

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
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VENTURA, CA 93001
(805) 585-1800



July 21, 2021

Richard Mollica, Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Re: Local Coastal Program Amendment No. LCP-4-MAL-21-0048-1-Part A (Wireless Communications Facilities) and LCP-4-MAL-21-0049-1-Part B (Sign Regulations)

Dear Mr. Mollica:

On July 7, 2021, our office received the City's submittal to amend portions of the certified Local Coastal Program (LCP), including (1) a Local Implementation Plan (LIP) Amendment to amend various sections of the LIP regarding definitions, development standards, and permit procedures related to wireless communication facilities, and (2) a Land Use Plan (LUP) and LIP amendment to amend LCP sign regulations. Due to the extensive nature of the amendment request, we have decided to divide the submittal into two parts, with the wireless communications facilities portion of the amendment request as Part A, and the LCP sign regulations portion of the amendment submittal request as Part B. Staff has reviewed the materials submitted for the subject LCP amendment request and we have found that there is additional information that is required for our analysis of this request. Pursuant to Article 15, § 13551 and 13552 of the Commission's regulations, this additional information is required to deem the City's proposed amendment complete. Please provide the following information.

Local Coastal Program Amendment No. LCP-4-MAL-21-0048-1-Part A (Wireless Communications Facilities)

1. *Public Noticing.* Please be advised that the City will be required to publish a meeting notification in at least one major newspaper that is circulated in the area that is affected by the subject LCP Amendment, in lieu of individual noticing requirements. We will send you the applicable notice for publishing prior to the scheduled hearing.
2. *LCP Amendment Scope.* Please clarify if the design and location standards and conditions of approval and basic application requirements for wireless communications provided in City of Malibu Resolution No. 21-17 are being proposed as part of the subject LCP amendment?
3. *Consistency Analysis.* Coastal Commission Administrative Regulations (Section 13552(c)) require the submittal of a consistency analysis of the proposed amendment and its relationship to and effect on the other sections of the certified LCP. The Commission's regulations (Section 13552 (b)) also require information in sufficient detail to allow review for conformity with the requirements of the Coastal Act. The consistency analysis and other information provided in the subject amendment request submittal is not detailed or comprehensive enough in analyzing the LIP amendment's consistency with the policies of the LUP. Additionally, the submitted consistency analysis analyzed the proposed amendment consistency with the design and location standards and conditions of approval cited in the City's Resolution Nos. 20-65 and 21-17. However, the design and location standards and conditions of approval in Resolution Nos. 20-65 and 21-17 are not a part of the City's

certified LCP, and thus these standards and conditions are not the standard of review for the subject LCP Amendment. Please provide a more detailed consistency analysis of the proposed amendment, and its relationship to, and effect on, the other sections of the certified LCP consistent with Sections 13552(c) of the Commission's regulations. Address how the LIP changes are consistent with the policies of the LUP. In addition, please address the following specific issues in the analysis:

- a. The proposed amendment language provides for CDP exemptions for eligible wireless telecommunications facilities, replacement utility poles, and temporary wireless facilities, however, these types of development are not considered exempt under LIP Section 13.4 (Exemptions), the Coastal Act, and the California Code of Regulations. Please address the relationship and consistency between the above-mentioned policies and the proposed language in your consistency analysis.
 - b. In addition, the submittal proposes a new wireless permit (WP) that must be found consistent with the policies of the Malibu Municipal Code (MMC) (which is not a part of the City's certified LCP). Please clarify if the wireless permit (WP) is only subject to the requirements of the MMC or if it's the City's intent to process WPs in the same manner as an Administrative CDP? If it's the City's intent to process WP as Administrative CDP please indicate if the WP will have the same noticing, hearing, and appeal procedures as Administrative CDPs?
 - c. Further, the amendment proposes to approve wireless telecommunication facilities through different approval mechanisms (exemptions, wireless permit, de-minimis waiver, and/or administrative permit). Please clarify which wireless telecommunication facilities qualify for which approval mechanisms.
4. *Impact Analysis.* Pursuant to Sections 13552(d) and 13511(a) of the Commission's Administrative Regulations, please provide an analysis of potential adverse individual and cumulative impacts on coastal resources and public access of the proposed LCP amendment changes and the potentially allowable development proposed. The potential impacts to coastal resources (e.g., visual resources, recreation, public access, environmentally sensitive habitat, water quality, etc.) must be identified and analyzed in the amendment submittal. In addition, the proposed amendment seeks to eliminate the existing LIP Section 3.16 wireless facility/antenna design and location development standards, permit application requirements, and required conditions of approval. Thus, it is unclear how this type of development (wireless telecommunications facilities and/or antennas) would be implemented/permitted, what adverse impacts to coastal resources may occur, or how the proposed modifications (elimination of existing design, location, application requirements, and conditions of approval standards) will be adequate to implement the policies and provisions of the LUP. Please clarify and provide an analysis of the potential impacts to coastal resources that may occur from the elimination of these existing LIP provisions.

Local Coastal Program Amendment No. LCP-4-MAL-21-0049-1-Part B (Sign Regulations)

1. *Public Noticing.* Please be advised that the City will be required to publish a meeting notification in at least one major newspaper that is circulated in the area that is affected by the subject LCP Amendment, in lieu of individual noticing requirements. We will send you the applicable notice for publishing prior to the scheduled hearing.
2. *Consistency Analysis.* Coastal Commission Administrative Regulations (Section 13552 (c)) require the submittal of a consistency analysis of the proposed amendment and its relationship to and effect on the other sections of the certified LCP. The Commission's regulations (Section 13552 (b))

also require information in sufficient detail to allow review for conformity with the requirements of the Coastal Act. The consistency analysis and other information provided in the subject amendment request submittal is not detailed or comprehensive enough in analyzing the amendment's consistency with the applicable standard of review. Please provide a more detailed consistency analysis of the proposed amendment, and its relationship to, and effect on, the other sections of the certified LCP consistent with Sections 13552(c) of the Commission's regulations. Address how the LUP changes are consistent with the applicable policies of the Coastal Act (Sections 30210 and 30211) and how the LIP changes are consistent with the policies of the LUP (LUP Policies 2.2 and 2.5).

3. *Impact Analysis.* Pursuant to Sections 13552(d) and 13511(a) of the Commission's Administrative Regulations, please provide an analysis of potential adverse individual and cumulative impacts on coastal resources and public access of the proposed LCP amendment changes and the potentially allowable development proposed. The potential impacts to coastal resources and public access must be identified and analyzed in the amendment submittal. In this case, the subject LCP amendment would allow for signs that restrict public access to State tidelands, public vertical or lateral access easement areas, or purport to identify the boundary between State tidelands and private property. Please provide an analysis of the potential impacts to public access that would result from beachfront signs that restrict public access to State tidelands, public vertical or lateral access easement areas, or purport to identify the boundary between State tidelands and private property.

Thank you for your time and attention to this matter. Once we receive the noted information, we can analyze Parts A and B of the proposed LCP amendment and schedule the matters for hearing. Should you have any questions regarding the filing status and review of the proposed amendment, please do not hesitate to contact me at denise.venegas@coastal.ca.gov. We look forward to receiving the requested materials and moving forward with our review of this amendment application at your earliest convenience.

Sincerely,

DocuSigned by:

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Denise Venegas
Coastal Program Analyst

cc: Adrian Fernandez, Principal Planner, City of Malibu
Justine Kendall, Associate Planner, City of Malibu