

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday, December 2, 2012 at 9:00 a.m.

**Private Residence-
31330 Broad Beach Road, Malibu, California 90265**

Closed Sessions Matters

Under this item, the GHAD Board shall meet in a closed session to discuss matters pursuant to Government Code Sections 54956.8 and 54956.9 (a).

None.

Regular Session Matters

- 1) **Call to Order**
- 2) **Roll Call**
- 3) **Adoption of Agenda**
- 4) **Approve Summary of Actions from November 18, 2012 Meeting**

Recommendation: Chair to conduct vote on approving Summary of Actions from November 18, 2012 Meeting. If passed, Chair to sign Summary of Actions.

- 5) **Ceremonial/Presentations**

None.

- 6) **Consent Calendar**

None.

- 7) **Public Hearings**

None.

- 8) **Old Business**

- a. **Permitting and Regulatory Process.** (GHAD Project Counsel and Engineer). Report to include project regulatory status summary, including:

- (i) CCC Status- Matters to consider include: (a) City's approval of joint CDP process, and (b) public access details
 - (ii) SLC & APTR status
 - (iii) RWQCB and USACE update
 - (iv) Sand Source update (GHAD Engineer): Alternative sources
- b. Proposed GHAD Contracting Policy. Discussion of potential adoption of contracting rules. (GHAD Project Counsel)

Recommendation: Monitor development of GHAD contracting rules and/or procedures.

9) **New Business**

None.

10) **GHAD Boardmember Reports**

11) **GHAD Officer Reports**

- a. Treasurer's Report. (GHAD Treasurer).
- b. GHAD Manager Report (GHAD Manager)

12) **Public Comment - Non-Agenda Items**

Communications from the public concerning matters which are not on the agenda but for which the GHAD Board has subject matter jurisdiction. The GHAD Board may not act on non-agendized matters except to refer the matters to staff or schedule the matters for a future agenda.

- a. Public Comment on Non-Agendized Items

13) **Future Meeting**

Next Meeting: January 13, 2013; 9:00 a.m. Location: TBD, Malibu, CA

14) **Adjournment**

AGENDA ITEM 4a

SUMMARY OF ACTIONS
BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT
REGULAR MEETING
NOVEMBER 18, 2012
31030 BROAD BEACH ROAD

1. CALL TO ORDER

Chair Karno called the meeting to order at 9:07 a.m.

2. ROLL CALL

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Marquis, and Advisor Goss. Board Member Levitan arrived at 9:20 a.m.

ABSENT: Board Member Lotman.

GHAD STAFF ALSO PRESENT (not Board Members and not subject to Roll Call): GHAD Clerk and Treasurer Barbara Hamm and GHAD Project Counsel Ken Ehrlich. The GHAD Engineer participated via conference call for a portion of the meeting.

3. ADOPTION OF AGENDA

The GHAD Clerk reported that the meeting Agenda was posted at 8:15 a.m. on Thursday November 15, 2012 within the boundaries of the GHAD. Board Member Marquis moved, and Vice Chair Grossman seconded, the approval of the Agenda with minor, non-substantive edits. The motion approving the agenda passed 3-0.

4. APPROVED SUMMARY OF ACTIONS FROM OCTOBER 14, 2012 MEETING

Board Member Marquis moved, and Vice Chair Grossman seconded, the approval of the Summary of Actions from the October 14, 2012 meeting, with various edits read by GHAD Project Counsel. The motion passed 3-0.

5. CEREMONIAL PRESENTATIONS

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

None.

8. OLD BUSINESS

a. Permitting and Regulatory Process

The Chair recognized the GHAD Project Counsel, who briefed the Board on the following items (Board Member Levitan arrived at this time):

(i) CCC CDP Status: The primary remaining issue relates to the scope and breadth of public access on the nourished beach, including the concept of providing lateral access during the permit term even if the nourished beach erodes to expose the revetment. Project Counsel reported that the BBGHAD continues to have regular discussions with CCC staff and progress is occurring. The Chair recognized Vice Chair Grossman, who summarized the recent meeting with CCC Executive Officer Charles Lester and Deputy Executive Officer Jack Ainsworth. The Vice Chair expressed optimism that this issue will get resolved in the relatively near future.

(ii) SLC & APTR Status: GHAD Project Counsel reported that the APTR was circulated on October 22, 2012. Among other points, the APTR requests from the GHAD: (a) mitigation for allegedly lost intertidal habitat at the extreme west end of the beach, (b) mitigation for regional sand management if sand is taken from Santa Monica Bay, and (c) mitigation for the public's inability to use lateral access easements since the placement of the revetment. The SLC also seeks the placement of a bond or other surety for revetment removal in the event that the revetment is required to be removed at some future date. Project Counsel further reported that the SLC held a public hearing for the project at Malibu City Hall on November 8, 2012. There were approximately 20 people at the hearing, 7 of whom chose to speak. Most of the comments related to Surfrider's general opposition to shoreline protective devices, protection of the rocky intertidal habitat at the West End, and opposition to the use of offshore Manhattan Beach as a sand source. Project Counsel also reported that the GHAD continues to work with SLC staff on a regular basis regarding pending regulatory issues, and that the BBGHAD will submit written comments on the APTR before the comment deadline.

(iii) Sand Source Update: The Chair recognized Board Member Marquis, who advised the Board on the status of finalizing a sand source for the project. Board Member Marquis urged the Board to cease pursuit of sand from offshore Manhattan Beach due to the City's refusal to cooperate with the project. Regarding the Dockweiler sand source, Board Member Marquis reported that representatives from the Los Angeles County Department of Beaches and Harbors have urged the City of Los Angeles to decline to sell such sand to the BBGHAD on the claimed basis that: (a) it represents poor public policy for the sand to be used to protect private homes instead of for solely public recreational purposes, (b) the County may seek to use the offshore Dockweiler sand at a future date at some County-managed beach, and (c) once placed at Broad Beach, the sand would never return to the Santa Monica Bay littoral cell as it would be captured in a canyon off of Point Dume. Project Counsel stated that the GHAD, including the GHAD Engineer, disagrees with each of these County arguments.

Board Member Marquis reported that the GHAD is working hard to counter these allegations with both LA County and LA City officials and staff. Board Member Marquis further briefed the Board on other potential sand sources which have proven unsuitable for Broad Beach, including sand from Ventura's Calleguas Creek (too fine) and Ensenada, Mexico (too expensive to transport). Thus, Board Member Marquis urged the Board to focus on sand from

offshore Trancas, continue to work with the City of L.A. as a back-up choice, and potentially revisit the option of using sand from Ventura Harbor.

The Chair recognized Vice Chair Grossman. The Vice Chair commented that sand from offshore Dockweiler may prove difficult because the approval process through the City of Los Angeles may be too slow. Therefore, the Vice Chair urged the Board to focus on the offshore Trancas sand source. The Vice Chair further urged the Board to remain aware of the post Superstorm Sandy "absolutist" viewpoint from some commentators supporting the concept of managed retreat of coastal areas. The Vice Chair further elaborated on a recent meeting with senior CCC staff about the project and stated his belief that the CCC staff appears supportive, but the primary issues remain the scope and breadth of public access and sand source. The Vice Chair also stated that a more unified and coordinated permitting process among the various regulatory and permitting agencies would greatly benefit this and other projects in the future.

The Chair stated that he remains concerned that, if Trancas is chosen as a sand source, the sand will be too fine and will erode far too quickly based on the multi-million dollar investment involved. The Chair urged the GHAD to solicit the best and most definitive opinion possible from the GHAD Engineer for the potential longevity of the Trancas sand as the nourishment and dune restoration sand source.

The Chair recognized Max Factor III, who asked if the Trancas sand can be blended with an additive to make it more coarse or otherwise increase its longevity on the beach. The GHAD Engineer was brought into the meeting via conference call and briefed on Mr. Factor's question. The GHAD Engineer responded that no sand additive is possible. The GHAD Engineer further stated that the possibility exists to blend more coarse sand, such as the most coarse sand from Calleguas Creek, with Trancas sand, but added that further study would be needed to be more definitive on the longevity of such a sand blend. The GHAD Engineer stated that the Trancas sand could be expected to last 5-6 years, but specified that additional time would be needed to further study the Trancas sand samples for a more definitive opinion. The GHAD Engineer added that current computer models do not give empirical, reliable estimates of the longevity of sand at a beach like Broad Beach.

The Chair recognized the Vice Chair. Vice Chair Grossman requested that the GHAD Engineer report back to the Board at its December 2, 2012 meeting and present the most definitive opinion possible on the potential longevity of Trancas sand. The Vice Chair opined that if the Trancas sand does not last more than 4-6 years, this sand may not be viable for GHAD use. The Chair reiterated the Vice Chair's request that the GHAD Engineer further study and consider the issue and report back to the Board at the December 2, 2012 meeting.

The Chair recognized Board Member Levitan, who stated that Trancas sand may prove viable since it is estimated to cost 50-60% less than Dockweiler sand. Board Member Levitan added that the use of Trancas sand may force the GHAD into more creative sand retention procedures and use increased diligence in seeking opportunistic sand replenishment sources during the interim period.

The Chair recognized Jane Arnault, who questioned if a viable project alternative exists instead of seeking to make the current revetment permanent. The Vice Chair responded that the current revetment is a temporary, emergency structure with no long term permit. The

Vice Chair further stated that, if the GHAD or the homeowners served by the current revetment seek its permanent status without concurrent beach nourishment, substantial mitigation fees would be required. (Board Member Levitan left the meeting at this time, approximately 10:25 a.m.).

The Chair recognized Max Factor III, who asked if the GHAD or individual homeowners could construct a series of multiple sea walls between Broad Beach residences and the shoreline. The Chair recognized the Project Counsel to respond. Project Counsel stated that, according to California law, only a single shoreline protective device is allowed per parcel.

The Chair recognized the Vice Chair. The Vice Chair recommended that the Board direct Project Counsel to develop a draft BBGHAD-SLC lease term sheet for ultimate submittal to the SLC. The Chair directed Project Counsel to do so, but not begin the work task until further direction could be obtained at a future BBGHAD Board meeting.

The Chair then commented that the financial model for the project may change if the ultimate beach nourishment will not support the planned 10-year program. The Chair stated that a less than 10 year financial program may also alter the anticipated schedule for returning fair share and TPOA contributions. The chair recognized Max Factor III, who stated that it could remain possible to obtain the amount of financing required for a 10 year program, approximately \$20 million, by using a portion of such financing to pay the Project's hard costs and soft costs, and invest the remainder, if unused, in low risk investments. The Chair expressed his appreciation for all of the input on the financial discussion, and urged the Board to revisit this issue once the Board obtains a more definite engineering opinion from the GHAD engineer on the longevity of Trancas sand and/or other sand source options.

b. Access Agreement

The Chair recognized Project Counsel. Project Counsel reported that edits from Board Members have been incorporated and the proposed Limited Access Agreement is in final form. The Chair directed that the document be held until finalization of the dune configuration and more definite project timing is known. The Vice Chair suggested that the Project Counsel circulate the Limited Access Agreement to the SLC and CCC for any input; the Chair agreed.

9. NEW BUSINESS

a. Proposed GHAD Contracting Policy

The Chair recognized Project Counsel. Project Counsel reported that, once the GHAD comes closer to obtaining bids from contractors to implement the project, the Board may choose to specific contracting rules. The Chair recognized the Vice Chair. The Vice Chair stated his support for the concept of adopting specific GHAD contracting rules, but urged that, since many project parameters remain unknown, such contracting rules are not presently needed and bid packages for potential contractors should not be prepared until most, if not all, project parameters are known - including the sand source. The Chair agreed, and directed that this item be placed under "Old Business" for consideration at future Board meetings.

10. GHAD BOARD MEMBER REPORTS

NONE.

11. GHAD OFFICER REPORTS

a. Treasurer Report

The GHAD Treasurer reported that, as of October 31, 2012, the GHAD had cash on hand of \$33,000 and anticipated expenses of approximately \$306,000 for the remainder of November and December. The GHAD Treasurer reported that it is anticipated that an additional \$306,000 will be drawn on the GHAD's line of credit by the end of 2012. The Vice Chair suggested that the GHAD Engineer be directed to undertake the tasks absolutely necessary for current permitting activities, and no other, in light of GHAD finances. The GHAD Treasurer further reported that, since no property taxes are paid on the Malibu West parcel, Malibu West has paid its separately-billed assessment.

b. GHAD Manager Report

NONE.

12. PUBLIC COMMENTS: NON-AGENDA ITEMS

NONE.

13. FUTURE MEETING

The next GHAD Board Meeting will be on December 2, 2012 at 9:00 a.m. at a private residence located at 31330 Broad Beach Road. The Chair also mentioned that the following GHAD Board Meeting will be on January 13, 2013 at 9:00 a.m. at the same private residence.

14. ADJOURNMENT

The Chair recognized the Board Member Marquis, who moved to adjourn. The Vice Chair seconded the motion. The motion passed 3-0. The meeting adjourned at 11:25 a.m.

Approved and adopted by the Broad Beach GHAD
Board on December ____, 2012.

NORTON KARNO, Chair

ATTEST:

BARBARA HAMM, GHAD Clerk

AGENDA ITEM 8A

Source URL: <http://www.hollywoodreporter.com/news/steven-spielberg-dustin-hoffman-stars-395131>

Malibu's Bizarre Sand War Pits Celebrities vs. Nature

9:00 AM PST 11/29/2012 by Gary Baum

[2]



Steven Spielberg, Steve Levitan and Dustin Hoffman are among the 114 homeowners (average price \$7.8 million) trying to buy sand to refill Broad Beach -- and outraging environmentalists in the process.

This story first appeared in the Dec. 7 issue of The Hollywood Reporter [3] magazine.

Modern Family co-creator **Steven Levitan** moved his own family to Broad Beach a decade ago, lured by its pristine water, killer views and -- perhaps most of all -- by its wide swaths of sand, perfect for jogging and touch football. But these days, Malibu's most secluded stretch of oceanfront real estate isn't exactly living up to its name.

"You can't walk down the beach, except when the tide is very low," Levitan says. Erosion has caused Broad's sand -- including its beloved Martha's Vineyard-esque dunes -- to wash almost entirely away, its namesake width diminishing to a narrow nub. This has threatened houses and required the installation of an unsightly emergency rock seawall.

Levitan now finds himself at the center of one of the biggest turf wars in Malibu history, as Broad Beach has become the flashpoint of a cresting controversy over sand, surf and septic tanks. It's pitting the shore's wealthy, well-connected homeowners -- among them **Steven Spielberg, Michael Ovitz, Dustin Hoffman and Ray Romano** -- against a band of environmentalists, public access advocates, scientists and government officials.

PHOTOS: Summer's Best Beach Reads ^[13]

The source of the conflict: the residents' ambitious \$20 million proposal to dramatically reshape the area by dredging in 600,000 cubic yards of sand from one of several targeted "borrow sites" at the bottom of the ocean. (They have ranged from Ventura Harbor in the north down to Dockweiler Beach and Manhattan Beach in Los Angeles County.) Homeowners have hired engineers, scientists and other consultants to devise a plan to bring in large quantities of replacement sand by barge. In a process called "beach nourishment," the project would, like a plastic surgeon wielding a Juvederm filler syringe, carefully sculpt the more voluptuous shoreline of yore. If successful, the plan would be the ultimate Hollywood reboot, a transformative feat of engineering and chutzpah that, despite its size and scope, would require only a few months to complete, expand the waterfront for all beachgoers and be fully financed by taxes the residents are ready to levy on themselves. "We'd be restoring the beach to what it looked like decades ago," says their attorney, **Ken Ehrlich**, "and we'd be providing 100 times more public access to the beach than exists right now, since it would all be public beach seaward of the dunes. It's a tremendous benefit to the public -- unprecedented in the state."

But opponents believe the residents' plan is merely a shortsighted scheme that will primarily benefit property owners, if it works at all, and might incur disastrous side effects for the coastline. "What they are proposing is just going to exacerbate the problem," says **Mark Abramson**, senior watershed adviser at the Santa Monica Bay Restoration Foundation. There is a widespread belief that the homeowners' proposal is not a magnanimous gesture offered to a cash-crunched state. Rather, they see it as a self-serving one designed to enhance the beachfront of a wealthy few (the beach has 114 homes in all with an average price of \$7.8 million). Many also argue that the houses themselves have contributed to the erosion by suffocating the natural flow of sediment due to the structures' shoulder-to-shoulder development over the decades -- a theory that the property owners dispute. For her part, California Coastal Commission engineer **Lesley Ewing** believes a number of factors are at work, including the past damming of nearby Trancas Creek as well as larger changes in general wave pattern behavior against Broad's shore.

STORY: Tim Allen Buys in Hollywood Hills West, Leonardo DiCaprio Lists Malibu Property ^[4]

The State Lands Commission originally was scheduled to hear the case in Sacramento on Dec. 6. But it was forced to delay its ruling to an undetermined date in early 2013 to allow for an extended public comment period through Dec. 21 after interest in the 712-page project analysis report -- which details wide-ranging potential environmental impacts and was itself paid for by \$500,000 in fees by homeowners -- proved unexpectedly high. The debate is sure to become one of the hottest topics in Malibu politics in years.

"What's going on there isn't exactly Mauritius" -- the tiny Indian Ocean island republic existentially imperiled by rising sea levels -- "but I can fully understand the anxiety," says a resident of adjacent Lechuza Beach. "Their beach is just gone as we knew it."



Along with Carbon Beach and the Colony, Broad Beach -- situated at the northwesterly end of Malibu, past Point Dume -- exists at the apex of industry desirability. **Pierce Brosnan** has a house there. So do A-list producers **Walter Hill**, **Avi Arad** and **Marc Platt**. The list goes on: crisis management guru **Michael Sitrick** and screenwriter **Steve Zaillian**, the recently split **Danny DeVito** and **Rhea Perlman**, former Universal president **Sid Sheinberg** and top business manager **Robert Philpott**, the widows of **Carroll O'Connor**, **Frank Sinatra** and **Jack Lemmon**.

It's clear the residents believe the beach is worth saving. They adore its remoteness, its rustic quality, its closeknit community vibe and how, unlike many other equivalent Malibu strips of oceanfront homes, it's discreetly set back from the noisy, high-speed Pacific Coast Highway. "The further up the coast you go, the more privacy you have," explains nightlife impresario **Rande Gerber**, who lives not too far away with wife **Cindy Crawford** and recently considered opening a home-style diner immediately across the street from Broad Beach, at the Trancas Country Market.

Hollywood has called it home for generations. In the early '60s, **Katharine Hepburn** and **Spencer Tracy** rented a house on the beach for three years. The following decade, **Ali MacGraw** and **Steve McQueen** shacked up there. **Ronald** and **Nancy Reagan** liked to stay for a week or two at a time. **Dinah Shore**, part of a later wave replacing the original cottages, caused a commotion when she hired a helicopter to bring in big steel beams for her new pad. "People were buying these houses, which weren't grand things, tearing them down and building their own," says **Marian Hall**, author of *Malibu: California's Most Famous Seaside Community*.

STORY: Rent Out Pierce Brosnan's Malibu Mansion for \$250,000 a Month ^[5]

Everyone loved the come-as-you-are, open-back-door social scene. Then-ABC president **Elton Rule's** tennis court was a popular destination. So were impromptu volleyball games on the beach. As a child, **Ryan Kavanaugh**, the one-day Relativity chief, would find himself playing Frisbee with next-door neighbor **Walter Matthau**.

Frank Wells, the Warner Bros. and Disney exec, pioneered the now-common practice of renting barges for Fourth of July fireworks shows in 1983. After he died, DeVito carried on the tradition. An even longer practice has been the kind of social drinking reminiscent of a Cheever short story. Half a century ago, many homes would fly their personal cocktail pennants atop flagpoles when the appropriate hour arrived, an invitation to neighbors to stop by.

These days, there's no such established formal signaling but nearly as much conviviality. "I can think of several times, wearing nothing but a T-shirt and a swimsuit at 11 in the morning, where I've walked my dogs and I don't return until after dinner because I've been invited to one house and then another and another, all spontaneously," Levitan says. "That's just how it is around here."

Broad's salutary effect isn't limited to locals. "It's quite conducive to resolving complex lawsuits," says **Marshall Grossman**, an A-list entertainment attorney who likes to hold mediations at his beach house. "One of the more memorable ones was for [my client] **Mariah Carey** and EMI. We had a very successful mediation here with **Bert Fields**. We got the case settled, and Mariah was walking around the beach with her Hello Kitty boombox."

However, amid all the fun, an increasingly troubling undercurrent has been at play at Broad for decades. In the mid-'70s the beach began eroding, its shoreline in time advancing inland 65 feet. The loss was mostly steady, each winter's storms methodically depleting the coast (aside from several El Nino events that took sizable tolls), though the process has accelerated within the past 10 years.

STORY: Mr. Chow Moving Into Nobu's Soon-to-Be-Former Space in Malibu (Exclusive) ^[6]

Alarmed, residents eventually began fighting back with sandbags and sand berms, a decision that in 2005 ran afoul of the California Coastal Commission's Coastal Act, resulting in a lawsuit against the homeowners' association for moving public beach. The Commission then issued emergency permits for more sandbags and other temporary protections -- many of which property owners never removed, despite the fact that the not-so-temporary protections were violating state law. "It's been a troublesome location," observes **Pat Veasart**, Southern California district enforcement supervisor for the CCC.

It also has been troublesome for public access advocates. As the mean high tide line -- the edge of the wet sand -- advanced over the years toward the houses and in time nearly abutted them, the public was pushed inland, too. (The Coastal Act mandates that any land seaward of the line belongs to everyone.) Wary property owners took to installing no-trespassing signage along the beach to clearly demarcate their territory and had the homeowners association hire private security to patrol its borders on ATVs. Many nonresidents found the signs misleadingly placed and the rent-a-cops hostile. (Access issues have arisen in recent years elsewhere along the toniest sections of the Malibu coast, most famously when **David Geffen** lost a lawsuit and was forced to allow a public walkway to be built alongside his Carbon Beach compound in 2005.)

Still, a 2010 storm, which took yet more sand and seriously damaged two Broad houses, proved decisive. The distraught homeowners spent \$4 million creating, under yet another emergency permit, what's known as a "revetment" -- essentially a 36,000-ton rock seawall running in front of their homes almost the entire length of the beach. More than 30 feet wide and in places up to 17 feet tall, it's ugly and tricky to traverse without twisting an ankle. But it has held the erosion at bay. (The homeowners plan to cover this revetment in sand and re-create the characteristic dunes, which have all but disappeared, on top.)

Yet according to a prominent local real estate agent who declined to be named so as not to jeopardize relationships on the beach, the bad buzz has hurt property values at Broad, which already had taken a beating from the recession and the erosion. "It's got a stigma right now, with all of this uncertainty about the future of the beach," the agent says of buyers' hesitation. "People are avoiding it."

STORY: Anchor Bay Seeks \$3 Million Malibu Home as Penalty for 'U.N.C.L.E.' Deception ^[7]

By 2010, residents had had enough. They needed a true fix. So they organized themselves into a legal entity called a Geologic Hazard Abatement District (GHAD) with the authority to assess what turned out to be \$20 million in fees apportioned by each homeowner's total footage of beachfront. The board of directors includes Levitan, Grossman, local commercial property developer **Zan Marquis**, Global Icons CEO **Jeff Lotman** (whose agency represents the branding interests of the Hollywood Sign and Walk of Fame) and lawyer **Norton Karno** (known for his work on behalf of the Church of Scientology, he was named by **L. Ron Hubbard** as the executor of his will). The goal is nothing less than a complete rebuilding of the Broad Beach from four decades ago -- one that might be better equipped to withstand the ravages of nature.

[pagebreak]

But it's not so simple. Critics of the homeowners' plan begin at sea. Although Ehrlich claims "offshore sand is abundant, and bringing it onshore has got fewer environmental impacts than taking it from somewhere inland" and even goes so far as to suggest that Broad's approach could serve as a model for the California coastline moving forward. **S. Jeffress Williams**, a coastal scientist at the U.S. Geological Survey who's a national expert in offshore sand deposits, disagrees. "The sand resources off the California coast are quite limited," he says. "If you map the seafloor, there are a lot of areas where there's nothing, just bedrock, and you can't just dredge any material you can find. It has to be compatible with the native beach: the right grain size, the right composition of minerals, the right gradation of sediment."

Furthermore, those who have this rather precious resource nearby, such as well-heeled Manhattan Beach, aren't too eager to let it go, in part because they might one day need it themselves. And, as Williams notes, once a pit is dredged, it typically refills with "the wrong kind of material" (often, comparatively more fine-grained sediment) that is not worth harvesting again for the same purpose. As Manhattan Beach Mayor **Wayne Powell** told the local *Daily Breeze* newspaper in September, "What I would say to the Broad Beach folks is, 'Keep on moving.'"

By mid-November, cowed by the prospect of a legal fight with the city to the south, the homeowners had given up on the Manhattan Beach site.

At Broad itself, environmentalists are concerned about how the new sand could affect critters in the tide pools by the northwest end of the beach. (On Jan. 1, the pools were just designated as a state marine protected area.) "They have several different important species living there," says **Sarah Sikich**, Heal the Bay's coastal resources director.

STORY: Opening Date for Nobu Malibu's New Beachfront Location Now Set for June (Exclusive) ^[10]

Advocacy groups and coastal erosion experts alike might be even more worked up about the beach's emergency rock revetment being kept permanently intact, as the homeowners wish. They believe the armoring should be removed -- or, if the property owners insist on keeping it, at least moved closer to their homes. (It currently straddles public and private land "in what is an absurdly seaward location," according to **Costas Synolakis**, a USC engineering professor specializing in beach erosion.) Abramson of the Santa Monica Bay Restoration Foundation argues that wherever such a revetment is found -- L.A.-area examples include the stretches abutting the seafront Chart House and Gladstone's

restaurants farther southeast -- the sand inevitably erodes. "The purpose of it is to protect the structures behind it, not the beach in front of it," he says. **Bill Patzert**, an oceanography researcher at the Jet Propulsion Laboratory, agrees: "Keep this seawall, lose the beach. It's pretty simple."

To all of this, Grossman professes a mixture of bafflement and irritation. "I can understand objections if we were unleashing wild animals or placing nuclear waste on the beach," he says. "But sand? Give us a break."

The homeowners insist the revetment is necessary to protect their homes. Also at issue: the underground septic tank systems in their backyards, which are in more imminent danger -- and pose a risk of polluting the ocean to boot. (Slow-growth-minded Malibu historically has opposed the creation of sewage lines, as it only encourages further development.) **Nancy Hastings**, the Southern California field coordinator for the Surfrider Foundation, offers an alternative solution. "Does this just delay the consideration of contemporary technologies that are already common in Third World countries without access to water: dry-composting toilets and waterless toilets?" she says. "And who better to be trying out this technology than these influential celebrities? It seems like a win-win."

The planned reconstituted dunes are another point of contention. Residents can't wait to have them back, partially for their beauty but also for the privacy. "I really liked that people could walk up and down the beach and couldn't look in my windows," says **Susan Disney Lord**, daughter of **Roy Disney**, who lives in a Cape Cod-style house once owned by **Neil Simon**. "On Carbon, people can look right in." Adds **Steve Needleman**, the owner of the Orpheum Theatre in downtown L.A., who calls **Billy Wilder's** former beach cottage home: "Who am I hiding from? I don't care. But I've seen how prying the paparazzi can be here, scoping people out with their long-range lenses."

STORY: George Rosenthal, Owner of Raleigh Studios and the Sunset Marquis, Lists Malibu Estate for \$59.5 Million ^[11]

The environmentalists are especially irked by the homeowners' proposals for the new dunes, which include 114 individual footpaths for each house (bisecting what is supposed to be an "environmentally sensitive habitat area," which the public is forbidden from walking on). In addition, they can't believe that the residents have asked for the ability to select plants from an approved list for the areas that front their property. One advocate notes: "Shouldn't a trained expert be selecting and placing all of these species simply with what's best in mind for the dunes? It shouldn't be, 'Oh, honey, this primrose would perfectly match our Ralph Lauren linens inside!'"

The residents, meanwhile, see their motives as pure. "We can't imagine there being a negative environmental impact to restoring the beach to its former self," says Levitan, flatly. "Here we are, taking this project on, doing something that will provide great benefit to the public in an incredibly environmentally sensitive way, and we're not asking for one penny of taxpayer dollars. It's a no-brainer."

Regardless, critics believe that in an era of global warming and rising sea levels, any artificial restoration of the beach is simply futile, and they note that Broad's residents essentially have admitted as much, since their plan, which only funds the initial restoration plus an additional round of sand nourishment a decade later, is at its best a perpetual stopgap measure. Thus, they wonder why other ideas aren't at least being considered.

"That kind of property is worth a lot of dough, so putting money into it to retain it is a reasonable investment," says Abramson. "But perhaps raising their houses" -- on, say, stilts -- "would make more sense?" Some environmentalists go much further, advocating what's known as "strategic retreat." In other words, abandoning oceanfront property as a loss before it might be consumed by the sea (though no one can predict when that might happen, if ever).

Above all, many believe the plan to schlep in more sand every 10 years is naive. The State Lands Commission's report itself explains that "the beach could narrow to present conditions, at least at the west end, within three years." As JPL's Patzert observes: "Mother Nature has a tendency to beat you. A big El Nino season could undo it all. One winter could sweep all of these millions right back out into the ocean."

STORY: Jim Carrey Lists Malibu Colony House for \$13.95 Million ^[12]

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A WHO'S WHO OF MALIBU'S OTHER BEACHES

The Colony

- **Who's There:** Jason Statham, producers Brian Grazer and Neal Moritz, former Univision CEO Jerrold Perenchio, former Viacom chair Jonathan Dolgen
- **Median Home Value:** \$10.8 million
- **Why It Sizzles:** Unlike Carbon Beach, it's set back from the Pacific Coast Highway, and it's on a private street, which gives it an advantage over Malibu Road properties (Mel Brooks is down that way) on the same stretch of sand where the median value is only \$7.3 million. The neighborhood's July 4 tennis tournament -- the clubhouse is the home of Lighthouse Entertainment's Steven Siebert and his wife, Gersh partner Leslie -- is a hot ticket.

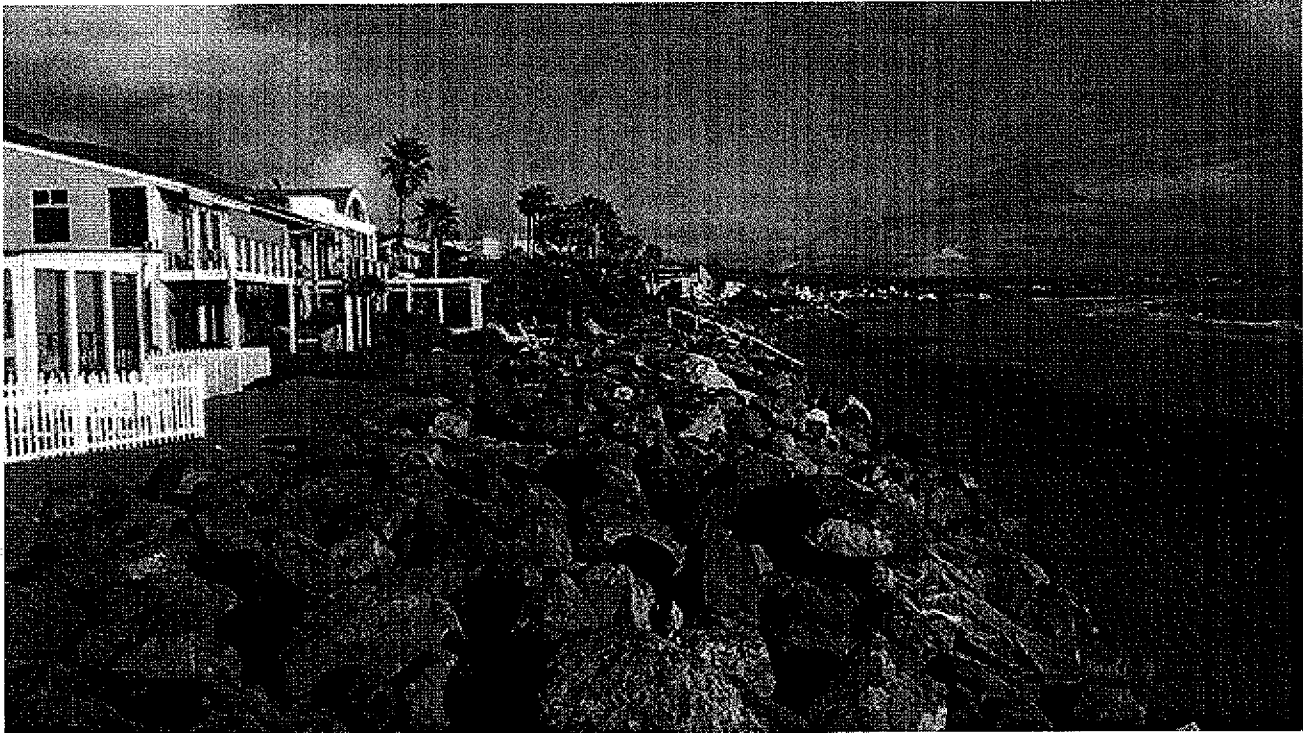
Carbon

- **Who's There:** Larry Ellison, David Geffen, Eli Broad, Haim Saban, lawyer Bert Fields, Jerry Bruckheimer, producer Bill Mechanic
- **Median Home Value:** \$9.5 million
- **Why It Sizzles:** Known as "Billionaire's Beach" for its adoptive species -- Geffen, Broad, Saban, Ellison -- it lies just east of Malibu Pier. In 2007, Geffen, unhappy with the overnight accommodations in the area, opened the posh Malibu Beach Inn. This past summer, Ellison, who picked up his ninth Carbon property for \$36.9 million in September, saw one of his commercial oceanfront parcels turned into the new Nobu, luring the likes of Larry David and Zoe Saldana.

La Costa

- **Who's There:** Relativity Media chief Ryan Kavanaugh, business manager George Savitsky, producer Tom Pollock, hospitality impresario Peter Morton
- **Median Home Value:** \$6.9 million
- **Why It Sizzles:** The stretch east of Carbon is best known for its eponymous private beach club, of which many neighbors are members. Prices steadily drop and the luminaries grow sparser the farther east buyers look along PCH. But those driving in

to Malibu from the Westside often prefer the quicker commutes of the city-proximate eastern beaches.

**Links:**

- [1] http://www.hollywoodreporter.com/print/395131#disqus_thread
- [2] http://pinterest.com/pin/create/button/?url=www.hollywoodreporter.com/news/steven-spielberg-dustin-hoffman-stars-395131&media=http://www.hollywoodreporter.com/sites/default/files/2012/11/beachmain_a.jpg&description=Ma
- [3] <http://www.hollywoodreporter.com>
- [4] <http://www.hollywoodreporter.com/news/real-estate-notes-tim-allen-387456>
- [5] <http://www.hollywoodreporter.com/news/pierce-brosnan-malibu-broad-beach-337972>
- [6] <http://www.hollywoodreporter.com/news/mr-chow-malibu-nobu-359243>
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- [10] <http://www.hollywoodreporter.com/news/nobu-malibu-opening-june-robert-de-niro-318771>
- [11] <http://www.hollywoodreporter.com/news/george-roenthal-malibu-wine-estate-listed-349157>
- [12] <http://www.hollywoodreporter.com/news/jim-carrey-malibu-house-for-sale-336454>
- [13] <http://www.hollywoodreporter.com/gallery/summer-beach-reads-books-331816>

November 29, 2012 10:49 AM

Sand a hot commodity in wake of storms, widespread erosion

PLAY CBS NEWS VIDEO

(CBS News) One month ago, superstorm Sandy slammed into the East Coast. It killed at least 125 Americans, and caused at least \$62 billion in damage. Sandy also destroyed 100 miles of shoreline. Fixing those beaches will require a lot of sand, which is becoming harder to find on the U.S. East Coast -- and the West.

Jefferson Wagner has surfed the waters off Malibu, Calif., since the 1960s and is the town's former mayor. He said, "The ocean is going to come back and claim its territory no matter what you do."

Wagner took CBS News to Malibu's Broad Beach, which no longer lives up to its name. Now, low tide is the only time you can find a sliver of sand to sit on. The public beach is being battered by increasingly strong storms and rising sea levels, threatening multimillion-dollar homes. Those same homes are blocking the natural replenishment of sand from the canyons above. So with every wave and every tide, the beach is being erased.

Much of Broad Beach's sand ended up at Zuma Beach about a mile down the coast. This beach is owned by Los Angeles County, and it doesn't plan to give the sand back.

Broad Beach has deep pockets. It's been home to Hollywood's elite: Stephen Spielberg, Pierce Brosnan, Dustin Hoffman and Sylvester Stallone. A year ago, homeowners built a two-mile-long rock wall to protect their property. Now they've taxed themselves an estimated \$20 million, so they can go shopping for sand. They tried Manhattan Beach 35 miles down the coast where they planned to dredge offshore. After all, back in the 1920s Manhattan Beach sent its sand west to build Hawaii's Waikiki Beach. But this time, the town's mayor drew a line, yes, in the sand.

Manhattan Beach Mayor Wayne Powell said, "Malibu tried to steal our sand and all the money in Malibu cannot buy Manhattan Beach sand. They could go to the desert and get plenty of sand there."

There are likely willing sellers out in the Mojave Desert, but it would take about 60,000 truck loads to bring in the 600,000 cubic yards of sand Broad Beach needs.

Sand is now a hot commodity on the East Coast. Hurricane Sandy washed away entire beaches along the New Jersey and New York shorelines. After the storm, CBS News saw the damage firsthand on New Jersey's Long Beach Island. When Hurricane Sandy hit Long Beach Island, the storm plowed through sand dunes and the beach, not only destroying houses, but filling almost all of the streets with mountains of sand. Some of that sand will be used to restore beaches and dunes, but there is now a debate as to how much of the shoreline can or should be rebuilt. It's estimated to cost \$8 million per mile. Meanwhile, sea levels are expected to rise and storms intensify as the climate changes and further erodes the country's coasts.

Wagner said on the West Coast, "We're seeing it here. There's no denying it any longer."

Wagner says there's a reason even Broad Beach money can't buy a solution to its sand problem. "It's finally starting to sink in that it's not going to be an easy task," he said. "Nobody is willing to give up this asset. This is why people come to the beach."

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AGENDA ITEM 11a

Broad Beach GHAD
 Projection thru 12/31/12
 AS of: 11/28/12

	Actuals Paid FS Transferred, 2011	Actuals Paid Nov 2011-Oct 2012	Projection Nov,2012	Projection Dec, 2012	Totals
Uses:					
Expenses transferred from FS acct-2011					-
Moffatt & Nichols-Approved	1,569,530	172,702			1,742,232
Moffatt & Nichols-Projected		644,628	464,181		1,108,809
Moffatt & Nichols-Final Engr & Constr Documents/Bid		81,000		99,000	180,000
Moffatt & Nichols-Constr Support/Mgmt/Monitor/Surveys				250,000	250,000
Project Construction-Hard Cost					-
Project Construction-20% Contingency					-
GHAD Bond Legal					-
GHAD Bond Underwriting					-
Jeffer Mangels	346,060	673,775	59,704	40,000	1,119,539
ENGEO	49,867	55,248	3,005	5,117	113,237
Morgan, Miller & Blair	53,590	13,189			66,779
Bell, McAndrews & Hiltachk		2,500			2,500
Wendel Rosen	1,694	39,798			41,492
Colantuono & Levin, PC		7,478			7,478
PSOMAS					-
Fee-City of Malibu	17,584				17,584
Fee-Coastal Commission		40,000			40,000
Fee-Water Board		58,340			58,340
Fee-Fish & Game			7,172		7,172
Fee-Army Corp of Engr ?					-
Fee- LA County Fees for using Bulldozer on beach?					-
Fee- State Lands Commission additional Permit fees					-
State Lands Comm-Staff Costs	79,343	139,765	15,577		234,685
ER Consultant- AMEC Earth & Environ	190,324	101,142	96,800		388,267
Quality Mapping	14,894	1,176			16,110
Topanga Underground	3,000	7,000			10,000
AON-E&O Insurance	6,286	7,509			13,795
Line of Credit-fee/costs/Interest		11,814	860	1,000	13,674
Office / Phone/Web Site/Coping/Transcripts		5,496	39	40	5,575
Accounting Administration		11,823	1,800	1,800	15,423
Soft Cost Contingency					-
Total Uses	2,332,212	2,074,381	649,138	896,957	5,452,688
Sources of Cash:					
Advances from Individual Homeowners (Actuals)	1,580,278	1,436,750			3,017,028
Addl Advances from Individual Revetment Homeowners	261,579				261,579
Advances from TPOA General Fund	550,000	200,000			750,000
Advance - L of C/Loan (8al-\$2,589,000)		411,000	338,000		749,000
GHAD Bond					-
GHAD ASSESSMENTS					-
Repayment of Advances to Homeowners					-
Repayment of Advances to TPOA General Fund					-
Total Sources	2,391,857	2,047,750	338,000		4,777,607
Cumulative Running Balance	59,645	33,014	(278,124)	(675,081)	(675,081)

**Broad Beach GHAD
Cash Flow**

Cash in Bank : 9/30/12 255,369.63

Sources of Cash:

Advances from Individual Homeowners (Actuals) -
Advances from Line of Credit -

Invoices Paid thru 10/31/12

Paid

Moffatt & Nichols	166,409.21
Jeffer Mangels	38,408.96
ENGEO	1,020.00
State Lands Comm-Staff Costs	7,588.54
AON Risk Insur - D&O	7,509.00
Verizon	38.34
Barbara Hamm-reimb Time & Expenses	800.63
Bank charges/Int on Line of Credit	580.89

Cash Paid Out (222,355.57)

Cash Balance as of 10/31/12 33,014.06

Sources of Cash:

Advances from Individual Homeowners -
Advance from Line of Credit/Loan 11/28/2012 338,000.00

Current Payables in hand:

ENGEO	3,005.00
Moffatt & Nichol	171,570.54
Jeffer Mangels	59,703.94
State Lands Comm-Consulting Costs	96,800.41
State Lands Comm-Staff Costs	15,577.16
Verizon	38.57

Total Invoices Due (346,695.62)

Estimated Cash on Hand - 11/13/12 24,318.44

Forecasted Invoices thru Nov

Moffatt & Nichols	292,610.25
Fee-Fish & Game	7,172.00
Administration	2,660.40

Total Forecasted (302,442.65)

Estimated Cash on Hand - 11/30/12 (278,124.21)