

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th16b



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original staff report

ADDENDUM

DATE: December 9, 2015

TO: Coastal Commissioners and Interested Persons

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th16b, City of Malibu Local Coastal Program Amendment No. MAL-MAJ-2-11-B (Parkland/Trails Map Update and Trail Incentive Program), Thursday, December 10, 2015

The purpose of this addendum is to (1) attach correspondence received since the publication of the staff report and (2) make changes and clarifications to the staff report.

1. Correspondence Received.

- a. A letter dated December 7, 2015 was submitted by Paul Edelman, Deputy Director of Natural Resources and Planning at Santa Monica Mountains Conservancy (SMMC). The letter is attached as **Exhibit 1** of this addendum. The letter recommends that the Commission include several suggested modifications to the proposed amendment. The first recommendation requested by SMMC is to incorporate three trail alignments (Escondido Connector Trail, Sweetwater Mesa Trail and an unnamed trail to connect Ramirez Canyon Road to Murphy Way) into the proposed amendment. Specifically, SMMC requests the Escondido Connector Trail be incorporated into the LUP Park Lands Map, and Sweetwater Mesa Trail and an unnamed trail to connect Ramirez Canyon Road to Murphy Way be included into the Parklands and Trails Dedication Incentive Program Map. After an initial review of the proposed trail inclusions, Commission staff does not recommend the inclusion of these trails on the basis that there is not sufficient evidence to determine at this time if these trails provide any regional significance or connectivity to other regional trails. Additionally there is not adequate time for input from the City and other stakeholders and public agencies regarding these trail inclusions.

The second recommendation requested by SMMC is to include additional language to be added to proposed LIP Section 13.30.1.A.4 to clarify which applicable public access provisions contained in LIP Chapter 12 shall apply to the voluntary trail dedications. Specifically, SMMC proposes language to be included that list specific requirements for recorded documents that are required pursuant to proposed LIP Section 13.30. Commission staff does not recommend the addition of the suggested modification proposed by the Conservancy because the proposed amendment language, if modified as suggested in the November 24, 2015 staff report, will be sufficiently clear regarding which public access provisions, including but not limited to those regarding recorded documents, contained in LIP Chapter 12 apply to the voluntary trail dedications.

The third recommendation requested by the Conservancy is to include additional language to be incorporated into proposed LIP Section 13.30.1.A.1 (which refers to the minimum trail easement area of 10 feet in width), to require that the applicant demonstrate that the trail can be constructed in a feasible and usable manner. Specifically, the Conservancy proposes language that: (1) requires proposed trail easements to be much wider than the Commission staff suggested minimum of 10 feet in width; (2) encourage moderate trail grades; and (3) require trails to be located on flatter portions of the site where feasible. Commission staff does not recommend the additional language proposed above because the proposed amendment language, if modified as suggested in the subject staff report, already contains policies and provisions to require that proposed trail easements are feasible and of a sufficient size for design of any necessary switchbacks, future trail construction and maintenance. Therefore, applicants are already required to demonstrate feasibility of trail construction prior to obtaining a development incentive.

The fourth recommendation requested by the Conservancy is to require that development incentives which include reduced setbacks should only be allowed if it can be demonstrated that the reduced setback will not result in fuel modification on adjacent parkland. In response, Commission staff would note that modification of the required parkland buffer development standards in LIP Section 3.6 are not included as one of the development incentives provided for in the Trail Dedication Incentives Program. So, those standards would continue to apply and could not be reduced as part of a trail incentive approval. Additionally, this request is outside the scope of the proposed amendment. Therefore Commission staff does not recommend the addition of the suggested modification proposed by the Conservancy.

The fifth and final recommendation suggested by the Conservancy is to include language to encourage applicants to directly grant trail easements, rather than record offers to dedicate a trail easement. Commission staff would note that direct dedications are the most effective way to implement public trail easements and therefore the following revisions shall be made to proposed LIP Section 13.30.1 (A)(4), and included as part of Suggested Modification Six (6), to require the City to encourage applicants to directly grant trail easements when an accepting agency is available and willing at the time of processing. Language proposed by the City of Malibu in this amendment to be inserted is shown in underlined and language suggested to be inserted is shown as **bold double underline**.

13.30.1 Applicability

A. When either an offer to dedicate or grant of easement is volunteered by a property owner for a public trail easement on a residentially-zoned property, the approving body may grant a trail dedication incentive subject to the following requirements:

...

4. Applicable public access provisions contained in Chapter 12 of the LIP shall apply, including that prior to the issuance of the coastal development permit associated with the trail dedication incentive, the property owner must execute and record the trail offer

to dedicate or direct grant of easement that is in the form and content acceptable to the California Coastal Commission. **Direct grant of trail easement shall be preferred when an accepting agency is available and willing at the time of processing.**

- b. A supplemental letter dated December 8, 2015 was submitted by Paul Edelman, Deputy Director of Natural Resources and Planning at Santa Monica Mountains Conservancy (SMMC). The letter is attached as **Exhibit 2** of this addendum. The letter recommends that the Commission include two suggested modifications to the proposed amendment. The first recommendation includes a trail alignment connecting Charmlee Wilderness Park and Encinal Canyon Road to be incorporated into the LUP Park Lands Map. After an initial review of the proposed trail inclusion, Commission staff does not recommend the inclusion of this trail on the same basis as previously noted above. The Conservancy did not provide sufficient evidence to determine at this time if this trail provides regional significance or connectivity to other regional trails, and there is not adequate time for input from the City and other stakeholders and public agencies regarding this trail inclusion. The second suggested modification to the proposed amendment is to include a note on the LUP Park Lands Map that states trail alignments shown on the Park Lands Map are best approximations, and site-specific conditions may warrant slight adjustments on the trail alignments when recording trail easements or offers to dedicate. Commission staff notes that the Park Lands Map does not contain site-specific parcel boundaries and that the trail alignments on the map depict general alignments which are intended to be determined in greater detail based on site-specific information at the time development is approved through a coastal development permit. Therefore, Commission staff does not believe a note stating that the trail alignments shown on the map are best approximations is necessary.
- c. A letter dated December 8, 2015 (attached as **Exhibit 3** of this addendum) was submitted by C. Dean Rasmussen, an interested party and City of Malibu property owner. The letter expresses opposition to the proposed inclusion of the “Escondido Connector” trail along his property line and states that mapping of the trail alignment represents an impact to his property. In response, Commission staff would note that the “Escondido Connector” trail is not currently mapped on (and is not being proposed to be added to) the LUP Park Lands Map, which would trigger the requirements of LUP Policy 2.49 or LIP Section 12.4, which requires that a trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment on the LUP Park Lands Map. Rather, the subject LCP Amendment proposes to add the “Escondido Connector” trail to the Trails Dedication Incentives Program Map. This would allow the current or future owner of this property to request a development incentive as part of the Trail Dedication Incentives Program.
- d. An email was received by Commission staff on December 9, 2015 from Melanie Beck, Outdoor Recreation Planner at Santa Monica Mountains National Recreation Area National Parks Service (NPS). The email is attached as **Exhibit 4** of this addendum. The email requests that the Commission make four trail-specific edits prior to approval of the proposed amendment. The first trail edit recommendation is to remove the El Nido Trail that connects from the El Nido community into NPS-owned Solstice Canyon. The second trail edit requests a

correction of the designation of the Dry Canyon Trail in Solstice Canyon to an existing public trail up to its the northeast NPS boundary with private property. The third request is to remove the Avocado Trail from NPS-owned parkland in Zuma and Trancas Canyon, because it is not a public trail. The final and fourth request is to remove the Unofficial/Proposed Trail that roughly parallels Zuma Canyon Trail because the trail is the Zuma Creek stream bed and not a trail. Staff notes that NPS did not submit sufficient evidence or a detailed explanation to determine at this time if these trail edits are necessary or appropriate. Therefore, Commission staff does not recommend the inclusion of these trail edits, and reiterates that there is not adequate time for input from the City and other stakeholders and public agencies. The Commission encourages the City to analyze these requested trail edits and submit a future LCP amendment to reflect any necessary changes.

2. Revisions.

The following revisions to the suggested modifications of the November 24, 2015 staff report shall be made as follows (language to be inserted is shown as **bold double underline** and language to be deleted is shown in ~~**bold double underline**~~ and other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in italics):

- a. The City of Malibu has requested the following changes be made to Suggested Modification Five (5) in order to clarify that this access dedication provision shall apply to access dedications required and dedications volunteered.

LIP Section 12.6.7 Legal Description of an Accessway: Recordation

- A. An access dedication (offer to dedicate or grant of easement) required pursuant to Section 12.4 of the Malibu LIP or offered by a property owner pursuant to Section 13.30 of the Malibu LIP, or otherwise volunteered, shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows: (1) for lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as dripline of deck. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation; (2) for blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail; (3) for vertical access: extending from the road to the mean high tide line (or bluff edge).
- b. The City of Malibu has requested the following correction be made to Suggested Modification Four (4) part (a):
 - c. *The ~~westerly~~ easterly one-third of APN 4460-019-028, west of Dan Blocker Beach*

- c. The City of Malibu has also requested the following correction be made to the first paragraph of Suggested Modification Three (4) part (e):

e. The Parkland and Trails Dedication Incentive Program Map Note text located at the bottom of each map sheet, shall be revised as follows:

Note: This map was prepared by the City of Malibu, Planning ~~Division~~ **Department**, and adopted by the City Council on April 25, 2011 [*this date shall be modified to reflect the date of the subsequent action by the City Council to accept these suggested modifications*]. Parks owned by the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority are identified as "SMMC / MRCA Parks" on the map legend. Some of the trails shown on this map have not been developed and/or rights for the public to use them may not have been granted. Therefore, this map should not be used as a guide for hiking, equestrian, or any other similar purpose.

- d. The City of Malibu has also requested the following change to Suggested Modification Seven (7) to allow for maximum flexibility between property owners and trail accepting agencies for site-specific designs and alignment of trails:

13.30.2 Application Requirements

1. The following information shall be provided for trail dedication incentive applications:

...

- a. Proposed trail alignment with topography, or boundaries of the proposed trail easement area and/or a floating easement (an offer to dedicate a trail easement recorded over a larger area that would allow for a trail to be designed and constructed within the floating easement area in accordance with an accepting agency's specifications) # floating easement. The alignment must demonstrate feasibility of use and construction. Alignments along a public street right of way or private street easement must demonstrate feasible connectivity with other offers to dedicate, easements, or planned alignments on the same side of the street;

- e. The City of Malibu has also requested the inclusion of a flag lot diagram in order to illustrate the standard required in proposed LIP Section 13.30.1(B). Therefore, in order to include this diagram, Suggested Modification No. 8 shall be added and state the following:

Add a flag lot diagram to illustrate the standard contained in LIP Section 13.30.1(B) and insert it into the LIP at the end of that provision.

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December 7, 2015

Chairperson Steve Kinsey and California Coastal Commission
California Coastal Commission
89 South California Street, #200
Ventura, California 93001

**City of Malibu Local Coastal Program Trails Systems Map Update and Development
Incentives Provisions, Proposed Major Amendment No. MAL-MAJ-2-11-B
Thursday, December 10, 2015 Hearing, Item 16b**

Dear Chairperson Kinsey and Commissioners:

The Santa Monica Mountains Conservancy (Conservancy) has been following closely the development of the trails maps and trail dedication incentive provisions. Staffs from the City of Malibu and the Conservancy have been coordinating over the years on these topics and the Conservancy has been providing comments via letters and emails since at least 2006. Please consider the following recommendations. (Please note that "Parkland and Trails Dedication Incentive Program Map" is referred to as "Trails Incentive Map" in this letter.)

Add Escondido Connector to Park Lands Map

In the Conservancy's February 28, 2011 letter, the Conservancy supported the inclusion of Escondido Connector. Now that two sets of trails maps are being proposed by the Commission, we reiterate that this trail should be included in both sets of maps. It is currently shown on the map that will be the Trails Incentive Map (Exhibit 5, Map 2). We strongly suggest that the Commission staff and Commission include a suggested modification to the staff recommendation at the December 10, 2015 meeting to add Escondido Connector to the Park Lands Map (Map 2). It is our understanding that after the December 10, 2015 meeting, some of the trails (green lines) shown on the Park Lands maps (Exhibit 6) will be realigned to match the trails on the Trails Incentive Map (Suggested Modification No. 2, Item [b][1]). If the Commission decides not to add Escondido Connector to the Park Lands Map at the December 10, 2015 hearing, then it should be shown as the realignment of the existing green trail connecting Murphy Way to Winding Way.

The Escondido Connector has regional significance because it is a key alternate to the Coastal Slope Trail that would connect existing easements (e.g., on Assessor Parcel Number [APN] 4467-006-017 [or -030, parcel number may have changed]) and planned trails from Ramirez Canyon across Murphy Way to Escondido Canyon Park. The Escondido Connector is vital as an alternate route to Escondido Falls to alleviate escalating use pressures on the Winding Way East Trail. The Escondido Connector would provide a different, safer, more natural trail experience than the existing trail along Winding Way, which follows a paved road. In addition, the Escondido Connector would have less elevation change and be more accessible to a wider range of members of the public than the trail proposed to the north (from Murphy Way to Escondido Canyon Park at the City of Malibu/unincorporated Los Angeles County border). We urge the Commission to add the Escondido Connector to the Park Lands Map.

Add Sweetwater Mesa Trail to Trails Incentive Map

In the Conservancy's February 28, 2011 letter, the Conservancy recommended adding the Sweetwater Mesa Trail alignment which would connect existing trail easements/offers to dedicate. We recommend that the Commission staff and Commission include a suggested modification to include the Sweetwater Mesa trail along existing trail easements/offers to dedicate (see attached) to the Trails Incentive Map.

Suggested Modification 3b (Exhibit 7) proposes to add the Sweetwater Mesa Trail Lot 1 Trail Dedication. We concur with this addition. However, this would leave the Sweetwater Mesa trail at the southwest corner of this parcel as a dead-end, when in fact it abuts another trail easement or offer to dedicate (APNs 4452-025-006 and 4452-016-004; CDP 5-89-145). This Sweetwater Mesa Trail could potentially connect to at least two other trail easements/offers to dedicate (APN 4452-017-009, CDP 5-88-443; APN 4452-017-005, CDP 5-85-362). The Commission previously was involved in obtaining these trail easement offers to dedicate. Specifically for the trail easement offer to dedicate on APNs 4452-025-006 and 4452-016-004, the Commission found that dedication of the trail easement was consistent with the Coastal Act and the Malibu Land Use Plan. This addition would connect the Sweetwater Mesa Trail Lot 1 Trail Dedication to other trail easements and to Malibu Creek State Park. This proposed Sweetwater Mesa trail (attached) also has the potential (pending one or more additional trail easements) to connect the Coastal Slope Trail to Malibu Creek State Park.

Add Trail to Connect Ramirez Canyon Road to Murphy Way on Trails Incentive Map

It is important to show feasible trail connections between Ramirez Canyon Road and Murphy Way. There have been various trail alignments discussed in this area over the years in light of various development proposals. There is an existing trail easement on the east side of Ramirez Canyon Road (APNs 4467-007-017, -018, -019, and -020). MRCA also holds a conservation and trail easement over a portion of the “Gardner” property (APN 4467-003-021) and a trail easement at 5801 Murphy Way (APN 4467-003-032). We recommend that the trail alignment be shown on the attached map along all four borders of the parcel (APN 4467-003-24) to the south of the Gardner parcel to ensure adequate trail connections.

Clarification Needed for Application of LIP Public Access Provisions to Voluntary Trail Dedications

We concur with the proposed text in the Trail Incentives section in the Local Implementation Plan (LIP; 13.30.1.A.4) which states:

Applicable public access provisions contained in Chapter 12 of the LIP shall apply, including that prior to the issuance of the coastal development permit associated with the trail dedication incentive, the property owner must execute and record the trail offer to dedicate or direct grant of easement that is in a form and content acceptable to the California Coastal Commission.

There are numerous LIP Chapter 12 provisions that are critical to implement, if a property owner is going to derive a benefit through an incentive. It is unclear which other Chapter 12 provisions are “applicable” to the voluntary trail dedications. For example, Suggested Modification No. 5 specifically calls out access dedications pursuant to Section 13.30. What about all the other items in Section 12 that do not call specifically call out Section 13.30? For example, would Section 12.6.7.D (providing legal descriptions and maps of the easement area and parcel) and Section 12.6.9 (providing title information) apply to voluntary trail easements and offers to dedicate? To clarify any confusion, we recommend the following underlined text be added to Section 13.30.1.A.4:

The recorded document pursuant to Section 13.30 shall include legal descriptions and a map drawn to scale of both the applicant’s entire parcel and the easement area. The offer or grant shall be recorded free of prior

liens and any other encumbrances which the Coastal Commission [or local agency authorized by the Commission pursuant to 14 Cal. Admin. Code Section 13574(b)] determines may affect the interest being conveyed.

In addition, prior to the issuance of the permit or other authorization for development pursuant to Section 13.30, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section 12.6.7 of the Malibu LIP determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement.

Importance of Demonstrating Feasibility of Trail within Trail Easement/Offer to Dedicate

We appreciate the City's and Coastal Commission staff's efforts to ensure that the proposed trail easements and offers to dedicate are actually feasible (13.30.1.A.1.). It is critical that the applicant demonstrate that the trail can be constructed and used by the public in a usable manner (e.g., Applicability: Section 13.30.1.A.1, Application Requirements: 13.30.2.1.c, Findings: 13.30.4.3.), if the applicant will derive a development benefit through an incentive. We also see the value in setting a minimum width for a trail easement area (i.e., 10-foot-wide minimum, Suggested Modification No. 6).

However, additional specificity is warranted for the application requirements so that the onus is on the applicant to demonstrate conclusively that the trail easement is feasible, or to allow for flexibility to build a feasible trail. For a long trail easement over variable, steep, or unknown terrain, an applicant may be able to conduct a limited analysis of topography and changes in grade using Geographic Information Systems (GIS) as part of the permit application process to develop a proposed trail route. However, there may be a myriad of additional, unexpected challenges in the trail construction process. In these cases, we strongly suggested much wider trail easements (e.g., 50-foot-wide, or over the remaining undeveloped open space block on the property) to account for these challenges (e.g., rock faces; geological constraints; areas of excessive erosion; need to avoid sensitive vegetation, protected trees, and rare wildlife or plant species; creek crossings; unexpected obstructions; difficulty of access for construction; need for additional switchbacks, etc.). We recommend adding the underlined text to the Suggested Modification No. 6 for Section 13.30.1.A.1., which refers to the minimum trail easement areas of 10 feet in width: "For trail easements

and offers to dedicate for long trails and/or over steep, variable, or unknown terrain, proposed trail easements typically shall be much wider (e.g., 50-foot-wide, or over the remaining open space block on the property)."

We also want to specifically encourage moderate trail grades, i.e., eight to ten percent maximum¹. Moderate trail grades are desirable, both to maximize accessibility for people of varying abilities, but also to minimize erosion and maintenance. Although one person may state it is "feasible" to build a long trail with many stretches at steep grades (e.g., 15 percent), this is not preferred. We recommend adding the following changes to Section 13.30.2 Application Requirements.1.c. (underlined text is proposed to be added, strike-out text is proposed to be deleted):

The applicant must demonstrate feasibility of use, and construction, and maintenance. The applicant shall identify the proposed grades along the trail, demonstrate consistency with the goal of a maximum of 10 percent grade to the maximum extent feasible, and shall provide justification for any steep grades. Alternately, if it is not feasible to demonstrate this level of detail, particularly along long trails and/or over steep, variable, or unknown terrain, the applicant shall provide a trail easement of sufficient width (e.g., 50-foot-wide or over the remaining open space block on the property) to allow for flexibility in constructing the trail..

The proposed Trail Dedication Incentive text allows trail structures to be exempt from the slope requirements of LIP Section 3.6(J) if determined to be geologically feasible by City Geotechnical staff. This text should not be used to discourage locating the trail easement area on flatter portions of parcels. Locating a trail easement on the flatter portion of a parcel is preferable because of lower construction costs, less erosion, less maintenance, and increased accessibility for people of varying abilities. The following underlined text should be added to Section 13.30.1.c.1.:

...Trails shall be sited and designed to minimize grading and landform alteration to the maximum extent feasible. This includes locating the trail on flatter portions of the site and avoiding steep slopes, where feasible.

¹ See Santa Monica Mountains Areas Recreational Trail Coordination Project (September 1997) Multiple Use Trail Guidelines:
<http://www.nps.gov/samo/learn/management/upload/SmmartMultiUse.pdf>

Reduced Setbacks Should Avoid Additional Fuel Modification on Parkland

The current buffers to parkland in the LCP (100 feet) may not protect for fuel modification zones of 200 feet. The current LCP (Section 3.6.F.6) states that buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width. The following underlined text should be added as a new section: 13.30.1.C.6. Any reduced setbacks may only be allowed if it can be demonstrated that the reduced setbacks will not result in fuel modification on adjacent parkland.

Other Comment

Finally, we suggest the Commission to add text to encourage applicants to directly grant trail easements, rather than record offers to dedicate a trail easement. Time has shown that direct dedications are the most effective way to derive public benefit and prevent permanent lapses in required or volunteered mitigation.

Thank you for your consideration. Should you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3200, ext. 121 or by email at judi.tamasi@mrca.ca.gov. I can be reached by phone at (310) 589-3200, ext. 128 or by email at edelman@smmc.ca.gov.

Sincerely,




PAUL EDELMAN
Deputy Director for
Natural Resources and Planning

Program LS SYSTEM MAP

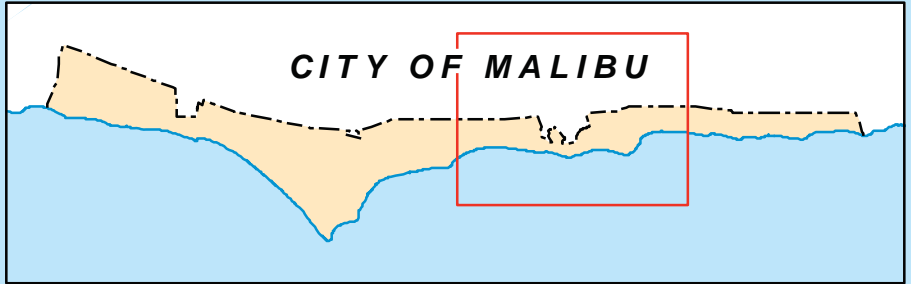


SMMC Comments
12/7/15

SMMC Proposed Trail by Sweetwater Mesa: 

Existing Trail Easement or Offer to Dedicate Trail Easement on Subject Property: (not all trail easements shown on this map) *

(Sweetwater Mesa Trail Lot 1 Trail Dedication to be added on this parcel per Suggested Modification 3b)

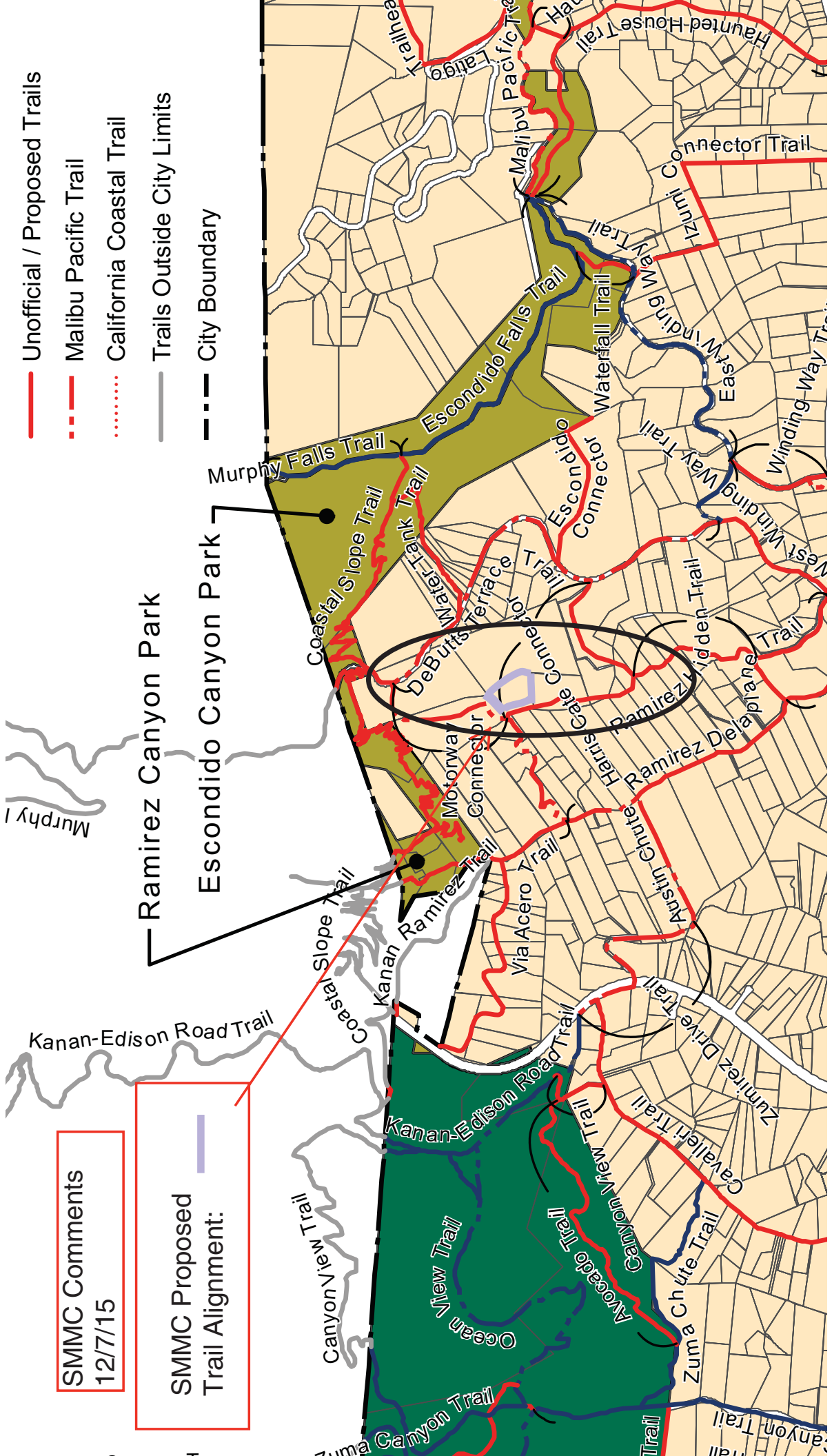


into Monica Mountains Conservancy
on this map have not been developed
for any other similar purpose.

numbering in any way the right, title,
alignment" for the purposes of LUP
easement or otherwise be used as

1) by the property owner; (2) through a
3) by a prescriptive easement).

- Unofficial / Proposed Trails
- Malibu Pacific Trail
- California Coastal Trail
- Trails Outside City Limits
- City Boundary



SMMC Comments
12/7/15

SMMC Proposed
Trail Alignment:



SANTA MONICA MOUNTAINS CONSERVANCY

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December 8, 2015

California Coastal Commission
Chairperson Steve Kinsey and Commissioners
89 South California Street, #200
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SUPPLEMENTAL COMMENTS

**City of Malibu Local Coastal Program Trails Systems Map Update and Development
Incentives Provisions, Proposed Major Amendment No. MAL-MAJ-2-11-B
Thursday, December 10, 2015 Hearing, Item 16b**

Dear Chairperson Kinsey and Commissioners:

Please see comments (attached) submitted on December 7, 2015 by the Santa Monica Mountains Conservancy (Conservancy) regarding the development of the trails maps and trail dedication incentive provisions. In addition to those comments in the December 7, 2015 letter, we have two additional comments.

On Park Lands Map, Use Updated Coastal Slope Trail Alignment from Charmlee Wilderness Park to Both Sides of Encinal Canyon Road

The Coastal Slope Trail alignment connecting Charmlee Wilderness Park and Encinal Canyon Road (including the alignment just east of Encinal Canyon Road), which is shown on the City of Malibu's Local Coastal Program Parkland and Trail System Map (Exhibit 5 of the Commission's staff report), should be incorporated into the Park Lands Map (see attached). The alignment in this location is regionally significant. It is the most likely alignment of the Coastal Slope Trail based on physical limitations. Our agency has spent years coordinating with the City and the applicant for this property (Assessor Parcel Number 4473-006-008) to develop a feasible and reasonable trail alignment. It was our understanding that the City approved the development on the property (Coastal Development Permit No. 07-072), and that a trail dedication was required prior to the issuance of permits. It appears that a house and/or other structure(s) has been built on the property, along with an access road (see Google Earth). However, it is our understanding that the trail easement or offer to dedicate has not been recorded.

It is our understanding that after the December 10, 2015 meeting, some of the trails (green lines) shown on the Park Lands maps (Exhibit 6) will be realigned to match the trails on the Parkland and Trails Dedication Incentive Program Map (Suggested Modification No. 2, Item [b][1]). In this location, this is the only updated realignment to choose from on Exhibit 5. It is critical that the Park Lands Map be updated to include the trail alignment from Charmlee Wilderness Park to Encinal Canyon Road (including the alignment just east of Encinal Canyon Road), as shown in Exhibit 5, be added to the Park Lands Map.

Need for Flexibility in Location of Trails on Park Lands Map

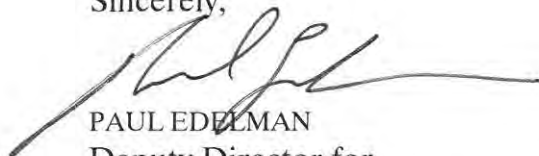
We recommend adding the following underlined text as a note to the Park Lands Map:

The trail alignments shown on this map are best approximations. However, site-specific conditions (e.g., on-the-ground constraints, locations of property ownerships, etc.) may warrant slight adjustments of the trail alignments when recording trail easements or offers to dedicate.

It is important to recognize that the trail alignments on the Park Lands Map are not set in stone. The trail alignments on the Park Lands Map are older, broad brush alignments and much information has been learned since then. There are numerous scenarios in which it would be preferable to shift a trail alignment when requiring and recording a trail easement. A property owner may want to realign slightly the trail alignment in an easement for his property in order to locate the trail further from the proposed home. It may be preferable to realign a trail segment in a trail easement due to topographic, geologic, or biological constraints. A trail segment may be shown overlapping two properties on the Park Lands Map, when in fact a property owner for an adjacent single property could offer a single trail easement that still gets from Point A to Point B.

Thank you for your consideration of these two supplemental comments. Should you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3200, ext. 121 or by email at judi.tamasi@mrca.ca.gov. I can be reached by phone at (310) 589-3200, ext. 128 or by email at edelman@smmc.ca.gov.

Sincerely,



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December 8, 2015

Re: ITEM No. Th 16b - Proposed major amendment No. MAL-MAJ-2-11-B (South Central Coast District Agenda Item # 16 B to be heard at meeting on December 10, 2015)

Honorable Commissioners,

I am a 72 year old man with Parkinson's disease, and just learned that at your meeting on December 10, 2015 you are going to vote on whether or not a public trail should be proposed (required?) along the property line of a parcel that I own in Malibu, California.

I am shocked and befuddled as to why a trail alignment (the so-called "Escondido Connector") is being proposed along my property line, and what criteria were used to make a determination that it is necessary. It appears to me that this trail alignment is being proposed in an arbitrary manner. Not one, but two alternative trails connecting Murphy Way (formerly DeButts Terrace) to Escondido Canyon Park already exist within a few hundred yards of the proposed alignment, one to the north and one to the south. There are many other areas where a trail clearly should be provided before this one.

Creation of a trail at this location will impose an undue hardship on my land. If this trail were constructed on the alignment shown, it would have a severe negative impact on my property and privacy, without any additional benefit to the public.

Approximately three years ago, my representative met with Paul Edelman of the Mountains Recreation and Conservation Authority and offered to dedicate a public trail 10' wide on our northeastern property line. It was my understanding that this alignment was acceptable to Mr. Edelman. Please relocate the proposed "Escondido Connector Trail" from my southwestern property line as a 10' wide trail straddling our northeastern property line, which abuts the Escondido Canyon Parkland.

If a determination is made in the future that this additional neighborhood shortcut is indeed vital, such a trail can always be added. However, imposing a requirement that a trail be created over our property without due process is irreversible. I consider the proposed trail a violation of the 14th amendment of the constitution.

When I purchased this property in 1988, it was zoned for 4 lots and approved by the County of Los Angeles for a four lot subdivision on several occasions. After formation of the Coastal Commission, the parcel was downzoned to two lots when it was approved for a two lot subdivision. Subsequently, this same parcel was further downzoned by the City of Malibu to just one single family home on twelve acres. Adding this trail at this time is a further detriment to the value of my land, in addition to the already astonishing burden which has been imposed over the years.

Because of geological and other constraints, there is only one small area on my twelve acre parcel which is suitable for building. This area has been found both by Commission and by City staff to be the least environmentally damaging alternative and is the only feasible building location. An existing access road crosses directly through this building site and has been used by some neighbors for recreation with my permission. Apparently this has led to a high degree of confusion whereby certain trail proponents mistakenly believe that the existing access road and the proposed "Escondido Connector" trail are one and the same, while they absolutely are not. The access road passes directly through my only feasible building site and for this reason a trail at this location cannot coexist with development of the property. Any decision on this topic should be preceded by a fair hearing with accurate information, reliable mapping and the application of expertise with regard to difficult questions such as where a property line is actually located on the ground.

Very truly yours,

C. Dean Rasmussen

From: [Beck, Melanie](mailto:Beck.Melanie)
To: [Venegas, Denise@Coastal](mailto:Venegas.Denise@Coastal)
Cc: [Christensen, Deanna@Coastal](mailto:Christensen.Deanna@Coastal); [Carey, Barbara@Coastal](mailto:Carey.Barbara@Coastal); [Hudson, Steve@Coastal](mailto:Hudson.Steve@Coastal); [David Szymanski](mailto:David.Szymanski); [Edelman, Paul@Santa Monica Mountains Conservancy](mailto:Edelman.Paul@Santa Monica Mountains Conservancy); [Judi Tamasi](mailto:Judi.Tamasi)
Subject: Malibu Parkland/Trails Map Update and Incentive Prog., Agenda Item Th16b
Date: Wednesday, December 09, 2015 9:14:00 AM

Dear Ms. Venegas:

The National Park Service (NPS) would like the Commission to know that NPS concurs with the comments provided by Santa Monica Mountains Conservancy (SMMC) in letters dated December 7, 2015, and December 8, 2015. SMMC's comments regarding trail alignment planning, trail construction and long-term maintenance easement considerations, trail design for sustainability and user enjoyment (e.g. trail grade), and easement conveyance express a wealth of experience held by SMMC, as well as the other partner agencies of Santa Monica Mountains National Recreation Area (SMMNRA), i.e. the National Park Service and California State Parks. Los Angeles County has also been an important partner in providing accurate public use trail information on the internet. NPS also supports SMMC's trail-specific recommendations, corrections, and updates.

NPS worked with the City of Malibu and their Trails Advisory Committee beginning in 2005. Because the City of Malibu lies entirely within SMMNRA, NPS assisted the city as an agency consultant to the committee and provided a GIS-based trail inventory for trails within and adjacent to the city. The Advisory Committee then worked through the inventory and identified trails to be included in an LCP update of the trails and parkland map. NPS attributed the GIS data layer accordingly and provided hardcopy maps and digital files for the final planning maps for the Advisory Committee. Thereafter, the city continued to edit and fine-tune the trail inventory within the city.

There are four trail-specific edits we request be made prior to approving the updated LCP trail maps:

1. Remove the El Nido Trail that connects from the El Nido community into NPS-owned Solstice Canyon. The trail is steep, heavily eroded, and no longer serves the general public. After further damage from erosion after the 2007 Corral Fire, NPS is no longer recognizing the trail and will restore the trail tread to natural conditions as funding permits.
2. Correct the designation of the Dry Canyon Trail in Solstice Canyon to an existing public trail up to it's the northeast NPS boundary with private property.
3. Remove the Avocado Trail from NPS-owned Zuma and Trancas Canyons. This is not a public trail.
4. Remove the Unofficial/Proposed Trail that roughly parallels Zuma Canyon Trail. It is the Zuma Creek stream bed, not a trail.

Please also note that NPS, in partnership with State Parks, SMMC, and Mountains Recreation and Conservation Authority (MRCA), is preparing the SMMNRA Interagency Trail Management Plan (TMP) and joint EIS/EIR. NPS has included Coastal Commission staff on the mailing list for this forthcoming plan. Coastal Commission is an important, valued, agency with which the agencies will consult on the TMP.

Public scoping for the TMP EIS/EIR was completed in February, 2014. NPS and the partner agencies are currently preparing the draft EIS/EIR. The anticipated completion of the TMP is in 2017. Upon completion, the TMP trail maps will be provided to Coastal Commission and the City of Malibu. TMP-mapped existing public trails and plans for incorporating and/or constructing new trails apply to trails on the partner agencies' lands. Trails outside those public lands are advisory in nature and may or may not be updated on local agencies' trail plans, including the Malibu LCP, the Santa Monica Mountains LCP, and Ventura County's LCP for the Santa Monica Mountains.

Thank you for your consideration. Please feel free to call if you have questions.

Sincerely,

Melanie Beck

cc: David Szymanski, Superintendent, SMMNRA

Melanie Beck, Outdoor Recreation Planner
Santa Monica Mountains National Recreation Area
National Park Service
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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Th16b

DATE: November 24, 2015

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Program Analyst
Denise Venegas, Coastal Program Analyst

SUBJECT: City of Malibu Local Coastal Program Amendment No. MAL-MAJ-2-11-B
(Parkland/Trails Map Update and Trail Incentive Program) for Public Hearing and
Commission Action at the December 10, 2015 Commission Meeting in Monterey.

DESCRIPTION OF THE SUBMITTAL

The City of Malibu (“City”) is requesting an amendment to the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP) to replace the existing “Park Lands Map” in the LUP with a new map that would update the trails on the map by reflecting the most current inventory of existing and planned public parkland and inland trails in the City. The City also proposes to use the amended map for the purpose of implementing a new Trail Dedication Incentives Program, which would provide development incentives in exchange for voluntary trail dedications offered by private property owners as part of new residential development applications.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **DENY** the proposed City of Malibu LCP Amendment No. MAL-MAJ-2-11-B, as submitted, and **APPROVE** the amendment subject to suggested modifications. The motions to accomplish this are found on Pages 7-9 of this staff report. The standard of review for the proposed changes to the Local Implementation Plan is whether the LIP, as amended, would conform with and be adequate to carry out the provisions of the Land Use Plan (LUP) portion of the certified City of Malibu Local Coastal Program, as amended. The standard of review for the proposed changes to the Land Use Plan is whether the LUP, as amended, would meet the requirements of and be consistent with the policies of Chapter 3 of the Coastal Act.

The City of Malibu (“City”) is requesting an amendment to the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP) to replace the existing “Park Lands Map” in the LUP (which shows existing public parklands and existing and planned public trails) with an updated map (which the City proposes to re-label “Parkland and Trails System Map”) that reflects the most up-to-date information available as to the current inventory of existing and planned public parkland and inland trails in the City. The new proposed

map is intended to continue to serve as a resource for public access planning within the City, and as a tool for the implementation of certain policies and provisions of the LCP, including the proposed Trail Dedication Incentives Program, which is also the subject of this LCP amendment. The proposed map includes refinements and/or additions of existing and planned public trails, and the addition of public parkland that has been acquired by the City or other public agencies since the existing map was certified by the Coastal Commission in 2002. The updated map includes a mix of conceptual and actual trail alignments, including developed and historically-used regional and connector trails, neighborhood trails, and future planned trails providing connectivity from recreational areas in the Santa Monica Mountains. In addition to updating public parkland and inland trail information, the City proposes to revise the graphic layout of the map so that the map would show parcel boundaries and consist of 4 inset sheets. This graphic layout will allow for the access information to be shown at a larger scale than the certified map. Additionally, the City proposes to modify the map legend to revise the categories of information shown and to utilize a different color scheme to depict the categories.

Staff is recommending suggested modifications related to the proposed map update to address issues regarding consistency with the public access policies of the Coastal Act, and to ensure internal consistency with the public access policies of the certified LUP. Specifically, the City is proposing a map note on the bottom of each proposed map sheet that discusses legal mechanisms by which public access rights over trails develop, and states, in part, that the trails and proposed alignments shown on the map shall not be construed as an “LCP mapped trail alignment” for the purpose of LUP Policy 2.49 or LIP Section 12.4. However, that is precisely one of the reasons for the original mapping of trails. LUP Policy 2.49 states that a trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment or where there is substantial evidence that prescriptive rights exist. The proposed map note would create a significant internal inconsistency within the City’s LUP, make the updated trails map irrelevant to LUP Policy 2.49 and LIP Section 12.4, and leave Policy 2.49 with a reference to “LCP mapped trail alignment[s]” when it would be unclear where such mapping would exist and thus would result in an inconsistency in the LCP. Staff recommends Suggested Modification 3 to revise the map note to delete the problematic language that undermines the public access policies and provisions of the City’s LCP and the Coastal Act.

Furthermore, the City’s proposed addition of many less significant “neighborhood” trails on the proposed map update may cause inadequate interpretation and implementation of LUP Policy 2.49 or LIP Section 12.4, as well as other provisions and policies of the LCP, since the map is be used as a planning document to inform the City’s interpretation of the public access policies and provisions of the certified LCP. As such, staff recommends that the existing certified LUP “Park Lands Map” be retained as part of the LUP and updated to reflect the updated public parkland and trail alignment locations consistent with those on the proposed map (with the exception of the proposed neighborhood trails), as detailed in Suggested Modification 2. However, staff recommends that the proposed map be approved subject to a suggested modification (Suggested Modification 2) to change the proposed map title from “Parkland and Trails System Map” to “Parkland and Trails Dedication Incentive Program Map” in order to clarify the intended use of the map for implementing the proposed Trail Dedication Incentives Program and to help distinguish it from the existing LUP “Park Lands Map.” Moreover, Suggested Modification 1 is

recommended to modify LUP Policies 2.14, 2.45 and 2.49 to clarify the appropriate parkland and trails map reference to avoid any misinterpretation in the LCP.

In addition, the proposed map update includes trails designated as “Existing Official Trails,” “Unofficial/Proposed Trails” and “Malibu Pacific Trail.” However, several trails delineated “Unofficial/Proposed Trails” on the proposed map are trails that have been granted to, or for which a trail offer has been accepted by, a public agency, and the “Unofficial” label would therefore be misleading, even if they may not have been constructed yet and therefore, designating a trail segment “Unofficial/Proposed” although the trail segment has been accepted and considered official, may result in potential confusion and impacts to public access. Thus, staff recommends Suggested Modification 3 to revise the proposed map and legend to depict all trails on the map as a single category titled “Trails,” with the exception of the California Coastal Trail and trails outside city limits.

The proposed map, the name of which will be changed to Parkland and Trails Dedication Incentive Program Map, includes a general alignment of the California Coastal Trail (CCT) running along the length of the City’s coastline for planning purposes (a 22.7 mile segment). The addition of a conceptual alignment of the state- and regionally-significant CCT on the proposed map is important and consistent with LCP policies that require planning for the CCT and mapping it on all applicable City Trails Maps of the LUP. However, the City’s proposed generic depiction of the CCT on the proposed map does not comply the CCT policies and objectives in the LCP (LUP Policies 2.54 - 2.62) that require thoughtful planning and siting of the CCT to provide a vital link of the statewide CCT along this stretch of coast. It appears to be infeasible for the CCT to be uniformly aligned along the City’s coastline, as proposed, given various constraints. In consultation with Commission staff, since submittal of the subject LCP amendment the City has adjusted the CCT alignment around physical obstructions along the coast. Suggested Modification 3 incorporates seven inland segments of the CCT that the City has requested to be added in addition to the coastline shoreline alignment. Although these inland segments aid in the future trail planning efforts of the CCT in the City, additional siting and design analysis for CCT alignments in the City is required in order to comply with the specific CCT planning and implementation policies in the LCP. The City has indicated that the proposed map is not the final CCT map as required by LUP Policies 2.61 and 2.62 and that additional and more comprehensive CCT planning efforts will be completed by the City once funding becomes available; however, at this time, the City desires to show a general alignment along the coast as part of its proposed Park Lands Map update. Therefore, Commission staff has encouraged the City to analyze and plan a final CCT alignment consistent with all the CCT policies and provisions in the LCP and submit it to the Commission for review and certification under a future LCP amendment.

The City also proposes to amend the LIP portion of the certified LCP to include a new Trail Dedication Incentives Program, which would provide a program to make certain incentives available, in the form of less onerous development restrictions, in exchange for voluntary trail dedications offered by private residential property owners as part of new residential development applications. It seeks to encourage new trail dedications in the City by offering property owners a development benefit in exchange for recordation of an irrevocable offer to dedicate (OTD), or a direct dedication/grant of, a trail easement (hereinafter referred to as a “trail dedication”). The

City has proposed a range of incentives (such as reduced yard setbacks and certain other development standard modifications that are detailed in Section V.A.1 of this report) that are intended to provide benefits to both small and large property owners and that are practical in nature and consistent with applicable LCP policies. For each qualifying trail dedication offered, a property owner may choose one development incentive from the list of available incentives. The development project and the offered trail must demonstrate compliance with all applicable provisions and required findings of the LCP. Commission staff is recommending suggested modifications (Suggested Modifications 3, 4, 5, 6, and 7) to reflect minor changes that are necessary to clarify and amend details and processing of the trail dedication incentive program; to include a minimum trail width for implementation of the proposed trail easements; clarify the processing of access dedications (offer to dedicate or grant of easement) in coastal development permits; and make corrections to the designations of parcels that were either inadvertently designated or not designated parkland on the proposed map. Additionally, these minor modifications are necessary to ensure consistency with the LCP, such as deleting outside references to documents that are not part of the standard of review for the LCP; and make minor clarifications that further the intent and implementation of the LCP and where the lack of information may cause inadequate interpretation and implementation of the LCP.

As such, the Commission recommends adoption of suggested modifications in order to ensure the proposed LUP portion of the LCP amendment will be consistent with the applicable policies of the Coastal Act and the LIP amendment conform with and will be adequate to carry out the applicable policies of the certified Land Use Plan.

Additional Information: For further information, please contact Denise Venegas at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the City of Malibu Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission or on the Commission's website at <http://www.coastal.ca.gov/mtgcurr.html>.

TABLE OF CONTENTS

I. PROCEDURAL ISSUES.....	6
A. STANDARD OF REVIEW	6
B. PUBLIC PARTICIPATION.....	7
C. PROCEDURAL REQUIREMENTS.....	7
II. STAFF MOTIONS, RESOLUTIONS, AND RECOMMENDATIONS	7
A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED.....	7
B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS	8
C. DENIAL OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED.....	9
D. CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS.....	9
III. SUGGESTED MODIFICATIONS ON THE LAND USE PLAN (LUP) AMENDMENT	10
IV. SUGGESTED MODIFICATIONS ON THE LOCAL IMPLEMENTATION PLAN AMENDMENT	14
V. FINDINGS FOR DENIAL OF THE CITY OF MALIBU LUP/LIP AMENDMENT, AS SUBMITTED, AND FINDINGS FOR APPROVAL OF THE CITY OF MALIBU LUP/LIP AMENDMENT, IF MODIFIED AS SUGGESTED	17
A. PROPOSED AMENDMENT DESCRIPTION AND BACKGROUND	18
B. CONSISTENCY ANALYSIS AND FINDINGS	22
1. Public Access and Recreation.....	22
VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT	33

APPENDICES

Appendix A Substantive File Documents

EXHIBITS

- Exhibit 1. City of Malibu Proposed LCP Land Use Plan Amendment Text
 - Exhibit 2. City of Malibu Proposed LCP Local Implementation Amendment Text
 - Exhibit 3. City of Malibu Ordinance No. 358 Approving the Proposed LCP Land Use Plan Amendment
 - Exhibit 4. City of Malibu Resolution No. 11-15 Approving the Proposed LCP Local Implementation Amendment
 - Exhibit 5. Proposed City of Malibu “Parklands and Trails System Map”
 - Exhibit 6. Current Certified City of Malibu Park Lands Map
 - Exhibit 7. Sweetwater Mesa Trail Lot 1 Trail Dedication & Country Estates Connector Trail Realignment
 - Exhibit 8. California Coastal Trail Inland Segments
-

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act 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 Commission may suggest modifications...(Section 30513)

The proposed amendment affects the Land Use Plan and Implementation Plan components of the certified City of Malibu LCP. The standard of review that the Commission uses in reviewing the

proposed Land Use Plan amendment is whether the Land Use Plan, as proposed to be amended, would be consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan (IP) portion of the certified LCP, pursuant to Section 30513 of the Coastal Act, is whether the IP, as proposed to be amended, would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (including the proposed amendments) portion of the certified City of Malibu LCP. In this case, since all Chapter 3 policies of the Coastal Act have been incorporated in their entirety into the certified Land Use Plan, the standard of review for the proposed amendment to the IP is effectively also whether the IP, as proposed to be amended, would be in conformance with and adequate to carry out the Chapter 3 policies of the Coastal Act.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held a series of public hearings on the subject amendment requests. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. The City received written or oral comments regarding the proposed amendment from interested parties or members of the public. Notice of the subject amendment 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 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 Ordinance and Resolution for this amendment states that the amendment will take effect after Commission certification. However, in this case, if the Commission approves this Amendment subject to suggested modifications, as recommended by staff, , the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (California Code of Regulations, Title 14, Section 13542 and 13544). Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

II. STAFF MOTIONS, RESOLUTIONS, AND RECOMMENDATIONS

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

A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

Motion I:

I move that the Commission certify Land Use Plan Amendment MAL-MAJ-2-11-B as submitted by the City of Malibu.

STAFF RECOMMENDATION TO DENY:

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

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment MAL-MAJ-2-11-B as submitted by the City of Malibu and adopts the findings set forth below on grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion II:

I move that the Commission certify the Land Use Plan Amendment MAL-MAJ-2-11-B for the City of Malibu if it is modified as recommended by staff.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment MAL-MAJ-2-11-B for the City of Malibu if modified as suggested and adopts the findings set forth below on grounds that the Land Use Plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are

no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. DENIAL OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

Motion I:

I move that the Commission reject the City of Malibu Local Implementation Plan Amendment MAL-MAJ-2-11-B as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan 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 LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the City of Malibu Local Implementation Plan Amendment MAL-MAJ-2-11-B and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan amendment 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 Plan amendment as submitted.

D. CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion II:

I move that the Commission certify the City of Malibu Local Implementation Plan Amendment MAL-MAJ-2-11-B if it is modified as suggested in this staff report.

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan Amendment with suggested modifications 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 CERTIFY THE LOCAL IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Local Implementation Plan Amendment MAL-MAJ-2-11-B for the City of Malibu if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan, as amended by the proposed amendment with the suggested modifications, will conform with and be adequate to carry out the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS ON THE LAND USE PLAN (LUP) AMENDMENT

The staff recommends the Commission certify the proposed LUP Amendment, with the modifications as shown below. The existing language in the certified Land Use Plan is shown in straight type. Language proposed by the City of Malibu in this amendment to be inserted is shown underlined and language proposed to be deleted is shown in ~~strikethrough~~. Language proposed by Commission staff to be inserted is shown in double underline and language proposed to be deleted is shown in ~~double strikethrough~~. Language proposed to be deleted by City, but required to be retained by Commission is shown in ~~strikethrough~~ with double underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION NO. 1

Land Use Plan Policy 2.14:

Incentives Program

- A. An incentives program that will encourage landowners to make lands available for public access and recreation uses should be developed.

- B. Incentives may be provided for applicants to voluntarily dedicate, or offer to dedicate, public trail easements along trails shown on the Parkland and Trails Dedication Incentive Program Map or along other trails that the City determines provide connectivity to the trail network. Where incentives would allow for modification of development standards, they may be approved only when the associated development is consistent with all other applicable provisions of the LCP.

...

Land Use Plan Policy 2.45:

An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system

includes trails located within state and national parklands as well as those which cross private property in the City and County. The City’s existing and proposed trails are shown on the LUP ~~Park Lands Parkland and Trails System~~ Map. A safe trail system shall be provided throughout the mountains and along the shoreline that achieves the following:

- a) Connects parks and major recreational facilities;
- b) Links with trail systems of adjacent jurisdictions;
- c) Provides recreational corridors between the mountains and the coast;
- d) Allows for flexible, site-specific design and routing to minimize impacts on adjacent development, and fragile habitats. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources;
- e) Provides connections with populated areas;
- f) Includes trails designed to accommodate multiple use (hiking, biking and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized;
- g) Reserves certain trails for hiking only;
- h) Facilitates linkages to community trail systems;
- i) Provides diverse recreational and aesthetic experiences;
- j) Prohibits public use of motorized vehicles on any trail;
- k) Provides public parking at trail head areas;
- l) Ensures that trails are used for their intended purpose and that trail use does not violate private property rights.

...

Land Use Plan Policy 2.49:

A trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment shown on the LUP Park Lands Map or where there is substantial evidence that prescriptive rights exist. An existing trail which has historically been used by the public may be relocated as long as the new trail alignment offers equivalent public use. Both new development and the trail alignment shall be sited and designed to provide a maximum privacy for residents and maximum safety for trail users.

SUGGESTED MODIFICATION NO. 2

- a) *The title of the proposed Parkland and Trails System Map (Exhibit 5) shall be revised from “Parkland and Trails System Map” to “Parkland and Trails Dedication Incentive Program Map” and shall be incorporated into the Table of Contents under “List of Maps” and all references to the “Parkland and Trails System Map” shall be modified accordingly.*
- b) *The existing, certified Land Use Plan “Park Lands Map” (Exhibit 6) shall be retained and modified as follows:*
 - 1. *Update the planned trail alignments for trails shown on the Park Lands Map consistent with the minor realignments shown for those planned trail alignments on*

- the new proposed map, which, pursuant to point (a), will now be known as the “Parkland and Trails Dedication Incentive Program Map” (Exhibit 5).*
2. *Add the California Coastal Trail consistent with the California Coastal Trail alignment as shown on the new proposed map, “Parkland and Trails Dedication Incentive Program Map,” and as modified pursuant to LUP Suggested Modification No. 3 (d) below.*
 3. *Update the mapping of parkland parcels consistent with the mapped parkland parcels as shown on the new proposed map, “Parkland and Trails Dedication Incentive Program Map,” and as modified pursuant to LUP Suggested Modification No. 4 below.*
 4. *Update the legend consistent with the legend shown on the new proposed map, “Parkland and Trails Dedication Incentive Program Map,” and as modified pursuant to LUP Suggested Modification No. 3 (a) below.*

SUGGESTED MODIFICATION NO. 3

The new proposed map, which, pursuant to point (a) of Suggested Modification No. 2, will now be known as the “Parkland and Trails Dedication Incentive Program Map” (Exhibit 5) shall be modified as follows:

- a) *The Parkland and Trails Dedication Incentive Program Map Legend on each proposed map sheet shall be modified as follows:*
 1. *With the exception of the California Coastal Trail and trails outside city limits, all trails shown on the map (including ones labeled as “Existing Official Trails,” “Unofficial/Proposed Trail,” and “Malibu Pacific Trail” in the City’s proposal) shall be shown as a single category titled “Trails.”*
 2. *Add a new park land ownership designation titled “Mountains Restoration Trust” and add a color designation for identification of this parkland.*
- b) *Sweetwater Mesa Trail Lot 1 trail dedication, as generally shown on exhibit 7 of the staff report, shall be added to the map.*
- c) *Modify the trail alignment for the Country Estates Connector trail as shown on exhibit 7 of the staff report.*
- d) *Include seven inland segments of the California Coastal Trail (CCT), in addition to the proposed coastline segments, at the following locations and as generally depicted on exhibit 8 of the staff report.*
 1. *Between the upcoast end of East Sea Level Drive (APN 4470-001-017) to the vertical accessway east of 31346 Broad Beach Road (APN 4470-016-012)*
 2. *Point Dume. Adjust CCT alignment to connect to the existing Point Dume Loop Trail around the southern point of Point Dume and back at the coast using the same Point Dume Loop Trail*
 3. *Inland at 26174 Pacific Coast Highway (APN4459-021-019)*
 4. *Between the vertical accessway west of 24434 Malibu Road (APN 4458-011-033) to the vertical accessway east of 24320 Malibu Road (APN 4458-011-013)*

5. *Between 21200 Pacific Coast Highway (APN 4451-001-042) to 20802 Pacific Coast Highway (APN 4450-007-027)*
 6. *Between 19768 Pacific Coast Highway (APN 4449-008-012) and back at the coast at a vertical accessway at the Las Tunas Beach Park (APN 4449-006-900)*
 7. *Between the vertical accessway on 19324 Pacific Coast Highway (APN 4449-005-009) to the vertical accessway at 19016 Pacific Coast Highway (APN 4449-003-027)*
- e) *The Parkland and Trails Dedication Incentive Program Map Note text located at the bottom of each map sheet, shall be revised as follows:*

Note: This map was prepared by the City of Malibu, Planning Division, and adopted by the City Council on April 25, 2011 [*this date shall be modified to reflect the date of the subsequent action by the City Council to accept these suggested modifications*]. Parks owned by the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority are identified as "SMMC / MRCA Parks" on the map legend. Some of the trails shown on this map have not been developed and/or rights for the public to use them may not have been granted. Therefore, this map should not be used as a guide for hiking, equestrian, or any other similar purpose.

~~Trail alignments shown represent possible routes which are not final, are subject to change, and should not be considered as affecting or encumbering in any way the right, title, and interest of the underlying property owner. Trails and proposed alignments shown in this map shall not be construed as an "LCP mapped trail alignment" for the purposes of LUP Policy 2.49 or LIP Section 12.4 by virtue of their inclusion on this map and this map shall not provide evidence of the existence of any trail or easement or otherwise be used as justification to extract easements or Offers to Dedicate (OTDs).~~

~~Generally, public agencies and private associations will acquire trail rights in one of three ways: (1) through a voluntary offer to dedicate by the property owner; (2) through a purchase of the easement or fee rights; or (3) through a final judgment by a court of competent jurisdiction finding a prescriptive right to pass (e.g., a prescriptive easement).~~

<i>SUGGESTED MODIFICATION NO. 4</i>
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Correction of Mapping Errors

- a. *Modify the new proposed map, which pursuant to point (a) of Suggested Modification No. 2, will now be known as the "Parkland and Trails Dedication Incentive Program Map," to delete the areas incorrectly mapped as parkland at the following locations:*
 1. *The parcel of land at 5920 Paseo Canyon Drive (APN 4469-046-007) at the west end of Zuma and Trancas Canyon Park (NPS) and north of the Trancas Canyon Park*
 2. *The parcel of land at APN 4468-015-007 located between Zuma Beach and Westward Beach*
 3. *The westerly one-third of APN 4460-019-028, west of Dan Blocker Beach*

4. *The parcel of land at APN 4469-001-900, north of Trancas Canyon Park*
 5. *The northerly one-third of APN 4467-003-021 located between Murphy Way and Ramirez Canyon Park*
- b. *Modify the new proposed map, which pursuant to point (a) of Suggested Modification No. 2, will now be known as the “Parkland and Trails Dedication Incentive Program Map,” to include the areas incorrectly not mapped as parkland at the following locations:*
1. *Two Los Angeles County owned parcels (APNs 4460-019-902 & 4460-019-903) on Latigo Shores Drive near its intersection with Pacific Coast Highway*
 2. *One Los Angeles County owned parcel (APN 4459-018-901) and one State of California owned parcel (APN 4459-018-902) both located downcoast of Dan Blocker Beach*
 3. *The parcel of land owned by Mountains Restoration Trust identified as APN 4452-020-101, west of Sweetwater Canyon Drive*
 4. *Two State of California owned parcels (APNs 4451-003-900 & 4451-004-900) located south of the westerly intersection of Rambla Vista and Pacific Coast Highway*
 5. *Five Mountains Recreation and Conservation Authority (MRCA) owned parcels (APNs 4449-007-900 through -904) located upcoast of Las Tunas Beach Park*
 6. *The parcel of land owned by State of California identified as APN 4473-002-903 located south of Leo Carrillo State Park*
 7. *Two Mountains Recreation and Conservation Authority (MRCA) parcels (APNs 4473-004-002 & 4473-004-003) located west of Decker Canyon Road and east of Leo Carrillo State Park*
 8. *The parcel of land owned by State of California identified as APN 4459-008-900 located along Pacific Coast Highway and north of Dan Blocker Beach*
 9. *The parcel of land owned by Mountains Recreation and Conservation Authority (MRCA) (APN 4458-031-002) located along the City boundary to the north and east, and Corral Canyon Park to the west*
 10. *The parcel of land owned by U.S. Government identified as APN 4469-046-901 located north of Trancas Canyon Park*

IV. SUGGESTED MODIFICATIONS ON THE LOCAL IMPLEMENTATION PLAN AMENDMENT

The staff recommends the Commission certify the proposed IP Amendment, with the modifications as shown below. The existing language in the certified Implementation Plan is shown in straight type. Language proposed by the City of Malibu in this amendment to be inserted is shown underlined and language proposed to be deleted is shown in ~~striketrough~~. Language proposed by Commission staff to be inserted is shown in double underline and language proposed to be deleted is shown in ~~double striketrough~~. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION NO. 5

LIP Section 12.6.7 Legal Description of an Accessway: Recordation

- A. An access dedication (offer to dedicate or grant of easement) required pursuant to Section 12.4 of the Malibu LIP or offered by a property owner pursuant to Section 13.30 of the Malibu LIP shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows: (1) for lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as dripline of deck. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation; (2) for blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail; (3) for vertical access: extending from the road to the mean high tide line (or bluff edge).

SUGGESTED MODIFICATION NO. 6

13.30 TRAIL DEDICATION INCENTIVE

...

13.30.1 Applicability

A. When either an offer to dedicate or grant of easement is volunteered by a property owner for a public trail easement on a residentially-zoned property, the approving body may grant a trail dedication incentive subject to the following requirements:

- 1. A development incentive may be granted for feasible trail alignments identified on the ~~LCP Parkland and Trails System Map~~ Parkland and Trails Dedication Incentive Program Map located on the landward side of the first public road paralleling the sea. The approving body may also grant a development incentive for a trail not ~~a~~ ~~un~~ ~~identified~~ ~~trail~~ on that map if it: 1) provides adequate connectivity in locations determined to link recreational areas to the coast, or provides alternate recreation and access opportunities pursuant to the access and recreation policies of the LCP; 2) can be constructed and used by the public in a feasible manner; and 3) the proposed trail easement area is of a sufficient width for the design of any necessary switchbacks, future trail construction, and maintenance. The proposed trail easement area shall be a minimum of 10 feet in width, unless the approving body finds that it is not feasible to provide a 10 foot wide trail easement area and that the reduced trail easement width will allow for the construction of a safe, useable public trail.

...

- 3. The requested development incentive may not: (a) result in an impact to an area defined as an environmentally sensitive habitat area (ESHA); or (b) require the removal of, or encroachment into the root zone of, any protected oak, walnut, sycamore, alder, toyon, or other native tree that are not otherwise protected as ESHA.

...

5. For projects approved after September 13, 2002 ~~whereby~~, involving property on which a property owner voluntarily offered a trail offer to record an irrevocable offer to dedicate a trail easement or to grant of a trail easement as part of a prior coastal development permit and the property owner provides evidence that the trail easement has been granted to, or the offer to dedicate accepted by, a public agency or private association approved by the Coastal Commission, one development incentive may be applied to a future project on the same parcel over which the trail easement was offered or granted, subject to the approval of a new coastal development permit or a development permit under Chapter 17.62 of the Malibu Municipal Code, as applicable. In the event a previous offer to dedicate has since expired, a new offer to dedicate or grant of easement shall be required for a development incentive. A trail dedication incentive shall be requested and processed according to the provisions of this section.

B. The approving body may grant one of the following development incentives for a trail dedication incentive. For flag lots, the development incentive shall be reduced by 50 percent for any offer to dedicate or grant of easement that is 40 feet or less in width ~~along~~ across the narrow staff portion of the flag lots ~~strip~~ where access is taken from.

...

6. Total Development Square Footage

- a. Five percent increase in the maximum allowed total development square footage specified in LIP Section 3.6(K), ~~not to exceed a maximum of 11,730 square feet.~~

...

11. Fences and Walls

...

- b. Non-view permeable fences or walls exceeding a height of ~~66~~ 42 inches in front yards or six feet in side or rear yards shall only be permitted in areas to provide adequate privacy from public views from the trail. For the purpose of providing privacy to the property owner, the fence or wall location shall be oriented near the trail easement only. The remainder of any proposed fencing or walls on the subject property shall be in compliance with the development standards, including height and materials, specified in LIP Sections 3.5.3(A)(1 through 3).

- c. ~~The increased fence or wall height shall not result in an impact to an adjoining neighbor's primary view.~~

...

SUGGESTED MODIFICATION NO. 7

13.30.2 Application Requirements

1. The following information shall be provided for trail dedication incentive applications:

- a. Trail name as recognized on the LCP Parkland and Trails Dedication Incentive Program Map; unidentified trails shall demonstrate conformance with LIP Section 13.30.1(A)(1);
- b. Type of public trail easement offered (offer to dedicate, or grant of easement);
- c. Proposed trail alignment with topography, or boundaries of the proposed trail easement area ~~a floating easement~~. The alignment must demonstrate feasibility of use and construction. Alignments along a public street right of way or private street easement must demonstrate feasible connectivity with other offers to dedicate, easements, or planned alignments on the same side of the street;

...

13.30.4 Findings

1. The proposed trail easement is identified on the LCP Parkland and Trails Dedication Incentive Program ~~System~~ Map. Alternatively, an unidentified trail ~~shall demonstrate that it:~~ 1) ~~shall provide~~s adequate connectivity in locations determined to link recreational areas to the coast, or ~~provides~~ alternate recreation and access opportunities pursuant to the access and recreation policies of the LCP; and 2) can be constructed, and used by the public, in a feasible manner.
2. The proposed trail easement is in conformity with the public access and recreation policies of the certified LCP. Alternatives to the proposed trail easement alignment were analyzed and the proposed trail easement is in conformance with the ESHA, native tree, hazards, and scenic/visual resource protection policies of the LCP.
3. The subject site is physically suitable for the proposed trail easement and can be used by the public in a feasible manner. The proposed trail easement area demonstrates feasible connectivity with other offers to dedicate, easements, and/or planned alignments and is of a sufficient size for design of any necessary switchbacks, future trail construction, and major maintenance.
4. The ~~requested~~ development incentive provided is listed in LIP Section 13.30.1(B) and is in conformity with the sensitive resource, hazards, and scenic/visual resource protection policies of the LCP.

V. FINDINGS FOR DENIAL OF THE CITY OF MALIBU LUP/LIP AMENDMENT, AS SUBMITTED, AND FINDINGS FOR APPROVAL OF THE CITY OF MALIBU LUP/LIP AMENDMENT, IF MODIFIED AS SUGGESTED

The proposed amendment affects the Land Use Plan (LUP) and Local Implementation Plan (LIP) components of the certified Malibu LCP. The standard of review that the Commission uses in

reviewing the adequacy of the LUP amendment is whether the LUP, as amended, would continue to meet the requirements of and be consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the LUP, pursuant to Sections 30513 and 30514 of the Coastal Act, is whether the LUP, as amended, would remain in conformance with, and adequate to carry out, the provisions of the LUP portion of the certified City of Malibu LCP, as amended.

The City of Malibu submitted the subject LCP amendment on August 19, 2011. The amendment was deemed complete and filed on September 22, 2014. At its November 2014 Commission meeting, the Commission extended the 90-day time limit to act on the LCP amendment for a period not to exceed one year from the original deadline of December 21, 2014.

The following findings support the Commission's approval of the LCP amendment only if modified as suggested. The Commission hereby finds and declares as follows:

A. PROPOSED AMENDMENT DESCRIPTION AND BACKGROUND

The City of Malibu ("City") is requesting an amendment to the Land Use Plan (LUP) portion of its certified LCP to replace the existing Park Lands Map (which shows not only existing parklands, but also existing and planned trails) with an updated map that reflects the most up-to-date information available as to the current inventory of existing and planned public parkland and inland trails in the City, to provide connectivity to regional trails within the Santa Monica Mountains. The proposed map (which the City proposes to re-label "Parkland and Trails System Map" – see Exhibit 5) is intended to replace the existing Park Lands Map in its entirety and to continue to serve as a resource for public access planning within the City, and as a tool for the implementation of certain policies and provisions of the LCP. In addition to updating public parkland and inland trail information, the City proposes to revise the graphic layout of the map so that the map would show parcel boundaries and consist of 4 inset sheets. This graphic layout will allow for the access information to be shown at a larger scale than the certified map. Additionally, the City proposes to modify the map legend to revise the categories of information shown and to utilize a different color scheme to depict the categories. The City also proposes to add indications to the map to reflect where the City would like to see additional trails and to use the amended map for the purpose of implementing the proposed Trail Dedication Incentives Program, which is also the subject of this LCP Amendment, as described further below. The full text of the City's proposed LCP Amendment is attached as Exhibits 1-2.

While not a part of the subject amendment request, it is important to note that the certified LCP also contains a "Public Access Map", which depicts the location of existing public beaches, lateral public access ways along the shoreline, and vertical public access ways between the first public road and the shoreline. That map was recently updated pursuant to an LCP amendment that was approved by the Commission in 2014.

Proposed Parkland and Trails System Map

The proposed "Parkland and Trails System Map" includes developed and historically-used regional and connector trails, neighborhood trails, and future planned trails providing connectivity from recreational areas in the Santa Monica Mountains. The map includes regional trails, such as the Malibu Pacific Trail (a new east-west lateral trail within the City) and the

California Coastal Trail (CCT), with junctions into established connector trails and neighborhood trails. The proposed neighborhood trails are intended to provide circulation within the particular neighborhood in which they are aligned. The proposed map primarily focuses on trails landward of Pacific Coast Highway (PCH); however, some trails were aligned seaward of PCH for purposes of connectivity, significance, and use. In addition, new parkland that has been acquired by the City and public agencies since the existing LUP map was certified by the Coastal Commission in 2002 is included in the proposed map. These include City-owned parks (Bluffs, Legacy, Trancas, and Las Flores) as well as SMMC/MRCA parklands within the City. Furthermore, the subject amendment was prepared with substantive input from National Parks Service (NPS), Santa Monica Mountains Conservancy (SMMC), Mountains Recreation Conservation Authority (MRCA), Los Angeles County Department of Parks and Recreation (LACDPR), and the public.

Proposed Trail Dedication Incentives Program

The proposed amendment also adds a new Local Implementation Plan (LIP) section, Section 13.30 (Trail Dedication Incentive), which would create a trail dedication incentive program to encourage private residential property owners to make voluntary trail dedications within the City as part of new residential development applications. The intent of the program is to implement LUP Policy 2.14 which states “An incentives program that will encourage landowners to make lands available for public access and recreational uses should be developed.” It seeks to encourage new trail dedications in the City by offering property owners a development benefit in return, such as minor deviations from required development standards in exchange for recordation of an irrevocable offer to dedicate (OTD), or a direct dedication/grant of, a trail easement (hereinafter referred to as a “trail dedication”). The City has proposed a range of incentives (summarized below) that are intended to provide benefits to both small and large property owners and that are practical in nature and consistent with applicable LCP policies, yet provide a sufficient range of benefits to encourage property owners to provide access dedications on private property.

1. *Setback Reductions.* This incentive reduces the required front, side or rear yard setbacks. Only one yard can be reduced with this incentive. The incentive allows front yards to be reduced up to 75 percent, with side and rear yards to be reduced up to 40 percent, provided that a minimum five foot setback shall remain in both instances. The reduced setback incentives may be requested by owners seeking to cluster development closer to an access road, site development on flatter slopes or further away from sensitive resources to avoid impacts.
2. *Grading.* This incentive increases the amount of non-exempt grading allowed. The incentive allows an additional 250 cubic yards of non-exempt grading above the otherwise applicable limit of 1,000 cubic yards. The increased grading incentive may be requested by owners seeking to develop on constrained hillside parcels, create natural slope contours in lieu of retaining walls, or provide adequate driveway and turnaround dimensions per fire department safety standards.
3. *Impermeable Coverage.* This incentive increases the amount of impermeable coverage allowed. The impermeable coverage standard is determined based on a parcel’s net lot

area. The incentive allows a ten percent increase over what is currently allowed by the parcel size. However, this incentive may not result in an allowance for impermeable coverage in excess of 2,500 square feet above the LIP-required maximum of 25,000 square feet. The increased impermeable coverage incentive may be requested by owners seeking to provide adequate driveway and turnaround dimensions and surfacing per fire department safety standards.

4. *Total Development Square Footage (TDSF)*. This incentive increases the amount of TDSF allowed. TDSF is determined based on a parcel's net lot area. This incentive allows a five percent increase over that which would otherwise be allowed by the parcel size. However, this incentive may not result in a TDSF allowance in excess of 558 square feet above the LIP-required maximum of 11,172 square feet. This incentive does not increase the allowable 10,000 square foot development area for parcels subject to environmentally sensitive habitat area development standards.
5. *Basements, Subterranean Garages, Cellars, or a Combination Thereof*. Currently, the first 1,000 square feet of area designed for these uses is exempt from the parcel's TDSF calculation. This incentive allows for an additional 1,000 square feet to be exempt. With this incentive, the first 2,000 square feet would be exempt from the parcels' TDSF calculation, and any additional square footage beyond this limit would also be calculated at the LIP-required ratio of 50 percent. For example, with this incentive, 500 square feet would count towards a parcel's TDSF if an actual 3,000 square foot basement was proposed (less the first 2,000 and divide the remaining 1,000 square feet by 50 percent). All basement, subterranean garage, and cellar development standards would still apply including non-daylighting walls, impermeable coverage limits, and setbacks. Even with the incentive, the space would still be located underground and any portion extending out beyond the residence's first floor footprint above would be deducted from the parcel's impermeable coverage limit. This incentive was included out of consideration for smaller parcels, where the overall impact of a trail easement being offered on the property would likely result in greater impacts to the property owner (than one being offered on a larger parcel) in terms of privacy.
6. *Fences and Walls*. This incentive increases the maximum fence or wall height allowed. The incentive allows a two foot increase in the maximum allowed non-view permeable fence or wall height maximum of six feet for side and rear yards, and a two foot increase in the maximum allowed height of 42 inches for front yards. However, this incentive is only available for fences or walls that will provide adequate privacy to the property owner from public views along the trail.

The proposed incentive program includes other benefits applicable to all approved trail dedication incentive projects. The benefits include the following:

1. *Trails Construction and Grading*. Grading associated with the construction of a trail is exempt from the residential grading requirements listed in LIP Section 8.3(B)(1). Without this exemption, any grading associated with trail construction would be deducted from the residential parcel's non-exempt grading limit of 1,000 cubic yards. This

exemption promotes the acquisition of new public access and construction of trails on private property by avoiding unintended conflicts with standards intended for residential development.

2. *Trail Construction and Structures.* Structures considered necessary for trail construction are exempt from the slope requirement of LIP Section 3.6(J). These structures may include stairs, retaining walls, and turnouts. Without this exemption, structures associated with trail construction would be regulated by standard residential development standards and could not be sited on slopes steeper than 3 to 1 without a discretionary request.
3. *Trails and ESHA Development Area.* For applicable parcels, the area comprising a trail easement is exempt from the 10,000 square foot maximum development envelope imposed by LIP Section 4.7.1. Without this exemption, this area would be included in calculation of the development envelope and could thereby reduce the maximum size of other development on the parcel.
4. *TDIs and Other Discretionary Requests.* This exemption clarifies that no other discretionary request (Minor Modifications or Variances) shall be required to permit the requested development incentive under a TDI.

For each qualifying trail dedication offered, a property owner may choose one development incentive from the list of available incentives. In order for a proposed trail dedication to qualify for the program, the trail must be identified on the proposed LCP Parkland and Trails System Map and must demonstrate compliance with all applicable provisions and required findings. Mapped trails located on the seaward side of the first public roads parallel to the shoreline, vertical public accessways (extending from the first public street parallel to the coast to the beach), and lateral public accessways (along the shoreline) are not eligible for a development incentive. If an identified trail does not comply with the applicability provisions and required findings of the program, the incentive will not be available to the property owner, even if the trail is identified on the LCP Parkland and Trails System Map. However, the incentives program does provide criteria for unidentified trails to be considered, subject to the same requirements for identified trails. Approval of a trail dedication incentive would be subject to specific applicability provisions and findings, and the incentive program would not be available for commercial or institutional development projects.

Proposed Trail Dedication Incentive Program Process

When a new development application is submitted to the City's Planning Division for processing, City staff would complete a conformance review of the project which includes an evaluation of any mapped trails on the subject parcel per the LCP Parkland and Trails System Map. If a trail is identified, City staff would determine if there are any OTDs or easements currently in existence for any such trail. If not, City staff would request the property owner provide a trail OTD or easement and advise the property owner of the trails dedication incentives program. Alternatively, a property owner may propose a trail dedication and request a trails dedication incentive at the time of the project application submittal. Only one incentive is available per dedication, and the incentive can only be applied to the subject project. City staff would evaluate compliance with the trails dedication incentive applicability provisions and

required findings. If the trail dedication complies with the incentive program requirements, staff would assign a trail dedication incentive (TDI) request to the project CDP application and evaluate the project with the development incentive added. The approving body will make the final determination if the trail OTD or easement complies with the incentives program and meets all required findings.

The TDI would be an additional discretionary request that is processed alongside a CDP application, similar to the City's existing minor modification (MM) or variance (VAR) requests, and the project would proceed through the CDP review process. Approval of a TDI would be made by the approving body and would be processed alongside the CDP. Specific findings proposed in the subject amendment request would need to be made to approve the TDI. For example, a development incentive could be reduced or denied if it was determined that the requested incentive negatively impacted an environmentally sensitive habitat area (ESHA), scenic and visual resource, or was inconsistent with neighborhood character. Once a project is approved with a TDI, the property owner would be obligated to prepare the OTD or easement consistent with the provisions in the LIP Section 12.6.7 (Legal Description of an Accessway Recordation). Four specific findings would need to be made in support of a TDI request. The TDI is a discretionary request, which can be denied if it fails to meet all of the required findings.

- 1) The first finding requires that the proposed trail easement be identified on the LCP Parkland and Trails System Map. Alternately, a trail not identified on the map must 1) provide adequate connectivity in locations determined to link recreational areas to the coast, or provide alternate recreation and access opportunities pursuant to the access and recreational policies of the LCP; and 2) can be constructed, and used by the public, in a feasible manner.
- 2) The second finding requires the proposed trail easement is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976. Furthermore, this finding requires that alternatives to the proposed trail easement alignment were analyzed and the proposed trail easement is in conformance with the ESHA, hazards, and scenic/visual resource protection policies of the LCP.
- 3) The third finding requires the subject site to be physically suitable for the proposed trail easement and can be used by the public in a feasible manner. In addition, the proposed trail easement area must demonstrate feasible connectivity with other offers to dedicate, easements, and/or planned alignments and be of a sufficient size for design of any necessary switchbacks, future trail construction, and major maintenance.
- 4) The final finding requires the requested development incentive to be in conformity with the sensitive resource, hazards, and scenic/visual resource protection policies of the LCP.

B. CONSISTENCY ANALYSIS AND FINDINGS

1. Public Access and Recreation

Context and Background

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 campgrounds, hotels and motels has historically been a critical and controversial issue in Malibu. The Santa Monica Mountains area provides an extensive network of public hiking and equestrian trails that traverse and connect Federal, State, and County parklands, and a system of heavily used historic trails on private lands. These trails also serve as alternative means of access to the beach and mountain parklands. However, the existing interconnected system of public and historic trails, widely used by the public to access and enjoy the beaches and parklands of the Santa Monica Mountains, is at risk from the ongoing development of privately owned lands.

The loss of coastal recreation opportunities resulting from development occurring over the past 25 years represents a significant adverse impact to the availability of public access and recreation in Malibu. Coastal access is generally viewed as an issue of physical supply, and includes lateral access (access along the beach), vertical access (access from an upland street, parking area, bluff or public park to the beach), coastal blufftop trails, and upland trails that lead to the shore or traverse inland parklands within the Coastal Zone. These inland trails and parks provide significant access and recreation opportunities in the City and Santa Monica Mountains Coastal Zone, and are as important to coastal access as shoreline accessways.

A broad policy goal of California's Coastal Management Program 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. Several additional policies contained in the Coastal Act, which are also incorporated into the Land Use Plan, work to meet this objective. The Coastal Act requires that development not interfere with the existing public rights of access to the sea (Section 30211); provides for public access in new development projects with limited exceptions (Section 30212); addresses the need to regulate the time, place, and manner of public access (Section 30214); specifies the need to protect ocean front land suitable for recreational use (Section 30221); gives priority to the use of land suitable for visitor-serving recreational facilities over certain other uses (Section 30222); and requires the protection of upland areas to support coastal recreation, where feasible (Section 30223).

Relevant Coastal Act Policies

Section 30210 of the Coastal Act states:

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.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) Adequate access exists nearby, or,*
- (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

(b) For purposes of this section, "new development" does not include:

- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*
- (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*
- (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*
- (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.*
- (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.1

Section 30214 of the Coastal Act states:

- (a) *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*
 - (1) *Topographic and geologic site characteristics.*
 - (2) *The capacity of the site to sustain use and at what level of intensity.*
 - (3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
 - (4) *The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*
- (b) *It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*
- (c) *In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Section 30223 of the Coastal Act states:

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

All of those policies have been incorporated in their entirety into the certified Land Use Plan. The Malibu LCP also contains several additional policies to ensure the protection and provision of public access in new development, along with the consideration of public safety needs, private property rights, and the protection of natural resources, where applicable.

Applicable City of Malibu Land Use Plan Policies

- 2.1 The shoreline, parkland, 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.
- 2.5 New development shall be sited and designed to minimize impacts to public access and recreation along the shoreline and trails. If there is no feasible alternative that can eliminate or avoid all access impacts, then the alternative that would result in the least

significant adverse impact shall be required. Impacts may be mitigated through the dedication of an access or trail easement where the project site encompasses an LCP mapped access or trail alignment, where the City, County, State, or other public agency has identified a trail used by the public, or where there is substantial evidence that prescriptive rights exist. Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development.

- 2.7 Public accessways and trails to the shoreline and public parkland shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and. or unopened public access Offer-to-Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities e.g. parking, construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.
- 2.9 Public access and recreational planning efforts shall be coordinated, as feasible, with the National Park Service, the State Department of Park and Recreation, the State Coastal Conservancy, Los Angeles County Department of Beaches and Harbors, the Santa Monica Mountains Conservancy, and the Santa Monica Mountains Trails Council.
- 2.11 Public land, including rights of way, easements, dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and the protection of environmentally sensitive habitat areas.
- 2.14 An incentives program that will encourage landowners to make lands available for public access and recreational uses should be developed.
- 2.15 The City should coordinate with County, federal and state park agencies and nonprofit land trusts or organizations to insure that private land donations and/or public access dedications are accepted and managed for their intended use.
- 2.17 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 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 increase in use fees or parking fees, which effect the intensity of use, shall be subject to a coastal development permit.
- 2.45 An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system includes trails located within state and national parklands as well as those which cross private property in the City and County. The City's existing and proposed trails are shown on the LUP Park Lands Map. A safe trail system shall be provided throughout the mountains and along the shoreline that achieves the following:
 - a. Connects parks and major recreational facilities;
 - b. Links with trail systems of adjacent jurisdictions;

- c. Provides recreational corridors between the mountains and the coast;
 - d. Allows for flexible, site-specific design and routing to minimize impacts on adjacent development, and fragile habitats. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources;
 - e. Provides connections with populated areas;
 - f. Includes trails designed to accommodate multiple use (hiking, biking and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized;
 - g. Reserves certain trails for hiking only;
 - h. Facilitates linkages to community trail systems;
 - i. Provides diverse recreational and aesthetic experiences;
 - j. Prohibits public use of motorized vehicles on any trail;
 - k. Provides public parking at trail head areas;
 - l. Ensures that trails are used for their intended purpose and that trail use does not violate private property rights.
- 2.49 A trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment or where there is substantial evidence that prescriptive rights exist. An existing trail which has historically been used by the public may be relocated as long as the new trail alignment offers equivalent public use. Both new development and the trail alignment shall be sited and designed to provide maximum privacy for residents and maximum safety for trail users.
- 2.55 The California Coastal Trail shall be identified and defined as a continuous trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent Coastal jurisdictions (Los Angeles and Ventura Counties).
- 2.61 CCT Mapping:
- a. The final CCT map shall identify all planned or secured segments, including existing segments, all access linkages and planned staging areas, public and private lands, existing easements, deed restricted sections and sections subject to an Offer-to-dedicate (OTD). The map shall be updated on a regular basis.
 - b. The CCT shall be identified on all applicable City Trail Maps contained in the LCP Access Component.
- 2.62 Inclusion of CCT in LCP:
The LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City including the final mapped alignment.

In addition, the following certified City of Malibu Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 12.4, in relevant part, states:

As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in A through D of this section, except as provided in Section 12.5 of the Malibu LIP, an offer to dedicate an easement or a grant of easement (or other legal mechanism pursuant to Section 12.7.1 (b) of the Malibu LIP) for one or more of the types of access identified in Section 12.2 (a-e) of the Malibu LIP shall be required and shall be supported by findings required by Sections 12.7.3-12.9 of the Malibu LIP; provided that no such condition of approval shall be imposed if the analysis required by Sections 12.7.3 (a) through (d) of the Malibu LIP establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access burdens identified.

- A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing an historically used or suitable public access trail or pathway.
- B. New development between the nearest public roadway and the sea.
- C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
- D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

Discussion

To carry out the requirements of Section 4 of Article X of the California Constitution, PRC Section 30210 provides that maximum access and recreational opportunities be provided consistent with public safety, public rights, private property rights and natural resource protection. PRC Section 30211 requires that development not interfere with the public's existing rights of access to the sea with certain exceptions. Furthermore, PRC Section 30212 requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. Additionally, PRC Section 30214 provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc. Finally, PRC Section 30223 provides that upland areas necessary to support coastal recreational uses shall be reserved for such uses, were feasible.

LUP Mapping of Trails

In order to carry out the public access policies of the Coastal Act, the certified City of Malibu LCP includes policies and implementation measures (detailed above) to protect and enhance public access and require the provision of lateral and/or vertical public access as a condition in new development projects where a sufficient nexus and proportionality is demonstrated between the proposed development and its impact on public access. The certified LCP also includes a "Park Lands Map," which depicts the location of public parklands and existing and planned

inland public trails. One purpose for the map's depiction of trails that have not yet been developed, or for which public rights of access have not yet been set forth in any recorded document, is as a planning tool, to indicate where a reviewing agency must seek to establish and/or formalize such rights. The map is to be used in conjunction with LUP Policy 2.49, which states, in relevant part, that a trail offer of dedication shall be required in new development where the property contains "a LCP mapped trail alignment" or where there is sufficient evidence of prescriptive rights. The existing Park Lands Map provides that LCP mapping. *See* Policy 2.45 ("The City's existing and proposed trails are shown on the LUP Park Lands Map").

While not a part of the subject amendment request, it is important to note that the certified LCP also contains a Public Access Map, which depicts the location of existing public beaches, lateral public access ways along the shoreline, and vertical public access ways between the first public road and the shoreline. This information is included primarily as a tool for planning, and the application of the policies and provisions of the LCP. It also provides information to potential accepting agencies for access easements, as well as the public; however, that is not the primary function of these maps. Potential public access easement accepting agencies may need more specific information regarding the type, details, and terms of access easements or other recorded documents in order to make decisions (such information is available from the City of Malibu and/or the Coastal Commission). Additionally, there are public trail and beach access guides available to the general public that supply more information regarding the location of beach, trail, and parkland access opportunities and available facilities.

The City's proposed LCP amendment to update the existing LUP Park Lands Map would substantially increase the number of trails shown on the map. However, as stated previously, part of the reason for the increase is that the proposed parkland and trails map update includes a mix of conceptual and actual trail alignments, including developed and historically-used regional and connector trails, neighborhood trails, and future planned trails providing connectivity from recreational areas in the Santa Monica Mountains. The proposed map includes 117.6 miles of trails within City limits, which includes a 22.7 mile segment of the CCT. The existing Park Lands Map includes 35.6 miles of trails and does not include the CCT. This is an overall 303 percent increase in trails from those shown on the existing LUP map and the addition of the State- and regionally-significant CCT. It was the intent of the City to incorporate as many trails as possible into the proposed map, even with the understanding that some of the trail segments may never be built. The periodic addition of updated information to the map is necessary to ensure that the map accurately reflects up-to-date information for planning purposes. Moreover, such updates are necessary to carry out the intent and provisions of both the Coastal Act and the City's LUP, which require the implementation of a public access program adequate to provide and maintain maximum access and recreational opportunities.

The proposed map update includes trails designated as "Existing Official Trails," "Unofficial/Proposed Trails" and "Malibu Pacific Trail." The City has indicated that they proposed these trail categories to help delineate actual trails the public could walk on versus other alignments that are either planned or not yet constructed/open. However, several trails delineated "Unofficial/Proposed Trails" on the proposed map are trails that have been granted to, or for which a trail offer has been accepted by, a public agency, and the "Unofficial" label would therefore be misleading, even if they may not have been constructed yet. Thus, designating a trail

segment “Unofficial/Proposed” although the trail segment has been accepted and considered official, may result in potential confusion and impacts to public access. Thus, **Suggested Modification 3** is necessary to revise the proposed map and legend to depict all trails on the map (including “Existing Official Trails,” “Unofficial/Proposed Trails” and “Malibu Pacific Trail”) as a single category titled “Trails,” with the exception of the California Coastal Trail and trails outside city limits.

Additionally, the proposed map includes a map note on the bottom of each map sheet that goes into some detail about the legal mechanisms by which public access rights over trails develop. The note makes assertions about empirical facts regarding the frequency of various means of such rights developing, without any support. Moreover, it is a level of discussion that is not appropriate in a map note. In addition, the note states, in part, that the trails and proposed alignments shown on the map shall not be construed as an “LCP mapped trail alignment” for the purpose of LUP Policy 2.49 or LIP Section 12.4 (Exhibit 5). However, that is precisely one of the reasons for the original mapping of trails. LUP Policy 2.49 states, in relevant part, that a trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment or where there is substantial evidence that prescriptive rights exist. The provisions in the LIP (Sections 12.4-12.7) that implement these policies include detailed analysis and findings that must be made in order to require a public access dedication. If an access dedication is to be required, the City must explain in its findings how the dedication will alleviate or mitigate the adverse impacts that have been identified and is reasonably related to those adverse effects in both nature and extent. The proposed map note would create a significant internal inconsistency within the City’s LUP, make the updated trails map irrelevant to LUP Policy 2.49 and LIP Section 12.4, and leave Policy 2.49 with a reference to “LCP mapped trail alignment[s]” when it would be unclear, at best, where, if anywhere, such mapping would exist. This would result in no LCP mapped trails ever triggering the requirements of LUP Policy 2.49 or LIP Section 12.4, and thus would result in an inconsistency in the LCP. The proposed map note is also inconsistent with Coastal Act Sections 30210 and 30223 that require maximum access and recreational opportunities be provided (consistent with public safety, public rights, private property rights and natural resource protection), and upland areas necessary to support coastal recreational uses shall be reserved for such uses, were feasible. Therefore, **Suggested Modification 3** is required to revise the map note to delete the problematic language discussed above that undermines the public access policies and provisions of the City’s LCP and the Coastal Act.

The existing Park Lands Map that was certified in 2002 (Exhibit 6) and that is proposed to be updated/replaced in the subject amendment request depicts the location of more regional existing and planned inland public trails within the City. The City’s proposed addition of many less significant “neighborhood” trails on the proposed map update may cause inadequate interpretation and implementation of LUP Policy 2.49 or LIP Section 12.4, as well as other provisions and policies of the LCP, since the map is to be used as a planning document to inform the City’s interpretation of the public access policies and provisions of the certified LCP. As such, the Commission finds it necessary to retain the existing certified LUP Park Lands Map as part of the LUP and update the existing certified map’s public parkland and trail alignments to be consistent with the locations shown on the proposed map (with the exception of the proposed neighborhood trails, which should not be depicted on the existing Park Lands Map), as detailed

in **Suggested Modification 2**. Since the City’s primary use of the proposed map is for implementing the proposed Trail Dedication Incentives Program, **Suggested Modification 2** also requires the title of the new map that the City had called the “Parkland and Trails System Map” be changed to “Parkland and Trails Dedication Incentive Program Map” to clarify the intended use of the map and help distinguish it from the existing LUP Park Lands Map. Moreover, **Suggested Modification 1** modifies LUP Policies 2.14, 2.45 and 2.49 to clarify the appropriate parkland and trails map reference to avoid any misinterpretation in the LCP.

The proposed map also includes new public parkland that has been acquired by the City and public agencies since the existing LUP Park Lands Map was certified in 2002. These areas include City-owned parks as well as SMMC/MRCA parklands within the City. The addition of updated parkland information to the map is important to ensure that the map accurately reflects up-to-date information for planning purposes. However, since submittal of the subject LCP amendment, Commission and City staff has identified parcels on the proposed map that were inadvertently designated or not designated parkland in error. Thus, **Suggested Modification 4** makes corrections to the designation of parcels that were either inadvertently designated or not designated parkland on the proposed map.

California Coastal Trail

The California Coastal Trail (CCT) is a statewide trail alignment mapped along the entire 1,200 mile coast of California between Oregon and Mexico. The CCT has been designated a Millennium trail by the governor of California and has been officially established by Senate Bill 908. This bill provides for the construction of the CCT along the state’s coastline from the Oregon Border to the border with Mexico, to the extent feasible. This bill also requires the CCT to be developed in a manner that respects property rights, privacy of adjacent property owners, and the protection of coastal resources. There are policies in the City’s LCP regarding planning for the CCT and mapping it on all applicable City Trails Maps of the LUP. LUP Policy 2.62 states that “the LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City including the final mapped alignment.” Furthermore, the LUP includes policies which provide for the ultimate completion of the CCT link through the City. These policies provide for consultation and coordination with Federal, State, and County Park agencies, the Coastal Conservancy, the Santa Monica Mountains Conservancy, Los Angeles and Ventura Counties and other appropriate public and private entities and interested parties in implementing all essential components of the trail (LUP Policy 2.54).

The proposed map, the name of which will be changed to Parkland and Trails Dedication Incentive Program Map, includes a general alignment of the CCT running along the length of the City’s coastline for planning purposes (a 22.7 mile segment). The existing LUP Park Lands Map does not include the CCT. The addition of a conceptual alignment of the state- and regionally-significant CCT on the proposed map is important and consistent with LCP policies that require planning for the CCT and mapping it on all applicable City Trails Maps of the LUP. Commission staff notes that the CCT is a trail “system” that has several parallel threads; such as the CCT can include a trail along the beach, a bluff top and/or the sidewalk along PCH, depending upon topography, land ownership, etc. However, the City’s proposed generic depiction of the CCT on the proposed map does not comply the CCT policies and objectives in the LCP (LUP Policies 2.54 - 2.62) that require thoughtful planning and siting of the CCT to provide a vital link of the

statewide CCT along this stretch of coast. It appears to be infeasible for the CCT to be uniformly aligned along the City's coastline, as proposed, given various constraints. In consultation with Commission staff, since submittal of the subject LCP amendment the City has adjusted the CCT alignment around physical obstructions along the coast. **Suggested Modification 3** incorporates seven inland segments of the CCT that the City has requested to be added in addition to the coastline shoreline alignment. Although these inland segments aid in the future trail planning efforts of the CCT in the City, additional siting and design analysis for CCT alignments in the City is required in order to comply with the specific CCT planning and implementation policies in the LCP. The City has indicated that the proposed map is not the final CCT map as required by LUP Policies 2.61 and 2.62 and that additional and more comprehensive CCT planning efforts will be completed by the City once funding becomes available; however, at this time, the City desires to show a general alignment along the coast as part of its proposed Park Lands Map update. Therefore, the Commission encourages the City to analyze and plan a final CCT alignment consistent with all the CCT policies and provisions in the LCP and submit it to the Commission for review and certification under a future LCP amendment.

Trail Dedication Incentive Program

The proposed Trail Dedication Incentive Program also includes provisions that state the requested development incentive shall not result in an impact to an area defined as an environmentally sensitive habitat area (ESHA); however, it fails to include provisions to protect and avoid impacts to native trees, which are a protected sensitive resource under the LCP. Therefore, Commission staff finds **Suggested Modification 6** is necessary to include a minor revision to proposed LIP Section 13.30.1(A)(3) to include language that the requested development incentive may not result in the removal or encroachment of into the root zone of any protect native tree under the LCP. In addition, **Suggested Modification 7** modifies proposed LIP Section 13.30.4(2) to require that the proposed trail easement is in conformance with the native tree protection policies of the LCP.

Related to the administration of the LCP, **Suggested Modifications 3, 5, 6, and 7** reflect minor changes that are necessary to clarify the processing of access dedications (offer to dedicate or grant of easement) in coastal development permits, clarify and amend details and processing of the trail dedication incentives, and to include a minimum trail width for implementation of the proposed trail easements. Additionally, these minor modifications are necessary to ensure consistency with the LCP, such as deleting outside references to documents that are not part of the standard of review for the LCP; and make minor clarifications that further the intent and implementation of the LCP and where the lack of information may cause inadequate interpretation and implementation of the LCP.

Conclusion

For the reasons stated above, the Commission finds that, if but only if, modified by the City as suggested herein, the proposed LUP portion of the LCP amendment will be consistent with the applicable policies of the Coastal Act. The Commission further finds that only if modified as suggested, will the LIP amendment conform with and be adequate to carry out the applicable policies of the certified Land Use Plan.

VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the Natural Resources Agency found the Commission’s LCP review and approval program to be functionally equivalent to the EIR process, *see* 14 C.C.R §15251(f), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for its review of and action on LCP provisions. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission’s regulation (see 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b)), the Commission’s certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Land Use Plan amendment has been found not to be in conformance with Chapter 3 policies of the Coastal Act. To resolve the concerns identified, suggested modifications have been made to the proposed amendment. With incorporation of the suggested modifications, the Land Use Plan amendment is in conformity with the Coastal Act. The Implementation Plan amendment has been found not to be in conformity with and inadequate to carry out the provisions of the Land Use Plan as amended. With incorporated of the suggested modifications, the Implementation Plan amendment is in conformity with the Land Use Plan as amended. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the LCP amendment. If modified as suggested, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

APPENDIX A

Substantive File Documents

City of Malibu Resolution No. 11-15 approving LCP Land Use Plan Amendment 10-003; City of Malibu Ordinance No. 353 approving LCP Implementation Plan Amendment 09-006; City of Malibu, City Council Agenda Report Item # 4.A dated April 21, 2011, “Local Coastal Program Amendment No.10-003; City of Malibu, City Council Agenda Report Item # 4.B dated April 7, 2011, “Local Coastal Program Amendment No. 09-006; and City of Malibu Local Coastal Program, as amended.

Summary of Text and Map Changes to the Local Coastal Program Land Use Plan
City of Malibu LCPA No. 10-003
Parkland and Trails System Map

Note: For purposes of this summary, the existing LCP language is shown in straight type. The language proposed to be deleted is shown in ~~strikethrough~~. The language proposed to be inserted is shown as underlined.

This summary corresponds with City Council Resolution No. 11-15

A. Amend LUP Policy 2.45 to read as follows:

An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system includes trails located within state and national parklands as well as those which cross private property in the City and County. The City's existing and proposed trails are shown on the LUP ~~Park Lands~~ Parkland and Trails System Map. A safe trail system shall be provided throughout the mountains and along the shoreline that achieves the following:

- a) Connects parks and major recreational facilities;
- b) Links with trail systems of adjacent jurisdictions;
- c) Provides recreational corridors between the mountains and the coast;
- d) Allows for flexible, site-specific design and routing to minimize impacts on adjacent development, and fragile habitats. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources;
- e) Provides connections with populated areas;
- f) Includes trails designed to accommodate multiple use (hiking, biking and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized;
- g) Reserves certain trails for hiking only;
- h) Facilitates linkages to community trail systems;
- i) Provides diverse recreational and aesthetic experiences;
- j) Prohibits public use of motorized vehicles on any trail;
- k) Provides public parking at trail head areas;
- l) Ensures that trails are used for their intended purpose and that trail use does not violate private property rights.

B. Amend the LUP Table of Contents (List of Maps) to replace "Parks" with "Parkland and Trails System."

C. Replace the LCP Park Lands Map in its entirety with Exhibit A (Parkland and Trails System Map) attached hereto.

Exhibit 1
City of Malibu
LCP Amendment 2-11-B
Proposed LUP Amendment Text

Summary of Text Changes to the Local Coastal Program Local Implementation Plan

City of Malibu LCPA No. 09-006
Trails Incentives Plan

Note: For purposes of this summary, the existing LCP language is shown in straight type. The language proposed to be deleted is shown in ~~strike through~~. The language proposed to be inserted is shown as underlined.

This summary corresponds with City Council Ordinance No. 358

A. Amend LIP Chapter 13 to add Section 13.30 (Trail Dedication Incentive) as follows:

13.30 TRAIL DEDICATION INCENTIVE

The purpose of this section is to provide a mechanism for the approving body, in the process of reviewing a coastal development permit, to consider changes to standards or requirements of the LCP as applied to the coastal development permit. In reviewing a coastal development permit, the approving body can process a trail dedication incentive to allow for a deviation from standards required in the LCP for the specific situations listed in LIP Sections 13.30.1(A), (B), and (C).

Application for a trail dedication incentive shall be filed as part of the coastal development permit and shall be processed consistent with provisions of this chapter.

13.30.1 Applicability

A. When either an offer to dedicate or grant of easement is volunteered by a property owner for a public trail easement on a residentially-zoned property, the approving body may grant a trail dedication incentive subject to the following requirements:

1. A development incentive may be granted for feasible trail alignments identified on the LCP Parkland and Trails System Map located on landward side of the first public road paralleling the sea. The approving body may grant a development incentive for an unidentified trail if it: 1) provides adequate connectivity in locations determined to link recreational areas to the coast, or provides alternate recreation and access opportunities pursuant to the access and recreation policies of the LCP; and 2) can be constructed and used by the public in a feasible manner.
2. Only one development incentive listed in LIP Section 13.30.1(B) may be granted per offer to dedicate or grant of easement.
3. The requested development incentive may not result in an impact to an area defined as an environmentally sensitive habitat area (ESHA).

**Exhibit 2
City of Malibu
LCP Amendment 2-11-B
Proposed LIP Amendment Text**

4. Applicable public access provisions contained in Chapter 12 of the LIP shall apply, including that prior to the issuance of the coastal development permit associated with the trail dedication incentive, the property owner must execute and record the trail offer to dedicate or direct grant of easement that is in a form and content acceptable to the California Coastal Commission.
5. For projects approved after September 13, 2002 whereby a property owner voluntarily offered a trail offer to dedicate or grant of easement as part of a prior coastal development permit, one development incentive may be applied to a future project on the same parcel which the trail was offered subject to the approval of a new coastal development permit or a development permit under Chapter 17.62 of the Malibu Municipal Code, as applicable. In the event a previous offer to dedicate has since expired, a new offer to dedicate or grant of easement shall be required for a development incentive. A trail dedication incentive shall be requested and processed according to the provisions of this section.

B. The approving body may grant one of the following development incentives for a trail dedication incentive. For flag lots, the development incentive shall be reduced by 50 percent for any offer to dedicate or grant of easement that is 40 feet or less in width along the strip where access is taken from.

1. Front Yard Setback

- a. Seventy-five percent reduction in the front yard setback requirement specified in LIP Section 3.6(F)(1), provided that a minimum five foot setback shall remain.
- b. This incentive may not be used in combination with a minor modification request for a front yard setback reduction specified in LIP Section 13.27.1(B)(1).

2. Side Yard Setback

- a. Forty percent reduction in the side yard setback requirement specified in LIP Section 3.6(F)(2), provided that a minimum five foot setback shall remain.
- b. This incentive may not be used in combination with a minor modification request for a side yard setback reduction specified in LIP Section 13.27.1(B)(1).

3. Rear Yard Setback

- a. Forty percent reduction in the rear yard setback requirement specified in LIP Section 3.6(F)(3), provided that a minimum five foot setback shall remain.

- b. This incentive may not be used in combination with a minor modification request for a rear yard setback reduction specified in LIP Section 13.27.1(B)(1).

4. Grading

- a. Grading amounts may be increased by up to 250 cubic yards over the maximum allowed cubic yardage specified in LIP Section 8.3, not to exceed a maximum of 1,250 cubic yards.

5. Impermeable Coverage

- a. Ten percent increase in the maximum allowed impermeable coverage required by LIP Section 3.6(l), not to exceed a maximum of 27,500 square feet.

6. Total Development Square Footage

- a. Five percent increase in the maximum allowed total development square footage specified in LIP Section 3.6(K), not to exceed a maximum of 11,730 square feet.

7. Basement

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet specified in LIP Section 3.6(K)(3), not to exceed a maximum of 2,000 square feet.
- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(3).

8. Subterranean Garage

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet specified in LIP Section 3.6(K)(4), not to exceed a maximum of 2,000 square feet.
- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(4).

9. Cellar

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet

specified in LIP Section 3.6(K)(5), not to exceed a maximum of 2,000 square feet.

- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(5).

10. Combinations of Basements, Cellars and/or Subterranean Garages

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet specified in LIP Section 3.6(K)(6), not to exceed a maximum of 2,000 square feet.
- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(6).

11. Fences and Walls

- a. Two foot increase in the maximum allowed non-view permeable fence or wall height specified in LIP Sections 3.5.3(A)(1 through 3), not to exceed a maximum height of 66 inches in front yards or eight feet in side or rear yards. Fences and walls shall be consistent with the scenic/visual protection policies of the LCP.
- b. Non-view permeable fences or walls exceeding a height of 66 inches in front yards or six feet in side or rear yards shall only be permitted in areas to provide adequate privacy from public views from the trail. For the purpose of providing privacy to the property owner, the fence or wall location shall be oriented near the trail easement only. The remainder of any proposed fencing or walls on the subject property shall be in compliance with the development standards, including height and materials, specified in LIP Sections 3.5.3(A)(1 through 3).
- c. The increased fence or wall height shall not result in an impact to an adjoining neighbor's primary view.
- d. Fence or wall heights shall be reviewed by the City Biologist for potential impacts to wildlife corridors.
- e. Fences or walls that are oriented toward a public trail shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape and shall be located outside of the dedicated easement.

- f. Landscaping in excess of six feet, not to exceed eight feet at full maturity, may be located on the trail-facing side of a fence or wall where there is no possibility of blocking private and public primary views.
- g. All landscaping plans must receive final approval from the City Biologist.

C. In addition to the development incentives listed in Section B above, the following provisions shall apply to a trail dedication incentive, as applicable, and subject to approval by the approving body.

1. Grading associated with trail construction shall be exempt from the per parcel grading requirements in LIP Section 8.3(B)(1). Trails shall be sited and designed to minimize grading and landform alternation to the maximum extent feasible.
2. Structures considered necessary for trail construction shall be exempt from the slope requirements of LIP Section 3.6(J) if determined to be geologically feasible by City Geotechnical staff. The use of structures shall be minimized to the maximum extent feasible and shall comply with the scenic/visual protection policies of the LCP. Such structures may include but are not limited to stairs, retaining walls, and turnouts necessary for feasible trail construction.
3. The area of square footage comprising a proposed trail easement shall not be included in the 10,000 square foot development area specified in LIP Section 4.7.1.
4. No other discretionary request specified in LIP Sections 13.26 (variance) and 13.27 (site plan review and minor modifications) shall be required to permit the development incentive listed in LIP Section 13.30.1(B) when a trail dedication incentive is applied for.
5. Following recordation of an offer to dedicate or grant of easement, a Letter of Diminishment printed on City letterhead may be prepared for the property owner to provide to the Los Angeles County Assessor's office covering the trail easement area. The letter shall include an exhibit delineating the easement area and the 21 year expiration date for offers to dedicate.

13.30.2 Application Requirements

1. The following information shall be provided for trail dedication incentive applications:
 - a. Trail name as recognized on the LCP Parkland and Trails System Map; unidentified trails shall demonstrate conformance with LIP Section 13.30.1(A)(1);
 - b. Type of public trail easement offered (offer to dedicate, or grant of easement);
 - c. Proposed trail alignment with topography, or boundaries of a floating easement. The alignment must demonstrate feasibility of use and

construction. Alignments along a public street right of way or private street easement must demonstrate feasible connectivity with other offers to dedicate, easements, or planned alignments on the same side of the street;

- d. Current title report and any source documents/instruments and maps fully demonstrating that no easements exist that would significantly conflict with, or preclude, the feasibility of a trail in the subject location;
- e. Requested development incentive listed in LIP Section 13.30.1(B);
- f. Deposit as sufficient to perform research on the feasibility of a trail (fully-refundable with an approved trail dedication incentive and recorded instrument evidencing an offer to dedicate or grant of easement has been provided); and
- g. Summary of communication with any public agencies and/or private associations interested in accepting the offer to dedicate or grant of easement. Public agencies or private association which may be appropriate to accept offer to dedicate or grant of easements include, but shall not be limited to, the National Park Service, the State Coastal Conservancy, the State Department of Parks and Recreation, the State Lands Commission, the County, the City, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and non-governmental organizations.

13.30.3 Investigation

The approving body shall investigate the trail dedication incentive application including consultation with all appropriate City staff and specialists, including the City Engineer, City Biologist, City Geologist, and/or a qualified Archaeologist, and any other public agencies and/or private associations interested in accepting the offer to dedicate or grant of easement.

13.30.4 Findings

1. The proposed trail easement is identified on the LCP Parkland and Trails System Map. An unidentified trail shall demonstrate that it: 1) provides adequate connectivity in locations determined to link recreational areas to the coast, or provides alternate recreation and access opportunities pursuant to the access and recreation policies of the LCP; and 2) can be constructed and used by the public in a feasible manner.
2. The proposed trail easement is in conformity with the public access and recreation policies of the certified LCP. Alternatives to the proposed trail easement alignment were analyzed and the proposed trail easement is in conformance with the ESHA, hazards, and scenic/visual resource protection policies of the LCP.
3. The subject site is physically suitable for the proposed trail easement and can be used by the public in a feasible manner. The proposed trail easement area

demonstrates feasible connectivity with other offers to dedicate, easements, and/or planned alignments and is of a sufficient size for design of any necessary switchbacks, future trail construction, and major maintenance.

The requested development incentive listed in LIP Section 13.30.1(B) is in conformity with the sensitive resource, hazards, and scenic/visual resource protection policies of the LCP.

ORDINANCE NO. 358

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 09-006 TO AMEND THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN TO CREATE DEVELOPMENT INCENTIVES FOR TRAIL DEDICATIONS

THE CITY COUNCIL OF THE CITY OF MALIBU DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

A. On March 8, 2004, the City Council adopted the City's Trails Master Plan (Council Resolution No. 04-16) and, subsequently, directed the Malibu Trails Master Plan Ad Hoc Committee (Trails Committee) to create a development incentives plan for trail dedications.

B. In April 2006, the Trails Committee drafted an incentives plan.

C. On December 12, 2006, the proposed incentives plan was presented to Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) for recommendations.

D. On April 28, 2007, the proposed incentives plan was reviewed by the Trails Committee.

E. On May 8, 2007, the proposed incentives plan was presented to ZORACES for additional recommendations.

F. On November 18, 2007, the proposed incentives plan was reviewed by the Trails Committee.

G. On August 26, 2008, the proposed incentives plan was presented to ZORACES for additional recommendations.

H. On October 21, 2009, the proposed incentives plan was reviewed by the Trails Committee. The Committee approved sending the proposed incentives plan to ZORACES for final recommendations prior to scheduling for Planning Commission review.

I. On January 12, 2010, the proposed incentives plan was presented to ZORACES for final recommendations prior to scheduling for Planning Commission review.

J. On January 25, 2010, in compliance with Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 19.2.1(A) and Malibu Municipal Code (M.M.C.) Section 17.74.020(B), the City Council adopted Council Resolution No. 10-03 to initiate an LCPA to amend the LIP and Zoning Text Amendment (ZTA) to amend Title 17 of the M.M.C. to consider adding development incentives for trail dedications, and directed the Planning Commission to schedule a public hearing regarding the amendments.

Exhibit 3
City of Malibu
LCP Amendment 2-11-B
City of Malibu Ordinance No. 358

K. On February 18, 2010, a Notice of Planning Commission Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC).

L. On March 16, 2010, the Planning Commission continued the item to a date uncertain pending the Trails Committee's final recommendations to update the existing LCP and General Plan trails system maps.

M. On November 17, 2010, the Trails Committee recommended approval of a proposed trails system map for incorporation into the LCP and General Plan. Subsequently, staff identified all new parkland owned by the City, County, State, and Federal agencies for incorporation into the map. The map name was recommended as the "Parkland and Trails System Map."

N. On December 16, 2010, the Trails Committee established trail names for incorporation into the proposed Parkland and Trails System Map.

O. On January 6, 2011, a one-quarter page Notice of Planning Commission Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC).

P. On February 1, 2011, the Planning Commission continued the item to the March 1, 2011 Regular Planning Commission meeting.

Q. On March 1, 2011, the Planning Commission held a duly noticed public hearing on the amendment, reviewed and considered the agenda report, reviewed and considered written reports, public testimony and other information in the record. Pursuant to LIP Chapter 19, the Planning Commission considered the amendment and adopted Planning Commission Resolution No. 11-17 to amend the LIP to create development incentives for trail dedications, recommending the City Council approve the amendment as modified. At that meeting, ZTA No. 09-008 was removed from the amendment package and only the LCP amendment was recommended for approval by the City Council.

R. On March 31, 2011, pursuant to LIP Section 19.3, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC indicating that the City Council would hold a public hearing on April 25, 2011 to consider an amendment to the LCP.

S. On April 25, 2011, the City Council continued the item to the May 9, 2011 Regular City Council meeting.

T. On May 9, 2011, the City Council heard and considered the evidence and information provided in support of and in opposition to the application, public testimony of all interested persons and the recommendations of the Planning Commission.

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 adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the CCC before it takes effect.

Section 3. Local Coastal Program Amendment No. 09-006.

A. Based on evidence in the whole record, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act. The incentives plan is designed to make new lands available for public access and promote new recreational uses within the City.

B. The amendment to the LCP meets the requirements of, and is in conformance with the goals, objectives and purposes of the LCP as identified in said document. The incentives plan provides a range of incentives options to support the acquisition of trails within the City and is consistent with LIP Chapter 12 (Public Access) provisions by making new lands available for public access and new recreational uses within the City. Further, it is consistent with LCP land use goals including Land Use Plan (LUP) Policy 2.14 whereby the City is to develop “an incentive program that will encourage landowners to make lands available for public access and recreational uses.” In addition, the incentives plan encourages recreational growth in the City in compliance with LUP Policy 2.1 which notes that “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.”

Section 4. Local Coastal Program Local Implementation Plan Amendments.

A. LIP Chapter 13 is hereby amended to add Section 13.30 (Trail Dedication Incentive) as follows:

13.30 TRAIL DEDICATION INCENTIVE

The purpose of this section is to provide a mechanism for the approving body, in the process of reviewing a coastal development permit, to consider changes to standards or requirements of the

LCP as applied to the coastal development permit. In reviewing a coastal development permit, the approving body can process a trail dedication incentive to allow for a deviation from standards required in the LCP for the specific situations listed in LIP Sections 13.30.1(A), (B), and (C).

Application for a trail dedication incentive shall be filed as part of the coastal development permit and shall be processed consistent with provisions of this chapter.

13.30.1 Applicability

A. When either an offer to dedicate or grant of easement is volunteered by a property owner for a public trail easement on a residentially-zoned property, the approving body may grant a trail dedication incentive subject to the following requirements:

1. A development incentive may be granted for feasible trail alignments identified on the LCP Parkland and Trails System Map located on landward side of the first public road paralleling the sea. The approving body may grant a development incentive for an unidentified trail if it: 1) provides adequate connectivity in locations determined to link recreational areas to the coast, or provides alternate recreation and access opportunities pursuant to the access and recreation policies of the LCP; and 2) can be constructed and used by the public in a feasible manner.
2. Only one development incentive listed in LIP Section 13.30.1(B) may be granted per offer to dedicate or grant of easement.
3. The requested development incentive may not result in an impact to an area defined as an environmentally sensitive habitat area (ESHA).
4. Applicable public access provisions contained in Chapter 12 of the LIP shall apply, including that prior to the issuance of the coastal development permit associated with the trail dedication incentive, the property owner must execute and record the trail offer to dedicate or direct grant of easement that is in a form and content acceptable to the California Coastal Commission.
5. For projects approved after September 13, 2002 whereby a property owner voluntarily offered a trail offer to dedicate or grant of easement as part of a prior coastal development permit, one development incentive may be applied to a future project on the same parcel which the trail was offered subject to the approval of a new coastal development permit or a development permit under Chapter 17.62 of the Malibu Municipal Code, as applicable. In the event a previous offer to dedicate has since expired, a new offer to dedicate or grant of easement shall be required for a development incentive. A trail dedication incentive shall be requested and processed according to the provisions of this section.

B. The approving body may grant one of the following development incentives for a trail dedication incentive. For flag lots, the development incentive shall be reduced by 50 percent for any offer to dedicate or grant of easement that is 40 feet or less in width along the strip where access is taken from.

1. Front Yard Setback

- a. Seventy-five percent reduction in the front yard setback requirement specified in LIP Section 3.6(F)(1), provided that a minimum five foot setback shall remain.
- b. This incentive may not be used in combination with a minor modification request for a front yard setback reduction specified in LIP Section 13.27.1(B)(1).

2. Side Yard Setback

- a. Forty percent reduction in the side yard setback requirement specified in LIP Section 3.6(F)(2), provided that a minimum five foot setback shall remain.
- b. This incentive may not be used in combination with a minor modification request for a side yard setback reduction specified in LIP Section 13.27.1(B)(1).

3. Rear Yard Setback

- a. Forty percent reduction in the rear yard setback requirement specified in LIP Section 3.6(F)(3), provided that a minimum five foot setback shall remain.
- b. This incentive may not be used in combination with a minor modification request for a rear yard setback reduction specified in LIP Section 13.27.1(B)(1).

4. Grading

- a. Grading amounts may be increased by up to 250 cubic yards over the maximum allowed cubic yardage specified in LIP Section 8.3, not to exceed a maximum of 1,250 cubic yards.

5. Impermeable Coverage

- a. Ten percent increase in the maximum allowed impermeable coverage required by LIP Section 3.6(I), not to exceed a maximum of 27,500 square feet.

6. Total Development Square Footage

- a. Five percent increase in the maximum allowed total development square footage specified in LIP Section 3.6(K), not to exceed a maximum of 11,730 square feet.

7. Basement

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet specified in LIP Section 3.6(K)(3), not to exceed a maximum of 2,000 square feet.
- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(3).

8. Subterranean Garage

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet specified in LIP Section 3.6(K)(4), not to exceed a maximum of 2,000 square feet.
- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(4).

9. Cellar

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet specified in LIP Section 3.6(K)(5), not to exceed a maximum of 2,000 square feet.
- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(5).

10. Combinations of Basements, Cellars and/or Subterranean Garages

- a. An additional 1,000 square feet shall not count toward the total development square footage, in addition to the initial 1,000 square feet specified in LIP Section 3.6(K)(6), not to exceed a maximum of 2,000 square feet.
- b. Additional area in excess of 2,000 square feet shall be included in the calculation of total development square footage as specified in LIP Section 3.6(K)(6).

11. Fences and Walls

- a. Two foot increase in the maximum allowed non-view permeable fence or wall height specified in LIP Sections 3.5.3(A)(1 through 3), not to exceed a maximum height of 66 inches in front yards or eight feet in side or rear yards. Fences and walls shall be consistent with the scenic/visual protection policies of the LCP.

- b. Non-view permeable fences or walls exceeding a height of 66 inches in front yards or six feet in side or rear yards shall only be permitted in areas to provide adequate privacy from public views from the trail. For the purpose of providing privacy to the property owner, the fence or wall location shall be oriented near the trail easement only. The remainder of any proposed fencing or walls on the subject property shall be in compliance with the development standards, including height and materials, specified in LIP Sections 3.5.3(A)(1 through 3).
 - c. The increased fence or wall height shall not result in an impact to an adjoining neighbor's primary view.
 - d. Fence or wall heights shall be reviewed by the City Biologist for potential impacts to wildlife corridors.
 - e. Fences or walls that are oriented toward a public trail shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape and shall be located outside of the dedicated easement.
 - f. Landscaping in excess of six feet, not to exceed eight feet at full maturity, may be located on the trail-facing side of a fence or wall where there is no possibility of blocking private and public primary views.
 - g. All landscaping plans must receive final approval from the City Biologist.
- C. In addition to the development incentives listed in Section B above, the following provisions shall apply to a trail dedication incentive, as applicable, and subject to approval by the approving body.
- 1. Grading associated with trail construction shall be exempt from the per parcel grading requirements in LIP Section 8.3(B)(1). Trails shall be sited and designed to minimize grading and landform alternation to the maximum extent feasible.
 - 2. Structures considered necessary for trail construction shall be exempt from the slope requirements of LIP Section 3.6(J) if determined to be geologically feasible by City Geotechnical staff. The use of structures shall be minimized to the maximum extent feasible and shall comply with the scenic/visual protection policies of the LCP. Such structures may include but are not limited to stairs, retaining walls, and turnouts necessary for feasible trail construction.
 - 3. The area of square footage comprising a proposed trail easement shall not be included in the 10,000 square foot development area specified in LIP Section 4.7.1.

4. No other discretionary request specified in LIP Sections 13.26 (variance) and 13.27 (site plan review and minor modifications) shall be required to permit the development incentive listed in LIP Section 13.30.1(B) when a trail dedication incentive is applied for.
5. Following recordation of an offer to dedicate or grant of easement, a Letter of Diminishment printed on City letterhead may be prepared for the property owner to provide to the Los Angeles County Assessor's office covering the trail easement area. The letter shall include an exhibit delineating the easement area and the 21 year expiration date for offers to dedicate.

13.30.2 Application Requirements

1. The following information shall be provided for trail dedication incentive applications:
 - a. Trail name as recognized on the LCP Parkland and Trails System Map; unidentified trails shall demonstrate conformance with LIP Section 13.30.1(A)(1);
 - b. Type of public trail easement offered (offer to dedicate, or grant of easement);
 - c. Proposed trail alignment with topography, or boundaries of a floating easement. The alignment must demonstrate feasibility of use and construction. Alignments along a public street right of way or private street easement must demonstrate feasible connectivity with other offers to dedicate, easements, or planned alignments on the same side of the street;
 - d. Current title report and any source documents/instruments and maps fully demonstrating that no easements exist that would significantly conflict with, or preclude, the feasibility of a trail in the subject location;
 - e. Requested development incentive listed in LIP Section 13.30.1(B);
 - f. Deposit as sufficient to perform research on the feasibility of a trail (fully-refundable with an approved trail dedication incentive and recorded instrument evidencing an offer to dedicate or grant of easement has been provided); and
 - g. Summary of communication with any public agencies and/or private associations interested in accepting the offer to dedicate or grant of easement. Public agencies or private association which may be appropriate to accept offer to dedicate or grant of easements include, but shall not be limited to, the National Park Service, the State Coastal Conservancy, the State Department of Parks and Recreation, the State Lands Commission, the County, the City, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and non-governmental organizations.

13.30.3 Investigation

The approving body shall investigate the trail dedication incentive application including consultation with all appropriate City staff and specialists, including the City Engineer, City Biologist, City Geologist, and/or a qualified Archaeologist, and any other public agencies and/or private associations interested in accepting the offer to dedicate or grant of easement.

13.30.4 Findings

1. The proposed trail easement is identified on the LCP Parkland and Trails System Map. An unidentified trail shall demonstrate that it: 1) provides adequate connectivity in locations determined to link recreational areas to the coast, or provides alternate recreation and access opportunities pursuant to the access and recreation policies of the LCP; and 2) can be constructed and used by the public in a feasible manner.
2. The proposed trail easement is in conformity with the public access and recreation policies of the certified LCP. Alternatives to the proposed trail easement alignment were analyzed and the proposed trail easement is in conformance with the ESHA, hazards, and scenic/visual resource protection policies of the LCP.
3. The subject site is physically suitable for the proposed trail easement and can be used by the public in a feasible manner. The proposed trail easement area demonstrates feasible connectivity with other offers to dedicate, easements, and/or planned alignments and is of a sufficient size for design of any necessary switchbacks, future trail construction, and major maintenance.
4. The requested development incentive listed in LIP Section 13.30.1(B) is in conformity with the sensitive resource, hazards, and scenic/visual resource protection policies of the LCP.

Section 5. Approval.

Subject to the contingency set forth in Section 7, the City Council hereby adopts LCPA No. 09-006 amending the LIP to create development incentives for trail dedications.

Section 6. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA No. 09-006 to the CCC 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 7. Effectiveness.

The LCP amendment approved in this ordinance shall become effective only upon certification by the CCC of this amendment to the LCP.

Section 8. Certification.


The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 23rd day of May, 2011.



JOHN SIBERT, Mayor

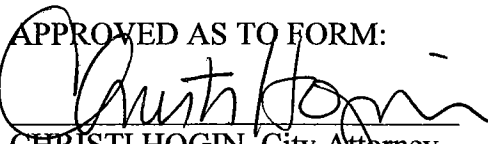
ATTEST:



LISA POPE, City Clerk
(seal)

Date: May 31, 2011

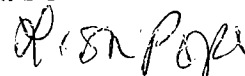
APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 358 was passed and adopted at the regular City Council meeting of May 23, 2011, by the following vote:

AYES: 5 Councilmembers: Conley Ulich, La Monte, Wagner, Rosenthal, Sibert
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)

RESOLUTION NO. 11-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 10-003 AND GENERAL PLAN AMENDMENT NO. 10-003, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND GENERAL PLAN TO UPDATE THE CITY'S PARKLAND AND TRAILS SYSTEM MAP AND INCORPORATE IT INTO THE LOCAL COASTAL PROGRAM LAND USE PLAN AND GENERAL PLAN OPEN SPACE AND RECREATION ELEMENT

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

Section 1. Recitals.

A. On April 26, 1999, the City's Master Plan Trails Ad Hoc Committee (Trails Committee) was created to oversee the creation of a Trails Master Plan for the City. Trails Committee members are appointed by Council.

B. On May 13, 2002, Council adopted the Trails Master Plan (Council Resolution No. 02-16) prepared by the Trails Committee and directed staff to incorporate elements from the Trails Master Plan into the General Plan Open Space (OS) Element, Figure OS-2.

C. On July 22, 2002, Council approved revised trail alignments for incorporation into General Plan Figure OS-2, including the deletion of all Safe Routes to School trails and neighborhood connector trails where full neighborhood support had not been obtained

D. On March 8, 2004, Council repealed Council Resolution No. 02-16 and approved Resolution No. 04-16 memorializing the Council's July 22, 2002 approval of the Trails Master Plan and revised trail alignments for incorporation into General Plan Figure OS-2. In addition, Council directed the Trails Committee to develop an inventory of existing trails within the City and to compile information on historical uses of these trails. Since 2004, the Trails Committee prepared an inventory of existing trails and their historical uses. Throughout this review, the Trails Committee identified new trails and necessary trail alignment revisions for consideration in an amendment to General Plan Figure OS-2 and the Local Coastal Program (LCP) Land Use Plan (LUP) Park Lands Map. Ongoing coordination with the National Park Service (NPS), Santa Monica Mountains Conservancy (SMMC), the Mountains Recreation and Conservation Authority (MRCA), and the Los Angeles County Department of Parks and Recreation (LACDPR) has occurred in preparation of a proposed parkland and trails system map.

E. On November 17, 2010, the Trails Committee recommended approval of a proposed Trails System Map for incorporation into the LCP and General Plan. Subsequently, Planning Division staff identified all new parkland owned by the City, County, State, and Federal agencies for incorporation into the map. The map name was recommended as the "Parkland and Trails System Map."

F. On December 16, 2010, the Trails Committee established trail names for incorporation into the proposed map.

**Exhibit 4
City of Malibu
LCP Amendment 2-11-B
City of Malibu Resolution No. 11-15**

G. On January 10, 2011, Council adopted Resolution No. 11-02 initiating changes to the LCP and General Plan to update the existing parkland and trails system maps. The City Council directed the Planning Commission to schedule a public hearing regarding the amendments.

H. On February 1, 2011, the Planning Commission held a duly noticed public hearing on the amendment, reviewed and considered the agenda report, reviewed and considered written reports, public testimony and other information in the record. Pursuant to LCP Local Implementation Plan (LIP) Chapter 19 and Malibu Municipal Code (M.M.C.) Chapter 17.74, the Planning Commission considered the amendment and adopted Planning Commission Resolution No. 11-18, recommending the City Council approve the amendment as modified.

I. On March 16, 2011, the Trails Committee reviewed the Planning Commission-recommended trails map and was in support of the modifications made.

J. On March 31, 2011, pursuant to LIP Section 19.3 and M.M.C. Section 17.74.030, a Notice of City Council 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 April 25, 2011 to consider an amendment of the LCP and General Plan. Additionally, a Notice of City Council Public Hearing was mailed to approximately 1,450 affected property owners; interested parties and homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC). A public notification announcement was also posted on the City's website and Channel 3, and published in the Malibu Surfside News and the Malibu Times on April 13 and April 20, 2011. The proposed map was made available for public review and download on the City's website, the Planning public counter at City Hall, and the Malibu Library.

K. On April 25, 2011, the City Council held a duly noticed public hearing on the subject amendment, reviewed and considered written reports, public testimony, and related information.

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 adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the CCC before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and a provision of the General Plan. In order to prevent an inconsistency between the LCP and the General Plan, if the LCP amendment is approved, the City must also approve the corollary amendment to the General Plan OS Element. This amendment is 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. 10-003.

A. Based on evidence in the whole record, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act.

B. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP as identified in said document. The proposed Parkland and Trails System Map reflects the most current inventory of existing and planned parkland and trails in the City since 2002 and demonstrates their connectivity to regional trails within the Santa Monica Mountains. Further, it provides new recreation and access opportunities between the Santa Monica Mountains and the Pacific Coast pursuant to the access and recreation policies of the LCP. The map was prepared with substantive input from the City's Trails Committee, NPS, SMMC, MRCA, and the LACDPR.

The proposed map is consistent with and implements the following LUP policies and goals including:

LUP Policy 2.45: An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system includes trails located within state and national parklands as well as those which cross private property in the City and County. The City's existing and proposed trails are shown on the LUP Park Lands Map. A safe trail system shall be provided throughout the mountains and along the shoreline that achieves the following:

- a) Connects parks and major recreational facilities;
- b) Links with trail systems of adjacent jurisdictions;
- c) Provides recreational corridors between the mountains and the coast;
- d) Allows for flexible, site-specific design and routing to minimize impacts on adjacent development, and fragile habitats. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources;
- e) Provides connections with populated areas;
- f) Includes trails designed to accommodate multiple use (hiking, biking and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized;
- g) Reserves certain trails for hiking only;
- h) Facilitates linkages to community trail systems;
- i) Provides diverse recreational and aesthetic experiences;
- j) Prohibits public use of motorized vehicles on any trail;
- k) Provides public parking at trail head areas;
- l) Ensures that trails are used for their intended purpose and that trail use does not violate private property rights.

LUP Policy 2.9: Public access and recreational planning efforts shall be coordinated, as feasible, with the National Park Service, the State Department of Parks and Recreation, the State

Coastal Conservancy, Los Angeles County, Los Angeles County Department of Beaches and Harbors, the Santa Monica Mountains Conservancy, and the Santa Monica Mountains Trails Council.

Section 4. Local Coastal Program Amendments.

LCPA No. 10-003 includes amendments to LUP text and Park Lands Map – an exhibit of the LUP. Corollary amendments to the General Plan are identified in Section 6 of this resolution. The existing LCP language is shown in straight type.

A. Amend LUP Policy 2.45 to read as follows:

An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system includes trails located within state and national parklands as well as those which cross private property in the City and County. The City's existing and proposed trails are shown on the LUP Parkland and Trails System Map. A safe trail system shall be provided throughout the mountains and along the shoreline that achieves the following:

- a) Connects parks and major recreational facilities;
- b) Links with trail systems of adjacent jurisdictions;
- c) Provides recreational corridors between the mountains and the coast;
- d) Allows for flexible, site-specific design and routing to minimize impacts on adjacent development, and fragile habitats. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources;
- e) Provides connections with populated areas;
- f) Includes trails designed to accommodate multiple use (hiking, biking and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized;
- g) Reserves certain trails for hiking only;
- h) Facilitates linkages to community trail systems;
- i) Provides diverse recreational and aesthetic experiences;
- j) Prohibits public use of motorized vehicles on any trail;
- k) Provides public parking at trail head areas;
- l) Ensures that trails are used for their intended purpose and that trail use does not violate private property rights.

B. Amend the LUP Table of Contents (List of Maps) to replace “Parks” with “Parkland and Trails System.”

C. Replace the LCP Park Lands Map in its entirety with Exhibit A (Parkland and Trails System Map) attached hereto.

Section 5. General Plan Amendment No. 10-003.

The City Council approves the General Plan on the condition that the General Plan amendment only takes effect if the LCPA is certified by the CCC. The General Plan amendment will allow the figures in the General Plan to be amended consistent with the amended LCP and is corollary of that action.

The proposed map is consistent with and implements the following General Plan policies, objectives, and implementation measures:

General Plan Land Use Policy 2.4.5: The City shall promote a system of equestrian and pedestrian trails.

General Plan Open Space and Recreation Objective 3.1: A comprehensive, safe and accessible trail system serving hikers, equestrians and bicyclists.

General Plan Open Space and Recreation Implementation Measure 53: Where possible, obtain trail dedications and easements consistent with the Trails Plan.

Section 6. General Plan Amendments.

General Plan Amendment No. 10-003 includes amendments to the General Plan OS Element as stated below.

A. Amend Figure OS-2 (Malibu / Santa Monica Mountains Area Plan Trail System) to incorporate the proposed trail data in its entirety as identified on Exhibit A (Parkland and Trails System Map) attached hereto.

Section 7. Approval.

The City Council hereby adopts LCP Amendment No. 10-003 and General Plan Amendment No. 10-003, amending the City of Malibu LCP and General Plan.

Section 8. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA No. 10-003 to the CCC 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.

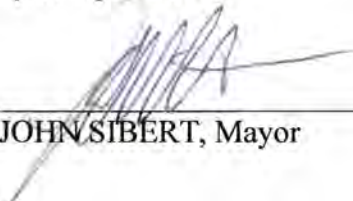
Section 9. Effectiveness.

The LCP amendment approved in this resolution shall become effective only upon certification by the CCC of this amendment to the LCP.

Section 10. Certification.

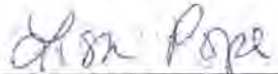
The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 25th day of April 2011.



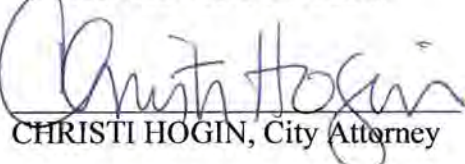
JOHN SIBERT, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

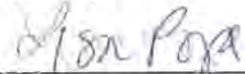


CHRISTI HOGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 11-15 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 25th day of April, 2011, by the following vote:

AYES: 5 Councilmembers: Conley Ulich, La Monte, Wagner, Rosenthal, Sibert
NOES: 0
ABSTAIN: 0
ABSENT: 0

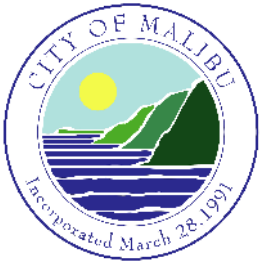


LISA POPE, City Clerk
(seal)

NOTE:

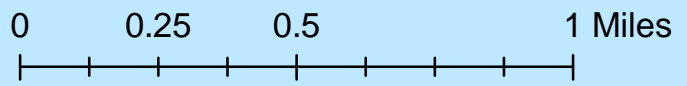
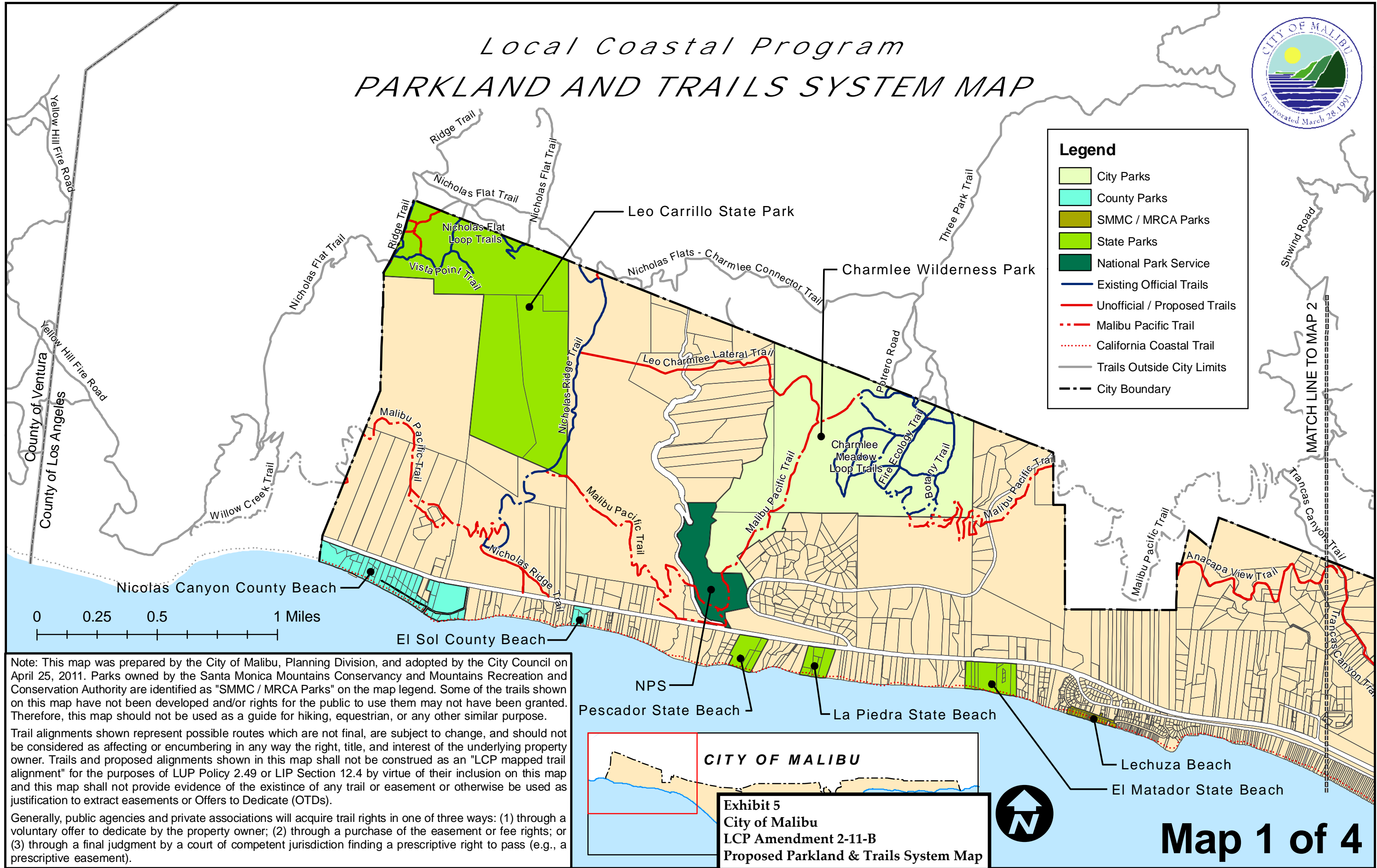
Pages 7, 8, 9, & 10 of the City of Malibu, City Council Resolution No. 11-15 are the proposed “Parkland and Trails System” Map which is included as Exhibit 5.

Local Coastal Program PARKLAND AND TRAILS SYSTEM MAP



Legend

- City Parks
- County Parks
- SMMC / MRCA Parks
- State Parks
- National Park Service
- Existing Official Trails
- Unofficial / Proposed Trails
- Malibu Pacific Trail
- California Coastal Trail
- Trails Outside City Limits
- City Boundary



Note: This map was prepared by the City of Malibu, Planning Division, and adopted by the City Council on April 25, 2011. Parks owned by the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority are identified as "SMMC / MRCA Parks" on the map legend. Some of the trails shown on this map have not been developed and/or rights for the public to use them may not have been granted. Therefore, this map should not be used as a guide for hiking, equestrian, or any other similar purpose.

Trail alignments shown represent possible routes which are not final, are subject to change, and should not be considered as affecting or encumbering in any way the right, title, and interest of the underlying property owner. Trails and proposed alignments shown in this map shall not be construed as an "LCP mapped trail alignment" for the purposes of LUP Policy 2.49 or LIP Section 12.4 by virtue of their inclusion on this map and this map shall not provide evidence of the existence of any trail or easement or otherwise be used as justification to extract easements or Offers to Dedicate (OTDs).

Generally, public agencies and private associations will acquire trail rights in one of three ways: (1) through a voluntary offer to dedicate by the property owner; (2) through a purchase of the easement or fee rights; or (3) through a final judgment by a court of competent jurisdiction finding a prescriptive right to pass (e.g., a prescriptive easement).

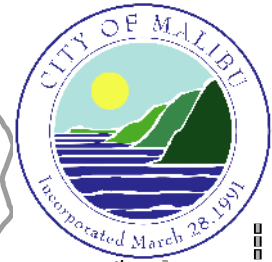
CITY OF MALIBU

Exhibit 5
City of Malibu
LCP Amendment 2-11-B
Proposed Parkland & Trails System Map



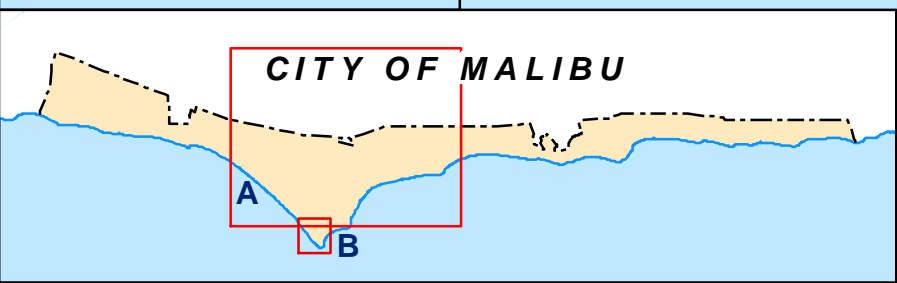
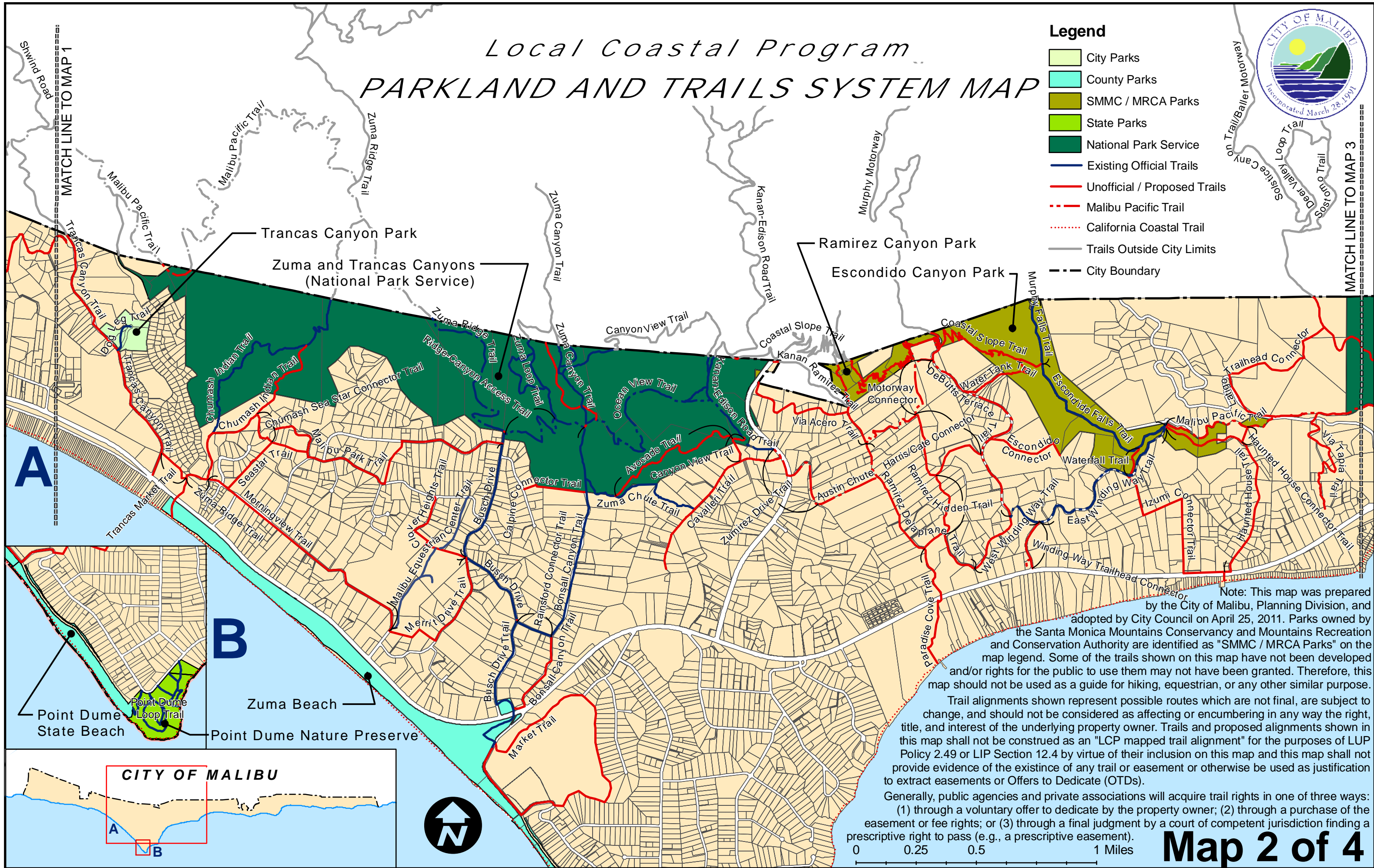
MATCH LINE TO MAP 2

Local Coastal Program PARKLAND AND TRAILS SYSTEM MAP



Legend

- City Parks
- County Parks
- SMMC / MRCA Parks
- State Parks
- National Park Service
- Existing Official Trails
- Unofficial / Proposed Trails
- Malibu Pacific Trail
- California Coastal Trail
- Trails Outside City Limits
- City Boundary



0 0.25 0.5 1 Miles

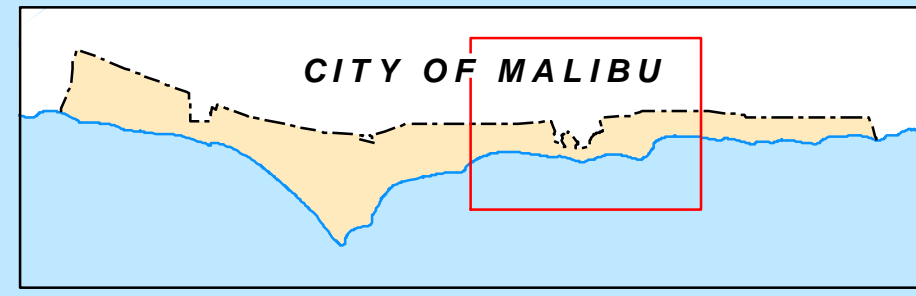
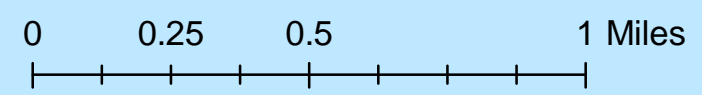
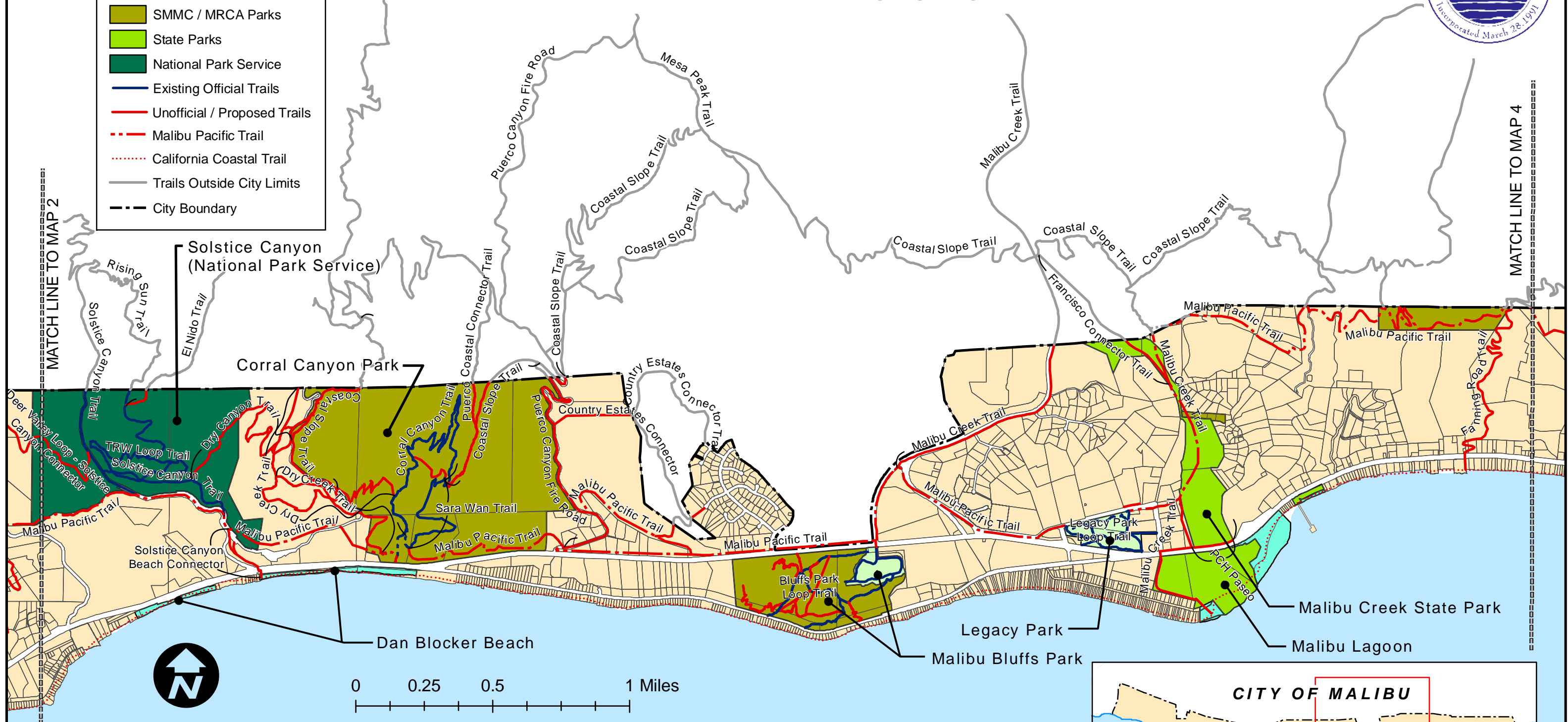
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Local Coastal Program PARKLAND AND TRAILS SYSTEM MAP

Legend

- City Parks
- County Parks
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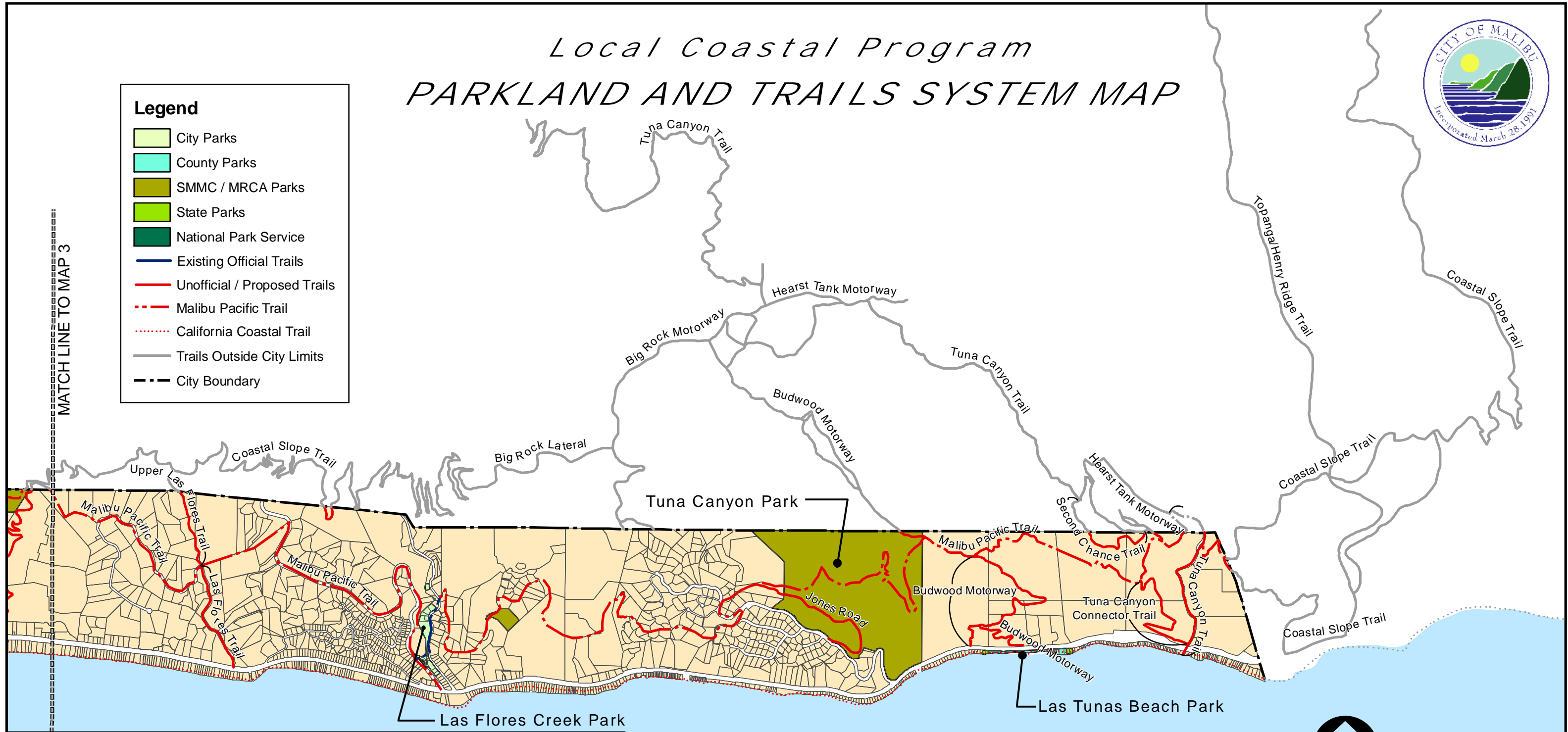
Local Coastal Program PARKLAND AND TRAILS SYSTEM MAP



Legend

- City Parks
- County Parks
- SMMC / MRCA Parks
- State Parks
- National Park Service
- Existing Official Trails
- Unofficial / Proposed Trails
- Malibu Pacific Trail
- California Coastal Trail
- Trails Outside City Limits
- City Boundary

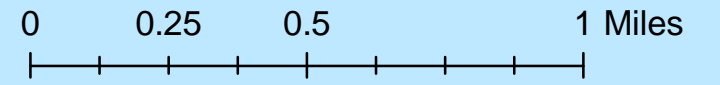
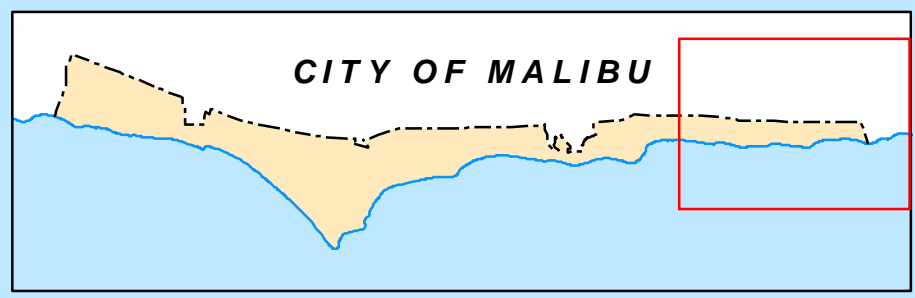
MATCH LINE TO MAP 3



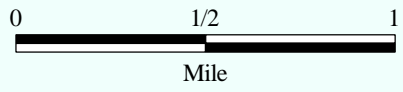
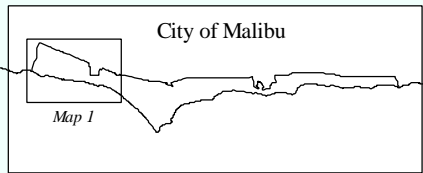
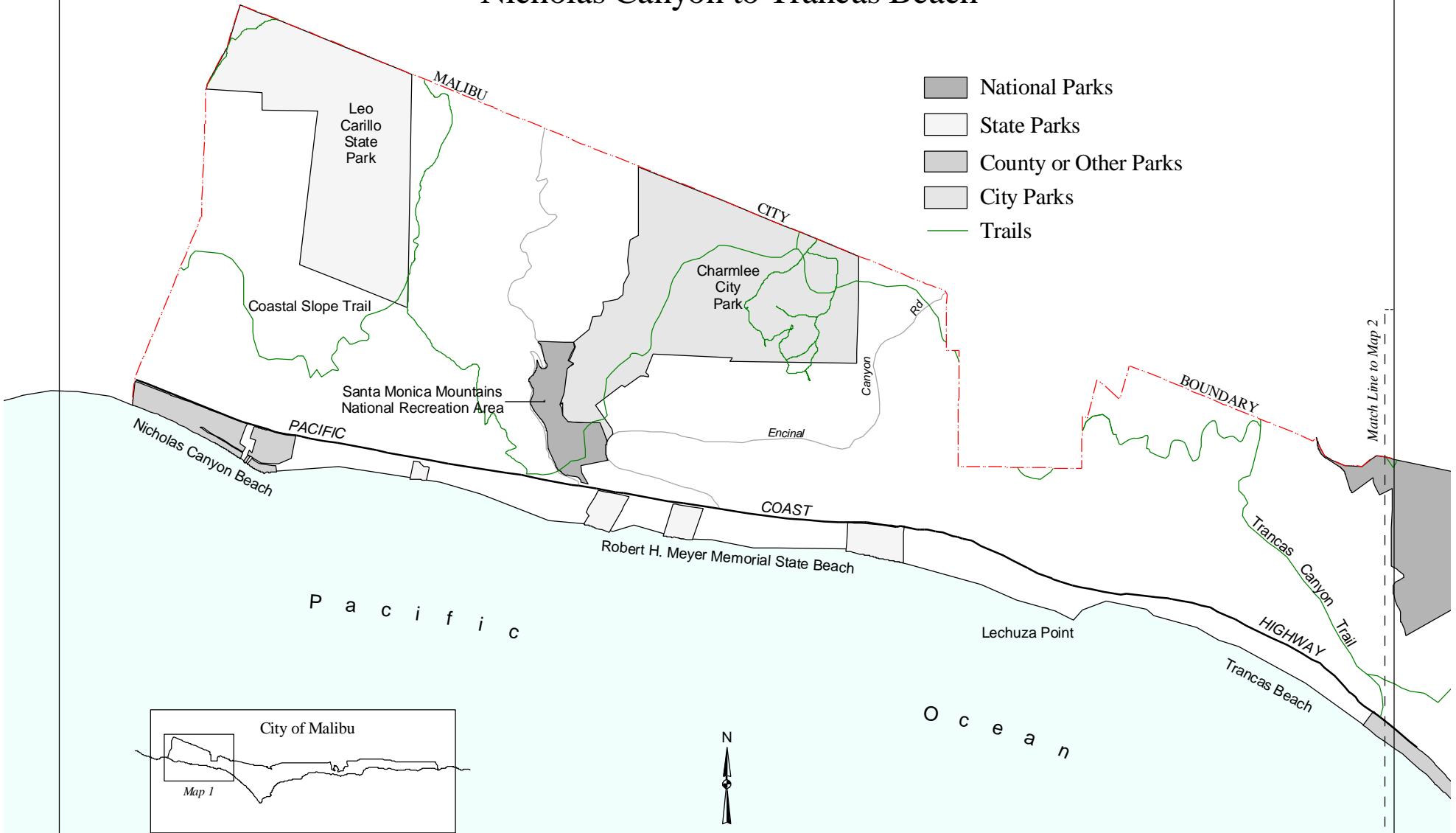
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Local Coastal Program - City of Malibu
Park Lands Map 1:
Nicholas Canyon to Trancas Beach



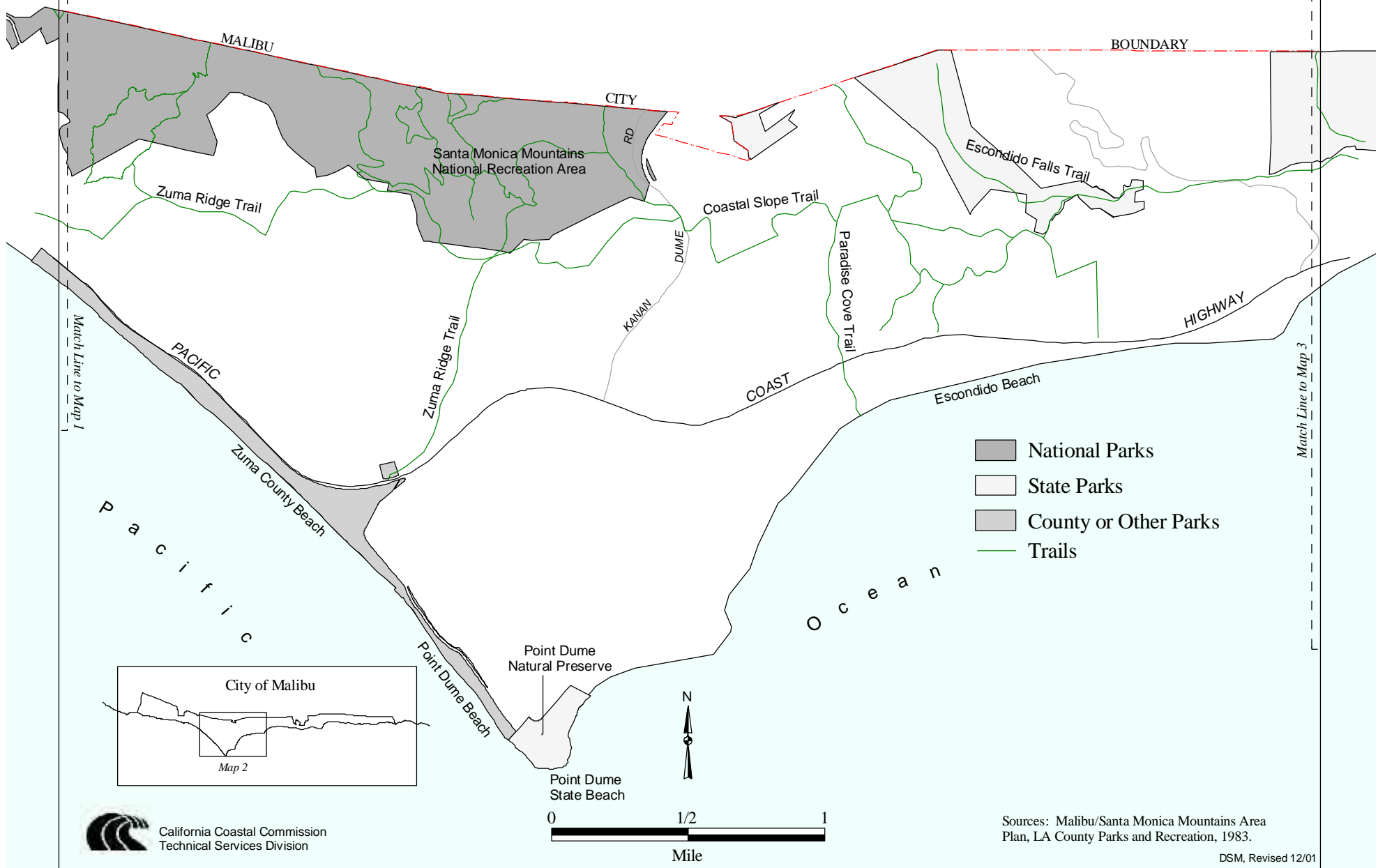
California Coastal Commission
 Technical Services Division

Sources: Malibu/Santa Monica Mountains Area
 Plan, LA County Parks and Recreation, 1983.

DSM, Revised 8/02





Local Coastal Program - City of Malibu

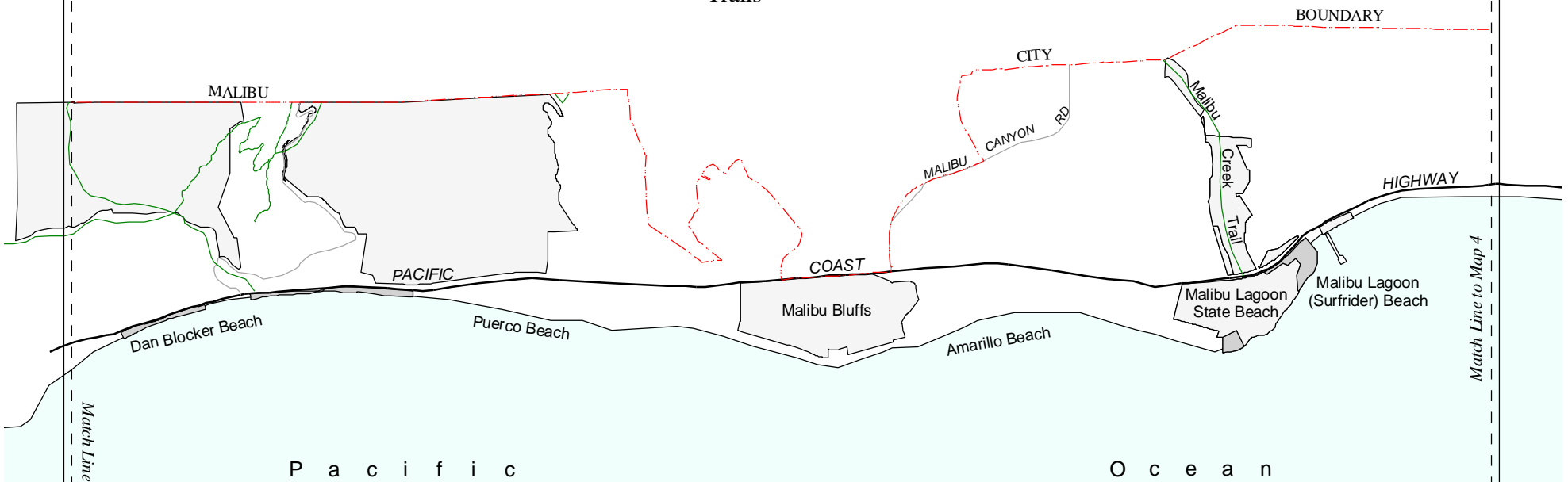
Park Lands Map 2: Zuma Beach to Escondido Beach



Local Coastal Program - City of Malibu

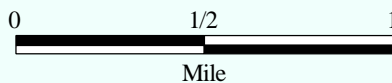
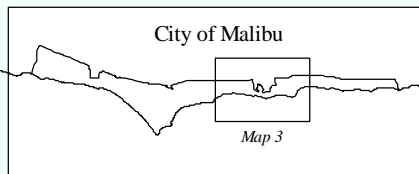
Park Lands Map 3: Dan Blocker to Malibu Pier

-  National Parks
-  State Parks
-  County or Other Parks
-  Trails



P a c i f i c

O c e a n



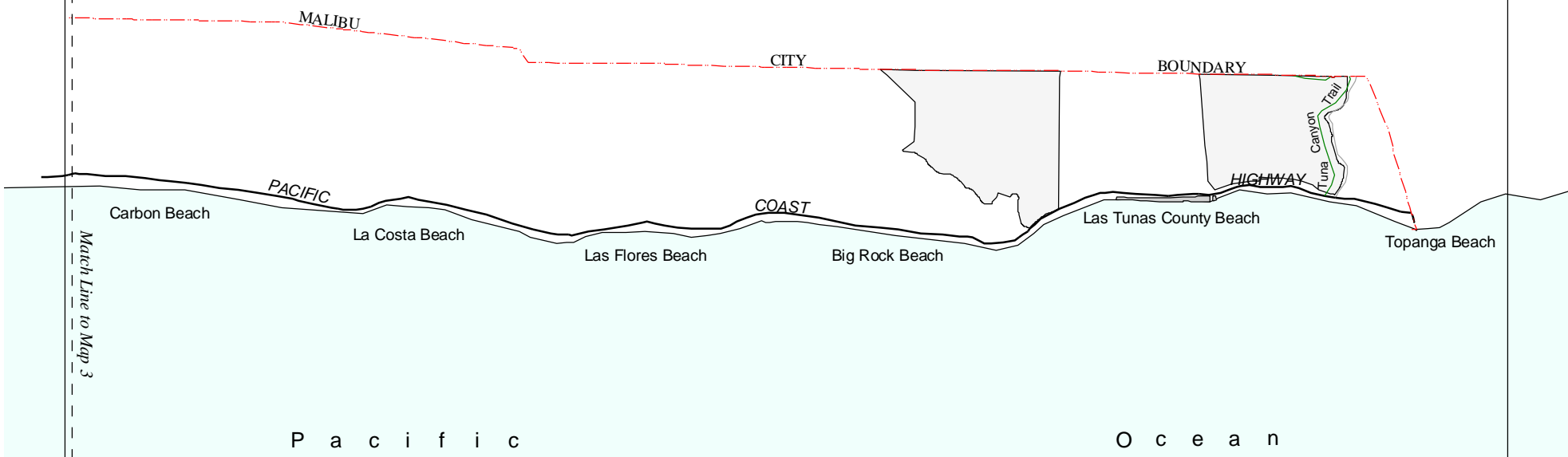
California Coastal Commission
Technical Services Division

Sources: Malibu/Santa Monica Mountains Area
Plan, LA County Parks and Recreation, 1983.

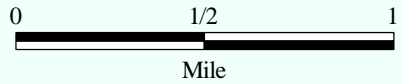
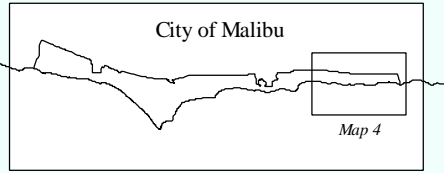
DSM, Revised 12/01

Local Coastal Program - City of Malibu
**Park Lands Map 4:
Carbon Beach to Topanga Beach**

- State Parks
- County or Other Parks
- Trails



Match Line to Map 3



Sources: Malibu/Santa Monica Mountains Area Plan, LA County Parks and Recreation, 1983.

DSM, Revised 8/02

Exhibit 7

Country Estates Connector Trail Realignment



Sweetwater Mesa Trail Lot 1 Trail Dedication

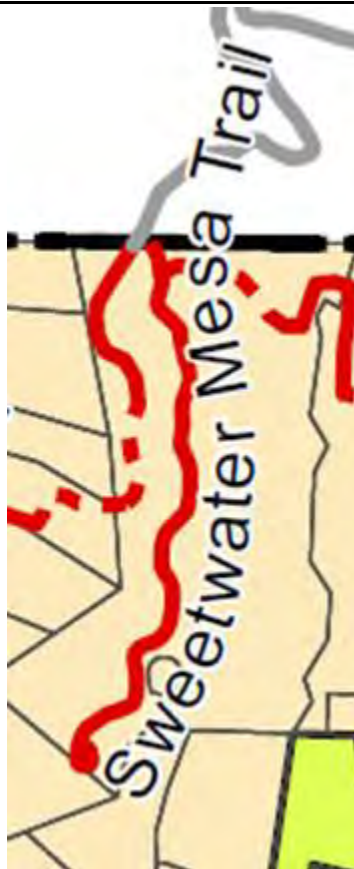


Exhibit 7
City of Malibu
LCP Amendment 2-11-B
Country Estates Connector Trail &
Sweetwater Mesa Trail Lot 1

Exhibit 8
Inland Segments of the California Coastal Trail

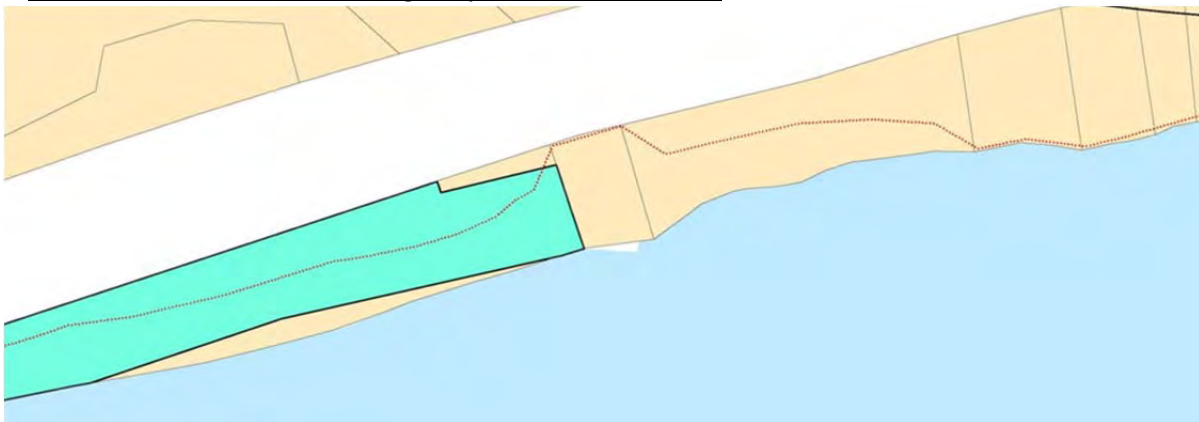
1. Between the upcoast end of East Sea Level Drive (APN 4470-001-017) to the vertical accessway east of 31346 Broad Beach Road (APN 4470-016-012)



2. Point Dume. Adjust CCT alignment to connect to the existing Point Dume Loop Trail around the southern point of Point Dume and back at the coast using the same Point Dume Loop Trail



3. Inland at 26174 Pacific Coast Highway (APN4459-021-019)



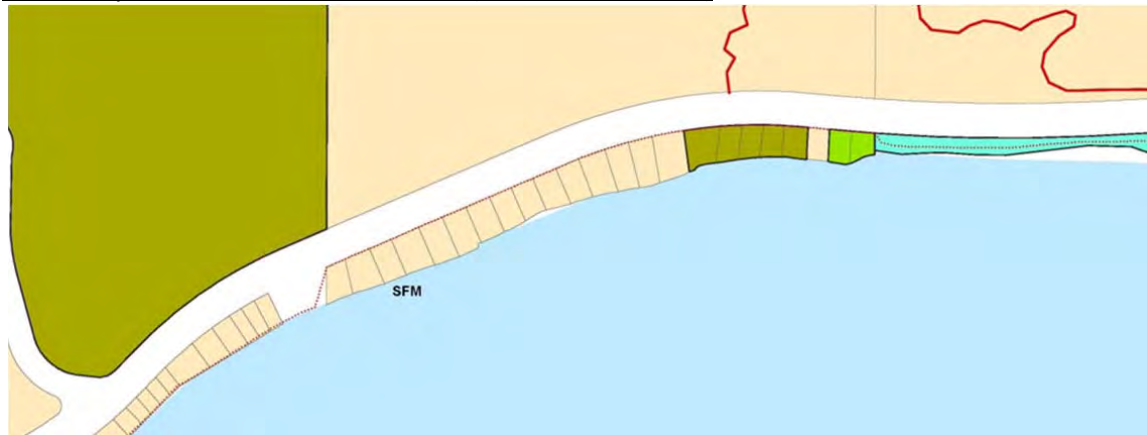
4. Between the vertical accessway west of 24434 Malibu Road (APN 4458-011-033) to the vertical accessway east of 24320 Malibu Road (APN 4458-011-013)



5. Between 21200 Pacific Coast Highway (APN 4451-001-042) to 20802 Pacific Coast Highway (APN 4450-007-027)



6. Between 19768 Pacific Coast Highway (APN 4449-008-012) and back at the coast at a vertical accessway at the Las Tunas Beach Park (APN 4449-006-900)



7. Between the vertical accessway on 19324 Pacific Coast Highway (APN 4449-005-009) to the vertical accessway at 19016 Pacific Coast Highway (APN 4449-003-027)

