the beach, potentially vulnerable to storm damage. Septic systems would also be more vulnerable to damage under this scenario. However, the public would have access to existing AREs as well as public trust lands as the MHTL advances inland. Given this analysis, either the Project with its mix of revetment retention with large scale beach and dune nourishment or the</p>

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	<p>Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives over the short- to mid-term project horizon of a projected 10 to 20 years. Each alternative has a different set of impacts. The Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could have more substantial water quality impacts due to septic system damage and offer less protection to back dune areas, but would decrease long-term recreation and access impacts. The Project would have greater impacts to public access, but offer better protection to limited restored back dunes landward of the revetment as well as septic systems and structures. However, upon cessation of nourishment, beneficial impacts to sand supply of each these alternatives would fade, leading to loss of public access, and damage to new dune habitats. For the Project, the revetment would become exposed, leading to either a requirement for continued nourishment or removal of the revetment. After cessation of nourishment, both of these alternatives could require consideration of managed retreat of septic systems and eventually homes. It should be noted that many homes are already located up against Broad Beach Road, and as such, managed retreat may require gradual surrender of seaward portions of these structures as has been done elsewhere (e.g., Isla Vista in Santa Barbara county), elevation of homes onto pilings or raised foundations, or other techniques.</p>
<p>4.39: All shoreline protection structures shall be sited as far landward as feasible regardless of the location of protective devices on adjacent lots. In no circumstance shall a shoreline protection structure be permitted to be located further seaward than a stringline drawn between the nearest adjacent corners of protection structures on adjacent lots. A stringline shall be utilized only when such development is found to be infill and when it is demonstrated that locating the shoreline protection structure further landward</p>	<p>The existing revetment currently is located on both public (areas seaward of the OHWM, and within AREs) and private lands. The Project would authorize the revetment in its current location, which would preclude public access on public lands and in AREs intended for public use. Private land does not contain structures immediately on the landward side of the revetment at most locations where the revetment occurs on public lands.</p> <p>The 4,100 foot-long emergency revetment</p>

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is not feasible.	<p>protects existing homes and septic systems. Many existing septic systems and leach fields are located seaward of these existing homes, with limited room for landward relocation. A number of these homes may have waived the right to future coastal protective structure construction as part of the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems.</p> <p>Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such a structure could be moved 50 to 75 feet landward, closer to existing homes. However, such relocation would require the movement or removal of some septic systems, and would potentially have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies.</p> <p>It should be noted that many homes are already located up against Broad Beach Road, and as such, managed retreat may require gradual surrender of seaward portions of these structures as has been done elsewhere (e.g., Isla Vista in Santa Barbara county), elevation of homes onto pilings or raised foundations, or other techniques.</p>
<p>4.40: Where it is determined to be necessary to provide shoreline protection for an existing residential structure built at sand level a “vertical” seawall shall be the preferred means of protection. Rock revetments may be permitted to protect existing structures where they can be constructed entirely underneath raised foundations or where they are determined to be the preferred alternative.</p>	<p>The rock revetment was permitted by the CCC and city of Malibu on a temporary basis under an emergency permit. The revetment was accepted as the minimum action necessary, and the least environmentally damaging alternative at that time. The Project proposes to leave the revetment mostly in its existing location, with limited relocation off of public lands.</p> <p>Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such as structure could be</p>

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	<p>moved 50 to 75 feet landward, closer to existing homes. However, such relocation would entail substantial disruption of existing private improvements associated with relocation of septic systems or leach fields, patios, landscaping and other improvements. This would be combined with landward relocation of as many as 18 septic systems and their leach fields, potential installation of drywells or individual advanced onsite wastewater treatment systems for those locations which cannot relocate their septic systems, or the installation of a common wastewater treatment facility. Limited room exists for landward relocation of septic systems on the western portion of the project area in front of several residences. However, removal or landward movement of the existing revetment and/or installation of a seawall would potentially decrease long-term recreation and access impacts.</p>
<p>4.43: As a condition of approval of a shoreline protection structure, or repairs or additions to a shoreline protection structure, the property owner shall be required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under California Coastal Act Section 30235. The restrictions shall also acknowledge that the intended purpose of the subject structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the</p>	<p>Most homes on Broad Beach were constructed prior to certification of the LCP in 2002, although remodels and sometimes substantial expansions are ongoing. A number of these homes may have waived the right to future coastal protective structure construction as part of the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time. Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such a structure could be moved 50 to 75 feet landward, closer to existing homes. However, such relocation would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies.</p>

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<p>shoreline protection structure unless the city determines that such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure.</p>	
<p>4.55: Emergency actions to repair or replace or protect damaged or threatened development including public works facilities shall be the minimum needed to address the emergency and shall, to the maximum extent feasible, be the least environmentally damaging temporary alternative. A regular permit application shall be required as follow-up to all emergency protection devices or measures. All emergency protection devices shall be designed to facilitate removal and replacement with the alternative found to be consistent with all policies and standards of the LCP through the regular permit process.</p>	<p>The rock revetment was permitted by the CCC and city of Malibu on a temporary basis under an emergency permit. The revetment was accepted as the minimum action necessary, and the least environmentally damaging alternative. The Project is intended as a follow-up designed to reduce effects of the revetment and achieve consistency with LCP standards.</p> <p>The 4,100 foot-long emergency revetment protects existing homes and septic systems. Existing septic systems and leach fields are generally located seaward of these existing homes, with limited room for landward relocation. Most homes on Broad Beach were constructed prior to certification of the LCP in 2002, although remodels and sometimes substantial expansions are ongoing. A number of these homes may have waived the right to future coastal protective structure construction as part of the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time.</p> <p>Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such a structure could be moved 50 to 75 feet landward, closer to existing homes. However, such relocation would entail substantial disruption of existing private improvements associated with relocation of septic systems or leach fields, patios, landscaping and other improvements. This would be combined with landward relocation of as many as 18 septic systems and their leach fields, potential installation of drywells or individual advanced onsite</p>

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	<p>wastewater treatment systems for those locations which cannot relocate their septic systems, or the installation of a common wastewater treatment facility. Limited room exists for landward relocation of septic systems on the western portion of the project area in front of several residences. Additionally, such relocation would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies.</p> <p>The “soft solution” Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could offer adequate protection to all or most structures along Broad Beach over the short- to mid-term (e.g., 10 to 20 years). However, removal of the existing revetment would create short term construction impacts and its removal would leave both rear dune areas and a number of structures, particularly toward the west end of the beach, potentially vulnerable to storm damage. Septic systems would also be more vulnerable to damage under this scenario. However, the public would have access to existing AREs as well as public trust lands even with beach erosion as the MHTL advances inland.</p> <p>Each alternative has a different set of potential inconsistencies with Malibu LCP policies. Alternatives involving the removal or movement of the revetment could have more substantial water quality impacts due to septic system damage, as well as further impacts to ESHA, resulting in policy inconsistencies. The Project would have conflict with long-term public access and associated policies, but offer better protection to dune ESHA and water quality issues resulting from septic systems and structures. However, upon cessation of nourishment, beneficial impacts to sand supply of each these alternatives would fade, leading to loss of public access, damage to new dune habitats, conflicting with access and ESHA policies.</p> <p>Given alternatives analysis, either the Project with its mix of revetment retention combined with large-scale beach and dune nourishment</p>

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	<p>or the Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives and most consistent with LCP policies over the projected short- to mid-term project horizon of 10 to 20 years.</p>
Chapter 5: New Development	
<p>5.6: Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence.</p>	<p>The 4,100 foot-long emergency revetment protects existing homes and septic systems. However, installation of emergency geotextile walls and the rock revetment along Broad Beach have created substantial adverse effects to ESHA through displacement and covering of dune habitats by the revetment and associated impacts to sensitive species (e.g., globose dune beetle). The Project includes conceptual dune restoration proposals which may lead to restoration of this habitat, although proposals for 112 access ways across these dunes could fragment and ultimately severely damage restoration potential. However, if properly designed, implemented and maintained as required through proposed avoidance and minimization measures in Section 3.3, restoration of the dunes would significantly enhance this habitat over the 10- to 20-year Project horizon, until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. Alternative approaches to coastal protection, including landward relocation of the revetment or installation of a seawall, may increase impacts to this ESHA due to heavy construction activities that would occur within this ESHA as part of any such project. Although such proposals could also include dune restoration, initial impacts would appear to be substantially more severe than those associated with the Project.</p> <p>The Project could also impact ESHAs such as the SMCA offshore and the Trancas Creek Lagoon through construction activities, and Trancas Creek Lagoon and the Zuma Beach wetlands through changes in hydrology due to increased downcoast transport of sand,</p>

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	<p>potentially limiting tidal interchange with these estuaries. The inclusion of BMPs and mitigation measures would reduce potential affects to offshore ESHA and construction related effects to Trancas Lagoon. The substantial increase in downcoast transport of sediment may incrementally increase the duration of closure of the mouths of both of these estuaries to tidal action.</p> <p>Additionally, the existing revetment currently interferes with public access along the shoreline. The revetment partially overlays public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides. The Project would substantially increase dry sand beach area over the short- to mid-term, which would enhance the availability of public recreational opportunities and lateral access at Broad Beach over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements.</p> <p>Alternatives that would move the revetment landwards or remove the revetment would potentially result in improved lateral public access; however, such relocation or removal would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies.</p> <p>Given this analysis, either the Project with its mix of revetment retention with large scale beach and dune nourishment or the Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives over the projected short- to mid-term Project horizon of 10 to 20 years.</p>
Chapter 6: Scenic and Visual Resources	
<p>6.4: Places on, along, within, or visible from scenic roads, trails, beaches, parklands and State waters that offer scenic vistas of the beach and ocean, coastline, mountains,</p>	<p>The Project area is considered a Scenic Area by the LCP. Off-site Project areas within the city of Malibu would also be considered Scenic Areas (i.e., Zuma Beach).</p>

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<p>canyons and other unique natural features are considered Scenic Areas. Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions along the coastal terrace, residential development inland of Birdview Avenue and Cliffside Drive on Point Dume, or existing commercial development within the Civic Center and along Pacific Coast Highway east of Malibu Canyon Road.</p>	
<p>6.5: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.</p>	<p>The Project revetment substantially altered and degraded the scenic and visual qualities of the Project area, in addition to altering the land form of the beach; the approximately 15-foot-high revetment is not subordinate to the scenic character of the existing low tide beach. Proposed covering of the revetment with dune habitat would alter the visual effect of these changes on the scenic and visual qualities of the area to one of a more natural environment until such time as beach nourishment ceases, the dunes begin to erode and the revetment becomes exposed (e.g., estimated 10 to 20+ years).</p>