

**CALIFORNIA COASTAL COMMISSION**

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# Th 13a

**DATE:** September 22, 2009

**TO:** Commissioners and Interested Persons

**FROM:** John Ainsworth, Deputy Director  
Steve Hudson, South Central District Manager  
Barbara Carey, Supervisor, Planning and Regulation  
Patrick Veear, Supervisor, Enforcement

**SUBJECT:** Revised Findings for City of Malibu Local Coastal Program Amendment MAL-MAJ-1-08 for Public Hearing and Commission Action at the October 2009 Commission Meeting in Oceanside

**DATE OF COMMISSION ACTION:** June 10, 2009 in Marina del Rey

**COMMISSION DECISION:** At the Commission hearing of June 10, 2009, the Commission reviewed City of Malibu Local Coastal Program Amendment (“LCPA”) MAL-MAJ-1-08, proposed by the Santa Monica Mountains Conservancy (“the Conservancy”) and the Mountains Recreation and Conservation Authority (“MRCA”) as an “override” pursuant to California Public Resources Code Section 30515 and the Commission’s implementing regulations, and Commission staff’s recommendation regarding that LCPA. The proposed LCPA established an overlay over certain public park areas within the City (the “Overlay”) and added policies and standards to “enhance public access and recreation opportunities to and within existing parklands and recreation areas subject to the Overlay.” Commission staff had recommended approval with revisions. Public testimony included a suggestion that Malibu Bluffs Park, an 84-acre open space parcel owned by the Conservancy overlooking the ocean adjacent to Pacific Coast Highway and the City’s Bluff Park, be considered as a potential alternative location for future campsites within parkland in the Malibu area. The Executive Director/Officer of the applicant (Conservancy/MRCA) agreed that the area was appropriate for camping and formally amended the proposed LCPA at the hearing to include this area. The Commission approved the LCPA with the revisions proposed by staff in the staff recommendation and the addition of Malibu Bluffs Park to the Overlay, as proposed by the applicant.

**COMMISSIONERS ON PREVAILING SIDE:** The Commissioners on the prevailing side of the vote on the Land Use Plan amendment were: Achadjian, Blank, Burke, Clark, Hueso, Kram, Kruer, Mirkarimi, Potter, Shallenberger, Wan, and Chair Neely.

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 2**

The Commissioners on the prevailing side of the vote on the Local Implementation Plan amendment were: Achadjian, Blank, Burke, Clark, Hueso, Kram, Kruer, Mirkarimi, Potter, Shallenberger, Wan, and Chair Neely.

**PROCEDURAL NOTE:** Adoption of the Revised Findings requires a majority vote of Commission members who were both on the prevailing side and who are also present at the October, 2009 Commission hearing at which these Revised Findings are adopted, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The staff recommendation, motion, and resolution are located starting on **page 12** of this report.

**STAFF NOTE**

This request by the Santa Monica Mountains Conservancy ("Conservancy") and the Mountains Recreation and Conservation Authority ("MRCA") to amend the City of Malibu Local Coastal Program ("LCP") differed from most LCP amendment requests in that an entity other than the local government itself was making the request. The Coastal Act<sup>1</sup> allows for such amendment requests where such an entity is a "...person authorized to undertake a public works project or proposing an energy facility development...if the purpose of the proposed amendment is to meet a public need of an area greater than that included within such certified local coastal program..." The law allows such amendments because it is the Coastal Commission's role to apply a regional or statewide perspective to land use debates where the use in question is of greater than local significance. Whereas local governments are generally constrained to plan the use of land only within their corporate boundaries, the Commission was created, in part, to take a broader view in making land use decisions for California's coastline.

**DESCRIPTION OF THE SUBMITTAL**

The Conservancy/MRCA proposal to amend Malibu's certified LCP ("the LCPA") consisted of changes to the Land Use Plan ("LUP") and the Local Implementation Plan ("LIP") to include land use policies and development standards for a Malibu Parks Public Access Enhancement Plan Overlay. The proposed Overlay included comprehensive policies and development standards for public access and recreation-oriented development within specific park properties and recreation areas within the City of Malibu including Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, and eventually Malibu Bluffs Park as well. The Overlay policies further identified specific actions necessary to implement improvements intended to enhance public access and recreation opportunities throughout the area covered by the Overlay including: creation of an interconnected system of parks, open space, trails, and habitats; improvement of alternative methods of transportation between parklands in the

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<sup>1</sup> The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further references to the Coastal Act are to that code.

area and; identification of recreational facility and program improvements for the park properties in the area to better support existing recreational demand and to facilitate an increased level of accessibility for disabled visitors at all properties. Finally, the proposed Overlay addressed the administrative and public outreach program uses at Ramirez Canyon Park that were previously the subject of coastal development permit (CDP) 4-98-334, issued by the Coastal Commission on February 5, 2001, but subsequently set aside (in 2005) pursuant to court order.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's action of June 10, 2009, approving City of Malibu LCP Amendment 1-08, **with revisions**. The motion to accomplish this recommendation is found starting on **page 12**. The revisions suggested by staff and adopted by the Commission are found starting on **page 13 (LUP) and page 16 (LIP)**.

### **STANDARD OF REVIEW**

For the proposed Land Use Plan amendment, the standard of review is conformance with and satisfaction of the requirements of Chapter 3 policies of the Coastal Act. For the proposed Implementation Plan amendment, the standard of review is conformance with and adequacy to carry out the provisions of the certified Malibu Land Use Plan, as amended.

### **ADDITIONAL INFORMATION**

Copies of the staff report are available online on the Coastal Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) or at the South Central Coast District office located at 89 South California St., Second Floor, Ventura, CA 93001. For additional information, contact Patrick Veasart in the Ventura office at (805) 585-1800.

### **SUBSTANTIVE FILE DOCUMENTS**

The Proposed LCPA, including LUP and LIP Policy revisions and additions and the Malibu Parks Public Access Enhancement Plan Overlay District Public Parkland Map (Park Lands Map 5) and Trail Resources Map (Park Lands Map 6); Resolution No. 07-114 of the Conservancy; Resolution No. 08-05 of the MRCA; Resolution No. 08-08 of the Conservancy; Resolution No. 08-20 of the MRCA; the California Coastal Commission staff report dated May 28, 2009 for MAL-MAJ-1-08, the addendum dated June 10, 2009, and the exhibits - as approved by the Commission on June 10, 2009.

## **TABLE OF CONTENTS**

<b>I. PROCEDURAL ISSUES.....</b>	<b>5</b>
A. STANDARD OF REVIEW/OVERRIDE PROCEDURES.....	5
B. PUBLIC PARTICIPATION .....	10
<b>II. STAFF RECOMMENDATION, MOTION, AND RESOLUTION .....</b>	<b>12</b>
<b>III. REVISIONS RECOMMENDED BY STAFF AND ADOPTED BY THE COMMISSION.....</b>	<b>13</b>
A. REVISIONS TO THE LAND USE PLAN AMENDMENT .....	13
B. REVISIONS TO THE LOCAL IMPLEMENTATION PLAN AMENDMENT .....	16
<b>IV. FINDINGS FOR APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT AS REVISED .....</b>	<b>47</b>
A. AMENDMENT DESCRIPTION AND HISTORY.....	47
B. DESCRIPTION AND HISTORY OF PARKLANDS INCLUDED IN THE MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN OVERLAY .....	52
C. THE PROPOSED LCP AMENDMENT QUALIFIES FOR PROCESSING PURSUANT TO THE “OVERRIDE” PROCEDURE OF PRC SECTION 30515 .....	63
1. The Conservancy and MRCA are authorized to initiate this process.....	64
2. The Conservancy and the MRCA did not anticipate this need in 2002.....	65
D. PROCEDURAL REQUIREMENTS HAVE BEEN SATISFIED .....	66
E. THE PROPOSED LCP AMENDMENT SATISFIES THE FINDINGS REQUIRED BY 14 CCR SECTION 13666.4.....	67
1. The proposed LCP amendment is designed to meet a public need of a geographic area greater than that included within the certified LCP and does address that need.....	68
2. The proposal, as revised, is in conformity with the policies in Chapter 3 of the Coastal Act and would establish a system adequate to carry out these policies .....	70
a. Public Access and Recreation.....	70
b. Environmentally Sensitive Habitat Areas .....	89
c. Visual Resources .....	99
d. Hazards.....	104
e. Water Quality.....	112
f. New Development .....	119
g. Archaeological Resources.....	124
h. Conclusion Regarding Conformity with Chapter Three Policies of the Coastal Act.	126
3. There is no feasible, less environmentally damaging alternative means of addressing the needs at issue .....	126
4. Failure to approve an amendment designed to satisfy the needs at issue would adversely affect the public welfare .....	130
<b>V. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....</b>	<b>131</b>

## I. PROCEDURAL ISSUES

### A. STANDARD OF REVIEW/OVERRIDE PROCEDURES

REVIEW REQUIREMENTS FOR LCP AMENDMENTS SUBMITTED PURSUANT TO  
PUBLIC RESOURCES CODE SECTION 30515 AND CALIFORNIA CODE OF  
REGULATIONS, TITLE 14, SECTIONS 13666 ET SEQ.

California Public Resources Code (“PRC”) Section 30515 and California Code of Regulation, Title 14 (“14 CCR”) Section 13666 *et seq.* govern the submittal of LCP amendments by persons authorized to undertake public works projects that require an LCP amendment. This section of the Coastal Act allows a very limited group of people to request the Commission to amend any portion of a local jurisdiction’s LCP (including its LUP, implementing ordinances etc.). PRC Section 30114 defines “public works.”

PRC Section 30515

**Amendment for public works project or energy facility development**

***Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.***

***If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.***

14 CCR Section 13666

**Certified Local Coastal Program (LCP) Amendment "Override" Procedures**

**13666. Applicability.**

***These procedures are applicable to persons authorized to undertake a public works project or proposing energy facility development that requires LCP amendments provided that the development meets the following two requirements:***

***(1) unanticipated by the person proposing the development at the time the LCP was before the Commission for certification.***

***(2) meets the public needs of an area greater than that included in the certified LCP.***

***All other developments requiring an amendment to the certified LCP shall follow the LCP amendment procedures of the affected local government and the Commission.***

PRC Section 30114 (in part)

***"Public works" means the following:***

***(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.***

Thus, there are two groups of persons who may request an LCP amendment under PRC Section 30515 and 14 CCR 13666: those "authorized to undertake" public works projects and those "proposing" the development of energy facilities. However, there is no requirement that a "person authorized to undertake a public works project" propose a project at the time of their request for an LCP amendment – unlike those persons who may request an LCP amendment for the purposes of developing energy facilities who must have an accompanying project. The Santa Monica Mountains Conservancy ("Conservancy") and the Mountains Recreation and Conservation Authority ("MRCA") are "persons" (as defined in PRC Section 30111) that can undertake public works projects (in this case, publicly financed recreational facilities). In addition, the MRCA is a "special district" as defined by Coastal Act Section 30118.

Proposed LCP Amendments submitted pursuant to PRC Section 30515 and 14 CCR Section 13666 are required to be processed according to the LCP regulations, i.e., 14 CCR Chapter 8, Subchapter 2, Articles 1-18.

14 CCR Section 13666.3

**13666.3. Commission Review.**

***Commission review shall be undertaken only after consultation with the affected local government and review shall be conducted according to the LCP regulations. A local government resolution is not required if the local government fails to act within 90 days as specified in 13666.2(a).***

14 CCR Chapter 8, Subchapter 2, Article 1, Section 13500

***Pursuant to Public Resources Code Sections 30550 [sic], 30602, and 30606, this subchapter shall govern the submission, review, certification, and amendment of local coastal programs (LCPs) and state university or college long range land use development plans (LRDPs) and the procedures for review of developments in accordance with such plans and programs.***

Even so, there are certain exceptions where Articles 1-18, or portions thereof, may not apply. For instance, where reference is made to required information or resolutions from the “local government” or “governing authority”, these may not apply to an applicant submitting an LCP amendment application under PRC Section 30515 and 14 CCR 13666 because, necessarily, such an applicant is not a “local government or “governing authority”. PRC Section 30109 defines “local government” as “any chartered or general law city, chartered or general law county, or any city and county.” 14 CCR Section 13502(a) defines “governing authority” as “the Board of Regents of the University of California or the Board of Trustees of the California State University and Colleges or their designated representatives.” The Conservancy/MRCA is none of those. Nevertheless, the Conservancy/MRCA must supply the Commission with sufficient information to enable the Commission to analyze the proposed LCP amendment in light of the applicable LCP regulations, recognizing that a proposed LCP amendment submitted under PRC Section 30515 and 14 CCR Section 13666 is an extraordinary procedure that is likely to be resisted by the local government.

14 CCR Section 13666.4 requires that specific, factual, findings be made if the Commission is to approve (or approve as modified) an LCP amendment submitted pursuant to PRC Section 30515 including a finding that it conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

14 CCR Section 13666.4

**13666.4. Required Findings.**

***(a) If the recommendation is for Commission approval as proposed or modified (i.e., conditioned), the recommendation shall be accompanied by specific factual findings and reasoning which, after a careful balancing of social, economic and environmental effects, supports the following conclusions:***

***(1) development meets a public need of a geographic area greater than that included within the certified LCP.***

***(2) development conforms with and is adequate to carry out the policies of Public Resources Code Section 30200 et seq.***

***(3) if significant adverse environmental impacts have been identified, reasonable alternatives have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging way to meet the public need. If the development will have no significant adverse environmental impact, findings shall be included which support that conclusion.***

***(4) disapproval would adversely affect the public welfare as identified in the findings, declarations, and general provisions of the Coastal Act (Public Resources Code Section 30000 et seq.) and the California Coastal Management Program, if applicable.***

***(b) If the recommendation is for Commission denial, the recommendation shall state specifically the grounds for denial, based upon the findings and relevant facts which after a careful balancing of social economic and environmental effects support the conclusions listed in Section 13666.4.***

In addition, 14 CCR Section 13511(c) requires that the LUP component of an LCP be capable of carrying out the policies of Chapter 3 of the Coastal Act, and that the zoning ordinances and zoning district map (LIP) be in conformance with and adequate to carry out the provisions of the certified LUP.

14 CCR Section 13511(c) (in part)

#### **13511. Common Methodology**

***(c) With regard to LCPs, the level and pattern of development selected by the local government shall be reflected in a land use plan, zoning ordinances and zoning district maps. The local coastal program shall include measures necessary to achieve conformity with the policies of Chapter 3 of the California Coastal Act of 1976; such measures shall be based on the authority inherent in the reasonable exercise of police power, and specifically to the authority provided in the California Coastal Act of 1976 to control or prevent uses harmful to the coastal resources of the state.***

***(1) The land use plan component of a local coastal program shall incorporate a statement of applicable development and resource protection policies in the substantive text or geographic provisions of the general plan, including as may be appropriate in each jurisdiction the mandatory or optional elements of a general plan as provided in Government Code***

***Sections 65301-65303 and 65560-65567, that are capable of carrying out the policies of Chapter 3 of the California Coastal Act of 1976.***

***(2) The zoning ordinances and zoning district map shall conform with and be adequate to carry out the policies, objectives, principles, standards and plan proposals set forth in the land use plan...***

The subject LCP amendment includes proposals for new policies and/or modifications to existing policies of both the LUP and LIP portions of the City of Malibu's certified LCP. Therefore, the standard of review that the Commission uses in reviewing the proposed LUP changes is whether the LUP, as amended, would be consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendments to the LIP of the certified Local Coastal Program is whether the proposed amended IP would be in conformance with, and adequate to carry out, the provisions of the LUP portion of the certified City of Malibu Local Coastal Program. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified City of Malibu LUP as guiding policies.

ABILITY OF THE COMMISSION TO MODIFY A SUBMITTAL UNDER PUBLIC  
RESOURCES CODE SECTION 30515

The action before the Commission is only the second LCP amendment ever submitted pursuant to PRC Section 30515. That section creates a fundamentally different procedure for amending LCPs than those typically reviewed by the Commission, which are adopted and submitted by local governments and do not become effective "...until it has been certified by the Commission." (PRC Section 30514(a)) Under that process, the Commission "may suggest modifications, which, if adopted by the local government and transmitted to the Commission, shall cause the amendment, as modified, to be certified upon confirmation by the Executive Director (PRC Sections 50512 and 30513).

By way of contrast, the LCP amendment before the Commission was not adopted and submitted by a local government as that term is defined in Section 30109. Instead, it has been submitted by a "person authorized to undertake a public works project..." following the local government's failure to amend its LCP to incorporate a requested change pursuant to PRC Section 30515.

The Commission's regulations contemplate that the Commission may approve an amendment request submitted pursuant to Section 30515, deny it, or modify it and approve it as modified. (14 CCR Section 13666.4) The procedure of modifying an LCP amendment request submitted pursuant to Section 30515 differs from the procedure used for amendments submitted pursuant to Section 30514. In the latter action, the Commission is limited to suggesting modifications for subsequent local government adoption, whereas in the former, the Commission may actually modify or revise the submittal itself. In this staff report, staff has used the term "revise" rather than "modify" to avoid confusion between the procedures authorized by Sections 30514 and 30515.

\*\*See also Malibu LCP, LIP portion, section 19.7.3 ("LCP Amendments approved by the

Coastal Commission pursuant to [PRC] Section 30515 shall be effectively certified upon final action by the [Commission].”

This difference stems from the nature of the action that the Commission is undertaking when it reviews LCP amendments submitted pursuant to Section 30515. Because the requestor is not a local government (as defined in Section 30109), the requestor does not have the authority to adopt an LCP amendment, as the Legislature has required for LCP amendments submitted by local governments. Neither does the requestor have the authority to adopt modifications. Instead, in Section 30515, the Legislature established a procedure for the Commission to intermeditate between local governments and a limited, specified, class of requestors in order to consider the public needs of an area greater than that over which the local government has jurisdiction. In this limited circumstance, the Commission may adopt and certify an amendment to an LCP without the concurrence of the local government, but only after a careful balancing of the competing needs pursuant to the standards articulated in Section 30515.

The Legislature did not require that the revisions adopted by the Commission to amendments submitted pursuant to Section 30515 be approved by the local government that had already declined to adopt the requested LCP amendment. This would serve no purpose, as the local government, which had already denied the amendment could effectively preclude the implementation of the amendment by refusing to approve the revision. Instead, in order to effectuate the purpose of Section 30515, the Commission was granted authority to adopt and certify LCP amendments for the limited purposes set forth therein.

## **B. PUBLIC PARTICIPATION**

PRC Section 30503 and 14 CCR Section 13515 require public input in preparation, approval, certification and amendment of any LCP. The Conservancy and the MRCA began the public hearing process on the proposed Malibu Parks Public Access Enhancement Plan (“the Plan”) improvements (originally proposed as a Public Works Plan) with a publicly noticed meeting of the MRCA on February 17, 2006, and of the Conservancy on February 27, 2006 addressing a resolution to authorize a grant of Proposition 50 funds to initiate the formal planning and design phase for the Draft Plan which was subsequently drafted and posted on the MRCA website for public viewing on June 6, 2006. A public meeting was noticed and conducted by the MRCA on the Draft Plan in Thousand Oaks, California, on June 7, 2006.

On June 13, 2006 staff of the Conservancy and the MRCA met with City of Malibu staff to review and discuss the proposed Plan. The Draft Plan was revised in response to comments and letters received during the preceding hearings and meetings, and the revised draft was posted on the MRCA website for public viewing on July 25, 2006. An additional publicly noticed hearing on the Plan was conducted by the Conservancy on July 31, 2006 in Malibu to receive public comment on the Plan. A further public hearing was held on September 18, 2006 in Agoura Hills, California, concurrently by the

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 11**

Conservancy and the MRCA to discuss and provide direction regarding amendments to the Plan, and a hearing noticed to all property owners within 500 feet of the project was held in Malibu on October 23, 2006, to receive additional public comment on the Plan and proposed amendments.

Conservancy staff met with Los Angeles County Department of Parks and Recreation planning staff on October 31, 2006, to provide information on the Plan and to solicit the Department's comments, particularly regarding trail linkages and the County's Trail Plan (which is currently being updated as part of the County's Local Coastal Program planning process). The Office of Los Angeles County Supervisor Zev Yaroslavsky, Third District, was also provided with information on the Plan, including a presentation on November 9, 2006 at the quarterly Third District Parks Planning meeting with County staff, park agencies staff, nonprofit land trusts, and deputies for the Assemblymember and State Senator. An additional public hearing was held in Malibu on November 20, 2006. The Conservancy formally adopted the Plan on November 29, 2006.

Subsequent to these meetings, Conservancy and MRCA staff and the City of Malibu met to discuss the proposed Plan, resulting in revision of various elements of the Plan, particularly to include Charmlee Park as a major component of the Plan with new camping facilities in exchange for eliminating proposed camp facilities at Escondido Canyon Park, and to prepare and process an LCP amendment with the City of Malibu for incorporation of the Malibu Parks Public Access Enhancement Plan into the City's LCP through creation of an Overlay District. The LCP amendment (07-002) was filed with the City on April 23, 2007 and the City's review process resulted in a number of public meetings and hearings on the proposed Plan including a meeting before the City Environmental Review Board on July 25, 2007, a meeting with the City Planning Commission on October 9, 2007, a community workshop on November 10, 2007, and two hearings before the City Council on November 13, 2007 and December 5, 2007.

The City Council approved an LCP amendment at the December 5, 2007 hearing; however, the LCP amendment as approved by the City Council prohibited and/or deleted a number of the primary components of the proposed Plan intended to enhance public access and recreation in the Plan area. The City's action on the proposed LCP amendment request included a prohibition on all camping facilities and camping as a permitted use throughout the City of Malibu (with the exception of two (2) ADA campsites proposed at Ramirez Canyon Park that would be subject to conditional use permit requirements), deletion of public parking facilities necessary to support parkland and trail access for Escondido Canyon Park, and a reduction of public uses of Ramirez Canyon Park (as well as the requirement to build a new access road into Ramirez Canyon from Kanan-Dume Road prior to implementing those uses at Ramirez Canyon Park).

Following the December 5, 2007 action by the Malibu City Council on the proposed LCP Amendment, the Conservancy and the MRCA held a number of public hearings to discuss options for proceeding with the proposed Plan and Overlay District. Public hearings of the Conservancy and the MRCA were held on December 28, 2007 and

January 9, 2008, respectively, in which the Conservancy and the MRCA proceeded with project planning and design for development of additions and refinements of a Malibu Park Public Access Enhancement Plan Overlay District; additional project planning and design for another proposed LCP amendment, as an alternative to the one the City was submitting; and to authorize the Executive Director of the Conservancy and the MRCA to submit their alternative proposed Malibu LCP amendment to the Executive Director of the California Coastal Commission pursuant to the LCP override procedures of PRC Section 30515 and 14 CCR Section 13666 *et seq.* In taking this action the Conservancy and the MRCA found that the LCP amendment as adopted by the Malibu City Council on December 5, 2007 was contrary to the action of the Malibu Planning Commission, and effectively reduced the allowed uses of public parkland and restricted access to parks owned by the Conservancy and the MRCA.

Additional public hearings were noticed and held by the Conservancy and the MRCA on January 28, 2008 and February 6, 2008, respectively, in which the agencies reiterated their support and authorization for the Executive Director to submit the LCP Amendment to the Executive Director of the Coastal Commission pursuant to PRC Section 30515, finding that the amendment meets public needs of an area greater than that included within the certified Malibu LCP that had not been anticipated at the time the LCP was before the Commission for certification.

The Conservancy and the MRCA also received written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public by publishing the notice in the local newspaper and by mailing notice to interested parties, consistent with 14 CCR Section 13515. Notice of the Coastal Commission hearing(s) for LCP Amendment 1-08 was distributed to all known interested parties. The Commission conducted a public hearing on the LCP Amendment on June 10, 2009, after which the Commission voted to approve and certify both the Land Use Plan amendment and Implementation Plan amendment with revisions.

## **II. STAFF RECOMMENDATION, MOTION, AND RESOLUTION**

Staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to the resolution.

**MOTION:**        *I move that the Commission adopt the following revised findings in support of the Commission's action on June 10, 2009, to certify City of Malibu Local Coastal Program Amendment MAL-MAJ-1-08, including a Land Use Plan amendment and an Implementation Plan amendment, as revised in this staff report.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side who are also present at the October 7, 2009 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

The Commissioners voting on the prevailing side to approve the LCP amendment as revised were: **Commissioners Achadjian, Blank, Burke, Clark, Hueso, Kram, Kruer, Mirkarimi, Potter, Shallenberger, Wan, and Chair Neely.**

**RESOLUTION TO ADOPT REVISED FINDINGS:**

The Commission hereby adopts the findings set forth below for its approval of City of Malibu LCPA MAL-MAJ1-08 (including Land Use Plan amendment and Implementation plan amendment), as revised, on the ground that the findings support the Commission's decision and action made on June 10, 2009, and accurately reflect the reasons for it.

**III. REVISIONS RECOMMENDED BY STAFF AND ADOPTED BY THE COMMISSION**

This section shows all of the LCP changes that are being implemented through this LCPA. The straight text represents all of the changes and additions proposed by the Conservancy and MRCA. The **bolded underlined** text and the ~~struck-out text~~ is text that the Commission added or removed, respectively, and that text is the same as what was presented in the staff recommendation sent to the Commission in June, as the Commission's action was consistent with that staff recommendation. The **double-underlined** and ~~double-struck-out~~ text indicates additional changes that occurred during the June hearing. Thus, the specially formatted text shows both the changes proposed by Commission staff and adopted by the Commission on June 10, 2009, as well as changes adopted at the hearing.

**A. REVISIONS TO THE LAND USE PLAN AMENDMENT**

Note: The Local Coastal Program - City of Malibu Park Lands Maps 5 and 6 (**Exhibit 21**) have been revised to include Malibu Bluffs Park.

**Malibu Local Coastal Program Amendment- Land Use Plan**

**CHAPTER 5--NEW DEVELOPMENT**

## **C. Land Use Plan Policies**

### **1. Land Use Plan Map**

The Land Use Plan Map shows the land use designation for each property. The land use designation denotes the type, density and intensity of development that may be permitted for each property, consistent with all applicable LCP policies. An overlay is applied to the Civic Center area that allows for a mix of land uses and specific development standards if a specific plan or other comprehensive plan is developed, adopted, and certified as an LCP amendment for the area. An overlay is also applied to those parkland and recreation areas **generally included in the Local Coastal Program - City of Malibu Park Lands Maps 5 and 6** the Malibu Parks Public Access Enhancement **and specifically defined in Section 3.4.2(B) of the City of Malibu Local Coastal Program – Local Implementation Plan, that allows for**, a comprehensive plan developed to provide the framework for implementation of specific trail development, recreation support facility, transportation, and public program improvements for individual parklands and trail corridors for the benefit of public access and recreation consistent with the goals of the LCP and the Coastal Act. New development in the City shall be consistent with the Land Use Plan map, and all applicable LCP policies. Following is a description of the land use designations.

### **13. Malibu Parks Public Access Enhancement Plan Overlay Policies**

- 5.66** ~~The Malibu Parks Public Access Enhancement Plan shall~~ **Specific parkland, recreation, transportation, and trail improvement projects consistent with the Malibu Parks Public Access Enhancement Plan Overlay can be approved and implemented, as via a public works projects plan and notice of impending development (NOID) or a coastal development permit** to 1) develop public access and recreational facility improvements, including support facilities, needed to meet growing visitation and demands for recreational opportunities in the Santa Monica Mountains and Malibu area, 2) address potential impacts to coastal resources associated with recreational facility development, 3) provide alternative transportation opportunities to facilitate public access, 4) implement and maintain specialized public program uses intended to enhance and diversify access and recreation opportunities, and 5) balance the needs and concerns of private residents adjacent to public recreational lands with the need to promote and enhance public access and recreation opportunities in the Coastal Zone for all visitors
- 5.67** The Malibu Parks Public Access Enhancement Plan **Overlay** provides **for** policies and implementing measures that expand on the public access and recreation policies of the Malibu LCP which, **when implemented,** ~~shall be implemented to~~ **will** enhance public access and recreation opportunities to and within existing parklands and recreation areas subject to the overlay district for

use by local and non-local visitors, and for visitors with diverse backgrounds, interests, ages, and abilities.

- 5.68** ~~Park uses shall be established and maintained~~ consistent with the visitor carrying capacity of specific park areas taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, protection of natural resources, public safety issues, and neighborhood compatibility.
- 5.69** ~~Limited~~ Overnight campsites, including “low-impact” campsites, are defined as ~~principal~~ permitted uses in parklands subject to the Malibu Parks Public Access Enhancement Plan Overlay and should be developed within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized and where such sites can be designed within site constraints and to adequately address public safety issues. For purposes of this Overlay, low impact campsites (and associated support facilities including, where appropriate, picnic tables, potable water, self-contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations) are “carry-in carry-out” campsites accessed by foot or wheelchair and which have an educational or interpretative component including signage related to the natural resources of the Santa Monica Mountains. Low impact campsites, as defined, constitute a resource dependent use. Access to low impact campsites shall be supported by parking areas and designated ADA drop-offs located in non-ESHA areas.
- 5.70** In selected areas ~~W~~where physical constraints of natural park areas limit access opportunities for people with disabilities, park support facilities and amenities shall be developed and maintained, ~~where available and~~ consistent with public safety needs and resource protection policies, to provide access opportunities for people with disabilities, and thematically link nature study, education and recreation via specialized public programs and events.
- 5.71** Trails to and within public parklands, camp facilities, public outreach and educational programs and/or related support facilities (e.g. parking, public restrooms, picnic amenities, ranger/ maintenance supervisor housing, nature centers, administrative personnel facilities related to the daily operation and maintenance of parklands and park programs), and special programs and events conducted at Ramirez Canyon Park, are ~~defined as principal~~ permitted uses in the Malibu Parks Public Access Enhancement Plan Overlay and shall be permitted to be constructed, opened and operated for intended public use or benefit where it is determined feasible to locate, design, and maintain such facilities and uses so as to avoid, or minimize and fully mitigate, potential impacts to ESHA.

## **CHAPTER 2--PUBLIC ACCESS AND RECREATION**

### **7. Malibu Parks Public Access Enhancement Plan Overlay**

**2.90** The City, Santa Monica Mountains Conservancy, and Mountains Recreation and Conservation Authority, shall coordinate and consult with the National Park Service and the County of Los Angeles, and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the public access and recreational facility improvements identified in the Malibu Parks Public Access Enhancement Plan pursuant to an adopted and certified Overlay district.

### **LCP LUP PARK LANDS MAPS NO. 2**

Amend Local Coastal Program – City of Malibu Park Lands Maps to include trail segments as proposed by the Malibu Parks Public Access Enhancement Plan Public Parkland Map and Proposed Trail Resources Map as Maps 5 and 6, respectively.

Revise the Malibu Parks Public Access Enhancement Plan Proposed Trail Resources Map to include a note that states:

*This map includes those public parklands, recreation areas and trail segments subject to the Malibu Parks Public Access Enhancement Plan Overlay, the specific boundaries of which are as described in Section 3.4.2.B of the City of Malibu Local Coastal Program-Local Implementation Plan.*

## **B. REVISIONS TO THE LOCAL IMPLEMENTATION PLAN AMENDMENT**

Note: The Local Coastal Program - City of Malibu Park Lands Maps 5 and 6 referenced in the LIP (**Exhibit 21**) have been revised to include Malibu Bluffs Park.

### **City of Malibu Local Coastal Program-Local Implementation Plan**

#### **CHAPTER 3-ZONING DESIGNATIONS AND PERMITTED USES**

##### **3.4.2 Malibu Parks Public Access Enhancement Plan Overlay**

###### **A. Purpose**

**A1.** The purpose of the Malibu Parks Public Access Enhancement Plan Overlay Zone is to maximize and prioritize public access and recreational opportunities in specific parkland and recreation areas as defined in Section 3.4.2.B below (Plan area). This Overlay District implements the land use policies of the certified Malibu Land Use Plan ~~Malibu Parks Public Access Enhancement Plan~~, consistent with sound resource conservation principles and constitutionally protected rights of private property owners. This Overlay District shall further supplement and implement the public access and recreation policies of Chapter 3 of the Coastal Act, Chapter 2 of the Malibu Local Coastal Program Land Use Plan, and Chapter 12 the Malibu Local Coastal Program Local Implementation Plan. ~~This ordinance shall be given the most liberal construction possible to ensure that public access and public recreational opportunities are protected and provided consistent with the goals, objectives, and policies of the Malibu Parks Public Access Enhancement Plan, the California Coastal Act, City of Malibu Local Coastal Program, and Article X, Section 4, of the California Constitution.~~

**B2.** To better implement the goals, objectives, and policies of the ~~Malibu Parks Public Access Enhancement Plan and the public access and recreation policies of Chapter 3 of the Coastal Act, and Chapter 2 of the Malibu Local Coastal Program Land Use Plan,~~ this Overlay District provides site specific development standards and other implementation measures to 1) complete trail connections for the Coastal Slope Trail, between the beach and the Backbone Trail, and other connector trails and to ensure adjacent lands are protected as natural and scenic areas to enhance the recreational experience of trail corridors, and 2) identify site specific public access, recreational facility, and program improvements for Ramirez Canyon Park, Escondido Canyon Park, ~~and Corral Canyon Park~~ and Malibu Bluffs Park ~~subject to the Malibu Parks Public Access Enhancement Plan Overlay~~ to provide camp areas, critical support facilities, improved public transit, and improved trail and park accessibility to facilitate an increased level of accessibility for visitors with disabilities. The Malibu Parks Public Access Enhancement Plan Overlay further specifies the uses and facilities to be accommodated by park-specific projects, and provisions to ensure project implementation is carried out consistent with all applicable coastal resource protection, ~~hazards and land use~~ policies of the Coastal Act and the certified Malibu Local Coastal Program.

## **B. Description of Area Subject to Section 3.4.2**

The provisions of this Overlay District shall apply to those public parklands and recreation areas illustrated generally on the Local Coastal Program - City of Malibu Park Lands Maps 5 and 6 ~~Malibu Parks Public Access Enhancement Plan Overlay Public Parkland Map and Proposed Trail Resources Map~~, extending from the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area to Corral Canyon Park, south to Pacific Coast Highway and north to the City of Malibu/Unincorporated Los Angeles County Boundary. The term recreation areas as used in this section applies specifically to Ramirez Canyon Park, Escondido Canyon Park, ~~and Corral Canyon Park,~~ and Malibu Bluffs Park, existing and proposed trail

corridors as identified in the City's Trail Master Plan, Local Coastal Program, and Draft Santa Monica Mountains National Recreation Area Interagency Trail Management Plan. Public parklands that are owned and maintained by the National Park Service; the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area and Solstice Canyon Park, are included in the Malibu Parks Public Access Enhancement Plan Overlay to allow for comprehensive and strategic planning for developing priority trail and transit connections with the goal of establishing a network of parks, trails, and open space for public use; however, this Overlay District shall not apply to any future development plans of the National Park Service for these parklands.

Private property subject to this Overlay District consists only of those properties containing existing trail and open space Offers To Dedicate (OTDs) and subject to the on trail segments depicted on the Local Coastal Program - City of Malibu Park Lands Map 6 Malibu Parks Public Access Enhancement Plan Overlay and all applicable provisions of Chapter 12, Public Access, of the Malibu Local Coastal Program Local Implementation Plan, or such trail easements that may be those identified on the Conservancy's Work Program, as may be amended, which are acquired, purchased from willing sellers, dedicated to public use as part of the entitlement process; or donated by a private landowner in the future.

### **C. Applicability**

The implementing measures of this Overlay District will serve to enhance public access and recreation opportunities to and within park facilities subject to this Malibu Parks Public Access Enhancement Plan Overlay. These implementing measures establish the park-specific uses and facilities determined to be critical in ensuring maximum public access and recreational opportunities are achieved pursuant to the Malibu Parks Public Access Enhancement Plan Overlay goals, consistent with all public access and recreation policies of the Malibu Local Coastal Program and the Coastal Act. Development of public access and recreation improvements as defined in the Malibu Parks Public Access Enhancement Plan Overlay shall be governed by the policies, standards and provisions of this Overlay District.

Where any policy or standard provided in this Overlay District conflicts with any other policy or standard contained in the City's General Plan, Zoning Code, certified Local Coastal Program, or other City-adopted plan, resolution or ordinance not included in the certified Local Coastal Program, and it is not possible for the development to comply with both the Malibu Parks Public Access Enhancement Plan Overlay and other plan, resolution or ordinance, the specific policies, standards or provisions contained herein shall take precedence. However, nothing in this Section 3.4.2 of the Malibu LIP relieves the Conservancy of MRCA of obligations to comply with other applicable State law. Thus, notwithstanding any mandatory language within this Section 3.4.2, the development of public access and recreation improvements and use of the land and of existing structures and facilities described herein remain subject

**to the requirement that the necessary Coastal Act authorization (permit or Public Works Plan and Notice of Impending Development) as well as any other authorization required under State law first be obtained.**

## **D. Development Standards**

### **1. Trails**

Public access and recreation opportunities on lands subject to this Overlay District shall be provided and enhanced by developing trail resources pursuant to implementation of a number of site-specific trail improvements as conceptually illustrated on the Malibu Parks Public Access Enhancement Plan Proposed Trail Resources Map, and which shall be subject to the following implementation measures.

#### **Aa. Trail Easement & Open Space Deed Restriction Land Acceptance Program**

**1i.** The Conservancy/MRCA shall work with the Public Access Division of the Coastal Commission and the City of Malibu Planning Division to accept all **OTDs Offers To Dedicate property interests (OTDs) in real property** identified **as prospective trail corridors or open space areas** in areas subject to Malibu Parks Public Access Enhancement Plan Overlay beginning July 2006.

**2ii.** As data becomes available, the Conservancy/MRCA shall work with the Coastal Commission and City of Malibu to identify and accept, as applicable, all trail and open space OTDs identified in areas subject to Malibu Parks Public Access Enhancement Plan Overlay and evaluate/process the legal documentation necessary to ensure allowance of trail use on properties subject to OTDs, where appropriate, or to ensure such properties are protected as natural and scenic areas to enhance the recreational experience of trail corridors.

**3iii.** The Conservancy/MRCA should monitor the review and approval process for coastal development permits in the areas subject to Malibu Parks Public Access Enhancement Plan Overlay, subject to City or Coastal Commission action, for potential future OTDs requirements and act to accept OTDs that may become available.

**4iv.** The Conservancy/MRCA should study opportunities **for** and evaluate potential land acquisitions based on proximity to existing trail alignments and existing OTDs to facilitate development of the Coastal Slope Trail, and associated connector trails, where private property presents a significant obstacle to trail implementation.

#### **Bb. Park Agency Coordination**

1. All plans for location, design and development of park **trail** improvements located on, or potentially affecting, adjacent Federal parklands and/or County lands shall be submitted to the Outdoor Recreation Planner of the National Park Service and/or the Los Angeles County Department of Parks and Recreation to ensure continued interagency coordination and successful planning efforts for providing an accessible, safe and enjoyable trail system throughout the Malibu Parks Public Access Enhancement Plan Overlay area.

### **Cc. Trail Location, Development and Design**

**4i.** The Conservancy/MRCA should develop plans to construct, improve and maintain trails for public use once **they have** accepted as an OTD **a property interest in the land proposed for trail use**, or once **fee title to such property is** acquired through land purchase or donation, consistent with the resource protection policies of this Overlay District.

**2ii.** To the maximum extent feasible, and where consistent with all public safety provisions and the resource protection policies of this Overlay District, the City of Malibu Local Coastal Program and the Coastal Act, trails should be designed **in accordance with current accessibility guidelines and technical requirements** to accommodate the recommended guidelines for the universal design of trails and trail facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG), dated June 2006. Where full compliance with these accessibility guidelines is determined to be infeasible, trails and trail facilities will incorporate those accessible features that can be reasonably accommodated.

**3iii.** Trails shall be located, designed, and maintained to avoid or minimize impacts to ESHA **and other coastal resources** by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to the **maximum** extent feasible. Trail construction resulting in unavoidable impacts to ESHA may be permitted if found consistent with all applicable resource protection policies of this Overlay District, the City of Malibu Local Coastal Program and the Coastal Act.

**4iv.** Trail development and maintenance shall be designed to accommodate multiple uses including hiking, mountain biking and equestrian uses wherever feasible. Where multi-use trails occur along existing roadways, wood bollards shall be installed between trails and roadways, and pedestrian crossing signs and/or signals shall be installed at all major road crossings, to clearly delineate trail alignments, and to provide separation and ensure safety for trails adjacent to roadways.

### **2. Limited Overnight Campsites**

Public access and recreation opportunities on lands subject to this Overlay shall be provided by developing low-cost visitor-serving camp facilities, **including low-impact campsites**, pursuant to implementation of a number of site-specific improvements proposed exclusively at Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park **in the general locations indicated on the Trail Resources Map designated as Local Coastal Program - City of Malibu Park Lands Map 6**, subject to the **resource protection policies in this LCP and the** following implementation measures. **For purposes of this Overlay, low impact campsites (and associated support facilities including, where appropriate, picnic tables, potable water, self-contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations) are “carry-in carry-out” campsites accessed by foot or wheelchair and which have an educational or interpretative component including signage related to the natural resources of the Santa Monica Mountains. Low impact campsites, as defined, constitute a resource dependent use. Access to low impact campsites shall be supported by parking areas and designated ADA drop-offs located in non-ESHA areas.**

#### **Aa. Overnight Camps Location, Development, Design and Operations**

**4i.** To maximize access to parklands, trails and recreational opportunities, new campsite facilities shall be provided within park boundaries at Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park and Malibu Bluffs Park.

**2ii.** Campsites proposed and developed pursuant to the Malibu Parks Public Access Enhancement Plan **Overlay** shall consist of designated and improved camps areas located within park boundaries **in the general locations indicated on the Trail Resources Map designated as Local Coastal Program - City of Malibu Park Lands Map 6**. Consistent with Table B, Permitted Uses, of the City of Malibu Local Implementation Plan, these campsites are defined as principal permitted uses in the **Public** Open Space (OS) Zone and are therefore not subject to conditional **and/or special** use permit requirements, ~~or any other non-appealable special use permit that may otherwise limit development and maintenance of such campsites in the Malibu coastal zone.~~

**3iii.** To the extent supported by funds available in the Malibu Parks Public Access Fund operated and maintained pursuant to Section D.12.Bb. ~~6vi~~ of this Overlay District, programs that provide camping opportunities for disadvantaged youth will be provided **by the Conservancy/MRCA** at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park at no cost to participants. The Fund shall specifically serve to implement the ~~Malibu Coastal Camping program~~, a program designed for disadvantaged youth and dedicated to teaching first-time campers proper use of camping equipment, environmental awareness and outdoor leadership skills. The ~~camp~~ program shall include all necessary transportation, food and equipment, with

staffing provided by professional naturalist educators who are trained in first aid, youth leadership and outdoor education.

~~4iv.~~ Campsites shall be located ~~within existing public use areas and shall be located~~ to take advantage of the unique and diverse resources of Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park, and Malibu Bluffs Park, and to facilitate disabled access where possible. **To the maximum extent feasible,** ~~C~~campsites shall be located in previously disturbed ~~or non-sensitive~~ areas **(except those described in Policy 3.6 of the LUP)** to minimize impacts to sensitive habitat areas **ESHA and other coastal resources** ~~to the maximum extent feasible.~~

~~5v.~~ Campsites shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, ~~to the maximum extent feasible, unless a lesser setback is determined,~~ by a qualified biologist, ~~to be adequate to protect riparian habitat.~~ If it can be found **is determined, by a qualified biologist or environmental resource specialist, to the satisfaction of the reviewing body,** that potential impacts to riparian corridors will be avoided or appropriately mitigated and there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream corridor setbacks may be permitted for low-impact campsites.

~~6vi.~~ Campsites shall be located in areas of level terrain, as much as feasible, to avoid the need for grading and the need for excessive maintenance requirements that may be necessary for substantially altered sites. Exceptions to this **specific requirement** shall be provided for campsites specifically designed to facilitate disabled access, in which case grading shall be minimized to the maximum extent feasible, **and the development will still need to satisfy other resource protection requirements.**

~~7vii.~~ **To the extent possible consistent with other resource protection policies,** ~~c~~campsites shall be located in proximity to maintenance and/or administrative access points to provide for easy access and to minimize potential impacts to sensitive habitat areas associated with maintenance requirements.

~~8viii.~~ Campsites shall be located ~~within existing public use areas~~ to avoid the need for new construction in undisturbed and remote habitat areas and impacts associated with grading and vegetation removal **to the maximum extent feasible;** however, where feasible, campsites should be located in areas where vegetation provides a natural buffer between campsites and trail corridors. Where necessary, native vegetation, **of local genetic stock,** shall be planted to provide a buffer between campers and trail users, and to screen camp facilities from adjacent trails, parking **areas,** and day use facilities.

**9ix.** Campsites shall be provided with limited, necessary support facilities to support overnight use of the sites including, where appropriate, picnic tables, water, self-contained chemical/composting restrooms, and shade trees. However, the maximum area of ground disturbance required to accommodate facilities for any single campsite, excluding shared parking, fuel modification and restroom facilities, and campsites specifically designed to facilitate disabled access, shall be limited to the least environmental damaging alternative meeting project objectives.

**10x.** Proposed campsite locations shall be evaluated by a qualified biologist **or environmental resource specialist** to ensure that, to the **maximum** extent feasible, 1) campsites are appropriately located in previously disturbed areas **(except those described in Policy 3.6 of the LUP)**, 2) campsites are appropriately set back from the top of bank of any adjacent stream, and 3) to assess potential impacts to adjacent habitat areas and provide recommendations for mitigation, as applicable.

**11xi.** No camper, hiker, casual or transient visitor, **person** shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in any of the park facilities covered by this Plan **Overlay**. Development, use restrictions, and brush maintenance for all campsites shall be carried out in accordance with the Fire Protection and Emergency Evacuation Plan prepared **approved** pursuant to Section D.11.~~Bb.4j~~ of this Overlay District.

**12xii.** Overnight camping at Ramirez Canyon Park shall be allowed by reservation only. Overnight camping at Escondido Canyon Park, ~~and~~ Corral Canyon Park ~~and~~ **Malibu Bluffs Park** shall be allowed by reservation and/or by onsite registration (e.g., by an onsite drop-box or by onsite Park staff). A board or kiosk at the Corral Canyon Park ~~and~~ **Malibu Bluffs Park** parking areas shall designate which campsites have been reserved. At Escondido Canyon Park, if ~~permission is obtained at the lower parking lot~~ **feasible**, a board or kiosk shall **be placed at the parking area on Winding Way (near Pacific Coast Highway) that** designates which campsites have been reserved (to reduce potential **unnecessary additional** trips to the upper ~~proposed parking lot~~ **park**). ~~Otherwise~~ **In addition, the a** board or kiosk **shall be placed at the Escondido Canyon Park** at the upper parking lot shall **to** designate which campsites have been reserved. The reservation and onsite registration systems shall require campers to acknowledge and agree to all park rules including, but not limited to, the prohibition on campfires and the “cold camping” regulation.

**13xiii.** ~~To the maximum extent feasible, and where~~ **C**onsistent with all public safety provisions and the resource protection policies of this Overlay District, the City of Malibu Local Coastal Program and the Coastal Act, campsites should be designed **in accordance with current accessibility guidelines and technical requirements.** ~~to accommodate the recommended guidelines for the universal design of trails and trail facilities as described in the document prepared by Moore,~~

~~Iacofano, Goltsman, Inc. (MIG), dated June 2006.~~ Where full compliance with these accessibility guidelines is determined to be infeasible, campsites shall incorporate those accessible features that can be reasonably accommodated.

### **3. Public Transit**

Public access opportunities to parklands and recreation areas subject to this Overlay shall be maximized by encouraging and expanding transportation options supported by adequate support facilities pursuant to ~~implementation of a number~~ **development of the following** site-specific transit and facility improvements, subject to the following implementation measures.

#### **Aa. Public Transit Improvements**

**4i.** The Conservancy/MRCA shall coordinate with the Metropolitan Transportation Authority (MTA) to include a stop in the existing service route to the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park. The Conservancy/MRCA shall provide MTA service information to the public via public notices, trailhead signs and website posting.

#### **Bb. Transportation and Parking Management**

**4i.** The Conservancy shall implement a Transportation and Parking Management Plan for Ramirez Canyon Park including the following provisions:

- Agreements shall be secured and maintained **between the Conservancy/MRCA and willing providers of** ~~for~~ offsite parking resources ~~provisions~~ to accommodate the maximum parking demand **associated with** ~~for~~ the authorized uses of the park for groups of **up to** 200 people without displacing the current parking **needs of the provider** ~~use of the designated locations. Parking agreements and use of the parking resources secured by such agreements shall be considered permitted uses and shall not be denied or obstructed by the City.~~
- No off-site public coastal access parking, including the Winding Way Trailhead parking lot and the proposed parking facilities at Escondido Canyon Park, shall be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park use.
- Daily vehicle trips associated with all authorized uses of Ramirez Canyon Park are restricted to a maximum of 80 trips per day (40 round trips), ~~except as provided for in Section D.12.B.2.~~
- Signs shall be provided and maintained at the entrance gate to Ramirez

Canyon Park forbidding horn honking except in case of emergency.

- Vans and shuttles shall minimize traffic trips on Ramirez Canyon Road by traveling with maximum passenger capability and in convoys, whenever feasible.

**2ii.** Bicycle parking facilities shall be included on all plans to construct new parking or trailhead facilities.

**3iii.** Hike-in and walk-in public access opportunities shall be developed for Ramirez Canyon Park due to existing limitations on vehicular transportation to the Park. Hike-in opportunities shall be developed from the proposed parking areas along Kanan Dume Road and from dedicated, donated, and purchased easements along De Butts Terrace, Winding Way, Delaplane, and Ramirez Canyon Road, and from Pacific Coast Highway, where feasible.

**iv. A parking area may be developed at Escondido Canyon Park and Malibu Bluffs Park and a parking area/trailhead may be developed on Latigo Canyon Road for hike-in access to Escondido Canyon Park if feasible.**

#### **4. Public Outreach and Education**

Public access to parklands subject to this Overlay shall be maximized by improving accessibility of parklands for visitors of diverse backgrounds, interests and abilities. This section specifically ~~identifies~~ **recognizes** Ramirez Canyon Park as an existing parkland with well established amenities available to support various public use programs including picnic areas, restrooms, educational displays, sitting benches, gardens, easily accessible terrain, and a riparian area interpretive trail. This Section provides for a number of park-specific improvements and plan specifications designed to accommodate visitors with various disabilities (e.g., mentally and physically challenged). This Section further provides detailed program and operational requirements of public outreach and educational opportunities necessary to ensure that public programs are implemented to the maximum extent feasible within the site constraints of Ramirez Canyon Park.

##### **Aa. Ramirez Canyon Park Public Outreach, Recreation and Education Programs**

**4i.** Outreach programs designed to provide access and recreation opportunities primarily for disadvantaged youths, physically and mentally challenged visitors, clients from various shelters, Los Angeles Mission representatives, veterans, and seniors ~~shall~~ **may** be permitted year round at Ramirez Canyon Park, seven days per week from 8:00 a.m. to dusk. The programs shall be provided at no cost to the participants, and free or low-cost transportation utilizing vans or small transit buses shall be provided.

**2ii.** Public improvements for ~~the~~ a riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by visitors with mobility disabilities in compliance with Americans with Disabilities Act (ADA), including trails, picnic facilities, drinking fountains, restrooms, and parking areas, shall may be maintained permitted for public use.

**3iii.** Three day-use picnic areas and two overnight camp areas may be developed at Ramirez Canyon Park, which shall be designed specifically to provide park amenities to accommodate disabled visitors and their families. The accessible day-use picnic areas shall be located in level, previously disturbed areas so as not to adversely impact sensitive habitat, but shall be located in proximity to natural areas to provide association with natural resources to the maximum extent feasible.

**4iv.** All public outreach, recreation and education programs operated at Ramirez Canyon Park shall comply with the requirements of Section D.3.~~Bb.4i~~ of this Overlay District, Transportation and Parking Management, which includes use of shuttles and van pools to support public visitation, and limitations on daily vehicle trips. The Conservancy/MRCA shall give priority to public outreach, recreation and education programs at Ramirez Canyon Park over private events and/or small group gathering uses, specifically as it relates to implementing Section D.3.~~Bb.4i~~ of this Overlay District, Transportation and Parking Management.

#### **Bb. Accessibility Design Guidelines**

**4i.** To ensure that access and recreational opportunities for visitors with diverse abilities are maximized, the Conservancy/MRCA may continue all public outreach programs at Ramirez Canyon Park, shall may provide additional day-use picnic facilities, and shall may implement park improvements to provide for limited overnight camping opportunities at Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park and Malibu Bluffs Park in compliance with Americans with Disabilities Act (ADA) and consistent with the policies of this Overlay, the City of Malibu Local Coastal Program and the Coastal Act.

**2ii.** Access and recreational opportunities for visitors with diverse abilities shall be accommodated, where feasible and consistent with public safety needs and resource protection policies, by trail design and improvements intended to meet current accessibility standards and technical requirements. Where such improvements would potentially result in adverse impacts to cultural, historic, religious, or significant natural features or characteristics; where such improvements would substantially alter the nature of the setting or the purpose of the trail or would require construction methods or materials that are prohibited by law; or where compliance would not be feasible due to terrain or prevailing construction practices, specialized programs shall be developed and implemented to provide feasible alternatives for compliance and/or universal design when appropriate.

**3iii.** The Conservancy/MRCA will assess all contributing structures and landscape features for their role in developing programs that meet current accessibility guidelines and technical requirements at the parks areas owned and maintained by the Conservancy/MRCA. Where programmatic needs cannot be met within existing park facilities, the Conservancy/MRCA shall consider the following: 1) appropriate new construction, 2) modifying programs or providing new specialized programs able to be accommodated at existing facilities and landscapes, or 3) not implementing the program element.

## **5. Support Facilities**

Public access and recreation opportunities shall be maximized by development of critical public support facilities (**e.g. parking, trailhead facilities, public restrooms, picnic amenities, ranger/ maintenance supervisor housing, administrative personnel facilities related to the daily operation and maintenance of parklands and park programs**) subject to the following implementation measures.

### **Aa. Support Facilities Location, Development and Design**

**4i.** To maximize access to parklands and trails consistent with the other provisions of this Overlay District, new, limited parking and trailhead facilities shall ~~shall~~ **may** be provided at Ramirez Canyon Park, ~~and~~ Malibu Bluffs Park, and Escondido Canyon Park, including the Latigo Canyon Road Trailhead to Escondido Canyon, **provided they are consistent with the resource protection policies of this LCP.**

**2ii.** New support facilities shall be located at park entrances and along existing primary trail routes, **provided they can be so located consistent with the resource protection policies of this LCP. They will be located** within previously disturbed areas where feasible, to minimize impacts to sensitive habitat areas to the maximum extent feasible.

**3iii.** New support facilities (**not associated with low-impact campsites**) shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective (**excepting support facilities within Ramirez Canyon Park, a limited [no more than 10 space] Latigo trailhead parking and picnic area for Escondido Canyon Park, and an Americans with Disabilities Act (ADA) compliant drop-off area at Corral Canyon Park, all of which may be located closer to the stream bank provided they are still no less than 25 feet from top of stream bank**), ~~to the maximum extent feasible. If determined by a qualified biologist that potential impacts to riparian corridors will be avoided or appropriately mitigated and there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream~~

~~corridor setbacks may be permitted for low-impact primary parkland support facilities but in no case shall be setback less than 25 feet from the top of bank of all streams.~~

**4iv.** New support facilities shall be located in areas of level terrain to minimize the need for grading as much as feasible.

**5v.** New support facilities shall be strategically located in disturbed areas **(except those described in Policy 3.6 of the LUP) and outside of any ESHA**, but shall also be located adjacent to vegetated areas whenever feasible where existing vegetation may provide a natural buffer between support facilities, trail corridors and/or public viewing areas. Where necessary, native vegetation shall **may** be planted to provide a buffer and to screen support facilities.

**6vi.** Proposed support facility locations shall be evaluated by a qualified biologist to ensure that, to the maximum extent feasible, 1) facilities are appropriately located in previously disturbed areas, 2) facilities are appropriately setback from the top of bank of any adjacent stream, and 3) to assess potential impacts to habitat areas that may result from development of new facilities and to provide recommendations for mitigation, as applicable. **These analyses and recommendations must be submitted to the body reviewing any application for development for review and approval.**

## **6. Signs**

A uniform and comprehensive park and trail sign program, **which is** essential for identifying park areas, permitted uses, support facilities, sensitive habitats, and adjacent land uses shall be applied to all new trail and park area improvements as applicable **appropriate** and shall be subject to the following implementation measures.

### **Aa. Signs Location, Content and Design**

**4i.** Signs shall be provided at all park locations, as determined necessary and appropriate **by the Conservancy/MRCA**, to provide information relative to, **among other things**, trails, regulations, **natural resources**, and services.

- Trail signs shall be provided for visitors beyond the trailhead and shall include distance to destination points and information about trail conditions and accessibility that will help visitors determine the level of trail difficulty.
- Regulatory signs shall be provided at park entrance areas, staging areas or gathering points and may include, but **need not be** limited to, the following information: 1) permitted use of the area or facility being posted, 2) general regulations at trail-heads, 3) general regulations at jurisdiction boundaries, 4) regulations required to promote safe use of an area

(including limitations on fires) and resource protection, and 5) identification of private property boundaries.

- Services signs identifying services and/or support facilities for the park visitor shall be provided in locations as determined appropriate by the managing agency.
- **Educational/interpretive signs shall be provided in public use areas in or adjacent to ESHA that identify natural resources and explain their special nature or role in the local ecosystem.**

**2ii.** Sign appearance shall be standardized for easy recognition by visitors including face, font, capitalization, colors, icons, materials, and dimensions, except where unique signage is used to identify architecturally significant structures in Ramirez Canyon Park.

**3iii.** Trail improvements ~~should~~ **must** provide adequate signs at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads, and ~~should~~ **must** provide adequate safety signs, including, but not limited to, road crossing signs and yield/warning signs on multi-use trail segments.

**4iv.** Final plans for location and content of proposed trail and park signs shall be submitted for review and comment to the Outdoor Recreation Planner of the National Park Service to ensure continuity of signs between the park properties in the Plan area.

**5y.** The Conservancy/MRCA shall retain the services of a bilingual consultant who will assist in determining which of those regulatory, informational, and directional signs should be posted in both English and Spanish.

## **7. Environmentally Sensitive Habitat Areas (ESHA)**

Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against significant disruption of habitat values and all areas subject to proposed access and recreation improvements found to constitute ESHA pursuant to the provisions of Chapter 4 of the Malibu Local Implementation Plan shall be subject to the following implementation measures, **as well as other, generally-applicable resource protection provisions of this LCP.**

### **Aa. Permitted Parkland Uses, Development and Design**

**4i.** Trails, camp facilities, park uses as described in this Overlay District, and necessary support facilities shall be considered ~~principal~~ permitted uses for those

parkland areas subject to the Malibu Parks Public Access Enhancement Plan Overlay and as identified on the Public Parkland Map and Proposed Trail Resources Map. Trails, **and other resource dependent** park uses, and necessary support facilities **associated with resource dependent uses,** located within or adjacent to areas mapped as ESHA shall be sited and designed to **avoid** minimize impacts to ESHA to the maximum extent feasible **significant disruptions of habitat values within the ESHA and avoid significantly degrading such areas. Minor disruptions to ESHA resulting from resource dependent uses shall be mitigated pursuant to LIP provision 3.4.2(D)(7)(a)(viii). Such uses shall also minimize impacts to other coastal resources through, among other things,** mitigation measures, including, but not limited to, selective siting for new permitted park improvements in previously disturbed areas, signs, and limited fencing shall be implemented as necessary to protect ESHA.

**2ii.** New park facilities shall be located along existing primary trail routes, in proximity to trail entrances and trailheads, and in previously disturbed areas, where feasible, to avoid and minimize impacts to sensitive habitat areas to the maximum extent feasible. **Any new, non-resource dependent facilities must be located outside of ESHAs.**

**3iii.** New park facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, to the maximum extent feasible, excluding those special provisions for low-**impact** intensity hike-in campsites and **associated** support facilities as provided for per implementation measures D.2.Aa.5v and D.5.Aa.3iii of this Overlay District, respectively, **and new park facilities at Ramirez Canyon Park, a limited (no more than 10 spaces) Latigo trailhead parking and picnic area for Escondido Canyon Park, and an ADA compliant drop-off area at Corral Canyon Park which shall be located no less than 25 feet from top of stream bank.** Riparian area buffers shall be planted with appropriate native species to provide canopy and vegetative structure to improve habitat function and value of buffer areas.

**4iv.** Proposed park facility locations shall be evaluated by a qualified biologist **(1)** to ensure that, to the maximum extent feasible, **(a4)** facilities are appropriately located in previously disturbed areas **(except those described in Policy 3.6 of the LUP), and (b2)** facilities are appropriately setback from the top of bank of any adjacent stream, and **(23)** to assess potential impacts to habitat areas and provide recommendations for **alternatives to avoid impacts, and if impacts are unavoidable, for** mitigation **measures,** as applicable.

**5v.** Proposed park facility locations shall be located in proximity to maintenance and/or administrative access points (trailheads) to provide for easy maintenance access and to minimize potential impacts to sensitive habitat areas associated with existing maintenance operations requiring motorized access by park personnel. Motorized vehicle access by park personnel within parklands shall avoid sensitive

habitat areas and shall be limited to existing maintenance routes to the maximum extent feasible, and shall be for the purposes of conducting maintenance, providing emergency services, conducting patrols, implementing habitat restoration, assisting accessibility to camps with fully accessible campsites and facilities, and providing other park services.

**6vi.** Proposed park facilities shall be developed with the smallest development envelope determined necessary to accommodate such facilities to minimize the area of disturbance and avoid potential impacts to ESHA.

**7vii.** All new and improved park facility projects, including trails, campsites, parking, etc., where determined appropriate and feasible, shall **be designed in accordance with current accessibility guidelines and technical requirements** incorporate the ~~best practices design provisions contained in the Guidelines for the Universal Design of Trails and Trail Facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG), dated June 2006.~~

**8viii.** Prior to improving and opening any trail or **other resource dependent** park facility for public use in an area of naturally vegetated habitat, a site-specific biological assessment shall be prepared by a qualified biologist **or environmental resource specialist** ~~which shall~~ **to** evaluate the vegetation and habitat of the project area to determine potential impacts to ESHA that may occur. Should the biological assessment determine that **unavoidable** adverse impacts to ESHA may result from permitted development, the **impacts must be mitigated to avoid any significant disruption or degradation of habitat values.** **The** following ~~minimum~~ **additional** mitigation measures shall **also** be implemented:

- Mitigation measures for impacts to ESHA shall include habitat restoration and/or enhancement and shall be monitored for a period of no less than five years following completion. Mitigation ratios for **permanent impacts** **to** specific types of habitat shall be as follows:

Coastal sage scrub/**chaparral** **23** to 1

~~Seasonal wetlands 3 to 1~~

~~Freshwater marsh 3 to 1~~

Riparian **vegetation** areas 3 to 1

~~Vernal pools 4 to 1~~

~~Saltmarsh 4 to 1~~

Native trees 10 to 1 (oak, walnut, sycamore, alder, or toyon)

**Native grasslands 3 to 1**

**To address temporary impacts to ESHA, all disturbed areas shall be re-vegetated consistent with Policy 3.4.2(D)(8)(a)(iv).**

**9iv.** Focused spring surveys for special status plant species shall occur within project footprint areas where potential habitat occurs to assess potential direct and indirect impacts to special status species prior to implementation of new park facility improvement projects.

**10x.** In addition to any applicable provisions of Section 4.4.2 of the Malibu Local Implementation Plan, Sshould project construction occur during the migratory bird nesting season (typically February through August), a focused avian nesting survey shall be performed by a qualified wildlife biologist 72 hours prior to construction in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. Sec. 703 et seq). If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer, which will be determined by the biologist based on the biology of the species **300 foot buffer for all bird species except raptors which require a 500 foot buffer**. The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing.

#### **Bb. Hydromodification**

**4i.** Existing streambed modifications in Ramirez Canyon Park are part of a larger system of channelization in Ramirez Canyon where numerous neighboring properties contain similarly modified channels. The Conservancy/MRCA shall initiate a site-specific, comprehensive analysis of the modified stream channel at Ramirez Canyon Park to assess opportunities for streambed and riparian habitat restoration and potential onsite and offsite flooding or erosional hazards that might result from removing or other modification of the channelization structures.

**2ji.** If the analysis described in the previous paragraph reveals a need for additional streambed alterations, and such alterations are allowable under policies 3.32 and 3.33 of the certified Malibu Land Use Plan, bBioengineering methods or “soft solutions” shall be developed as an alternative to constructing rock revetments, vertical retaining walls or other “hard structures” along Ramirez Canyon Creek **wherever feasible**. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any ~~applications for~~ **development that includes** protective measures along Ramirez Canyon Creek shall demonstrate that existing development and/or public use areas in Ramirez Canyon Park are in danger from flood hazards, that the proposed protective device is the least environmentally damaging alternative, that it is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the creek and the recreational and public access use of the Park property along the creek, and that any unavoidable impacts have been mitigated to the maximum extent feasible.

**3iii.** Where minor alteration of natural streams for the purpose of stream crossings (vehicular or pedestrian) are necessary to provide access to and within public recreation areas, the following development standards shall be applied:

- Use of Arizona crossings shall be limited to repair and maintenance of existing, **legal** crossings consistent with the repair and maintenance provisions of Section 13.4.2 Repair and Maintenance Activities of the City of Malibu Local Coastal Program Local Implementation Plan.
- All new stream crossings shall consist of a span bridge design which minimizes placement of any new structures within the stream bed or channel and avoids removal of natural riparian vegetation to the maximum extent feasible.
- Construction activities shall be scheduled to occur during the dry season.
- Staging areas outside of the riparian canopy shall be identified and flagged for construction workers and to store materials.
- Monitoring of stream crossing construction activities shall be conducted by a qualified biologist **or environmental resource specialist**. The biologist/**resource specialist** shall be responsible for briefing **advising** construction workers on potential resource damage avoidance prior to the commencement of any on site activities.
- These provisions shall not apply to existing or proposed pedestrian stream crossings along hiking trails where no alteration of the natural stream channel is required to accommodate access.

#### **Cc. Parkland Habitat Preservation and Monitoring**

**4i.** Trail or park areas that have been severely degraded as the result of overuse or lack of maintenance shall be restored by such techniques as revegetation with native plants, trail consolidation and improvement, and through the provision of support facilities such as parking, defined trail systems, raised walkways, trash receptacles, restrooms, and picnic areas. Fencing and signs, designed and located consistent with other applicable provisions of this Overlay District, shall be installed around restoration areas for purposes of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. All park fencing shall be designed to allow for wildlife passage. In severely degraded areas, controlled and limited public access may be allowed during the recovery period and in consultation with appropriate public agencies and/or resource specialists. Any limitation of public use shall be evaluated periodically to determine the need for continued use

restrictions and the limitation shall be removed at the termination of the recovery period.

**2ij.** The Conservancy/MRCA shall conduct periodic assessments of park visitation numbers and patterns of use and shall monitor the quality of visitor experience and make the appropriate management changes to prevent potential degradation of natural resources from overuse. Monitoring and visitor survey data shall be evaluated to identify needs, problems, and issues that require management action.

#### **Dd. Native Trees**

1. All development involving access and recreation improvements within areas containing one or more native oak (*Quercus* species), California Walnut (*Juglans californica*), Western Sycamore (*Platanus racemosa*), Alder (*Alnus rhombifolia*), or Toyon (*Heteromeles arbutifolia*) tree, that has at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade shall be subject to the provisions of Chapter 5 Native Tree Protection of the Malibu Local Coastal Program Local Implementation Plan.

### **8. Water Quality**

All new public access and recreation improvements shall be evaluated for potential adverse impacts to water quality and shall consider Site Design, Source Control and Treatment Control Best Management Practices (BMPs) to prevent polluted runoff and water quality impacts resulting from new development, and shall be designed to prevent the introduction of pollutants that may result in water quality impacts. Projects shall be designed to control post-development peak runoff rates and average volumes to maintain or reduce pre-development downstream erosion rates. Development of public access and recreation improvements shall be subject to the following standards as well as any other applicable development standards of Chapter 17 of the Malibu Local Implementation Plan, ~~or the Regional Water Quality Control Board, whichever is most protective.~~

#### **Aa. Parkland Facilities Development and Design**

**4i.** New park facility development shall, as applicable, include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control Best Management Practices (BMPs), that will be implemented to minimize post-construction polluted runoff, and shall include monitoring and maintenance provisions for identified BMPs and shall specifically address:

- Designated areas within camp facilities to provide fresh water for camp uses including drinking water, hand washing and dish washing, and areas

where overspill will drain. All overspill shall be contained onsite and treated with appropriate post-development BMPs measures.

- Methods to accommodate onsite percolation and to mitigate and treat any increase in runoff from impervious surfaces consistent with all applicable development standards of Section 17.5.1 BMP Requirements and Implementation of the Malibu Local Implementation Plan.

**2ii.** An Interim Erosion Control Plan shall be developed and implemented for construction activities resulting in soil disturbance and vegetation removal and the following development standards shall be applied:

- The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- Should grading take place during the rainy season (November 1 – March 31) temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, geofabric covers or other appropriate cover, geotextiles or mats shall be installed on all cut or fill slopes as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction.

**3iii.** All new park facilities shall be located in areas of level terrain, to the maximum extent feasible, to avoid the need for grading and to minimize landform alteration and alteration of natural drainage patterns. Campsites specifically designed to facilitate disabled access, parking resources to support trail access, and development of important trail linkages, shall be sited and designed to ensure grading is minimized to the maximum extent feasible.

**4iv.** All graded and disturbed areas on the subject development sites shall be planted and maintained for erosion control purposes within sixty (60) days of completing construction activities resulting in soil disturbance or vegetation removal. To minimize the need for irrigation all landscaping shall consist primarily of native, drought resistant plants, ~~as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in the document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996.~~ **All native plant species shall be of local (Santa Monica Mountains) genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council)**

(<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

## **Bb. Onsite Wastewater Disposal**

~~4i.~~ All new public restroom facilities shall consist of self contained, chemical or composting restrooms, which shall be sited and designed to ensure that impacts to ESHA and water quality are avoided. **Where feasible, self-contained restroom facilities shall be located a minimum of 200 feet from the top of bank of any adjacent stream, wherever feasible, and in no case shall they not be located less than 100 feet from the top of bank of any adjacent stream or the outer edge of riparian vegetation (except at Ramirez Canyon Park, and at a limited (no more than 10 spaces) Latigo trailhead parking and picnic area for Escondido Canyon Park, and at an ADA compliant drop-off area at Corral Canyon Park where restroom facilities shall be located no less than 25 feet from top of stream bank),** which ever is the most protective. Minimal grading to create minor berms around the facilities shall be allowed, **provided it is not in violation of other LCP resource protection policies,** to ensure run-off is contained in the vicinity and/or is conveyed and filtered through bioswales. Self-contained restroom facilities shall be maintained pursuant to manufacturer specifications at all times.

~~2ii.~~ The ~~Septic System Abandonment/Wastewater Treatment and Recycled Water System Installation Plan,~~ developed and implemented for **Development at** Ramirez Canyon Park shall ~~be maintained onsite to provide for~~ 1) the permanent abandonment of the idle septic system and leachfields located beneath the tennis court, the leachfield serving Barwood, and of the leachfields and/or pits and septic tanks serving the Barn and Peach House Structures, 2) installation of an on site wastewater treatment system and recycled water reuse program, including a landscape/ orchard planting and management plan designed to maintain sufficient evapotranspiration capacity for the maximum effluent production of the site during all potential seasonal conditions, and 3) the installation and maintenance of on site emergency power generators and fuel supply necessary to maintain the wastewater treatment system for at least twelve (12) hours. These improvements shall be maintained and all new permanent restroom facilities shall be required to connect to the on-site wastewater treatment and recycled water reuse system.

~~3iii.~~ The ~~Wastewater Treatment and Recycled Water System Installation Plan~~ developed and implemented for **Development at** Ramirez Canyon Park shall require use of restrooms connected to the wastewater treatment system for all visitors, tours, gatherings and events at Ramirez Canyon Park accommodating up to 200 people (the design capacity of the wastewater treatment system). Should any use, or combination of uses, at Ramirez Canyon Park result in a capacity of visitors

exceeding 200 people at any one time, portable restrooms shall be provided to supplement the treatment capacity of the wastewater treatment system.

**4iv.** A Water Quality Monitoring Program shall be implemented at Ramirez Canyon Park that includes provisions for quarterly analysis of water samples up- and down-stream of the subject site for a minimum of four quarters of available streamflow (streamflow in Ramirez Canyon Creek is intermittent), commencing with implementation **certification** of this Overlay District. The quarterly analysis of water samples shall determine fecal coliform concentration and, should the results of the one year analysis be adverse or inconclusive, additional water quality analysis shall be performed. If the results of the water quality monitoring fail to rule out existing septic systems as a potential source of elevated fecal coliform counts downstream of Ramirez Canyon Park, a complete permit application shall be made to the City of Malibu Health Department for abandonment of the remaining septic systems and further upgrade the new wastewater treatment system to accept and treat the effluent from the ranger/maintenance supervisor residence and/or the Art Deco building.

## **9. Visual Resources**

All new public access and recreation improvements shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize 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. Development of public access and recreation improvements shall be subject to the following standards as well as any other applicable development standards of Chapter 6 of the Malibu Local Implementation Plan.

### **Aa. Park Facilities Siting and Design**

**4i.** New restroom facilities shall be located and designed such that they are not substantially visible from trails, public roads or other scenic viewing areas. Measures to minimize visibility of restroom facilities include:

- Locating the structures in level areas where vegetation exists or where topography naturally screens the areas from public views. Where necessary, native vegetation shall be planted to provide a buffer between restrooms, trail users and campers, and to screen restrooms facilities.
- Where **the reviewing body** determines **it is** necessary and feasible for purposes of protecting visual resources, **and it is consistent with the resource protection policies of the LCP**, grading shall be allowed to “tuck” restroom facilities into hillside terrain and thereby blend with natural terrain. Restroom facilities shall be designed with colors that are

compatible with the surrounding landscape and landscape screening shall be used to minimize visibility of the structures.

**2ii.** Campsite locations shall be located and designed such that they are not substantially visible from trails, public roads or other scenic viewing areas, **whenever possible consistent with the other provisions of this Overlay.** Measures to minimize visibility of campsites include locating sites in level areas where vegetation exists or where topography naturally screens the areas from public views. Where necessary, native vegetation shall be planted to provide a buffer between campers and trail users and to screen camp facilities from adjacent trails.

**3iii.** Retaining walls shall be permitted only where required to support critical trail linkages on hillside terrain, or to support restroom construction in hillside terrain, where no other alternative location or method of support is available. The height of permitted retaining walls shall not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted. Retaining walls shall be designed with natural materials that blend with the surrounding earth materials and landscape.

**4iv.** Drainage devices for parking facilities shall be placed in locations of minimal visibility and shall be colored to match natural soils and screened with landscaping to minimize visibility.

## **10. Archaeological Resources**

All new public access and recreation improvements shall be located and/or designed to protect and preserve areas, sites and structures of historic, cultural, archaeological and paleontological significance. Development of public access and recreation improvements shall be subject to the following **standards as well as any other applicable development standards of Chapter 11 of the Malibu Local Implementation Plan:**

**1a. For all project areas that will involve ground disturbance, A a** Phase I Inventory of cultural resources shall be conducted by a qualified archaeologist ~~for all project areas that will involve ground disturbance~~ **which includes the following:** ~~All other applicable development standards of Chapter 11 of the Malibu Local Implementation Plan apply.~~

- A records search through the regional historical resources information center.
- An archival search of historic records.
- A field survey.

- A written report which describes how the survey was conducted and the result of the survey.

**2b.** Park signs, maps, public information notices, and website information shall include notice to inform visitors that disturbance to archaeological sites cannot be reversed, that such resources are of great religious importance to contemporary Native Americans and destruction of archaeological sites on public property is illegal and a punishable offense.

## **11. Hazards**

All new public access and recreation improvements shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development of public access and recreation improvements shall be subject to the following development standards as well as any other applicable development standards of Chapter 9 of the Malibu Local Implementation Plan to minimize risks associated with high geologic, flood, and fire hazard.

### **Aa. Geology and Flooding**

1. A geologic/soils/geotechnical study identifying any geologic hazards affecting areas identified for new, structural park facility development shall be prepared and shall contain recommendations for mitigation measures, where applicable, and a statement ~~that~~ **as to whether** the project areas are suitable for the proposed improvements and that the improvements will be safe from geologic hazard.
2. Engineered structures such as retaining walls, footings for small structures (i.e. restrooms with footings, water service lines, engineered retaining walls, parking areas, etc., as applicable), and significant cut and fill grading will require the preparation of a geotechnical report, prepared by a qualified engineering geologist or a registered geotechnical engineer, to provide recommendations for the design of these structures and grading procedures.
3. Where applicable, new park improvements shall include adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff and erosion.

### **Bb. Fire Protection, Emergency Evacuation**

- 4i. A Fire Protection and Emergency Evacuation Plan shall be developed and **submitted, for review and approval, to the reviewing body for any Coastal Act approval as well as to the appropriate Fire Agency as described below. The approved version shall be** implemented for Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park, and Malibu Bluffs Park and ~~shall be approved by the State Fire Marshall and Los Angeles County Fire Department,~~

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 40**

~~Division of Fire and Life Safety.~~ The Fire Management and Emergency Evacuation Plan shall include the following provisions:

- All standard Parkland rules and regulations shall be enforced per existing policies of the MRCA/SMMC:
  - Except in designated camp areas, park properties shall be closed sunset to sunrise.
  - No smoking or fires.
  - No alcoholic beverages.
  - No littering or dumping.
  - No unauthorized vehicle use.
  - No defacing or destroying property.
  - Dogs must be on a leash and cleaned up after.
  - Possession of firearms, bow and arrow prohibited.
  - Violations subject to \$500 fine and/or 6 months in County jail.
- An annual fuel modification plan for site vegetation management and tree trimming/limbing at each park property shall be developed and implemented prior to the annual fire season.
- Campsite locations shall be located within existing public use areas to ensure easy access for purposes of maintenance and patrol, and in case of emergency.
- ~~No camper, hiker, pedestrian, casual or transient visitor to Malibu, nor any resident of the City of Malibu,~~ **person** shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in any of the park facilities covered by this Plan. The only cooking apparatus permitted shall consist of self-contained propane stoves when permitted consistent with the terms of the approved Fire **Management Protection** and Emergency Evacuation Plan. No kerosene or white gas lanterns shall be permitted.
- ~~No person shall, outside of any park facility mentioned herein, on any public or private property, permit or allow, or cause to be permitted or allowed, any open flame, fire, or other incendiary source, of any nature whatsoever, within twenty (20) feet of any flammable vegetation. This provision shall prohibit backyard fires, barbeques, or any other flame source whatsoever. Propane BBQs when accompanied with approved fire~~

extinguishers shall be exempt from this policy.

- Campers shall be required to utilize designated cook **surfaces stations** provided at each approved campsite, which shall be designed of non-flammable materials **and capable of being fully enclosed**. Cold-camping apparatus such as flame-less cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy will be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas will be routinely patrolled to enforce the No Campfire/Cold Camp Policy **and notification provided that violation of the No Campfire/Cold Camp Policy may be punishable by fines up to \$1,000.00.**
- Fire protection apparatus shall be provided and maintained at all camp facilities and shall include, at a minimum:
  - Water storage tank or water delivery system designed, located, and maintained to provide a dependable water supply for fire protection at each proposed camp area at all times to ensure adequate water supply for fire protection of new camp facilities.
  - A portable and air-powered quick attack firefighting system to be provided at each camp facility for ready deployment by trained Camp Host, Ranger, or park personnel in the event of a fire.
  - Portable self-contained fire extinguisher units to be provided for each cluster or group of campsites.
- **Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, and Malibu Bluffs Park shall be closed to all recreational use during any Red Flag Day/period as declared for the Santa Monica Mountains area by the National Weather service, a division of the National Oceanic Atmospheric Administration (NOAA), Park properties shall be posted and patrolled to inform visitors of Red Flag Day closures and notification provided that violation of the Red Flag Day closure policy may be punishable by fines up to \$6,000.00.**
- Camping at all park properties will be prohibited **and Ramirez Canyon Park shall be closed to events, tours, camping reservations or other special functions when any** Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and camp areas will be routinely patrolled to notify park users and to enforce restrictions on park use during all Flash Flood/Flood Warnings and Urban/Small Stream

Advisories as determined by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA). **Written warnings of the cancellation policy shall be provided to potential campers and prospective program and event sponsors prior to contracting for park use.**

- An onsite Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be **onsite** accommodated for at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance.
- An Evacuation Plan shall be prepared and shall include details relative to evacuation procedures and evacuation locations to be implemented for each park property during emergencies.
- **Where it is infeasible to meet all applicable current Building and Fire Code requirements for fire protection due to site or resource constraints, modifications may be granted pursuant to an approved Fire Protection Plan, as provided by Section 702A of Chapter 7A of the 2007 California Building Code and Section 4702.1 of the 2007 California Fire Code, as may be amended. Such Fire Protection Plan will analyze the site fire risk at a fine scale and develop customized measure for mitigating the risk including design, construction, maintenance and operation requirements of the park improvements in compliance with applicable fire codes and, where necessary, fire protection enhancement requirements to provide “same practical effect” or functional equivalency for any non-code complying park improvement element.**
- Emergency power generators and fuel supply at Ramirez Canyon Park necessary to maintain emergency lighting for at least twelve (12) hours shall be installed and maintained on site.
- ~~Park events, tours, camping reservations or other special functions at Ramirez Canyon Park shall be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued. Written warnings of the cancellation policy shall be provided to potential campers and prospective event sponsors prior to contracting for park use.~~

**2ii.** A Wooden Bridge Reinforcement Plan, developed and implemented to provide for reinforcement of the wood bridge over Ramirez Canyon Creek next to Ramirez Canyon Park, shall be maintained to ensure that the bridge will safely support a 25-ton fire truck and thereby accommodate emergency access. The wood bridge shall be maintained in sound condition to ensure safe and adequate emergency access to the Park.

**3iii.** An Emergency Access and **Emergency** On-Site Parking Plan for Ramirez Canyon Park, prepared by a licensed civil engineer and approved by the **appropriate Fire Agency ~~Los Angeles County Fire Department~~** as compliant with applicable state and county fire and life safety regulations, shall be maintained for Ramirez Canyon Park. **Special events held during the fire season shall retain all guest vans, shuttles, and drivers continuously on site during the event.**

**iv. Opportunities for additional emergency ingress/egress to and from Kanan Dume Road over Via Acero shall be explored, including the potential for feasibly obtaining easements from willing property owners or by eminent domain. Construction of an additional emergency ingress/egress at Ramirez Canyon may occur consistent with all applicable policies and provisions of the LCP. This policy is not intended to limit the use of, or access to, Ramirez Canyon Park via Ramirez Canyon Road.**

**v. The Conservancy/MRCA shall explore and pursue all options to remove any permitted or unpermitted private encroachments into the Ramirez Canyon Road 40 foot easement to achieve full access road width and clearance standards as required by the appropriate fire agency.**

## **12. Land Use and Neighborhood Compatibility**

All new public access and recreation facilities shall be developed consistent with the established OS land use and zoning designation of the parklands subject to the Malibu Parks Public Access Enhancement Plan Overlay. Permitted park uses consist of recreation, research and education, nature observation, and a range of critical support facilities, developed and operated pursuant to this Overlay District of the Malibu Local Implementation Plan. Existing and proposed support facilities are defined as those facilities deemed necessary to support the primary permitted land use, public access and recreation, research and education, and nature observation. The type of support facilities addressed at each park facility shall be based on the level and complexity of public uses and specialized programs offered at each park area. Ramirez Canyon Park, given its unique character, limited accessibility to the public, and specialized programs shall be permitted the administrative and support facilities necessary to maintain access programs, daily operations and maintenance of the various park and recreation programs addressed in this Overlay District.

Development of public access and recreation improvements, and specialized public parkland programs, shall be subject to the following development standards and all other applicable implementation measures identified in this Overlay District. Public access and recreation improvements, and specialized public parkland programs, shall be developed and maintained to minimize potential land use conflicts with adjacent residential neighborhoods.

#### **Aa. Land Use Compatibility**

**4i.** Trail and park improvements shall be located and designed to provide separation between public trails and use areas and private property where feasible. Measures to provide such separation may include but not be limited to:

- Signs which inform hikers and park visitors of parkland and private property boundaries and includes provisions to restrict trespassing on private property, and to limit activities which may result in nuisance noise, odors, or other uses that may impact the quality of life in residential areas. ~~Such signs shall be found consistent with all other implementation measures of this Overlay District.~~
- Fencing which delineates trail corridors, park boundaries, permitted parking areas, and private property, where located, designed and installed consistent with all other implementation measures of this Overlay District.

#### **Bb. Specialized Programs – Ramirez Canyon Park**

**4i.** All Ramirez Canyon Park uses, including administrative uses, public outreach, events, gatherings, tours, and workshops, etc. shall be limited in size, duration and occurrence to comply with the proposed maximum of 40 round trips/day on Ramirez Canyon Road, ~~except as provided herein.~~

**2ii.** Public outreach and education activities are priority uses and shall be accommodated first within the maximum allowed 40 round trips/day for Ramirez Canyon Park uses. ~~Not more than twice per month a public outreach, education, or other event may exceed the daily round trip limitation, if in the preceding month the actual number of trips per day has been below the established trip threshold, by the amount of the proposed additional trips but not more than 60 round trips/day.~~

**3iii.** Events, tours, or other special functions permitted pursuant to this section shall be cancelled when any red-flag warning for extreme weather, fire and/or flooding warning is issued. Written warnings of such policy shall be provided to prospective sponsors prior to contracting for park use.

~~4iv.~~ Amplified music shall not cause a reading exceeding 65 dBA at the southern boundary of Ramirez Canyon Park as measured by an appropriately calibrated measuring device operated by a public officer. **Amplified music shall only be provided in the areas located immediately in front of and behind the Barn facility and at no time shall amplified music be audible beyond the property boundaries adjacent to residential development. In addition, event monitors on duty during such events shall check sound levels hourly at the site boundaries nearest adjacent residential development and shall immediately ensure volume reduction to achieve this standard should it be exceeded. Amplified music shall not be allowed anywhere on the subject site after 8:00 p.m. Sunday through Thursday evenings or after 10:00 p.m. on Friday or Saturday evenings. Special event sponsors shall be provided written notice of these amplified music restrictions prior to entering into a contract for rental of the facility.**

~~5v.~~ Special events held during the fire season shall retain all guest vans, shuttles, and drivers continuously on site during the event.

~~6vi.~~ Net proceeds **or \$1,000 per large event, whichever is greater**, generated by special events held at Ramirez Canyon Park shall be used to establish and maintain the ~~Malibu Parks Public Access Fund (the Fund)~~ **a fund** for purposes of funding access and recreational improvements and opportunities for visitors with diverse abilities, disadvantaged youth, or other underserved groups. The ~~F~~ **fund** shall specifically serve to implement the ~~Malibu Coastal Camping Program~~, a program designed for disadvantaged youth and dedicated to teaching first-time campers proper use of camping equipment, environmental awareness and outdoor leadership skills. The camp program shall include all necessary transportation, food and equipment, with staffing provided by professional naturalist educators who are trained in first aid, youth leadership and outdoor education.

~~7vii.~~ Specialized programs permitted at Ramirez Canyon Park and associated support facilities shall consist of the following uses and **be limited by the following** restrictions:

- Administrative offices for the Conservancy and Mountains Recreation & Conservation Authority (MRCA).
- Ranger/maintenance supervisor residence utilized by MRCA staff charged with security, site management, and public safety duties.
- Public improvements for the riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by physically challenged visitors in compliance with Americans with Disabilities Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas.

- Use of the Peach House, Barn, and Art Deco facility for small group gatherings and tours for up to ~~60~~ **40** participants each, and to greet guests or as a component of site tours **provided the Conservancy/MRCA has secured all other necessary approvals under State law for such use of these facilities.**
  
- Public Outreach, Events, Gatherings, Tours, And Workshops
  - Public Outreach Programs
    - Year-Round, Permitted 7 Days/Week
    - Max 40 Participants
    - 8:00 a.m. – Dusk
    - **Minimum 10 Outreach Events Conducted Per Month at Ramirez Canyon Park, Escondido Canyon Park or Corral Canyon Park, 5 of which shall be conducted at Ramirez Canyon Park (except when precluded by public safety concerns)**
  
  - Tours And/Or Small Gatherings
    - Year-Round, 12 Tours or Gatherings Permitted/Month
    - Max ~~60~~ **40** Participants
    - 8:00 a.m. – Dusk
  
  - Special Events (**gatherings of guests numbering more than 40**)
    - March – October, 32 Events Permitted/Year, 1 Event Permitted/Week
    - Maximum 200 Participants (**April 1 through July 31**)
    - **Maximum 150 Participants (March 1 through March 31 and August 1 through October 31)**
    - 8:00 a.m. - 9:00 p.m. Sunday-Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday, One Additional Hour is Allotted for Personnel Clean-Up and Securing the Facility.
  
- Day-use picnic areas designed specifically to provide park amenities to accommodate disabled visitors and their families by reservation. The accessible day-use picnic areas shall be located in level, previously disturbed areas so as not to adversely impact sensitive habitat, but shall be located in proximity to natural areas to provide association with natural resources to the maximum extent feasible.
  
- ADA accessible camp facility designed specifically for use by disabled visitors and their families, available by reservation.
  
- Hike-in camp facility, available by reservation **only**.

**8viii.** A Transportation and Parking Management Plan shall be developed and maintained to manage traffic trips on Ramirez Canyon Road pursuant to Section D.3.B.1 of this Overlay District.

**9ix.** An Event Monitoring Program shall be implemented and shall include annual monitoring reports to be submitted to the Executive Director of the Coastal Commission annually. The monitoring reports shall include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the annual reporting period, distinguishing revenue-generating and non-revenue generating events, activities, tours, and outreach programs, and specifying the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each.

**10x.** Nothing herein, including trip limitations, shall operate to limit or restrict access to Ramirez Canyon Park as sovereign property of the State of California at any time and by any means whatsoever, by any of the following: The governor or any civil executive officer as provided in Government Code Sec. 1001; any member of the California National Guard or the State Militia; any firefighter of any public agency; any peace officer, any emergency medical technician or paramedic whether employed by a public agency or not, any member of the Legislature or staffs thereof, any member of the Bureau of State Audits, the Secretary for Resources or any employee thereof, any member of the California Coastal Commission or staff thereof, any person appointed pursuant to Public Resources Code Section 33200 or 33213, or person appointed pursuant to Section 5.0 of the Joint Powers Agreement between the Conejo Recreation and Parks District, the Rancho Simi Recreation and Parks District, and the Santa Monica Mountains Conservancy.

## **IV. FINDINGS FOR APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT AS REVISED**

The following has been revised to represent the Commission's action on June 10, 2009, including the addition of Malibu Bluffs Park to the Overlay. Revisions pertaining to the addition of Malibu Bluffs Park are shown by the use of ~~strikethrough text~~ to indicate language the Commission is deleting and **bold underlined text** to indicate text the Commission is adding.

### **A. AMENDMENT DESCRIPTION AND HISTORY**

The Santa Monica Mountains Conservancy ("Conservancy") and the Mountains Recreation and Conservation Authority ("MRCA") proposal to amend Malibu's adopted LCP ("the LCPA") pursuant to Coastal Act Section 30515 consists of changes to the Land Use Plan ("LUP") and the Local Implementation Plan ("LIP") to include land use

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 48**

policies and development standards for a Malibu Parks Public Access Enhancement Plan Overlay. The proposed Overlay includes comprehensive policies and development standards for public access and recreation-oriented development within specific park properties and recreation areas within the City of Malibu including Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park **and Malibu Bluffs Parks**. The Overlay policies further identify specific actions necessary to implement improvements intended to enhance public access and recreation opportunities throughout the area covered by the Overlay including: creation of an interconnected system of parks, open space, trails, and habitats; improvement of alternative methods of transportation between parklands in the Plan area and; identification of recreational facility and program improvements for the park properties in the Plan area to better support existing recreational demand and to facilitate an increased level of accessibility for disabled visitors at all properties. Finally, the Overlay addresses the administrative and public outreach program uses at Ramirez Canyon Park that were previously the subject of Coastal Development Permit No. 4-98-334, approved by the Coastal Commission on April 12, 2000 and issued on February 5, 2001, but subsequently set aside (in 2005) pursuant to court order.

LCPA MAL-MAJ-1-08 began as a proposal by the Santa Monica Mountains Conservancy (“Conservancy”) and the Mountains Recreation and Conservation Authority (“MRCA”) to create a Malibu Parks Public Access Enhancement Plan, which was originally proposed as a Public Works Plan (“PWP”) pursuant to Section 30605 of the Coastal Act. The PWP proposed, among other things, to obtain approval for improvements to the Conservancy’s park and recreation areas, allow various uses (including camping at Ramirez Canyon Park, Escondido Canyon Park ~~and~~ Corral Canyon Park **and Malibu Bluffs Park**), and endorse a trail acquisition plan.

The Conservancy and the MRCA began the public hearing process on the proposed PWP with a publicly noticed meeting of the MRCA on February 17, 2006, and of the Conservancy on February 27, 2006 addressing a resolution to authorize a grant of Proposition 50 funds to initiate the formal planning and design phase for the Plan. The Draft Plan was posted on the MRCA website for public viewing on June 6, 2006, and a public meeting was noticed and conducted by MRCA on the Draft Plan in Thousand Oaks, California, on June 7, 2006.

On June 13, 2006 staff of the Conservancy and the MRCA met with City of Malibu staff to review and discuss the proposed Plan. The Draft Plan was revised in response to comments and letters received during the preceding hearings and meetings and the revised draft was posted on the MRCA website for public viewing on July 25, 2006. An additional publicly noticed hearing on the Plan was conducted by the Conservancy on July 31, 2006 in Malibu to receive public comment on the Plan. A further public hearing was held on September 18, 2006 in Agoura Hills, California, concurrently by the Conservancy and the MRCA to discuss and provide direction regarding amendments to the Plan, and a hearing noticed to all property owners within 500 feet of the project was held in Malibu on October 23, 2006 to receive additional public comment on the Plan and proposed amendments.

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 49**

Conservancy staff met with Los Angeles County Department of Parks and Recreation planning staff on October 31, 2006 to provide information on the Plan and to solicit the Department's comments, particularly regarding trail linkages and the County's Trail Plan (which is currently being updated as part of the County's Local Coastal Program planning process). The Office of Los Angeles County Supervisor Zev Yaroslavsky, Third District, was also provided with information on the Plan, including a presentation on November 9, 2006 at the quarterly Third District Parks Planning meeting with County staff, park agencies staff, nonprofit land trusts, and deputies for the Assemblymember and State Senator. An additional public hearing was held in Malibu on November 20, 2006. The Conservancy formally adopted the Plan on November 29, 2006.

However, the City of Malibu objected to the Conservancy's and the MRCA's determination to proceed with a PWP. The City felt that the proposals in the plan (such as adding parking spaces, restroom facilities, trailheads, campsites, etc.) were "development" within the meaning of the Coastal Act and the City contended that the improvement proposals were more appropriately addressed by obtaining a coastal development permit ("CDP") from the City, consistent with the LCP. The City further argued that certain components of the PWP were inconsistent with the certified LCP and therefore required an LCP amendment.

The draft PWP was submitted to the Commission on June 9, 2006 and, after review by staff, on June 30, 2006, the Commission informed the Conservancy and the MRCA that it could not accept the proposed PWP because it was submitted as a draft document and had not been formally adopted by resolution of the Conservancy and/or the MRCA as required by Section 30510 of the Coastal Act. However, in anticipation of a future, formally adopted, submittal the Commission offered comments on the Draft Plan.

The Draft Plan was revised in response to comments and letters received during the preceding hearings and meetings and a revised draft was posted on the MRCA website for public viewing on July 25, 2006. An additional publicly noticed hearing on the Plan was conducted by the Conservancy on July 31, 2006 in Malibu to receive public comment on the Plan. Another public hearing was held on September 18, 2006 in Agoura Hills concurrently by the Conservancy and MRCA to discuss and provide direction regarding amendments to the Plan, and a hearing noticed to all property owners within 500 feet of the project was held in Malibu on October 23, 2006 to receive additional public comment on the Plan and proposed amendments.

On December 22, 2006, the Conservancy filed a lawsuit against the City seeking declaratory relief on three matters: 1) Whether the Conservancy is immune from local land use regulations; 2) whether the current uses of Ramirez Canyon Park are consistent with the City's LCP and; 3) whether a CDP is required for the current uses at Ramirez Canyon Park. Malibu's City Attorney answered and filed a cross-complaint for an injunction asserting violations of the Coastal Act. The City also filed a separate lawsuit that addressed two claims that arose from the Conservancy's approval of the

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 50**

PWP: 1) That the Conservancy and the MRCA violated the California Environmental Quality Act (“CEQA”) and; 2) that the PWP exceeded those agencies’ authority.

In early 2007, the Conservancy and the City reached an agreement to suspend the litigation, revise various elements of the proposed Plan, particularly to include Charmlee Park as a major component of the Plan with new camping facilities in exchange for eliminating proposed camp facilities at Escondido Canyon Park, and to prepare and process an LCP amendment with the City of Malibu. The agreement also stipulated interim (until the LCP amendment process was completed) uses at Ramirez Canyon Park:

1. Administrative and government offices for up to 15 employees;
2. A residential caretaker and his family;
3. Two special programs a week for disabled youth and/or for seniors;
4. Occasional employee training programs;
5. On-going property maintenance.

The resultant LCP amendment (LCPA No. 07-002) was filed with the City on April 23, 2007 and the City’s review process resulted in a number of public meetings and hearings on the proposed Plan including a meeting before the City Environmental Review Board on July 25, 2007, a meeting with the City Planning Commission on October 9, 2007, a community workshop on November 10, 2007, and two hearings before the City Council on November 13, 2007 and December 5, 2007. During the City’s review process the proposed PWP document was set aside and in its place the Conservancy/MRCA prepared the Malibu Parks Public Access Enhancement Plan Overlay District for incorporation into the City’s LCP.

The City Council approved LCPA No. 07-002 at their December 5, 2007 hearing. However, in response to public comment which included local opposition to overnight camping within the City of Malibu, the LCP amendment as approved by the City Council prohibited and/or deleted a number of the primary components of the proposed Plan intended to enhance public access and recreation in the Plan area. The City’s action on the proposed LCP amendment request included a prohibition on all camping facilities and uses throughout the City of Malibu (with the exception of two (2) ADA campsites proposed at Ramirez Canyon Park that would be subject to conditional use permit requirements), deletion of public parking facilities necessary to support parkland and trail access for Escondido Canyon Park, and a reduction of public uses of Ramirez Canyon Park (as well as the requirement to build a new access road into Ramirez Canyon from Kanan-Dume Road prior to implementing those uses at Ramirez Canyon Park).

The City submitted LCPA No. 07-002, as approved at its December 5, 2007 hearing, to the Executive Director of the Coastal Commission on December 28, 2007, and the Commission filed the application on January 7, 2008, designating it as LCPA MAL-MAJ-3-07, which is scheduled to be heard immediately preceding this item.

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 51**

Unhappy with the City Council's December 5, 2007 action on the proposed LCP Amendment, the Conservancy and MRCA held a number of public hearings to discuss options for proceeding with the proposed Plan and Overlay District pursuant to the LCP override provisions found in Coastal Act Section 30515.

Public hearings of the Conservancy and MRCA were held on December 28, 2007 and January 9, 2008, respectively, in which the Conservancy and MRCA acted to proceed with project planning and design for development of additions and refinements to the Malibu Park Public Access Enhancement Plan Overlay District; additional project planning and design for the LCP amendment, and to authorize the Executive Director to submit the Malibu LCP amendment to the Executive Director of the California Coastal Commission pursuant to the LCP override procedures of PRC Section 30515 and 14 CCR Section 13666 *et seq.* In taking this action the Conservancy and MRCA found that the LCP amendment as adopted by the Malibu City Council on December 5, 2007 was contrary to the action of the Malibu Planning Commission, and effectively reduced the allowed uses of public parkland, restricted access to parks owned by the Conservancy and MRCA, and failed to fulfill the intent of the original Public Works Plan, contrary to the intent of the LCP amendment as proposed by the Conservancy and MRCA.

Additional public hearings were noticed and held by the Conservancy and MRCA on January 28, 2008 and February 6, 2008, respectively, in which the agencies reiterated their support and authorization for the Executive Director to submit the LCP Amendment to the Executive Director of the Coastal Commission pursuant to PRC Section 30515, finding that the amendment meets public needs of an area greater than that included within the certified Malibu LCP that had not been anticipated at the time the LCP was before the Commission for certification.

On April 15, 2008, the Conservancy and the MRCA submitted an LCP amendment application for a Malibu Parks Public Access Enhancement Plan Overlay District to the Commission with a request for a preliminary determination by the Executive Director pursuant to 14 CCR Section 13166 and PRC Section 30515, as to the applicability of the Certified LCP Amendment Override Procedures contained in 14 CCR Section 13166. This application included, in part, camping and other public access and recreation improvements not included in LCPA MAL-MAJ-3-07, particularly camping in Escondido Canyon Park and other improvements which had been previously abandoned pursuant to the Conservancy's and City's 2007 agreement.

On May 15, 2008, the Commission, in a letter to Stacey Rice, Planning Manager for the City of Malibu, and Joseph Edmisten, Executive Director of the Conservancy preliminarily determined that the Conservancy's proposed LCP Amendment qualified as being subject to the Certified LCP Amendment Override Procedures contained in 14 CCR Division 5.5, Chapter 11, Sub-chapter 2 (Sections 13666 to 13666.4). The preliminary determination and associated LCP amendment submittal was forwarded to the City of Malibu for its consideration and action. The City then had ninety (90) days from receiving the amendment request submittal (i.e., until mid-August) to review the proposal and amend their LCP pursuant to 14 CCR Section 13666.2(a).

At the July 14, 2008 Malibu City Council hearing, the City Council, in closed session, unanimously voted to file a lawsuit against the Commission's Executive Director to require the Executive Director to rescind the Commission's preliminary determination as to the applicability of the LCP override procedures contained in 14 CCR Section 13666.2. Later, during regular open session, the City adopted Resolution No. 08-44 which finds that "the proposed Malibu parks Public Access Enhancement Plan Overlay District is not development subject to the LCP override provisions..." making clear that the City would not accept the LCP Amendment.

On July 15, 2008, the Coastal Commission received the Conservancy's and MRCA's City of Malibu Local Coastal Program (LCP) Amendment "Override" submittal for the Malibu Parks Public Access Enhancement Plan Overlay District. The amendment proposes to establish an overlay district for specific park properties within the City of Malibu (City) with comprehensive policies and development standards to allow for implementation of public access and recreational improvements. The LCP Amendment has been submitted pursuant to PRC Section 30515 and 14 CCR Section 13666.2.

Commission staff reviewed the Conservancy's LCP amendment submittal and, on July 29, 2008, pursuant to 14 CCR Section 13553, found it to be properly submitted and complete. Staff designated the application as LCPA MAL-MAJ-1-08 and scheduled it to be heard following the hearing for LCPA MAL-MAJ-3-07.

**At the June 10, 2009 Commission hearing on the merits of the proposed LCP amendment, Joseph Edmiston, the Executive Director of the Conservancy and the Executive Officer of MRCA, officially amended the agencies' proposal in order to add the Malibu Bluffs Park as an additional area to be made subject to the Overlay.**

## **B. DESCRIPTION AND HISTORY OF PARKLANDS INCLUDED IN THE MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN OVERLAY**

The Conservancy/MRCA proposal to amend the City of Malibu LCP proposes changes to the Land Use Plan ("LUP") and the Local Implementation Plan ("LIP") to include land use policies and development standards for a Malibu Parks Public Access Enhancement Plan Overlay. The Overlay includes specific public access, recreational facility (including campgrounds), and program improvements for ~~three~~ **four** park properties owned by the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority: Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park **and Malibu Bluffs Park**. In addition, the Overlay includes plans for connections for the Coastal Slope Trail and other connector trails which would link the ~~three~~ **four** above-mentioned parks and other recreation areas within the City of Malibu including Solstice Canyon Park and the Zuma/Trancas Canyon Units - owned and operated by the National Park Service. The Zuma/Trancas Canyon

Units and Solstice Canyon Park are included in the Overlay to allow for comprehensive and strategic planning for developing priority trail and transit connections; however, the policies within the Overlay do not apply to any future development plans of the National Park Service for these parklands.

### **Ramirez Canyon Park**

Ramirez Canyon Park is located in Ramirez Canyon off the Malibu coastline and is bordered by National Park Service land in its northern portion, and private residential land in its southern portion. Barbra Streisand donated this 22-acre estate to the Santa Monica Mountains Conservancy in December 1993. The park contains five structures once serving as residences on six separate lots.

Because Ramirez Canyon Park contains a number of structures, gardens, and designed hardscape on the majority of the property associated with the former ownership, rather than the open natural habitat typically associated with other park properties, the park serves to provide a range of diverse environmental, cultural, and educational opportunities for both passive and active recreation activities. The more developed nature of the park lends itself well to function as a place for special, pre-arranged activities, events, and functions typically permitted by the State Parks system for the benefit of the community and visitors.

Ramirez Canyon Park is bisected by the City of Malibu-County of Los Angeles jurisdictional boundary. Access to the property is provided by gated vehicular access roads from Pacific Coast Highway via Ramirez Canyon Road or via West Winding Way and Delaplaine, and then through a gated entrance at the terminus of Ramirez Canyon Road. At the request of local neighbors along Ramirez Canyon Road and pursuant to the conditions of a Coastal Development Permit previously issued by the Coastal California Coastal Commission, public access to the park property is by appointment only. The portion of the park property located within the City of Malibu is designated and zoned as Public Open Space (OS) in the Local Coastal Program, while the balance of the property located in the Los Angeles County is designated Rural Land III (1 unit/2 acres) and Mountain Land (1 unit/20 acres), and is zoned A-1-1, Light Agriculture.

Ramirez Canyon Park contains a number of support facilities for the park's public use programs including picnic areas, restrooms, educational displays, sitting benches, gardens, and a riparian area interpretive trail. Public restrooms are served by a state-of-the-art alternative septic system. Additionally, Ramirez Canyon Park contains a number of support facilities for the park's public use programs including picnic areas, restrooms, educational displays, sitting benches, gardens, and a riparian area interpretive trail. Public restrooms are served by an alternative septic system. Additionally, the park has facilities to provide indoor and outdoor conference and event amenities: 1) the "Barwood" House used for office, conference room, and library uses; 2) the "Barn" used for office and meeting and reception use; 3) "Peach House"; 4) "Deco House"; 5)

Ranger/Maintenance Supervisor residence occupied by MRCA staff charged with park security and other public safety duties; and 6) gardens and meadows.

## Programs

### *Children's Educational Program*

A joint venture program with the non-profit "Happy Trails" gives children and young adults with disabilities a high-quality, interactive educational experience in a fun, safe learning environment. Programs focus on various animal activities to emphasize reinforcement of high self-esteem, improved communication and cooperation skills. The program also provides environmental instruction about the ecology of Ramirez Canyon Park and the Santa Monica Mountains.

### *Riparian Area Interpretative Trail*

In the northern portion of the property a barrier-free riparian area interpretive trail and picnic facilities has been developed north of the Barn facility that extends to the adjacent National Park Service lands. The gentle terrain of the trail area offers an undisturbed creekside interpretive area that provides an outdoor access opportunity for mobility-impaired visitors who are rarely able to enjoy such natural areas typically and readily available to other visitors in the Santa Monica Mountains.

### *Senior & Public Outreach Program*

Ramirez Canyon Park provides a retreat to visitors with accessible garden paths and picnic areas. A riparian area interpretive trail and overlook with picnic facilities are fully accessible and can be readily enjoyed by individuals with physical limitations. Numerous senior homes, the Reverends from the Los Angeles Mission on Skid Row, Veterans from the V.A. Hospital in Westwood, at-risk youth, various battered women's shelters, and young ladies from Esperanza Housing Project in the inner city have all been guests of Ramirez Canyon Park.

### *Special Events, Small Group Gatherings and Tours*

The gardens and unique structures of the park have been made accessible to the public with docent-led canyon and garden tours. The one-hour walking tour covers the historical, botanical, and architectural background of the property, as well as its broader relationship to the Santa Monica Mountains. Visitors have an additional hour to relax and explore the grounds. Special events and small gatherings have historically helped to maintain the property and support outreach programs designed to serve disadvantaged youth, physically-challenged visitors, and seniors.

## Natural Resources

Ramirez Canyon Park is traversed by Ramirez Canyon Creek within the west and southernmost portions of the property, and contains extensive stands of native coastal sage scrub habitat along the canyon walls and northern portion of the property which is adjacent to National Park Service land. Ramirez Canyon Creek is a blueline stream with regular water which is conveyed to the Pacific Ocean at Paradise Cove. Given the occurrence of Ramirez Canyon Creek and those areas vegetated with native coastal sage scrub habitat outside of the developed areas of the park, the majority of the park property is mapped as an Environmentally Sensitive Habitat Area per the City of Malibu Local Coastal Program (see City of Malibu/County of Los Angeles Environmentally Sensitive Habitat Area Overlay Map).

#### Planning/Permitting History

A Riparian Habitat Evaluation study, prepared by LSA Associates, Inc., August 30, 2002, details the history of development on the property beginning with construction of the first residence in 1953. Based on a review of historic aerial photographs and legal records, the study documents site conditions prior to 1977 (prior to establishment of the Coastal Commission and effectiveness of the Coastal Act in January 1977) and reports that all residential structures and associated infrastructure were developed on the property prior to 1977. In addition, the existing tennis court, swimming pool, various garden pads including the existing meadow, and the retaining wall and bridge at Barwood are documented to have been developed prior to 1977. While most of the existing structural development of Ramirez Canyon Park was developed prior to 1977, the study reports that much of the existing stream channelization of Ramirez Canyon Creek was conducted by previous property owners subsequent to 1977 without the benefit of permits.

On April 12, 2000, the Coastal Commission (Commission) approved Coastal Development Permit 4-98-334 permitting the Conservancy to establish and conduct the various administrative uses, programs, and events at Ramirez Canyon Park; which at the time, prior to certification of the City of Malibu Local Coastal Program, was zoned and designated for rural residential use per the City of Malibu zoning code and General Plan. Because the City of Malibu did not have a certified LCP at the time of Commission decision, the standard of review for the proposed project was the Coastal Act. The Commission found that the uses proposed by the Conservancy for the park were consistent with all applicable policies of the Coastal Act subject to a number of special conditions of the permit, all of which were complied with, and the permit was issued by the Commission on February 5, 2001.

The approved coastal development permit provided a detailed project description for improvements, programs, and limitations for use of Ramirez Canyon Park including the following project components and conditions of approval:

- Park administrative offices for the Conservancy and Mountains Recreation & Conservation Authority (MRCA).

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 56**

- Ranger and/or maintenance supervisor and certified wildland firefighter residence. Ensures 24/7 presence at the facility for maintenance and public safety reasons.
- Public improvements for the riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by physically challenged in compliance with Americans With Disabilities Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas.
- Use of the Peach House and Barn facility for small group gatherings and tours for up to 40 participants each, and to a limited extent the Art Deco facility permitted to be used to greet guests or as a component of site tours.
- Events, Gatherings, Tours, Workshops, and Outreach Programs as follows:
  - 32 Special Events per Year (March through October only)  
(16 events for up to 150 guests per event, March, and August through October)  
(16 events for up to 200 guests per event, April through July)  
No more than one special event per week
  - 8 tours per month, (40-person maximum per tour) (all year),
  - 4 small gatherings per month (40-person maximum per gathering) (all year)
  - 10 outreach programs per month (proposed as a maximum, for up to 40 participants) (all year)
- Special events, group gatherings, workshops, and tours subject to the following limitations:
  - Special events: gatherings of guests numbering more than 40, permitted to occur a maximum of one day per week during the special event season, including weekends and holidays, between the hours of 8:00 a.m. and 9:00 p.m. Sunday-Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday. The event season for special events for up to 200 guests was established between April 1 and August 1, allowing such events one day per week only, including weekends and holidays. The event season for special events for up to 150 guests was established between March 1 and April 1 and between August 1 and October 1 (peak fire season; which was defined as August 1 through December 31), allowing such events one day per week only, including weekends and holidays. Additional provisions applicable to events include:
    - Special events held during fire season to retain all guest van, shuttles, and drivers continuously on site during the event.

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 57**

- Special events for groups of over 40 participants permitted outdoors only.
  - No special events to be permitted between October 31 and March 1.
  - Events, tours, or other special functions on site to be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued, and that written warnings of such policy to be provided to prospective sponsor prior to contracting for park use.
- Outreach programs designed to provide access and recreation opportunities primarily for disadvantaged youths, physically challenged visitors, and seniors permitted to be conducted year round, seven days per week from 8:00 a.m. to dusk. The programs are provided at no cost to the participants and the Conservancy provides free or low-cost transportation for participants typically consisting of up to three vans or small transit buses. A minimum of ten Outreach Programs were required to be conducted each month.
  - Event Monitoring Program consisting of annual monitoring reports to be submitted to the Executive Director of the Commission by November 15th of each year. The monitoring reports include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the annual reporting period, distinguishing revenue-generating and non-revenue generating events, activities, tours, and outreach programs, and specifying the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each.
  - Transportation and Parking Management Plan including components to ensure that:
    - Agreements were secured and offsite parking provisions (three private parking areas at the Church of Christ Scientist, 28635 Pacific Coast Highway; a private property in the 27400 block of Pacific Coast Highway; and the Paradise Cove Beach Cafe, 28128 Pacific Coast Highway) for groups of 200 people were identified and available at private parking locations for visitors boarding van shuttles or consolidating carpools to Ramirez Canyon Park to accommodate the maximum parking demand for the authorized uses of the park without displacing the current parking use of the designated locations.
    - No off-site public coastal access parking, including but not limited to the Winding Way Trailhead, would be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park use.
    - Daily vehicle trips associated with all authorized uses of Ramirez Canyon Park were restricted to a maximum of 80 trips each way per day (40 round trips).

- Signage was provided at the entrance gate to Ramirez Canyon Park forbidding horn honking except in case of emergency.
  - Vans and shuttles minimize traffic trips on Ramirez Canyon Road by traveling with maximum passenger capability and in convoys, whenever feasible.
- Emergency Access and On-Site Parking Plan developed by a licensed civil engineer and approved by the Los Angeles County Fire Department to comply with applicable State and County fire and life safety regulations. The plan requires that all vehicles at Ramirez Canyon Park use the appropriate designated parking areas identified in the approved plan and that a number of physical improvements to accessways, roads, parking, and placement of signage be implemented. These improvements include, among other things, construction of fire department hammerhead turnaround areas, road widening, and installation of water tanks and back up generators on the park property. In addition, the Conservancy contributes annually a proportionate share of fees (generally equivalent to that normally assessed for 6 single family homes) to the neighborhood homeowners association for maintenance of Ramirez Canyon Road. Finally, as previously mentioned, the Conservancy adopted a policy to ensure that events, tours, or other special functions on site be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued, and that written warnings of such policy to be provided to prospective sponsor prior to contracting for park use.
- Septic System Abandonment/Wastewater Treatment and Recycled Water System Installation Plan developed to provide for the permanent abandonment of the idle septic system and leachfields located beneath the tennis court, the leachfield then serving Barwood, and of the leachfields and/or pits and septic tanks serving the Barn and Peach House Structures and installation of a new, on site wastewater treatment system and recycled water reuse program, including a landscape/ orchard planting and management plan designed to maintain sufficient evapotranspiration capacity for the maximum effluent production of the site during all potential seasonal conditions. The plan also provides for the installation and maintenance on site of emergency power generators and fuel supply necessary to maintain the wastewater treatment system for at least twelve (12) hours.
- Water Quality Monitoring Program including provisions for quarterly analysis of water samples up- and down-stream of the subject site for a minimum of four quarters of available streamflow (streamflow in Ramirez Canyon Creek is intermittent), commencing with the first quarter of available streamflow following the installation of the new wastewater treatment system. The quarterly analysis of water samples shall determine fecal coliform concentration and, should the results of the one year analysis be adverse or inconclusive, additional water

quality analysis shall be performed. If the results of the water quality monitoring fail to rule out existing septic systems as a potential source of elevated fecal coliform counts downstream of Ramirez Canyon Park, a complete permit application was required to abandon the remaining septic systems and further upgrade the new wastewater treatment system to accept and treat the effluent from the ranger residence and/or the Art Deco building.

- Fire Management and Evacuation Plan developed and approved by the State Fire Marshall and Los Angeles County Fire Department, Division of Fire and Life Safety, including provisions for submittal of an annual fuel modification plan for site vegetation management and tree trimming/limbing on Ramirez Canyon Road, Delaplane Road, and Winding Way prior to the annual fire season. The plan also provides for the installation and maintenance on site of emergency power generators and fuel supply necessary to maintain emergency lighting for at least twelve (12) hours; that events, tours, or other special functions on site be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued; and that written warnings of such policy to be provided to prospective event sponsors prior to contracting for park use.
- Wooden Bridge Reinforcement Plan to provide for bridge reinforcement of the wood bridge over Ramirez Canyon Creek next to the park to ensure the bridge could safely support a 25 ton fire engine.
- Amplified Music and Noise Restrictions provide for use of amplified music only in the meadow located immediately adjacent to and in front of Bam facility, but not allowed in any location on the park property after 8:00 p.m. Sunday through Thursday evenings or after 10:00 p.m. on Friday or Saturday evenings. Use of amplified sound requires monitoring of sound levels by park rangers and restrictions on amplified music are provided to events sponsors contracting for park use.
- Drainage and Polluted Runoff Control Plan developed for the on site roadway, turnouts, and parking areas to ensure implementation of best management practices to minimize the volume, velocity, and pollutant load of stormwater leaving the developed areas of the site, and provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development.

The Commission's review of the Ramirez Canyon Park project under Coastal Development Permit 4-98-334 noted that the streambed of Ramirez Canyon Creek through the property has been substantially modified and channelized without the benefit of permits. While the channelization occurred under prior ownership, the Conservancy, as the current property owner, is responsible for seeking the appropriate permits to permit or restore the stream channel as necessary and consistent with all applicable laws. The Conservancy submitted a Coastal Development Permit Application

to address the issue of streambed alterations; however, the application was never completed and the issue remains unresolved at this time.

Although the permit was issued by the Commission on February 5, 2001, and the proposed and required improvements and programs were implemented, during the review process the City of Malibu filed suit against the Conservancy in November 1999, alleging that the Conservancy was holding commercial events at its Ramirez Canyon property in violation of the Coastal Act. In addition, in May 2000, the City of Malibu and Ramirez Canyon Preservation Fund filed suit for a writ of mandate, challenging the Commission's April 12, 2000 decision to approve Coastal Development Permit 4-98-334. Ultimately, on February 4, 2005, the Ventura County Superior Court granted the writ of mandate, ruling that at the time the Commission approved Coastal Development Permit 4-98-334, the Conservancy was subject to local land use regulation, and that the Conservancy should have sought approval from the City of Malibu before applying to the Coastal Commission. The Conservancy filed an appeal on November 23, 2005, but subsequently abandoned the appeal on April 10, 2006 in order to pursue an expanded public access program beyond the scope of the original Coastal Commission application for Ramirez Canyon alone. With the exception of the Conservancy's Public Outreach Programs, all programmatic uses of the park approved pursuant to Coastal Development Permit 4-98-334 (events, gatherings, tours, workshops) have been suspended pending the review of the proposed Plan.

### **Escondido Canyon Park**

Escondido Canyon Park is located approximately one mile east of Kanan Dume Road in Malibu. The park is approximately 140 acres in size and is mostly surrounded by privately owned land. The park consists of open land heavily vegetated with a variety of native and nonnative plant and tree species. Escondido Canyon Park consists of the Escondido Canyon Natural Area acquired by MRCA in 1990 and the balance of the park property that was acquired by the Conservancy in 1997.

The park is only accessible by the public via pedestrian access along the road shoulder of East Winding Way from a parking lot located on Winding Way at Pacific Coast Highway, approximately 1 mile south of the park boundary. A dirt trail then takes access from the terminus of Winding Way onto the park property. The entire park property is designated and zoned as Public Open Space (OS) in the City of Malibu Local Coastal Program (see City of Malibu/County of Los Angeles Land Use Designations Map & City of Malibu/County of Los Angeles Zoning Designations Map).

### **Park Facilities**

There presently are very few support facilities at Escondido Canyon Park, with the exception of one picnic table at the park entrance. The primary public amenity at the park is the trail system through the Escondido Canyon Natural Area that leads hikers, mountain bikers, and equestrians along a 4.2 mile trail through oak woodland, riparian

woodland, and coastal sage scrub habitat to the spectacular, multi-tiered 150-foot Escondido Falls—the highest in the Santa Monica Mountains.

### Natural Resources

Escondido Canyon Park is in its entirety naturally vegetated with native and non-native plant species. The majority of the park area can be characterized as relatively undisturbed coastal sage scrub habitat; however, Escondido Creek winds its way through the park along which riparian woodland is the dominating habitat. In addition, areas containing a mix of native and non-native grassland occur in various areas of the park. Various pocket areas of disturbance along the trail are evident through the park. The majority of the park property is designated as an Environmentally Sensitive Habitat Area in the City of Malibu Local Coastal Program (see City of Malibu/County of Los Angeles Environmentally Sensitive Habitat Area Overlay Map).

### Planning/Permitting History

As detailed above, Escondido Canyon Park had been acquired in its entirety by the Conservancy and MRCA by 1997. During the 1997 acquisition of the park, the Conservancy also began planning for park improvements and initiated the permitting and environmental review process to develop a fifteen car parking lot near the Escondido trailhead adjacent to the terminus of Winding Way, which would have also accommodated one bus and a horse trailer pull-out. The project also included installation of two chemical restrooms, an ADA accessible trail to Escondido Creek, a water fountain, horse trough and hitching post, picnic tables, and trail improvements. A Negative Declaration was approved for the proposed project; however, subsequent permits were never sought and the project was never fully implemented.

### Corral Canyon Park

Corral Canyon Park is regionally significant in that it encompasses approximately 772-acres of coastal land in the City of Malibu and unincorporated County of Los Angeles and contains the last undeveloped coastal canyon in Los Angeles County that flows freely to the ocean (see Public Parkland Map). The park is surrounded by privately owned land with the exception of where Dan Blocker State Beach lies just south along the shoreline and State and Federal parkland to the north. The park consists of open land heavily vegetated with a variety of native and non-native plant and tree species.

The property was formerly owned by Bob Hope, who in the early 1990s had County approvals to build a luxury home development and golf course in Corral Canyon. Corral Canyon Park and the trailhead were acquired by the MRCA in 1998 and transferred to the Conservancy in early 2000. The park is easily accessed directly from Pacific Coast Highway between Malibu Canyon and Kanan Dume Roads and also via public transit where a MTA bus stop is located at the entrance to the park. The park property is designated and zoned as Public Open Space (OS) in the City of Malibu Local Coastal

Program (see City of Malibu/County of Los Angeles Land Use Designations Map & City of Malibu/County of Los Angeles Zoning Designations Map).

### Park Facilities

The Corral Canyon Park trailhead contains a number of support facilities including public parking, picnic areas, restrooms, sitting benches educational displays, and hiking trails. The park contains a 2.5 mile loop trail that climbs through pristine wilderness to the Puerco Canyon watershed divide which provides spectacular ocean and mountain views along coastal bluffs and hillsides. The trailhead also provides seasonal access underneath Pacific Coast Highway to Dan Blocker State Beach.

### Natural Resources

Given the unique terrain of Corral Canyon Park, and its proximity to the ocean, the park contains a wide variety of habitat, including coastal sage scrub, coastal bluff, native grassland, and the riparian corridor of Corral Creek which includes among other species alder, coast live oak, California sycamore, and willow trees. A pocket of coastal salt marsh is located where the creek meets the ocean at the Pacific Coast Highway bridge. Various pocket areas of disturbance along the trail are evident in the southernmost portion of the park where a number of structures once existed. The park property is designated as an Environmentally Sensitive Habitat Area (ESHA) in the City of Malibu Local Coastal Program. Within the County's jurisdiction, Corral Canyon Creek is considered ESHA and much of the park is considered Significant Watershed per the County's certified Land Use Plan (see City of Malibu/County of Los Angeles Environmentally Sensitive Habitat Area Overlay Map).

### Planning/Permitting History

On September 26, 2002, the Coastal Commission granted a waiver for Coastal Development Permit 4-02-072-W for the construction of trailhead and trail improvements at Corral Canyon Park. The project included construction of a 15 car public parking lot, one chemical restroom, and a 2.5 mile loop trail through the park. In addition, the project included an ADA accessible picnic area, an interpretive kiosk, park signage, drinking fountain, recycling bins, and an extensive native vegetation planting plan. The proposed improvements were developed and are now available for public use at the park trailhead.

## **C. THE PROPOSED LCP AMENDMENT QUALIFIES FOR PROCESSING PURSUANT TO THE “OVERRIDE” PROCEDURE OF PRC SECTION 30515**

California Public Resources Code (“PRC”) Section 30515 and California Code of Regulations, Title 14 (“14 CCR”) Section 13666 *et seq.* govern the submittal of LCP amendments by persons authorized to undertake public works projects that require an LCP amendment. This section of the Coastal Act allows a very limited group of people to request the Commission to amend any portion of a local jurisdiction’s LCP (including its LUP, implementing ordinances etc.).

### PRC Section 30515

#### **Amendment for public works project or energy facility development**

***Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.***

***If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.***

### 14 CCR Section 13666

#### **Certified Local Coastal Program (LCP) Amendment "Override" Procedures**

##### **13666. Applicability.**

***These procedures are applicable to persons authorized to undertake a public works project or proposing energy facility development that requires LCP amendments provided that the development meets the following two requirements:***

***(1) unanticipated by the person proposing the development at the time the LCP was before the Commission for certification.***

***(2) meets the public needs of an area greater than that included in the certified LCP.***

***All other developments requiring an amendment to the certified LCP shall follow the LCP amendment procedures of the affected local government and the Commission.***

PRC Section 30114 (in part)

***“Public works” means the following:***

***(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.***

Those sections establish the following three criteria that must be satisfied for a proposed LCP amendment to qualify for review on the merits pursuant to this “override” procedure:

1. The party requesting the amendment must be “authorized to undertake a public works project or proposing [an] energy facility development” (PRC § 30515 and 14 CCR § 13666)
2. The purpose of the proposed amendment must be “to meet public needs of an area greater than that included within such certified local coastal program” (PRC § 30515) and the development must in fact meet those needs (14 CCR § 13666(2)) and
3. The need must not have “been anticipated by the person making the request at the time the local coastal program was before the commission for certification” (PRC § 30515; see also 14 CCR § 13666(1)).

The first and third of these criteria are addressed in this section (IV.C.). The second eligibility criterion (whether the amendment is designed to and does meet public needs of an area greater than the City of Malibu) is repeated in 14 CCR Section 13666.4(a) as the first of the four factual findings that the Commission must make in order to approve an LCP amendment pursuant to this override process. Thus, it is addressed separately, in section IV.E.1, below.

**1. The Conservancy and MRCA are authorized to initiate this process.**

There are two groups of persons who may request an LCP amendment under PRC Section 30515 and CCR 13666: those “authorized to undertake” public works projects and those “proposing” the development of energy facilities. However, there is no requirement that a “person authorized to undertake a public works project” propose a project at the time of their request for an LCP amendment (as is the case here) unlike those persons who may request an LCP amendment for the purposes of developing

energy facilities who must have an accompanying project. See also Malibu LCP, LIP portion, section 19.2.1.A.4 (LCP amendments may be initiated by anyone authorized to undertake a public works project if the criteria of PRC section 30515 are satisfied).

PRC Section 30114 (in part)

***“Public works” means the following:***

***(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.***

The Santa Monica Mountains Conservancy (“Conservancy”) and the Mountains Recreation and Conservation Authority (“MRCA”) are “persons” (as defined in PRC section 30111) and can undertake public works projects (in this case, publicly financed recreational facilities). In addition, the MRCA is a “special district” as defined by Coastal Act Section 30118.

**2. The Conservancy and the MRCA did not anticipate this need in 2002**

The second factor addressed in this section IV.C. is whether the need being addressed by the proposed LCP amendment was anticipated by the person proposing the development at the time the LCP was certified.

In this case, the need at issue is the need to increase recreational and access opportunities in the open space areas of the Santa Monica Mountains through land use policies and development standards such as those found in the Malibu Parks Public Access Enhancement Plan Overlay. The “person” who must not have anticipated that need is the Conservancy/MRCA, and the time at which they must not have anticipated it is in 2002, when the Malibu LCP was certified.

This LCP amendment relates to specific public access, recreational facility, and program improvements for specific parks within the City of Malibu to meet specific needs identified since certification of Malibu’s LCP. In 2002, the Conservancy and MRCA did not anticipate the need for the enhanced policies and standards now being proposed because the certified Malibu LCP designated camping as permitted use within parklands. In addition, the Conservancy already had a permit for recreational and access improvements in the Ramirez Canyon area (CPD No. 4-98-334). However, the history of events described above (including the loss of CDP 4-98-334, the City’s opposition to the Conservancy and MRCA’s original PWP, and, most recently, the City’s decision that camping is not an appropriate activity anywhere within the City of Malibu) revealed the need for enhanced provisions regarding public access and recreation within the City. Finally, the future park improvements anticipated by the Overlay will serve the greater Los Angeles area and southern California region, and, not just the City of Malibu. Therefore, in compliance with PRC Section 30515 and CCR Section 13666, the Conservancy/MRCA is eligible to request an amendment to the City of Malibu’s LCP, said request was unanticipated at the time Malibu’s’ LCP was certified, and the

proposed amendment will, when implemented, serve an area greater than that of the certified LCP.

## **D. PROCEDURAL REQUIREMENTS HAVE BEEN SATISFIED**

### 14 CCR Section 13666.3

#### **13666.3. Commission Review.**

***Commission review shall be undertaken only after consultation with the affected local government and review shall be conducted according to the LCP regulations. A local government resolution is not required if the local government fails to act within 90 days as specified in 13666.2(a).***

14 CCR Section 13666.3 requires that Commission review of a submittal under PRC Section 30515 only be undertaken after consultation with the affected local government, that review be conducted according to the LCP regulations (14 CCR Chapter 8, Subchapter 2, Article 1 - see Section 13500), and that local government resolution is not required if the local government fails to act within 90 days as specified in 13666.2(a).

On April 15, 2008, the Conservancy/MRCA submitted the LCPA to the Commission with a request for a preliminary determination by the Executive Director. On May 15, 2008, the Commission issued a letter to the City of Malibu and the Conservancy/MRCA notifying them that the Executive Director of the Commission had reviewed the subject LCPA request in consideration of the override procedure requirements of the Coastal Act and the Commission's regulations and determined that the Conservancy/MRCA is a "person authorized to undertake a public works project" and that the LCPA submittal meets the public needs of an area greater than that included in Malibu's certified LCP, unanticipated at the time the LCP was before the Commission for certification. The Commission's letter included the LCPA Submittal and notified the City that, according to 14 CCR Section 13666.2, the City had 90 days from the date of submittal to review and act upon the proposal. And that failure to act within 90 days of the amendment submittal would allow for the Conservancy/MRCA to file the request for the LCPA with the Commission. On July 14, 2008, the Malibu City Attorney announced that, in closed session, the City Council had unanimously voted to file a lawsuit against the Commission's Executive Director seeking to require him to rescind the Commission's preliminary determination as to the applicability of the LCP override procedures. Thereafter, the City Council held a public hearing regarding the Commission's preliminary determination and adopted City Resolution No. 08-44, which memorializes the City's finding that "the proposed Malibu Parks Public Access Enhancement Plan Overlay District is not development subject to the LCP override provisions, reaffirms related amendments to the certified LCP Land Use Plan (LUP) that were proposed by the City and processed by the Coastal Commission earlier on the same day that the Commission acted on this proposal (MAJ-3-07) and makes findings in connection with the proposed Overlay District." On July 15, 2008, the Conservancy/MRCA submitted its

proposed LCPA for a Malibu Parks Public Access Enhancement Plan Overlay to the Commission pursuant to PRC Section 30515 and 14 CCR Section 13666 *et seq.* Therefore, in compliance with 14 CCR Section 13666.3, the affected local government was consulted with and failed to adopt the subject LCPA within 90 days of submittal. A local government resolution is not necessary, although the City did adopt one, and Commission review of the subject LCPA can proceed according to the LCP Regulations.

## **E. THE PROPOSED LCP AMENDMENT SATISFIES THE FINDINGS REQUIRED BY 14 CCR SECTION 13666.4**

### **13666.4. Required Findings.**

***(a) If the recommendation is for Commission approval as proposed or modified (i.e., conditioned), the recommendation shall be accompanied by specific factual findings and reasoning which, after a careful balancing of social, economic and environmental effects, supports the following conclusions:***

***(1) development meets a public need of a geographic area greater than that included within the certified LCP.***

***(2) development conforms with and is adequate to carry out the policies of Public Resources Code Section 30200 et seq.***

***(3) if significant adverse environmental impacts have been identified, reasonable alternatives have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging way to meet the public need. If the development will have no significant adverse environmental impact, findings shall be included which support that conclusion.***

***(4) disapproval would adversely affect the public welfare as identified in the findings, declarations, and general provisions of the Coastal Act (Public Resources Code Section 30000 et seq.) and the California Coastal Management Program, if applicable.***

***(b) If the recommendation is for Commission denial, the recommendation shall state specifically the grounds for denial, based upon the findings and relevant facts which after a careful balancing of social economic and environmental effects support the conclusions listed in Section 13666.4.***

14 CCR Section 13666.4 requires that specific, factual, findings be made if the Commission approves or revises an LCP amendment submitted pursuant to PRC Section 30515:

**1. The proposed LCP amendment is designed to meet a public need of a geographic area greater than that included within the certified LCP and does address that need.**

As addressed in detail in this staff report the subject LCPA provides policies and implementing measures that expand on the public access and recreation policies of the Malibu LCP and that will enable development that will serve to enhance public access and recreation opportunities to and within park facilities in the City of Malibu for local and non-local visitors with diverse interests and abilities. The geographic area covered by the Malibu LCP is the City of Malibu. However, Malibu is located within one of the most populated regions in the United States and is within easy driving distance of millions of California residents. The City of Malibu and the Santa Monica Mountains National Recreation Area receive millions of visitors annually from the greater Los Angeles Area and the demand for access and recreation opportunities, including camping opportunities exceeds the supply.

Unfortunately, Malibu has had a long history of conflict related to meeting the Coastal Act mandate for protecting and enhancing public access and recreational resources. In recognition of this ongoing conflict, the Commission certified the City's LCP which describes the various factors that have historically limited public access opportunities in the Malibu region:

*Public access to and along the shoreline and trails, and the provision of public recreational opportunities and visitor-serving facilities such as campgrounds, hotels and motels has historically been a critical and controversial issue in Malibu. Continuing conflicts in providing maximum public access to and along the shoreline and trails, as mandated by the Coastal Act, is evidenced in the Coastal Commission's permit regulatory reviews and public hearings concerning proposed projects in Malibu since 1976." (Chapter 2 of the City of Malibu Local Coastal Program Land Use Plan).*

The demand for coastal public access and recreation opportunities, the mandates of the Malibu LCP and of the Coastal Act to meet this demand, and the continuing conflict with the City of Malibu remains today as evidenced by the history and circumstances resulting in the Conservancy/MRCA LCP amendment override application. The override procedure invoked for the proposed Overlay allows for such amendments because, as with the Conservancy and MRCA, it is the Coastal Commission's role to apply a regional or statewide perspective to land use debates where the use in question is of greater than local significance. Where local governments generally are constrained to plan the use of land only within their corporate boundaries, the Commission was created, in part, in order to take a broader view in making land use decisions for California's coastline in the interest of all people.

Presently, there are no public camping facilities within the City of Malibu. One private campground facility, the Malibu RV Park, exists in the City and is located east of the intersection of Corral Canyon Road and Pacific Coast Highway.

As demonstrated by the evidence outlined in this staff report, there is a significant demand both locally and on statewide basis for public camping, hiking and recreation facilities within public parklands. The need and demand for public recreation at the Conservancy/MRCA parklands cannot be focused on, nor determined by, the residents of Malibu alone, but by the roughly 17 million people that live and work within the Los Angeles area and visitors seeking coastal recreation throughout California and the nation.

The Conservancy and MRCA have also recognized the need for recreation opportunities for park visitors of varying abilities (e.g., physically and mentally challenged). As such, the Conservancy and MRCA have identified an underserved population seeking coastal access and recreation and have therefore emphasized the need to provide facilities and outreach programs intended to reach this population.

Ramirez Canyon Park contains a number of established amenities to support public use programs designed to facilitate accessibility including picnic areas, restrooms, educational displays, sitting benches, gardens, easily accessible terrain, and a riparian area interpretive trail. As such, the Overlay does not contemplate extensive physical improvements for Ramirez Canyon Park to improve accessibility but includes detailed program and operational policies and implementation measures to ensure that public outreach programs are implemented to the maximum extent feasible.

To implement the policy provisions for enhancing accessibility to and within Conservancy/MRCA owned and maintained park areas throughout the Plan area, the Overlay also provides implementation measures for the development of new park facilities designed to accommodate visitors with diverse abilities including additional accessible day-use picnic areas at Ramirez Canyon Park, and a number of other park-specific improvements and specifications, including accessible camping facilities and support facilities for Escondido Canyon Park, ~~and~~ Corral Canyon Park, and Malibu Bluffs Park. Finally, where feasible and found consistent with public safety needs and resource protection policies, the Overlay provides that trail improvements will incorporate current accessibility guidelines and technical requirements to facilitate access and use by persons with disabilities.

Although the existing certified Malibu LCP recognizes camping as permitted use within Parklands it does not include specific development standards for the campsites in parklands, including policy direction regarding the development of campgrounds in environmentally sensitive habitat areas. In addition, the certified Malibu LCP does not include specific development and use standards for Ramirez Canyon Park.

It is clear from the evidence presented in this report that the proposed LCP override will provide for future public camping facilities, public trails and recreational opportunities for disadvantaged, disabled, and able-bodied persons - serving a public need of a geographic area greater than that included in the certified LCP.

**2. The proposal, as revised, is in conformity with the policies in Chapter 3 of the Coastal Act and would establish a system adequate to carry out these policies**

The Chapter 3 policies of the Coastal Act (PRC Section 30200 et seq) provide for the protection and enhancement of coastal resources. Following is a discussion regarding the conformance of the subject LCPA with the relevant Chapter 3 policies, namely those concerning public access and recreation, environmentally sensitive habitat areas, visual resources, hazards, water quality, new development, and archaeological resources. Additionally, this section addresses the consistency of the proposed LUP policies with the applicable policies of the Coastal Act. Finally, there is a discussion of how the LUP, as amended, conforms with and is adequate to carry out the policies of the LUP.

**a. Public Access and Recreation**

Both the Coastal Act and Malibu's certified LCP contain policies that protect public access and recreation in the Coastal Zone and encourage development of lower cost visitor serving recreation opportunities and overnight accommodations:

**California Coastal Act Public Access and Recreation Policies**

*Coastal Act § 30210: In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*Coastal Act § 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

*Coastal Act § 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*Neither the Commission nor any regional commission shall either (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

*Coastal Act § 30214: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*

**City of Malibu LCP Override  
Local Coastal Program Amendment 1-08  
Revised Findings  
Page 71**

- (3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.***
- (4) *The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic value of the area by providing for the collection of litter.***

***(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.***

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

***Coastal Act § 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

Coastal Act Section 30210 mandates that maximum public access and recreational opportunities be provided for all people, consistent with the need to protect public safety, private property and natural resources. Coastal Act Sections 30212.5, 30213, 30214 and 30223 state that public facilities are to be provided throughout an area so as to mitigate impacts of overcrowding or overuse by the public of any single area; that lower-cost visitor and recreational facilities be protected; encouraged, and where feasible, provided; public access policies should be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case; and upland areas necessary to support coastal recreation should be reserved for such uses, where feasible.

The proposed Overlay that is the subject of this LCPA provides policies and implementing measures that expand on the public access and recreation policies of the Malibu LCP and that will serve to enhance public access and recreation opportunities to and within park facilities in the City of Malibu for local and non-local visitors with diverse interests and abilities. The City of Malibu and the Santa Monica Mountains National Recreation Area receive millions of visitors annually from the greater Los Angeles Area and the demand for access and recreation opportunities exceeds the supply. That demand is projected to grow. (The State Park System Plan 2002 Part I – A System for the Future).

The proposed policies and implementation measures identify where and when access and recreation improvements and programs permitted by the LCP are allowed within the specific park properties and trail corridors included in the Plan area. In addition, because the LCP clearly encourages protection, enhancement and expansion of public access and recreational opportunities via development of trails, support facilities and campsites, but lacks specific development standards for these uses, the proposed Overlay policies and implementation measures further clarify the various recreation and

park uses, activities, support facilities and public outreach programs permitted within the specific park properties of the Overlay area.

### Visitor Demand

Located in western Los Angeles County, the City of Malibu is located about 25 miles from downtown Los Angeles. According to the US Census Bureau, the five counties which comprise the greater Los Angeles area (Ventura, Los Angeles, Orange, Riverside, and San Bernardino Counties) have a combined population of approximately 17,776,000 (as of July 1, 2006). A 100-mile radius from the city center of Malibu extends as far north as Bakersfield, as far south as Carlsbad, as far east as Redlands and includes all of Ventura, Los Angeles and Orange Counties, the most populated areas of Riverside, and San Bernardino Counties, and portions of Santa Barbara, Kern, San Luis Obispo, and San Diego Counties. Thus, Malibu is located within one of the most populated regions in the United States and is within easy driving distance of millions of California residents.

The City of Malibu has over 20 miles of coastline and its beaches, like Zuma Beach and Surfrider Beach, are world famous and draw many thousands of visitors from the greater Los Angeles area. According to the City of Malibu (2000 economic study), about 1.5 to 2 million people visit Malibu annually. In addition, the City is located within the Santa Monica Mountains National Recreation Area which, according to the National Park Service, receives about 33 million visitors annually.

### Overnight Camping

Presently, there are no public camping facilities within the City of Malibu. One private campground facility, the Malibu RV Park, exists in the City and is located east of the intersection of Corral Canyon Road and Pacific Coast Highway. The Malibu RV Park includes 35 tent spaces for which fees range between \$41-\$46 Sunday-Thursday and \$51-\$56 Friday-Saturday during the peak season (May 23-September 30), and between \$20-\$25 Sunday-Thursday and \$25-\$30 Friday-Saturday during the off season (October 1-May 22). A holiday surcharge of \$20/night per tent is imposed, except on the 4<sup>th</sup> of July when a surcharge of \$75/night per tent is required. The limited supply of overnight camping facilities in Malibu and the apparent ability to charge considerable fees for use of the facilities that are available indicate a significant demand for these limited resources.

Since there are currently no public camping facilities within the City of Malibu, records of use to assess current demand for low-cost overnight camping resources within the City are not available. However, California State Parks data relative to existing demand for public camping facilities in areas proximate to the City demonstrate a significant unmet demand for camping opportunities. In 2007, State Parks personnel reported that the months of June, July and August experienced a 107.4% capacity for camping at the Leo Carrillo, Malibu Creek, Point Mugu and Thornehill Broome campgrounds located in

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 73**

County jurisdictions adjacent to the City - the extra 7.4% attributed to overflow camping and group camping. (State Parks email, November 2, 2007).

In addition, a State Parks News Release (November 2007) confirmed an overwhelming, unmet demand for camping resources on a State-wide level, particularly along the California Coast, reporting that camping reservations on opening day for May increased 20% from 2006 with many coastal facilities, Bolsa Chica in Orange County, Carpinteria State Beach in Santa Barbara County, Doheny State Beach in Orange County, San Clemente State Beach in Orange County, San Elijo State Beach in San Diego County, and South Carlsbad State Beach in San Diego County, at 90% capacity by close of business on opening day. Personnel of the Long Range Planning Program for California State Parks further reports the following on public demand and support for developing new camp areas along the California Coast:

*The California State Parks system has not stayed abreast with the demand for peak-season camping as the population has grown. There is a high unmet demand for camping outdoor opportunities in California. Changes in California's demography, coupled with growing tourism, have created unprecedented demand for more camping opportunities. The demand for all campsites at State Parks grew by approximately 13% between the years 2000 and 2005.*

*California's state parks are the most heavily visited of any state park system in the nation. Some facilities are at capacity. Coastal beaches and campgrounds, for example are the most heavily used state parks. State Parks coastal campsites are at or near capacity during the spring, summer and fall months, with thousands of potential visitors turned away. Demand is so high that if the Department were to add 325 camp sites a year, it would not keep up with requests. (The State Park System Plan 2002, Part I: A System for the Future, [www.parks.ca.gov/?page\\_id=24512](http://www.parks.ca.gov/?page_id=24512)).*

The proposed Overlay includes new policies to encourage development of overnight camping resources within park boundaries in the Plan area and the specific development standards necessary to ensure such facilities are developed consistent with all applicable policies of the Coastal Act and Malibu's LCP.

The Overlay provides for developing unique, "low-impact" camp facilities within existing park boundaries in the Plan area consistent with public safety needs, site constraints, and resource protection policies. Low-impact campsites are walk-in campsites including, where appropriate, support facilities such as picnic tables, fire-proof cooking stations, water tanks, pipelines, self-contained chemical/composting restrooms, and shade trees, etc., which utilize remote parking in non-ESHA areas and which have an educational or interpretive component including signage related to the natural resources of the Santa Monica Mountains. Low-impact campsites, as defined, constitute a resource dependent use and, as such, can be located close to or with ESHA.

In addition, the Overlay provides for fully accessible camp facilities in each park area considered for campsite development and the Overlay will establish a fund, supported

by net proceeds of special event uses at Ramirez Canyon Park, to fund a camping program designed to provide urban, disadvantaged youth with their first overnight camping experience. It is anticipated that each special event at Ramirez Canyon Park would yield approximately \$1,000 of net proceeds, and could therefore fund approximately 20 participants in one overnight program event. The MRCA will provide all necessary transportation, meals and equipment, and will deliver a program dedicated to teaching novice and first-time campers proper use of camping equipment, environmental awareness and outdoor leadership skills. Staffing will be provided by professional naturalist educators who are trained in first aid, youth leadership and outdoor education.

Implementation of the proposed Overlay will provide a new recreational experience and accommodation not presently available for most visitors to the Malibu coastal area and will thus further the goals of the Public access and recreation policies Coastal Act and Malibu LCP to provide and enhance public access and recreational resources.

### Public Access and Trails

The area subject to the proposed Overlay is a major component of an expansive trail system with existing and planned trail corridors for the larger Santa Monica Mountains National Recreation Area. This trail system includes the Backbone Trail, a primary trail corridor traversing a variety of public parklands along the coast north of the City from urban areas of Los Angeles County area to the east, past Topanga State Park and on to Point Mugu State Park in Ventura County to the west. Various inland connector trails link urban areas (such as Santa Monica, the San Fernando Valley and Simi Valley) with the trail corridors and parklands of the Santa Monica Mountains National Recreation Area from which one could ultimately gain access south to the shoreline. Implementation of the trail segments proposed by the Overlay and support facility improvements is critical to completing and supporting access to the Coastal Slope Trail within the City of Malibu, and its ultimate connection to the Backbone Trail that will provide access to and between adjacent urban areas of Los Angeles County and Ventura County, the larger Santa Monica Mountains National Recreation Area, and the shoreline within the City of Malibu.

In addition, the Overlay's proposed trail connections will serve to meet a primary goal articulated in Completing the California Coastal Trail (Coastal Conservancy 2003) which is to *"Create linkages to other trail systems and to units of the State Park system, and use the Coastal Trail system to increase accessibility to coastal resources from urban population centers."* Implementation of the proposed Overlay trail plan will provide and connect several threads within the coastal trail system in the Malibu and Santa Monica Mountains area. Some trail segments will traverse inland and parallel to the shoreline linking parklands and providing expansive and spectacular views of the coast, while others will connect parkland and upland areas to the shoreline such as at Corral Canyon Park. The proposed Overlay is consistent with and will implement the principles for completing the California Coastal Trail.

### Accessibility for Visitors with Disabilities

The park areas addressed in the proposed Overlay vary substantially with respect to existing access opportunities, recreation support facilities, and amenities. The policies in the Overlay are intended to facilitate expansion of recreational opportunities at park facilities to serve a variety of visitors, whenever feasible and consistent with the constraints of natural parklands. The Conservancy and MRCA recognize that, in some cases, natural constraints of parklands inherently limit access and recreation opportunities for visitors of varying abilities (e.g., physically and mentally challenged). As such, the Conservancy and MRCA have identified an underserved population seeking coastal access and recreation and have therefore emphasized the need to provide facilities and outreach programs intended to reach this population.

In making public parkland facilities maximally accessible, the Conservancy and MRCA have developed the Overlay with specific provisions for accessibility while remaining sensitive to circumstances in which conventional accessibility modifications may adversely affect the natural character of park areas. In these situations, the Overlay proposes to incorporate current accessibility guidelines and technical requirements into all plans for parkland facilities, where feasible. These guidelines will provide design specifications and alternative regulations to facilitate access and use by persons with disabilities to structures and natural park properties.

Ramirez Canyon Park contains a number of established amenities to support public use programs designed to facilitate accessibility including picnic areas, restrooms, educational displays, sitting benches, gardens, easily accessible terrain, and a riparian area interpretive trail. As such, the Overlay does not contemplate extensive physical improvements for Ramirez Canyon Park to improve accessibility but includes detailed program and operational policies and implementation measures to ensure that public outreach programs are implemented to the maximum extent feasible.

To implement the policy provisions for enhancing accessibility to and within Conservancy/MRCA owned and maintained park areas throughout the Plan area, the Overlay also provides implementation measures for the development of new park facilities designed to accommodate visitors with diverse abilities including additional accessible day-use picnic areas at Ramirez Canyon Park, and a number of other park-specific improvements and specifications, including accessible camping facilities and support facilities for Escondido Canyon Park, ~~and~~ Corral Canyon Park, and Malibu Bluffs Park. Finally, where feasible and found consistent with public safety needs and resource protection policies, the Overlay provides that trail improvements will incorporate current accessibility guidelines and technical requirements to facilitate access and use by persons with disabilities.

### Support Facilities

The public access and recreation goals of the Coastal Act and Malibu LCP are best accomplished by linking and integrating natural parks via trail linkages, public

transportation and providing adequate support facilities to make certain residents and visitors can reach and enjoy these public resources. The proposed Overlay includes polices and implementation measures for public access and recreation support facilities, including new park facilities designed to accommodate visitors with diverse abilities including fully accessible day-use picnic areas, camping facilities, trailhead amenities throughout the Plan area, as well as new accessible camping opportunities. In addition, the Overlay establishes a uniform comprehensive park and trail sign program essential for identifying park areas, permitted uses, support facilities and sensitive habitats, and thereby also essential for minimizing potential issues arising from land use conflicts, resource protection, and safety concerns. The provisions of the proposed Overlay when implemented will facilitate development of support facilities identified as necessary to ensure the many elements that contribute to maximum access and recreation are provided and maintained for public use.

### Public Transit

Presently, there is very limited public transit service to parklands and trails in the Plan area. There are many people who do not have a reliable transportation source, and public transportation routes usually bypass most natural areas. The Metropolitan Transportation Authority travels through the Plan area on the primary thoroughfare of the City of Malibu, Pacific Coast Highway, but includes limited stops at public parklands and trailheads. The Metropolitan Transportation Authority provides low-cost transportation for people throughout the Santa Monica Mountains National Recreation Area and has the potential to support public access opportunities for those who may otherwise not have access to Malibu parks or beaches.

To maximize public access in the Plan area, the Overlay provides for coordination with MTA to increase access opportunities to coastal parklands from inland areas along the primary transportation corridor (Pacific Coast Highway). These transportation services are particularly vital in the Plan area given the limited amount of existing and proposed parking resources for visitors to travel to and from parks at trailheads. In addition, the Overlay standards require that all parking and trailhead facilities include bike racks, or secured storage for bicycles, to facilitate alternative means of transportation to park areas. Combined with onsite camping registration at Corral Canyon Park and Escondido Canyon Park, this will allow for flexibility for cyclists traveling along Pacific Coast Highway to camp along the coast. In addition, implementation of the Overlay policies will provide an alternative method of accessing park areas by providing pedestrian connections between parklands, further supported by development of new facilities intended to accommodate and encourage biking. Finally, the Overlay provides for the use of shuttles and van pools, and development of new hike-in opportunities, to facilitate public use of Ramirez Canyon Park where public access opportunities to the park are presently limited.

### Coastal Act Consistency Analysis

*City of Malibu LCP Override  
Local Coastal Program Amendment 1-08  
Revised Findings  
Page 77*

The proposed Overlay adds new policies to, and clarifies existing policies of, the City of Malibu LCP that would facilitate development of public access and recreational resources within the Plan area such as an interconnected system of trails and public parklands and park-specific improvements to maximize access opportunities. The proposed Overlay provides for improvement of existing trail corridors and development of a number of new coastal trails and support facilities which would substantially enhance public access and recreational opportunities within the Plan area. The Overlay identifies new public access, recreational facility, and program improvements for Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park, and Malibu Bluffs Park which will serve to maximize public access opportunities for visitors with diverse backgrounds, interests, ages, and abilities. The proposed improvements include public parking, camp areas within park boundaries, and trail improvements to support existing recreational demand and to facilitate an increased level of accessibility for visitors with disabilities, including the unique opportunity for fully accessible overnight camping. The proposed camping facilities will provide a rare opportunity for low-cost overnight camping in the Plan area.

In addition, consistent with Coastal Act Section 30210, to provide recreational opportunities for all the people, the Overlay includes detailed policies and implementation measures for Ramirez Canyon Park program and operational elements that support special public outreach and educational opportunities, as well as the administrative infrastructure necessary to operate specialized public outreach programs and to ensure that maximum public access and recreational opportunities are provided for visitors with varying degrees of special needs.

The proposed Public Outreach and Education and Accessibility policies and implementation measures provide for expansion of recreational opportunities at existing park facilities to serve a variety of visitors, whenever feasible and consistent with safety needs and constraints of natural parklands. Policies in the Overlay emphasize the need to provide facilities and outreach programs intended to reach visitors with diverse abilities, disadvantaged youth, or other underserved groups. Additionally, policies in the Overlay provide that public outreach programs at Ramirez Canyon Park that provide public access opportunities for visitors with diverse backgrounds and abilities will continue and provide for development of additional day-use picnic facilities and limited overnight camping opportunities at Ramirez Canyon Park, Corral Canyon Park, ~~and~~ Escondido Canyon Park, and Malibu Bluffs Park that facilitate disabled access where possible. The Overlay's Accessibility implementation measures also provide that proposed park improvements enhance accessibility wherever feasible, consistent with public safety and resource protection policies and in accordance with current accessibility guidelines and technical requirements.

Also consistent with Coastal Act Section 30210, to protect natural resources, to ensure public safety, and to protect the rights of private property owners, the LUP policies and implementation measures of the proposed Overlay include the following provisions:

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 78**

1) Trails are to be located, designed, and maintained to avoid or minimize impacts to ESHA by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible; trail construction resulting in unavoidable impacts to ESHA must be found consistent with all applicable Resource Protection Policies of the City of Malibu LCP and the Coastal Act.

2) Campsites are proposed to be developed in existing public use areas and in previously disturbed or non-sensitive areas. Campsites would be setback from the top of bank from all streams to the maximum extent feasible, in areas of level terrain to avoid the need for grading and to minimize associated impacts to sensitive habitat areas and water quality.

3) Potential campsite locations are required to be evaluated by a qualified biologist to ensure that campsites may be appropriately located in previously disturbed areas, are appropriately setback from the top of bank of any adjacent stream, and to assess potential impacts to adjacent habitat areas and provide recommendations for mitigation, as applicable, to ensure resources impacts are avoided and minimized to the maximum extent feasible.

4) Campfires are strictly prohibited at all times and the development, use restrictions, and brush maintenance requirements for all campsites are to be carried out in accordance with an approved Fire Protection and Emergency Evacuation Plan. The Fire Protection and Emergency Evacuation Plan required per the Overlay District's Hazards implementation measures will include a number of site-specific provisions that address fuel modification, safety precautions, onsite fire protection and infrastructure, and evacuation plans and policies.

5) Public park areas subject to degradation resulting from intense use are addressed in the Overlay per ESHA implementation measures which require 1) revegetation of degraded areas with native plants, 2) trail consolidation and improvement, 3) provision of support facilities such as defined parking areas and trail corridors, trash and recycling receptacles, self-contained chemical/composting restrooms, picnic areas, and 4) provision of support facilities necessary for operations and maintenance personnel and associated maintenance equipment. The Plan's support facilities will ensure that adequate facilities are provided and maintained to manage public parking areas, to accommodate potential trash and waste generation at park areas, and to ensure that support facilities necessary to maintain the park properties are provided for. These measures will ensure that public access is maximized in a way that maintains park areas such that they remain desirable destination areas for visitors.

6) Policies in the proposed Overlay provide that new support facilities are to be located at park entrances, along existing primary trail routes and within previously disturbed areas, are to be adequately setback from the top of bank from any adjacent streams, and are to be sited on level terrain to the maximum extent feasible to minimize the need for grading and impacts to sensitive habitat areas.

7) New support facility locations are required to be evaluated by a qualified biologist to ensure that, to the maximum extent feasible, 1) facilities are appropriately located in previously disturbed areas, 2) facilities are appropriately setback from the top of bank and any adjacent stream, 3) to assess potential impacts to habitat areas that may result from development of new facilities, and 4) to provide recommendations for mitigation to avoid or minimize impacts to coastal resources.

8) The proposed Overlay provides for uniformity in a comprehensive park and trail sign program essential for identifying park areas, permitted uses, support facilities and sensitive habitats, and thereby also essential for minimizing potential issues arising from land use conflicts, resource protection, and safety concerns.

9) The Wooden Bridge Reinforcement Plan and the Emergency Access and On-Site Parking Plan for Ramirez Canyon Park will be maintained for the Ramirez Canyon Park to ensure adequate and safe access to the property consistent with the Hazards implementation measures of the Overlay.

Policies in the proposed Overlay would facilitate development of public access and recreational resources and programs that would have a beneficial impact on coastal public access and recreational opportunities in the City of Malibu. As described above, the proposed Overlay policies and implementations measures for new park improvements, uses and programs have been designed to protect natural resources, to ensure public safety, to protect the rights of private property owners, and to minimize conflicts with and preserve the character and integrity of adjacent residential areas.

The Commission is requiring several revisions to the proposed Overlay LUP Public Access & Recreation policies to bring these policies into conformance with the Public Access and Recreation policies of the Coastal Act. The majority of the required revisions to the LUP Overlay policies are to simply clarify and refine the proposed policy language and does not modify the intent of the proposed LUP policies.

Proposed Overlay LUP policy 5.69, which addresses limited overnight campsites, has been revised to include a definition for “low impact campsites” and the limited support facilities associated with these campsites. As defined pursuant to this revisions, “low impact campsites” (and associated support facilities including picnic tables, potable water, self contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire proof cooking stations) are “carry-in/carry-out” campsites accessed by foot or wheelchair and which have an educational or interpretive component including signage related to the natural resources of the Santa Monica Mountains.

In addition, as discussed in detail below in section 2b. (Environmentally Sensitive Habitat) of this report, policy 5.69 further defines these “low impact campsites”, with interpretive and educational components, as resource dependent uses. Under Section 30240 of the Coastal Act only resource dependent uses are permitted within

environmentally sensitive habitat areas. The parklands subject to this Overlay are almost entirely covered in chaparral ESHA and contain areas of oak woodland, riparian and grassland ESHA. Like hiking trails, the proposed low impact interpretive hike-in campsites are considered resource dependent uses. Clearly, hiking trails and low impact interpretive walk-in camp sites are dependent on the environmentally sensitive parkland habitats and scenic resources. The interpretive signage required in the camp facilities will provide educational information regarding the sensitive nature habitats and will provide guidance on how to recreate in these areas without damaging the sensitive nature of these habitats. In addition, establishing designated trails and low impact camp sites campsites will minimize unauthorized trails in the parklands and unofficial gathering spots which will minimize adverse impacts to these sensitive habitat areas.

The proposed revisions also include the addition of two maps to the LUP; The Malibu Parks Public Access Enhancement Plan Public Park Map (LUP Map 5); and the Proposed Trail Resources Map (LUP Map 6). Map 5 illustrates the public parklands included in the Overlay and Map 6 shows the existing and proposed trail network covered in the overlay.

Therefore, the Commission finds, that as revised, the proposed LUP Access and Recreation Policies of the proposed Overlay are consistent with Sections 30210, 30212.5 and 30213 of the Coastal Act.

Consistent with Policy 30214 of the Coastal Act, the proposed Overlay includes polices and implementation measures for trail and park improvements intended to enhance public access opportunities in the Plan area and will include primarily low-intensity uses consisting of access trails which are sited and designed to be noninvasive on the natural topography of trail corridors and to minimize impacts to sensitive habitat areas. Limited camping facilities are planned exclusively within park boundaries which will provide opportunities for low-cost overnight recreation in the Plan area; these facilities would be limited in size and location in consideration of geologic and natural resource constraints of each park property and sited and managed to protect the rights and privacy of adjacent property owners.

In addition, the proposed Overlay's sign program will provide information on regulations required to promote safe use of the area and resource protection. Appropriate signs and visual cues would be required serve to clearly identify the designated public parking areas and public trails throughout the Plan area to avoid conflicts with private property and sensitive habitat areas.

Furthermore, as previously mentioned above, vehicular access to and special program operations at Ramirez Canyon Park were thoroughly addressed by the Commission through the approval of CDP No. 4-98-334. Although this CDP is no longer valid as a result of a superior court decision, the Commission held multiple hearings on this CDP application and specifically addressed the proposed uses and intensity of uses at the Ramirez Canyon Facility, including the number of proposed shuttle van trips over the access road through the Ramirez Canyon neighborhood. It is important to note that the

Court did not set aside the Commission's findings regarding consistency of the proposed park uses with the Coastal Act, but simply found that the Conservancy's proposal should have been reviewed for consistency with the Malibu's local land use regulations, which at the time had not been certified by the Commission as a local coastal program.

Through the approval of CDP No. 4-98-334, the Commission addressed the neighboring residents concerns regarding potential adverse traffic and noise impacts associated with the operation of this facility and conditioned the permit to limit the number of shuttle van trips over the access road, set limits on amplified music and limited the hours of operation of the facility to minimize impacts on the surrounding neighborhood. The Commission concluded that, as conditioned, the uses permitted at Ramirez Park were consistent with the character of the surrounding Ramirez community and in conformity with the Chapter Three policies of the Coastal Act. As discussed in more detail in Section IV(C)(2)(f) (New Development) of this report, the Commission is requiring revisions to the proposed LIP Policy 12b relating to specialized programs at Ramirez Park to bring this LIP policy into conformity with what the Commission approved in CDP No. 4-98-334.

Therefore, Commission finds LUP policies in the Overlay are consistent with Coastal Act Section 30214 because they will ensure that future park improvements will be designed and managed in consideration of all topographic, geologic and natural resource constraints and will minimize conflicts with adjacent residential development.

Consistent with Policy 30223 of the Coastal Act the Overlay includes policies to support a number of public access and recreational opportunities throughout the Plan area, primarily in upland areas of the Coastal Zone, including provisions for new and improved trail linkages, limited overnight camping areas, and support facilities deemed necessary to support public access and recreational uses. The Overlay identifies new public access, recreational facility, and program improvements for Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park, **and Malibu Bluffs Park** generally consisting of public parking, camp areas within park boundaries, and trail improvements to support existing recreational demand and to facilitate an increased level of accessibility for visitors with disabilities. The park areas addressed in the Plan and associated improvements would be available for and maintained for public access and recreational use. Therefore, the Commission finds that the proposed LUP Overlay polices are consistent with Coastal Act Section 30223.

As described above, as revised, the proposed LUP coastal access and recreation Overlay policies are consistent with the public access and recreation policies of the Coastal Act.

#### Malibu Land Use Plan Consistency Analysis

***LCP Policy 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.***

***LCP Policy 2.4 Public accessways and trails shall be an allowed use in Environmentally Sensitive Habitat Areas. Where determined to be desirable (by consideration of supporting evidence), limited or controlled methods of access and/or mitigation designed to eliminate or minimize impacts to ESHA may be utilized. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.***

***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 Offer-to-Dedicate (OTD), 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.***

***2.8 Public recreational facilities throughout the City, including parking areas or facilities, shall be distributed, as feasible, to prevent overcrowding and to protect environmentally sensitive habitat areas.***

***2.9 Public access and recreational planning efforts shall be coordinated, as feasible, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Los Angeles County, Los Angeles County Department of Beaches and Harbors, the Santa Monica Mountains Conservancy, and the Santa Monica Mountains Trails Council.***

***2.11 Public land, including rights of way, easements, dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and the protection of environmentally sensitive habitat areas.***

***2.13 Open space easements and dedications shall be utilized, where required, to facilitate the objectives of the City's recreational and/or public access program.***

***2.15 The City should coordinate with County, federal and state park agencies and nonprofit land trusts or organizations to insure that private land donations and/or public access dedications are accepted and managed for their intended use.***

***2.16 Entrance roads, parking facilities, and other necessary support facilities for parks, beaches and other shoreline recreation areas shall be sited and designed to minimize adverse impacts to environmentally sensitive habitat areas and other sensitive environmental and visual resources.***

***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.***

***2.18 The City should coordinate with the National Park Service, the California Department of Parks and Recreation, the State Coastal Conservancy, Caltrans, the County Department of Beaches and Harbors and the Santa Monica Mountains Conservancy to provide a comprehensive signage program to identify public parks, trails and accessways. Said signage program should be designed to minimize conflicts between public and private property uses.***

***2.24 The extension of public transit facilities and services, including shuttle programs, to maximize public access and recreation opportunities shall be encouraged, where feasible.***

***2.25 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.***

***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.***

***2.34 Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources.***

***2.36 Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.***

***2.37 Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.***

The Land Use Plan portion of the certified LCP contains a number of public access and recreation policies that provides for the protection, provision and enhancement of public access and recreation opportunities in the City of Malibu consistent with the goals, objectives, and policies of the Coastal Act.

The proposed Overlay adds new LIP or implementation policies to, and clarifies existing LIP policies of, the City of Malibu LCP that would facilitate development of public access and recreational resources within the Plan area such as an interconnected system of trails and public parklands and park-specific improvements to maximize access opportunities. The proposed Overlay provides for improvement of existing trail corridors and development of a number of new coastal trails and support facilities that would

substantially enhance public access and recreational opportunities within the Plan area. The Overlay identifies new public access, recreational facility, and program improvements for Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park, **and Malibu Bluffs Park** which will serve to maximize public access opportunities for visitors with diverse backgrounds, interests, ages, and abilities. The proposed improvements include public parking, camp areas within park boundaries, and trail improvements to support existing recreational demand and to facilitate an increased level of accessibility for visitors with disabilities, including the unique opportunity for fully accessible overnight camping. The proposed camping facilities will provide a rare opportunity for low-cost overnight camping in the Plan area.

The Commission is requiring several revisions to the proposed Overlay LIP Public Access & Recreation policies to bring these policies into conformance with the LUP overlay policies as revised. As with the revised LUP policies, the majority of the revisions to the LIP Overlay policies are to simply clarify and refine the proposed policy language and does not modify the intent of the proposed LIP policies.

Consistent with LCP Policy 2.1, the Overlay implementation policies will facilitate a variety of recreational opportunities including hiking, equestrian activities, bicycling, camping, educational study, picnicking, and accessibility to natural areas throughout the Plan area by guiding the development and implementation of new and improved multi-use trail linkages, limited overnight camping areas, special outreach programs and support facilities; all intended to support and expand public access and recreational uses.

Consistent with LCP Policy 2.4, the Overlay implementation policies identify trails as permitted uses in ESHA. The Overlay requires that trails be located, designed, and maintained to minimize impacts to ESHA by utilizing established trail corridors, following natural contours to minimize grading and avoiding naturally vegetated areas with significant native plant species, to the maximum extent feasible. Trail construction resulting in unavoidable impacts to ESHA will be carried out consistent with all applicable Resource Protection Policies of the adopted Overlay, the City of Malibu LCP and the Coastal Act.

The Resource Protection Policies of the Overlay implementation policies related to trail development in ESHA include, among other requirements, provisions for restoration of areas that have been severely degraded as the result of overuse or lack of maintenance utilizing techniques such as revegetation with native plants, trail consolidation and improvement, and provision of support facilities such as parking, defined trail systems, raised walkways, trash receptacles, restrooms, and picnic areas. Appropriate fencing and signs will be installed around restoration areas for purposes of identifying sensitive habitats and educating visitors about ESHA and/or restoration efforts.

Where severely degraded areas may develop, controlled and limited public access will be required during the recovery period and in consultation with appropriate public agencies and/or resource specialists. Public use will be evaluated periodically to

determine the need for use restrictions and any implemented limitations on public access will be removed at the termination of the recovery period. The Overlay further provides that the Conservancy/MRCA conduct periodic assessments of park visitation numbers and patterns of use and monitor the quality of visitor experience to make the appropriate management changes to prevent potential degradation of natural resources from overuse. Any future development potentially impacting ESHA must be submitted to the Coastal Commission or City of Malibu, as applicable, for specific project review. These Overlay provisions will ensure that limited or controlled methods of access and/or mitigation will be implemented to eliminate or minimize impacts to ESHA consistent with LCP Policy 2.4.

Consistent with the revised LUP policy 5.69, which addresses overnight campsites, including “low Impact” campsites, the revised LIP policy 2 mirrors the LUP policy language in LUP Policy 5.69. Policy 2 has been revised to include a definition for “low impact campsites” and the limited support facilities associated with these campsites. Low impact campsites are defined, pursuant to this revision: “low impact campsites” (and associated support facilities including picnic tables, potable water, self contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire proof cooking stations) are “carry-in/carry-out” campsites accessed by foot or wheelchair and which have an educational or interpretive component including signage related to the natural resources of the Santa Monica Mountains.”

In addition, as discussed in detail below in section 2b. (Environmentally Sensitive Habitat) of this report LUP Policy 5.69 and LIP policy 2 further defines these “low impact campsites”, with interpretive and educational components, as resource dependent uses. Under Section 30240 of the Coastal Act only resource dependent uses are permitted within environmentally sensitive habitat areas. The parklands subject to this Overlay are almost entirely covered in chaparral ESHA and contain areas of oak woodland, riparian and grassland ESHA. Like hiking trails, the proposed low impact interpretive hike-in campsites are considered resource dependent uses. Clearly, hiking trails and low impact interpretive walk-in camp sites are dependent on the environmentally sensitive parkland habitats and scenic resources. The interpretive signage required in the camp facilities will provide educational information regarding the sensitive nature habitats and will provide guidance on how to recreate in these areas without damaging the sensitive nature of these habitats. In addition, establishing designated trails and low impact campsites will minimize unauthorized trails in the parklands and unofficial gathering spots, minimizing adverse impacts to these sensitive habitat areas. As revised LIP policy 2 is consistent with and will carry out revised LUP policy 5.69.

Consistent with LCP Policy 2.7, the Overlay LIP policies will facilitate acceptance and opening of public access trail OTDs throughout the Plan area to create an integrated system of trail connections linking the public parklands within the Plan area and thus allowing for continuous, open access opportunities for hikers, mountain bikers, backpackers and equestrians.

Consistent with LCP Policy 2.8, the Overlay LIP includes implementation measures for a number of recreational facility improvements including new and expanded trail connections, camping areas, and critical support facilities such as public parking, self-contained restrooms, trailhead improvements, and the use of existing structures at Ramirez Canyon Park to support park operations and maintenance personnel necessary to maintain parklands and recreational areas within the Plan area. These proposed improvements are distributed throughout the Plan area along the trail corridors and within the park properties addressed by the Overlay and will serve to ensure that new and enhanced public access and recreation opportunities are provided to reduce the potential of overburdening limited existing public facilities concentrated in specific areas, and to ensure proposed improvements are appropriately sited, designed and maintained to protect environmentally sensitive habitat areas.

In addition to the Conservancy-owned park properties, the Plan area includes portions of Zuma/Trancas and Solstice Canyon Parks (owned and maintained by the National Park Service), containing expansive natural open space areas and established trails systems which are critical components of an integrated system of parks, trails, and open space intended for public use in the Plan area. Consistent with LCP Policy 2.9, the Overlay provides for coordination with the National Park Service to ensure trail connectivity and sharing of visitor support facilities, and requires that all plans for location, design and development of park improvements located on, or potentially affecting, adjacent Federal parkland are to be submitted to the Outdoor Recreation Planner of the National Park Service to ensure continued interagency coordination and planning efforts for providing an accessible, safe and enjoyable trail system throughout the Plan area.

Consistent with LCP Policy 2.11, the Overlay includes LIP policies to facilitate and expand public access and recreation for public parklands and all identified and documented public rights-of-way in the Plan area, including offers-to-dedicate (OTDs), intended for trail access. The Overlay signage program will provide information on regulations required to promote safe use of an area and resource protection. Appropriate signs and visual cues will also serve to clearly identify the designated public parking areas and public trails throughout the Plan area to avoid conflicts with private property and sensitive habitat areas. The Overlay includes trails that are located, designed, and which will be maintained to minimize impacts to ESHA by utilizing established trail corridors, following natural contours to minimize grading and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. To ensure that educational and interpretive signs are provided in public use areas and in or adjacent to ESHA to inform the public of the special nature of these sensitive ecosystems, the Commission finds it necessary to revise LIP policy 6.i.(Signs) to provide these types of interpretive/educational signs as part of an overall signage program.

Consistent with LCP Policy 2.13, the Overlay requires coordination with the Coastal Commission and the City of Malibu to identify and accept, as applicable, all trail and open space OTDs identified in areas subject to Malibu Parks Public Access

Enhancement Plan Overlay and evaluate/process the legal documentation necessary to ensure allowance of trail use on properties subject to OTDs, where appropriate, or to ensure such properties are protected as natural and scenic areas to enhance the recreational experience of trail corridors.

The proposed Overlay LIP includes policies that require coordination between the Conservancy/MRCA, the National Park Service, and the County of Los Angeles and includes specific provisions to ensure that existing parklands, lands subject to OTDs, or lands which are purchased from willing sellers, dedicated or donated for the purpose of public use, resource protection and recreation, are accepted and maintained for public access, resource protection and recreation. Therefore, the proposed Plan will serve to carry out the intent of LCP Policy 2.15.

Consistent with LCP Policy 2.16, the Overlay LIP includes policies to facilitate and guide the development of support facilities including parking areas, ADA drop-offs, self-contained public restrooms and water sources to serve Ramirez Canyon Park, Escondido Canyon Park, ~~and~~ Corral Canyon Park, **and Malibu Bluffs Park**. These support facilities would be located at park entrances, along existing primary trail routes and within previously disturbed areas, would be appropriately setback from the top of bank from any adjacent streams and on level terrain to the maximum extent feasible to minimize the need for grading and impacts to sensitive habitat areas. Where impacts to sensitive resources are unavoidable, the Overlay includes a comprehensive set of policies and implementation measures to ensure that unavoidable impacts are minimized to the maximum extent feasible and that restoration plans be implemented to ensure that no significant impacts to resources will occur.

Consistent with LCP Policy 2.17, the Overlay includes policies to facilitate and guide the development of lower-cost access and recreational opportunities. Parking and camping user fees will be consistent with fees for such uses typical of the State Park system. Limitations on time of use will only consist of time restrictions required to ensure public safety (standard hours of operation and use restrictions associated with adverse environmental conditions, i.e. flood and fire conditions).

The Overlay signage program requires that a uniform and comprehensive park and trail sign program be developed to identify park areas, permitted uses, support facilities and sensitive habitats. The policies and implementation measures of Overlay provide that Plan signage be installed to assist the public in identifying public parks and private property, and locating and recognizing trail access points, public support facilities, potential natural hazards, road crossings, and park rules. The Overlay requires that final plans for location and content of proposed trail and park signs be submitted for review and comment to the Outdoor Recreation Planner of National Park Service to ensure continuity of signs between the park properties in the Plan area. As mentioned above, to ensure that educational and interpretive signs are provided in public use areas and in or adjacent to ESHA to inform the public of the special nature of these sensitive ecosystems, the Commission finds it necessary to revise LIP policy 6.i. (Signs) to ensure interpretive/educational signs describing the natural ecosystem are included as

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 88**

part of the proposed signage program. As such, the proposed Overlay is consistent with the intent of LUP Policy 2.18.

Consistent with LCP Policy 2.24, the Overlay includes measures for the Conservancy/MRCA to coordinate with the Metropolitan Transportation Authority (MTA) to include a stop in the existing service route to the Winding Way Trailhead parking lot, and to provide service information to the public via public notices, trailhead signs and website posting. The MTA offers low-cost transportation for people who otherwise would not have access to parklands and beaches and serves as an alternative means for gaining access to parklands

The Overlay includes provisions to ensure that adequate parking is available for Ramirez Canyon Park and to develop new parking for Escondido Canyon Park **and Malibu Bluffs Park** in order to alleviate parking demand for public use and recreation. In addition, the Overlay LIP provides for development of new parking facilities adjacent to Kanan Dume Road and Latigo Canyon Road which are intended to specifically serve coastal access and recreation. Consistent with LCP Policies 2.25 and 2.26, policies in the Overlay provide for the development of new public parking resources where none currently exist and will thereby serve to meet the existing demand for parking resources necessary to support maximum access and recreational opportunities.

As proposed Overlay LIP Policy 3.b (Transportation and Parking Management) does not specify that new parking areas for Escondido Canyon Park and a new trailhead parking lot on Latigo Canyon may be developed to provide hike in access to Escondido Canyon. Therefore, the Commission finds it necessary, to add provision 3.b.iv. to the LIP Transportation and Parking Management policy that indicates a parking areas may be developed at Escondido Canyon Park **and Malibu Bluffs Park**, and a parking area and trailhead may be developed on Latigo Canyon Road for hike- in access to Escondido Canyon.

Consistent with LCP Policies 2.34, 2.36 and 2.37, the Overlay will serve to protect and provide lower cost visitor-serving and coastal recreation facilities, and to ensure that the new and expanded access and recreational facilities are sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources. The Overlay provides for development of visitor-serving and recreational uses that complement public recreation areas and supply recreational opportunities not currently available within the Plan area.

In conclusion, the Commission finds that proposed LUP Overlay policies, as revised, are consistent with consistent with the public access and recreation policies of the Coastal Act, and that the proposed LIP Overlay policies, as revised, are consistent with the certified Malibu LUP policies, and the LUP Overlay policies, as revised in this report.

**b. Environmentally Sensitive Habitat Areas**

Both the Coastal Act and Malibu's certified LCP contain policies that protect environmentally sensitive habitat areas (ESHA) in the Coastal Zone:

**California Coastal Act Environmentally Sensitive Habitat Areas (ESHA) Policies**

*Section 30240:*

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

*(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 such areas, and shall be compatible with the continuance of such habitat areas.*

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHAs) must be protected against disruption of habitat values, that proposed development adjacent to ESHA and parks shall be designed to prevent adverse impacts to those areas and be compatible with their continuance, and that only resource-dependent uses are allowable within ESHA.

Section **30107.5** of the Coastal Act, defines an environmentally sensitive area as:

*"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The proposed Overlay includes policies and implementation measures for specific public access and recreational facilities (including limited low impact campsites) for ~~three~~ **four** park properties (Ramirez Canyon park, Escondido Canyon Park, ~~and~~ Corral Canyon Park, **and Malibu Bluffs Park**) owned by the Conservancy/MRCA. Additionally, the Overlay includes plans for connections for the Coastal Slope Trail and other connector trails which would link the ~~three~~ **four** above-mentioned parks and other recreation areas within the City of Malibu. Implementation of the proposed Overlay will result in improvements located in a variety of habitat types varying from highly disturbed road shoulders that are devoid of vegetation and of little habitat value to well established coastal sage scrub habitat areas and riparian corridors of significant habitat values.

The proposed LUP amendment includes the addition of maps showing the parklands and trails that are within the overlay area, and the addition of one Public Access and Recreation policy (Policy 2.90) and several New Development policies pertaining to the overlay (Policies 5.66 through 5.71). Although no specific Land Resource (ESHA)

policies are proposed to be modified or added as part of the LUP amendment, the proposed overlay does implicate the ESHA policies of the LUP, given the location of the overlay area within mapped ESHA. The issue of ESHA protection is addressed extensively in the proposed LIP provisions of the overlay.

The proposed policies (specifically LUP Policy 5.71) provide for the development of a network of mapped trails, both within public parkland and within private lands along trail easements. Although the majority of the trail improvements associated with trail easement OTDs are located along road shoulders primarily composed of bare dirt and scattered residential landscaping and other non-native vegetation, many of the trails proposed through parklands would traverse undisturbed ESHA. Under Section 30240 of the Coastal Act only resource dependent uses are permitted within environmentally sensitive habitat areas. The parklands subject to this Overlay are almost entirely covered in chaparral ESHA and contain areas of oak woodland, riparian and grassland ESHA. Trails are a type of development that the Commission has considered to be “resource dependent” and therefore allowable within ESHA, so long as ESHA is protected against any significant disruption of habitat values. The proposed Policy 5.71 provides for the development of trails within the overlay subject to siting, design and maintenance of such facilities that avoids, minimizes, if necessary mitigates potential impacts to ESHA.

Further, the proposed Overlay LUP Policy 5.69, provides for overnight campsites within the parklands that are part of the overlay. Although the policies of the certified LCP do not specifically state that campsites are a “resource dependent” use, the Commission certainly considers them to be, in the same way that public trails and accessways are resource dependent. Clearly, hiking trails and low impact interpretive walk-in camp sites are dependent on the spectacular parkland sensitive habitats and resources. An integral part of any public access or recreational experience in the Santa Monica Mountains is the ability to experience the sights, smells, and feel of the habitat up-close by being within it; by being “in nature”. This means that by its very essence, such access and recreation use, including its various components, is dependent on the resource to function at all. Of course, access and recreational use, such as camping, must still be designed (including siting, sizing, etc.) to ensure that it results in no significant disruption of the habitat values of the very resource the public is meant to experience.

In order to clarify that campsites (including necessary support facilities) are a resource dependent use, the Commission finds it necessary to revise Proposed LUP Policy 5.69 to include a definition for “low impact campsites” and the limited support facilities associated with these campsites. Low impact campsites are defined, pursuant to this revision, as: “low impact campsites” (and associated support facilities including picnic tables, potable water, self contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire proof cooking stations) are “carry-in/carry-out” campsites accessed by foot or wheelchair and which have an educational or interpretive component including signage related to the natural resources of the Santa Monica Mountains.”

In addition, Policy 5.69 further defines these “low impact campsites”, with interpretive and educational components, as resource dependent uses. Like hiking trails, the proposed low impact interpretive hike-in campsites are considered resource dependent uses. The interpretive signage in the camp facilities will provide educational information regarding the sensitive nature habitats and guidance on how to enjoy these areas without damaging the sensitive nature of these habitats. In addition, establishing designated trails and low impact campsites will minimize unauthorized trails in the parklands and unofficial gathering spots, minimizing adverse impacts to these sensitive habitat areas.

As revised to add specificity regarding low impact campsite and associated support facilities, the Commission finds that the proposed LUP component of LCPA 1-08 is consistent with Section 30240 of the Coastal Act.

### **City of Malibu LCP Land Use Plan ESHA Protection Policies**

***3.8 Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.***

***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.***

***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.***

***3.15 Mitigation measures for impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives, including habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. However, if after ten years, performance standards have still not been met, the applicant shall submit an amendment proposing alternative mitigation measures.***

***3.22 Interpretive signage may be used in ESHA accessible to the public to provide information about the value and need to protect sensitive resources.***

***3.32 Channelizations or other substantial alterations of streams shall be prohibited except for: 1) necessary water supply projects where no feasible alternative exists; 2) flood protection for***

*existing development where there is no other feasible alternative, or 3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over “hard” solutions such as concrete or riprap channels.*

**3.42 New development shall be sited and designed to minimize impacts to ESHA by:**

- ***Minimizing grading and landform alteration, consistent with Policy 6.8***
- ***Minimizing the removal of natural vegetation, both that required for the building pad and road, as well as the required fuel modification around structures.***
- ***Limiting the maximum number of structures to one main residence, one second residential structure, and accessory structures such as, stable, corral, pasture, workshop, gym, studio, pool cabana, office, or tennis court, provided that such accessory structures are located within the approved development area and structures are clustered to minimize required fuel modification.***
- ***Minimizing the length of the access road or driveway, except where a longer roadway can be demonstrated to avoid or be more protective of resources.***
- ***Grading for access roads and driveways should be minimized; the standard for new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the City Planning Commission, upon recommendation of the Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LIP provisions.***
- ***Prohibiting earthmoving operations during the rainy season, consistent with Policy 3.47.***
- ***Minimizing impacts to water quality, consistent with Policies 3.94-3.155***

**3.43 New septic systems shall be sited and designed to ensure that impacts to ESHA are minimized, including those impacts from grading and site disturbance as well as the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect ESHA and to prevent lateral seepage from the leachfield(s) or seepage pit(s) into stream waters or the ocean.**

**3.45 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody.**

**3.51 Disturbed areas ESHAs shall not be further degraded, and if feasible, restored. If new development removes or adversely impacts native vegetation, measures to restore any disturbed or degraded habitat on the property shall be included as mitigation.**

**3.53 Fencing or walls shall be prohibited within riparian, bluff, Point Dume canyon or dune ESHA, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor.**

**3.55 Fencing adjacent to ESHA shall be sited and designed to be wildlife permeable, enabling wildlife to pass through.**

**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.*

**3.48** *Where grading is permitted during the rainy season (extending from November 1 to March 1), erosion control measures such as sediment basins, silt fencing, sandbagging, installation of geofabrics, shall be implemented prior to and concurrent with grading operations. Such measures shall be maintained through final grading and until landscaping and permanent drainage is installed.*

**3.50** *Cut and fill slopes and other areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:*

- *Plantings shall be native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.*
- *Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.*
- *Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures.*
- *Landscaping or revegetation shall provide 90 percent coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for restoration. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years.*
- *Any landscaping or revegetation shall be monitored for a period of at least five years following the completion of planting. Performance criteria shall be designed to measure the success of the plantings. Midcourse corrections shall be implemented if necessary. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met.*

**3.56** *Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHA in order to minimize impacts on wildlife. High intensity perimeter lighting and lighting for sports courts or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA is prohibited.*

**3.59** *All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety, as required by Policies 4.45 through 4.54. Development shall utilize fire resistant materials and incorporate alternative fuel modification measures, such as firewalls (except where this would have impacts on visual resources), and landscaping techniques, where feasible, to minimize the total area modified. All development shall be subject to applicable federal, state and county fire protection requirements.*

**3.60** *As required by Policy 4.49, applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.*

**3.61 Applications for new development shall include a quantification of the acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, including building pad and road/driveway areas, as well as required fuel modification on the project site and brush clearance on adjacent properties.**

**3.62 All new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance.**

**3.63 New development shall be sited and designed to preserve oak, walnut, sycamore, alder, toyon, or other native trees that are not otherwise protected as ESHA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Structures, including roads or driveways, shall be sited to prevent any encroachment into the root zone and to provide an adequate buffer outside of the root zone of individual native trees in order to allow for future growth.**

**3.64 New development on sites containing oak, walnut, sycamore, alder, toyon, or other native trees shall include a tree protection plan.**

**3.65 Where the removal of native trees cannot be avoided through the implementation of project alternatives or where development encroachments into the protected zone of native trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every 1 tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee based on the type, size and age of the tree(s) removed.**

The proposed LIP provisions of the Overlay provide implementation measures related to trail and park improvements to enhance public access opportunities in the Plan area, including a network of mapped trails, both within public parkland and within private lands along trail easements; limited overnight camp sites within the ~~three~~ **four** subject parks to provide low-cost overnight recreation in the Plan area and to offer opportunities for the public to learn about natural resources in the Santa Monica Mountains; and necessary support facilities for such uses. The Overlay also contains provisions regarding specific park, support, and administrative facilities at Ramirez Canyon Park. The proposed ESHA provisions of the Overlay include a number of requirements to ensure that environmentally sensitive habitat areas are protected, and that potential impacts to sensitive habitats resulting from project implementation be avoided, where feasible, and minimized to the maximum extent possible.

## **Trails**

Many of the trails proposed within the Overlay would be located through undisturbed ESHA. Under the policies of the LUP, only resource dependent uses are permitted within environmentally sensitive habitat areas. Trails are a type of development that the LUP recognizes to be “resource dependent” and therefore allowable within ESHA, so long as ESHA is protected against any significant disruption of habitat values. Consistent with LUP Policy 3.9, the Overlay provides for trail improvements, which are sited and designed to protect and minimize impacts to ESHA to the maximum extent feasible. The proposed Overlay trails are located, designed, and will be maintained to

avoid or minimize impacts to ESHA by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible.

The provisions of the Overlay related to trail development in ESHA include, among other requirements, provisions for restoration of areas that have been severely degraded as the result of overuse or lack of maintenance utilizing techniques such as revegetation with native plants, trail consolidation and improvement, and provision of support facilities such as parking, defined trail systems, raised walkways, trash receptacles, restrooms, and picnic areas. Trail alignments are required to be sited to utilize existing trail corridors and to avoid steep, vegetated terrain wherever possible and new support facilities would be sited and designed in relatively level areas void of or containing disturbed vegetation to minimize grading, landform alteration, drainage pattern disturbance and vegetation clearance and to therefore prevent soil erosion, sedimentation, and alteration of natural water flows.

### **Campsites**

The proposed LIP Amendment includes limited camping facilities that are planned exclusively within park boundaries, which would be clustered in designated camp areas and limited in size and location in consideration of geologic and natural resource constraints of the park properties. They are intended to enhance access and recreational opportunities and to provide new low-cost, overnight recreational opportunities where impacts to environmentally sensitive habitat areas are minimized and where designed to meet fire safety standards.

The parklands in question contain significant areas that are mapped as ESHA in the certified LCP. Under the policies of the LUP, only resource dependent uses are permitted within environmentally sensitive habitat areas. Although the policies of the certified LUP do not specifically state that campsites are a “resource dependent” use, the Commission certainly considers them to be, in the same way that public trails and accessways are resource dependent. Clearly, hiking trails and low impact interpretive walk-in camp sites are dependent on the parkland sensitive habitats and resources. An integral part of any public access or recreational experience in the Santa Monica Mountains is the ability to experience the sights, smells, and feel of the habitat up-close by being within it; by being “in nature”. This means that by its very essence, such access and recreation use, including its various components, is dependent on the resource to function at all. Of course, access and recreational use, such as camping, must still be designed (including siting, sizing, etc.) to ensure that it results in no significant disruption of the habitat values of the very resource the public is meant to experience.

In order to clarify that campsites (including necessary support facilities) are a resource dependent use, the Commission finds it necessary to revise Section D2 of the Overlay to include a definition for “low impact campsites” and the limited support facilities associated with these campsites. Low impact campsites are defined, pursuant to this

revision, as: “low impact campsites” (and associated support facilities including picnic tables, potable water, self contained chemical/composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire proof cooking stations) are “carry-in/carry-out” campsites accessed by foot or wheelchair and which have an educational or interpretive component including signage related to the natural resources of the Santa Monica Mountains.”

Several other minor clarifications to the provisions of Section D2 of the Overlay regarding campsites are necessary to ensure that this use will minimize impacts to coastal resources. As revised, the Overlay provides that camping facilities would be limited in size and location, and clustered in consideration of geologic and natural resource constraints of the park properties. Further, the provisions require that camp areas are located within existing public use areas, or in previously disturbed or non-sensitive areas, if feasible. Campsites must be located a minimum of 100 feet from the top of bank from all streams if feasible, in disturbed areas of level terrain to avoid the need for grading and minimize impacts to sensitive habitat areas and visual resources, to the maximum extent feasible. As revised, the LIP amendment will allow for the development of resource dependent low-impact campsites that will avoid and/or minimize impacts to ESHA.

### **Support Facilities**

The proposed Overlay provides that park support facilities would be located either within existing developed and disturbed areas of Ramirez Canyon Park, or within existing disturbed and non-sensitive areas at Escondido Canyon and Corral Canyon Parks. All proposed improvement areas are required to be evaluated to confirm the presence or absence of ESHA in proposed improvement areas to ensure that significant impacts to ESHA are avoided. In doing so, all planned park support facility improvements must be sited and designed to utilize existing facilities and/or disturbed areas to the maximum extent feasible, to provide appropriate setbacks from streams and other sensitive habitat areas, and to be non-invasive on the natural topography thus minimizing grading and associated impacts to sensitive habitat areas.

The LCP public access policies specifically allow for recreational and park support facility improvements within natural parklands, most of which within the City are designated and zoned OS and subject to the ESHA Overlay designation, assuming such improvements can be sited and designed to avoid and minimize impacts to ESHA to the maximum extent feasible. Furthermore, LCP Policy 2.16 specifically permits entrance roads, parking facilities, and other necessary support facilities for parks where sited and designed to minimize adverse impacts to environmentally sensitive habitat areas and other sensitive environmental and visual resources.

The Overlay LIP includes policies to facilitate and guide the development of support facilities including parking areas, ADA drop-offs, self-contained public restrooms and water sources to serve Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, and Malibu Bluffs Park. These support facilities would be located at

park entrances, along existing primary trail routes and within previously disturbed areas, would be appropriately setback from the top of bank from any adjacent streams and on level terrain to the maximum extent feasible to minimize the need for grading and impacts to sensitive habitat areas. Where impacts to sensitive resources are unavoidable, the Overlay includes a comprehensive set of policies and implementation measures to ensure that unavoidable impacts are minimized to the maximum extent feasible and that restoration plans be implemented to ensure that no significant impacts to resources will occur.

Support facilities for the parklands would be sited and designed to minimize adverse impacts to environmentally sensitive habitat areas as the proposed improvements would be sited and designed to utilize existing facilities and/or disturbed areas to the maximum extent feasible, to provide appropriate setbacks from streams and other sensitive habitat areas, and to be non-invasive on the natural topography to minimize grading and associated impacts to sensitive habitat areas.

### **General ESHA protections**

The Overlay provides that if severely degraded areas may develop, controlled and limited public access in conjunction with habitat restoration will be required during the recovery period and in consultation with appropriate public agencies and/or resource specialists. Limitation of public use will be evaluated periodically to determine the need for continued use restrictions and the limitation will be removed at the termination of the recovery period. Fencing and signs will be installed around restoration areas for purposes of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts.

The Overlay further requires that the Conservancy/MRCA conduct periodic assessments of park visitation numbers and patterns of use and monitor the quality of visitor experience and make the appropriate management changes to prevent potential degradation of natural resources from overuse, and that any future development potentially impacting ESHA not addressed in the Plan be submitted to the Coastal Commission or City of Malibu, as applicable, for specific project review.

Consistent with LCP Policy 3.22, the Overlay includes signs for park development projects at existing facilities where determined appropriate for the purpose of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. In addition, the Overlay includes development of a uniform and comprehensive sign program, which will be posted in English and in Spanish, where applicable, to assist the public in identifying public parks, and locating and recognizing trail access points, public support facilities, sensitive habitats, potential natural hazards, and park rules.

Consistent with LCP Policies 3.63-3.65, the Overlay and associated improvements will protect all native trees in or near the planned improvement areas. The plan area, particularly within existing parklands, contains a number of native trees that are afforded protection pursuant to the City's LCP. Where it is determined infeasible to preserve in-

place or to transplant these trees, tree replacement mitigation would be provided onsite consistent with the requirements of the tree mitigation provisions of the Overlay and the City's LCP.

### **Specific Provisions Regarding Ramirez Canyon Park**

The Overlay includes provisions for the development of park, administrative, and support facilities at Ramirez Canyon Park. Additionally, the Overlay specifies the programs and uses that may be allowed at this park.

Previous development at Ramirez Canyon Park has resulted in a significantly disturbed and manicured environment. While the Commission has included Ramirez Canyon Park within mapped ESHA, the LCP does recognize that disturbed areas associated with existing, legally established uses are not considered to be ESHA. As such, much of the property within and directly adjacent to the existing development envelopes associated with the pre-Coastal Act establishment of Ramirez Canyon Park as an estate compound, as well as those adjacent areas subject to required fuel modification for existing structures, do not meet the Malibu LCP definition of ESHA. However, although the site has been subject to past disturbance resulting in diminished habitat value, consistent with the ESHA definition of the LCP, Ramirez Canyon Creek is afforded special treatment as a habitat area of significance pursuant to the policies and standards in the LCP applicable to streams and, therefore, the Overlay has policies and measures to implement a stream restoration project for Ramirez Canyon Creek to correct the streambank disturbance performed by a previous property owner resulting from substantial channelization of much of the creek corridor within the park. Additionally, the Overlay requires that any proposed development that includes protective measures along Ramirez Canyon Creek demonstrate that existing development and/or public use areas in Ramirez Canyon Park are in danger from flood hazards and that any proposed protective device is the least environmentally damaging alternative, sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor. Bioengineering methods or "soft solutions" are required to be developed as an alternative to constructing "hard structures" along Ramirez Canyon Creek, except that if bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Finally, future development will be sited and designed to avoid removal of native trees, except that stream restoration in Ramirez Canyon Creek may require widening of the creek channel throughout much of Ramirez Canyon Park and in some locations may affect upland areas that presently support large native trees.

The Overlay also specifies the range of uses, programs and events that may be allowed at Ramirez Canyon Park. The Commission previously considered a specific development proposal for uses and development (CDP No. 4-98-334). The Commission found that a certain level of access and recreational uses could be carried out at Ramirez Canyon Park, with conditions, while protecting ESHA from significant disruption of habitat values, consistent with Section 30240 of the Coastal Act. While the proposed LCP amendment includes only a planning level consideration of uses for Ramirez

Canyon Park, the Overlay does include fairly specific detail about the types of uses and frequency of programs and events that are contemplated for this park and would be considered through further approvals in the future. In a few instances, the proposed LCPA includes additional uses or programs that were not previously considered by the Commission. In order to ensure that potential impacts to ESHA (and other coastal resources considered elsewhere in this report), the Commission finds it necessary to revise the Overlay (Section 12b) to allow for the same level of uses, events, and programs that were previously determined to be appropriate for Ramirez Canyon Park.

In conclusion, the Commission finds that proposed LUP Overlay policies, as revised, are consistent with Section 30240 of the Coastal Act, and that the proposed LUP Overlay provisions, as revised, conform with and are adequate to carry out the certified Malibu LUP policies, and the LUP Overlay policies, as revised in this report.

### **c. Visual Resources**

Both the Coastal Act and Malibu's certified LCP contain policies that protect visual resources in the Coastal Zone:

#### **California Coastal Act Visual Resource Policies**

***Coastal Act § 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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The proposed Overlay requires that all new public access and recreation improvements be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize 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.

#### **City of Malibu LCP Land Use Plan Visual Resource Policies**

***6.1 The Santa Monica Mountains, including the City, contain scenic areas of regional and national importance. The scenic and visual qualities of these areas shall be protected and, where feasible, enhanced.***

***6.2 Places on and along public roads, trails, parklands, and beaches that offer scenic vistas are considered public viewing areas. Existing public roads where there are views of the ocean and other scenic areas are considered Scenic Roads. Public parklands and riding and hiking trails which contain public viewing areas are shown on the LUP Park Map. The LUP Public Access Map shows public beach parks and other beach areas accessible to the public that serve as public viewing areas.***

**6.3 Roadways traversing or providing views of areas of outstanding scenic quality, containing striking views of natural vegetation, geology, and other unique natural features, including the ocean shall be considered Scenic Roads. The following roads within the City are considered Scenic Roads:**

- Pacific Coast Highway**
- Decker Canyon Road**
- Encinal Canyon Road**
- Kanan Dume Road**
- Latigo Canyon Road**
- Corral Canyon Road**
- Malibu Canyon Road**
- Tuna Canyon Road**

**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.**

**6.6 Avoidance of impacts to visual resources through site selection and design alternatives is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures.**

**6.8 Prominent ridgelines and other intervening ridgelines that are visible from a public road, a beach, public viewing areas, or public hiking trails, shall be protected by setting structures below the ridgeline to avoid intrusions into the skyline where feasible. Where there are no feasible alternative building sites below the ridgeline or where the only alternative building site would result in unavoidable adverse impacts to ESHA, structures shall be limited to one-story (18 feet maximum from existing or finished grade, whichever is lower) in height to minimize visual impacts.**

**6.9 All new development shall be sited and designed to minimize alteration of natural landforms by:**

- Conforming to the natural topography.**
- Preventing substantial grading or reconfiguration of the project site.**
- Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.**
- Requiring that man-made contours mimic the natural contours.**
- Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.**
- Minimizing grading permitted outside of the building footprint.**
- Clustering structures to minimize site disturbance and to minimize development area.**
- Minimizing height and length of cut and fill slopes.**
- Minimizing the height and length of retaining walls.**

- ***Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.***

***6.10 New development, including a building pad, if provided, shall be sited on the flattest area of the project site, except where there is an alternative location that would be more protective of visual resources or ESHA.***

***6.11 The length of on-site roads or driveways shall be minimized, except where a longer road or driveway would allow for an alternative building site location that would be more protective of visual resources or ESHA. Driveway slopes shall be designed to follow the natural topography. Driveways that are visible from a scenic road, a beach, a public viewing area, or public hiking trail shall be a neutral color that blends with the surrounding landforms and vegetation.***

***6.12 All new structures shall be sited and designed to minimize impacts to visual resources by:***

- ***Ensuring visual compatibility with the character of surrounding areas.***
- ***Avoiding large cantilevers or understories.***
- ***Setting back higher elements of the structure toward the center or uphill portion of the building.***

***6.13 New development in areas visible from scenic roads or public viewing areas, shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly reflective materials shall be prohibited.***

***6.14 The height of permitted retaining walls shall not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief. Where feasible, retaining walls supporting a structure should be incorporated into the foundation system in a stepped or split level design. Retaining walls visible from scenic highways, trails, parks, and beaches should incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.***

***6.15 Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.***

***6.29 Cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:***

- ***Plantings shall be of native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.***
- ***Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.***
- ***Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures.***
- ***Lawn shall not be located on any geologically sensitive area such as coastal blufftop.***
- ***Landscaping or revegetation shall provide 90 percent coverage within five years. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years.***

The proposed LCPA does not include any new LUP policies or modifications to policies that implicate the visual resource protection requirements of Section 30251 of the Coastal Act. Nonetheless, the certified LUP does contain Section 30251 of the Coastal Act as a guiding policy in addition to the other relevant LUP visual resource policies detailed above.

The proposed LCP amendment does include implementation measures to ensure that restroom structures, improvements for trails, campsites, and parking facilities are visually compatible with the character of the area and are designed to protect visual resources of the plan area, to ensure consistency with the policies of the Malibu LUP. In addition, provisions in the Overlay require camp area improvements, including restrooms, to be clustered in specific locations that are not visible from primary public viewing areas. The Overlay does not include or contemplate the addition of any structural improvements such as shoreline protective devices, drain pipes or discharge dissipaters on a bluff or beach. Future improvements envisioned in the Overlay are minor in nature and will serve to provide additional public access and recreational opportunities to enjoy the substantial open spaces and visual resources protected by the existing parklands in the plan area.

The Overlay requires that all new public access and recreation improvements be sited and designed to protect views to and along the ocean and scenic coastal areas. The Overlay contains implementation measures to ensure that planned restroom structures, and improvements for trails, campsites, and parking facilities are visually compatible with the character of the area and will protect visual resources of the plan area consistent with LUP Policies 6.1 and 6.2.

In the plan area, proposed trail improvements will potentially be visible from Kanan Dume Road, Latigo Canyon Road, and Corral Canyon Road which are designated scenic roads pursuant to LUP Policy 6.3. However, proposed trail improvements are minor in nature and will not result in substantial impacts to visual resources from these designated roadways. In addition, the provisions of the Overlay require future parking areas, self-contained restroom facilities and retaining walls to not be substantially visible from trails, public roads or other scenic viewing areas. Therefore, view impacts from Kanan Dume Road, Latigo Canyon Road, and Corral Canyon Road will be insignificant.

The only new structures contemplated by the Overlay District are public restroom facilities and where needed, retaining walls, which are required to be located and designed so as not to be substantially visible from significant public viewing areas. Consistency with Policy 6.5 is ensured by the Visual Resource implementation measures of the Overlay which enumerate standards for the screening of restrooms, and necessary retaining walls if required for trail construction, from public trails and other scenic viewing areas as necessary. Specifically, these measures call for locating new improvements in level areas to minimize grading, and within areas where vegetation exists or where topography naturally screens the improvement areas from public views. Where necessary, native vegetation will be planted to provide a buffer

between new campsites and trail corridors and to screen proposed restrooms facilities and retaining walls.

Where determined necessary and desirable, the Overlay would permit some additional grading to “tuck” restroom facilities into hillside terrain and thereby blend with natural terrain. Restroom facilities are to be designed with colors that are compatible with the surrounding landscape and landscape screening will be used to minimize visibility of the structures. Visual Resource implementation measures provides that retaining walls are permitted only where required to support critical trail linkages on hillside terrain and where no other alternative route or method of trail support is available. The Overlay requires that retaining walls will not exceed six feet and that stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted where necessary. All retaining walls are to be designed with natural materials or will incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. Finally, the Overlay requires that the drainage devices for parking facilities be placed in locations of minimal visibility, will be colored to match natural soils, and will be screened with landscaping to minimize visibility. Therefore, the Overlay is consistent with LCP Policy 6.5

The Overlay requires that site selection and design alternatives be considered when locating and designing proposed camping and new park support facilities to protect the existing visual character of parklands and to minimize alteration of natural landforms. The Overlay improvements will require minor grading for new trails and park facilities and the Overlay includes only self-contained restrooms and retaining wall structures (required for trail support) that would potentially be visible from public viewing areas. Trails are to be located and designed to utilize established trail corridors and to following natural contours wherever feasible. Due to the secluded nature of the proposed improvement areas, variations in natural topography and existing vegetation that will be retained on the site, the planned park improvements and necessary grading will not be visible from the majority of viewsheds within the Plan area.

Because the Overlay includes new trail improvements, public parking and camp facilities that will inevitably be visible from some public trails within existing parklands, the Overlay provides for landscape screening measures to reduce the visibility of these improvements to minimize potential impacts to visual resources. The Overlay does not involve development of new structures on any prominent ridgelines or other intervening ridgelines. Campsites and structures are required to be located in level areas to minimize grading and landform alteration, and to specifically utilize park areas presently screened from public views by natural topography and/or existing vegetation. Necessary grading must be designed to follow the natural contours of proposed improvement areas to minimize disturbed areas and timely vegetation restoration of disturbed areas with native plant species will minimize visual impacts associated with grading. Therefore, the Overlay is consistent with LCP Policies 6.6 through 6.10.

The proposed Overlay does not involve or facilitate construction of new roads or driveways in the Plan area. Consistent with LCP Policies 6.12 and 6.13, Visual

Resource implementation measures require that new parking, restrooms and retaining wall improvements be designed with colors that are compatible with the surrounding landscape and/or consist of natural materials or veneers, texturing and/or colors that blend with surrounding earth materials or landscape, and are colored to match natural soils to ensure that the improvements are compatible with the surrounding landforms and vegetation to minimize impacts to visual resources.

Consistent with LCP Policies 6.14 and 6.15, Visual Resource implementation measures provide that retaining walls are permitted only to support critical trail linkages on hillside terrain and where no other alternative route or method of trail support is available. The height of permitted retaining walls will not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, are permitted for trails improvements where necessary, and all retaining walls are to be designed with natural materials or must incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.

Consistent with LCP Policy 6.29, the Overlay requires that all graded and disturbed areas will be planted and maintained for erosion control purposes within (60) days of completing construction activities resulting in soil disturbance or vegetation removal. To minimize the need for irrigation, implementation measures require that re-vegetation efforts consist of native plants from native genetic stock. Invasive, non-indigenous plant species are not permitted.

In conclusion, the Commission finds that the proposed LIP Overlay policies, conform with and are adequate to carry out Section 30251 of the Coastal Act as well as the certified Malibu LUP visual resource policies

#### **d. Hazards**

Both the Coastal Act and Malibu's certified LCP contain policies that minimize risks to life and property in the Coastal Zone:

##### **California Coastal Act Hazards Policies**

**Coastal Act § 30253: New development shall:**

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.**
- (4) Minimize energy consumption and vehicle miles traveled.**

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

**City of Malibu LCP Land Use Plan Hazard Policies**

**4.2 All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.**

**4.4 On ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where an adequate factor of safety can be provided, consistent with the applicable provisions of Chapter 9 of the certified Local Implementation Plan.**

**4.5 Applications for new development, where applicable, shall include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and subject to review and approval by the City Geologist.**

**4.8 Grading and/or development-related vegetation clearance shall be prohibited where the slope exceeds 40 percent (2.5:1), except that driveways and/or utilities may be located on such slopes, where there is no less environmentally damaging feasible alternative means of providing access to a building site, provided that the building site is determined to be the preferred alternative and consistent with all other policies of the LCP.**

**4.10 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.**

**4.11 New development involving a structure dependent on a wastewater disposal system shall utilize secondary treatment, at a minimum, and evapotranspiration waste disposal systems or other innovative measures, where feasible.**

**4.14 New development shall be prohibited on property or in areas where such development would present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.**

**4.45 New development shall minimize risks to life and property from fire hazard through:**

- Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.;**
- Siting and designing development to avoid hazardous locations;**
- Incorporation of fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent;**
- Use of appropriate building materials and design features to insure the minimum amount of required fuel modification;**
- Use of fire-retardant, native plant species in landscaping.**

**4.46 New development within Environmentally Sensitive Habitat Areas and habitat buffers shall be sized, sited and designed to minimize the impacts of fuel modification and brush clearance activities on habitat and neighboring property.**

**4.48 When brush clearance is required for fire safety, brushing techniques that minimize impacts to native vegetation, ESHA and that minimize erosion, runoff, and sedimentation shall be utilized.**

**4.49 Applications for new development, which require fuel modification, shall include a fuel modification plan for the project, prepared by a landscape architect or resource specialist that incorporates measures to minimize removal of native vegetation and to minimize impacts to ESHA, while providing for fire safety, consistent with the requirements of the applicable fire safety regulations. Such plans shall be reviewed and approved by the Forestry Division.**

**4.50 New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.**

**4.51 All new development shall demonstrate the availability of an adequate water supply for fire protection, as required by applicable fire safety regulations.**

**4.52 Where applicable, property owners shall comply with applicable fire safety regulations for management of combustible vegetative materials (controlled burns) in fire hazardous areas.**

**4.53 The City shall coordinate with County, State and National Park agencies to develop a closure policy for public recreation areas during periods of extreme fire hazard.**

Section 30253 of the Coastal Act and LCP Policy 4.2 require that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The Plan area is located along the Malibu/Santa Monica Mountains coastline, an area that is subject to a number of natural hazards including landslides, erosion, flooding and fire. While the proposed Overlay contemplates very little development of new, habitable, or flammable structures (only new self-contained public restrooms are proposed) planning for the proposed uses, programs, and public facility improvements must ensure that all development and uses provide for geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The Hazards policies of the Overlay District provide that the proposed Plan improvements be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The Overlay LIP provisions require that a geologic/soils/geotechnical study identifying any geologic hazards affecting areas identified for new, structural park facility development be prepared and shall contain recommendations for mitigation measures, where applicable, and a statement that the project areas are suitable for the proposed improvements and that the improvements will be safe from geologic hazard. Structural improvements, such as parking areas, would also be subject to measures for avoidance of potential impacts associated with faulting, seismicity, and soil stability and said measures would be identified and incorporated into the design of future improvements within the Overlay pursuant to the recommendations of the project's engineer.

In addition, the Overlay LIP requires that a Fire Protection and Emergency Evacuation Plan be prepared and approved to provide a plan-of-action to minimize exposure of public park facilities, visitors, and adjacent communities to natural hazards, and to

prepare and condition for potential emergency situations. Fire protection and evacuation measures will be defined for each park property, and specialized fire protection measures defined for Ramirez Canyon Park due to the built-out nature of the property and the unique access programs the Park supports. In addition, the Overlay requires that the provisions contained in Wooden Bridge Reinforcement Plan and Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, previously implemented pursuant to CDP 4-98-334, will be maintained for Ramirez Canyon Park.

The Overlay would not change or conflict with LCP Policy 4.4 and approval of future improvements contemplated in the Overlay would be subject to the requirements of this policy. However, with the exception of trails, future improvements are proposed to be located outside of landslide, unstable slopes and other geologic hazard areas. Trail development, given the limited and short-term activities on trails, is considered low-risk and appropriate in these areas.

The Overlay LIP provisions would not change or conflict with LCP Policy 4.5 and approval of future improvements contemplated in the Overlay would be subject to the requirements of this policy. There are no structures contemplated by the Overlay with the exception of limited, self-contained restroom facilities.

The Overlay LIP provisions would not change or conflict with LCP Policy 4.8 and approval of future improvements contemplated in the Overlay would be subject to the requirements of this policy.

Consistent with LCP policy 4.10, the Overlay requires that run-off (from the proposed parking surfaces) be conveyed in a non-erosive manner, which will serve to minimize erosion and ensure the geologic stability of the site.

The Overlay does not involve new development that is reliant on a wastewater disposal system. Water Quality policies of the Overlay require all new public restroom facilities consist of self-contained, chemical or composting restrooms and further require that the Septic System Abandonment/Wastewater Treatment and Recycled Water System, developed and implemented for Ramirez Canyon Park pursuant to CDP 4-98-334, be maintained onsite and that any new permanent restroom facility at Ramirez Canyon Park must connect to the on-site wastewater treatment and recycled water reuse system.

Future park improvements contemplated by the Overlay are minor in nature (no habitable structures with the exception of self-contained portable restrooms are considered) and will not be subject to significant geologic hazards. In addition, a Fire Protection and Emergency Evacuation Plan will be prepared to include a plan-of-action to minimize exposure of public park facilities, visitors, and adjacent communities to natural hazards, and to prepare and condition for potential emergency situations. Fire protection and evacuation measures will be defined for each park property, and specialized fire protection measures defined for Ramirez Canyon Park due to the built-out nature of the property and the unique access programs the Park supports. In

addition, the provisions contained in the Wooden Bridge Reinforcement Plan and Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, previously implemented pursuant to CDP 4-98-334, will be maintained for Ramirez Canyon Park.

Therefore, consistent with LCP Policy 4.14, the proposed Overlay LIP policies and associated uses are appropriate for the subject parklands and will not present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.

Consistent with LCP Policies 4.45 and 4.48-4.53, which address potential fire hazards and require new development to minimize risks to life and property from fire hazard, the proposed Overlay contains a number of provisions to ensure that improvements and land uses ensure fire safety within the plan area. Camp policies require camps areas to be developed and maintained as “cold camps” at all times consistent with the provisions of the Hazards implementation measures of the Overlay. The Overlay LIP specifies that campfires are prohibited at all times and that all camping activities are prohibited unless an onsite Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, is accommodated for at each park property. Overnight Camp implementation measures further call for development, use restrictions, and brush maintenance for all campsites to be carried out in accordance with an approved Fire Protection and Emergency Evacuation Plan. All standard parkland rules and regulations shall be enforced per existing policies of the MRCA/SMMC, including the no smoking provision.

A Fire Management and Evacuation Plan for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, **and Malibu Bluffs Park** will be prepared and reviewed and approved by the State Fire Marshall. The Fire Management and Evacuation Plan will contain fuel modification/management policies for the proposed improvements contemplated by the Overlay, and will address safety precautions, onsite fire protection equipment and infrastructure, and evacuation policies and plans for the parklands and uses subject to the Overlay. The Fire Management and Evacuation Plan is required to include the following provisions:

- *All standard Parkland rules and regulations shall be enforced per existing policies of the MRCA/SMMC:*
  - *Except in designated camp areas, park properties shall be closed sunset to sunrise.*
  - *No smoking or fires.*
  - *No alcoholic beverages.*
  - *No littering or dumping.*
  - *No unauthorized vehicle use.*
  - *No defacing or destroying property.*

- *Dogs must be on a leash and cleaned up after.*
- *Possession of firearms, bow and arrow prohibited.*
- *Violations subject to \$500 fine and/or 6 months in County jail.*
  
- *An annual fuel modification plan for site vegetation management and tree trimming/limbing at each park property shall be developed and implemented prior to the annual fire season.*
  
- *Campsite locations shall be located within existing use areas to ensure easy access for purposes of maintenance and patrol, and in case of emergency.*
  
- *No person shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in any of the park facilities covered by this Plan. The only cooking apparatus permitted shall consist of self-contained propane stoves when permitted consistent with the terms of the approved Fire Management and Emergency Evacuation Plan. No kerosene or white gas lanterns shall be permitted.*
  
- *Campers shall be required to utilize designated cook surfaces provided at each approved campsite, which shall be designed of non-flammable materials. Cold-camping apparatus such as flame-less cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy will be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas will be routinely patrolled to enforce the No Campfire/Cold Camp Policy.*
  
- *Fire protection apparatus shall be provided and maintained at all camp facilities and shall include, at a minimum:*
  - *Water storage tank or water delivery system designed, located, and maintained to provide a dependable water supply for fire protection at each proposed camp area at all times to ensure adequate water supply for fire protection of new camp facilities.*
  - *A portable and air-powered quick attack firefighting system to be provided at each camp facility for ready deployment by trained Camp Host, Ranger, or park personnel in the event of a fire.*
  - *Portable self-contained fire extinguisher units to be provided for each cluster or group of campsites.*

**City of Malibu LCP Override**  
**Local Coastal Program Amendment 1-08**  
**Revised Findings**  
**Page 110**

- *Camping at all park properties will be prohibited when any Red Flag, Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and camp areas will be routinely patrolled to notify park users and to enforce restrictions on park use during all Red Flag, Flash Flood/Flood Warnings and Urban/Small Stream Advisories as determined by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA).*
- *An onsite Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be accommodated for at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance.*
- *Emergency power generators and fuel supply at Ramirez Canyon Park necessary to maintain emergency lighting for at least twelve (12) hours shall be installed and maintained on site.*
- *Park events, tours, camping reservations or other special functions at Ramirez Canyon Park shall be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued. Written warnings of the cancellation policy shall be provided to potential campers and prospective event sponsors prior to contracting for park use.*

Implementation of the adopted Fire Management and Evacuation Plan, and continued maintenance of the Wooden Bridge Reinforcement Plan and Emergency Access and On-Site Parking Plan for Ramirez Canyon Park will ensure consistency with all applicable LCP Policies addressing potential fire hazards.

Proposed Overlay LIP provision 11(a)(b)(i) includes the following provision:

*No person shall, outside of any park facility mentioned herein, on any public or private property, permit or allow, or cause to be permitted or allowed, any open flame, fire, or other incendiary source, of any nature whatsoever, within twenty (20) feet of any flammable vegetation. This provision shall prohibit backyard fires, barbeques, or any other flame source whatsoever. Propane BBQs when accompanied with approved fire extinguishers shall be exempt from this policy.*

This LIP provision would effectively prohibit the majority backyard barbeques, fire pits, outdoor fireplaces, or other flame sources within the City of Malibu. This policy goes beyond the scope of the proposed Overlay and would create an unreasonable prohibition on back yard barbeques, fire pits, outdoor fireplaces and other flame sources

within the City of Malibu. In addition, the Conservancy/MRCA has not presented any evidence that would demonstrate these types of flame sources have historically resulted in any wildfires in Malibu. Therefore, the Commission finds that it is necessary to delete this policy from the proposed LIP Overlay Fire Protection, Emergency Evacuation policies.

The Conservancy/MRCA has proposed a number of very comprehensive fire protection and emergency evacuation policies that will ensure, to the extent feasible, that future development and existing facilities within the Overlay area are protected from fire hazards. Access to Ramirez Canyon Park is via a road that does not have a secondary ingress/egress point. Although the proposed fire protection and fire evacuation policies do ensure the Ramirez Park facility will be relatively safe from fire hazards a secondary access road out of the Canyon would provide an additional emergency ingress/d egress out of the Canyon. Unfortunately, there are a number of constraints that make the construction of a new road out of the canyon problematic, including ESHA issues and steep topography that would necessitate significant grading and landform alteration to construct a road.

However, there is an existing private access road, Via Acero, that serves a number of properties from Ramirez Canyon Road. This road extends up the western slope of the canyon to a point a few hundred feet from Kanan Dume Road. It would be relative easy to extend this road all the way through to Kanan Dume Road. If the Conservancy/MRCA could secure easements rights over this road this road could provide a secondary emergency ingress/egress that could serve the Ramirez Canyon Park Facility and the neighboring community. The Conservancy/MRCA have approached residents who hold access easements along this road and have been not been able to come to an agreement to improve and use this road as a secondary emergency access road for Ramirez Canyon Park. However, the Commission finds that the Conservancy/MRCA should continue to explore opportunities for a secondary emergency access road over Via Acero. Therefore, the Commission is adding the following provision to the Fire Protection, Emergency Evacuation LIP policies of the Overlay:

- iv. Opportunities for additional emergency ingress/egress to and from Kanan Dume Road over Via Acero shall be explored, including the potential for feasibly obtaining easements from willing property owners or by eminent domain. Construction of an additional emergency ingress/egress at Ramirez Canyon may occur consistent with all applicable policies and provisions of the LCP. This policy is not intended to limit the use of, or access to, Ramirez Canyon Park via Ramirez Canyon Road.

Therefore, as revised, the proposed Overlay LIP provisions are consistent with the certified Malibu LUP policies.

**e. Water Quality**

Both the Coastal Act and Malibu's certified LCP contain policies that protect water quality in the Coastal Zone:

**California Coastal Act Water Quality Policies**

**Coastal Act § 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.*

**Coastal Act § 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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

**Coastal Act § 30236**

*Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

**City of Malibu LCP Land Use Plan Water Quality Policies**

**3.95** *New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:*

- *Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.*
- *Limiting increases of impervious surfaces.*
- *Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.*
- *Limiting disturbance of natural drainage features and vegetation.*

**3.96** *New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the*

**Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.**

**3.97 Development must be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.**

**3.99 Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. Dry weather runoff from new development must not exceed the pre-development baseline flow rate to receiving waterbodies.**

**3.100 New development shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution. All new development shall meet the requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) in its the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County (March 2000) (LA SUSMP) or subsequent versions of this plan.**

**3.102 Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs. This standard shall be consistent with the most recent Los Angeles Regional Water Quality Control Board municipal stormwater permit for the Malibu region or the most recent California Coastal Commission Plan for Controlling Polluted Runoff, whichever is more stringent.**

**3.104 New roads, bridges, culverts, and outfalls shall not cause or contribute to streambank or hillside erosion or creek or wetland siltation and shall include BMPs to minimize impacts to water quality including construction phase erosion control and polluted runoff control plans, and soil stabilization practices. Where space is available, dispersal of sheet flow from roads into vegetated areas or other on-site infiltration practices shall be incorporated into road and bridge design.**

**3.110 New development shall include construction phase erosion control and polluted runoff control plans. These plans shall specify BMPs that will be implemented to minimize erosion and sedimentation, provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials.**

**3.111 New development shall include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff, and shall include the monitoring and maintenance plans for these BMPs.**

**3.114 Trash storage areas shall be designed using BMPs to prevent stormwater contamination by loose trash and debris.**

**3.115 Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility.**

**3.116 The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.**

**3.117 Public streets and parking lots shall be swept frequently to remove debris and contaminant residue. For private streets and parking lots, the property owner shall be responsible for frequent sweeping to remove debris and contaminant residue.**

**3.118 Some BMPs for reducing the impacts of non-point source pollution may not be appropriate for development on steep slopes, on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability. New development in these areas should incorporate BMPs that do not increase the degree of geologic instability.**

**3.119 New development that requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas, consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.**

**3.120 New development shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems shall be restored, where feasible, except where there are geologic or public safety concerns.**

**3.121 Alterations or disturbance of streams or natural drainage courses or human-made or altered drainage courses that have replaced natural streams or drainages and serve the same function, shall be prohibited, except where consistent with Policy 3.32. Any permitted stream alterations shall include BMPs for hydromodification activities.**

**3.122 Natural vegetation buffer areas that protect riparian habitats shall be maintained. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the riparian habitat, but in no case shall the buffer be less than 100 feet, except for development permitted pursuant to Policy 3.10.**

**3.123 Any channelization or dam proposals shall be evaluated as part of a watershed planning process, evaluating potential benefits and/or adverse impacts. Potential adverse impacts of such projects include effects on wildlife migration, downstream erosion, dam maintenance (to remove silt and trash) and interruption of sand supplies to beaches.**

The riparian corridors contained in Ramirez, Escondido, and Corral Canyon, **and Malibu Bluffs** Parks provide important habitat for a variety of sensitive plant and animal species. The value and quality of the sensitive habitat areas within these parks are directly related to the water quality of the coastal tributaries that sustain them. The proposed LCPA does not include any new LUP policies or modification of any existing policy regarding the protection of water quality. Nonetheless, the certified LUP does contain Section 30230, 30231, and 30236 of the Coastal Act as guiding policies in

addition to the other relevant LUP visual resource policies detailed above. The Overlay does include implementation measures to ensure protection of ESHA and to minimize impacts to water quality. These Water Quality measures generally require that new park development be located and designed to minimize soil disturbance, removal of natural vegetation, and landform alteration.

Water Quality provisions in the Overlay require that new parking facilities be designed to minimize stormwater runoff and potential pollutant loads from impervious areas and that activities involving soil disturbance and vegetation removal be carried out in conjunction with construction phase erosion control and polluted runoff control plans. Implementing these policies will serve to minimize impacts from erosion and sedimentation from disturbed soils or areas void of vegetation, and will prevent alteration of natural drainage patterns. Water Quality provisions also include specific requirements for installing new portable self-contained restroom facilities for trail users and backpackers to ensure impacts to ESHA and water quality are avoided. In addition, the Overlay provides for maintenance of, and connection of new restroom facilities to, the state-of-the-art wastewater treatment and water reuse system previously installed for Ramirez Canyon Park pursuant to CDP 4-98-334, and installation of entirely self-contained portable restroom facilities at Escondido Canyon, and Corral Canyon, **and Malibu Bluffs** Parks.

Consistent with Coastal Act Sections 30230 and 30231, policies in the Overlay require that all new public access and recreation improvements be evaluated for potential adverse impacts to water quality and shall consider Site Design, Source Control and Treatment Control Best Management Practices (BMPs) to prevent polluted runoff and water quality impacts resulting from new development, and be designed to prevent the introduction of pollutants that may result in water quality impacts. Additionally, the Overlay and associated improvements would not involve substantial alteration of any stream or drainage, with the exception of the habitat enhancement project planned for Ramirez Canyon Creek which will serve to improve habitat value and water quality of the coastal stream. New park support facilities would be setback a minimum of 100 feet from streams (with limited exceptions at Ramirez Canyon Park, at the Latigo Canyon trailhead parking area, and at an ADA compliant drop-off area at Corral Canyon Park) such that potential development impacts including grading and removal of vegetation in sensitive riparian and other coastal water habitat areas is avoided to the maximum extent feasible. Finally, incorporation of construction BMPs as required by the Overlay Water Quality policies and implementation measures discussed above will minimize potential runoff, erosion of site soils and resulting degradation of water quality.

Consistent with Coastal Act Section 30236, the Overlay includes provisions to guide implementation of a future Ramirez Canyon Creek Habitat Enhancement Plan stream restoration project for Ramirez Canyon Creek to correct the streambank disturbance and channelization performed by a previous property owner which has affected much of the habitat value of the creek corridor within the park. Implementation of the Ramirez Canyon Creek Habitat Enhancement Plan would serve to improve the biological resources and water quality associated with the Ramirez Canyon Creek riparian corridor consistent with the provisions of Coastal Act Sections 30230, 30231 and 30236.

The Overlay includes a number of provisions to address potential impacts of grading and uncontrolled stormwater runoff on sensitive habitats. Water Quality implementation measure require new park facility development to include post-development phase drainage and polluted runoff control plans that specify site design, source control, treatment control best management practices (BMPs), and monitoring intended to minimize post-construction polluted runoff. Water Quality implementation measures also require that an Interim Erosion Control Plan be developed and implemented for construction activities resulting in soil disturbance and vegetation removal with specific provisions should grading occur during the rainy season. In addition, Water Quality implementation measure require all graded and disturbed areas on the subject site to be planted and maintained for erosion control purposes within (60) days of completing construction activities resulting in soil disturbance or vegetation removal.

Consistent with LUP Policy 3.95, the Overlay requires that future improvements be sited and designed to protect and provide ample buffer areas between proposed improvement areas and coastal waters, and to minimize grading, vegetation disturbance, and new impervious surfaces associated with the limited physical improvements proposed for new park support facilities. Given the minor nature of the planned trail and park facility improvements, implementation of the Overlay will not result in substantial disturbance to natural drainage features and vegetation.

Consistent with the balance of LUP Policies relating to water quality protection, the Overlay will not result in the degradation of the water quality of groundwater basins or coastal surface waters and all future improvements are required to be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern that may result in significant impacts from site runoff from impervious areas. The Overlay provides for incorporating site design and Best Management Practices (BMPs) to ensure that potential pollutant loading in stormwater runoff is reduced to the maximum extent feasible. Water Quality implementation measures of the Overlay require that an Interim Erosion Control Plan be developed and implemented for construction activities resulting in soil disturbance and vegetation removal, and also include specific development standards for erosion control. In addition, the Water Quality policies and implementation measures of the Overlay will serve to ensure that impacts to water quality are minimized.

Future parking facilities contemplated in the Overlay are required to be designed to minimize stormwater runoff and potential associated pollutant loads from limited impervious areas. The Overlay also requires that all trail and park facility improvements be sited and designed to minimize grading, landform alteration, drainage pattern disturbance and vegetation clearance to prevent soil erosion, sedimentation, and alteration of natural water flows to any receiving water body, and that all activities involving soil disturbance and vegetation removal associated with development of new trails, campsites and support facilities include construction phase erosion control and polluted runoff control plans. Water Quality implementation measures further specifically requires that the new park facility development, as applicable, include post-development

phase drainage and polluted runoff control plans that specify site design, source control and treatment control best management practices (BMPs), and include monitoring and maintenance provisions for identified BMPs.

In addition, the Overlay requires an Interim Erosion Control Plan for construction activities resulting in soil disturbance and vegetation removal to include the following standards: 1) the plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas, and natural areas on the site shall be clearly delineated on the project site with fencing or survey flags; and 2) should grading take place during the rainy season (November 1 – March 31) temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, geofabric covers or other appropriate cover, geotextiles or mats shall be installed on all cut or fill slopes as soon as possible. These erosion measures are required to be implemented on site prior to or concurrent with initial grading operations and must be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction.

Water Quality implementation measures also provide that all new park facilities are to be located in areas of level terrain, to the maximum extent feasible, to avoid the need for grading and to minimize landform alteration and alteration of natural drainage patterns. Where grading may be necessary to provide new park facilities, the Overlay requires graded and disturbed areas to be planted with native/drought resistant plants which will be maintained for erosion control purposes within (60) days of completing construction activities resulting in soil disturbance or vegetation removal.

Given that only new parking facilities proposed at Ramirez Canyon Park (adjacent to Kanan Dume Road), at Escondido Canyon Park (at the terminus of Winding Way), **at Malibu Bluffs Park,** and at the property adjacent to Latigo Canyon Road would result in new impervious surfaces within the entire Plan area, increases in impervious surfaces and run-off volumes resulting from the project would be of a limited, incremental nature. Drainage features would be designed to accommodate the anticipated incremental increase of runoff from these limited parking areas. Consistent with LCP Policies related to protection of water quality, water runoff would be retained on-site by means of primarily non-structural, post-construction BMPs.

To preserve water quality and protect sensitive habitats, discharge of harmful substances into or alongside coastal streams or wetlands are prohibited pursuant to park regulations. No development-related water discharge to coastal waters would result from implementation of the Overlay and associated improvements and, as described above, the Overlay provides for improvements to retain and treat all runoff from the proposed limited impervious parking surfaces to the maximum extent feasible. Therefore, the Overlay and associated improvements will not result in discharge to coastal waters that would adversely affect water quality.

Furthermore, all improvements contemplated by the Overlay would be designed to provide for all minimum setback requirements from streams, wetlands and other coastal water habitat areas, except as specifically noted in few instances for primary, low impact recreation facilities. These minimum setback standards will provide adequate buffer areas between the proposed uses and coastal waterways, providing for natural infiltration and treatment of overall site drainage and thereby reducing pollutant load before it reaches waterways by natural drainage patterns and/or seepage. Native vegetation will be maintained onsite and improvements will not result in vegetation removal or disturbance in significant coastal canyons or on hillsides which are susceptible to erosion. The Overlay provides for ongoing monitoring and maintenance for all identified BMPs, which includes maintenance of trash collection areas and existing and proposed parking areas, to ensure potential impacts from polluted stormwater runoff are minimized. Therefore, the proposed Overlay is consistent with all applicable water quality protection policies of the LCP referenced above.

Alternatively, the proposed Overlay provides that all new public restroom facilities consist of self-contained, chemical or composting restrooms, where appropriate, sited and designed to ensure that impacts to ESHA and water quality are avoided by being located a minimum of 200 feet from the top of bank of any adjacent stream, wherever feasible, and in no case less than 100 feet from the top of bank of any adjacent stream (except for limited exceptions previously discussed). Water Quality implementation measures require that the previously implemented Wastewater Treatment and Recycled Water System be maintained onsite at Ramirez Canyon Park and that new permanent restroom facilities at the park be connected to the on-site wastewater treatment and recycled water reuse system. Finally, the Overlay requires that the Wastewater Treatment and Recycled Water System developed and implemented for Ramirez Canyon Park pursuant to CDP 4-98-334 be used for all visitors, tours, gatherings and events at Ramirez Canyon Park accommodating up to 200 people (the design capacity of the wastewater treatment system). Should any use, or combination of uses, at Ramirez Canyon Park result in a capacity of visitors exceeding 200 people at any one time, portable restrooms are to be provided to supplement the treatment capacity of the wastewater treatment system. Therefore, the proposed Overlay will not result in any new wastewater discharge within the Plan area.

In addition, in response to concerns of water quality raised during the previous coastal development permit process addressing uses at Ramirez Canyon Park and in concert with the requirements of CDP 4-98-334, the Overlay requires that the existing, remaining private sewage disposal treatment systems at Ramirez Canyon Park, not located adjacent to or in proximity to Ramirez Canyon Creek, be analyzed for adequate treatment capacity and potential water quality impacts and that on-going water quality monitoring of Ramirez Canyon Creek be conducted. The Overlay provides for a Water Quality Monitoring Program to be implemented at Ramirez Canyon Park including provisions for quarterly analysis of water samples up- and down-stream of the subject site for a minimum of four quarters of available streamflow, commencing with approval of the Overlay

Although the proposed Overlay will not result in new wastewater discharge in the Plan area, the Overlay includes a number of provisions, in addition to the substantial wastewater treatment improvements already installed at Ramirez Canyon Park to address potential water quality impacts associated with OSTs installed by a previous property owner at Ramirez Canyon Park to ensure that the water quality and habitat values of Ramirez Canyon Creek are protected to the maximum extent feasible.

In conclusion, the Commission finds that proposed LIP Overlay provisions, as revised, conform with and are adequate to carry out the certified Malibu LUP policies, including Coastal Act Sections 30230, 30231, and 30236 of the Coastal Act, and the LUP Overlay policies, as revised in this report.

**f. New Development**

Both the Coastal Act and Malibu's certified LCP contain policies that regulate new development in the Coastal Zone:

**California Coastal Act New Development Policies**

***Coastal Act § 30250: (a) New residential, commercial, or industrial development shall be located in, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

***Coastal Act § 30252: The location and the amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means or serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with the provisions of onsite recreational facilities to serve the new development.***

As described in detail in previous sections, the proposed Overlay provides for trail and park improvements and programs to enhance public access and recreational uses in the Plan area. The Overlay includes policies to develop limited overnight camping facilities and park support facilities at particular park locations, and special outreach programs at Ramirez Canyon Park, intended to accommodate existing and future demand for a variety of public access and recreational opportunities.

In concert with the other public access and resource protection policies discussed herein, policies in the Overlay provide that: proposed trails, park uses, and necessary support facilities are permitted uses in the existing parklands that are designated and

zoned POS and subject to the LCP ESHA Overlay designation; that protection of ESHA and public access shall take priority over other development or land uses and; that trail and park improvements, uses and programs shall be designed and/or implemented to minimize conflicts and to preserve the character and integrity of adjacent residential areas.

In an effort to minimize potential land use conflicts with adjacent residential neighborhoods within the plan area, the Overlay requires that trail and park improvements must be located and designed to provide separation between public trails and use areas and private property where feasible by including measures such as signs and fencing which delineate trail corridors, park boundaries, permitted parking areas, and private property, and restricts activities which may result in nuisance noise, odors, or other uses that may impact the quality of life in residential areas.

The Overlay includes detailed measures addressing administrative uses, public programs and events for Ramirez Canyon Park and the strict limitations and restrictions associated with the uses intended to ensure compatibility with adjacent residential development in Ramirez Canyon Park. Pursuant to Special Programs policies of the Overlay, pre-arranged, limited event and gathering uses are permitted; however, the policies also recognize the importance of prioritizing coastal-dependent and coastal-related uses for the public park, specifically the park's public outreach and educational programs, and also consider the site constraints associated with limited availability of public transportation to the park and land use compatibility.

Pursuant to Transportation implementation measures of the Overlay, bike racks, or secured storage for bicycles, would be provided at all new trailhead facilities to facilitate alternative means of transportation to park areas and the proposed trail connections will encourage hike-in access throughout the Plan area. Finally, the Overlay includes provisions for coordinating efforts with MTA to increase access opportunities to the coastal parklands from inland areas along primary transportation corridors.

The proposed Overlay and associated parking and trailhead support facilities will ensure there is sufficient infrastructure to support public access and recreation and will facilitate alternative access within the plan area. In addition, the Overlay will serve to maintain and enhance public access by facilitating extension of transit service and non-automobile circulation within the plan area.

Therefore the Commission finds that the proposed Overlay LUP policies are consistent with the Chapter 3 policies of the Coastal Act.

### **City of Malibu LCP Land Use Plan New Development Policies**

With the exception of developing trail linkages within variously zoned areas of the Plan area which, pursuant to LCP Policy 2.7 are permitted use in all land use and zoning designations, and those Plan areas located in the County and NPS lands, the Overlay

focuses exclusively on publicly owned lands in the City which are designated and zoned as public open space (OS) by the City of Malibu certified Local Coastal Program.

The Local Coastal Program states:

***The OS designation provides for publicly owned land which is dedicated to recreation or preservation of the City's natural resources, including public beaches, park lands and preserves. Allowable uses include passive recreation, research and education, nature observation, and recreational and support facilities.***

In addition, Table 2 Permitted Uses, of the Local Coastal Program Implementation Plan (attached) indicates that the following uses are permitted uses in the OS Zone:

- ***equestrian and hiking trails***
- ***wildlife preserves***
- ***camping***
- ***parks, beaches and playgrounds***
- ***public beach accessways***
- ***recreation facilities (including swimming pools, sandboxes, slides, swings lawn bowling, volley ball courts, tennis courts and similar uses)***
- ***educational (non-profit) activities are primary permitted uses in the OS Zone.***

Consistent with the OS land use designation and Table 2, Permitted Uses, the proposed Overlay includes development policies and standards for trail and park improvements dedicated to public access, recreation, education and the preservation of natural resources, including hiking trails, camping, recreational support facilities, and special public outreach programs, all designed to maximize public access, recreational and education opportunities within the plan area consistent with the intent of the OS land use designation and the uses specifically allowed in the OS Zone.

The park properties located within the City and addressed in the Overlay were previously designated and zoned rural residential. However, during the City's Local Coastal Program review and certification process those portions of the parks located in the City were re-designated and zoned OS which provided for consistency between the properties' ownership and use as publicly owned land, maintained by the Conservancy/MRCA and other park agencies, and dedicated to public access, recreation and preservation. The established OS land use and zoning designation clearly reflect the properties' current land uses, collectively consisting of recreation, research and education, nature observation, and a range of park support facilities.

Existing and proposed support facilities included in the Overlay are those facilities deemed necessary to support permitted uses in the OS zoning designation - in this case public access, recreation, education and preservation. The type of support facilities addressed at each park facility is based on the natural constraints of each park property, existing available access, and the level and complexity of public uses and specialized programs offered at each park area. Ramirez Canyon Park, given its unique

character, limited accessibility to the general public, and specialized programs uses, requires more administrative and support facilities to maintain access programs, daily operations and maintenance requirements than do Escondido, **Malibu Bluffs**, or Corral Canyon Parks that provide primarily passive recreation. Additionally, the developed nature of Ramirez Canyon Park provides facilities from which the Conservancy and MRCA can appropriately conduct the administrative responsibilities associated with operating specialized public outreach programs, conducting open space acquisitions, planning, research, and the management of conservation of parklands in the coastal zone. Below is a list of Park Agency Administrative Office Locations in the Coastal Zone:

***California Department of Parks and Recreation:***

**Malibu Creek State Park:** Angeles Headquarters  
(Angeles District includes parks from Placerita Canyon in Santa Clarita to Pio Pico State Historic Park in Whittier. Channel Coast District now also based at Malibu Creek.

**Near County Line:** Beach house residence converted to offices for Angeles District Superintendent II position and staff

**Adamson House Museum:** includes office and special event site for weddings.

**Will Rogers State Beach Lifeguard Headquarters.** Offices.

**Will Rogers State Historic Park\*:** Offices for District Superintendent II Bill Verdery and staff (Topanga to Santa Susana State Historic Park)  
(\* check: may be just out of Coastal Zone)

**Point Mugu State Park/Sycamore Canyon Beach:** formerly had Dispatch Center for Angeles District

***National Park Service:***

**Solstice Canyon Park:** NPS facilities now; buildings were formerly headquarters for Santa Monica Mountains Conservancy, 1987 through 1995.

***Santa Monica Mountains Conservancy:***

**Ramirez Canyon Park:** Conservancy Headquarters

**Temescal Gateway Park:** Offices for interpretive staff and others

***Mountains Recreation and Conservation Authority:***

**King Gillette Ranch:** Facilities and Maintenance staff offices; Chief Ranger office

**Ramirez Canyon Park:** MRCA Headquarters

***Los Angeles County Department of Beaches and Harbors:***

**Marina del Rey:** Administrative headquarters

These uses are typically associated with publicly-owned parklands and are consistent with the type of uses permitted in other open space and recreation designated lands in the Coastal Zone as evidenced by the numerous parklands that support similar critical administrative functions as well as important public access programs. In certifying the LCP, the Coastal Commission appropriately applied the OS zone designation to park properties with existing administrative support facilities, including those of Ramirez Canyon Park, thus recognizing administrative park functions as necessary public access and recreation support facilities and therefore distinguishing such support facilities as permitted uses in the OS zone district.

Ramirez Canyon Park contains a number of unique support facilities which are not readily and widely available at many parks in the Plan area. Therefore, the park has the established facilities to provide a range of diverse passive and active recreational uses of the property. The more developed nature of the park lends itself well to function as a place for special, pre-arranged activities, events, and functions typically permitted by the State Parks system for the benefit of the community and visitors. Additionally, the park has facilities to provide indoor and outdoor conference and event amenities.

The proposed Overlay includes Land Use policies that recognize the existing and proposed public trails, park uses, and necessary support facilities that are the subject of this Overlay as permitted uses for the parklands pursuant to the allowed uses of OS designation and zoning, and that such uses shall have preference over other general and non-priority uses. The primary support facilities addressed in the Overlay and determined critical to maximizing access and recreational opportunities include: 1) the availability of public transit; 2) parking resources; 3) provisions for support facilities such as restrooms and picnic areas and; 4) the availability of administrative facilities necessary to support daily operations, maintenance needs for parklands and public programs intended to provide a diversity of coastal access and recreation opportunities. Facilities policies of the Overlay include provisions to facilitate development of support facilities identified as necessary to meet the goals of the to ensure the many elements that contribute to maximum public access and recreation are provided and maintained for the public.

The Overlay includes an LIP policy addressing, in detail, the uses and activities permitted at Ramirez Canyon Park. As previously discussed above, on April 12, 2000, the Coastal Commission approved Coastal Development Permit 4-98-334 permitting the Conservancy to establish and conduct the various administrative uses, programs, and events at Ramirez Canyon Park; which at the time, prior to certification of the City of Malibu Local Coastal Program, was zoned and designated for rural residential use per the City of Malibu zoning code and General Plan. Because the City of Malibu did not have a certified LCP at the time of Commission decision, the standard of review for the proposed project was the Coastal Act. The Commission found that the uses proposed by the Conservancy for the park were consistent with all applicable policies of the Coastal Act subject to a number of special conditions of the permit, all of which were complied with, and the permit was issued by the Commission on February 5, 2001.

Vehicular access to and special program operations at Ramirez Canyon Park were thoroughly addressed by the Commission through the approval of CDP 4-98-334. Although this CDP is no longer valid as a result of a Superior Court decision, the Commission held multiple hearings on this CDP application and specifically addressed the proposed uses and intensity of uses at the Ramirez Canyon Park facility, including the number of proposed shuttle van trips over the access road through the Ramirez Canyon neighborhood. It is important to note that the Superior Court did not set aside the Commission's findings regarding consistency of the proposed park uses with the Coastal Act, but simply found that the Conservancy's proposal should have been reviewed for consistency with the Malibu's local land use regulations, which at the time had not been certified by the Commission as a local coastal program.

Through the approval of this CDP, the Commission did consider the neighboring residents concerns regarding potential adverse traffic and noise impacts associated with the operation of this facility and conditioned the permit to limit the number of shuttle van trips over the access road, set limits on amplified music and limited the hours of operation of the facility to minimize impacts on the surrounding neighborhood. The Commission concluded that that as conditioned the uses permitted at Ramirez Park were consistent character of the surrounding Ramirez Canyon community and in conformity with the Chapter three policies of the Coastal Act.

The Conservancy/MRCA are proposing to modify the restrictions on the number shuttle van trips for public outreach and education activities, special events and amplified music restrictions. The Commission restricted the these activities to ensure the proposed activities at Ramirez Canyon Park would be compatible with the character of the surrounding Ramirez Canyon Community. Although the proposed modifications to the Specialized Programs restrictions may appear to be only minor modifications to the previously required restrictions, the Commission struggled at the time this CDP was approved for this facility, to establish reasonable restrictions on these programs. Again, these program restriction were to ensure to ensure that the noise and traffic impacts associated with these programs would be compatible with the surrounding character of the community. Therefore, the Commission finds it is necessary to revise LIP Overlay Policy 12(i)(ii)(iv)(vi) & (vii) to bring the project into conformity with program restrictions required pursuant to CDP 4-98-334 and ensure conformity with the certified Malibu LUP.

Therefore, the Commission finds that, as revised, the Overlay LIP policies are consistent with the applicable Chapter 5 policies of the Malibu LUP.

**g. Archaeological Resources**

Both the Coastal Act and Malibu's certified LCP contain policies that protect archeological resources in the Coastal Zone:

**California Coastal Act Archaeological Resource Policies**

***Coastal Act § 30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.***

### **City of Malibu LCP Land Use Plan Archaeological Resource Policies**

***5.60 New development shall protect and preserve archaeological, historical and paleontological resources from destruction, and shall avoid and minimize impacts to such resources.***

***5.61 Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.***

***5.62 The City should coordinate with appropriate agencies, such as the UCLA Archaeological Center, to identify archaeologically sensitive areas. Such information should be kept confidential to protect archaeological resources.***

***5.63 Coastal Development Permits for new development within archaeologically sensitive areas shall be conditioned upon the implementation of the appropriate mitigation measures.***

***5.64 New development on sites identified as archaeologically sensitive shall include onsite monitoring of all grading, excavation and site preparation that involve earth moving operations***

Coastal Act Section 30224 requires that reasonable mitigation measures be required where new development would adversely impact archeological resources. In addition, LCP Policies 5.60 – 5.64 require that new development, protect, preserve, and minimize impacts to archaeological resources and, where new development is proposed within archaeologically sensitive areas, that appropriate mitigation measures be required and implemented. The LCP policies also require that new development within archaeologically sensitive sites include on-site monitoring by a qualified archaeologist for all grading, excavation, and site preparation.

The Overlay includes policies which require that development of new park facilities be designed to protect resources of historic, cultural, archaeological and paleontological significance, and that mitigation be implemented where impacts may occur pursuant to all applicable development standards of Chapter 11 of the Malibu Local Implementation Plan.

Policies in the Overlay require that Phase I Inventory of cultural resources be conducted for all project areas by a qualified archaeologist which includes the following:

- A records search through the regional historical resources information center.
- An archival search of historic records.
- A field survey.
- A written report which describes how the survey was conducted and the result of the survey.

In addition, the overlay requires that park signs, maps, public information notices, and website information include notice to inform visitors that disturbance to archaeological sites cannot be reversed, that such resources are of great religious importance to contemporary Native Americans and destruction of archaeological sites on public property is illegal and a punishable offense.

The LIP provisions proposed in the Overlay add more specificity with regard to park and access uses within the Overlay area. Several minor revisions are required to assure consistency with the archaeological policies of the LUP. As revised, the Commission finds that the LIP, as proposed to be amended, is consistent with Coastal Act Section 30224 and LUP Policies 5.60 – 5.64.

**h. Conclusion Regarding Conformity with Chapter Three Policies of the Coastal Act.**

Coastal Act Section 13666.4. states in part that

*(a) If the recommendation is for Commission approval as proposed or modified (i.e., conditioned), the recommendation shall be accompanied by specific factual findings and reasoning which, after a careful balancing of social, economic and environmental effects, supports the following conclusions:*

*(2) development conforms with and is adequate to carry out the policies of Public Resources Code Section 30200 et seq.*

Section 13666.4 of the Coastal Act requires that if the recommendation is for approval of the override LCPA the Commission must make specific factual findings as to whether or not the development, in this case the Conservancy/MRCA's - City of Malibu LCPA 1-08, conforms with and is adequate to carry out the Chapter three policies of the Coastal Act. The preceding findings include extensive specific factual findings which explain why the proposed City of Malibu LCPA Override, as revised, is consistent with the certified Malibu LCP and the Chapter three policies of the Coastal Act. Therefore, as is required pursuant to Section 1366.4 of the Coastal Act, the Commission finds that, as revised, the Conservancy/MRCA's - City of Malibu LCP Override Amendment 1-08, is conforms with and is adequate to carry out the polices of the Public Resources Code Section 30200 et seq.

**3. There is no feasible, less environmentally damaging alternative means of addressing the needs at issue**

LCPA MAJ-1-08 adds a Malibu Parks Public Access Enhancement Plan Overlay to the certified LCP. While future improvements and development are contemplated in the Overlay, the Overlay itself is a policy document that contains specific development standards and policies that are specifically designed to ensure future development authorized pursuant to this Overlay will not result in significant adverse environmental

impacts. At this point there is no actual physical development before the Commission. The proposed Overlay provides the necessary policy guidance for the siting and design of future parkland uses and parkland development to ensure there are no significant adverse impacts associated with these uses or development. Coastal Act Section 13666.4(a)(3) requires that if significant adverse impacts are identified reasonable alternatives should be examined and mitigation measures included that substantially lessens any significant adverse environmental impact. The Overlay includes specific development policies that require future parkland development be sited and designed to avoid adverse environmental impacts, and that alternatives be analyzed to avoid significant adverse environmental impacts, and if adverse significant adverse impacts are unavoidable mitigation measures shall be implemented.

As detailed in this staff report, potential adverse environmental impacts that could result from implementation of the Overlay have been identified and policies have been developed to avoid significant adverse impacts, reasonable development alternatives are required to be examined, and requirements for mitigation measures have been included in the Overlay that would substantially lessen any significant adverse environmental impacts so that there is no feasible less environmentally damaging way to meet the public need.

The Conservancy and MRCA are currently preparing and processing an Environmental Impact Report (EIR) for a future Public Works Plan (PWP) that will serve as the facilities plan for the Overlay area. The EIR and PWP will include the detailed project and facility plans for future campgrounds, support facilities and uses within the parklands covered by the overlay. The EIR & PWP will also include a comprehensive analysis of the potential adverse environmental impacts of the proposed facilities and mitigation measures. Furthermore, the EIR and PWP will include a comprehensive alternatives analysis for proposed development within each parkland unit.

Nevertheless, the Conservancy and the MRCA have explored other potential alternative locations for future campsites within parkland in the Malibu area.

**Charmlee Park** - is a City of Malibu-owned coastal parkland with many of the same qualities as the parklands included in the Overlay. However, Charmlee Park is obviously not a feasible alternative location because, although suggested by the City of Malibu and initially, with agreement of the Conservancy/MRCA, it was included in the LCP amendment request made to the City as an alternative to campsites at Escondido Canyon Park, the City ultimately withdrew it from consideration and refused to permit the uses proposed in the Park.

**Malibu Bluffs Park** – The Park has been the subject of discussions, and disagreement, relative to recreation land use in the past. **At the public hearing on the LCPA, the Ramirez Canyon Preservation Fund suggested the Park as a potential alternative location, and the Conservancy/MRCA agreed that it is an appropriate location for inclusion in the Overlay. The Park was acquired in 1979 by the California Department of Parks and Recreation using state bond funds.** In 1985, the Coastal Commission denied a permit amendment request (Coastal Development Permit 5-82-

780A) to develop active and passive recreation uses of the property, finding that the proposed uses were insufficient to serve the growing demand of visitors from the region and elsewhere in California for recreation, namely, recreational uses such as camping, hiking, walking for pleasure and picnicking. In 1995, the California Department of Parks and Recreation conveyed approximately 94 acres of the Malibu unit to the Conservancy. The developed portion of the property (approximately 10 acres of municipal sports complex, including the Malibu Little League, and community center) was sold to the City of Malibu, and the Conservancy retains approximately 84 acres of native coastal bluff habitat overlooking the ocean. The property is managed by the MRCA. This property **was originally acquired for, among other things, camping purposes, and** is suitable for low-impact, low-cost camping facilities. **The Park is located immediately adjacent to, and easily accessible from, Pacific Coast highway (PCH) and via public transit (MTA), and can support ample parking on-site and in the existing parking lot which provides shared access to the open space area and the City's adjacent Bluffs Park. The property also is only a short distance from Fire Station 88 at 23720 W. Malibu Road, and is appropriate for a camping use given the concerns raised about having campsites close to roadways and developed in a manner that facilitates monitoring,** but its location immediately adjacent to and parallel of Pacific Coast Highway (PCH) could detract from the tranquil, minimal disturbance visitor experience sought for the camping program and could not be connected. **While the property would not directly connect** to the five coastal parks and the proposed trail system that would link the parks (Malibu Bluffs is located opposite PCH from the other parklands), **it nonetheless would be accessible from the other parks via the MTA and by vehicle, bicycle, and other means,** and thus would not meet the project objectives and public needs addressed by the LCP Amendment, **including the provision of high-quality, low-cost overnight camping, accessibility for visitors and recreationists with disabilities, hiking trails and beach access.**

**Tuna Canyon Park** - This is a 1256-acre park owned by the Conservancy located between Las Flores Canyon on the west and Tuna Canyon on the west. This park is not a feasible alternative because it is not accessible from PCH. Tuna Canyon Road at PCH is a windy, single-lane, one-way road that outlets at PCH. Access to Tuna Canyon Park is several miles inland at the juncture of Saddle Peak Road and Ferndale Pacific Road, a couple miles from Topanga Canyon Boulevard and therefore could not be connected to the five coastal parks included in the Overlay and the proposed trail system that would link the parks, has no potential for direct access to the shoreline, and thus would not meet the project objectives and public needs addressed by the LCP Amendment.

**Solstice Canyon Park and the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area (SMMNRA)** - These coastal parklands are owned by the National Park Service and have many of the same qualities as the parklands included in the Overlay, and portions of the planned trail system extend through the federal property at Solstice Canyon Park and to Zuma/Trancas Canyons at the westernmost end of the Overlay. However, under NPS' SMMNRA General Management Plan, the uses permitted do not include camping, and therefore neither park is a feasible alternative.

The Conservancy and MRCA have also addressed alternative locations for administrative uses and special programs uses at Ramirez Canyon Park. The Ramirez Canyon Park provides the Conservancy/MRCA a unique centralized location to administer the many park properties located in this region. The Conservancy/MRCA administrative functions were moved from Solstice Canyon Park to Ramirez Park after the sale of the Solstice Canyon to the National Park Service. The Conservancy/MRCA adaptively reuses the buildings on its properties it acquires. Ramirez Canyon Park property was donated to the Conservancy. The Conservancy/MRCA does not have the funds to expend for rental or acquisition of office space or for construction of other office facilities. The MRCA reused a limited number of residences for administrative and ranger staff. California State Parks and the National Park Service all utilize existing structures on their properties for administrative and ranger staff. There are no other available feasible affordable locations in Malibu for MRCA administrative staff and ranger staff that offers this critical centralized location.

The Ramirez Canyon Park also offers a unique and well –suited location for the types of programs and special events conducted on the site. The primary buildings at Ramirez Canyon Park have all been used as “recreational facilities” and as a location to conduct or manage recreation uses at the Park. The Barn serves as the main indoor venue for senior and disabled tours of the Park and its grounds. The Staff who operate and plan for outreach programs – including programs for senior citizens, disabled and disadvantaged persons, inner-city and at-risk youth, veterans, and battered women – operate out of the Barn, as do volunteer docents. By agreement with the City, pending resolution of the LCP amendment, Garden Tours by reservation to the general public have been suspended. However, the LCP amendment proposes to resume the Garden Tours by reservation to the general public, and the Barn is the central meeting location for tour participants. The Peach House has in the past and will again be part of the Garden Tour visits. The Barwood and Art Deco Houses similarly have been part of the Garden Tours. Additionally, all three buildings have been and will be used for park-related conferences, retreats, recreational events, and paid reserved events. The site also includes a residence for an on-site ranger, and it also operates as the command center for Conservancy/MRCA fire safety for this and the Conservancy or MRCA-owned properties in this area. Other employees with no linkage to the day-to-day operations of the Park, such as the accountants and lawyers, are located at the River Center in downtown Los Angeles. Interestingly, no concerns or comments were expressed over the Conservancy’s previous office uses at Solstice Canyon Park, a parkland located within the City and subject to the ESHA overlay designation. It appears it is acceptable for the Conservancy administrative personnel to occupy parklands within the City, as long as it is not Ramirez Canyon Park.

Therefore, as addressed in this report, the proposed Overlay includes policies that are designed to avoid and minimize any significant adverse environmental impacts and if adverse impacts are unavoidable the Overlay, as revised, includes policies that require appropriate mitigation. In addition, the Overlay policies require that project alternatives must be addressed to avoid or minimize adverse environmental impacts. Finally, alternative parkland locations in the Malibu area were analyzed and, **except for Malibu**

**Bluffs Park**, were found not to be feasible alternatives due to various site constraints and could not accommodate for the proposed overnight camping, administrative uses and special uses/ events proposed in this overlay.

**With respect to Malibu Bluffs Park, not only was it found to be a feasible location for the sorts of low impact development at issue in this amendment, but Mr. Edmiston, the Executive Director of the Conservancy and the Executive Officer of MRCA, officially amended the agencies' proposal during the hearing to add the Malibu Bluffs Park as an additional area to be made subject to the Overlay. Since the addition of this area did not change any of the analysis above regarding the proposed amendment's satisfaction of the findings required by 14 CCR Section 13666.4, the Commission certified the LCPA with this addition. Specifically, the addition did not change the analysis in Section IV.E.1, as it did not change the purpose or the fundamental effect of the proposal (meeting the needs of the larger public); it did not change the analysis in Section IV.E.2, as the specific policies and standards in this LCPA will ensure that the subject development will be consistent with the policies of the Coastal Act in the Malibu Bluffs Park area just as they would in the other areas; it did not change the analysis in Section IV.E.3., as the same alternatives analysis applies equally to this new area; and it did not change the analysis in Section IV.E.4, as the failure to add this area would adversely affect the public welfare by lessening available camping, and there is an overwhelming, unmet demand for camping resources along the California Coast as discussed in Section IV.E.2.**

**4. Failure to approve an amendment designed to satisfy the needs at issue would adversely affect the public welfare**

The subject LCPA creates an Overlay that provides policies and implementing measures to clarify and expand upon the public access and recreation policies of the Malibu LCP. The purpose of the Overlay is to facilitate future park and trail improvements that will enhance public access and recreation opportunities to and within park facilities in the City of Malibu. While the City's certified LCP allows development of trails, camping, and park support facilities, there is some confusion about the specialized programs at Ramirez Canyon Park. The Overlay clarifies what programs are allowed and at what level of use. In addition, the Overlay clarifies that "low-impact" campsites, and specific associated support facilities, are a resource dependent use that can be sited in ESHA (subject to policies that protect ESHA to the maximum extent feasible and require mitigation for unavoidable impacts). The Overlay also clarifies that camping is a permitted use in the OS zone without a conditional use permit or other special permits. Finally, the City of Malibu has recently taken the position that camping is not an appropriate activity in the City. The Overlay clarifies that there is a need for camping – especially a need for accessible camping – and that camping is an appropriate and permitted activity in public parks within the City.

Thus, LCPA MAJ-1-08 is beneficial to the public welfare because it clarifies and expands existing public access and recreation policies in order to maximize public recreational opportunities (consistent with sound resources conservation principles and constitutionally protected rights of property owners) in the City of Malibu. Disapproval of LCPA MAJ-1-08 would adversely affect the public welfare as identified in the Legislative findings and declarations (PRC 30000 et seq.) as development of camping facilities and specialized programs at Ramirez Canyon Park will be delayed and possibly never developed.

## **V. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). The Commission’s LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Malibu LCP Amendment MAJ-1-08 consists of an amendment to both the Land Use Plan (LUP) and the Local Implementation Plan (IP) portions of the certified LCP.

As outlined in this staff report, the LCP amendment, as revised, is consistent with the Chapter 3 policies of the Coastal Act and the certified Land Use Plan. Therefore, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission approves LCP amendment request MAJ-1-08 as revised.

## LCPA MAL-MAJ-1-08 - List of Exhibits

**Due to budget and staffing constraints, only Exhibit 21 is included with printed copies of the staff report. All of the exhibits are available on the Coastal Commission's website : [www.coastal.ca.gov](http://www.coastal.ca.gov)**

- Exhibit 1. Malibu Parks Public Access Enhancement Plan Overlay  
Proposed LCP Amendment Comparison  
City of Malibu (MAJ-3-07)/Conservancy/MRCA (MAJ-1-08)
- Exhibit 2. Proposed LCPA establishing the Malibu Parks Public Access Enhancement Plan Overlay including LUP and LIP policy revisions and additions and the Malibu Parks Public Access Enhancement Plan Overlay District Public Parkland Map and Proposed Trail Resources Map  
**NOTE: The Public Parkland Map and the Trail Resources Map (now City of Malibu Park Lands Maps 5 and 6 respectively) have been revised to include Malibu Bluffs Park pursuant to the Commission's action on June 10, 2009 and are included here as Exhibit 21.**
- Exhibit 3. Santa Monica Mountains Conservancy (SMMC) and Mountains Recreation and Conservation Authority (MRCA) Resolutions authorizing submittal of the proposed LCPA pursuant to the override provisions of the Coastal Act
- Resolution No. 07-114 of the SMMC
  - Resolution No. 08-05 of the MRCA
  - Resolution No. 08-08 of the SMMC
  - Resolution No. 08-20 of the MRCA
- Exhibit 4. Public Participation, Agency Coordination, Alternatives, and Public Comment Summary
- Written Summary of Public hearings, agency coordination, alternatives, and processing options considered and reviewed for the Malibu Parks Public Access Enhancement Plan Overlay
  - Copies of meeting minutes, noticing lists, and correspondence received regarding the Conservancy/MRCA proposed LCPA
- Exhibit 5. Detailed Policy Consistency Analysis of the proposed LCPA
- Exhibit 6. Supporting Documentation

- Assessment of current demand for overnight camping opportunities and public access to trail resources in the Malibu coastal area
- Description and History of affected Parklands
- Summary of the purpose and intent of the proposed Overlay
- Description of planning constraints considered during preparation of the proposed Overlay

- Exhibit 7. DUDEK LCPA submittal letter – July 15, 2008
- Exhibit 8. CCC preliminary determination letter re MAJ-1-08 – May 15, 2008
- Exhibit 9. CCC filing letter re MAJ-1-08 – July 29, 2008
- Exhibit 10. Brownstein/Hyatt/Farber/Schrek letter re MAJ-1-08 – November 24, 2008
- Exhibit 10a. Leg.Hist.CCR.13666 / Letter.City.Commission.6.08 / SB-#487218-v2-RAMIEREZ\_Comparison\_of\_LCPA\_to\_SMMC\_Override / SMMC letter to CCC (Ainsworth) re Proposed Amendment to LCP
- Exhibit 11. Brownstein/Hyatt/Farber/Schrek letter re MAJ-1-08 – December 23, 2008
- Exhibit 12. Brownstein/Hyatt/Farber/Schrek letter re MAJ-1-08 and MAJ-3-07 – May 19, 2009
- Exhibit 13. Brownstein/Hyatt/Farber/Schrek letter re MAJ-1-08 and MAJ-3-07 – May 22, 2009
- Exhibit 14. City of Malibu (Jenkins and Hogin) letter re LCP override with exhibits – June 23, 2008
- Exhibit 15. City of Malibu Resolution 08-44
- Exhibit 16. SMMC letter re LCP override – July 14, 2008
- Exhibit 17. SMMC letter in response to Brownstein/Hyatt/Farber/Schrek letter dated November 24, 2008 – May 14, 2009
- Exhibit 18. Ex Partes
- Exhibit 19. Comment letters
- Exhibit 20. SMMC/MRCA (DUDEK) Malibu Parks Public Access Enhancement Plan Overlay Alternatives Analysis

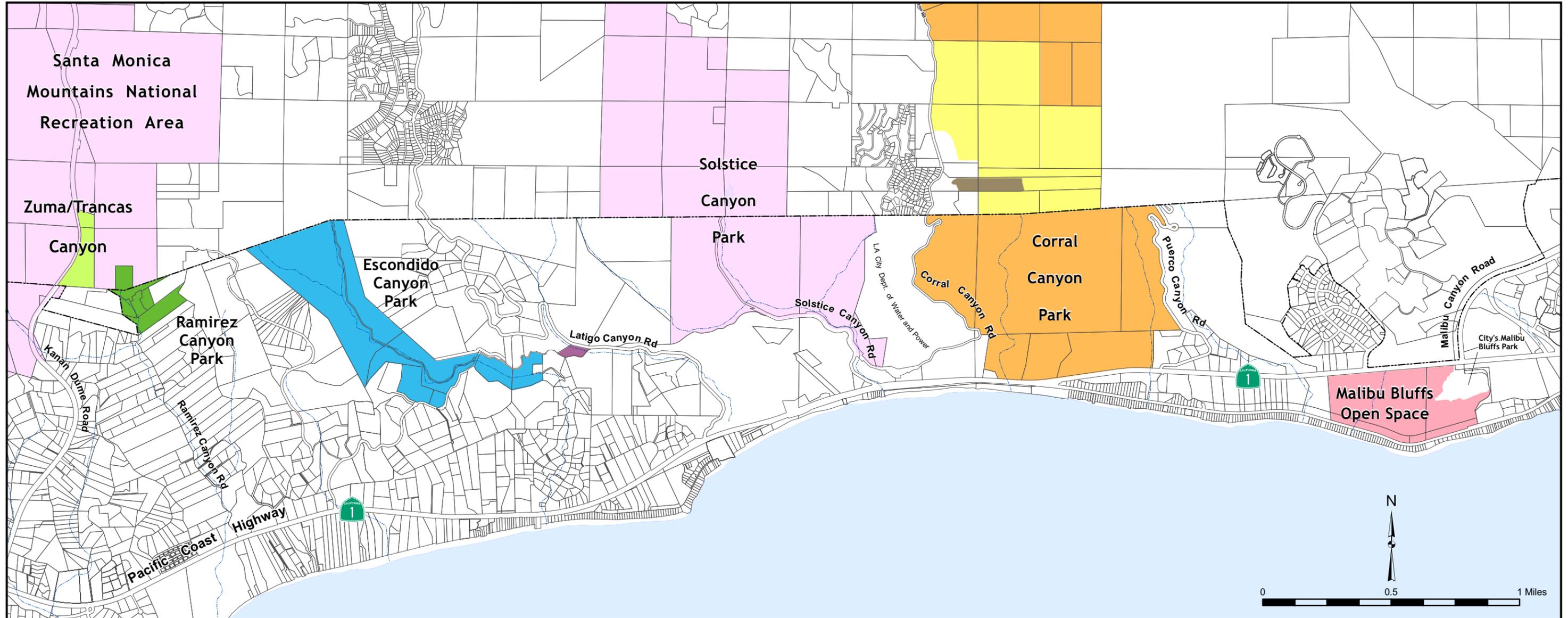
**Exhibit 21** City of Malibu Park Lands Maps 5 and 6 (as revised by the Commission on June 10, 2009)

**Exhibit 22** Additional comment letters (previously included in the addendum to the Commission meeting for MAL-MAJ-1-08 held on June 10, 2009)

# **Exhibit 21**

**City of Malibu Park Lands Maps 5 and 6 (as revised by  
the Commission on June 10, 2009)**

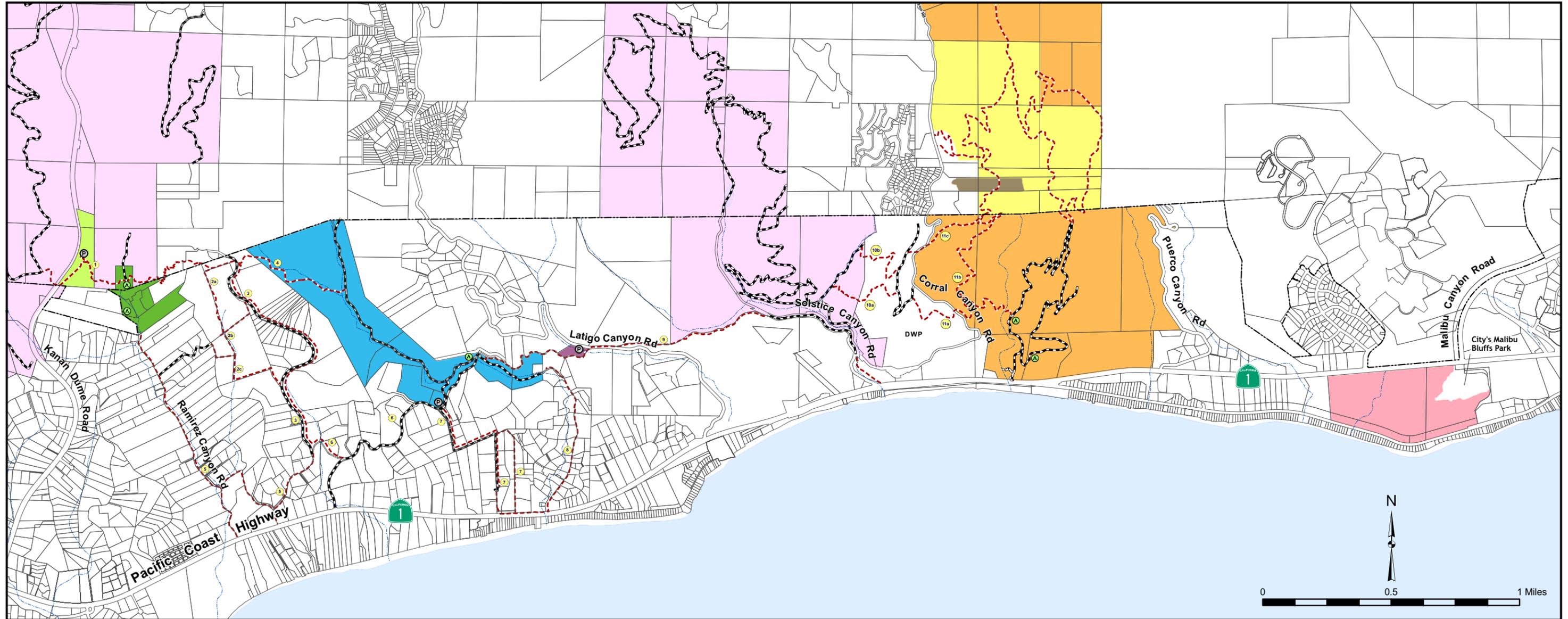
# Park Lands Map 5: Malibu Parks Public Access Enhancement Plan Public Parkland Map



DUDEK

- |   |  |
|---|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFC0CB; border: 1px solid black;"></span> National Park Service Owned Land            | <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFA500; border: 1px solid black;"></span> Corral Canyon Park (SMMC/MRCA - 772.2 acres) |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black;"></span> LA County Owned Land to be Acquired by MRCA | <span style="display: inline-block; width: 15px; height: 15px; background-color: #00BFFF; border: 1px solid black;"></span> Escondido Canyon Park (SMMC - 138.4 acres)   |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFFF00; border: 1px solid black;"></span> TPL Owned Land to be Acquired by MRCA       | <span style="display: inline-block; width: 15px; height: 15px; background-color: #3CB371; border: 1px solid black;"></span> Ramirez Canyon Park (SMMC - 21.7 acres)      |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black;"></span> Other MRCA Owned Land                       | <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF69B4; border: 1px solid black;"></span> Malibu Bluffs Open Space (SMMC - 83.7 acres) |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #8B4513; border: 1px solid black;"></span> Other Protected Land                        | <span style="display: inline-block; width: 15px; border-bottom: 1px dashed black;"></span> Malibu City Limits  |

# Park Lands Map 6: Malibu Parks Public Access Enhancement Plan Proposed Trail Resources



DUDEK

- National Park Service Owned Land
- LA County Owned Land to be Acquired by MRCA
- TPL Owned Land to be Acquired by MRCA
- Other MRCA Owned Land
- Other Protected Land
- Corral Canyon Park (SMMC/MRCA - 772.2 acres)
- Escondido Canyon Park (SMMC - 138.4 acres)
- Ramirez Canyon Park (SMMC - 21.7 acres)
- Malibu Bluffs Open Space (SMMC - 83.7 acres)
- Malibu City Limits

- P Proposed Parking
- A Proposed Camp Areas
- Existing Trail Segment
- Trail Segment per Public Access Enhancement Plan

This map includes those public parklands, recreation areas and trail segments subject to the Malibu Parks Public Access Enhancement Plan Overlay, the specific boundaries of which are as described in Section 3.4.2.B of the City of Malibu Local Coastal Program-Local Implementation Plan. Proposed trail alignments are approximate and may vary slightly within public lands/easements due to site constraints. Trail alignments between the beach and Backbone Trail are currently shown through public park property in Corral Canyon. Other alternatives with more spectacular views from ridgelines on private property should be considered during the regulatory process.