

CALIFORNIA COASTAL COMMISSION

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DATE: May 28, 2009

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director
Steve Hudson, District Manager
Barbara Carey, Supervisor, Planning and Regulation
Patrick Veesart, Supervisor, Enforcement

SUBJECT: City of Malibu Local Coastal Program Amendment 3-07 for Public Hearing and Commission Action at the June 2009 Commission Meeting in Marina del Rey.

DESCRIPTION OF THE SUBMITTAL

The City of Malibu's proposed amendment to its certified Local Coastal Program (LCPA) consists of changes to the Land Use Plan (LUP) and the Local Implementation Plan (LIP) to include land use policies and development standards for what it refers to as a "Malibu Parks Public Access Enhancement Overlay." These policies would include a prohibition on overnight camping in all public parks and recreation areas both within the Overlay area and City-wide (with the exception of two Americans with Disabilities [ADA] compliant campsites proposed at Ramirez Canyon Park, subject to conditional use permit requirements). The Overlay would affect Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park. In addition, the Overlay establishes plans for connections for the Coastal Slope Trail and other connector trails which would link the above parks and other recreation areas located within the City of Malibu.

While the LCPA would create land use policies and development standards for parks and trail connectors within the Overlay area, no physical changes or "development" are proposed at this time. Individual projects implementing physical improvements within the Overlay zone would require a coastal development permit. The proposed improvements contemplated in the Overlay generally include public parking areas, public restroom facilities, and trail improvements. The Overlay also includes policies pertaining to creek restoration and park administrative and public program uses at Ramirez Canyon Park.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **DENY** the proposed LUP/LIP amendment as submitted. As discussed in the findings set forth in this report, the proposed amendment does not conform to the Chapter Three policies of the Coastal Act and

relevant provisions of the City's certified Land Use Plan. **The motions and resolutions for Commission action begin on page 5.**

SUBSTANTIVE FILE DOCUMENTS

City of Malibu City Council Ordinance No. 316 and Resolution No. 07-50 approving Local Coastal Program Amendment No. 07-002; Local Coastal Program Amendment No. 07-002 Text, dated December 5, 2007; City of Malibu Local Coastal Program, adopted September 2002.

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| <p>Additional Information: Please contact Patrick Veersart, California Coastal Commission, South Central Coast District, 89 South California St., Second Floor, Ventura, CA. 93001 Tel: (805) 585-1800.</p> |
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[Click here to go to the staff report addendum posted on June 9, 2009](#)

For a list of exhibits, please [click here](#).

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act¹ provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The standard of review that the Commission uses in reviewing the adequacy of the land use plan, as the City is proposing to amend it, is whether the land use plan is consistent with, and meets the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the adopted 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.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Local Coastal Program ("LCP"). The proposed LCP amendment (LCPA No. 07-002) was filed with the City on April 23, 2007, and the City's

¹ 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.

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 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 Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment 3-07 has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolution for this amendment states that the amendment will take effect automatically after Commission certification.

II. STAFF RECOMMENDATION, MOTION, AND RESOLUTION ON THE LAND USE PLAN/LOCAL IMPLEMENTATION PLAN (LUP/LIP) AMENDMENT

Following public hearing, staff recommends that the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided prior to each resolution.

A. DENIAL OF THE LAND USE PLAN AS SUBMITTED

MOTION: *I move that the Commission certify Land Use Plan Amendment MAL-MAJ-3-07 as submitted by the City of Malibu.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Following the staff recommendation will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of Land Use Plan Amendment MAL-MAJ-3-07 as submitted by the City of Malibu and adopts the findings set forth below on the grounds that the amendment does not meet the requirements of and does not conform to the policies of Chapter 3 of the Coastal Act. Certification of the LUP amendment would not comply with the California Environmental Quality Act because there are feasible alternatives and/or mitigation measures that could substantially lessen significant adverse impacts that the Land Use Plan amendment may have on the environment.

B. DENIAL OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION: *I move that the Commission reject the Local Implementation Program Amendment MAL-MAJ-3-07 as submitted by the City of Malibu.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Local Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of Local Implementation Program Amendment MAL-MAJ-3-07 as submitted by the City of Malibu and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified City of Malibu Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

III. BACKGROUND AND SETTING

A. AMENDMENT HISTORY

1. Public Works Plan

The subject proposed City of Malibu Local Coastal Program (“LCP”) Amendment, LCPA MAL-MAJ-3-07, 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 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.

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 pursuant to the requirements of Sections 30605 and 30510 of the Coastal Act. However, in anticipation of a future, formally adopted, submittal, Commission staff 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.

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.

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 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 that ultimately led to this application. The Conservancy and the City agreed 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 that the following interim (until the LCP amendment process was completed) uses were allowed 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.

2. Local Coastal Program Amendment

The Conservancy submitted LCP amendment No. 07-002 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 in favor of the Malibu Parks Public Access Enhancement Plan Overlay ("Park Overlay"), which the Conservancy/MRCA had prepared for incorporation into the City's LCP.

The City Council approved LCPA No. 07-002 at its 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: 1) a prohibition on all camping facilities and uses throughout the City of Malibu – not just within the Park Overlay that is otherwise the subject of the LCPA (with the exception of two (2) ADA campsites proposed at Ramirez Canyon Park that would be subject to conditional use permit requirements); 2) deletion of public parking facilities necessary to support parkland and trail access for Escondido Canyon Park; and 3) a reduction of public uses and events proposed at 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 made the following findings regarding the subject LCPA:

- A. *Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay, which consists of the development of trail linkages and recreational opportunities, is consistent with the City's existing LUP Chapter 2, the California Coastal Trail policies therein and subsequently Coastal Act Policy 30500.*
- B. *Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay, which consists of opportunities to enhance public access and recreational opportunities for visitors with diverse backgrounds, interests, ages, and abilities is consistent with the City's certified LUP which is required by Coastal Act Section 30500(a) to include a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.*
- C. *Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay, which adds trail segments to provide links between parks and expand the recreational hiking, biking and equestrian trails which are permitted uses in all zones is consistent with the City's certified LUP which is required by Coastal Act Section 30500(a) to include a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.*

D. Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay would have a beneficial impact on coastal public access and recreational opportunities for all people. The proposed 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. Therefore, the proposed Overlay is consistent with Sections 30210, 30212.5 and 30213 of the Coastal Act.

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 the subject of this staff report. On March 5, 2008, the Commission voted to extend the 90-day time limit for action on LCPA MAJ-3-07 by one year. On January 20, 2009, the City of Malibu withdrew LCPA MAL-MAJ-3-07 and resubmitted it with a request that the Commission hearing on this LCPA be held in Los Angeles County, that the Commission's hearing on the Santa Monica Mountains Conservancy's LCP override application (see next section) not be scheduled before a hearing on the City's LCPA, and that the Commission hearing not be scheduled until after May 2009 in order to give the parties a chance to meet and consider possible compromises. Commission staff retained the original numbering and scheduled the proposal for the June 2009 Commission hearing.

3. Local Coastal Program Amendment Override

Given that the City Council's December 5, 2007 action on the proposed LCP Amendment deleted or altered significant elements of the LCPA, the Conservancy and MRCA held a number of public hearings to discuss options for proceeding with a different Plan and Overlay District that would be submitted directly to the Coastal Commission 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 proceeded with project planning and design for development of additions and refinements to the Malibu Park Public Access Enhancement Plan—Public Works Plan 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 MRCA to submit that alternative proposed Malibu LCP amendment to the Executive Director of the California Coastal Commission pursuant to the LCP override procedures of the California Coastal Act (Section 30515) and Title 14 of the California Code of Regulations ("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 their Executive Director to submit the LCP Amendment to the Executive Director of the Coastal Commission, 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 Section 30515 of the Coastal Act, as to the eligibility of the submittal for the Certified LCP Amendment override Procedures contained in those sections. This application included, in part, provisions providing for 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 that had been previously deleted by the City of Malibu from LCPA 3-07.

On May 15, 2008, Commission staff, 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. As explained in the Commission's letter, the City then had ninety (90) days from receiving the amendment request submittal (i.e., until mid-August) to review the proposal and amend its 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. Later, during regular open session, the City declined to act on the Conservancy's submittal, and instead 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 Conservancy's proposed LCP Amendment.

On July 15, 2008, the Conservancy and MRCA submitted to the Coastal Commission their proposed City of Malibu Local Coastal Program (LCP) Amendment "Override" for the Malibu Parks Public Access Enhancement Plan Overlay District. The amendment proposes to establish an Overlay 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 including new camping facilities at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park. The proposed LCP Amendment was submitted pursuant to Coastal Act 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, and designated it as LCPA MAL-MAJ-1-08. On October 3, 2008, the Los Angeles Superior Court sustained a demurrer by respondents in the above-referenced litigation, thus denying the City of Malibu's petition for writ of mandate directing the Commission to overturn its preliminary determination on the applicability of the override process, on the grounds that the City lacked standing and the claim was unripe. Thus, there is a separate staff recommendation for LCPA MAL-MAJ-1-08 that will be considered by the Commission at the same public hearing as the subject LCPA MAL-MAJ-3-07.

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

The City of Malibu's proposed LCP amendment consists 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 Overlay. The Park Overlay includes specific public access, recreational facility, and program improvements for four park properties including Charmlee Park that is held and managed by the City of Malibu, as well as Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, that are owned and operated by the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority. Each of these parks is designated as "Public Open Space" (POS) under both the Malibu LUP and LIP. The LCPA includes no changes to the POS land use or zoning designations on any of the parks.

In addition, the Overlay includes plans for connections for the Coastal Slope Trail and other connector trails that would link the four above-mentioned parks and other recreation areas within the City of Malibu, including Solstice Canyon Park and the Zuma/Trancas Canyon Units that are 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 specifically by the National Park Service for these parklands. Following is a detailed description of the resources, facilities, and uses found in each park unit as well as background information on each.

Ramirez Canyon Park

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

Because Ramirez Canyon Park contains a number of structures, gardens, and hardscape on the majority of the property associated with the former ownership, rather than the open natural habitat typically associated with other park properties, this park can provide a range of 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 and to provide ADA-compliant access that is much more difficult to provide in other parks with more rugged terrain.

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 Delaplane, and then through a gated entrance at the terminus of Ramirez Canyon Road. At the request of local neighbors along Ramirez Canyon Road and consistent with Coastal Development Permit No. 4-98-334, previously issued by the Coastal California Coastal Commission, public access to the park property is by appointment only.

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 provided at Ramirez Canyon Park include a children's educational program, a riparian area interpretive trail, senior and public outreach program, and special events, small group gatherings, and walking tours.

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 blue-line 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 (in existing buildings).
- Ranger and/or maintenance supervisor and certified wildland firefighter residence (in an existing building). 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 people 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.
 - 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, was 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 to 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.

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.

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.

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.

Charmlee Park

Charmlee Wilderness Park is regionally significant parkland consisting of approximately 530 acres of coastal land located within the City of Malibu and the County of Los Angeles. The Park property is primarily located along a ridgeline and coastal plateau, flanked to the west and east by Lechuzza and Encinal Canyons which descend to the Pacific Coast Highway. The Park is accessed from Encinal Canyon Road approximately one mile north of the intersection of Pacific Coast Highway and Encinal Canyon Road.

Once a working ranch and later subject to a number of failed residential and golf course proposals, the greater part of Charmlee Wilderness Park encompasses land area acquired by the County of Los Angeles with support of the California State Parks Bond Act of 1964 and the Federal Open Space Land Program, with some additional land areas donated by private land owners. The County dedicated the park as Charmlee Regional Park in 1981. Ownership of the park was subsequently transferred to the City of Malibu and on June 19, 2003, the City rededicated the park as Charmlee Wilderness Park.

Park Facilities

Charmlee Wilderness Park contains a number of recreational support facilities including public parking, individual and group picnic areas, a restroom, a Nature Center and educational displays, sitting benches, and approximately 8 miles of hiking trails. The park currently offers amenities for visitors with mobility disabilities in compliance with the Americans with Disabilities Act including restrooms, parking, and picnic areas. An onsite staff residence is located adjacent to the Nature Center. A water tank supplied by the County of Los Angeles Water Works District is located within the park and provides the

water source to support existing park amenities. Various fire roads exist which also serve as hiking trails.

Programs

Charmlee Park is owned and maintained by the City of Malibu which operates a number of public education and recreation programs at the park. Program opportunities include, among others, visits to the Nature Center on weekends, full moon and wildflower hikes, “Bug Nights”, a variety of public hikes and interpretive programs, and astronomy nights. The Nature Center offers displays on Chumash history, geology, local flora and fauna, the park’s history as a working ranch, and other subjects. The Charmlee Docent Program operates in conjunction with the City of Malibu’s Parks and Recreation Department and includes an extensive outreach effort to local and non-local elementary school children. The program accommodates school field trips and nature hikes reaching more than 1,000 students and teachers each year.

Planning/Permitting History

Upon acquisition of Charmlee Park, the Los Angeles County Parks and Recreation Department began planning for park improvements and initiated the permitting and environmental review process to develop a number of park support facilities including the park entrance road, public parking, service and fire roads, a park headquarters and interpretive center, picnic areas, group and family camp areas, an information center, hiking trails, and a service yard and service building. A Final Environmental Impact Report was prepared for the proposed improvements and the County submitted a coastal development permit application to the Coastal Commission in August 1978. CDP No. P-9-6-78-4039 was issued in January 1979 for the described improvements, but with a slightly reduced scope and scale. To date, only a portion of the approved improvements have been constructed including the park entrance road, public parking, service and fire roads, the interpretive center (the Nature Center) and caretakers residence, picnic areas, and hiking trails.

IV. FINDINGS FOR DENIAL OF THE LOCAL COASTAL PROGRAM AMENDMENT AS SUBMITTED

The following findings support the Commission’s denial of the Local Coastal Program amendment as submitted. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

The City of Malibu’s proposed Local Coastal Program Amendment (LCPA) No. 07-002 (Commission Amendment No. 3-07) consists of changes to Malibu’s certified Local Coastal Program Land Use Plan (LUP) and Local Implementation Plan (LIP) to include land use policies and development standards for and related to a “Malibu Parks Public

Access Enhancement Overlay.” Changes include policies to prohibit overnight camping in all public parks and recreation areas City-wide (with the exception of two ADA campsites proposed at Ramirez Canyon Park; subject to conditional use permit requirements) and provide a framework for implementation of specific trail development, recreation support facility, transportation, and public program improvements for individual parklands and trail corridors in the City of Malibu. The changes proposed by the City in LCPA No. 07-002 are attached as **Exhibit 1**.

The LCPA would create land use policies and development standards for parks and trail connectors within the Overlay zone. However, no physical changes or “development” are proposed at this time. Individual projects implementing physical improvements within the Overlay zone would require a coastal development permit. The proposed future improvements contemplated in the Overlay generally include public parking areas, public restroom facilities, and trail improvements. The LCPA also includes policies pertaining to creek restoration and park administrative and public programs uses at Ramirez Canyon Park that were previously the subject of CDP No. 4-98-334, issued by the Commission on February 5, 2001 (Attached as **Exhibit 2**).

B. LUP POLICY CONSISTENCY ANALYSIS AND FINDINGS—PUBLIC ACCESS AND RECREATION

The standard of review that the Commission uses in reviewing the adequacy of the proposed LUP amendment is whether the land use plan, as amended, would continue to be consistent with, and to meet the requirements of, the applicable policies of Chapter 3 of the Coastal Act. A broad policy goal of the Coastal Act is to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act. The Coastal Act places the highest priority on the use of land within the coastal zone on public access and recreation, including visitor serving commercial use and overnight accommodations. See, e.g., Cal. Pub. Res. Code § 30222. Lands suitable for such uses are required to be reserved for access and recreation. *Id.* at §§ 30222 and 30223.

Specifically, Coastal Act Sections 30212.5 and 30213 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, and that lower-cost visitor and recreational facilities be protected, encouraged, and where feasible, provided. Section 30221 requires that suitable oceanfront land be protected for recreational use. Priority is given to the use of private land for visitor serving commercial recreation facilities over residential or other uses is given by Coastal Act Section 30222. Upland areas necessary to provide support for coastal recreation are required by Section 30223 to be reserved for such use. Finally, Section 30252 sets forth several requirements to insure that new development maintains and enhances public access to the coast.

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 § 30221

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

Coastal Act § 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act § 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act § 30252

The location and 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 nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of 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 recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

There are existing access and recreation opportunities in the area. There has been a huge investment of public funds in the purchase of parklands both in the City of Malibu and the rest of the Santa Monica Mountains area by local, state, and federal park agencies. Additionally, public access and trail easements have been required by the Commission and the City as mitigation for the impacts of new development, through coastal development permit approvals. While the physical supply of access and recreation areas, including accessways, trails, and parks, is critical to the provision of public recreational opportunities, equally vital are support facilities. Such facilities include adequate transit and alternative transportation to parks, parking availability, restrooms, picnic areas, and overnight accommodations available to people of a range of income levels. Without adequate support facilities, the availability of recreational opportunities is severely limited. Without adequate overnight accommodations, including those that are lower-cost, the potential of recreational uses is limited to day use by members of the public who live in close proximity to the Santa Monica Mountains.

In recognition of the high priority given by the Coastal Act to access and recreation, the adopted Malibu LCP contains strong policies and provisions to ensure that a wide range of such uses is provided within the City. The Commission recognized that there has historically been conflict and controversy surrounding the provision of access and recreation opportunities in this area, particularly as more residential development has been undertaken in the years since the passage of the Coastal Act in 1976. In adopting the LCP, the Commission found that:

Overall, a wide variety of recreational opportunities exist within the City and the Santa Monica Mountains such as swimming, surfing, diving, boating, hiking and equestrian use. Historically, however, the provision of adequate visitor-serving facilities has been a controversial issue in Malibu particularly relative to the provision of overnight accommodations. Visitor-serving facilities also include

*various commercial enterprises such as restaurants, surfing and diving shops, visitor-centers, piers, parks and other uses.*²

The certified Malibu Land Use Plan contains policies that provide for a full range of access, recreation, and visitor-serving uses, including hiking, biking, equestrian activities, fishing, picnicking, camping, educational study, coastal access, swimming, surfing, diving, etc. The LUP also provides for visitor-serving commercial recreation uses, including lower cost overnight accommodations. Parklands are given the “Public Open Space” (OS) land use designation, with allowable uses that include passive recreation, research and education, nature observation, and recreational and support facilities.

The City proposes to amend its LUP to add a Malibu Parks Public Access Enhancement Overlay (“Parks Overlay”) to the Land Use Plan Map and add or modify policies to implement the Malibu Parks Public Access Enhancement Plan. The stated purpose of the Parks Overlay (as detailed in proposed LUP Policy 5.66) is to: 1) develop public access and recreational facility improvements, including support facilities, 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 recreation lands with the need to promote and enhance public access and recreation opportunities. The proposed LUP Amendment includes the addition of six new policies (LUP Policies 5.66 through 5.71) in Chapter 5 (New Development) that relate to the Parks Overlay.

Additionally, the City proposes to modify the LUP Park Lands Map to include all of the trail segments that are identified in the Parks Overlay. Further, the proposed LUP Amendment includes the deletion of every reference to “camping”, “campgrounds”, or “camps” throughout the LUP, including in the introduction of the Public Access and Recreation Chapter of the LUP (Chapter 2) as follows:

The beaches of Malibu are world-famous tourist destinations for millions of visitors annually from foreign countries, all 50 states of the U.S., as well as to residents of cities and towns located throughout California. In addition, the Santa Monica Mountains area within and adjacent to the City provides an extensive network of public trails that traverse and connect Federal, State, and County parklands, and a system of heavily used historic trails on private land. Overall, a wide variety of recreational opportunities exist in the area including hiking, biking, horseback riding, ~~camping~~, fishing, picnicking, nature study, surfing, diving, and swimming. Public access to and along the shoreline and trails, and the provision of public recreational opportunities and visitor-serving facilities such as

² City of Malibu Local Coastal Program Adoption, Revised Findings, approved February 2003, page 32

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.

The deletion of "camping" from the LUP involves modifying several Public Access and Recreation policies (Chapter 2), including LUP Policy 2.1, Policy 2.35 and Policy 2.48. The revised LUP policies would read as follows:

- 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.*
- 2.35** *New development of luxury overnight visitor-serving accommodations shall be designed to provide for a component of lower cost overnight visitor accommodations (e.g. ~~campground~~, RV park, hostel, or lower cost hotel/motel). The lower-cost visitor accommodations may be provided on-site, off-site, or through payment of an in-lieu fee into a fund to subsidize the construction of lower-cost overnight facilities in the Malibu-Santa Monica Mountains Coastal Zone area of Los Angeles County or Ventura County. The applicant shall be required to provide lower-cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved.*
- 2.48** *~~Development of public or private trail campsites along primary trail routes shall be a conditionally permitted use, where impacts to environmentally sensitive habitat areas and visual resources are minimized and where designed to meet fire safety standards.~~*

Malibu's certified LCP currently permits camping in both the Public Open Space (OS) land use designation and the Commercial Recreation (CR) land use designation. The proposed Malibu LCPA 3-07 would disallow camping in both the OS and CR land use designations and would modify the description of the land use types allowed in the CR land use designation (LUP Chapter 5) as follows:

COMMERCIAL RECREATION (CR): *The CR designation allows for facilities open to the public that are utilized for low intensity recreational use and athletic activities characterized by large open space areas with limited building coverage such as summer day camps, hiking, equestrian, tennis,*

camping, public open space, and includes provision of food and beverage service for participants.

The City's stated purpose in adding the policies and provisions of the proposed Parks Overlay is to enhance public access and recreational resources within the Overlay area by creating an interconnected system of trails and public parklands and constructing park-specific improvements to maximize access and recreation opportunities. Indeed, the proposed Parks Overlay does provide for improvement of existing trail corridors and development of a number of new coastal trails and support facilities which would enhance public access and recreational opportunities within the overlay area. However, the City of Malibu also proposes to add or amend policies in the LUP to prohibit overnight camping not only within the Overlay area that is the main focus of the subject LCPA, but also on any property in the City (with the exception of two ADA-compliant camping spaces within Ramirez Canyon Park).

As part of the LCPA submitted to the City, the MRCA and the Conservancy proposed the addition of greater detail regarding the provision of trail campsites within the overlay area (although it should be noted that the adopted LCP already provides for the development of public camping within areas designated for public open space). The City LCPA originally included the addition of Policy 5.69 which would have stated the following:

5.69 Limited overnight campsites should be developed exclusively in existing 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.

There is a lack of affordable overnight accommodation within the City of Malibu, and presently, there are no public camping opportunities. The following information regarding existing camping in Malibu was prepared by the Conservancy/MRCA for the City as part of the review process for this LCPA.

One (1) 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 4th 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.

While there currently are no public camping facilities within the City of Malibu by which to directly assess current demand for low-cost overnight camping resources, California State Parks data relative to existing demand for public camping facilities in areas proximate to the City further 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 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.

As originally considered by the City, the Parks Overlay would have given additional specificity regarding eventual development of a limited number of trail campsites, particularly with regard to minimizing impacts to ESHA and to incorporating measures to minimize risks to public safety, even though camping is already a permitted use within all of the park units that are part of the Parks Overlay area. Even though the increased specificity would have added limitations to camping not currently in the adopted LCP, overall it had the potential to enhance camping opportunities given that City staff and Conservancy staff had negotiated the terms of the Overlay - thereby making the eventual development of new camp sites in the City of Malibu more likely.

The LCPA, including limited camping, was recommended for approval by City staff and by the Malibu Planning Commission. However, in response to public opposition to camping and concern about the potential for increased fire risk associated with camping, the Malibu City Council, at its December 5, 2007 hearing, deleted a number of the primary components of the proposed Plan intended to enhance public access and recreation in the Overlay area including the above mentioned public camp sites. Moreover, the City Council went beyond the Parks Overlay that was under consideration to approve additional modifications to existing LUP policies and new LUP policies that would prohibit all camping not only within the Overlay area, but everywhere within the City (except for two potential overnight campsites in Ramirez Canyon Park, limited to organized programs for disabled individuals).

Even though the proposed LCPA includes changes to the LUP to prohibit camping (as detailed above), the City Council made specific findings regarding the LCPA, stating that the overlay, which will enhance public access opportunities, is consistent with the

City's certified LUP. The findings further state that the overlay will have a beneficial impact on coastal public access and recreational opportunities for all people and that the LCPA is consistent with Section 30210, 30212.5, and 30213 of the Coastal Act. The City did not make specific findings regarding the outright prohibition on camping everywhere within the City, and how that would affect public access and recreation. No findings were made regarding the consistency of the LUP amendment, including a camping prohibition, with the policies of the Coastal Act. Further, the City did not make any findings regarding whether there were measures available that would allow for a full range of recreational uses, including camping, while still minimizing environmental impacts and risks to life and property from fire hazard.

Although the City Council made no formal findings regarding camping, the City staff report, dated December 2, 2007, did contain the following discussion regarding the camping prohibition:

To summarize what is obvious, the City has heard testimony from park and recreation experts, including National Parks through Superintendent of the Santa Monica Mountains National Recreation Area Woody Smeck, State Parks through Superintendent of the Angeles District of the California Department of Parks and Recreation Ron Schafer, the Conservancy's Deputy Executive Officer and wildlife expert Walt Yong and the City's Environmental Review Board member and ecologist for State Parks Suzanne Goode, and others. These professionals have testified to the effect that camping is not a significant risk factor for wildfires, that the extensive operational restrictions recommended by City staff further reduce any possibility of risk from camping and that certain proposed conditions actually improve the current status (e.g. the 24-hour presence of trained personnel in the parks whenever people are present, the availability of certain fire-fighting equipment as part of a campsite, the effect of the presence of legal campers on would-be mischief-makers).

On the other hand, the City has heard testimony from numerous residents, many of whom are survivors and veterans of previous wildfires, who essentially make the point that too much is at stake to tolerate any level of risk. This is especially emphasized in those areas where parkland is nestled among residential areas, making for a close proximity of public and private uses.

No one could conclude credibly that camping poses no increased risk. Whenever human activity is introduced into the natural environment, some risk must follow. Indeed, the professionals concede as much.

However, as you well know, the Coastal Commission has already made camping a permitted use in all CR (community recreation) and OS (public open space) zones. This means that the current legal framework ALLOWS camping in all parks. Those who oppose camping and have urged the Council to vote NO on the LCP amendment misunderstand the legal and regulatory framework. A mere NO vote leaves camping an unrestricted permitted use in all OS and CR zones.

As such, an applicant who owns property zoned OS or CR, such as the Conservancy or National Parks or State Parks, would be entitled to a coastal development permit to make improvements to accommodate camping under the current laws with no action by the City Council.

As an alternative to simply rejecting the opportunity to impose restrictions, staff negotiated limitations and operational conditions that, if approved by the City Council and certified by the Coastal Commission, would dramatically reduce the potential for camping in Malibu parks and, where it is allowed, impose restrictions to manage the use so that it is compatible with the surrounding residential neighborhoods. This is the LCP amendment that is before the City Council.

There is a third alternative. As part of the LCP amendment, the City may request that the Coastal Commission certify an amendment that will PROHIBIT overnight camping in all Malibu parks. Because the Coastal Commission has already approved camping as a permitted use and because successful overnight campgrounds have been managed in high fire risk zones, the City staff is not hopeful that the Coastal Commission will certify such a change. However, without such a change, the City is not in a position to prohibit camping in Malibu parks.

As described above, City staff had extensively analyzed and negotiated with the Conservancy in order to limit the number and location of allowable camping sites and to incorporate other measures to ensure that any risk of fire would be minimized. In fact, as the City's findings note, some of the professionals testified that the some of the "extensive operational restrictions recommended by City staff [would have] . . . actually improve[d] the current status." Nevertheless, the City proposes to prohibit camping. One imaginable argument in favor of such a prohibition would have been if the City had done an empirical analysis and found that, notwithstanding the land use designation allowing for camping, in fact, there were no areas where camping could be permitted consistent with other provisions of the LCP. However, between the City Council's November 13, 2007 and December 5, 2007 hearings, it does not appear that City staff analyzed all of the park units within the City (including those that are part of the Overlay) to determine that there were site-specific environmental factors that would preclude any future development of campsites in any location. Additionally, it does not appear that the City analyzed all potential limitations that could be required on siting or design of campsites, and all potential mitigation measures that could be incorporated into camping projects to minimize environmental impacts and risks to conclude that there is no feasible location anywhere within the City of Malibu. It is assumed that such analysis was not carried out by the City only because no site-specific analysis regarding all parks was included in the staff report and because the City Council did not make any findings regarding site specific factors.

Not that the Commission would anticipate that such findings would be appropriately made. Quite the contrary, the Commission finds that it is highly unlikely that at a planning level of review the City would have sufficient site specific evidence to conclude that there is no location within the whole of the City where camping could be developed

consistent with the LCP. But, in this case, the City did not even provide any such basis for such an extreme measure as an outright prohibition on camping. Furthermore, the City did not make findings regarding the consistency of the camping prohibition with the access and recreation policies of the Coastal Act. Nevertheless, the City proposes a broad prohibition against camping.

Notwithstanding the City Council's findings that the LCPA would enhance public access and recreation opportunities, the Commission finds that prohibiting camping outright throughout the City without any consideration for site-specific environmental or other factors would have the opposite effect, by diminishing public access and recreation opportunities within the City. The LCPA will reduce lower cost public access and recreation opportunities and the availability of lower cost overnight accommodations for visitors within the City of Malibu. Without adequate overnight accommodations, including those that are lower-cost, the potential of recreational uses is limited to day use by members of the public who live in close proximity to the Santa Monica Mountains. The Commission finds that the proposed LUP amendment will diminish the range of potential access and recreational uses in the City of Malibu and is therefore inconsistent with the public access and recreation policies of the Coastal Act. The Commission therefore finds that the proposed changes to the LUP are not consistent with Sections 30212.5, 30213, 30223, or 30252 of the Coastal Act.

As part of its review of land use plan amendments, the Commission may, and in many cases does, offer suggested modifications which, if accepted by the local government, will ensure that the LUP, as amended, will be in conformance with the Chapter 3 policies of the Coastal Act. In this case, the Commission has before it at the same meeting an alternative version of the Malibu Parks Public Access Enhancement Overlay, which staff is recommending the Commission approve with modifications. Thus, the Commission's action on that matter will indicate the changes that would have had to be made to the instant proposal in order for it to be certifiable. In addition, any suggested modifications to remove the proposed prohibitions on camping from the instant proposal would represent such a fundamental departure from the City's proposal that it would be a pointless exercise. As such, the Commission is simply denying the proposed LUP amendment.

C. LIP POLICY CONSISTENCY ANALYSIS AND FINDINGS—PUBLIC ACCESS AND RECREATION

The standard of review that the Commission uses in reviewing the adequacy of a proposed Local Implementation Plan (LIP) amendment is whether the Local Implementation Plan, if amended as proposed, would conform to and be adequate to carry out the applicable policies of the certified Land Use Plan (LUP). Coastal Act Sections 30211, 30212.5, 30213, 30223, and 30252 have been incorporated in their entirety into the certified City of Malibu Land Use Plan as guiding policies. The certified Malibu Land Use Plan also contains its own policies that provide for a full range of access, recreation, and visitor-serving uses, including hiking, biking, equestrian

activities, fishing, picnicking, **camping**, educational study, coastal access, swimming, surfing, diving, etc. The LUP also provides for visitor-serving commercial recreation uses, including lower cost overnight accommodations. Parklands are given the “Public Open Space” (OS) land use designation, with allowable uses that include passive recreation, research and education, nature observation, and recreational and support facilities. The adopted LUP contains many policies that require the protection, provision, and enhancement of public access and recreational opportunities within the City. As discussed above, the proposed modifications to the LUP access and recreation policies are not consistent with the Chapter 3 policies of the Coastal Act and cannot be approved. As such, the certified LUP policies remain the standard of review for the LUP amendment. Following are the applicable LUP policies:

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.

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.

2.35 New development of luxury overnight visitor-serving accommodations shall be designed to provide for a component of lower cost overnight visitor accommodations (e.g. campground, RV park, hostel, or lower cost hotel/motel). The lower-cost visitor accommodations may be provided on-site, off-site, or through payment of an in-lieu fee into a fund to subsidize the construction of lower- cost overnight facilities in the Malibu-Santa Monica Mountains Coastal Zone area of Los Angeles County or Ventura County. The applicant shall be required to provide lower-cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved.

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.

2.48 Development of public or private trail campsites along primary trail routes shall be a conditionally permitted use, where impacts to environmentally sensitive habitat areas and visual resources are minimized and where designed to meet fire safety standards.

The City proposes to amend its LIP to add a Malibu Parks Public Access Enhancement Overlay Zone ("Parks Overlay") to the Zoning Map and to Chapter 3 (Zoning Designations and Development Standards) of the LIP. Finally, the Overlay is proposed to be added to Table B, which details permitted and prohibited uses under the LIP provisions (including information regarding other permits that may be required by the City under its Municipal Code, such as conditional use permits, wireless telecommunication permits, etc.). The proposed LIP amendment provides for the implementation of the Malibu Parks Public Access Enhancement Plan. The Parks Overlay establishes plans for connections for the Coastal Slope Trail and other connector trails which would link the above parks and other recreation areas located within the City of Malibu. The proposed Parks Overlay would establish development standards for trails, public transit, public outreach and education, support facilities, signs, environmentally sensitive habitat areas, water quality, visual resources, archaeological resources, hazards, and land use and neighborhood compatibility for the park units located within the overlay area.

As described above, as part of the LCPA submitted to the City, the MRCA and the Conservancy proposed new public camp sites and associated facilities to be located in Charmlee Park, Ramirez Canyon Park, Escondido Park, and Corral Canyon Park as a major component of the Overlay District. As originally considered by the City, the Parks Overlay would have given additional specificity regarding the eventual construction of a limited number of trail campsites, particularly with regard to minimizing impacts to ESHA and to incorporating measures to minimize risks to public safety, even though camping is already a permitted use within the OS zone, which currently applies to all of the park

units that are part of the Parks Overlay area. The increased specificity, while adding limitations to camping as a use that are not part of the adopted LCP, had the potential to enhance camping opportunities, given that the City staff and the Conservancy staff had negotiated the terms of the Overlay and so the implementation of camp site development would have been a step closer to being approved.

However, in response to public opposition to camping and concern about the potential for increased fire risk associated with camping, the Malibu City Council at its December 5, 2007 hearing deleted a number of the primary components of the proposed Plan intended to enhance public access and recreation in the Overlay area including the above mentioned public camp sites. Moreover, the City Council went beyond the Parks Overlay that was under consideration to approve additional modifications to the LIP that would prohibit all camping not only within the Overlay area, but everywhere within the City (except for two potential overnight campsites in Ramirez Canyon Park, limited to organized programs for disabled individuals). Additionally, the Council added provisions that would not allow for the full range of uses considered at Ramirez Canyon Park unless and until an alternative access road into Ramirez Canyon from Kanan Dume Road is constructed.

As discussed above, the proposed amendment to the LUP is not consistent with the applicable Chapter 3 policies of the Coastal Act and must be denied. As such, the Commission must consider the LIP amendment with regard to the currently certified LUP policies. In this case, the LUP access and recreation policies require that a full range of recreational opportunities, including camping, be made available to the public. While the City found that the LCPA would enhance access and recreation opportunities, the camping prohibition and limitations on park uses at Ramirez Canyon Park would actually have the opposite effect. The Commission finds that prohibiting camping outright throughout the City without any consideration for site-specific environmental or other factors would diminish public access and recreation opportunities within the City. The LCPA will reduce lower cost public access and recreation opportunities and the availability of lower cost overnight accommodations for visitors within the City of Malibu. Without adequate overnight accommodations, including those that are lower-cost, the potential of recreational uses is limited to day use by members of the public who live in close proximity to the Santa Monica Mountains. The Commission finds that the proposed LUP amendment will reduce the range of potential access and recreational uses in the City of Malibu and is therefore inconsistent with the public access and recreation policies. The Commission finds that the proposed changes to the LIP are not consistent with Sections 30211, 30212.5, 30213, 30223, and 30252 of the Coastal Act which have been incorporated in their entirety into the certified City of Malibu Land Use Plan as guiding policies. The Commission additionally finds that the LIP amendment is not consistent with Policies 2.1, 2.17, 2.34, 2.35, 2.36, 2.37, or 2.48 of the certified LUP. The Commission therefore finds that the LIP, as proposed to be amended, does not conform to and is not adequate to carry out the policies of the certified LUP, and is denied.

As part of its review of local implementation plan amendments, the Commission may, and in many cases does, offer suggested modifications which, if accepted by the local government, will ensure that the LIP, as amended, will be in conformance with and adequate to carry out the policies of the LUP. In this case, the Commission has before it at the same meeting an alternative version of the Malibu Parks Public Access Enhancement Overlay, which staff is recommending the Commission approve with modifications. Thus, the Commission's action on that matter will indicate the changes that would have had to be made to the instant proposal in order for it to be certifiable. In addition, any suggested modifications to remove the proposed prohibitions on camping would represent such a fundamental departure from the instant proposal that it would be a pointless exercise. As such, the Commission is simply denying the proposed LIP amendment.

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. More significantly, though, CEQA does not impose any requirements in connection with denial. Thus, CEQA is inapplicable here.

[Click here to go to the staff report addendum posted on June 9, 2009](#)

LCPA MAL-MAJ-3-07 - List of Exhibits

- Exhibit 1. City of Malibu LCPA 07-002 (MAL-MAJ-3-07)
- Exhibit 2. CDP No. 4-98-334 (Ramirez Canyon Park)
- Exhibit 3. City of Malibu Submittal letter for LCPA 07-002 – December 28, 2007
- Exhibit 4. City of Malibu Resolution No. 07-050
- Exhibit 5. City of Malibu Ordinance 316
- Exhibit 6. City of Malibu City Council Agenda Report – December 5, 2007
- Exhibit 7. Brownstein/Hyatt/Farber/Schrek letter re MAJ-3-07 – January 6, 2009
- Exhibit 8. Brownstein/Hyatt/Farber/Schrek letter re MAJ-3-07 – May 5, 2009
- Exhibit 9. Brownstein/Hyatt/Farber/Schrek letter re MAJ-3-07 and MAJ-1-08 – May 19, 2009
- Exhibit 10. Brownstein/Hyatt/Farber/Schrek letter re MAJ-1-08 and MAJ-1-08 – May 22, 2009

Exhibit 1

City of Malibu LCPA 07-002 (MAL-MAJ-3-07)

PROPOSED

MALIBU LOCAL COASTAL PROGRAM AMENDMENT

December 5, 2007

LCPA No. 07-002

1. *Land Use Plan*

1.1 Chapter 2 (Public Access and Recreation), Section C (Land Use Plan Policies) is hereby amended to include Subsection 7, Policy 2.90 (Malibu Parks Public Access Enhancement Overlay) as follows:

7. Malibu Parks Public Access Enhancement 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 Overlay pursuant to an adopted and certified overlay district.

1.2 Chapter 5 (New Development), Section C (and Use Policies) Subsection 1 is hereby amended to read as follows:

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 included in the Malibu Parks Public Access Enhancement Overlay, 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.

1.3 Chapter 5 (New Development), Section C (Land Use Policies) is hereby amended to include Subsection 13, Policies 5.66 through 5.71 (Malibu Parks Public Access Enhancement Overlay) as follows:

13. Malibu Parks Public Access Enhancement Overlay Policies

- 5.66 The Malibu Parks Public Access Enhancement Overlay shall be implemented 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 Overlay provides policies and implementing measures that expand on the public access and recreation policies of the Malibu LCP which shall be implemented to enhance public access and recreation opportunities to and within existing parklands and recreation areas subject to the Malibu Parks Public Access Enhancement Overlay Map public 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 serving capacity of specific park areas taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, ability to protect natural resources, public safety issues, and neighborhood compatibility.
- 5.69 **Except where specifically conditionally permitted in the Malibu Parks Public Access Enhancement Overlay, camping is prohibited in all public parks and recreation areas.** Limited overnight campsites should be developed exclusively in existing Ramirez Canyon Park boundaries to accommodate organized programs for disabled individuals.
- 5.70 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 thematically link nature study, education and recreation via specialized public programs and events.
- 5.71 Trails to and within public parklands, public outreach and educational programs and/or related support facilities (e.g. parking, public restrooms, picnic amenities, ranger/maintenance supervisor housing, nature centers, limited personnel facilities related to the daily operation and maintenance of

parklands and public access programs), and special programs and events conducted at Ramirez Canyon Park, defined in the Malibu Parks Public Access Enhancement Overlay shall be permitted to be constructed, opened and operated for intended public use or benefit only 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 and, if required, a coastal development permit is obtained.

1.4 Land Use Plan Park Lands Map No. 2 is hereby amended to include the trail segments identified in the Malibu Parks Public Access Enhancement Overlay. attached hereto as Exhibit A.

1.5 The word "camping" and the word "campgrounds" are hereby deleted from Chapter 2 paragraph A under Introduction; Policy 2.1 is amended to delete the word "camping"; Policy 2.35 is amended to delete the word "campground"; Policy 2.48 is deleted in its entirety; and the word "camping" is deleted from the definition of CR zone and "summer camps" is changed to "summer day camps."

2. Local Implementation Plan

2.1 To prohibit overnight camping:

- a. LIP Section 3.3 F is hereby amended to replace "summer camps" with "summer day camps"
- b. Delete "campground" from LIP Section 12.11 A
- c. In TABLE B (Permitted Uses) replace "P" under CR and OS zones with "•"
- d. In TABLE B (Permitted Uses) add footnote to CUP for camping in MPPAE Overlay to read: maximum of three campsites ONLY for organized programs for overnight camping for disabled individuals.

2.2 Chapter 3 (Zoning Designations and Permitted Uses) is hereby amended to include Subsection 3.4.2 (Malibu Parks Public Access Enhancement Overlay Zone) as follows:

3.4.2 Malibu Parks Public Access Enhancement Overlay

A. Purpose

The purpose of the Malibu Parks Public Access Enhancement 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 (Overlay area). This chapter implements the land use policies of the Malibu Parks Public Access Enhancement Overlay, consistent with sound resource conservation principles and constitutionally protected rights of private property owners. This chapter shall further supplement and implements 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.

To implement the goals, objectives, and policies of the Malibu Parks Public Access Enhancement Overlay 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 chapter provides site specific development standards, and other implementation measures to 1) complete trail connections for the Coastal Slope 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 Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park, subject to the Malibu Parks Public Access Enhancement Overlay to provide 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 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 resource protection, hazards and land use policies of the Coastal Act and Malibu LCP.

B. Description of Area Subject to LIP Section 3.4.2

The provisions of this chapter shall apply to those public parklands and recreation areas illustrated generally in Exhibit A (Overlay Map), including Charmlee Park, specific recreation areas that extend from the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area to Corral Canyon Park, south to Pacific Coast Highway and just north of the City of Malibu/Unincorporated Los Angeles County Boundary. The term recreation areas as used in this section applies specifically to Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park existing and proposed trail corridors as identified in the City's Trail Master Plan, Local Coastal Program, and Draft Interagency Regional Trail Management Plan, Exhibit B. 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 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 chapter shall not apply to any future development plans of the National Park Service for these parklands.

Private property subject to this chapter consists only of those properties containing trail and open space Offers To Dedicate and subject to the Malibu Parks Public Access Enhancement Overlay and all applicable provisions of Chapter 12, Public Access, of the Malibu Local Coastal Program Local Implementation Plan, or those identified on the Conservancy's Work Program, as may be amended, which are purchased from willing sellers, dedicated to public use as part of the entitlement process, or donated by a private landowner.

C. Applicability

The implementing measures of this chapter will serve to enhance public access and recreation opportunities to and within existing park facilities subject to this Malibu Parks Public Access Enhancement 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 Overlay goals, consistent with all public access and recreation policies of the Malibu LCP and the Coastal Act. Development of public access and recreation improvements as defined in the Malibu Parks Public Access Enhancement Overlay shall be governed by the policies, standards and provisions of this chapter in addition to any other applicable policies or standards of the certified Local Coastal Program and the Coastal Act. Where applicable, Coastal Development Permits for development of public access and recreation improvements as defined in the Malibu Parks Public Access Enhancement Overlay shall be conditioned to ensure compliance with the policies, standards and provisions contained herein.

Where any policy or standard provided in this chapter conflicts with any other policy or standard contained in the City's General Plan, Zoning Code or other City-adopted plan, resolution or ordinance not included in the LCP, and it is not possible for the development to comply with both the Malibu Parks Public Access Enhancement Overlay and other plan, resolution or ordinance, the policies, standards or provisions contained herein shall govern.

D. Development Standards

1. Trails

Public access and recreation opportunities on lands subject to this chapter shall be provided and enhanced by developing trail resources pursuant to implementation of a number of site-specific trail improvements as conceptually illustrated in Exhibit C, and which shall be subject to the following implementation measures.

a. Trail Easement and Open Space Deed Restriction Land Acceptance Program

- i. The Conservancy/MRCA shall work with the Public Access Division of the Coastal Commission and the City of Malibu Planning Division to accept all Offers to Dedicate (OTDs) identified in areas subject to Malibu Parks Public Access Enhancement Overlay.
- ii. 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 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.

- iii. The Conservancy/MRCA should monitor the review and approval process for coastal development permits in the areas subject to Malibu Parks Public Access Enhancement Overlay, subject to City or Coastal Commission action, for potential future OTDs requirements and act to accept OTDs that may become available. The Conservancy/MRCA agencies are independent of the City's coastal development permit review process and approval of a coastal development permit is not linked to any offer to dedicate.
 - iv. The Conservancy/MRCA should study opportunities 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.
- b. Park Agency Coordination
- i.i All plans for location, design and development of park 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 Overlay area.
- c. Trail Location, Development and Design
- i. The Conservancy/MRCA should develop plans to construct, improve and maintain trails for public use once accepted as an OTD, or once acquired through land purchase, consistent with the resource protection policies of this Chapter.
 - ii. To the maximum extent feasible, and where consistent with all public safety provisions and the resource protection policies of this Chapter, the Local Coastal Program and the Coastal Act, trails should be designed 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.
 - iii. Trails shall 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 extent feasible. The location and design of trails and potential

impacts to ESHA will be evaluated during the coastal development permit process.

- iv. Trail development and maintenance shall be designed to accommodate multiple uses including hiking, mountain biking and equestrian uses wherever feasible. Where practical multi-use trails occur along existing roadways, wood bollards shall be installed between trails and roadways, and pedestrian crossing signage 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. 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 of site-specific transit and facility improvements as conceptually illustrated in Exhibit D and subject to the following implementation measures.

a. Public Transit Improvements

- i. The Conservancy/MRCA shall coordinate with the National Park Service to extend the Park Link Shuttle Program service to 1) the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park, 2) the proposed public parking lot at Escondido Canyon Park, or other identified preferred alternative site for a new parking facility supporting access to Escondido Canyon Park, and 3) the proposed public parking lot adjacent to Kanan Dume Road. Once implemented, the expanded shuttle service information shall be made available to the public via public notices, trailhead signage and website posting.
- ii. The Conservancy/MRCA shall coordinate with the Metropolitan Transit Authority (MTA) to include a stop in the existing service route to 1) the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park, and 2) the proposed public parking lot adjacent to Kanan Dume Road. The Conservancy/MRCA shall provide MTA service information to the public via public notices, trailhead signage and website posting.
- iii. The Conservancy/MRCA shall coordinate with the City of Malibu to extend the Point Dume Nature Preserve Shuttle Program service to Charmlee Park, the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park, and to Corral Canyon Park. Once implemented, the expanded shuttle service information shall be made available to the public via public notices, trailhead signage and website posting.
- iv. The Conservancy/MRCA shall coordinate with the City of Malibu to explore additional options and opportunities to provide shuttle service to Ramirez

Canyon Park to further enhance public access to the Park via a shared shuttle service program.

b. Transportation and Parking Management

- i. The Conservancy shall implement a Transportation and Parking Management Plan for Ramirez Canyon Park including the following provisions:
 - a) Agreements shall be secured and maintained for offsite parking resource provisions to accommodate the maximum parking demand for the authorized uses of the park for groups of 200 people without displacing the current parking use of the designated locations.
 - b) No off-site public coastal access parking, including but not limited to the Winding Way Trailhead parking lot located off of Latigo Canyon Road, and proposed parking facilities supporting access to Escondido Canyon Park, shall be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park use.
 - c) 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).
 - d) Signage shall be provided and maintained at the entrance gate to Ramirez Canyon Park forbidding horn honking except in case of emergency.
 - e) Vans and shuttles shall minimize traffic trips on Ramirez Canyon Road by traveling with maximum passenger capability and in convoys, whenever feasible.
- ii. Bicycle parking facilities shall be included on all plans to construct new parking or trailhead facilities.
- iii. Hike-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 public easements along De Butts Terrace, Winding Way, Delaplane, and Ramirez Canyon Road, where feasible.
- iv. The SMMC/MRCA shall coordinate with the National Park Service and City to compile and submit on an annual basis monitoring data for the extended ParkLink and Point Dume Nature Preserve Shuttle services. The annual monitoring reports shall assess the effectiveness of the shuttle services in providing public access to the parklands and to determine whether adjustments to scheduling, signs, or marketing would be appropriate to meet visitor demand.

3. 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 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 (see Exhibit E) designed to accommodate visitors with special needs. 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. **The uses set forth in this Section are permitted only after vehicular access to the Park from Kanan Dume Road is constructed and available to Park users.**

a. Ramirez Canyon Park Public Outreach, Recreation and Education Programs

- i. Outreach programs designed to provide access and recreation opportunities primarily for disadvantaged youths, physically challenged visitors, and seniors 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.
- ii. 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 visitors with mobility disabilities in compliance with Americans with Disabilities Act (ADA), including trails, picnic facilities, drinking fountains, restrooms, and parking areas, shall be maintained for public use.
- iii. Three day-use picnic areas and up to three overnight campsites may be developed at Ramirez Canyon Park that shall be designed specifically for supervised programs accommodating disabled visitors and their families by reservation. No campfires shall be permitted at any time. The 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.
- iv. All public outreach, recreation and education programs operated at Ramirez Canyon Park shall comply with the requirements of Section 3.4.2.D.2.b of this Chapter, Transportation and Parking Management, which includes mandated use of shuttle service for public visitors 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 3.4.2.D.2.b of this Chapter, Transportation and Parking Management.

b. Accessibility Design Guidelines

- i. 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.
- ii. 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, provide additional day-use picnic facilities, and implement park improvements to provide for limited overnight camping opportunities at Ramirez Canyon Park in compliance with the Americans with Disabilities Act (ADA).
- iii. 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.

4. Support Facilities

Public access and recreation opportunities shall be maximized by development of critical public support facilities as generally illustrated in Exhibits F1 and F2 and subject to required coastal development permits and the following implementation measures.

- a. To maximize access to parklands and trails consistent with the other provisions of this Chapter, new, limited parking and trailhead facilities shall be provided at Ramirez Canyon Park and Escondido Canyon Park.

- b. New support facilities shall be located at park entrances and along existing primary trail routes, within previously disturbed areas where feasible, to minimize impacts to sensitive habitat areas to the maximum extent feasible.
- c. New support 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. If it can be found 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 intended to enhance accessibility (accessible access routes, ADA day use areas) but in no case shall be setback less than 25 feet from the top of bank of all streams. The exact location of any proposed support facilities will be reviewed by the City Biologist during the coastal development permit review process.
- d. New support facilities shall be located in areas of level terrain to minimize the need for grading as much as feasible.
- e. New support facilities shall be strategically located in disturbed areas, 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 be planted to provide a buffer and to screen support facilities.
- f. 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.

5. Signs

A uniform and comprehensive park and trail sign program 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, and shall be subject to the following implementation measures.

- a. Signs shall be provided at all park locations, as determined necessary and appropriate, to provide information relative to trails, regulations, and services.

- i. 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.
 - ii. Regulatory signs shall be provided at park entrance areas, staging areas or gathering points and may include, but not 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 and resource protection, and 5) identification of private property boundaries.
 - iii. Services signs identifying services and/or support facilities for the park visitor shall be provided in locations as determined appropriate by the managing agency.
- b. Signs appearance shall be standardized for easy recognition by visitors including face, font, capitalization, colors, icons, materials, and dimensions, except where unique signs are used to identify architecturally significant structures in Ramirez Canyon Park. Signs shall be in English and in Spanish.
 - c. Trail improvements should provide adequate sign at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads, and should provide adequate safety signs, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments.
 - d. Final plans for location and content of proposed trail and park sign 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.

6. 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.

- a. Permitted Parkland Uses, Development and Design
 - i. Trails, park uses as described in this Chapter, and necessary support facilities shall be permitted uses for those parkland areas subject to the Malibu Parks Public Access Enhancement Overlay. Trails, park uses, and necessary support facilities located within or adjacent to areas mapped as ESHA shall be sited and designed to minimize impacts to ESHA to the maximum extent feasible. Mitigation measures, including but not limited to, selective siting for new permitted park improvements in previously disturbed

areas, informational signage, and limited fencing shall be implemented as necessary to protect ESHA.

- ii. 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.
- iii. 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, unless a lesser setback distance is determined adequate by the City Biologist. 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.
- iv. Proposed park facility locations shall be evaluated by a qualified biologist and reviewed by the City Biologist as part of the coastal development permit process 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 and provide recommendations for mitigation, as applicable.
- v. 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 permitted only on existing maintenance routes, and for purposes of conducting maintenance or emergency services.
- vi. Proposed park facilities shall be developed with the smallest development envelope determined feasible to accommodate such facilities to minimize the area of disturbance and avoid potential impacts to ESHA.
- vii. All new and improved park facility projects, including trails, parking, etc., where determined appropriate and feasible, shall 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.
- viii. Prior to proposing any trail or park facility for public use in an area of naturally vegetated habitat, a site-specific biological assessment shall be prepared by a qualified biologist as part of the required coastal development review process which shall evaluate the vegetation and habitat of the project area to determine potential impacts to ESHA that may occur. Should the biological assessment determine that adverse impacts to ESHA

will result from permitted development, the following minimum mitigation measures shall be implemented:

- a) 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 specific types of habitat shall be as follows:
 - Coastal sage scrub 2 to 1
 - Seasonal wetlands 3 to 1
 - Freshwater marsh 3 to 1
 - Riparian areas 3 to 1
 - Vernal pools 4 to 1
 - Saltmarsh 4 to 1
 - Native trees 10 to 1 (oak, walnut, sycamore, alder, or toyon)
- ix. Focused spring surveys for special status plant species shall occur within project footprint areas to assess potential direct and indirect impacts to special status species prior to implementation of new park facility improvement projects.
- x. Should 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.G. 703-712). 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. 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.
- b. Hydromodification
 - i. 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. Any streambed modification proposal will be subject to a coastal development permit and all other relevant permits from appropriate agencies.
 - ii. Bioengineering 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. If bioengineering methods

are demonstrated to be infeasible, then other alternatives may be considered. Any applications for 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.

- iii. 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:
 - a) Use of Arizona crossings shall be limited to repair and maintenance of existing crossings consistent with the repair and maintenance provisions of Section 13.4.2 Repair and Maintenance Activities of the Malibu.
 - b) 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.
 - c) Construction activities shall be scheduled to occur during the dry season.
 - d) Staging areas outside of the riparian canopy shall be identified and flagged for construction workers and to store materials.
 - e) Monitoring of stream crossing construction activities shall be conducted by a qualified biologist. The biologist shall be responsible for briefing construction workers on potential resource damage avoidance prior to the commencement of any on site activities.
 - f) 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.
- c. Parkland Habitat Preservation and Monitoring
 - i. 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 Chapter, 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.

- ii. 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 in conjunction with the City Parks and Recreation Department to identify needs, problems, and issues that require management action.
- iii. All development requiring a coastal development permit proposed within the existing park boundaries of Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, including new support facilities and trails, shall be reviewed by the City of Malibu Environmental Review Board.

D. Native Trees

- i. All development requiring a coastal development permit and 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.

7. 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.

- a. Parkland Facilities Development and Design
 - i. 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:
 - a) Designated areas within picnic facilities to provide fresh water for public use including drinking water and hand washing and areas where overspill will drain. All overspill shall be contained onsite and treated with appropriate post-development BMPs measures.
 - b) 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.
 - c) New parking facility development shall be constructed of permeable material to allow for percolation of runoff.
 - ii. 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 as follows:
 - a) 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.
 - iii. 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 in Ramirez Park 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.
 - iv. All graded and disturbed areas on the subject site 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 its document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

b. Onsite Wastewater Disposal

- i. 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. Self-contained restroom facilities shall be located a minimum of 200 feet from the top of bank of any adjacent stream, wherever feasible, and shall not be located less than 100 feet from the top of bank of any adjacent stream or the outer edge of riparian vegetation, whichever is the most protective. Minimal grading to create minor berms around the facilities shall be allowed 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.
- ii. Details regarding construction and operation of new self-contained restroom facilities proposed for Charmlee Park, Escondido Canyon Park and Corral Canyon Park shall be provided for review and approval by the City Environmental Health Division prior to issuance of a coastal development permit required for any new development or increase in public use of the park properties to be served by the facilities.
- iii. A Septic System Abandonment/Wastewater Treatment and Recycled Water System Installation Plan, developed and implemented for 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 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; 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.
- iv. The Wastewater Treatment and Recycled Water System Installation Plan developed and implemented for 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. 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.

- v. A Water Quality Monitoring Program shall be implemented at Ramirez Canyon Park upon certification of Plan 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 of this Chapter. 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 coastal development permit application shall be made to the City 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.
- vi. The existing Onsite Wastewater Treatment System serving Charmlee Park shall be located and its construction, current condition, and capacity assessed for compliance with minimum requirements of the City Plumbing Code, and Malibu Local Implementation Plan prior to issuance of a coastal development permit required for any new development or increase in public use of the park property to be served by the system.

8. Visual Resources

- a. 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.
- i. 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:
 - a) 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 and trail users and to screen restrooms

facilities.

- b) Where determined necessary and feasible for purposes of protecting visual resources, 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.
- ii. 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.
- iv. 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.

9. Archaeological Resources

- a. 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:
 - i. A Phase I Inventory of cultural resources shall be conducted by a qualified archaeologist for all project areas that will involve ground disturbance. All other applicable development standards of Chapter 11 of the Malibu Local Implementation Plan apply.
 - ii. 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.

10. 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.

a. Geology and Flooding

- i. A geologic/soils/geotechnical study identifying any geologic hazards affecting areas identified for new park facility development shall be prepared for any coastal development permit application 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.
- ii. 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 and a registered geotechnical engineer, to provide recommendations for the design of these structures and grading procedures in accordance with the City's Geotechnical Guidelines and Building Codes.
- iii. 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.

b. Fire and Emergency Evacuation

- i. A Fire Protection and Emergency Evacuation Plan shall be developed and implemented for Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park and shall be approved by the State Fire Marshall and Los Angeles County Fire Department, Division of Fire and Life Safety. The Fire Management and Emergency Evacuation Plan shall include the following provisions:
 - a. 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.
 - b. Campfires shall be prohibited at all times.
 - c. Park properties will be closed when any Red Flag, Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and 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).
 - d. 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.

- e. Park events, tours, reservations for camping programs for disabled individuals 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 and prospective event sponsors prior to contracting for park use.

- ii. 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. Annual inspection records of the bridge shall be forwarded to the City Environmental and Building Safety Division.

- iii. An Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, prepared by a licensed civil engineer and approved by the Los Angeles County Fire Department as compliant with applicable state and county fire and life safety regulations shall be maintained for Ramirez Canyon Park.

11. 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 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 Chapter 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 Chapter.

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 Chapter. 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 and to avoid intrusive traffic circulation in residential neighborhoods.

a. Land Use Compatibility

- i. 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:
 - a) Signs which informs 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 Chapter and the LIP.
 - b) 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 Chapter and the LIP.
- ii. Trail and park improvements, uses, and programs shall be designed and implemented to avoid intrusive traffic circulation in residential neighborhoods. Implementation of park facility improvements shall be conducted in concert with the provisions of Section 3.4.2.D.2 Public Transit of this Chapter to encourage and expand alternative transportation opportunities to public parklands.
- iii. Options for a traffic monitoring system shall be evaluated and implemented for the Escondido Canyon Park trailhead parking facility that will provide counts of vehicles utilizing the parking area and transfer use data (parking lot capacity status) to a sign located at the entrance of Winding Way Road via Pacific Coast Highway to notify potential trail users of parking availability at the parking lot.
- iv. The SMMC/MRCA shall provide primary trailhead and parking facility location for Escondido Canyon Park, on property located in proximity to Escondido Canyon and accessed via Latigo Canyon Road, to provide pedestrian access to Escondido Canyon Park and the surrounding trail system. In addition, two fully accessible and two trailer parking spaces shall be located conveniently in the area at a site consistent with the policies of the LCP and, to the maximum extent feasible, without disturbing the existing meadow at the top of Winding Way.

b. Specialized Programs – Ramirez Canyon Park

- i. 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 trips/day on Ramirez Canyon Road.

- ii. 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.
- iii. 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.
- iv. Amplified music may be permitted only in the meadow and garden areas located adjacent to and in front/behind the Barn 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 shall require monitoring of sound levels by park rangers and notices of restrictions on amplified music shall be provided to events sponsors contracting for park use. Amplified music/sound may only be used at six events per calendar year.
- v. Special events held during fire season shall retain all guest vans, shuttles, and drivers continuously on site during the event.
- vi. Specialized programs permitted at Ramirez Canyon Park and associated support facilities shall consist of the following uses and restrictions:
 - a) Park administrative offices for the Conservancy and Mountains Recreation and Conservation Authority for up to 15 employees.
 - b) Ranger/maintenance supervisor residence utilized by MRCA staff charged with security, site management, and public safety duties.
 - c) 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.
 - d) Use of the Peach House and Barn facility for small group gatherings and tours for up to 60 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.
 - e) Public Outreach, Events, Gatherings, Tours, And Workshops
 1. Public Outreach Programs
 - (a) Year-Round, Permitted 7 Days/Week
 - (b) Max 40 Participants
 - (c) 8:00 a.m. – Dusk

2. Tours And/Or Small Gatherings
 - (a) Year-Round, 12 Tours or Gatherings Permitted/Month
 - (b) Max 60 Participants
 - (c) 8:00 a.m. – Dusk

3. Special Events
 - (a) March – October, 16 Events Permitted/Year,
 - (b) 1 Event Permitted/Week
 - (c) Maximum 200 Participants
 - (d) 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.
 - (e) At least one week prior to a special event involving 100 participants or more, the City Planning Manager must be notified in writing as to the type of event, event hours, number of anticipated guests and proposed transportation plan.

- f) Three day-use picnic areas and up to three overnight campsites may be developed at Ramirez Canyon Park that shall be designed specifically for supervised programs accommodating disabled visitors and their families by reservation. No campfires shall be permitted at any time. The 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.

- vii. A Transportation and Parking Management Plan shall be developed in conjunction with the City Planning Department and City Public Works Department and maintained to manage traffic trips on Ramirez Canyon Road pursuant to Section 3.4.2.D.2.b.i. of this Chapter.

- viii. An Event Monitoring Program shall be implemented and shall include submittal of annual monitoring reports to the City. The annual 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.

- ix. An alternative access road into Ramirez Canyon shall be a precondition for uses of Ramirez Park except as follows:
 - A. Administrative and government offices for up to 15 employees
 - B. A residential caretaker and his family
 - C. Two special programs a week for disabled persons and/or for seniors

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- D. Occasional employee training programs
- E. On-going property maintenance

2.3 In TABLE B (Permitted Uses) under RECREATION AND LEISURE add "Park Administrative Offices" and place a "•" in all zones except in MPPAE Overlay insert "P" (Exhibit G).

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Exhibit 2

CDP No. 4-98-334 (Ramirez Canyon Park)

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641-0142



Page 1 of 10
 Date: February 5, 2001
 Permit Application No. 4-98-334

COASTAL DEVELOPMENT PERMIT

On April 12, 2000, the California Coastal Commission granted to State of California, Santa Monica Mountains Conservancy, permit 4-98-334, subject to the attached Standard and Special Conditions, for development consisting of: Convert 5 existing single family residences (on 6 lots) to use for offices and appurtenant facilities for up to 14 staff and 2 maintenance workers, and use one of the residences to house a ranger and family; install two water tanks to supply a backup water source for fire fighting; provide on site parking in a variety of locations; permanently abandon specified existing septic system components; install new wastewater treatment facility, including treated effluent discharge plan; continuously maintain a minimum of three portable toilets on site for use by all groups of more than 40 participants and by participants in public outreach activities; conduct special events for groups of up to 200 guests (subject to a variety of daily, monthly, and seasonal restrictions), and small group gatherings (such as workshops, meetings, and retreats) and tours, for groups of up to 40 participants; establish satellite parking locations to serve van shuttles to the site; install and/or improve on-site trails and picnic facilities; conduct recreational and interpretive programs for physically-challenged park visitors; perform structural reinforcements to existing wooden bridge on Ramirez Canyon Road, perform fuel modification on site and along Ramirez Canyon Road, and undertake specified improvements to on site driveways and turnout areas for emergency vehicle access, all in accordance with the recommendations and requirements of state and county fire and life safety reviewers. The applicant has renamed the former Streisand Center for Conservancy Studies to Ramirez Canyon Park. This permit is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at Ramirez Canyon Park (formerly the Streisand Center for Conservancy Studies) at 5750, 5775, 5800, 5802, and 5810 Ramirez Canyon Road, Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
 Executive Director

By: Melanie Hale
 Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

 Date

 Permittee

COASTAL DEVELOPMENT PERMIT

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Approved Site Uses

The following uses of the subject site are approved pursuant to Coastal Development Permit 4-98-334, subject to the restrictions set forth in the applicable special conditions:

- A. Park administrative offices for the Conservancy and Mountains Recreation and Conservation Authority (MRCA) (all of Barwood facility and upper story of Barn facility);
- B. Ranger residence utilized by a ranger charged with security and public safety duties;
- C. Public improvements for the proposed new trail and creekside picnic and recreation areas pursuant to Special Condition 7;
- D. 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 may be used to greet guests or as a component of site tours, but not as a primary site for group functions;
- E. Special events, groups, workshops, tours, etc., may be held in accordance with the following standards:

COASTAL DEVELOPMENT PERMIT

Page 3 of 10
Permit Application No. 4-98-334

- (1) Small group gatherings and site tours: May be conducted year-round, seven days per week, 8:00 a.m. until 9:00 p.m. Sunday through Thursday, or until 10:00 p.m. on Friday or Saturday, for groups of up to 40 participants, and may not exceed 8 tours per month, total, and 4 small group gatherings per month, total. The tours and small group gatherings are not interchangeable, and shall not be recombined in different proportions. In accordance with the applicant's proposal, the premises are provided free for such gatherings to non-profit organizations, educational groups, and public agencies, and for a fee to for-profit groups. When small group gatherings and tours are conducted between August 1 and December 31 (peak fire season), all vehicles necessary to evacuate the guests immediately must remain on site throughout the event.
- (2) Special events: Special events are defined as gatherings of guests numbering more than 40, and events of any size over 40 may only be held a maximum of one day per week during the special event season, as specified below, including weekends and holidays, and shall be restricted to the hours between 8:00 a.m. and 9:00 p.m. Sunday through Thursday, and 8:00 a.m. and 10:00 p.m. on Friday and Saturday. All guests and event support providers must leave the site no later than 10:00 p.m. on Sunday through Thursday and no later than 11:00 p.m. on Friday and Saturday. Special events for up to 200 guests may be conducted between April 1 and August 1, on one day per week only, including weekends and holidays. In addition, events up to 150 guests maximum may be held on one day per week only, from March 1 through April 1, and from August 1 through October 31 (peak fire season, which is defined as August 1 through December 31 annually for the purposes of this permit). In addition, special events during fire season must retain all guest van shuttles and drivers continuously on site during the subject event. Special events for groups of over 40 participants are held outdoors only. No special events are held between October 31 and March 1.
- F. Outreach events: These programs may be conducted year-round, seven days per week, from 8:00 a.m. to dusk, and are intended to provide access and recreation opportunities primarily for disadvantaged youths, physically-challenged visitors, and seniors. These programs are provided at no cost to the participants, and the Conservancy provides free or low-cost transportation for participants. These events are typically accompanied by two docents or rangers and require a limited number of vans or up to three small transit (RTP) buses to deliver the participants. A minimum of ten outreach events shall be conducted each month at Ramirez Canyon Park, or additional outreach programs as feasible, commencing March 1, 2001.

2. Minimum Outreach Program Requirements; Annual Monitoring Report

- A. The applicant shall conduct the maximum number of outreach program events feasible between the date of issuance of Coastal Development Permit 4-98-334 and February 28, 2001. Commencing March 1, 2001 the applicant shall conduct a minimum of ten (10) outreach program events per month throughout the year at Ramirez Canyon Park.
- B. The applicant shall submit an annual site use monitoring report to the Executive Director by November 15th of each year following permit approval. The report shall include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the previous twelve (12) months, shall distinguish between revenue-generating and non-revenue-generating events, activities, tours and outreach programs, and shall specify the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each

COASTAL DEVELOPMENT PERMITPage 4 of 10
Permit Application No. 4-98-334**Final Transportation and Parking Management .**

(Note: Traffic Trip Restrictions were revised to authorize up to 80 trips each way (40 round trips) per day maximum.)

3. Traffic Trip Restrictions:

Prior to the issuance of the coastal development permit, the applicant shall submit a final Transportation and Parking Management Plan for the review and approval of the Executive Director, which shall incorporate all provisions of the draft Plan dated March 6, 2000, in addition to the following:

- (a) No off-site public coastal access parking, including but not limited to the Winding Way Trailhead public parking, shall be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park at any time;
- (b) Daily vehicle trips associated with all authorized uses of Ramirez Canyon Park set forth in Special Condition 1 shall be restricted to a maximum of 80 trips each way per day (40 round trips).

4. Off-site Van Shuttle/Carpool Parking:

The final Transportation and Parking Management Plan shall include evidence that offsite parking provisions for groups of up to 200 guests are available at private parking locations for visitors boarding van shuttles or consolidating carpools to Ramirez Canyon Park. The applicant shall submit evidence to the satisfaction of the Executive Director that a sufficient bank of such parking is generally available to accommodate the demands of the authorized uses of Ramirez Canyon Park, without displacing the current parking use of the designated locations. The necessary evidence to achieve compliance with this requirement shall consist of the following, at a minimum, and any additional evidence that the Executive Director deems reasonable, and shall be updated as needed and made available to the Executive Director upon request, throughout the term of Coastal Development Permit 4-98-334:

- (a) A letter from the owner and operator of the designated private parking areas documenting the total supply of parking potentially available at each location, and the authority (unless written by the owner) and willingness to grant permission for use of the subject spaces during the typical hours/days of parking demand associated with the uses of Ramirez Canyon Park authorized pursuant to Special Condition 1;
- (b) Prior to the issuance of any permit or contract for the use of Ramirez Canyon Park, the applicant shall require the presentation of evidence in the form of a written agreement between the applicable parking area owner and/or operator and the Ramirez Canyon Park special event (or other activity) sponsor that sufficient off site private parking has been secured. If such agreement cannot be obtained then the special event or other proposed activity cannot be held.

5. Protocol on Ramirez Canyon Road

- (a) Prior to the issuance of the coastal development permit, the applicant shall place a clearly visible sign at the entrance gate to Ramirez Canyon Park forbidding honking except in cases of emergency;

COASTAL DEVELOPMENT PERMIT

Page 5 of 10
Permit Application No. 4-98-334

- (b) The final Transportation and Parking Management Plan shall incorporate the requirement that van shuttles minimize the total number of isolated trips on Ramirez Canyon Road by traveling fully loaded with passengers, and in convoys, to the maximum extent feasible.

6. Final Emergency Access and On-Site Parking Plan:

- A. Prior to the issuance of Coastal Development Permit 4-98-334 the applicant shall submit for the review and approval of the Executive Director a revised On-Site Emergency Access, Parking and Best Management Practices Plan prepared by a licensed civil engineer and approved by the Los Angeles County Fire Department as adequate to comply with applicable state and county fire and life safety regulations.
- B. All vehicles at Ramirez Canyon Park must use the appropriate designated parking areas identified in the approved Plan.
- C. All improvement to accessways, roads, parking, placement of signage, or other requirements contained in the Plan required herein must be completed within thirty (30) days of the issuance of Coastal Development Permit 4-98-334, or within such additional time as the Executive Director may allow for good cause.
- D. Measures to prevent pollution of Ramirez Canyon Creek by vehicle use of the site shall be addressed pursuant to Special Condition 17 herein.
- E. Any substantial changes to the Emergency Access and On Site Parking Plan, other than what is specifically outlined in this special condition, or required elsewhere within these Special Conditions, shall require an amendment to the permit. The Executive Director shall determine whether proposed changes are substantial.

7. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, erosion or wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit or injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. The Commission understands that a legislative appropriation would be required to enable the Conservancy to make the payments referred to in Section (iv) above.
- B. Prior to the issuance of the Coastal Development Permit 4-98-334, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

COASTAL DEVELOPMENT PERMITPage 6 of 10
Permit Application No. 4-98-334**8. Final Septic Disposal System Abandonment and New Wastewater Treatment and Recycled Water System Installation Plan**

Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit a final Plan that shall include the components set forth below, for the review and approval of the Executive Director. The Executive Director shall review the final Plan in consultation with the City of Malibu Environmental Health Department, the County of Los Angeles Environmental Health Department, or a qualified registered environmental sanitarian of the Executive Director's choice. The work identified in (a) (b) (c) and (d) shall be done within sixty (60) days of permit issuance. The final Plan shall:

- (a) Incorporate all recommendations set forth in the Septic System Analysis prepared by Penfield & Smith, dated March 9, 2000;
- (b) Provide for the permanent abandonment of the idle septic system and leachfields located beneath the tennis court, of the leachfield presently serving Barwood, and of the leachfields and/or pits and septic tanks presently serving Barn and Peach buildings. All abandonment plans shall conform with the standards of the Uniform Plumbing Code;
- (c) Provide for the 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 to provide for the maximum effluent production of the site during all potential seasonal conditions, as proposed in the Septic System Analysis and Recommendations prepared by Penfield and Smith and dated March 9, 2000;
- (d) Provide for the installation and maintenance on site of such emergency power generators and fuel supply necessary to maintain the wastewater treatment system (in addition to emergency lighting) continuously for at least twelve (12) hours during an interruption of conventional power supplies;
- (e) Provide for the quarterly analysis of water samples drawn immediately up- and down-stream of the subject site for a minimum of four quarters of available streamflow (streamflow in Ramirez Canyon Creek is intermittent). The testing schedule shall commence with the first quarter of available streamflow following the installation of the new wastewater treatment system. The samples shall be analyzed to determine fecal coliform concentration, and the results shall be submitted quarterly to the Executive Director. If the results of the one year analysis are adverse or inconclusive, the Executive Director shall require that additional water quality analyses be performed and that the following measures be implemented:
 - (1) Within thirty (30) days following a second water test that shows downgradient bacterial counts to be elevated above the upgradient baseline samples tested, the applicant shall submit a plan, including a timeline for implementation, for the further evaluation of the performance of the septic disposal systems associated with the ranger residence and the Art Deco building, for the review and approval of the Executive Director;

COASTAL DEVELOPMENT PERMITPage 7 of 10
Permit Application No. 4-98-334

- (2) If the results of the approved septic review plan fail to rule out the subject septic systems as a potential source of elevated fecal coliform counts downstream of Ramirez Canyon Park, the applicant shall within thirty (30) days following the completion of the review according to the approved timeline, submit a complete permit application to abandon these 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, as indicated.

9. Future Development

This permit is only for the development described in Coastal Development Permit 4-98-334. Pursuant to Title 14 California Code of Regulations sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future improvements to the subject structures or lands, or changes in the kinds or intensities of the uses of the subject site permitted by Permit No. 4-98-334, including but not limited to clearing of vegetation and grading, which might otherwise be exempt from coastal permitting requirements, shall require an amendment to Permit No. 4-98-334 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

10. Final Fire Management and Evacuation Plan

Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit a final Fire Management and Evacuation Plan, subject to the review and approval of the Executive Director, that shall incorporate the components set forth below. All development and activities at the site shall be conducted in compliance with the approved plan.

- A. Fire/Safety Review: Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit evidence to the satisfaction of the Executive Director that the State Fire Marshal and the Los Angeles County Fire Department, Division of Fire and Life Safety, have evaluated the Final Fire Management and Evacuation Plan and have determined that implementation of the Plan will achieve compliance with all applicable fire and life safety regulations, requirements, and recommendations.
- B. Annual Fuel Modification: The final Plan shall incorporate the requirement that the applicant shall annually submit evidence to the Los Angeles County Fire Department, Forestry Division, that all applicable fuel modifications requirements on site, and the maintenance of the required 13 ft. 6 inches of vertical vegetation clearance along Ramirez Canyon Road, Delaplaine Road, and Winding Way, have been implemented prior to the impending fire season. Such evidence shall in no case be submitted later than June 15 of the pertinent year.
- C. Emergency Power Generation: The plan shall provide for sufficient emergency generator(s) and fuel to be placed on site and maintained in good working order at all times to supply emergency power to Ramirez Canyon Park for a minimum of twelve (12) hours.

COASTAL DEVELOPMENT PERMITPage 8 of 10
Permit Application No. 4-98-334

- D. Cancellations Due to Hazardous Conditions: The plan shall include the requirement that all events or activities at Ramirez Canyon Park, whether revenue- or non-revenue generating, will be cancelled if the National Weather Service (a division of the National Oceanic and Atmospheric Administration – NOAA), or other state or federal hazard monitoring authority issues a “red flag” or other similar warning for fire, storm, or flood hazard for the area where Ramirez Canyon Park is located. It shall be the applicant’s daily responsibility to monitor and obtain the applicable advisories and to immediately cancel any activity at Ramirez Canyon Park scheduled for a day affected by an adverse hazard warning. In addition, the applicant shall provide written notice to all potential event or activity sponsors that reservations for Ramirez Canyon Park use are made subject to cancellation when hazard alerts or weather warnings are issued, up to and including on the scheduled day, and potentially without prior notice. The written notice must be provided to the event or activity sponsor prior to issuance of any written approval, contract or permit, as applicable, authorizing the use of Ramirez Canyon Park.

11. Wooden Bridge Reinforcement Plan

- A. Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit a construction plan to undertake the wooden bridge reinforcement measures identified by Penfield & Smith in the bridge deck analysis dated February 22, 2000. The plan shall prohibit construction if water is flowing in the creek, that a staging area outside of the riparian canopy is identified and flagged for construction workers and to store materials, that the zone of impact to riparian vegetation surrounding the bridge and bridge footings is strictly limited to that area necessary for access by no more than three workers who shall use only hand tools. The plan shall provide for the monitoring of construction activities by a qualified botanist approved by the Executive Director, and the botanist shall brief construction workers on resource damage avoidance prior to the commencement of any on site activities.
- B. Bridge reinforcement shall be completed no later than thirty (30) days after issuance of this coastal development permit. Within ten (10) working days after the completion of the bridge reinforcements the applicant shall provide written evidence, to the satisfaction of the Executive Director, that the consulting licensed civil engineer and the Los Angeles County Fire Department, Division of Fire and Life Safety, have approved the final bridge reinforcements and concluded that the bridge will safely support a 25-ton fire truck for the length of time necessary for such a truck to cross the bridge. The Executive Director may extend the applicable time lines for good cause.

12. Ramirez Canyon Park barrier-free trail and recreation facility.

In accordance with the applicant’s proposal, prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit for the review and approval of the Executive Director, a plan prepared by a licensed civil engineer, and in consultation with National Park Service, to provide a barrier-free natural area interpretive trail and creekside picnic and recreational facility within the newly designated Ramirez Canyon Park and adjacent National Park Service lands. All facilities and amenities contained in the plan or required for the safe use of the facility by physically-challenged visitors shall be incorporated into the plan and shall comply with Americans With Disabilities Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas. The applicant shall additionally submit evidence that the plan has been approved by the State Architect as ADA-compliant, unless the Office of the State Architect indicates that it has no applicable standards, in which case the applicant shall submit evidence that the National Park Service has approved the plan as ADA-compliant.

COASTAL DEVELOPMENT PERMIT

The Plan shall not incorporate grading (other than minor trail grooming) or vegetation removal within 100 feet of the outer riparian canopy or the top of streambank where no canopy exists, of Ramirez Canyon Creek. If the plan requires significant grading for the trail or trail-related facilities, or construction within the setback areas, removal of native vegetation, or the construction of new restrooms or new parking areas not existing or approved in this permit, the applicant must obtain either an amendment to Coastal Development Permit 4-98-334 or a new coastal development permit.

The applicant shall implement the construction and opening of the barrier-free trail and recreation facility within sixty (60) days of issuance of Coastal Development Permit 4-98-334 or within such additional time as the Executive Director may deem warranted.

13. Payment of Road Maintenance Dues to Ramirez Canyon Homeowners Association.

The applicant shall annually pay its share of dues assessed to members of the Ramirez Canyon Homeowners Association, calculated on the basis of six lots, for the purpose of maintaining Ramirez Canyon Road, which is a privately owned and maintained road.

(Note: Previous condition 14, "Notice of Event Schedule to Homeowners" is deleted)

14. Amplified Music/Noise Restriction

A. Amplified music shall only be provided in the special event meadow located immediately in front of the Barn facility and at no time shall amplified music be audible beyond the property boundaries adjacent to residential development. In addition, MRCA rangers 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.

B. 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.

C. Special event sponsors shall be provided written notice of these amplified music restrictions prior to entering into a contract for rental of the facility.

15. Condition Compliance (after-the-fact development)

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit, except for such additional time as may otherwise be specified within applicable special conditions.

COASTAL DEVELOPMENT PERMITPage 10 of 10
Permit Application No. 4-98-334**16. Termination of Uses**

The authorization in Coastal Development Permit No. 4-98-334 for the use of the site as Conservancy administrative headquarters and offices, and for use of the site for workshops, conferences, meetings, tours, and special events shall terminate if the site is no longer owned by the Conservancy or successor State agency. If the site is no longer owned by the Conservancy or successor State agency, the new owner may only use the site for residential purposes, and may not undertake any of the uses listed above on the site, unless a new coastal development permit is applied for and obtained that authorizes such additional use(s).

17. Drainage and Polluted Runoff Control Plan

Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan for the on site roadways, turnouts, and parking areas. The plan shall be prepared by a licensed civil engineer and shall employ all feasible, best management practices to minimize the volume, velocity and pollutant load of stormwater leaving the developed areas of the site. The plan shall include but not be limited to the following criteria:

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Runoff from all parking areas, turnouts, and driveways shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.
- (c) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area.

MAL-MAJ-3-07

Exhibit 3

City of Malibu Submittal letter for LCPA 07-002 –
December 28, 2007



City of Malibu

23815 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.ci.malibu.ca.us

December 28, 2007

California Coastal Commission
South Central Coast District Office
John Ainsworth, Deputy Director
89 South California Street, Suite 200
Ventura, CA 93001-2801

RECEIVED
DEC 28 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: City of Malibu Local Coastal Program Amendment (City Application Number LCPA No. 07-002)

Dear Mr. Ainsworth:

Pursuant to the California Code of Regulations (14 Cal. Admin. Code; Sections 13551 and 13552) and the Coastal Act (Public Resources Code), the City of Malibu hereby submits Local Coastal Program (LCP) Amendment No. 07-002 to the California Coastal Commission for processing. The amendments cover both the Land Use Plan and the Local Implementation Program. This amendment includes land use policies and development standards for and related to a Malibu Parks Public Access Enhancement Overlay. A complete discussion of the project can be found in the City Council agenda reports contained in the consolidated index.

The following referenced documents are attached:

1. Proposed Local Coastal Program Amendment No. 07-002 dated December 5, 2007
2. City of Malibu City Council Resolution Nos. 07-50 and Ordinance Nos. 316 approving amendments to the City of Malibu certified Local Coastal Program Land Use Plan and Local Implementation Plan and authorizing staff to submit the amendments to the California Coastal Commission (included in the index as entry numbers 22 and 23)
3. A consolidated index of the proceedings, noticing, and public participation pertaining to the City of Malibu's amendments to the LCP is attached including CDs of the Environmental Review Board, Planning Commission, and City Council agenda packets.

Should you have any questions, you may contact me at (310) 456-2489, extension 233.

Sincerely,

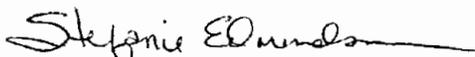

Stefanie Edmondson, AICP
Senior Planner

Exhibit 2

MAL-MAJ-3-07

Exhibit 4

City of Malibu Resolution No. 07-050

RESOLUTION NO. 07-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002, AND COROLLARY AMENDMENTS TO THE GENERAL PLAN TO INCLUDE LAND USE POLICIES AND DEVELOPMENT STANDARDS FOR AND RELATED TO A MALIBU PARKS PUBLIC ACCESS ENHANCEMENT OVERLAY

RECEIVED
 JUN 28 2007
 SOUTH COAST DISTRICT
 CALIFORNIA COASTAL COMMISSION

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

Section 1. Recitals.

A. On April 23, 2007, April Verbanac of Dudek, on behalf of the Santa Monica Mountains Conservancy (SMCC) and Mountains Recreation and Conservation Authority (MRCA) submitted an application for LCPA No. 07-002. The LCPA proposed to amend the City of Malibu Local Coastal Program (LCP) to incorporate a "Malibu Parks Public Access Enhancement Overlay." The proposed Malibu Parks Public Access Enhancement Overlay (the "Overlay") focuses on inland park areas within the Malibu coastal area. The Overlay includes Charmlee Park, which is owned and maintained by the City of Malibu, and recreational land located between the Zuma and Trancas Canyon units of the Santa Monica Mountains National Recreation Area, owned and maintained by the National Park Service, extending to Corral Canyon Park, which is owned by the SMMC and maintained by the MRCA.

In concert with and as part of the LCP, the proposed Overlay is intended to provide policies and implementation actions to complete trail connections for the Coastal Slope Trail and other connector trails through the Overlay area, which include trail connections from Zuma/Trancas Canyons to Ramirez Canyon Park and Escondido Canyon Park, through Solstice Canyon Park, and finally to Corral Canyon Park. The Overlay provides methods for establishing trail connections and filling "missing links" of the Coastal Slope Trail and connector trails and to ensure adjacent lands are protected as natural and scenic areas to enhance the recreational experience of trail corridors.

The Overlay identifies specific public access, recreational facility, and program improvements for the four park properties in the Overlay area owned collectively by the City of Malibu, the SMMC and the MRCA (Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park). The proposed improvements generally include parking, and trail improvements to support existing recreational demand within the park properties and to facilitate an increased level of accessibility for visitors with disabilities, including fully accessible overnight camping in Ramirez Park. The Overlay also addresses opportunities for creek restoration, and park administrative and public program uses at Ramirez Canyon Park that were previously the subject of a coastal development permit.

B. On May 22, 2007, pursuant to LCP Local Implementation Plan (LIP) Section 19.2.2, staff sent a letter to the applicant with the determination that the application had been properly submitted.

C. On July 12, 2007, as required by LIP Section 19.3.1., a Notice of Availability for Local Coastal Program Documents was published in a newspaper of general circulation and mailed to interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission.

D. On July 25, 2007, the application was reviewed by the Environmental Review Board (ERB).

- E. On September 20, 2007, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu. In addition, on September 20, 2007, pursuant to LIP Section 19.3.2.A, a Notice of Planning Commission Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission.
- F. On September 27, 2007, an informational item on the LCPA was presented to the Parks and Recreation Commission.
- G. On October 9, 2007, the Planning Commission held a duly noticed public hearing, reviewed and considered written reports, public testimony, and related information, and adopted Planning Commission Resolution No. 07-50, recommending that the City Council LCPA No. 07-002, to incorporate a "Malibu Parks Public Access Enhancement Overlay" with these additional revisions:
1. Incorporate a procedure to audit the camping uses to assess continuing need/demand
 2. Promote use of decomposed granite or other appropriate permeable surfaces where appropriate
 3. When determining location for camp sites, assure no adverse impact on wildlife corridors
 4. Adopt a specific definition of "cold camping," which includes, but is not limited to, use of battery operated lights or other technologies that do not include a flame or flammable liquids such as kerosene, prohibit use of charcoal and define permitted cooking mechanisms
 5. Use the most restrictive agency's determination of "red flag" or increased fire hazard warning system
 6. Encourage the construction of a road connecting Kanan Dune to Ramirez Canyon Park in connection with any increased activities in the Park
 7. Require a needs assessment as part of an application for coastal development permit for new camping or parking
 8. Approve new parking at Escondido only where demand study indicates such parking is required and expansion of existing lot is infeasible or inadequate
 9. Coordinate bus trips to assure no unnecessary increase in traffic on Point Dune
 10. Require that park signs be in English and Spanish

Also, the Commission especially endorsed the requirement that an on-site monitor be required for each park where camping is allowed.

H. On October 25, 2007, pursuant to Malibu Municipal Code Chapter 17.74 and LIP Section 19.3.2, a 21-day, quarter page Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold a public hearing on November 13, 2007 to consider an amendment of the certified Local Coastal Program, Malibu Municipal Code, and General Plan. In addition, on October 26, 2007, a Notice of City Council Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission.

I. On November 10, 2007, a Public Workshop was held.

J. On November 13, 2007, the City Council held a duly noticed public hearing. Following extensive public testimony and after commencing Council deliberations, the matter was continued to a special meeting held December 5, 2007.

Section 2. Environmental Review.

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adopt of a Local Coastal Program amendment. This application is for the amendment of the LCP, which must be certified by the California Coastal Commission before it takes effect. Section 1.3.1 of the Local Implementation Plan of the Malibu LCP states that the provisions of the LCP take precedence over any conflict between the LCP and General Plan or Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's General Plan and Zoning Ordinance, if the LCP amendment is approved, the City must also approve the corollary amendments to the General Plan and the Zoning Ordinance. These amendments are necessary for the preparation and adoption of the LCP amendment and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

Section 3. Local Coastal Program Amendment No. 07-002.

Local Coastal Program Amendment (LCPA) No. 07-002 includes amendments to the certified Local Coastal Program Land Use Plan (LUP), Land Use Map, Local Implementation Plan (LIP), and corollary amendments to the General Plan and the Zoning Ordinance. Amendments to the LUP are identified in Section 4 of this resolution and changes to the LIP are identified in Section 4 in City Council Ordinance No. 316.

Section 4. Local Coastal Program Land Use Plan Amendments.

A. Chapter 2 (Public Access and Recreation), Section C (Land Use Plan Policies) is hereby amended to include Subsection 7, Policy 2.90 (Malibu Parks Public Access Enhancement Overlay) as follows:

7. Malibu Parks Public Access Enhancement 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 Overlay pursuant to an adopted and certified overlay district.

B. Chapter 5 (New Development), Section C (and Use Policies) Subsection 1 is hereby amended to read as follows:

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.

amendment for the area. An overlay is also applied to those parkland and recreation areas included in the Malibu Parks Public Access Enhancement Overlay, 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.

C. Chapter 5.(New Development), Section C (Land Use Policies) is hereby amended to include Subsection 13, Policies 5.66 through 5.71 (Malibu Parks Public Access Enhancement Overlay) as follows:

13. Malibu Parks Public Access Enhancement Overlay Policies

- 5.66 The Malibu Parks Public Access Enhancement Overlay shall be implemented 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 Overlay provides policies and implementing measures that expand on the public access and recreation policies of the Malibu LCP which shall be implemented to enhance public access and recreation opportunities to and within existing parklands and recreation areas subject to the Malibu Parks Public Access Enhancement Overlay Map public 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 serving capacity of specific park areas taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, ability to protect natural resources, public safety issues, and neighborhood compatibility.
- 5.69 **Except where specifically conditionally permitted in the Malibu Parks Public Access Enhancement Overlay, camping is prohibited in all public parks and recreation areas.** Limited overnight campsites should be developed exclusively in existing Ramirez Canyon Park boundaries to accommodate organized programs for disabled individuals.

- 5.70 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 thematically link nature study, education and recreation via specialized public programs and events.
- 5.71 Trails to and within public parklands, public outreach and educational programs and/or related support facilities (e.g. parking, public restrooms, picnic amenities, ranger/maintenance supervisor housing, nature centers, limited personnel facilities related to the daily operation and maintenance of parklands and public access programs), and special programs and events conducted at Ramirez Canyon Park, defined in the Malibu Parks Public Access Enhancement Overlay shall be permitted to be constructed, opened and operated for intended public use or benefit only 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 and, if required, a coastal development permit is obtained.

D. Land Use Plan Park Lands Map No. 2 is hereby amended to include the trail segments identified in the Malibu Parks Public Access Enhancement Overlay attached hereto as Exhibit A.

E. The word "camping" and the word "campgrounds" are hereby deleted from Chapter 2 paragraph A under Introduction; Policy 2.1 is amended to delete the word "camping"; Policy 2.35 is amended to delete the word "campground"; Policy 2.48 is deleted in its entirety; and the word "camping" is deleted from the definition of CR zone and "summer camps" is changed to "summer day camps."

Section 5. Local Coastal Program Amendment Findings.

A. Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay, which consists of the development of trail linkages and recreational opportunities, is consistent with the City's existing LUP Chapter 2, the California Coastal Trail policies therein and subsequently Coastal Act Section 30500.

B. Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay, which consists of opportunities to enhance public access and recreational opportunities for visitors with diverse backgrounds, interests, ages, and abilities is consistent with the City's certified LUP which is required by Coastal Act Section 30500(a) to include a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

C. Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay, which adds trail segments to provide links between parks and expand the recreational hiking, biking and equestrian trails which are permitted uses in all zones is consistent with the City's certified LUP which is required by Coastal Act Section 30500(a) to include a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

D. Based on the evidence in the whole record, the City Council hereby finds that the proposed Overlay would have a beneficial impact on coastal public access and recreational opportunities for all people. The proposed 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. Therefore, the proposed Overlay is consistent with Sections 30210, 30212.5 and 30213 of the Coastal Act.

Section 6. General Plan Amendment No. 07-001.

General Plan Amendment No. 07-001 amends the General Plan to conform to the LCP amendments by amending Chapter 2 (Open Space and Recreation Element) Table 2-1 (Summary of Existing Parkland and Recreation Facilities) to amend Appendix A (Inventory of Public Recreational Resources) updating Charmlee Park and Solstice Canyon Park, adding Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park. It is included as Attachment 1.

Section 7. General Plan Amendment Findings and Approval.

The City Council hereby finds that the General Plan amendment is necessary for the proposed LCP amendment if certified by the coastal Commission. Subject to the contingency set forth in Section 10 of this Resolution, the City Council hereby approves General Plan Amendment No. 07-001.

Section 8. Approval of Amendments to the Certified Local Coastal Program LUP.

Subject to the contingency set forth in Section 10, the City Council hereby adopts Local Coastal Program Amendment No. 07-002 amending the Land Use Plan.

Section 9. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA No. 07-002 to the California Coastal Commission for certification, in conformance with the submittal requirements specified in California Code of Regulation, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 7 and Chapter 6, Article 2 and Code of Regulations Section 13551, et. seq.

Section 10. Effectiveness.

The LCP amendments and the corollary General Plan amendments approved in this resolution shall become effective only upon certification by the California Coastal Commission of these amendments to the LCP.

Section 11. ADDITIONAL FINDINGS relating to proposed road to access Ramirez Canyon Park.

The Malibu Parks Public Access Enhancement Plan Overlay establishes increased uses of Ramirez Canyon Park on the condition that the Conservancy/MRCA provide for alternative access into Ramirez Canyon Park in conjunction with seeking a coastal development permit for any future facility improvements at the Park.

The Conservancy/MRCA have identified a potential site for constructing alternative access into Ramirez Canyon and have recently been coordinating with the property owner to acquire the site for this purpose. Generally referred to as the Lauber property, the subject property is located directly adjacent to and west of Ramirez Canyon Park and fronts on Kanan Dume Road. The current property owner previously received coastal development permit approval from the Coastal Commission to develop three new residences on the site and initial grading operations for the approved development pads have been conducted. The property contains an old road bed readily visible in aerial photographs that once provided vehicular access from Kanan Dume Road into Ramirez Canyon, just south of the Park property entrance; however, it appears the road was at some point abandoned and is now in a state of natural revegetation.

The Lauber property is located in the unincorporated Santa Monica Mountains area of the County of Los Angeles which presently has no certified Local Coastal Program. As such, the standard of review for a potential secondary access road project into Ramirez Canyon would be the Coastal Act, with the Coastal Commission exercising original permit jurisdiction for any coastal development occurring onsite. In this case, the most pertinent Coastal Act policies for the proposed road development are those mandating that maximum public access and recreational opportunities be protected and provided where feasible, policies relating to protection of environmentally sensitive habitat area (ESHA), and to lesser degree, Coastal Act policies requiring that new development provide geologic stability and structural integrity and minimize risks to life and property in areas of high geologic, flood, and fire hazard.

Coastal Act Section 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 Section 30213:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30233:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section:

- (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.

Coastal Act Section 30253 states in part that 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, 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.

The Coastal Act requires that public access and recreation be maximized; however, the Act also requires that the public access and recreation provisions be balanced with the protection of environmentally sensitive habitat areas. With respect to the potential to develop a secondary access into Ramirez Canyon, the proposed road would support public access opportunities to Ramirez Canyon Park which are currently severely restricted due to issues of neighborhood compatibility which result in an allowance of only very limited public use of the single ingress/egress for the park property along Ramirez Canyon Road.

The Lauber property has historically been subject to disturbance associated with previous development and use of the now abandoned road bed, fuel modification requirements, and more recently the grading operations associated with the approved residential development. However, it has been suggested that the location of the potential secondary access road would require development in an ESHA associated with coastal sage scrub and/or chaparral habitat and, if shown to be the case, Section 30240 of the Coastal Act restricts development on the parcel outside of the presently disturbed areas to only resource dependent uses.

Because the secondary access road is not associated with or necessary to permit reasonable economic use of the property, the provisions of Section 30010 of the Coastal Act are not applicable in this case as the Commission has already established and approved residential use of the property, and therefore denial of the secondary access road due to inconsistency with the ESHA protection policies of the Coastal Act would not deprive a property owner of all reasonable economic use of the property.

However, to deny the secondary access road would result in impacts to public access and the recreation resources of Ramirez Canyon Park where, as discussed previously, access to the Park is strictly limited due to issues of neighborhood compatibility resulting in an allowance of only very limited public use of Ramirez Canyon Road, the single ingress/egress for the Park property.

Public access and recreation are recognized as significant coastal resources pursuant to Chapter 3 of the Coastal Act. Section 30007.5 of the Coastal Act recognizes that conflicts may arise when implementing the resource protection policies of Chapter 3 of the Coastal Act. Section 30007.5 of the Coastal Act provides the Coastal Commission with the ability to resolve conflicts between Coastal Act policies:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

By providing for conflict resolution when implementing Chapter 3 policies of the Coastal Act, the Coastal Act recognizes the importance and significance of all coastal resources including public access and recreation and, where a conflict arises, the Commission may implement the Coastal Act such that, on balance, the Commission's action is found to be the most protective of coastal resources.

In order for the Commission to utilize the conflict resolution provision of Section 30007.5, it must first be established that the proposal presents a substantial conflict between two statutory directives contained in Chapter 3 of the Coastal Act. The fact that a proposal is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily result in a conflict. Rather, the Commission must find that to deny the proposal based on the inconsistency with one policy will result in coastal zone effects that are inconsistent with another policy.

As described above, further study of the potential project site may demonstrate that the proposed secondary access road is inconsistent with the ESHA protection policies of Section 30240 of the Coastal Act because the proposed use, vehicular access, would not constitute a resource dependent use. However, to deny the project based on this policy inconsistency would result in adverse impacts to significant public access and recreation resources associated with the public's use and enjoyment of Ramirez Canyon Park which would be inconsistent with other Chapter 3 policies mandating that maximum public access and recreational opportunities be provided and that such resources be protected and provided where feasible.

Although approval of the secondary access road on the Lauber property may potentially result in impacts to coastal sage scrub and/or chaparral ESHA, the project would also serve to provide permanent access the open space and public recreational areas of Ramirez Canyon Park that would otherwise not be provided. As such, the proposed secondary access road would allow for a level of public use of Ramirez Canyon Park historically strictly limited, thus maximizing public access by establishing permanent public access rights and preserving the recreational opportunities of the Park property.

In terms of protecting existing public access and recreation opportunities and maximizing access to the Park's unique resources, the proposed project would create a new vehicular access route into Ramirez Canyon and thus establish a permanent means of allowing the public to access the Park property without resulting in potential land use compatibility issues for the surrounding neighborhood along Ramirez Canyon Road, and thus the associated limitations on public use and enjoyment of the property. Additional benefits to public access and recreation associated with the proposed project include development of the Coastal Slope Trail in conjunction with the secondary access road on the Lauber property where the terrain is conducive to development of a multiuse trail. Absent acquisition of the Lauber property by the Conservancy/MRCA and development of the secondary access road it is likely that, at a minimum, historic and current limitations on public access and recreational uses of the Park will continue and ultimately, given the contentious history of planning and litigation over public use of Ramirez Canyon Park, it is unknown what level of public use and enjoyment of Ramirez Canyon Park may be realized in the future. Consequently, denial of the secondary access road project would prevent the Conservancy/MRCA to provide and protect maximum public access and recreation opportunities of the Park as required by the Chapter 3 policies of the Coastal Act.

Furthermore, there are no feasible alternatives that would achieve the proposal's essential goals without violating Chapter 3 policies of the Coastal Act. The Park property is primarily surrounded by private residential land uses and only one adjacent property owner has been identified, after several years of efforts having been devoted to resolving the access issue to Ramirez Canyon Park, who presently owns

and is willing to sell property which could feasibly be developed, given location and topographic constraints, with an access road from Kanan Dume Road into Ramirez Canyon. The Park property is surrounded by NPS land to the north which is extremely steep and well vegetated thereby rendering an alternative access road in these areas infeasible.

The proposal to develop the secondary access road on the Lauber property is the preferred alternative for several reasons: it is located adjacent to existing development; the site has historically been subject to disturbance associated with the existing road bed and grading operations conducted pursuant to the approved residential development; access to the site can be gained directly off of Kanan Dume Road; the project would utilize, to the maximum extent feasible, the existing disturbed road bed thereby avoiding and minimizing impacts to adjacent ESHA; and the project is specifically to provide public access to, and maximize recreational use, of Ramirez Canyon Park. Unavoidable impacts to ESHA would be fully mitigated by restoring disturbed areas onsite and/or acquiring additional lands within Ramirez Canyon to preserve in perpetuity open space and sensitive habitat areas.

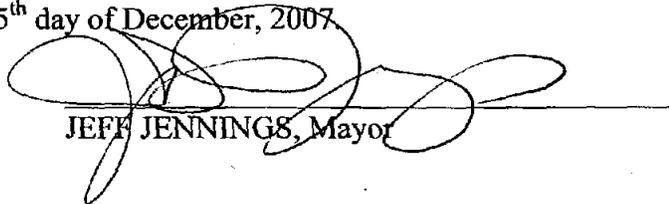
In addition, Ramirez Canyon is a relatively steep canyon from which no alternative ingress/egress route exists. The proposed secondary access road would provide an alternative means of evacuation of Park for visitors and residents, and an alternatives means for fire department personnel to enter the canyon, thus significantly enhancing the emergency evacuation and fire protection options for the canyon. Although not directly applicable to an analysis of the balancing provisions for the resource protection policies of the Coastal Act, the substantial public benefits related to public health and safety of the proposed secondary access road must be considered as the project would serve to significantly reduce risks to life and property in areas of high geologic, flood, and fire hazard, consistent with Section 30253 of the Coastal Act.

Due to the conflicts listed above, and the impacts to public access and recreation that would result from a denial of the proposed secondary access road, the City Council urges the Commission to consider the substantial evidence that supports the finding that the secondary access road, as proposed and with appropriate ESHA mitigation, would be the most protective of coastal resources.

Section 12. Certification.

The City Clerk shall certify the adoption of this Resolution.

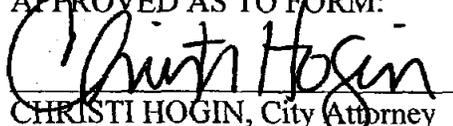
PASSED, APPROVED AND ADOPTED this 5th day of December, 2007


JEFF JENNINGS, Mayor

ATTEST:

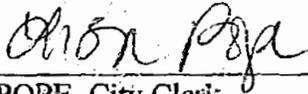

LISA POPE, City clerk
(seal)

APPROVED AS TO FORM:


CHRISTI HOGIN, City Attorney
Exhibit 4

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 07-50 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 5th day of December, 2007, by the following vote:

AYES: 5 Councilmembers: Barovsky, Kearsley, Stern, Conley Ulich, Jennings
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)



EXHIBIT

- Malibu City Limits
- National Park Service Lands
- Charmlee Park (City of Malibu - 530 acres)
- Corral Canyon Park (Santa Monica Mountains Conservancy - 340 acres)
- Escondido Canyon Park (Santa Monica Mountains Conservancy - 140 acres)
- Ramirez Canyon Park (Santa Monica Mountains Conservancy - 22 acres)

Santa Monica Mountains Conservancy/Mountains Recreation and Conservation Authority
 Malibu Local Coastal Program Amendment

Resolution No. 07-50

EXHIBIT A - Malibu Parks Public Access Enhancement Plan Overlay Map

Resolution No. 07-50
 The Parks, Trails, and
 Charmlee Park, Ramirez Canyon Park,
 Escondido Canyon Park, Solstice Canyon Park,
 and Ramirez Canyon Park as well as connections
 to the Coastal Slope Trail throughout the Plan Area

**LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002
REQUEST TO ADD THE MALIBU PUBLIC PARKS ACCESS ENHANCEMENT PLAN OVERLAY**

TABLE B - PERMITTED USES

| KEY TO TABLE (In addition to a coastal development permit, the following permits are required.) | |
|---|---|
| P | Permitted use |
| MCUP | Requires the approval of a minor Conditional Use Permit by the Director |
| CUP | Requires the approval of a Conditional Use Permit |
| A | Permitted only as an accessory use to an otherwise permitted use |
| LFDC | Requires the approval of a Large Family Day Care permit |
| WTF | Requires the approval of a Wireless Telecommunications Facility |
| • | Not permitted (Prohibited) |

| USE | RR | SF | MF | MFDF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP | MPP AEO | |
|---|----------------|----------------|----------------|----------------|-----|----|-----|----|----|------|------|----|----|---|-----|-----|------------|---|
| RESIDENTIAL | | | | | | | | | | | | | | | | | | |
| Single family residential | P | P | P | P | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Manufactured homes | P | P | P | P | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Multiple-family residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments) | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Second units | A ¹ | A ¹ | A ¹ | A ¹ | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Mobile home parks | • | • | • | • | P | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses) | • | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Mobile home as residence during construction | P | P | P | MCUP | • | • | • | • | • | • | • | • | • | • | • | • | • | • |

**LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002
REQUEST TO ADD THE MALIBU PUBLIC PARKS ACCESS ENHANCEMENT PLAN OVERLAY**

MAL

Exhibit 4

| USE | RR | SF | MT | MTBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP | MFP AEO | |
|---|-----------------------------|-----------------|-----------------|-----------------|-----|----|-----|----|----|------|------|----|----|---|-----|-----|------------|-----------|
| Accessory uses (guest units, garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-commercial), sports courts (non-illuminated), corrals (non-commercial), and similar uses) | A ¹ | A ¹ | A ¹ | A ¹ | • | • | • | • | • | • | • | • | • | • | • | • | • | JU-3-07 • |
| Residential care facilities (serving 6 or fewer persons) | P | P | P | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Small family day care (serving 6 or fewer persons) | A | A | A | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Large family day care (serving 7 to 12 persons) | LFDC | LFDC | LFDC | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Home occupations | P/ MCU P ² | P/ MCUP 2 | P/ MCUP 2 | P/ MCUP 2 | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| AGRICULTURAL/ANIMAL-RELATED | | | | | | | | | | | | | | | | | | |
| Domestic animals kept as pets or for personal use | A | A | A | A | A | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Equestrian and hiking trails (public and private) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P• |

As Adopted by the California Coastal Commission on September 13, 2002 with modifications requested by LCPA No. 07-002

**LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002
REQUEST TO ADD THE MALIBU PUBLIC PARKS ACCESS ENHANCEMENT PLAN OVERLAY**

MALIBU J-3-07

Exhibit 4

| USE | RR | SF | MF | MIFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP | MFP | AFO |
|--|----------------|----|----|-------|-----|------------------|-----|----|-----|------|------|-----|----|---|-----|-----|-----|-----|
| Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities) | • | • | • | • | • | CUP | • | • | CUP | • | • | CUP | • | • | • | • | • | • |
| Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals, provided that such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises | P ³ | • | • | • | • | CUP ³ | • | • | • | • | • | • | • | • | • | • | • | • |
| Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals | P | A | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • | • |
| Boarding of horses as a commercial use | MCU | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Raising of hogs or pigs | P | • | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • | • |
| Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature | P | • | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • | • |

As Adopted by the California Coastal Commission on September 13, 2002 with modifications requested by LCPA No. 07-002

**LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002
REQUEST TO ADD THE MALIBU PUBLIC PARKS ACCESS ENHANCEMENT PLAN OVERLAY**

MAL J-3-07

Exhibit 4

| USE | RR | SF | MF | MEBF | MHR | CR | BPO | CN | CG | CV-1 | CV-2 | CG | OS | I | PRF | RVP | MPP | |
|--|----|----|-----|------|-----|-----|-----|------|-----|------------------|------------------|-----|-----|---|-----|-----|-----|---|
| Greenhouses | P | • | CUP | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • | • |
| Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises | A | A | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Wildlife preserves | • | • | • | • | • | P | • | • | • | • | • | • | P | • | • | • | • | • |
| RETAIL USES | | | | | | | | | | | | | | | | | | |
| Book stores | • | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • | • | • |
| Convenience stores | • | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • | • |
| Food markets | • | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • | • | • |
| Hardware, garden supply stores | • | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • | • | • |
| Liquor stores | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | CUP | CUP | • | • | • | • | • |
| Plant nurseries | • | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • | • | • |
| Prescription pharmacies | • | • | • | • | • | • | A | P | P | P | P | P | P | • | • | • | • | • |
| Stationary supplies | • | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • | • | • |
| Visitor-oriented goods such as recreational equipment and clothing, souvenirs, local arts/crafts, and similar uses | • | • | • | • | • | • | • | MCUP | • | P | P | • | • | • | • | • | • | • |
| GENERAL SERVICES | | | | | | | | | | | | | | | | | | |
| Bakeries (no on-site seating) | • | • | • | • | • | • | • | P | P | P ⁴ | P ⁴ | P | P | • | • | • | • | • |
| Barber shops, beauty salons | • | • | • | • | • | • | • | P | P | P ⁴ | P ⁴ | P | P | • | • | • | • | • |
| Laundry, dry cleaners | • | • | • | • | • | • | • | P | P | P ⁴ | P ⁴ | P | P | • | • | • | • | • |
| Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses | • | • | • | • | • | • | • | P | P | P ⁴ | P ⁴ | P | P | • | • | • | • | • |
| OFFICE/HEALTH USES | | | | | | | | | | | | | | | | | | |
| Banks, financial institutions | • | • | • | • | • | • | • | P | P | P ⁴ | P ⁴ | P | P | • | • | • | • | • |
| Health care facilities | • | • | • | • | • | • | • | • | CUP | CUP ⁴ | CUP ⁴ | CUP | CUP | • | • | • | • | • |

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As Adopted by the California Coastal Commission on September 13, 2002 with modifications requested by LCPA No. 07-002

**LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002
REQUEST TO ADD THE MALIBU PUBLIC PARKS ACCESS ENHANCEMENT PLAN OVERLAY**

MAL

Exhibit 4

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP | RPT ZEO | |
|--|-----|-----|-----|------|-----|-----|-----|------------------|------------------|------------------|------------------|------------------|----|---|-----|-----|---------------------|-----|
| Medical, dental, physical therapy, and veterinary clinics and offices | • | • | • | • | • | • | P | P ⁵ | P ⁵ | P ^{4,5} | P ^{4,5} | P ⁵ | • | • | • | • | U-3-07 ₂ | |
| Professional offices | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • | • | | |
| DINING, DRINKING, AND ENTERTAINMENT | | | | | | | | | | | | | | | | | | |
| Amphitheatre | • | • | • | • | • | • | • | • | • | P | P | • | • | • | • | • | • | |
| Bars | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • | • | |
| Live entertainment | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • | • | |
| Movie theaters | • | • | • | • | • | • | • | • | • | CUP | CUP | CUP | • | • | • | • | • | |
| Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands | • | • | • | • | • | • | • | • | • | CUP | CUP | CUP | • | • | • | • | • | |
| Restaurants | • | • | • | • | • | • | • | CUP ⁶ | CUP ⁷ | CUP ⁷ | CUP ⁷ | CUP ⁷ | • | • | • | • | • | |
| AUTOMOTIVE-RELATED USES | | | | | | | | | | | | | | | | | | |
| Vehicle washing/detailing | • | • | • | • | • | • | • | CUP ⁸ | CUP ⁸ | CUP | CUP | CUP | • | • | • | • | • | |
| Service stations (without convenience market) | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • | • | |
| Towing and automobile storage | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • | |
| RECREATION AND LEISURE | | | | | | | | | | | | | | | | | | |
| Camping | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP |
| Guest Cabins | | | | | | P | | | | | | | | | | | | • |
| Community stage theaters | CUP | | | | | • | | | | | | | | | | | | • |
| Cultural and artistic uses (such as museums, galleries, performing arts venues) | • | • | • | • | • | CUP | • | CUP | CUP | CUP | CUP | CUP | • | • | • | • | • | • |
| Dance studios | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • | • | • |
| Golf driving ranges | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • | • | • |
| Health clubs | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • | • | • |
| Hotels | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Motels, bed and breakfast inns | • | • | • | • | • | • | • | • | • | CUP | CUP | CUP | • | • | • | • | • | • |
| Parks, beaches, and playgrounds | CUP | CUP | CUP | CUP | • | P | • | CUP | CUP | CUP | CUP | CUP | P | • | P | • | • | P |

As Adopted by the California Coastal Commission on September 13, 2002 with modifications requested by LCPA No. 07-002

**LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002
REQUEST TO ADD THE MALIBU PUBLIC PARKS ACCESS ENHANCEMENT PLAN OVERLAY**

MAL-

Exhibit

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | J | PRF | RVP | MPP | ATO | |
|--|-----|-----|-----|------|-----|-----|-----|-----------------|-----------------|------------------|------------------|-----------------|-----|-----|-----|-----|-----|-----|-----------------|
| Park Administrative Office | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Public Beach Accessway | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses) | • | • | • | • | • | A | • | • | CUP | CUP ⁹ | CUP ⁹ | CUP | P | • | P | • | • | • | • |
| Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes) | • | CUP | CUP | CUP | • | • | • | CUP | CUP | • | • | CUP | • | • | • | • | • | • | • |
| Recreational vehicle parks | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Sports courts (lighted) | • | • | • | • | • | • | • | CUP | CUP | CUP ⁹ | CUP ⁹ | CUP | • | • | • | P | • | • | • |
| PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES | | | | | | | | | | | | | | | | | | | |
| Charitable, philanthropic activities | • | • | • | • | • | • | • | P ¹⁰ | P ¹⁰ | P ¹⁰ | P ¹⁰ | P ¹⁰ | • | CUP | • | • | • | • | P ¹¹ |
| Churches, temples, and other places of worship | • | • | CUP | • | • | • | • | CUP | CUP | CUP | CUP | CUP | • | CUP | • | • | • | • | • |
| Community centers | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • |
| Day care facilities, nursery schools | CUP | CUP | CUP | • | • | • | • | CUP | CUP | CUP | CUP | CUP | • | CUP | • | • | • | • | • |
| Educational (non-profit) activities | • | • | • | • | • | • | • | P | P | P | P | P | P | CUP | • | • | • | • | P ¹¹ |
| Educational institutions (public or private) | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • |
| Emergency communication and service facilities | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP ⁴ | CUP ⁴ | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP |
| Helipad sites | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Government facilities | • | • | CUP | • | • | • | • | P | P | P ⁴ | P ⁴ | P | • | CUP | • | • | • | • | P ¹¹ |
| Libraries, museums | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • |
| Maintenance yards | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • |
| Public utility facilities | CUP | CUP | CUP | CUP | • | • | • | CUP | CUP | CUP ⁴ | CUP ⁴ | CUP | CUP | CUP | • | • | • | • | • |
| Research institutions | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • |

As Adopted by the California Coastal Commission on September 13, 2002 with modifications requested by LCPA No. 07-002

**LOCAL COASTAL PROGRAM AMENDMENT NO. 07-002
REQUEST TO ADD THE MALIBU PUBLIC PARKS ACCESS ENHANCEMENT PLAN OVERLAY**

MAL

Exhibit 4

| USE | RR | SF | MF | MUBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | FRF | RVP | RFP | |
|---|-----|----|----|------|-----|-----|-----|-----|-----|------|------------------|------------------|-----|-----|-----|-----|-----|--|
| Residential care facilities for the elderly | • | • | • | • | • | • | • | • | CUP | CUP | CUP ⁴ | CUP ⁴ | • | CUP | • | • | • | |
| Wastewater storage and hauling | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • | |
| Wireless telecommunications antennae and facilities | WTF | • | • | • | • | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF | • | |
| CONSTRUCTION/LIGHT INDUSTRIAL USES | | | | | | | | | | | | | | | | | | |
| Construction services (neighborhood-serving) | • | • | • | • | • | • | • | • | CUP | • | • | CUP | • | • | • | • | • | |
| Manufacturing, processing, or treatment of products | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • | |
| Masonry and building supplies | • | • | • | • | • | • | • | • | • | • | • | P | • | • | • | • | • | |
| Metal welding | • | • | • | • | • | • | • | • | • | • | • | P | • | • | • | • | • | |
| Research and development, testing facilities | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • | |
| Self-storage | • | • | • | • | • | • | • | CUP | CUP | • | • | CUP | • | • | • | • | • | |
| Wholesale, storage, and distribution | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • | |
| OTHER USES | | | | | | | | | | | | | | | | | | |
| Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m. | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | |
| Mixed use (commercial and residential) | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • | |

Notes

1. Subject to Residential Development Standards (Section 3.6)
2. Subject to Home Occupations Standards [(Section 3.6(O))]
3. Use Prohibited in Environmentally Sensitive Habitat Areas
4. This commercial use may be permitted only if at least 50% of the total floor area of the project is devoted to visitor serving commercial use
5. CUP for veterinary hospitals
6. Maximum interior occupancy of 125 persons
7. If exceeding interior occupancy of 125 persons
8. By hand only
9. Use permitted only if available to general public
10. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
11. Use permitted subject to the Malibu Parks Public Access

on September 13, 2002 with modifications requested by LCPA No. 07-002