Exhibit 22

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

CORRESPONDENCE

June 1

Re agenda item 16-B

NO!

16A Yes

Jean Rozenfeld

Att: Pat Veesart
Re: MAL-MAJ-1-08

June 3, 2009

Dear Coastal Commission,

I'm writing in support of LCP Amendment #MAL-MAJ-1-08 (S.M. MTS. CONSERVANCY.....)

As a long time Coastal Trail user I believe the S.M. Conservancy.....has the land use preservation as a priority & would propose nothing to harm that priority. I would love to have some camps along the trail.

Joyce Neri
465 25th St.
Hermosa Beach CA. 90254

510 Palisades Ave.
Santa Monica, CA 90402
June 4, 2009

California Coastal Commission
FAX (805) 641-1732 Attention: Pat Veesart

Re: In favor of W16b (Conservancy/MRCA Malibu LUP-amendment with revisions) and against W16a to be heard at the meeting of June 10, 2009.

In urging the Commission to vote no on Malibu City's submission and approve the revised proposal of SMMC/MRCA, I want to say that the latter represents a responsible effort to plan for best use of these public park lands, now and into the future. The proposed small camps, park uses, and trails-development plan are, all things considered, the right choices. The staff reports and applicant submissions answer all of the questions that I think important and outlined in the following two paragraphs, and make the proper course of action evident and appropriate.

Thinking about these two submissions before the Commission brings to mind different questions at different levels. The first is what is the proper use for these public lands in the Malibu area – will the proposed camps put the residents at risk or will they even mitigate existing, generally overlooked risks; second, are the parks to be accessible to only the nearby residents, or are they to serve a much broader group of users; third, will the decisions made for these parks set precedent – will they affect the use of public lands up and down the coast or the state; finally, is there a broader, long-range, more visionary goal in building the California Coastal Trail, of providing greater public access to the coast and adjacent slopes, and insuring that public parks are put to their best use.

As a Boy Scout growing up in Santa Monica in the late 1940s and early 1950s, I camped along Malibu Canyon Road, hiked (and rode horse back on) the Malibu-area coastal hillsides and canyons, fished behind Malibu dam, and explored Malibu beaches. As an adult (and now a Coastwalk California volunteer), my love of hiking and the out-of-doors has brought me back many times to Malibu, but beyond that, it has led me to walk trails elsewhere in California, the U.S. and overseas. The point that I want to make here is that trails – and certainly the trails of the Santa Monica Mountains in the Malibu coastal zone – serve many purposes for many people. They contribute to recreation, fitness, knowledge of the natural world, tourism, sense of a local and global community, and transportation; not just for the nearby residents but for an almost unimaginably broader population. And well planned trails and outdoor facilities contribute importantly at the same time to preservation of the environment.

Yours sincerely,

Donald Nierlich

Donald Nierlich
L.A. Coastwalk Coordinator

June 2, 2009

RECEIVED
JUN 04 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Sherry Miyazono
16451 Myrtlewood St.
Fountain Valley, CA 92708

California Coastal Commission
89 South California St.
Suite 200
Ventura, CA 93001

Re: MAL- MAJ-1-08

To Whom It May Concern:

I would like to voice my support for the provision of additional trails and camping facilities along the Coastal Slope trail between Corral Canyon and Kanan Dume Road on the north edge of Malibu. These facilities will provide much needed recreational opportunities for our urban area and more foot traffic to keep visual observation of conditions in a fire-sensitive area.

Sincerely yours,

Sherry Miyazono

June 2, 2009

California Coastal Commission
89 So. California Street
Ste. 200
Ventura, CA 93001

RECEIVED
JUN 04 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Attn: Pat Veesart

Re: MAL-MAJ-1-08

Dear Ms. Veesart:

Please be advised that I am in favor of MAL-MAJ-1-08. To build and improve trails and build 3 small camps in the Santa Monica Mtns in Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park would allow hikers

(over)

following the California Coastal Trail.
3 places to stay as they enter L.A.
When completed, the Coastal Slope trail
will provide 60-70 more miles of trails.

It is not in the best interest
of the California citizens to allow
a few homeowners in Malibu to stand
in the way of this project.

It has always taken effort to
build the great trails in this
country such as the Pacific Crest
Trail, John Muir trail and the
Appalachian Trail. Let's add
the California Coastal Trail to this
list by approving MAL-MAJ-1-08.

Sincerely,
Marilyn Jones
PO Box 923486
Sylmar, CA 91392

RECEIVED
Revised Findings
JUN 0 4 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dr David Bruyette
Dr Tina Owen
26205 Fairside Rd
Malibu, CA 90265
310-456-0123
E-mail: davebruyette@aol.com

Agenda Item 16
Hearing Date: June 10th, 2009

May 31st, 2009

Dear California Coastal Commissioners,

I writing to you about the upcoming California Coastal Commission Meeting regarding the Santa Monica Mountains Conservancy's (SMMC) efforts to establish new camping locations at the base of Corral Canyon and increasing the use of its residential property in Ramariz Canyon. While I am greatly in favor of allowing public access in Malibu I am very opposed to allowing access in this fire prone area.

Corral Canyon is constrained by a limited access point. The canyon is heavily used, and has suffered a disastrous fire as a result of an out-of-control, illegal campfire. Corral Canyon's rugged topography orients along a 2.5-mile watershed running from the beach to the peak of the Santa Monica Mountains. A pocket of coastal salt marsh is located where the creek empties under the PCH bridge. It is the last undeveloped coastal canyon in Los Angeles County where the creek flows freely to the ocean. This delicate ecosystem is already stressed, because of the demands placed by so many vehicles, hikers, animals and refuse left behind. Solstice Canyon Park is off Corral Canyon Road just above PCH. As Corral Canyon Road goes up the hill, it passes upslope of the Malibu Beach RV Park in a large s-curve switchback. This narrow, winding road presents many access challenges for emergency service vehicles under the best of circumstances.

On November 24, 2007, an unlawful campfire on state lands at the top of Corral Canyon, in an area known to be at risk of unsupervised nighttime recreation, got out of control. It took several days to bring under control at a cost of more than $6 million. The disaster required the evacuation of more than 10,000 people and 80 structures were destroyed. Electricity was out in many parts of Malibu and a primary fiber optic cable was destroyed, knocking out TV and Internet services for tens of thousands. Like Ramirez and Escondido Canyon, Corral Canyon has access issues. Corral Canyon Road provides the only access into the canyon for residents and visitors. It rises from PCH using many curves and switchbacks to cover the steep terrain. The slopes of the canyon are densely out by heavy seasonal rains, requiring emergency repairs to free the canyon dwellers.

Fire dangers are growing in California. The state's dwindling financial resources make it more difficult to fight fires, and thus prevention and risk management is essential. State and local fire codes should be strictly enforced, and no modifications or exceptions should be granted for public facilities in Very High Fire Hazard Severity Zones.

Unsupervised camping and large public events in high fire zones are inherently dangerous. It is unacceptable and irresponsible to simply impose a condition requiring supervision when there is no demonstrated funding to make it happen.

There are a number of camping facilities in the fire-prone Santa Monica Mountains. Rather than devote resources to expanding that activity, the State should utilize its existing resources to properly supervise and maintain the existing facilities.

Surely the Coastal Commission will realize that, with California in the throes of a major financial crisis, now is not the time to allocate taxpayer money on projects that present the risk of more devastating and expensive fires. The devastating 2007 Corral Fire in Malibu was caused by visitors who started a campfire on a windy night. More than 50 homes were destroyed in a few short hours. Only the presence of rangers - round-the-clock - can keep people from starting illegal campfires and there does not appear to be enough money for such a presence.

The Compelling Facts about Fire and Malibu

1. **Malibu: An Urban/Wildland Community at Risk.** Malibu has been designated by the California Department of Forestry and Fire Protection (CDF) as a "Wildland Urban Interface (WUI) Community at Risk." [1]

2. **Very High Fire Hazard Severity Zone.** SMMC properties in Ramirez Canyon, Escondido Canyon, Corral Canyon, and the City's Charmlee Park are also designated by CDF as "Very High Fire Hazard Severity Zones." [2]

3. **Chaparral ESHA.** Ramirez Canyon, Escondido Canyon, Corral Canyon and Charmlee Park are vegetated with Chaparral ESHA. Chaparral ESHA has a very high "fuel load" and is the most extensive wildland fire threat in Los Angeles County. [3]

4. **People Cause Fires.** The majority of fires within California, and specifically within Los Angeles County, are caused by humans – on average ten times more than by natural causes. During the last 20 years in California, 142 fires were started by campfires alone; those fires burned more than 360,000 acres and cost more than $140 million to suppress. [4]

5. **Evacuation/Access Routes.** Most people who die in wildland fires do so while evacuating. Evacuation operations require large commitments of firefighters who could be better utilized for fire suppression. Evacuation operations also impair traffic, which affects firefighter response. [5]

6. **Malibu Fires.** Malibu has a history of destructive wildfires. In 2007, Malibu suffered the Corral Canyon Fire – 63 homes were destroyed, 54 were damaged. Malibu Presbyterian Church, Our Lady of Malibu and Webster Elementary School were damaged. Six firefighters were injured.

7. **California Fires.** Fifteen of the twenty largest wildfires in California history have occurred since 1985 and almost 1.2 million acres burned during the record-setting 2008 fire season. [6] CDF provides fire management for "state responsibility areas." In these areas alone, in 2000 CDF reported 5,177 fires which destroyed 130 structures and caused damage in excess of $29,800,000. [7] In 2007, the number of fires was down (3,610), but there were 3,079 structures destroyed, and damage in excess of $254,000,000. [8]

8. **The Fire Danger is Growing due to Drought and Warming.** The number of wildfires in the United States between 1987 and 2003 was four times the number between 1970 and 1986. [9] The total area burned increased by more than six and a half times in the Western States (*id*). Fifteen of the twenty largest wildfires in California history have occurred since 1985. [10] Governor Arnold Schwarzenegger has proclaimed a statewide drought, and has acknowledged that the drought has created extreme fire danger due to dry conditions. [11] Recent studies predict that based upon weather conditions for future climate scenarios (including the intensification of warming), the frequency of wildfires will increase in the Western U.S. – perhaps as much as 35 percent by mid-century and 55 percent by the end of the century. [12]

9. **The State's Dwindling Fiscal Resources.** CDF fire protection expenditures increased from $475 million in 1996-97 to $869 million in 2006-07, an 83% increase. [13] The 2008-09 budget for CDF is $1.6 billion. [14] However, the increased risk of wildfires cannot be managed by fire suppression strategies alone. [15] The "most effective way to limit damage and loss due to wildfire is to prevent all but the most blatant ignitions due to arson or other unforeseeable circumstances." [16]

10. **Camping in Malibu's Foothills is Inherently Unsafe.** SMMC proposes "trail camps" and "hike in" camps at Ramirez, Escondido and Corral Canyon. A "trail camp" is a small campsite, located to the side of a trail. These camps are generally designed in chains, to accommodate overnight users on extended trips. A "hike in" camp is a small grouping of campsites, also accessed only by trail. The lack of vehicular access to these areas hinders rapid fire response. In addition, because these camps are so remote, "no smoking" and "no campfire" rules would be difficult, if not impossible, to enforce.

11. **Large Private Events in Ramirez Canyon Are Inherently Unsafe.** The SMMC Override and the Malibu LCPA propose to allow SMMC to lease its Ramirez property for large private events, with as many as 200 people. The Malibu LCPA conditions these events on alternate access and limits them to 16 per year; SMMC proposes these events with no alternate access and increases the number to 32 per year. Like camping, even with alternate access, these events are not safe – for at least four reasons:

a. **Narrow, Box Canyon.** Ramirez Canyon is a dry, narrow box canyon. Fires that start at the base of box canyons create strong upslope drafts, which cause the fire to spread rapidly upslope and create extreme fire behavior and dangerous conditions. Steep terrain also creates extremely hazardous conditions for fire-fighting personnel and limits the use of heavy equipment, such as bulldozers, to create fire lines. [17]

b. **Ramirez Canyon Road Is Not an Adequate Primary or Secondary Access Because it Does Not Meet the Requirements of State or Local Fire Codes.** State and local Fire Codes require an evacuation route to be at least 20 feet wide. [18] Ramirez Canyon Road is only 13 feet wide in some places, with nine speed bumps. The front yard setbacks are narrow and some structures are located very near the road. The road traverses Ramirez Creek with "Arizona crossings" and narrow bridges and is impassable in times of heavy rain. At the bottom of the Canyon, the road passes under Pacific Coast Highway (PCH) through a concrete tunnel that is barely wide enough for a single car. The distance from PCH to the SMMC property is one mile. There is no way for event participants and Canyon residents to simultaneously evacuate and there is no way for fire equipment to come up the canyon while an evacuation is in progress.

c. **Are the Ramirez Structures Fire Safe?** Before Ms. Streisand donated the property to SMMC, she used it as a residence. SMMC changed that use, and was therefore required to bring the structures up to the Uniform Fire Code. [19] That requires compliance with fire safety standards adopted by the State Fire Marshal for state-owned or state-occupied buildings [20], and compliance with the extensive and detailed restrictions which apply to buildings in Very High Fire Hazard Severity Zones and in urban/wildland interface communities [21]. There are no records indicating that the structures at the SMMC Ramirez property have been lawfully converted from residential to commercial uses, nor that any fire protection measures have been installed (e.g., sprinklers, fire safe walls, windows, and doors). Yet, both the SMMC Override and the Malibu LCPA authorize the use of these structures for small and large events, as well as for regional executive offices for SMMC and its sister agency, Mountains Recreation and Conservation Authority.

Safe, Sane and Feasible Alternatives

1. **SMMC's Proposal for Camping.** In and around Malibu, there are 272 federally-owned, 678 state-owned and four City of LA-owned campsites. [22] Even if SMMC could demonstrate a public need for more camp facilities, those facilities should be sited on non-ESHA and beach properties - not in Malibu's dry, box canyons.

2. **SMMC Override and Malibu LCPA Proposals for Large, Private Events.** There are 23 event, catering, and conference facilities in the Malibu area that accommodate various kinds of special events, with capacities from less than 100 persons to more than 500 persons. The facilities include restaurants, conference centers, museums, ranches, parks, hotels, retreat centers, and the like. The estimated total capacity of these facilities is approximately 6,045 persons. [23] Even if SMMC could demonstrate a need for more event facilities, that need should be met at other SMMC and MRCA properties, with adequate vehicular access and less fire risk.

CONCLUSION

The first job of government is to keep people safe. Where residential neighborhoods border on open space and recreation properties, government officials must balance the

public's right to access with the public's right to safety. If the fire danger in California and in Malibu were less, proposals for camping and large events in Malibu's canyons might be appropriate. However, under current conditions, these activities should not be offered. The risk of fire is too extreme.

Thank you for your time and for your service to the citizens of California.

Sincerely,

David Bruyette

Tina Owen

Endnotes

1. California Department of Forestry and Fire Protection, "The Wildland Urban Interface (WUI): Assessing wildfire related risks to people, property and infrastructure in California." http://frap.cdf.ca.gov/projects/wui/index.asp

2. CDF, Fire Hazard Severity Zone Re-Mapping Project, http://frap.cdf.ca.gov/webdata/maps/los_angeles/fhszs_map.19

3. California Department of Forestry and Fire Protection, 2005a, "Fuels: Surface Fuels" Raster Digital Data. 2005. http://frap.cdf.ca.gov/data/frapgisdata/select.asp?theme=5; Anderson, H.E. 1982, "Aids to Determining Fuel Models for Estimating Fire Behavior"; National Wildfire Coordinating Group, 1994, "Introduction to Wildland Fire Behavior S-190," Student Workbook; The California Chaparral Institute. http://www.californiachaparral.com/awheresthechaparral.html.

4. California Department of Forestry and Fire Protection, 2008, "Fire Perimeters." Vector Digital Data, June, 2008, http://frap.cdf.ca.gov/data/frapgisdata/select.asp?theme=5.

5. Hunt, J., "Listen to Experts Concerning Fire Protection," Santa Barbara News-Press, December 21, 2008. Mr. Hunt is a former county fire department captain and a wildland/urban interface fire protection consultant for the past 29 years.

6. Associated Press, Report: Climate Change to Fuel Wildfires in West, August 15, 2008.

7. CDF. http://www.fire.ca.gov/communications/downloads/fact_sheets/2000summary.

8. CDF. http://www.fire.ca.gov/communications/downloads/fact_sheets/2007Summary

9. A.L. Westerling, *et al.*, "Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity," *Science* 313, 940 (2006), published online 6 July 2006 (10.1126/science.1128834).

10. Associated Press, Report: Climate Change to Fuel Wildfires in West," August 15, 2008.

11. Press Release, Office of the Governor, 6/04/2008, http://gov.ca.gov/press-release/9796.

12. Climate Action Team Report to Governor Schwarzenegger and the Legislature (California Environmental Protection Agency 2006). National research demonstrates that, in the western states, the number of wildfires between 1987 and 2003 was four times the number between 1970 and 1986; the total area burned increased more than six and a half times. (A.L. Westerling, *et al.*, "Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity," Science 313, 940 (2006), published online 6 July

2006 (10.1126/science.1128834). From 1995 to 1999, wildland fires burned an average of 4.1 million acres each year. From 2000 to 2004, the fires burned an average of 6.1 million acres per year, an increase of almost 50 percent. During the same periods, the costs incurred by federal firefighting entities to suppress wildland fires more than doubled, from an average of $500 million annually to about $1.3 billion annually. (U.S. Government Accountability Office, Wildland Fire Suppression: Better Guidance Needed to Clarify Sharing of Costs between Federal and Nonfederal Entities (hereafter "USGAO Report"), July 2006, pp. 3-4.) Forest Service and university researchers estimate that about 44 million homes in the lower 48 states are located in the wildland-urban interface.

13. California Legislative Analyst's Office, "California Department of Forestry and Fire Protection: State's Wildland Firefighting Costs Continue to Escalate," presented to Senate Budget Subcommittee No. 2 on Resources, Environmental Protection and Energy, March 26, 2007.

14. Governor Schwarzenegger is Committed to Meeting the Challenges of a Year-Round Fire Season. November 18, 2008. http://www.calfires.com.

15. National Wildlife Federation, "Increased Risk of Catastrophic Wildfires: Global Warming's Wake-Up Call for the Western United States," August 14, 2008.

16. County of Los Angeles Fire Department, Pre-Fire Management Plan, June 2004, p. 9.

17. Char, C.R. and L.R. Chatten, 1977, "Principles of Forest Fire Management," Publisher unknown (manual); Clayton, B., Day and J. McFadden, 1985, "Wildfire Fire Fighting," Publisher unknown (manual).

18. Title 24, Cal. Code Regs., sec. 503.2.1; Los Angeles County Fire Code, sec. 503.2.1. Both Codes include a provision which allows for "modifications" of the requirements in individual cases. However, modifications can be granted only if the fire official finds that a "special individual reason" makes strict compliance "impractical," and that the modification is in compliance with the intent and purpose of [the] code and . . does not lessen health, life and fire safety requirements." (24 Cal. Code Regs, App. A, sec. 104.8.)

19. That change in use amounted to a "change in occupancy" under the Uniform Fire Code (24 Cal. Code Regs., § 202) and required that the structures be brought up to Code: "No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. (Title 24, Cal. Code Regs., sec. 102.3, emphasis added.)

20. Health & Saf. Code, sec. 13108, *et seq.*; Title 19, Cal. Code Regs., sec. 1.03, *et seq.*

21. Health & Saf. Code, sec. 13108.5; Title 19, Cal. Code Regs., § 2.01, *et seq.*

22. Science Applications International Corporation, "Analysis of Issues Relating to Application by the Santa Monica Mountains Conservancy For a Local Coastal Program Amendment Override," December 2008, pp. 2-3.

23. Science Applications International Corporation, "Analysis of Issues Relating to Application by the Santa Monica Mountains Conservancy For a Local Coastal Program Amendment Override," December 2008, p. 4 and Appendix A.

RECEIVED
JUN 03 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Agenda Items 16A/16B,
June 10, 2009 CC Agenda
Vit Petrusis

TO: California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

DATE: May 29, 2009

Not only do I support the trail system, but I have even dedicated a long portion, approximately ¼ of a mile, to the now existing pedestrian and equestrian trail for public use alongside my property in Malibu. I'm also an advocate of camping and hiking in fire safe locations that do not overburden environmentally sensitive habitat areas; I have backpacked, camped and hiked for decades all over California and most of the USA. As an experienced hiker and camper, I most strongly oppose the proposed Escondido Canyon's development plan that includes overnight camping and a large parking lot. The proposed plan is completely illogical for the proposed area and, if implemented, would be extremely hazardous to the area residents and the future users of the proposed facilities; therefore, I most strongly oppose the Malibu LCP Over- ride (Agenda Item 16B) proposed by the Mountains Recreation and Conservation Authority. Several specific reasons for my opposition to the MRCA plan follow:

1. The proposed Escondido Canyon development, with overnight camping and a large parking lot in an environmentally sensitive habitat area, is directly across from my property. The area is extremely dangerous in case of wild fires which, judging by history of the area, are certain to happen again -- several fires have already burned over my property since I have owned it. The extreme fire hazard is caused by the topography – the property goes directly uphill from the proposed development site providing a chimney like condition – and the Escondido Canyon ESHA is full of natural burn material.

2. The access to and exit from the proposed development is a single narrow very unstable winding road very difficult for fire equipment to access and, in case of an emergency caused by a rapid canyon/ mountain fire, to exit for residents and visitors.

3. Escondido Canyon is already easily accessed via the existing hiking and equestrian trail from the parking lot on Pacific Coast highway and by other trails. There's no need for another parking lot in the Escondido Canyon ESHA.

4. There already exist numerous overnight campsites in many coastal areas that are safe and adequately accommodate the dwindling population of tent campers. There's no compelling reason to build another overnight campsite in a pristine

canyon overburdening an ESHA and creating and extremely dangerous fire hazard just to gain a very small number of new campsites. This area is well suited for day use, which would greatly reduce the fire danger and help preserve the dwindling natural environment.

5. Finally, the MCRA proposed development plan for the Escondido Canyon violates a whole host of laws, ordinances and will only result in legal quagmire. Please do the right thing and preserve this area for posterity through logical use of this unique area.

For the above given reasons and many others, please deny the Malibu Over-ride (Agenda Item 16B) proposed by Mountains Recreation and Conservation Authority.

Respectfully,

Vit Petrusis
463 21 st Street
Santa Monica, CA 90402

CC: Executive Director Peter M. Douglas
Representative Khatchick Akhadjian
Commissioner Steve Blank
Commissioner Dr. William A. Burke
Commissioner Steven Kram
Commissioner Dr. Suja Lowenthal
Supervisor Ross Mirkarimi
Chair Bonnie Neeley
Commissioner Dave Potter
Commissioner Mary K. Shallenberger
Commissioner Sara Wan
LA County Supervisor Zev Yaroslavsky
LA County Fire Chief P. Michael Freeman
California State Fire Marshall Kate Dargan
US Representative Henry A. Waxman
Governor Arnold Schwrtzenegger
Assemblywoman Julia Brownley
Malibu Mayor Andy Stern
Malibu Council Member Sharon Barovsky
Malibu Council Member John Sibert
Malibu Council Member Pamela Conley Ulich
Malibu Council Member Wagner
CC South Central Coast Area ✓

Dr David Bruyette
Dr Tina Owen
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RECEIVED
JUN 03 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Agenda Item 16
Hearing Date: June 10th, 2009

May 31st, 2009

Dear California Coastal Commissioners,

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6. **Malibu Fires.** Malibu has a history of destructive wildfires. In 2007, Malibu suffered the Corral Canyon Fire – 63 homes were destroyed, 54 were damaged. Malibu Presbyterian Church, Our Lady of Malibu and Webster Elementary School were damaged. Six firefighters were injured.

7. **California Fires**. Fifteen of the twenty largest wildfires in California history have occurred since 1985 and almost 1.2 million acres burned during the record-setting 2008 fire season. [6] CDF provides fire management for "state responsibility areas." In these areas alone, in 2000 CDF reported 5,177 fires which destroyed 130 structures and caused damage in excess of $29,800,000. [7] In 2007, the number of fires was down (3,610), but there were 3,079 structures destroyed, and damage in excess of $254,000,000. [8]

8. **The Fire Danger is Growing due to Drought and Warming**. The number of wildfires in the United States between 1987 and 2003 was four times the number between 1970 and 1986. [9] The total area burned increased by more than six and a half times in the Western States (*id*). Fifteen of the twenty largest wildfires in California history have occurred since 1985. [10] Governor Arnold Schwarzenegger has proclaimed a statewide drought, and has acknowledged that the drought has created extreme fire danger due to dry conditions. [11] Recent studies predict that based upon weather conditions for future climate scenarios (including the intensification of warming), the frequency of wildfires will increase in the Western U.S. – perhaps as much as 35 percent by mid-century and 55 percent by the end of the century. [12]

9. **The State's Dwindling Fiscal Resources**. CDF fire protection expenditures increased from $475 million in 1996-97 to $869 million in 2006-07, an 83% increase. [13] The 2008-09 budget for CDF is $1.6 billion. [14] However, the increased risk of wildfires cannot be managed by fire suppression strategies alone. [15] The "most effective way to limit damage and loss due to wildfire is to prevent all but the most blatant ignitions due to arson or other unforeseeable circumstances." [16]

10. **Camping in Malibu's Foothills is Inherently Unsafe**. SMMC proposes "trail camps" and "hike in" camps at Ramirez, Escondido and Corral Canyon. A "trail camp" is a small campsite, located to the side of a trail. These camps are generally designed in chains, to accommodate overnight users on extended trips. A "hike in" camp is a small grouping of campsites, also accessed only by trail. The lack of vehicular access to these areas hinders rapid fire response. In addition, because these camps are so remote, "no smoking" and "no campfire" rules would be difficult, if not impossible, to enforce.

11. **Large Private Events in Ramirez Canyon Are Inherently Unsafe**. The SMMC Override and the Malibu LCPA propose to allow SMMC to lease its Ramirez property for large private events, with as many as 200 people. The Malibu LCPA conditions these events on alternate access and limits them to 16 per year; SMMC proposes these events with no alternate access and increases the number to 32 per year. Like camping, even with alternate access, these events are not safe – for at least four reasons:

a. **Narrow, Box Canyon**. Ramirez Canyon is a dry, narrow box canyon. Fires that start at the base of box canyons create strong upslope drafts, which cause the fire to spread rapidly upslope and create extreme fire behavior and dangerous conditions. Steep terrain also creates extremely hazardous conditions for fire-fighting personnel and limits the use of heavy equipment, such as bulldozers, to create fire lines. [17]

b. **Ramirez Canyon Road Is Not an Adequate Primary or Secondary Access Because it Does Not Meet the Requirements of State or Local Fire Codes.** State and local Fire Codes require an evacuation route to be at least 20 feet wide. [18] Ramirez Canyon Road is only 13 feet wide in some places, with nine speed bumps. The front yard setbacks are narrow and some structures are located very near the road. The road traverses Ramirez Creek with "Arizona crossings" and narrow bridges and is impassable in times of heavy rain. At the bottom of the Canyon, the road passes under Pacific Coast Highway (PCH) through a concrete tunnel that is barely wide enough for a single car. The distance from PCH to the SMMC property is one mile. There is no way for event participants and Canyon residents to simultaneously evacuate and there is no way for fire equipment to come up the canyon while an evacuation is in progress.

c. **Are the Ramirez Structures Fire Safe?** Before Ms. Streisand donated the property to SMMC, she used it as a residence. SMMC changed that use, and was therefore required to bring the structures up to the Uniform Fire Code. [19] That requires compliance with fire safety standards adopted by the State Fire Marshal for state-owned or state-occupied buildings [20], and compliance with the extensive and detailed restrictions which apply to buildings in Very High Fire Hazard Severity Zones and in urban/wildland interface communities [21]. There are no records indicating that the structures at the SMMC Ramirez property have been lawfully converted from residential to commercial uses, nor that any fire protection measures have been installed (e.g., sprinklers, fire safe walls, windows, and doors). Yet, both the SMMC Override and the Malibu LCPA authorize the use of these structures for small and large events, as well as for regional executive offices for SMMC and its sister agency, Mountains Recreation and Conservation Authority.

Safe, Sane and Feasible Alternatives

1. **SMMC's Proposal for Camping.** In and around Malibu, there are 272 federally-owned, 678 state-owned and four City of LA-owned campsites. [22] Even if SMMC could demonstrate a public need for more camp facilities, those facilities should be sited on non-ESHA and beach properties - not in Malibu's dry, box canyons.

2. **SMMC Override and Malibu LCPA Proposals for Large, Private Events.** There are 23 event, catering, and conference facilities in the Malibu area that accommodate various kinds of special events, with capacities from less than 100 persons to more than 500 persons. The facilities include restaurants, conference centers, museums, ranches, parks, hotels, retreat centers, and the like. The estimated total capacity of these facilities is approximately 6,045 persons. [23] Even if SMMC could demonstrate a need for more event facilities, that need should be met at other SMMC and MRCA properties, with adequate vehicular access and less fire risk.

CONCLUSION

The first job of government is to keep people safe. Where residential neighborhoods border on open space and recreation properties, government officials must balance the

public's right to access with the public's right to safety. If the fire danger in California and in Malibu were less, proposals for camping and large events in Malibu's canyons might be appropriate. However, under current conditions, these activities should not be offered. The risk of fire is too extreme.

Thank you for your time and for your service to the citizens of California.

Sincerely,

David Bruyette

Tina Owen

Endnotes

1. California Department of Forestry and Fire Protection, "The Wildland Urban Interface (WUI): Assessing wildfire related risks to people, property and infrastructure in California." http://frap.cdf.ca.gov/projects/wui/index.asp

2. CDF, Fire Hazard Severity Zone Re-Mapping Project, http://frap.cdf.ca.gov/webdata/maps/los_angeles/fhszs_map.19

3. California Department of Forestry and Fire Protection, 2005a, "Fuels: Surface Fuels" Raster Digital Data. 2005. http://frap.cdf.ca.gov/data/frapgisdata/select.asp?theme=5; Anderson, H.E. 1982, "Aids to Determining Fuel Models for Estimating Fire Behavior"; National Wildfire Coordinating Group, 1994, "Introduction to Wildland Fire Behavior S-190," Student Workbook; The California Chaparral Institute. http://www.californiachaparral.com/awheresthechaparral.html.

4. California Department of Forestry and Fire Protection, 2008, "Fire Perimeters." Vector Digital Data, June, 2008, http://frap.cdf.ca.gov/data/frapgisdata/select.asp?theme=5.

5. Hunt, J., "Listen to Experts Concerning Fire Protection," Santa Barbara News-Press, December 21, 2008. Mr. Hunt is a former county fire department captain and a wildland/urban interface fire protection consultant for the past 29 years.

6. Associated Press, Report: Climate Change to Fuel Wildfires in West, August 15, 2008.

7. CDF. http://www.fire.ca.gov/communications/downloads/fact_sheets/2000summary.

8. CDF. http://www.fire.ca.gov/communications/downloads/fact_sheets/2007Summary

9. A.L. Westerling, *et al.*, "Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity," *Science* 313, 940 (2006), published online 6 July 2006 (10.1126/science.1128834).

10. Associated Press, Report: Climate Change to Fuel Wildfires in West," August 15, 2008.

11. Press Release, Office of the Governor, 6/04/2008, http://gov.ca.gov/press-release/9796.

12. Climate Action Team Report to Governor Schwarzenegger and the Legislature (California Environmental Protection Agency 2006). National research demonstrates that, in the western states, the number of wildfires between 1987 and 2003 was four times the number between 1970 and 1986; the total area burned increased more than six and a half times. (A.L. Westerling, *et al.*, "Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity," Science 313, 940 (2006), published online 6 July

2006 (10.1126/science.1128834). From 1995 to 1999, wildland fires burned an average of 4.1 million acres each year. From 2000 to 2004, the fires burned an average of 6.1 million acres per year, an increase of almost 50 percent. During the same periods, the costs incurred by federal firefighting entities to suppress wildland fires more than doubled, from an average of $500 million annually to about $1.3 billion annually. (U.S. Government Accountability Office, Wildland Fire Suppression: Better Guidance Needed to Clarify Sharing of Costs between Federal and Nonfederal Entities (hereafter "USGAO Report"), July 2006, pp. 3-4.) Forest Service and university researchers estimate that about 44 million homes in the lower 48 states are located in the wildland-urban interface.

13. California Legislative Analyst's Office, "California Department of Forestry and Fire Protection: State's Wildland Firefighting Costs Continue to Escalate," presented to Senate Budget Subcommittee No. 2 on Resources, Environmental Protection and Energy, March 26, 2007.

14. Governor Schwarzenegger is Committed to Meeting the Challenges of a Year-Round Fire Season. November 18, 2008. http://www.calfires.com.

15. National Wildlife Federation, "Increased Risk of Catastrophic Wildfires: Global Warming's Wake-Up Call for the Western United States," August 14, 2008.

16. County of Los Angeles Fire Department, Pre-Fire Management Plan, June 2004, p. 9.

17. Char, C.R. and L.R. Chatten, 1977, "Principles of Forest Fire Management," Publisher unknown (manual); Clayton, B., Day and J. McFadden, 1985, "Wildfire Fire Fighting," Publisher unknown (manual).

18. Title 24, Cal. Code Regs., sec. 503.2.1; Los Angeles County Fire Code, sec. 503.2.1. Both Codes include a provision which allows for "modifications" of the requirements in individual cases. However, modifications can be granted only if the fire official finds that a "special individual reason" makes strict compliance "impractical," and that the modification is in compliance with the intent and purpose of [the] code and . . does not lessen health, life and fire safety requirements." (24 Cal. Code Regs, App. A, sec. 104.8.)

19. That change in use amounted to a "change in occupancy" under the Uniform Fire Code (24 Cal. Code Regs., § 202) and required that the structures be brought up to Code: "No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. (Title 24, Cal. Code Regs., sec. 102.3, emphasis added.)

20. Health & Saf. Code, sec. 13108, *et seq.*; Title 19, Cal. Code Regs., sec. 1.03, *et seq.*

21. Health & Saf. Code, sec. 13108.5; Title 19, Cal. Code Regs., § 2.01, *et seq.*

22. Science Applications International Corporation, "Analysis of Issues Relating to Application by the Santa Monica Mountains Conservancy For a Local Coastal Program Amendment Override," December 2008, pp. 2-3.

23. Science Applications International Corporation, "Analysis of Issues Relating to Application by the Santa Monica Mountains Conservancy For a Local Coastal Program Amendment Override," December 2008, p. 4 and Appendix A.

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CALIFORNIA
COASTAL COMMISSION

RE: Agenda Items 16A/16B,
June 10, 2009 CC Agenda

Judith and J. Pablo Villablanca
27567 Winding Way
Malibu, CA 90265

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South Coast Region
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CALIFORNIA
COASTAL COMMISSION

TO: California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

DATE: May 24, 2009

I am a resident of Malibu in the Escondido Canyon area. I support the development of a trails system in Malibu for public use. I am for camping in fire-safe sites that do not damage sensitive habitat. I am writing to oppose the Malibu LCP Over-ride (Agenda Item 16B) proposed by the Mountains Recreation and Conservation Authority (MRCA). I strongly oppose the MRCA plan for Escondido Canyon, specifically a new parking lot and overnight camping for the following reasons:

1. **The MRCA violates Coastal Act Article 6, Section 30253: "New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard."**
Camping should not be permitted at high fire risk locations in close proximity to residential areas. Escondido is a box canyon with only one uphill exit, and has the highest incidence of fires in the Santa Monica Mountains. The proposed camping site was completely burned in the November 2007 Corral Fire in less than an hour after that fire started. California's fire danger is documented to be growing due to drought and global warming, with fifteen of the state's twenty largest wildfires occurring since 1985. Our current state budget crisis will shrink fiscal resources to fight fires. We cannot afford to increase fire risks. Corral Canyon prohibited campfires and camping, however with inadequate supervision, a devastating fire was started there. The Tea Fire in Montecito was also due to an illegal campfire. Written regulations for cold camping do not enforce themselves. Night-time usage greatly increases fire risk, and should not be permitted in Escondido Canyon.

The proposed site also fails to meet current fire regulations (**24 Cal. Code Regs., sec. 503.2.1)** which require," **The fire apparatus access road** shall comply with the requirements of this section and **shall extend to within 150 feet of all portions of the facility.** The road to the campsite is unstable and much narrower than 20 feet, making it impossible for fire truck access and evacuation of campers.

Camping should occur at fire safe and supervised locations with paved roads that meet fire regulations, criteria that are met by all the current state campgrounds that exist in Malibu (ie, Sycamore Canyon, Malibu Creek State Park). There are

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

better options for possible expansion of camping at the mouths of canyons or at beach sites, including for example, the bottom of Topanga State Park, where adequate paved roads exist.

2. **THE MRCA has inadequate resources to maintain/supervise new facilities.** The MRCA was granted an easement for the trail along the private road, Winding Way, which leads to Escondido Canyon. This trail is rutted and degraded, with inadequate signage to keep hikers on the trail. The CDP (Coastal Development Plan) for the easement required the MRCA to maintain this trail, which they have failed to do, with no maintenance or signage placed by MRCA in nearly a decade.

The MRCA performed trail maintenance in the past two months within Escondido Canyon for the first time in the past ten years. Ranger staffing for Escondido is sparse. The state budget crisis will lead to further park budget cuts. Creating new facilities will require financial resources for maintenance and staffing that do not exist currently, and are expected to further decline in the coming years.

The waterfall in Escondido Canyon is a frequent site of serious bodily injuries. Two helicopter rescues have occurred there so far this year alone. Supervision of the canyon is inadequate, and will be further compromised as usage increases.

The MRCA has failed to close Escondido trail on red flag days, which is standard for other state parks. This puts both the public and area residents at risk, since many are not aware of the dangers of becoming trapped in a box canyon during a wildfire.

3. **Violation of CDP terms by MRCA.** The CDP for the Winding Way trail easement contains specific language that limits the easement to pedestrian and equestrian use only (see attached). The proposed new parking lot at the top of Winding Way violates these terms. Increasing car traffic on Winding Way puts hikers, bikers, and equestrians at increased risk on this winding street with many blind curves. Hikers often walk in the street with young children and pets. Liability for injuries on our private road will be born solely by homeowners, and not the state. It is not acceptable for the state to impose conditions that increase private homeowners' liability and risk serious injury to trail users.

4. The MRCA proposal is too intensive for Escondido Canyon. Sycamore Canyon State Park, for instance, has 42 parking spots serving a park size of 13,300 acres. Escondido Park has approximately 140 acres with total proposed parking sites totaling 48. The new Winding Way parking lot would be placed within the canyon, thus leading to the destruction of more habitat, and to a level of usage out of proportion to the acreage, that will further damage wildlife and the sensitive riparian habitat. Reasonable alternatives include revision of the current Winding Way lot at Pacific Coast Highway (currently with 10 spaces) to

optimize usage in that existing facility, and use of the MRCA option for ten more parking spots at Latigo Canyon Road via the original Coastal Slope Trail. Night usage of the canyon will further disturb wildlife, which is threatened by habitat loss from previous fires and from prior residential encroachment. Day use would avoid this impact.

Mr. Edmiston signified in writing to the Winding Way homeowners association that Escondido Canyon would NOT be allowed to have overnight usage (see attached letter).

5. **Escondido Creek water quality issues**

Escondido Creek is one of the most contaminated watersheds in the Malibu area, and drains directly into the ocean. There have been NO steps to clean up this creek. The proposed campsite is in riparian habitat in close proximity to the creek and will lead to further water quality deterioration.

The MRCA mission is to preserve natural habitat, so it remains there for public enjoyment. It also has a responsibility to preserve public safety. There are better alternatives to their proposed LCP Over-ride which would provide public access and meet the following rational criteria:

1. Less expensive to develop, maintain
2. Less fire risk
3. Better preservation of environmentally sensitive habitat.

Escondido Canyon should be limited to day usage, with appropriate maintenance and supervision, and public access which prevents damage to this unique canyon, to preserve it for the future generations.

Judith Villablanca, MD
President Winding Way-Murphy Way Home & Landowners Association
Associate Professor Clinical Pediatrics

J. Pablo Villablanca, MD
Professor Radiology

CC: Zev Yaroslovsky
P. Michael Freeman
Gov. Arnold Schwarzenegger
Julia Brownley
Kate Dargan
Malibu City Council
California Coastal Commissioners

State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
SOUTH COAST DISTRICT
666 E. Ocean Blvd., Suite 3107
Long Beach, CA 90801
(213) 590-5071

MAL:MA 1-08

VR/DJN:ag
Revised Findings

Date September 1, 1981

Application No. P-81-7713

NOTICE OF INTENT TO ISSUE PERMIT

On June 1, 1981, the California Coastal Commission approved the application of Los Angeles County, 550 S. Vermont Avenue, Los Angeles, CA 90020, subject to the attached standard and special conditions, for the development described below:

Installation of a local water system, road improvements, and landscaping in the vicinity of DeButts Terrace and Winding Way.

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WATERWORKS DIVISION

SITE: Vicinity of Winding Way-DeButts Terrace
Malibu, CA

The permit will be held in the South Coast District office of the Coastal Commission, pending fulfillment of Special Conditions 1, 2, and 3, on reverse. When these conditions have been satisfied, the permit will be issued.

Nancy A. Lucast
Nancy A. Lucast
District Director
by

Dixie Howell djn
Staff Analyst

OVER PLEASE

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

Prior to issuance of permit, the applicant shall submit an irrevocable offer to dedicate public access trails easement, co-terminus to, and along the entire length of the right-of-way of DeButts Terrace and Widing Way within the area of the improvement district. The irrevocable offer shall be of a form and content approved by the Executive Director, or his successor, free of prior encumbrances except for tax liens and deeds of trust on record, providing the public the right to pass and repass over the noted routes limited to hiking and equestrian usage only. Dedicated trail access easements shall not be open for public hiking and equestrian usage until a public agency agrees to accept responsibility for maintenance of liability associated with the trails easement. *

The offer shall run with the land in favor of the Peopleof the State of California, binding successors. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

. Prior to issuance of permit, the applicant shall agree to provide landscaping to screen pump houses from the general vicinity for approval; and

. The trail shall be subject to approval by the County Parks Department and the Santa Monica Mountains Trails Council.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

SANTA MONICA MOUNTAINS CONSERVANCY
STREISAND CENTER FOR CONSERVANCY STUDIES
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207

June 27, 1997

Mr. Bradley Scott
Chairman of the Board
Insurance Auto Auctions, Inc.
23805 Stuart Ranch Road, Suite 255
Malibu, California 90265

Winding Way/Escondido Canyon

Dear Mr. Scott:

Thank you for the opportunity for our full and frank discussion of the problems Winding Way residents may have with the Santa Monica Mountains Conservancy's recent purchase of Escondido Canyon. I appreciate the time you and Richard Katz were willing to invest towards resolution of this important issue.

This letter will serve to memorialize the essential points of our conversation, as I remember them. Please feel free to amplify and comment.

Attached you will find two key documents:

(1) *Escondido Canyon Project Plan*, as adopted by the Santa Monica Mountains Conservancy pursuant to Section 33209 of the Public Resources Code. You will note on p. 3 the limited scope of improvements (15 car parking, 2 redwood enclosed chemical toilets, picnic tables, *etc.*). We estimate the total cost of these improvements to be less than $100,000. No funds have been allocated for this purpose at the present time.

(2) Insurance Policy covering all East Winding Way property owners of record. You have expertise in this field, and are not directly involved as I gather you live on West Winding Way, so it might be appropriate for you to review—or have a professional in whom you have confidence—review this policy for the degree of protection afforded to the covered landowners. If an impartial review of this policy discloses deficiencies in coverage, I will recommend to the respective governing boards such additional coverage as may be necessary to bring the policy up to industry standards.

Mr. Bradley Scott
June 27, 1997 Page 2

The property is patrolled by armed rangers who are California peace officers. Our regulations prohibit vehicle use of any kind; fires; overnight camping, and indeed any nighttime activity. Violation of these regulations is a misdemeanor for which the Malibu court has been very cooperative in setting a relatively high bail amount. There is a 24 hour on-call ranger who may be reached at (310) 456-7049.

The Winding Way trail is a matter of concern. It is still owned by the County and my understanding is that they have submitted all the easements to the Coastal Commission for final sign-off on that condition of the Winding Way coastal permit. The Conservancy has adopted a resolution authorizing acceptance of the trail easement (and with it the maintenance responsibility), but we must await the County's action in actually transferring the easement to us. Substantial reconstruction and maintenance must be done on this trail to bring it up to our standards.

Finally, with respect to the parking area, I have committed in public—and to you in our conversation—to implementing some type of electronic notification system so that persons would not drive their car the mile into Winding Way only to find all spaces taken. Multi-level parking garages frequently have these systems installed, and I am open to any suggestions about the physical design of such a system.

Please feel free to share the contents of this letter with other concerned Winding Way residents. I welcome any other suggestions you may have about how the Conservancy can accomplish its goal of being a good neighbor to the residents of Winding Way.

Sincerely,

JOSEPH T. EDMISTON, AICP
Executive Director

Attachments (2)

cc: Conservancy members
MRCA Governing Board members
Conservancy Advisory Committee members

DR. & MRS. SAXON
CASA DEL SUENO
2878 SEABREEZE DRIVE
MALIBU, CA 90265
310.456.7858

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May 27, 2009

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SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
45 Fremont St., suite 2000
San Francisco, CA 94105-2219

Re: Proposed "Camping Sites" in the Malibu area

Dear California Coastal Commission:

We would like to take this opportunity to share some of our concerns regarding several of the proposed camping sites on the property owned by the Santa Monica Mountains Conservancy. We will try to be brief and succinct;

1. We live in the Corral Canyon area of Malibu. We do so in part because we love its rural nature and the many wild birds and animals that populate the area.
2. We are used to sharing this area with the large number of visitors that Malibu attracts each year.
3. We are very, very sensitive to the ever present risk of fire. We trust we do not need to remind you of the November 2007 Corral Canyon fire and its economic and personal costs. Not a single person who lost their home in that fire has yet to return home and it has been almost a year and a half. Many residents who had their homes damaged have yet to complete repairs. The impact of a fire lasts far longer than the news coverage and the return of the wild plant life.

4. Fire is an ever present concern. And with the California Fire Season now being year round, continuous vigilance seems to be the required theme.
5. We are opposed to any plan or program which will allow overnight camping and related open fires (for cooking, warmth, light, etc) in the Corral Canyon area.

- We already know the risk of fire.
- We already know that "closing" a park doesn't stop people from entering a park.
- We already know that prohibiting open fires doesn't stop people from making fires.
- This being true, **we am very concerned about establishing a site which would allow for open fires.**
- Corral Canyon has only one entrance/exit. A fire at the bottom of the canyon, where there is a proposed camp site, could trap the residents.
- The November 2007 Corral Canyon fire raised lots of questions about the fire department's willingness or ability to send fire trucks into the canyon. Does any increase in our fire risk make sense at this point?

We don't want to beat a dead horse. We don't want overnight camping in or adjacent to Corral Canyon and we don't want any open fires anywhere near our fragile, fire prone environment.

Thank you for your time and consideration on this matter.

Sincerely,

Steve and Rosemary Saxon

Jonathan M. Kaye
27434 Winding Way
Malibu, California 90265

DATE: Monday, June 01, 2009

TO: California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RE: Agenda Items 16A/16B, June 10, 2009 CC Agenda

I am a resident of Malibu on Winding Way in Escondido Canyon. I support the development of a trails system in Malibu for public use. I am for camping in fire-safe sites that do not damage sensitive habitat. I am writing to oppose the Malibu LCP Over-ride (Agenda Item 16B) proposed by the Mountains Recreation and Conservation Authority (MRCA). I strongly oppose the MRCA plan for Escondido Canyon, specifically a new parking lot and overnight camping for the following reasons:

1. **The MRCA violates Coastal Act Article 6, Section 30253: "New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard." Camping should not be permitted at high fire risk locations in close proximity to residential areas.** Escondido is a box canyon with only one uphill exit, and has the highest incidence of fires in the Santa Monica Mountains. The proposed camping site was completely burned in the November 2007 Corral Fire in less than an hour after that fire started. California's fire danger is documented to be growing due to drought and global warming, with fifteen of the state's twenty largest wildfires occurring since 1985. Our current state budget crisis will shrink fiscal resources to fight fires. We cannot afford to increase fire risks. Corral Canyon prohibited campfires and camping, however with inadequate supervision, a devastating fire was started there. The Tea Fire in Montecito was also due to an illegal campfire. Written regulations for cold camping do not enforce themselves. Night-time usage greatly increases fire risk, and should not be permitted in Escondido Canyon.

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Camping should occur at fire safe and supervised locations with paved roads that meet fire regulations, criteria that are met by all the current state campgrounds that exist in Malibu (ie, Sycamore Canyon, Malibu Creek State Park). There are better options for possible expansion of camping at the mouths of canyons or at beach sites, including for example, the bottom of Topanga State Park, where adequate paved roads exist.

2. **THE MRCA has inadequate resources to maintain/supervise new facilities.** The MRCA was granted an easement for the trail along the private road, Winding Way, that leads to Escondido Canyon. This trail is rutted and degraded, with inadequate signage to keep hikers on the trail. The CDP (Coastal Development Plan) for the easement required the MRCA to maintain this trail, which they have failed to do, with no maintenance or signage placed by MRCA in nearly a decade.

The MRCA has failed to close Escondido trail on red flag days, which is standard for other state parks. This puts both the public and area residents at risk, since many are not aware of the dangers of becoming trapped in a box canyon during a wildfire.

3. **Violation of CDP terms by MRCA.** The CDP for the Winding Way trail easement contains specific language that limits the easement to pedestrian and equestrian use only. The proposed new parking lot at the top of Winding Way violates these terms. Increasing car traffic on Winding Way puts hikers, bikers, and equestrians at increased risk on this winding street with many blind curves. Hikers often walk in the street with young children and pets. Liability for injuries on our private road will be born solely by homeowners, and not the state. It is not acceptable for the state to impose conditions that increase private homeowners' liability and risk serious injury to trail users. Plus, the best view of the ocean and the horse farms is during the hike up the road to the trailhead. This view would be lost if cars parked at the top of our private road.

4. **The MRCA proposal is too intensive for Escondido Canyon**. Sycamore Canyon State Park, for instance, has 42 parking spots serving a park size of 13,300 acres. Escondido Park has approximately 140 acres with total proposed parking sites totaling 48. The new Winding Way parking lot would be placed within the canyon, thus leading to the destruction of more habitats, and to a level of usage out of proportion to the acreage, that will further damage wildlife and the sensitive riparian habitat. Reasonable alternatives include revision of the current Winding Way lot at Pacific Coast Highway (currently with 10 spaces) to optimize usage in that existing facility, and use of the MRCA option for ten more parking spots at Latigo Canyon Road via the original Coastal Slope Trail. Night usage of the canyon will further disturb wildlife, which is threatened by habitat loss from previous fires and from prior residential encroachment. Day use would avoid this impact.

5. **Escondido Creek water quality issues**
Escondido Creek is one of the most contaminated watersheds in the Malibu area, and drains directly into the ocean. There have been NO steps to clean up this creek. The proposed campsite is in riparian habitat in close proximity to the creek and will lead to further water quality deterioration.

The MRCA mission is to preserve natural habitat, so it remains there for public enjoyment. It also has a responsibility to preserve public safety. There are better alternatives to their proposed LCP Over-ride which would provide public access and meet the following rational criteria:

1. Less expensive to develop, maintain
2. Less fire risk
3. Better preservation of environmentally sensitive habitat.

Escondido Canyon should be limited to day usage, with appropriate maintenance and supervision, and public access which prevents damage to this unique canyon, to preserve it for the future generations.

Respectively,

Jonathan Kaye

CC: Los Angeles County Supervisor Zev Yaroslavsky
Los Angeles County Fire Chief P. Michael Freeman
Governor Arnold Schwarzenegger
State Assembly Assemblywoman Julia Brownley
Kate Dargan, State Fire Marshall

Pat Veesart

From: Innerbeach@aol.com
Sent: Friday, June 05, 2009 9:03 AM
To: Pat Veesart
Subject: OPPOSITION TO OVERNIGHT CAMPING

Dear Pat,

I am STRONGLY OPPOSED to overnight camping being allowed in Malibu. How many fires must we endure? How many homes lost and animals slaughtered?

If these are not compelling reasons, then I would offer the reminder that, every Malibu fire lowers home prices, hence taxes. Allowing overnight camping is bad for Malibu's population, its ecosystem, its economy and that of the state of California.

PLEASE DO NOT ALLOW THIS BILL TO PASS!!!!!!

Michael Manheim and Janus Cercone
20 year residenst of Malibu
23852 PCH
#924
Malibu, Ca. 90265

****

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JUN 05 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

W. F. and L. Y. Keller
4984 S. Encinal Cyn. Rd.
Malibu, Ca. 90265

Ref: Agenda Item 16b
SMMC LCP Amendment
June 10, 2006

California Coastal Commission
Ventura, Ca.

Dear Commissioners:

We wish to convey to you our strenuous opposition to approval of any new campsites in any of the SMMC parks. This proposal is inconsistent with Coastal Act Sec. 30210 and 30252 that require risks to life and property in areas of high fire hazard be minimized, and that allowed uses be consistent with public safety. There is absolutely no way to make campsites scattered along trails safe. There is no way to guarantee that campers will be knowledgeable and careful.

These parks are in ESHA which does not allow camping. SMMC is requesting that the uses allowed under Resource Dependent Uses be changed to allow campsites. This is very devious and is an attempt to circumvent the purpose of the term. Only uses with very minimal impact have been allowed in ESHA to protect these sites. SMMC proposes to construct cooking pads, install toilets, water tanks, and clear the site of foliage. To redefine uses in this category will set a precedent that other developers will surely follow.

The use of campsites in the middle of the mountains with heavily developed areas (Conejo valley and the coast) on either side is a recipe for disaster. We lost our home in a wildfire in 1978 – it's a devastating experience you really never get over, and one we would not wish on our worst enemy. Why should SMMC be different than any other property owner. We cannot allow dangerous uses on our property, why should they be any different. Just the cost to the state of fighting wildfires is justification enough for denying this request. There are already hundreds of camping opportunities in the coastal side of these mountains in parks like Leo Carrillo which provide around the clock ranger supervision.

Invariably when a wildfire erupts human activity is to blame. We are in a drought and trees and ground cover are bone dry. In addition the finances of the state are so bad that adequate rangers to patrol these parks are very unlikely to be available. You can't expect volunteer, civilian "Camp Hosts" to be able to require compliance with any rules you create to attempt to control campsite use. We think it could even be dangerous for those volunteers. Please apply common sense in coming to your decision – you must balance the desirability of adding more recreational use to the cost of a wildfire not only in dollars and human loss, but the damage to the plants and wildlife that SMMC is supposed to be protecting. Please do not allow new campsites in the Santa Monica Mountains.

Walt & Lucile Keller

Walt and Lucile Keller

RECEIVED
JUN 05 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

4630 Via Vienta
Malibu, Ca 90265
June 4, 2009

Dear Coastal Commissioners:

I am writing in reference to City of Malibu LCP Amendment No. Mal-Maj-3-07 June 10 item #16A and city of Malibu LCP Amendment No Mal-Maj-1-08 June 10 item #16B.
I urge you to deny both proposals for the following reasons:
Putting overnight campers in narrow canyons which are also well known as fire corridors is in flagrant disregard of public safety.
Are you aware that there is no evacuation plan for anyone in Malibu and that many of our canyons cannot be reached by fire equipment because the roads are too narrow to allow a truck to turn around?
In 1995 the California Coastal Commission's Wildfire Hazards Survey in the California Coastal Zone said in the Safety Element "The Safety Element defines community protection measures in relation to fires, seismic, and geologic hazards. It must include provisions for evacuation routes ,water supply and minimum road widths. It should include mapping of fire hazard severity.and analysis of minimum suppression resources required. When evaluating a Safety Element the following questions should be considered. Does it address the traditional suppression problems and implement measures to eliminate these problems? Does it recognize evacuation needs?"
We the citizens of Malibu agree with your survey. We ask the same questions.
The LCPA's proposal puts campers in areas designated The Very High Fire Hazard Severity Zone of Los Angeles County.
How do you get out of a narrow canyon at night with no cell service- no warning system in a community which hosts 15 million visitors a year and has no hospital closer than 20 miles away?
Our Urgent Care is closed at night- we have only 4 rangers in the Malibu area and we have no local police department- only 4 cars coming from over the hill
.Did you know that in the summer accident victims are helicoptered out since it can take hours to get to a hospital? The Pacific Coast Highway is our only north south route and only a three canyons cross the mountains. Malibu's location at the base of four canyons which funnel the Santa Anna winds make us the perfect fire storm.
Since 1929 1,418 homes have burned,14 people have died and more than 500 firefighters have been injured.
There is an obvious solution.
Enlarge the already existing campgrounds in our area which can already accommodate more than 2000 visitors a night and are located in areas that rarely never burn. Let people camp in safe places because one spark is all it takes.

Sincerely yours,
Harriet Pollon

Attachments included.

California Coastal Commission

Wildfire Hazards Survey in the California Coastal Zone

prepared by *Troy Alan Doss* for the California Coastal Commission, June, 1995

Introduction

The California Coastal Commission recently held a workshop on fire/flood hazards present in the Malibu/Santa Monica Mountains region. This workshop focused on fire and building code changes that have been implemented by the County of Los Angeles and the City of Malibu following the fires of 1993. Issues addressed during this workshop, were related to emergency vehicle access, building code changes, water availability during a major crisis, and disclosure of hazards from wildfire to private property owners.

This report is in response to a request by the Commission to conduct a survey of communities statewide within the coastal zone where there is a reasonable possibility of wildfires originating in or being carried by areas of natural vegetation and thus creating a risk to life and property. This survey was developed to ask what these communities have done to strengthen their building and fire codes following the numerous wildland fires over the last decade.The following communities were surveyed:

Del Norte County
Humboldt County
Mendocino County
Sonoma County
Marin County
Santa Cruz County
Monterey County
City of Monterey
City of Pacific Grove
San Luis Obispo County
Santa Barbara County
City of Santa Barbara
Ventura County
Los Angeles County
City of Los Angeles
City of Malibu
City of Palos Verdes Estates
City of Rancho Palos Verdes
City of Laguna Beach
Orange County
City of Del Mar
City of San Diego

Santa Monica Mountains Wildland Fire History

On November 3, 1993, the second of two arson suspected fires burned out of control throughout substantial portions of the Santa Monica Mountains. At this same 21 wildland fires were burning throughout Southern California, from Santa Barbara to the Mexico border. Three of these fires, the Green Meadows, Old Topanga, and Laguna Hills Firestorm, were located within the coastal zone and consumed over 739 single family residences (SFR). The Old Topanga Firestorm erupted near the southern limits of the City of Calabassas and consumed approximately 18,000 acres of watershed, took the lives of 3 people, and destroyed or damaged over 408 SFR. Over 208 SFR were lost in the City of Malibu alone. The cost of this fire was high in terms of property damage, loss of infrastructure, and in regards to its impact on environmental sensitive habitat and watershed coverage.

In the Wildfire Safety Panel report to the Los Angeles County Board of Supervisors the County Fire Department provides a history of wildland fires in the Los Angeles basin. This history can be applied to many other communities of California, and it reads as follows:

Less than one percent of all wildfires escape early control. It is that fraction of a percent that is responsible for the most damaging fires. In Los Angeles County there have been more than 20 catastrophic wildfires since the beginning of organized fire protection. The Los Angeles County Fire Department experienced their first urban interface fire long before the term was ever invented. On a windblown evening in December 1927, a fire in the La Crescenta Valley roared up and over the Verdugo Mountain range destroyed more than 100 homes. That fire was the first of many that would mold and shape our current fire restrictions, codes, and fire suppression tactics.

It was not unexpected when the Kinneloa Fire in the Altadena area and the Old Topanga Fire of Malibu exploded into Firestorm '93. These areas had burned before as had nearly every square mile of the brush-covered areas of the county since 1919. The Kinneloa Fire destroyed more homes (121) along the foothills of the San Gabriel Mountains than had previously been destroyed. Previously, the worst fire occurred at the mouth of the San Gabriel Canyon in November 1980 destroying 55 homes. In the past 60 years, a dozen fires have destroyed 332 homes along the front country of the San Gabriel Mountain range. As bad as that is, it pales in comparison to the fire history of the Santa Monica Mountains.

It is in the Santa Monica Mountains range where fires have crisscrossed the terrain so often that some residents not only have lost one home, but some sadly have lost three after rebuilding on the same site. The Santa Monica Mountains are a true design for disaster. In the fall and early winter months, as if on a regular schedule, strong Santa Ana winds howl through the canyons and out to sea and the relative humidity plummets to single digits. After the long hot summer has taken its toll on chaparral, often stressed by repeated droughts, the winds set the scene for disaster. Once a fire gains a foot-hold, with Santa Ana winds blowing it is virtually impossible to contain until the wind abates or it runs into the sea. The fires historically follow well-defined wildfire corridors. When large and damaging fires occur you'll find the wind and fire corridors perfectly aligned.

When fire roared down Old Topanga Canyon in November of 1993, it destroyed more homes than any previous fire in the history of the Los Angeles County Fire Department. The Malibu Fire in October 1978 was the worst previous fire laying waste to thousands of acres and 230 homes. The Old Topanga Fire destroyed 369 homes and resulted in the deaths of three civilians. The fire transversed a total of seven previous burns through brush that was as young as eight and as old as 70 years. It had been eight years since the last major fire.

Since 1927, a total of 24 wildland fires have caused the loss of 1,502 homes, 830 other structures, 271,047 acres and five fatalities. Previous fires include the 1985 Malibu Fire, 1982 Dayton Fire (85 homes destroyed), and the 1970 Malibu Canyon Fire (103 homes destroyed). The 1993 Old Topanga Fire burned much of the same area covered in the 1970 burn. The last time Topanga Canyon had seen a damaging fire was December 1958 when 74 homes were reduced to rubble. Between 1938 and 1943, three fires destroyed more than 600 structures in the Topanga Canyon area.

Survey Questions

Following the fires of 1993, several sources identified various reasons for the extent and intensity of the conflagration. Although weather played a major role,

this element could be in conflict with firesafe development. Access, construction standards and design requirements might be reduced by the jurisdiction in an effort to comply with the needs for affordable housing. Alternative (safer) areas for this type of development should be designated.

When evaluating a Housing element, one should consider the following questions: Does the data analysis section for this element describe vulnerable, unsafe areas for "sub-standard" housing? Do the policies recognize these areas so that this type of development is prohibited there? Are required construction standards in conflict with defined fire protection needs (access, roofing, fire flow)? If so, what compensating mitigation measures are required to provide safety?

Circulation

This element consists of the general location of existing and planned transportation routes and public utilities. Designations, policies and implementation measures in the element (and all others) must be correlated (consistent) with the Land Use element. The information is usually shown on maps or diagrams to show how the transportation system serves the various land use designations. This is the primary designator of access routes and road design requirements (not engineering standards). Government Code Section 14000 requires that the Circulation element provides transportation facilities that reduce hazards to human life and minimize damage to natural resources. This provides the opportunity to make strong recommendations about transportation routes and design requirements such as turnouts, helispots and safety zones.

When evaluating a Circulation element, the following questions should be considered: Does the element plan for satisfactory access to high hazard areas? Are standards high enough to provide safe evacuation from residential (and other) land use designations? Are policies defined to limit the number and lengths of one-way roads? Are heliports and helispots designated in areas that will facilitate suppression and other emergency needs?

Conservation

This element describes how the jurisdiction intends to protect and conserve its natural resources. The element should cover water, soils, forests, wildlife and fisheries. Potential fire flood impacts on all resources should be included. This element ties directly to the life, property and wildland fire protection mission. It should be written to facilitate that mission. As with all other elements, this one must be consistent with the overall general plan. It has to "make sense" in the way it relates the natural resource management policies to everything else. (In some counties, urban bias shows itself quite clearly in this element: only the local wastelands, rocky ridges, and impassable canyons are included in the element. This practice is not the intent of the Legislature nor the Planning and Zoning Law.)

When evaluating a Conservation element, consider the following questions: Is the element consistent and logically applied, or does it just gather up unusable areas and "jump" them into a conservation category? Does the element discuss resource values? Are potential resource losses from fire (soil loss, sedimentation, local flooding, timber production, wildlife habitat, etc.) included in the data and analysis section? Do policies include management options of prescribed fire and fuel breaks to enhance protection?

Open Space

This element designates areas for preservation and managed production of natural resources, outdoor recreation, and public health and safety. The Open Space element is related to the Conservation element in some ways, and designated lands in either element could be actually or nearly the same. The important difference between Conservation and Open Space elements is the very specific inclusion of public health and safety requirements in Open Space. Section 65560-4 of the Government Code dictates that the element should include designation of "areas that require special management because of fire risks." The Code authorizes the connecting or linking of these areas into complete networks in the interest of public safety. The Open Space element offers opportunity to analyze conflagration potential and to design fuel break and fuel reduction zones, helispots, access and water systems into strategic fire defense improvement systems. Developers can be required to construct and maintain the improvements. Inclusion of strategic defense improvements in the Open Space and Safety elements will lead to zoning for such improvements and eliminate the owner-by-owner agreements and public agency financing now necessary for construction and maintenance.

When evaluating an Open Space element, one should consider the following questions: Does the element relate to fire safety and suppression effectiveness? Is it correlated with the Land Use, Safety and Conservation elements to provide integrated and systematic resource and public protection improvements? Does the element contain policies and implementation measures requiring dedication, construction and/or maintenance of these improvements on all projects?

Safety

The Safety element defines community protection measures in relation to fires, seismic and geologic hazards. It must include provisions for evacuation routes, water supply, minimum road widths and clearances around structures. It should include mapping of fire hazard severity zones and could include analyses of minimum suppression resources required. The element can be used to strengthen or further justify other elements. It is an excellent place to include project design requirements to reduce hazard levels and provide for mitigation measures not included elsewhere in the general plan. It may also be used to justify strategic fire defense systems zoning.

When evaluating a Safety element, the following questions should be considered: Does the element correlate with others to provide for the best and safest suppression actions? Does it recognize evacuation needs? Does it address the traditional suppression problems and include policies and implementation measures to eliminate those problems? (Almost all of the suggestions and evaluation criteria for the other elements can be applied.)

During 1989, the Legislature continued to apply effective "band-aids" to the wildland-urban intermix problem. SB 186 requires each county to submit any revisions of their General Plan Safety Element to the California Board of Forestry for review and comment. If the county fails to implement the Board's comments, they must adopted findings stating why there is no need. CDF staff members were also successful in encouraging the Governor's Office of Planning and Research (OPR) to include a significant quantity of strategic wildland fire protection related material into the 1991 edition of the General Plan Guidelines published by OPR. This document guides the development and update of General Plan Elements by the counties.

The author works at the California Coastal Commission, South Central District, 89 South California Street, Suite 200, Ventura, California 93001, (805) 641-0142.

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Byline: Beth Barrett

Staff Writer

Amid severe staffing shortages, California park rangers for months have battled after-hours parties in the area near the flash point of the weekend Malibu wildfires that scorched 4,900 acres and left 53 homes in ruins, the Daily News has learned.

Rangers on Monday said they have been aware of the problem for at least the past six months and even patrolled the area less than six hours before the firestorms are estimated to have started just hours before dawn Saturday.

While officials on Monday were still investigating the cause of the wildfires, they have said it was caused by humans and swept down from the popular gathering spot at the top of Corral Canyon into the Malibu Bowl community.

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But with only eight park rangers and supervisors -- down from 15 -- to patrol from Point Mugu in Ventura County to Malibu Creek State Park, the rangers have struggled to step up patrols when high fire danger levels are declared.

"With the number of vacancies, it's very difficult to do that," said Ron Schafer, district superintendent for the state parks' Angeles District. "There are some serious challenges in terms of funding."

Los Angeles County Supervisor Zev Yaroslavsky said the agency is seriously understaffed and often has only a single ranger on patrol for each shift in the eastern half of the district that includes Malibu Creek State Park.

Yaroslavsky said he implored Gov. Arnold Schwarzenegger on Sunday for more resources.

"There needs to be a ratcheting up of staffing during red flag days," Yaroslavsky said. "It's on (Schwarzenegger's) radar. ... They're going to deal with it."

H.D. Palmer, spokesman for the governor's Finance Department, said there has been a slight increase in staffing for park safety positions from 726.8 positions in 2002-03 to 733.5 positions last year.

State departments are currently preparing their proposed budgets for next year, but Palmer noted it will be a "challenging" fiscal environment.

"As with any other state program, we will evaluate this in the context of our overall fiscal condition," Palmer said.

Increase unlikely

Article Details

Printer friendly Citeglink Email Feedback

Publication: Daily News (Los Angeles, CA)
Date: Nov 27, 2007
Words: 1365
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RECEIVED
JUN 04 2009
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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Malibu Coalition for Slow Growth 403 San Vicente Blvd. Santa Monica CA 90402

To: Members of the California Coastal Commission

From: Malibu Coalition for Slow Growth by Patt Healy

Re: Mal –MAJ 3-07 , Mal MAJ 1-08 AGENDA Item W16A and W16B 6-10-09

The Malibu Coalition for Slow Growth (MCSG) respectfully asks the Commission to not allow overnight camping within the City of Malibu.

We have over the years worked closely with the Conservancy and MRCA on many issues and we support public access, parks and trails within the City of Malibu as do most of Malibu and commend the Conservancy and MRCA on the work that they do.

Overnight camping in the city (unless it is on the beach) is an extremely bad idea specifically because of the extreme fire danger that exists in this area. We are most concerned about a fire being started from a careless camper. All it takes is one spark from one cigarette and devastation can occur within literally minutes. The risk to public safety from fire danger is just too great and in our opinion clearly violates LUP section 30253 of the Coastal Act which states that new development shall minimize the risk to life and property in areas of high fire hazard. Allowing overnight camping does just the opposite , greatly enhancing the risk to life and property

We ask you to please not allow overnight camping in Malibu

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

RECEIVED
JUN 04 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

May 23, 2009

Re: Santa Monica Mountains Conservancy Plan to Override the City of Malibu's LCP

Dear California Coastal Commission:

On June 10, 2009 the California Coastal Commission will vote on SMMC's Override Plan (i.e. over the objection of the City of Malibu) to allow intensified use of properties in Very High Fire Hazard Severity Zones of Malibu. This unnecessary plan calls for un-monitored overnight camping in the hills adjoining residential areas, and intensified use of SMMC's office location in Ramirez Canyon at the former home of Barbara Streisand: 900 commercial events a year with 44,240 participants; 76 events a month; 7 days a week with amplified music and alcohol.

First Issue: Are the benefits of un-monitored overnight camping in the hills of Malibu worth the risks?

a) Experienced hikers with overnight "cold" camping equipment will not want to camp yards away from residences;
b) The "view of the stars near the sea" is available at safe existing state park locations including Leo Carrillo, Point Magu, Malibu Creek, Topanga, and King Gillette Ranch. These locations are monitored and easily accessible for emergency vehicles;
c) Opening residential hills at night to "campers" is an invitation to teenagers for un-chaperoned parties where they can drink, play loud music, smoke and have campfires (was nothing learned from the Corral Canyon fire?); Teenagers will benefit – but not the animals and birds whose homes will be invaded.

It is unreasonable to risk the lives of residents, visitors, wildlife and fire fighters so that a few people can have one more place to hike at night. Instead, focus on *welcomed improvements* such as monitored overnight camping for disabled within Ramirez Canyon Park; and more trails for daytime hiking.

Second Issue: Are weekly commercial events in residential Ramirez (box) Canyon safe, appropriate or worthwhile *in order to sustain SMMC's offices in Barbra Streisand's former home.*

a) SMMC's offices are located in an ESHA at the end of a dead-end, private, narrow, winding, blind residential road just inches away from homes and

wildlife: never intended (and too dangerous) for weekly catered large group events;

b) SMMC admits these commercial events are necessary pay for expenses of operating this office location;
c) There are numerous safer/more appropriate places to hold commercial events such as King Gillette Ranch with 500 acres easily accessible for visitors and emergency vehicles;
d) State Executive's offices should not be hidden in a converted extravagant gated estate. As a California State Employee for over thirty years (facing furloughs, layoffs and cuts)– I find this highly objectionable.

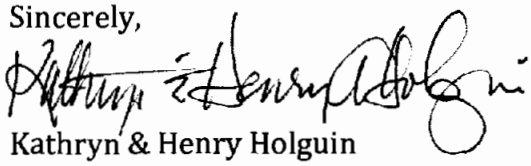
I also find it highly objectionable for SMMC to continually publicly stereotype the affected Ramirez Canyon and Malibu residents as wealthy white people trying to keep poor minorities away. Many if not most of the residents in Ramirez Canyon are seniors living on fixed incomes who built homes in this little canyon over thirty years ago; several families including mine are Hispanic.

Again, focus on *welcomed improvements* in Ramirez Canyon such as small group educational programs for children, picnic facilities, senior and public outreach programs, and garden and canyon tours.

Malibu welcomes hundreds of thousands of visitors every year. It is both your responsibility and the responsibility of the residents of Malibu to maintain the delicate balance of nature with appropriate safe uses, so that visitors and residents can "enjoy not destroy" Malibu: *especially in a time when there are no funds to operate additional uses safely.*

We celebrate SMMC's accomplishments and goals, but that does NOT justify approval of everything they submit as written. This unnecessary and costly Override Plan increases fire danger, decreases open space, and encourages abuse of wildlife and residential habitat.

Sincerely,



Kathryn & Henry Holguin

5924 Ramirez Canyon Road

Malibu, CA 90265

RECEIVED
JUN 05 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Patricia and Scott Schwartz

23852 Pacific Coast Highway, #460

Malibu, California 90265

May 21, 2009

Jim Wickett
45 Freemont Street, Suite 2000
San Francisco, CA 94105

Dear Mr. Wickett:

The Santa Monica Mountains Conservancy's proposed plan to allow commercial events of up to 45,000 people per year and camping in residential areas of Malibu requires your immediate and urgent attention. All of the proposed locations are classified: VERY HIGH FIRE HAZARD SEVERITY ZONE. CHAPARRAL ESHA. VERY HIGH "FUEL LOAD". Ramirez Canyon is a narrow box canyon with steep sides, heavy vegetation, about 70 homes. There is one way in and out----the road is too narrow for fire equipment and safe evacuation. Escondido Canyon is a dry isolated box canyon at the end of a long, winding road with only one way in and out. Corral Canyon is a developed residential area, home to many young families. The devastating 2007 Corral fire was caused by a campfire and utterly devoured more than 50 homes in a few short hours.

As a public safety leader what are you doing in response to the safety challenges we face?

Because your number one priority and duty is public safety, you must say "NO" to the Conservancy's plan. Refuse to support projects that increase fire danger. Do not allow the public to be placed in a zone of extreme fire danger without means of protection and evacuation. Please give this urgent matter your immediate attention. Fire season is now all year long. We are in a serious drought of historic magnitude.

And, the state is nearly bankrupt. Where will the money (estimated to be at least $15 million per day) come from to fight the fires that can result from this reckless plan?

Thank you for your service and dedication to public safety.

Sincerely,

Patricia Schwartz

Scott Schwartz

May 23, 2009

Dear Friends of Malibu,

The proposal by the Santa Monica Mountains Conservancy to install additional overnight camping facilities in Malibu's parched hills and narrow box canyons is motivated by a positive impulse to make these recreational facilities open to the public, but it is marred by the harsh reality of the explosive wildfires that plague this area. As the owner of a home that burned to the ground in 1978 and as a neighbor and friend to Malibu residents that lost their homes to the Corral Canyon and other wildfires, this is not some distant, academic concern.

My problem is with a single issue - **overnight camping** - within the Conservancy's plan, not the entire proposal, and for two simple reasons:

1. The proposal permits outdoor cooking.
2. The Conservancy has a long record of successfully acquiring jurisdiction over land – now totaling 60,000 acres - and then failing to provide adequate staffing.

The latest information I could locate indicated a total staffing of just over 100 individuals including administration, workers and sworn rangers. In the best of plans each campground would be lucky to have more than a single 10 minute visit by a ranger each day. The Conservancy is chronically understaffed and that puts public safety at risk. Signs posted against smoking, drinking and campfires are routinely ignored when there is no supervision.

Each year Malibu hosts millions of visitors from all walks of life to existing campgrounds, 27 miles of beaches and extensive equestrian and hiking trails. Residents opposed to expanded overnight camping are routinely labeled racist and elitist and that we hate the poor, disabled, brown-skinned people and the like.

As the son of a Cuban immigrant – my father was born in Cuba in 1912; an anthropologist with extensive field experience in Mexico (BS San Diego State University 1974); the former radio show host of the bilingual "Manos Atraves de la Frontera" (Hands Across the Border, KICO Calexico); a supporter of Farmworker grape boycotts in the 1970s; a former teacher in a Title 1 middle school and producer of the current video "Abriendo Puertas" with actor Tony Plana (Ugly Betty) for the nonprofit "Families in Schools" organization, I can say without fear of contradiction that I am not prejudiced about who visits Malibu or what color their skin might be nor how much money they many have. I am concerned about placing additional, thinly supervised overnight camping in the tinder-dry Malibu area. This situation is extremely dangerous for the campers as well as for Malibu residents who have lost so much in wildfires. Please note that restrictions on overnight camping apply to Malibu residents as well.

Public safety is everybody's concern. I respectfully ask that you do all that you can to block the element of overnight camping from Santa Monica Mountains Conservancy's Enhanced Public Access Plan for Malibu.

Respectfully yours,

Marshall Thompson, 5782 Calpine Drive, Malibu, CA 90265, (c) 310-403-2507
Member: Malibu Township Council; Malibu Park Safety Coalition

Pat Veesart

From: Susan Tellem [stellem@tellem.com]
Sent: Friday, June 05, 2009 12:04 PM
To: Pat Veesart
Subject: Letter re: overnight camping

On June 10th, at the Marina del Rey Hotel, in Marina del Rey, the California Coastal Commission will meet to discuss Malibu's fate about putting overnight camping in our small one lane box canyons – Ramirez, Corral and Escondido. This is a harebrained scheme developed more than two years ago before our three horrendous fires by Joe Edmiston of the Santa Monica Mountains Conservancy.

Neither the Conservancy nor the Coastal Commission has acknowledged that Malibu has a unique topography, is subject to sudden Santa Ana winds up to 70 MPH or more, has a variety of microclimates within the city and that these canyons are designated by the state as *Very High Fire Hazard Severity* areas.

On its own web site the Commission says, "*Human activity is contributing to global climate change, which will have increasingly significant impacts on California and its coastal environments and communities...As a result, the Commission must consider climate change, including global warming ... and work to reduce ... the detrimental impacts of global warming on our coast.*"

What is a better manifestation of global warming than the increasing wildfires experienced throughout the world. I invite you to review the Commission's own interpretation of fire in the Santa Monica Mountains right off its web site... *Southern California's stored hillsides nurture native vegetation that is literally explosive...these hillsides also provide what much of the area can't: a rural feel, scented air, scenic views of ocean and city. They are the most desirable, expensive real estate in California. And they burn. Oak woodland, and coastal grasslands also exists here, yet it is among chaparral and coastal sage scrub habitats where most of the wildland/urban interface occurs, and where the greatest danger of wildland configuration is present.*

The issue isn't who starts a fire but what might happen when it starts. And it will. Our concern lies with the safety of residents and visitors alike. How will children and those in wheelchairs visiting these narrow canyons escape the fast moving flames of a sudden wildfire? The canyons are frighteningly narrow. The

bumpy and old roads are barely able to accommodate two cars passing each other. They become impassable in dark smoke while residents are trying to escape with family and animals in cars and trailers, and first responders are trying to get in. Cars often go over the edge even on Kanan – a wide and fairly safe road. Can you imagine the bedlam of trying to get disabled and child visitors out when a sudden Santa Ana sparks a fire? Does Santa Monica Mountains Conservancy or the Coastal Commission want those potential deaths on its conscience?

Malibu residents have lived through fire after fire. We have seen the fast moving smoke and 25 foot wall of flames. Homes were destroyed and lives have been lost. Oakland saw what happened when people could not get out. Fire is the worst way to die. Why would the Conservancy and the Coastal Commission even consider such a suicidal mission into hell? You must vote help Malibu residents vote against this dangerous idea by sending a letter to both organizations and appearing on our behalf at the hearing on June 10th.

We have hundreds of camping sites in Malibu now that are empty through much of the year. They are in safe, ocean areas. Bring the children and disabled there. Further, budget cuts will certainly leave us vulnerable with no ranger supervision. This was posted today and it bodes badly for camping in our canyons.

As the red-ink state ponders shutting down four out of every five state parks, authorities are poised to set up caretaker and volunteer groups to maintain the properties until times get better. "With those groups and maybe a few park rangers that can still be on the payroll and circulate among them," said state parks spokesman Roy Stearns. Stearns said between 1,500 and 2,000 of the state parks system's 2,800 employees face layoffs in order to meet the deficit-reduction projects."

Thank you.

Susan Tellem
5782 Calpine Dr.
Malibu, CA 90265
310-589-5521 (h)
310-313-3444 (o)
stellem@tellem.com

Susan M. Tellem, APR, RN
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Twitter: @tellem

Pat Veesart

From: healypatt@aol.com
Sent: Friday, June 05, 2009 9:39 PM
To: Pat Veesart
Subject: agenda items W16A and 16 B 6-10-09

Malibu Coalition for Slow Growth 403 San Vicente Blvd. Santa Monica CA 90402

To: Members of the California Coastal Commission
From: Malibu Coalition for Slow Growth by Patt Heal
Re: Mal –MAJ 3-07 , Mal MAJ 1-08 AGENDA Item W16A and W16B 6-10-09 supplemental testimony.

The Malibu Coalition for Slow Growth (MCSG) submitted comments to earlier on these agenda items in opposition to overnight camping.

It has now come to our attention that the proposed campsites are going to be located in ESHA. This is accomplished by redefining "Resource Dependent Uses " to include campsites. This is a complete fiction since the proposed campsites are crealy development in ESHA This change of definition is the beginning of the slide down a very slippery slope since it sets the precedent for further weakening the longstanding ESHA definition in the future We respectfully ask the Commission not allow any campsites in ESHA.

Further research indicates that the Conservancy is asking for an excessive amount of large events (900 per year) that at their headquarters in Ramirez. Not only is this request not being a good neighbor but most importantly it puts the event attendees as well as the residents at risk since the substandard roads are incapable of evacuating so many people in an emergency. We have no objection to small events and conferences at the Center and perhaps no more that 2 large events per month. Please reduce or not allow these large events for the public safety The danger of the risk to human is far too great .

We have over the years worked closely with the&n bsp; Conservancy and MRCA on many issues and we support public access, parks and trails within the City of Malibu as do most of Malibu and commend the Conservancy and MRCA on the work that they do. But in this instance we have to respectfully disagree with the Conservancy's and Coastal staff's position on these issues.

Wanna slim down for summer? Go to America Takes it Off to learn how.

Pat Veesart

From: tedvaill@aol.com
Sent: Sunday, June 07, 2009 12:45 PM
To: Pat Veesart
Subject: Overnight camping in Malibu

June 10, 2009 Agenda Item: Support Item 16(a); Oppose Item 16(b)

Dear California Coastal Commission members:
I cannot be at the meeting on Wednesday, so as a 35 year resident of Malibu, I want to express my objection to the proposal before you authorizing overnight camping in Malibu and overriding the City of Malibu's ban on overnight camping. I have survived a number of fires here in Malibu over the past three decades, and the one two years ago which destroyed 55 homes and 35 other buildings in Corral Canyon, the result of an illegal campfire, was one of the worst. And with the State of California in desperate financial shape, there is no way that the State Parks employees will be able to police those 29 new campsites in Corral, Escondido and Ramirez Canyons to prevent illegal campfires.

I vividly recall witnessing the CCC Executive Director stating at a Commission meeting in 2002 that he had no sympathy for the people of Malibu who build their homes in high fire danger areas. I would like to remind him, and the Commission, that the Coastal Act requires that the Act is intended to "assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state". And this includes residents of the City of Malibu.

Ted Vaill

Pat Veesart

From: Spencer Lehman [spencerlehman@yahoo.com]
Sent: Monday, June 08, 2009 7:41 AM
To: Pat Veesart; ebhmalibu@aol.com
Subject: Wed. Coastal Hearing re Camping in Malibu

Please be advised that the areas in question are very uniquely fire sensitive due to their location at the bottom ov major canyons transfersing across the mountains frpm the Valley. When the Santa Ana Winds blow , as they do in these areas six mo. out of the year, these proposed campgrounds become highly explosive tinderboxes within a few minutes. I have lived at the foot of these canyons in Malibu for over 50 years and have fought off numerous fires. I can testify that these winds can come up very quickly, without warning, trapping hikers and campers, who might hinder firefighters in their efforts to contain the fire.

This is not a case of NIMBY---it is simply a case of unique geography that dictates your careful considerstion .

thank you----Spencer Lehman-----Malibu

Pat Veesart

From: Ebhpch@aol.com

Sent: Monday, June 08, 2009 12:55 AM

To: Pat Veesart

Cc: zev@bos.co.la.ca.us; assemblymember.Brownley@assembly.ca.gov; pkruer@monarchgroup.com; benhueso@sandiego.gov

Subject: June 10 Meeting Agenda Item: Support 16 (a) Oppose 16 (b)

Ms. Veesart:

Please distribute this to all Coastal Commissioners and their alternates:

Dear Commissioners:

I am a resident of Malibu. My wife and I have lived on Latigo Beach (just below Corral Canyon) for almost 30 years. We have had to evacuate our house in previous fires and during the last fire in Corral Canyon, the flames again jumped the highway and we were in the process of evacuating when, at the last minute, the wind changed and the firemen saved our street. This is a very personal matter for us.

Do not be distracted by claims that this is an access issue. It is not, it is a SAFETY issue. Please consider the following facts:

Plenty of Access - The SMMC requests 29 over night campsites. They claim that denial of that request would be to deny access to the general public. But as you know, the 13,000 residents of Malibu host between 15-16 Million visitors a year. In addition, the SMMC fails to mention that there are over 500, RV, tent, and hike-in, campsites in the SM Mountains area - all within 15 - 20 minutes of the center of Malibu. This does not include the 145 RV sites at Malibu RV Park, plus 35 tent sites. Check out the web site http://www.nps.gov/samo/planyourvisit/upload/camping07.pdf

Draught Conditions -California is in the midst of the worse drought in years; brush and timber is dry and getting dryer. This dry fuel can easily be ignited even by a spark (Santa Barbara fire). Certainly even gas stoves and lanterns, allowed by the SMMC plan, cannot be allowed due to the dangerous conditions. It is much safer to not allow overnight camping in these dangerous areas.

Destruction -The last Malibu fire, which destroyed 55 homes and 35 other buildings and affected hundred of lives, WAS STARTED BY AN ILLEGAL CAMPFIRE IN CORRAL CANYON where 16 campsites are planned by the SMMC. Haven't we learned anything from that sad experience?

California Financial Crisis - No Patrols- In a year when California is in major financial trouble, no matter what they say, the SMMC will not have the budget to police the parks so as to prevent smoking, make sure that gas stoves are being used safely and assure that there are no illegal campfires.

Cost to Fight Fires: The cost to fight fires in Malibu and bring in crews from all over the state is excessive. Estimates range from $3-6 Million for the last Corral Fire alone. Just the cost of one super scooper is approximately $25,000-$33,000 a day. These 29 overnight campsites are not worth the risk.

Fire Officials Oppose: The SMMC has not even cleared the plan with the State Fire Marshall who requests a full review of the situation before ruling. The LA Fire Chief, well versed in the conditions of fire in Malibu, does not need a review, the Fire Chief recommends DENIAL. How can the Commission ignore that position?

I urge you to use common sense. Put aside the rhetoric about Malibu being elitist, determined to keep people out and similar inflammatory catch phrases and please look at the facts. 29 overnight and essentially unsupervised campsites are a disaster waiting to happen, and we'll all pay the price if it does.

Thank you for your consideration.

E. Barry Haldeman
ebhpch@aol.com

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Pat Veesart

From: T.Griskey [t.griskey@verizon.net]
Sent: Monday, June 08, 2009 9:58 AM
To: Pat Veesart
Subject: Coastal Commission agenda item 16 10June2009

To: Coastal Commission
The undersigned are residents of Malibu. We oppose overnight camping in the vicinity of Malibu. Most fires in Malibu are started by people.
Due to the changing climate, the fire season seems to exist through most of the year. Adding more overnight camping in the Santa Monica Mountains will increase the danger of fire. Since the State is broke these fires are catastrophic and create a tremendous State wide financial impact. Fire fighters were hurt in the last fire they had in Santa Barbara. The State may never recover if we continue to have these fires. This is a situation where we need to be more creative in dealing with the environment. We strongly recommend that any provisions to add overnight camping, via item 16 of the 10 June agenda of Coastal Commission meeting, be disapproved.

Thomas & Anne Griskey

Pat Veesart

From: Robert Pousman [frostitude@yahoo.com]
Sent: Monday, June 08, 2009 9:59 AM
To: Pat Veesart
Subject: June 10th Hearing, Agenda Item 16

Mr. Veesart:

I am unable to attend the Coastal Commission meeting scheduled for this Wednesday, June 10th but I want my opposition to the proposed overnight camping issue in the Santa Monica Mts. placed on the record.

My position in opposition stems from the reality that Malibu is a population dense, fire prone area. The risk far outweighs the benefits and alternative, safer sites, assuming there are any, should be sought.

Since there no longer is a fire season in California and drought is the norm, combining this with the carelessness that is typical for the average human and a lack of resources and man/woman power to enforce proper activities, this is a disaster waiting to happen.

Thank you.

Robert Pousman
20612 PCH
Malibu, CA 90265

Robert Pousman

"Man will protect his own interests before his rights"

Save a Tree or Three - Please Don't Print Unless Necessary

RE: Agenda Items 16A/16B,
June 10, 2009 CC Agenda
Debbie Fisher

TO: California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RECEIVED
JUN - 8 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

DATE: June 2, 2009

I am a resident of Malibu in the Escondido Canyon area and own a horse property on East Winding Way. My husband and I are firm believers in public access to nature and to all that Malibu provides. However, safety for residents, animals and property should not be ignored. There are two overriding issues that make overnight camping a dangerous and negligent idea. One is fires and the other is the lack of resources to maintain and supervise the trails.

Fires are no small threat in Malibu. The 2007 fires on Thanksgiving weekend roared to the base of Escondido Canyon. Our family was in the unfortunate situation of having to evacuate several horses in a very short amount of time pre-dawn. As you can imagine, loading horses into trailers while flames are flying, the heat is raging, sirens are blaring and helicopters are circling overhead is not only daunting, but extremely dangerous. We were lucky the sun came up when it did and our fabulous firefighters saved the day. We were also lucky it was a holiday weekend and many of the working parents who travel were home to help. We did have one horse die from the injuries he incurred that day and another who was severely injured. That fire started miles away and we had a couple of hours to get our children to safely before we could help our horses. Had that fire started in Escondido Canyon at midnight, we would have had an even more horrific outcome.

We have lived in our home for nine years. Until two months ago, the trails in Escondido Canyon were maintained solely by neighborhood volunteers. We use our tractor and time to maintain the "Winding Way Trail." Every weekend, our family cleans up garbage that is left by visitors to the area. We have rarely seen a ranger and know that the state, the city and the park system have no resources to make the situation better. As we all well know, the existence of many local parks is threatened and the ability to maintain and supervise additional camping sites is highly unlikely.

One last point I would like to make is about the idea of paving the beautiful meadow at the end of East Winding Way. If the point is to give people access, I feel that the vista overlooking that meadow into the canyon is one of the main reasons people enjoy our hike. There are many beautiful hikes in Malibu and what makes this one special is that meadow. If that meadow were paved, the

sanctity of the experience would be destroyed.

We understand and agree with your ideals of public access and we welcome people during the day to our neighborhood that we love so much. Unfortunately, fires and the limited resources we have to prevent them is a real and present danger.

Most Sincerely,

Debbie Fisher
27580 Winding Way
Malibu, CA 90265

CC:

Los Angeles County Supervisor Zev Yaroslavsky
zev@bos.co.la.ca.us

Los Angeles County Fire Chief P. Michael Freeman
Los Angeles County Fire Department
1320 N. Eastern Ave.
Los Angeles, CA 90063
info@lacofd

California Coastal Commission
South Central Coast District Office
80 South California Street, Suite 200
Ventura, CA 93001-2801

Governor Arnold Schwarzenegger
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Sacramento, CA 95814

State Assembly Assemblywoman Julia Brownley
41st Assembly District
Assemblymember.Brownley@assembly.ca.gov
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310-395-3414
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Rick Mullen
President, Ramirez Canyon Preservation Fund
5969 Ramirez Canyon Rd.
Malibu, CA 90265
310-457-7502
rdmullen@verizon.net
May 20, 2009

RECEIVED
MAY 27 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear California Coastal Commissioners:

I am writing to you about the upcoming Coastal Commission Hearing about the Santa Monica Mountains Conservancy's efforts to force camping in dangerous canyon locations on the City of Malibu against the wishes of most of the residents and for authorization to greatly intensify the use of its residential property in Ramirez Canyon with large events and up to 44,000 visitors a year.

This issue is not about public access. This is about public safety and the inappropriate use of a gated Hollywood star's former estate as office space for State of California employees.

The City of Malibu has 13,000 residents and 11 million visitors a year. We welcome more visitors per capita than any other town in California. To say that we are against public access in a lie. We have the best record in California on public access.

We support camping in safe locations. Safe locations for camping are at the beach or in a large facility like the Conservancy's 500 acre King Gillette Ranch with excellent ingress and egress for evacuation and access by Emergency personnel. The wind swept, fire prone canyons of Malibu are some of the most dangerous areas in the State which has designated them as Very High Fire Hazard Severity areas.

We also support the following activities in Ramirez Canyon:

- Safe and supervised camping for disabled people and other accessible activities
- Children's educational programs
- Picnic facilities and riparian interpretive hiking trails
- Senior and public outreach programs for small groups
- Canyon and garden tours for small groups

We oppose:

- Large group events and weddings that have nothing to do with the mission of the SMMC
- Executive offices for the SMMC's top brass in a residential neighborhood.

Thank you for the consideration of the views of our Canyon residents.

Rick Mullen
President, Ramirez Canyon Preservation Fund
(for more information go to: www.safecanyons.com)

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RECEIVED
JUN 08 2009
CA COASTAL COMMISSION
LEGAL DIVISION

June 3, 2009

California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

Re: Winding Way

To Whom It May Concern:

I am a resident of Malibu on Winding Way. While I support the development of public trails and camping in fire-safe sites that do not damage sensitive habitat in Malibu, I am opposed to the Malibu LCP Over-ride (Agenda Item 16B) proposed by the Mountains Recreation and Conservation Authority (MRCA, and specifically opposed to their proposal for a new parking lot and overnight camping in Escondido Canyon.

The Coastal Act Article 6, Section 30253 states "New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard."This article of the Coastal Act would be violated by allowing camping in Escondido Canyon, a very high fire risk location which is in proximity to residential areas. Escondido is a box canyon with only one uphill exit, and has the highest incidence of wild fires in the Santa Monica Mountains. The proposed camping site was completely burned out in the November 2007 Corral Fire. We, as a community, cannot afford to fight more fires with the current California budget crisis. Despite the fact that Corral Canyon prohibited campfires and camping, inadequate supervision to enforce these regulations caused a devastating fire. The Tea Fire in Montecito was also due to an illegal campfire. The MRCA does not have adequate staffing or budget required to supervise camping in all the proposed areas. Public night-time usage greatly increases fire risk, and should not be permitted in Escondido Canyon.

The proposed site also fails to meet current fire regulations (24 Cal. Code Regs., sec. 503.2.1) which require," The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility. The road to the

proposed campsite is unstable and only 10 feet in width, making it impossible for fire truck access and safe evacuation of campers. Fire trucks were not able to access this area during the Corral fire. Sheltering in place may protect campers, but will not prevent a fire spreading to the nearby residential areas.

Camping should be located with onsite supervision and paved access roads meeting fire regulations. These criteria are met by all the current state campgrounds that exist in Malibu (ie, Sycamore Canyon, Malibu Creek State Park). Other options for areas in Malibu that meet these criteria would include beach sites or Topanga State Park (at lower end near PCH)

1. The MRCA has failed to close Escondido trail on red flag days, which is standard for other state parks. This puts both the public and area residents at risk, since many visitors are not aware of the dangers of becoming trapped in a box canyon during a wildfire.

2. The MRCA has failed to maintain its current facilities, how will they maintain expanded facilities? A six foot wide trail was initially built along Winding Way, and the MRCA has the responsibility for maintenance of this trail based on the CDP. This has not been done. The trail is rutted and degraded, with inadequate signage to keep hikers on the trail. The state of the trail encourages hikers/equestrians to use the roadway. Current signage for the trail was paid for and placed by the local homeowners association.

Rangers rarely patrol Escondido Canyon, and the current state budget crisis will lead to further reductions. Campfires, empty alcohol bottles/cans, and cigarettes have all been seen along the canyon trail. Creating new facilities will require more resources that do not exist.

3. Violation of CDP terms by MRCA: The CDP for the Winding Way trail easement contains specific language limiting the easement to pedestrian and equestrian use only. The proposed new parking lot at the top of Winding Way violates these terms. Increasing car traffic on Winding Way puts hikers, bikers, and equestrians at unjustified risk on this winding street which has many blind curves. Liability for potential injuries on this private road will be imposed solely on the homeowners. The use of the trail along Winding Way should be limited to hikers, bikers, and equestrians per the legal restrictions of the CDP.

4. The MRCA proposal is too extensive for Escondido Canyon. Sycamore Canyon State Park has 42 parking spots serving a park size of 13,300 acres. Escondido Park has approximately 140 acres with 48 parking spots proposed. Placement of the parking lot within the canyon will destroy more habitat, and lead to a usage level disproportionate to the acreage, that will further damage wildlife and the sensitive riparian habitat. Reasonable alternatives include revision of the current Winding Way lot at Pacific Coast Highway (currently with 10-14 spaces) to optimize usage in that existing facility, and use of the MRCA option for ten more

parking spots at Latigo Canyon Road via the original Coastal Slope Trail.

5. Escondido Creek water quality issues: Escondido Creek, which runs through Escondido Park, empties directly to the ocean. It has frequently appeared on Heal the Bay's "Beach Bummer list" of "F"-rated beaches statewide, most recently in May 2009. Poor grades mean beachgoers face a higher risk of contracting illnesses such as stomach flu, ear infections, skin rashes and upper respiratory infections. Creek contamination is a risk for not just for ocean users, but also for the wildlife that depend on it. The source of the contamination is currently under investigation. Increasing contamination of this watershed with a parking lot, camping, and toilets is not warranted and is counter productive to protection and preservation of the environment.

There are clear alternatives to the MRCA proposal which have lower fire risk, less risk of watershed contamination, and require less staff/funding. Escondido Canyon should be limited to day usage only, and the mandatory conditions of the Winding Way CDP should be met and complied with.

Very truly yours,

CISLO & THOMAS LLP

Daniel M. Cislo

DMC/emm

DOCUMENT11

6/1/09

California Coastal Commissioners:

Re: Agenda item 16a - MAL-MAJ-3-07
Agenda item 16b - MAL-MAJ-1-08

I am writing in reference to the above agenda items regarding overnight camping in the mountains within or above Malibu.

I have been a resident on Bonsall Drive, Malibu, for fifty-five years. I strongly oppose overnight camping anywhere within the Malibu area. Allowing this would substantially elevate the risk of fire in an already at-risk area.

I am asking that you vote no on this proposal. As a tax payer and home owner who would be adversely affected by this proposal I appreciate your support on a no vote.

Sincerely,
Jean V. McPherson

6009 Bonsall Drive
Malibu, CA 90265

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SOUTH CENTRAL COAST DISTRICT

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June 1, 2009

Ms. Bonnie Neely, Chair (With Copy to the Commission Staff)
Board of Supervisors
825 Fifth Street, Room 111
Eureka, CA 95501

RECEIVED
JUN 05 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: Coastal Commission
Meeting of June 10, 2009
Agenda Items 16a and 16b

Dear Chair Neely,

On the Tenth of June, you will consider two widely differing approaches to land-use planning with significant implications for Malibu and indeed many areas of Southern California. I am writing to offer commentary about the two referenced agenda items that are at distinct cross-purposes with one another. While there are numerous issues covered in both documents, it seems to me that at the core of the dueling amendments is a determination of which entity is best suited to regulate local development and which is in the best position to protect the health, safety and welfare of the public.

Joe Edmiston, through his SMMC group, has been trying for years to get his own commercial offices in Ramirez Canyon sanctioned - along with the right to rent the property for several large events during the year. I believe that all of the rhetoric about public access and camping is a smokescreen for **his real desire...which is to have his office and large events in our quiet canyon**. Our small community has been fighting this 'gentleman' for years and his LCP Override Plan is a huge end-run around us. It is an example of how he simply runs 'roughshod' over those who have a different view as he did on the ongoing Temescal Canyon Park swimming pool debacle in Pacific Palisades. Since his Override Plan is cloaked in the disguise of public access, my wife and I fear that Malibu has little chance of prevailing at your hearing. Indeed the staff reports have been issued and not surprisingly, they recommend approval of the Override Plan and disapproval of Malibu's plan.

Ramirez Canyon is a beautiful, but small box canyon opposite Paradise Cove. While we are naturally concerned about the disruption to our peaceful and quiet lifestyle, **the primary concern here is for safety**. We have one substandard (10'-20' wide) private driveway (in disrepair) serving the canyon and it provides the only means of ingress and egress to our neighborhood. If there were a major fire or other type of natural disaster, both residents and visitors will be competing for the same inadequate path of egress while emergency vehicles are attempting to get in. As a result, everyone will be subject to significant dangers. It is astonishing to observe the apparent disregard for safety that Edmiston has demonstrated when it comes to our canyon.

PRINCIPALS
Johannes Van Tilburg, FAIA
Navy F. Banvard, AIA
L. Gustaf Soderbergh, AIA
Lucia H. Chang, AIA
William A. Nishita, AIA

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Rüdiger Hoffmann
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1738 BERKELEY STREET, SANTA MONICA, CA 90404
TEL 310.394.0273 FAX 310.394.2424

Coastal Commission
Meeting of June 10, 2009
Agenda Items 16a and 16b
Letter dated June 1, 2009

We've lived in Malibu for many years and have a pretty good handle on the issues at stake in the upcoming deliberations. For your thoughtful consideration, I will briefly list the things we support and those which we oppose insofar as they are related to the upcoming action:

My wife and I support the following uses and ideas:

1. Public access to public lands. Specifically hiking, biking, picnics and equestrian uses in the local recreational areas such as the beach, in the Santa Monica Mountains and on dedicated parkland.
2. Camping in safe locations that are well maintained, appropriately staffed and supervised by skilled personnel. These locations include the beach, and campgrounds sufficiently distant (at least one-quarter mile) from areas with dry brush. The campgrounds should be well buffered from flammable materials.
3. Public outreach and educational programs that bring the youth, elderly and any disadvantaged groups to the recreational resources which Malibu provides.
4. Locating the commercial offices of the SMMC and all large events at the King Gillette Ranch, a 500 acre parcel of land which is served by two major public thoroughfares (Las Virgenes Road and Mulholland Highway.)
5. Local control of land uses, intensities and development, so long as it is consistent with the Local Coastal Plan and other regulations.

We do not support the following uses and ideas:

1. Unsupervised camping of any type in high fire hazard areas. This includes all of the Santa Monica Mountains where dry brush provides a tremendous fuel source for fires.
2. Any legislation that eliminates local review and approval for land uses, fire safety and the design of physical structures.
3. Large group events (one per year or many) at the former Streisand Center or on land within any other rural area that is considered a box canyon subject to high fire danger and with only one means of egress. It is dangerous for the residents, the visitors and emergency personnel.
4. Commercial office uses within low density Rural Residential zoned land, whether for private or public organizations.
5. The lack of a good faith desire to work things out and conceive reasonable compromises between parties with divergent opinions.

We believe that the LCP Amendment put forth by the City of Malibu is the appropriate vehicle to achieve our goals as residents not only of Malibu but also the County of Los Angeles and the State of California. We would welcome any amendments to that plan that the Commission might deem appropriate and in the best interest of all. Please lend us your support by joining us to maintain local control of our land uses.

Malibu residents have put together a website and short video which you can view at www.safecanyons.com. Please take a look if you have a moment.

Very truly yours,

Navy F. Banvard, AIA
Rachael A. Banvard

June 4, 2009

For the Coastal Commissioner Meeting
June 10, 2009
Marina Del Rey
Item 16b

Dear Coastal Commissioners,

I want the Coastal Commission to decline permission for item 16b. Global warming is changing weather and fire conditions. It is being predicted, because of global warming, more forest/terrain fires will occur. The Santa Monica Mountains are well-defined wildfire corridors. Allowing any type of camping in these Mountains **IS** risking the life of citizens, visitors, fireman and property. A decision to allow overnight camping **IS** adversely affecting public welfare, and public safety.

In a letter, Diane Pope wrote explaining the fire storm she experienced with her family at age 14, the Sherwood Newton Hume fire on Dec 26, 1956. Diane describes in detail the fire her family fought to save their home. The fire was caused by a campfire. It had been covered with dirt to put it out and the embers were fueled by the fierce Santa Ana winds. (e-mail attached)

A subsequent Forest Service study of the 1956 disaster, which killed one person (Diane's neighbor Frank) and destroyed 250 structures stressed the impossible challenge of combating such unpredictable natural forces: "Malibu fires combine most known elements of violent, erratic and extreme fire behavior: fire whirls, extreme rates of spread, sudden changes in speed and direction of fire spread, flash-over of unburned gases complicated by intense heat and impenetrable smoke held close to the ground. All together, this has been the worst brush fire in the history of Southern California." (www.clafma.org/malibu1956)

Reading Diane's e-mail and various fire reports concerning the Sherwood Newton Hume Fire of Dec 1956 I couldn't help but think about the Malibu Corral fire and the similarities. What was written about the 1956 fire can be said in 2007.

1. Caused by a campfire
2. Early morning fire
3. Santa Ana winds blowing; wind gusts, changing directions,
4. Severe smoky conditions
5. Families defending their homes
6. Homes lost
7. Fright and fear that the citizens must endure living in a fire zone.

The difference between 1956 and 2007

1. More development in the local mountains
2. More events/activities occurring in our local area
3. Global Warming climate changes bringing less rainfall, higher wind conditions
4. More laws protecting and regulating the unique fauna and flora, wildlife (ESHA)
5. More laws to protect public safety

Spanning fifty-two miles from east to west, the Santa Monica Mountains are the only mountain range that bisects a major American city. This places the city at a much higher risk for loss of life and property damage during a fire. Historically, wildfires follow well-defined wildfire corridors through rugged terrain. This makes them extremely difficult to defeat. The tinder-dry chaparral of the Santa Monica Mountains, strong Santa Ana winds and low humidity present an ideal template for wildfires. The Malibu area will always be plagued by these conditions.

Given that, the Coastal Commission should be asking, what types of activities would be the safest for our citizens, visitors, future generations, and our ecosystem? What activities would be fiscally responsible and accomplish this without affecting the State budget for "emergency fire and disaster" expenditures now and in the future? It only takes one accident, one camper who couldn't put out their campfire properly or one ranger/ camp host who couldn't stop the camper from doing something illegal (smoking in non-smoking areas, camping/hiking in the area during a Red Flag Alert, starting illegal campfires or fire for emergency signaling) before it was too late. It only takes one accident to start the fire which consumes more Malibu homes, life of animals and people and alters our ecosystem forever.

Please reject the Santa Monica Mountains Conservancy's proposal amendment 1-08 to the Malibu City Local Coastal Plan. Malibu citizens don't need one more thing to fear as a cause of fire in their neighborhoods. Worrying about downed power lines is enough.

Respectfully,

Sally Jo Benjamin
3216 Colony View Circle
Malibu, CA 90265
310.456.2736
indyjo@earthlink.net
5pennies_benjamin@earthlink.net

For the letter written by Sally Benjamin, 3216 Colony View Circle Malibu CA 90265

----- Original Message -----
From: Diane Pope
To: malibutownshipcouncil@earthlink.net
Sent: Monday, November 12, 2007 6:05 PM
Subject: NO NEW CAMPING

Dear Township Council,

On 26 December 1956, my family was awaken by the phone and our neighbor informing us that there was a fire in the mountains behind us. It was three o'clock when I got outside and looked to the mountains. The entire range, not blocked from view by homes as it is today, was aglow in orange. I thought the Russians had finally bombed us. I was 14. My dad positioned me behind the house with the garden hose and told me to keep the roof and eves wet. No easy matter with the Santa Ana winds blowing in excess of 100 miles an hour. There were only five homes located at the top of Cuthbert Road and one on Horizon Drive then. There was only one water tank feeding Malibu Park. Protected somewhat by the embankment, I didn't see the home across the street burn to the ground and didn't learn until later that those people had narrowly escaped, with their dog, after being awaken by the fire in their house. All I saw were the billions of embers flying horizontally at me and our house my dad was still building. I didn't see the lone fireman save half of the house on Horizon after my dad told him he thought the fireman on our neighbor's roof, myself and he could save the remaining four on our road. The fire hit us at 3:30 and was passed us by four. Frank Dickover, our neighbor...two doors down, decided to evacuate, didn't make the turn down the hill and was burned alive...leaving a wife and one year old daughter who went in the opposite direction in thier second car. It was a long time before the screams of the dying horses left in their barn and corrals next door faded from my memory. While the four remaining homes on Cuthbert hill were saved, out lives were forever changed.

That was almost 51 years ago and that area, now easliy accessed from Kanan, has not burned since. It had not burned in 40 years when we were awaken that night. The firestorm continued on for five days and many homes were eaten up by it. When all was said and done, it turned out that that fire was started by campers who had buried their camp fire with dirt as was taught at the time. But for those Santa Ana winds, Frank might have lived to see his little girl grow up.

My dad died last year. I've gone into deep debt to buy out my sister. Realtors said his house was a tear down and my heart just could not accept that. So, I am coming home to once again save his house. But I know there will be no saving it this time if and when there is another fire from the ridge line. There are too many homes with unkept trees, fifty years of mountain growth and not enough water pressure to put up a fight. So, while I would like to thank you for closing Kanan during this last fire and thus keeping out the arsons of today, I am begging you not to increase the risk of another camper's fire lighting up the night.

LCRD Diane J. Pope, USN Retired
d.pope@ix.netcom.com

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JUN 01 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

From: Jackie Robbins
Formally resident at:
2033 Corral Canyon Road
Malibu Ca. 90265
310-457-7601
jackie@leatherwaves.com

About the issue of camping in Corral Canyon; to all concerned in the passing or rejection of these plans.

I am a 35 year resident of Corral Canyon. One year and a half ago I lost my home and 30 year business studio to a raging wildfire that was started by visitors using the canyon.

The difficulties I face to rebuild and restart my life are almost insurmountable. It is regrettably unfortunate that visitors to our neighborhood where over 300 families live do not know the dangers that are possible with careless usage.

The canyon is spectacular for visiting experience but it is imperative that visitors be monitored and educated on the dangers of wildfires. Camping and campfires must be denied because of the fragility of the environment and the danger to lives. 54 of my neighbors, including myself and my family not only lost our homes and personal property, but a lifetime's worth of memories and hard work was lost because inadequate protection was available.

Come visit, spend the day, enjoy the environment, respect a natural wonderland, but be registered before you enter and signed out when you leave, NO OVERNITE CAMPING, NO CAMPFIRES, educate visitors and demand proper behavior, with consequences, place authorities to monitor the public.
This must be done in parklands that invite the public. Please vote your conscience, protect human lives and property, and protect wildlife and a precious environmental wonderland.

Thank you for your service to the State and people of California. I'd like to address the issue of camping on Santa Monica Mountains Conservancy (SMMC) property in and around Malibu.

Being an avid hiker, camper and mountaineer I am always very happy with plans to offer additional walk up access to mountain ranges. If the plan was limited to additional access I would not be writing this letter. SMMC's plan has me confused and concerned. I am confused by the location choices for the campsites. Two of the sites are in canyons with only one access route. The Corral Canyon site is located in such a way that a fire beginning at the campsite would isolate several neighborhoods in a matter of minutes. Any fire at the entrance to Corral traps hundreds or residents and hikers. It also must be remembered that fire season in Southern California is now a year long event and all evidence suggests this is not a short term phenomena.

Are all possible measures being taken to protect against an accidental fire at these sites? The suggested locations are problematic from an access and egress standpoint. Numerous exceptions to existing fire codes need to be approved to allow this project to move forward. Why are exceptions to existing codes even being considered when the fire danger increases annually?

Is the public well informed about these plans? I have struggled to find information on these sites. It seems odd to me, if this is such a good, idea why can't I find mention of it on the SMMC web site. With a key Coastal Commission Hearing on the plan only weeks away I would expect to find details and the benefits of the plan being championed by the SMMC. Why can't I find good information? From a public relations standpoint this makes it look as if the SMMC is hiding something from its constituents. Why would they hide such a great plan from the population they exist to serve?

Finding detailed and accurate information on the increasing cost of wildfires, predicted outcome of global warming, current drought conditions and dwindling funds available at the state and local level is far too easy so I won't clutter my message with tables and graphs and footnotes. What I have struggled unsuccessfully to find is a study suggesting we have an insufficient number of campsites in the local mountains. Perhaps you can help me with that.

This whole plan was poorly thought out on so many levels I am frankly amazed I have to write this letter. There are so many things wrong and no apparent quantifiable need. I am at a loss to understand who really benefits from this. Taxpayers are hurt, residents are hurt, hikers are placed at risk (of being cut off in a fire). Why is this moving forward? Please help me understand what the real benefit of this is and how it is cost justified given the obvious dangers.

In Summary: I am against any land use in the Santa Monica mountains that requires the waiver of any existing fire codes. I am for improved public access to the beaches and

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mountains adjoining Malibu provided supervision is appropriate and risks are mitigated in a realistic way (simple signage is not a sufficient control in these mountains, for proof look at the Corral fire on Nov 07).

Thank you for your time. Should you have any questions my contact information is:

cdr.weiss@gmail.com

JLC/DLA
CDR Weiss
APO, AE 09354

Warm regards,

Brian Weiss

RECEIVED
JUN 04 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: Agenda Items 16A/16B,
June 10, 2009 CC Agenda
Winding Way Trust
David Percelay, Trustee

TO: California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

DATE: May 27, 2009

I are residents of Malibu in the Escondido Canyon area. I support the development of a trails system in Malibu for public use. I are for camping in fire-safe sites that do not damage sensitive habitat. I are writing to oppose the Malibu LCP Override (Agenda Item 16B) proposed by the Mountains Recreation and Conservation Authority (MRCA). I strongly oppose the MRCA plan for Escondido Canyon, specifically a new parking lot and overnight camping for the following reasons:

1. **The MRCA violates Coastal Act Article 6, Section 30253: "New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard." Camping should not be permitted at high fire risk locations in close proximity to residential areas.** Escondido is a box canyon with only one uphill exit, and has the highest incidence of fires in the Santa Monica Mountains. The proposed camping site was completely burned in the November 2007 Corral Fire in less than an hour after that fire started. California's fire danger is documented to be growing due to drought and global warming, with fifteen of the state's twenty largest wildfires occurring since 1985. Our current state budget crisis will shrink fiscal resources to fight fires. I cannot afford to increase fire risks. Corral Canyon prohibited campfires and camping, however with inadequate supervision, a devastating fire was started there. The Tea Fire in Montecito was also due to an illegal campfire. Written regulations for cold camping do not enforce themselves. Night-time usage greatly increases fire risk, and should not be permitted in Escondido Canyon.

The proposed site also fails to meet current fire regulations **(24 Cal. Code Regs., sec. 503.2.1)** which require," **The fire apparatus access road** shall comply with the requirements of this section and **shall extend to within 150 feet of all portions of the facility.** The road to the campsite is unstable and much narrower than 20 feet, making it impossible for fire truck access and evacuation of campers.

Camping should occur at fire safe and supervised locations with paved roads that meet fire regulations, criteria that are met by all the current state campgrounds that exist in Malibu (e.g., Sycamore Canyon, Malibu Creek State Park). There are better options for possible expansion of camping at the mouths of canyons or at beach sites, including for example, the bottom of Topanga State Park, where adequate paved roads exist.

2. THE MRCA has inadequate resources to maintain/supervise new facilities. The MRCA was granted an easement for the trail along the private road, Winding Way, that leads to Escondido Canyon. This trail is rutted and degraded, with inadequate signage to keep hikers on the trail. The CDP (Coastal Development Plan) for the easement required the MRCA to maintain this trail, which it has failed to do, with no maintenance or signage placed by MRCA in nearly a decade.

The MRCA performed trail maintenance in the past two months within Escondido Canyon for the first time in the past ten years. Ranger staffing for Escondido is sparse. The state budget crisis will lead to further park budget cuts. Creating new facilities will require financial resources for maintenance and staffing that do not exist currently, and are expected to further decline in the coming years.

The waterfall in Escondido Canyon is a frequent site of serious bodily injuries. Two helicopter rescues have occurred there so far this year alone. Supervision of the canyon is inadequate, and will be further compromised as usage increases.

The MRCA has failed to close Escondido trail on red flag days, which is standard for other state parks. This puts both the public and area residents at risk, since many are not aware of the dangers of becoming trapped in a box canyon during a wildfire.

3. Violation of CDP terms by MRCA. The CDP for the Winding Way trail easement contains specific language that limits the easement to pedestrian and equestrian use only. The proposed new parking lot at the top of Winding Way violates these terms. Increasing car traffic on Winding Way puts hikers, bikers, and equestrians at increased risk on this winding street with many blind curves. Hikers often walk in the street with young children and pets. Liability for injuries on our private road will be born solely by homeowners, and not the state. It is not acceptable for the state to impose conditions that increase private homeowners' liability and risk serious injury to trail users.

4. The MRCA proposal is too intensive for Escondido Canyon. Sycamore Canyon State Park, for instance, has 42 parking spots serving a park size of 13,300 acres. Escondido Park has approximately 140 acres with total proposed parking sites totaling 48. The new Winding Way parking lot would be placed within the canyon, thus leading to the destruction of more habitat, and to a level of usage out of proportion to the acreage, that will further damage wildlife and the sensitive riparian habitat. Reasonable alternatives include revision of the current Winding Way lot at Pacific Coast Highway (currently with 10 spaces) to optimize usage in that existing facility, and use of the MRCA option for ten more parking spots at Latigo Canyon Road via the original Coastal Slope Trail. Night usage of the canyon will further disturb wildlife, which is threatened by habitat loss from previous fires and from prior residential encroachment. Day use would avoid this impact.

5. Escondido Creek water quality issues
Escondido Creek is one of the most contaminated watersheds in the Malibu area, and drains directly into the ocean. There have been NO steps to clean up this creek. The proposed campsite is in riparian habitat in close proximity to the creek and will lead to further water quality deterioration.

The MRCA mission is to preserve natural habitat, so it remains there for public enjoyment. It also has a responsibility to preserve public safety and to act in a manner that promotes public policy. There are better alternatives to the proposed LCP Over-ride which would provide public access and meet the following rational criteria:

1. Less expensive to develop, maintain
2. Less fire risk
3. Better preservation of environmentally sensitive habitat.

Escondido Canyon should be limited to day usage, with appropriate maintenance and supervision, and public access which prevents damage to this unique canyon, to preserve it for the future generations.

Respectfully,

David Percelay, Trustee
27380 Winding Way
Malibu, CA 90265

CC LIST

Los Angeles County Supervisor Zev Yaroslavsky
zev@bos.co.la.ca.us

Los Angeles County Fire Chief P. Michael Freeman
Los Angeles County Fire Department
1320 N. Eastern Ave.
Los Angeles, CA 90063
info@lacofd

California Coastal Commission
South Central Coast District Office
80 South California Street, Suite 200
Ventura, CA 93001-2801

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

State Assembly Assemblywoman Julia Brownley
41st Assembly District
Assemblymember.Brownley@assembly.ca.gov
6335 Topanga Canyon Blvd, suite 205
Woodland Hills, CA 91367
310-395-3414
916-319-2141

Kate Dargan, State Fire Marshall
1131 S Street
Sacramento, CA 94244-2460

Council Members In Malibu

Mayor Andy Stern
astern@ci.malibu.ca.us

Sharon Barovsky
sbaraovsky@ci.malibu.ca.us

Jefferson Wagner
jwagner@ci.malibu.ca.us

John Sibert
jsibert@ci.malibu.ca.us

Pamela Conley Ulich
pcu@ci.malibu.ca.us

RE: Agenda Items 16A/16B,
June 10, 2009 CC Agenda
Judith and J. Pablo Villablanca
27567 Winding Way
Malibu, CA 90265

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MAY 28 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

TO: California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

DATE: May 24, 2009

I am a resident of Malibu in the Escondido Canyon area. I support the development of a trails system in Malibu for public use. I am for camping in fire-safe sites that do not damage sensitive habitat. I am writing to oppose the Malibu LCP Over-ride (Agenda Item 16B) proposed by the Mountains Recreation and Conservation Authority (MRCA). I strongly oppose the MRCA plan for Escondido Canyon, specifically a new parking lot and overnight camping for the following reasons:

1. **The MRCA violates Coastal Act Article 6, Section 30253: "New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard."**
Camping should not be permitted at high fire risk locations in close proximity to residential areas. Escondido is a box canyon with only one uphill exit, and has the highest incidence of fires in the Santa Monica Mountains. The proposed camping site was completely burned in the November 2007 Corral Fire in less than an hour after that fire started. California's fire danger is documented to be growing due to drought and global warming, with fifteen of the state's twenty largest wildfires occurring since 1985. Our current state budget crisis will shrink fiscal resources to fight fires. We cannot afford to increase fire risks. Corral Canyon prohibited campfires and camping, however with inadequate supervision, a devastating fire was started there. The Tea Fire in Montecito was also due to an illegal campfire. Written regulations for cold camping do not enforce themselves. Night-time usage greatly increases fire risk, and should not be permitted in Escondido Canyon.

The proposed site also fails to meet current fire regulations (**24 Cal. Code Regs., sec. 503.2.1**) which require," **The fire apparatus access road** shall comply with the requirements of this section and **shall extend to within 150 feet of all portions of the facility.** The road to the campsite is unstable and much narrower than 20 feet, making it impossible for fire truck access and evacuation of campers.

Camping should occur at fire safe and supervised locations with paved roads that meet fire regulations, criteria that are met by all the current state campgrounds that exist in Malibu (ie, Sycamore Canyon, Malibu Creek State Park). There are

better options for possible expansion of camping at the mouths of canyons or at beach sites, including for example, the bottom of Topanga State Park, where adequate paved roads exist.

2. **THE MRCA has inadequate resources to maintain/supervise new facilities.** The MRCA was granted an easement for the trail along the private road, Winding Way, which leads to Escondido Canyon. This trail is rutted and degraded, with inadequate signage to keep hikers on the trail. The CDP (Coastal Development Plan) for the easement required the MRCA to maintain this trail, which they have failed to do, with no maintenance or signage placed by MRCA in nearly a decade.

The MRCA performed trail maintenance in the past two months within Escondido Canyon for the first time in the past ten years. Ranger staffing for Escondido is sparse. The state budget crisis will lead to further park budget cuts. Creating new facilities will require financial resources for maintenance and staffing that do not exist currently, and are expected to further decline in the coming years.

The waterfall in Escondido Canyon is a frequent site of serious bodily injuries. Two helicopter rescues have occurred there so far this year alone. Supervision of the canyon is inadequate, and will be further compromised as usage increases.

The MRCA has failed to close Escondido trail on red flag days, which is standard for other state parks. This puts both the public and area residents at risk, since many are not aware of the dangers of becoming trapped in a box canyon during a wildfire.

3. **Violation of CDP terms by MRCA.** The CDP for the Winding Way trail easement contains specific language that limits the easement to pedestrian and equestrian use only (see attached). The proposed new parking lot at the top of Winding Way violates these terms. Increasing car traffic on Winding Way puts hikers, bikers, and equestrians at increased risk on this winding street with many blind curves. Hikers often walk in the street with young children and pets. Liability for injuries on our private road will be born solely by homeowners, and not the state. It is not acceptable for the state to impose conditions that increase private homeowners' liability and risk serious injury to trail users.

4. The MRCA proposal is too intensive for Escondido Canyon. Sycamore Canyon State Park, for instance, has 42 parking spots serving a park size of 13,300 acres. Escondido Park has approximately 140 acres with total proposed parking sites totaling 48. The new Winding Way parking lot would be placed within the canyon, thus leading to the destruction of more habitat, and to a level of usage out of proportion to the acreage, that will further damage wildlife and the sensitive riparian habitat. Reasonable alternatives include revision of the current Winding Way lot at Pacific Coast Highway (currently with 10 spaces) to

optimize usage in that existing facility, and use of the MRCA option for ten more parking spots at Latigo Canyon Road via the original Coastal Slope Trail. Night usage of the canyon will further disturb wildlife, which is threatened by habitat loss from previous fires and from prior residential encroachment. Day use would avoid this impact.

Mr. Edmiston signified in writing to the Winding Way homeowners association that Escondido Canyon would NOT be allowed to have overnight usage (see attached letter).

5. **Escondido Creek water quality issues**

Escondido Creek is one of the most contaminated watersheds in the Malibu area, and drains directly into the ocean. There have been NO steps to clean up this creek. The proposed campsite is in riparian habitat in close proximity to the creek and will lead to further water quality deterioration.

The MRCA mission is to preserve natural habitat, so it remains there for public enjoyment. It also has a responsibility to preserve public safety. There are better alternatives to their proposed LCP Over-ride which would provide public access and meet the following rational criteria:

1. Less expensive to develop, maintain
2. Less fire risk
3. Better preservation of environmentally sensitive habitat.

Escondido Canyon should be limited to day usage, with appropriate maintenance and supervision, and public access which prevents damage to this unique canyon, to preserve it for the future generations.

Judith Villablanca, MD
President Winding Way-Murphy Way Home & Landowners Association
Associate Professor Clinical Pediatrics

J. Pablo Villablanca, MD
Professor Radiology

CC: Zev Yaroslovsky
P. Michael Freeman
Gov. Arnold Schwarzenegger
Julia Brownley
Kate Dargan
Malibu City Council
California Coastal Commissioners

State of California Edmund G. Brown Jr., Governor

California Coastal Commission
SOUTH COAST DISTRICT
666 E. Ocean Blvd., Suite 3107
Long Beach, CA 90801
(213) 590-5071

VR/DJN:ag
9-1-81
Revised Findings

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MAY 28 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date September 1, 1981

Application No. P-81-7713

NOTICE OF INTENT TO ISSUE PERMIT

On June 1, 1981, the California Coastal Commission approved the application of Los Angeles County, 550 S. Vermont Avenue, Los Angeles, CA 90020, subject to the attached standard and special conditions, for the development described below:

Installation of a local water system, road improvements, and landscaping in the vicinity of DeButts Terrace and Winding Way.

RECEIVED
SEP - 2 1981
WATERWORKS DIVISION

SITE: Vicinity of Winding Way-DeButts Terrace
Malibu, CA

The permit will be held in the South Coast District office of the Coastal Commission, pending fulfillment of Special Conditions 1, 2, and 3, on reverse. When these conditions have been satisfied, the permit will be issued.

Nancy A. Lucast
District Director
by

Dixie Howell
Staff Analyst

djn

OVER PLEASE

MAL MA 1-08

STANDARD CONDITIONS:

- Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

- Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

- Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

- Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

- Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

- Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affadavit accepting all terms and conditions of the permit.

- Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

Prior to issuance of permit, the applicant shall submit an irrevocable offer to dedicate public access trails easement, co-terminus to, and along the entire length of the right-of-way of DeButts Terrace and Widing Way within the area of the improvement district. The irrevocable offer shall be of a form and content approved by the Executive Director, or his successor, free of prior encumbrances except for tax liens and deeds of trust on record, providing the public the right to pass and repass over the noted routes limited to hiking and equestrian usage only. Dedicated trail access easements shall not be open for public hiking and equestrian usage until a public agency agrees to accept responsibility for maintenance of liability associated with the trails easement.

The offer shall run with the land in favor of the Peopleof the State of California, binding successors. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

. Prior to issuance of permit, the applicant shall agree to provide landscaping to screen pump houses from the general vicinity for approval; and

. The trail shall be subject to approval by the County Parks Department and the Santa Monica Mountains Trails Council.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

SANTA MONICA MOUNTAINS CONSERVANCY
STREISAND CENTER FOR CONSERVANCY STUDIES
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207

June 27, 1997

Mr. Bradley Scott
Chairman of the Board
Insurance Auto Auctions, Inc.
23805 Stuart Ranch Road, Suite 255
Malibu, California 90265

Winding Way/Escondido Canyon

Dear Mr. Scott:

Thank you for the opportunity for our full and frank discussion of the problems Winding Way residents may have with the Santa Monica Mountains Conservancy's recent purchase of Escondido Canyon. I appreciate the time you and Richard Katz were willing to invest towards resolution of this important issue.

This letter will serve to memorialize the essential points of our conversation, as I remember them. Please feel free to amplify and comment.

Attached you will find two key documents:

(1) *Escondido Canyon Project Plan*, as adopted by the Santa Monica Mountains Conservancy pursuant to Section 33209 of the Public Resources Code. You will note on p. 3 the limited scope of improvements (15 car parking, 2 redwood enclosed chemical toilets, picnic tables, *etc.*). We estimate the total cost of these improvements to be less than $100,000. No funds have been allocated for this purpose at the present time.

(2) Insurance Policy covering all East Winding Way property owners of record. You have expertise in this field, and are not directly involved as I gather you live on West Winding Way, so it might be appropriate for you to review—or have a professional in whom you have confidence—review this policy for the degree of protection afforded to the covered landowners. If an impartial review of this policy discloses deficiencies in coverage, I will recommend to the respective governing boards such additional coverage as may be necessary to bring the policy up to industry standards.

Mr. Bradley Scott
June 27, 1997 Page 2

The property is patrolled by armed rangers who are California peace officers. Our regulations prohibit vehicle use of any kind; fires; overnight camping, and indeed any nighttime activity. Violation of these regulations is a misdemeanor for which the Malibu court has been very cooperative in setting a relatively high bail amount. There is a 24 hour on-call ranger who may be reached at (310) 456-7049.

The Winding Way trail is a matter of concern. It is still owned by the County and my understanding is that they have submitted all the easements to the Coastal Commission for final sign-off on that condition of the Winding Way coastal permit. The Conservancy has adopted a resolution authorizing acceptance of the trail easement (and with it the maintenance responsibility), but we must await the County's action in actually transferring the easement to us. Substantial reconstruction and maintenance must be done on this trail to bring it up to our standards.

Finally, with respect to the parking area, I have committed in public—and to you in our conversation—to implementing some type of electronic notification system so that persons would not drive their car the mile into Winding Way only to find all spaces taken. Multi-level parking garages frequently have these systems installed, and I am open to any suggestions about the physical design of such a system.

Please feel free to share the contents of this letter with other concerned Winding Way residents. I welcome any other suggestions you may have about how the Conservancy can accomplish its goal of being a good neighbor to the residents of Winding Way.

Sincerely,

JOSEPH T. EDMISTON, AICP
Executive Director

Attachments (2)

cc: Conservancy members
MRCA Governing Board members
Conservancy Advisory Committee members

Re: Hearing on Malibu LCP overrides Revised Findings
Meeting date: June 10,2009
Agenda Items: 16a, 16b

California Coastal Commission
c/o Pat Veeshart
Southern California Coast Office
89 S. California Street
Ventura, California
93002-2801

RECEIVED
JUN 02 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

May 27, 2009

Dear Mr. Veeshart:

I am writing in opposition to the plan to introduce overnight camping in unsafe, unguarded locations in the hills above Malibu, where fire danger risk is very high.

California's recent prolonged drought has created a very high fuel load in the Santa Monica Mountains and the risk of fire is growing each year. Bringing the public into a zone where this high risk of fire danger exists is irresponsible and a terrible idea. People tragically learned this lesson when 50 homes, pets and livestock were lost in the Corral Canyon fire in November of 2007 when visitors started a campfire in the hills on a dry, windy night.

It is extremely difficult to evacuate on the narrow roads of Malibu and would make more sense to make decisions that would protect the public from risk rather than to create conditions that would endanger the public. Locating campgrounds on the beach would provide a safer alternative to having campfires in the hills.

I donate to the Conservancy and support their mission of acquiring and conserving open space lands for future generations but I do not agree with this plan to introduce overnight camping in the hills above Malibu. It seems like a dangerous plan and makes no sense to me. Before the state moves ahead with these plans to increase overnight camping in the fire-prone hills and box canyons above Malibu, I would hope they would spend some resources in patrolling and maintaining the lands and trails they already own.

The state has spent millions of dollars fighting wildfires this year. Let's focus our tax dollars on better managing the public lands we already have rather than spending it on plans that will ultimately further endanger people and property.

Sincerely,

Carol Gable

Carol Gable

Main Identity MAL-MAJ-1-08 Revised Findings

RECEIVED
JUN 02 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

From: "lawrence ivey" <larryivey@charter.net>
Sent: Friday, May 29, 2009 11:40 AM

Agenda 16a &16b 10 June2009

Dear sir,
I am writing this as a 50 year resident of Ramirez Canyon. I cannot believe that such a thing as overnight camping can even be considered in the Malibu hills and canyons. It was a bad idea before the corral Canyon disaster and it is a worse idea now. The very thing we had all feared and warned about happened: A disastrous fire caused by campers with no supervision. Apparently this had no effect on the thinking of SMMC who is advocating the camping.
The camping is supposed to be "cold" with no campfires allowed. But stoves and coleman lanterns are OK The fire from an overturned coleman lantern or some accidental spilling and igniting of stove fuel is just as lethal. And what about cigarettes:|?
They say the camping will be supervised. Supervised like the caves were supervised that fateful night? What exactly is supervision? A ranger at the site all the while there is camping going on? A check every 2 hours or so by a ranger. Every day? Only when they think about it? We saw how well supervision by the States Parks worked at the Corral Canyon park. They promise supervision but if the whole thing gets started there is nothing to keep them from changing or eliminating supervision due to budget cuts or some other excuse.
I strongly object to the idea of overnight camping or even day time camping anywhere in Malibu without supervision.
Why do we need more camping anyway? We already have many beautiful campsites right by the ocean that are supervised 24 hours a day. The news has been reporting a decline in outdoor camping .So why do we need to spend more money on something that is not needed, especially in these times of budget crunch.
As to the accusation that Malibu people are only rejecting camping because of an elitist attitude and an attitude about inner city people: of course this is ludicrous as can be seen by the number of people from all over that use the beaches and Malibu Canyon State Park.
I urge you to reject any idea of overnight camping in the areas proposed primarily because of fire danger.

L. Ivey

6444 Surfside Way
Malibu, CA 90265
30 May 2009

RECEIVED
JUN 02 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
c/o Pat Veesart
South Central Coast Office
89 S. California Street, Suite 200
Ventura, CA 93002-2801

Dear Coastal Commissioners:

Wildfires in Southern California are not only terrifying, but extremely destructive and costly, both in emotional impact and damage to our economy. Our ongoing drought makes any uncontained fire, whether in the chaparral of our mountains or in an urban area difficult to defeat.

At last report, the Santa Barbara fire last month was attributed to one attempting to clear a firebreak, started small, and was impossible to control before hundreds of millions of dollars in damage was incurred. The cost of fighting the fire was more than our fragile economy can withstand without a severe negative impact on other important services. The recent Corral Canyon fire in Malibu was similarly expensive in emotion and dollars, and was caused by a few scoff laws who knowingly disobeyed the rules in a designated park area, apparently too remote to be adequately monitored by the Park Ranger staff.

We currently have a proposal to create overnight camping in the Santa Monica Mountains and are assured that rules will be applied to ensure only cold camping (no fires) and that the camp sites will be monitored and policed. "Trust us" doesn't cut it in today's fire risk environment and the budget cuts which will surely create shortfalls in any plan to provide 24/7 ranger monitor and patrol service.

We can't afford to be casual about fires in Malibu. The risk of wildfire due to camping far outweighs any benefits due to expanding the camping in the Santa Monica Mountains. There already exists 1,300 camping opportunities which must be considered as sufficient to preclude the assumption of additional fire risk. We implore you to consider the cost/benefits of the proposal to expand camping in the Santa Monica Mountains and deny the request.

Sincerely,

Erwin E. Schulze

Erwin E. Schulze, Jr.

Bonnie L. Schulze

Bonnie L. Schulze

RECEIVED
JUN 02 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Jenny Ball
5969 Ramirez Canyon Road
Malibu, CA 90265
(310) 457-9252
jennyball@verizon.net

Agenda item 16a/16b
June 10th Hearing

Dear California Coastal Commission:

Please think carefully when considering the usage of the Santa Monica Mountains Conservancy's property in Ramirez Canyon. I have lived in Ramirez Canyon for 46 years, since I was two years old. This small canyon is a completely inappropriate place for large events of any sort. The danger associated with these events puts the participants at risk, puts the residents at risk and threatens our homes.

You have much to consider, but please do consider the physical realities of our canyon. Our canyon road is not adequate for hundreds of people to evacuate while emergency response teams are coming in. I ask you to come and see for yourself.

Thank you,

Jenny Ball

www.safecanyons.com

Main Identity MALIBU-08 Revised Findings

From: "lawrence ivey" <larryivey@charter.net>
Sent: Friday, May 29, 2009 11:40 AM

Agenda 16a &16b 10 June2009

Dear sir,
I am writing this as a 50 year resident of Ramirez Canyon. I cannot believe that such a thing as overnight camping can even be considered in the Malibu hills and canyons. It was a bad idea before the corral Canyon disaster and it is a worse idea now. The very thing we had all feared and warned about happened: A disastrous fire caused by campers with no supervision. Apparently this had no effect on the thinking of SMMC who is advocating the camping.
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I urge you to reject any idea of overnight camping in the areas proposed primarily because of fire danger.

L. Ivey

RECEIVED
JUN 02 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Rick Mullen
President, Ramirez Canyon Preservation Fund
5969 Ramirez Canyon Rd.
Malibu, CA 90265
310-457-7502
rdmullen@verizon.net
May 20, 2009

RECEIVED
JUN 02 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear California Coastal Commissioners:

I am writing to you about the upcoming Coastal Commission Hearing about the Santa Monica Mountains Conservancy's efforts to force camping in dangerous canyon locations on the City of Malibu against the wishes of most of the residents and for authorization to greatly intensify the use of its residential property in Ramirez Canyon with large events and up to 44,000 visitors a year.

This issue is not about public access. This is about public safety and the inappropriate use of a gated Hollywood star's former estate as office space for State of California employees.

The City of Malibu has 13,000 residents and 11 million visitors a year. We welcome more visitors per capita than any other town in California. To say that we are against public access in a lie. We have the best record in California on public access.

We support camping in safe locations. Safe locations for camping are at the beach or in a large facility like the Conservancy's 500 acre King Gillette Ranch with excellent ingress and egress for evacuation and access by Emergency personnel. The wind swept, fire prone canyons of Malibu are some of the most dangerous areas in the State which has designated them as Very High Fire Hazard Severity areas.

We also support the following activities in Ramirez Canyon:

- Safe and supervised camping for disabled people and other accessible activities
- Children's educational programs
- Picnic facilities and riparian interpretive hiking trails
- Senior and public outreach programs for small groups
- Canyon and garden tours for small groups

We oppose:

- Large group events and weddings that have nothing to do with the mission of the SMMC
- Executive offices for the SMMC's top brass in a residential neighborhood.

Thank you for the consideration of the views of our Canyon residents.

Rick Mullen
President, Ramirez Canyon Preservation Fund
(for more information go to: www.safecanyons.com)

Jenny Ball
5969 Ramirez Canyon Road
Malibu, CA 90265
(310) 457-9252
jennyball@verizon.net

RECEIVED
JUN 02 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Agenda item 16a/16b
June 10th Hearing

Dear California Coastal Commission:

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You have much to consider, but please do consider the physical realities of our canyon. Our canyon road is not adequate for hundreds of people to evacuate while emergency response teams are coming in. I ask you to come and see for yourself.

Thank you,

Jenny Ball

www.safecanyons.com

Pat Veesart

From: Robert Matheny [rmatheny@ryanmiller.com]

Sent: Wednesday, June 03, 2009 9:04 AM

To: Pat Veesart

Cc: astern@ci.malibu.ca.us; zev@bos.co.la.ca.us; sbarovsky@ci.malibu.ca.us; jsibert@ci.malibu.ca.us; zumaroselm@yahoo.com; jwagner@ci.malibu.ca.us; pcu@ci.malibu.ca.us; harrietpollon@yahoo.com

Subject: 16a-MAL-MAJ-3-07 and 1-08/ OVER NIGHT CAMPING

Hello. I am a resident of Malibu and I am writing to strongly urge you to reject overnight camping.

We live in Encinal Canyon and, since 1978, we have experienced 2 direct hit fires. Recently, the Corral Canyon blaze, started by a bond fire, is exactly the situation we fear.

West of Point Dume the weather/climate is markedly different from the Santa Monica Bay environment. When the Santa Anas blow we experience wind speeds of 60+ mph, enough to bend plate glass windows and toss patio furniture across the street.

Charmley Park is 4 miles north of us..**up wind.** If a camper's fire got out of control, it would be on us in minutes.

How many fires has Malibu had in the last 10 years? Why legislate the certainty of future disasters.

Please vote against this time-bomb waiting to explode.

Best regards,

Robert Matheny
Linda McIndoe

4711 Avenida Del Mar
Malibu CA 90265

STEVEN W. SCHEINKMAN
30254 Morning View Drive
Malibu, CA 90265
(310) 457-3592
stevemacusa@att.net

June 3, 2009

California Coastal Commission
c/o Pat Vessart
So. Central Coast Office
89 S. California Street
Ventura, CA 93002-2801

Re: Hearing Date June 10, 2009
Item 16
In support of 16(a) and in opposition to 16(b)

Dear Commissioners and Staff:

I moved to Southern California over 29 years ago from the East Coast motivated by the desire to improve my quality of life and to take advantage of the unique combination of natural resources that the State has to offer. As an avid equestrian, hiker and camper, I have been fortunate to enjoy California's climate, beaches, mountains and park systems.

While living in the San Fernando Valley, I found myself spending more and more time pursuing my outdoor activities in the Malibu area. Along with the millions of other visitors to Malibu, I took advantage of the available campsites at Juan Cabrillo, the beach at Zuma, the hiking and riding trails at Malibu State Park, Bonsall Canyon, Ramirez Canyon and the backbone trail. I found that there was ***no shortage of public camping, hiking and riding facilities in Malibu*** (let alone the surrounding area) and as a result, I moved to Malibu a few years ago.

I believe that Malibu already provides sufficient resources to support outdoor activities for all residents and visitors: LA County reports 620,660 visitors to Malibu beaches in April of this year alone. I am supportive of expansion of these resources provided that they are safe, properly managed and supervised, and do not present a danger to the surrounding community.

I was shocked to learn that the SMMC is considering changing and expanding the permitted usage of a number of its facilities in the Malibu area (such as Ramirez Canyon and Escondido Canyon) to include overnight camping and other activities. I am strongly opposed to these changes for the following reasons:

- There are already sufficient campsites and trails to accommodate the needs of the residents of and visitors to Malibu;
- Given the economic condition of the State and budgetary deficits that will be with us for quite some time, available funding should be directed to maintaining what we already have;
- The proposal to allow overnight camping in these areas will dramatically increase the number of wildfires that will have to be dealt with. These areas are already high risk areas for fires given the winds, fuel load of heavy vegetation and limited road access for fire fighters to contain a fire before it spreads.

The fire season in Malibu is now all year long and the severe nature of the wildfires has consistently increased over the past 20 years. The cost of fighting these fires is staggering and diverts funding that should be directed as prevention rather than suppression. The human toll is immeasurable- I lost a house in an earthquake and one cannot truly understand the related trauma unless you experience it yourself. Since moving to Malibu, I have had to evacuate my house with my family and horses three times (once mandatory) and I do not even live in a high-risk fire area.

People cause fires- campfires/cooking and smoking has been identified as two of the leading causes of wildfires. I am an experienced camper and know all too well how careful you have to be to avoid starting a fire in a low-risk area let alone in the high-risk areas such as the narrow Ramirez and Escondido Canyons. Both of these have a single route in and out making evacuation of residents while at the same time bringing in emergency vehicles and crews difficult and dangerous. If overnight camping were to be allowed, I would never dream of using the campsites as even with my years of camping experience, I would be fearful of using a propane camp stove in such a high risk area. I shudder to think how many fires will be started by inexperienced campers if they are allowed to camp overnight. Given the size of the area and budget issues, it will not be possible to have a sufficient presence of law enforcement to ensure that campers are following safe practices. Posted signs prohibiting smoking, drinking, unleashed dogs and fires are routinely ignored when there is inadequate staffing.

The lack of staffing is a chronic issue in all State and County parks and one which will only get worse with the current budget crisis: as I understand it, the Governor and legislature are recommending the closure of some 200 parks in the State due to a scarcity of funding. The Santa Monica Mountains Conservancy has an admirable record in procuring lands for the public benefit; sadly it has never had adequate supervision for these properties once acquired. Must we wait for a disaster to occur before taking appropriate action?

Public access to public lands is important. At the same time the safety of both visitors and residents must be the number one consideration. Considering all of the above, I fail to understand why the SMMC wants to move forward with its proposal to allow overnight camping and expanded activities in these high-risk areas. I ask you to consider these very important points and take whatever action you can to ensure that the SMMC plan is not approved. I also encourage you to visit http://www.safecanyons.com for additional information. I urge you to reject any new overnight camping in Malibu.

Respectfully submitted,

Steven W. Scheinkman

Member, Malibu Park Safety Coalition and the Malibu Township Council

Pat Veesart

From: Suzanne Stiefler [suzstiefler@gmail.com]
Sent: Thursday, June 04, 2009 11:19 AM
To: Pat Veesart
Subject: Ramirez Canyon and SMMC

To Whom It May Concern:

Please read my attached letter in regard to Ramirez Canyon in Malibu and the SMMC's proposal to use the canyon for overnight camping and large events.

The hearing date is : June 10, 2009
Re: Agenda Item 16

Also please note that we:
SUPPORT 16a
OPPOSE 16b

Thank you for your attention to this matter. It is important to us and all of Malibu for our public safety.

Sincerely,
Suzanne and Jeff Stiefler
Ramirez Canyon Residents

Suzanne and Jeff Stiefler
5872 Ramirez Canyon Road
Malibu, CA 90265

June 3, 2009

To Whom It May Concern:

The purpose of this letter is to state our opposition to the Santa Monica Mountains Conservancy proposal to allow overnight camping and large group events in Ramirez Canyon and other high fire zones in Malibu.

Considering the long and recent history of fires in Malibu, along with the inevitable realization that more fires will occur it is unconscionable to me that any agency would consider allowing this sort of activity in Ramirez Canyon or any other canyon in Malibu populated with private homes. This type of activity will exponentially increase the odds of more fires erupting, lives being endangered, and homes being lost.

Since I live in Ramirez Canyon I know the Canyon intimately and can comment on its unique characteristics, and why they would dictate that camping and events not be allowed. They are:

1. Ramirez Canyon is a small and narrow boxed canyon with a narrow and winding private road, with no exit on the other side. There is only one way in and one way out and the road is too narrow for fire equipment and safe evacuation.
2. Many of the 70 homes in the Canyon are older, smaller and have wooden siding, which is extremely flammable.
3. There is old and heavy vegetation (much of it ESHA) that has not burned in years.
4. Every house is downwind from the conservancy's property at the end of the Canyon.
5. The homes are constrained and built up to the edge of the road.
6. The creek crossings have narrow wooden bridges (one lane) and a number of "Arizona crossings" all making evacuation dangerous in the case of a fire.
7. The road does not comply with the Fire Code's 20' width.

The risk of fires in California is a growing danger. Because of our drought and global warming our fire season is now all year long. In addition to the environmental causes of fire, the public is the #5 identified cause of fire in the Santa Monica Mountains National Recreation areas (per a recent EIR). People

start fires from accidents and irresponsibility from campfires, cooking, drinking alcohol, etc., not to mention the many fires started by arson. Why would we want to open the door and help and encourage this kind of risk and danger? Opening our canyons to this kind of risk is simply ludicrous and it cannot and should not be allowed.

Instead of fueling a situation for a fire to flare, we should be looking for ways to minimize the threat. Let's be proactive in our fight against fires, not reactive. I think anyone would agree that this line of thinking is obvious, logical, practical and fair. Let's all put on the same fire prevention hats and get on the same fire truck.

I support the Conservancy's mission of acquiring and conserving open space for future use. The Conservancy needs to be responsible in their quest for space and pursue safe locations (along PCH or on the beach as an example) where they can provide supervision and a reasonable level of certainty that a fire or another disaster will not occur. I support the Conservancy providing safe areas for safe camping, hiking and picnicking. I support the Conservancy providing children's educational programs; senior and public outreach programs for small groups, garden tours for small groups. Large group events should be held in event centers not located in high fire zones. If the SMMC allows camping and large group events in Ramirez Canyon or any other Canyon in Malibu the SMMC is simply *overlooking public safety*.

Sincerely,

Suzanne Stiefler Jeff Stiefler

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

June 2, 2009

John Ainsworth, Deputy Director
All California Coastal Commissioners
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Dear Mr. Ainsworth:

CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-3-07 JUNE 10 ITEM #16A

CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-1-08 JUNE 10 ITEM #16B (SANTA MONICA MOUNTAINS CONSERVANCY OVERRIDE)

We have reviewed the above listed Commission staff report(s) for the two Local Coastal Program Amendments to be presented at the June 10, 2009 Coastal Commission's public hearing. We recommend DENIAL of both proposed amendments and the Commission's staff recommendation to approve LCPA 1-08 as revised, unless mitigating measures are implemented.

Both Local Coastal Program Amendments (LCPA's) cover a large portion of the Malibu area which includes the Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, all of which are located in the Very High Fire Hazard Severity Zone of Los Angeles County.

Both LCPA's propose significant intensification of use of Conservancy properties, including non-residential uses, large public events, and overnight camping. We are opposed to any new campgrounds, hike-in camps, trail camps or large group gatherings in very high fire risk areas. These activities could jeopardize public safety by unnecessarily increasing the risk of fire and requiring rapid evacuation of narrow box canyons served by limited access routes.

The Conservancy's Ramirez Canyon property was originally designed for single family residential use and was not intended as a public use park. The park property is accessed

from Ramirez Canyon Road, which is a single means of access extending approximately one mile up-canyon from the Pacific Coast Highway. Ramirez Canyon Road is a substandard, privately owned, dead-end road that narrows to as little as 12 – 15 feet in some areas. It is non-compliant with the minimum 20' in width requirement of both the State of California and Los Angeles County Fire Codes. It is also the evacuation route for the canyon residents and the only ingress and egress route for emergency vehicles.

The Conservancy proposes to intensify the original use of the property by attracting large group gatherings and offering overnight camping. This increase in use should only be considered when it can be demonstrated that the proposed property is in strict compliance with all applicable Building and Fire Codes. A second alternate code compliant access road into Ramirez Canyon should be a precondition to any expansion of the current uses as outlined in the City of Malibu's proposed LCPA 3-07.

Both proposed LCPA's under the Hazards category require a Fire Protection and Emergency Evacuation Plan for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park to be approved by the State Fire Marshal and the Los Angeles County Fire Department. The Los Angeles County Fire Department will not approve any Fire Protection and Emergency Evacuation Plan that shows any intensification of use, unless mitigating measures are implemented. Residential use of the Ramirez Canyon Park for the residential caretaker and his family may be allowed to continue upon verification of completion of the conditions of approval of Coastal Development Permit 4-98-334.

Section 30253 of the Coastal Act states in pertinent part that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This is not accomplished by allowing large numbers of the general public:

1. Into an area of high fire hazard served by a substandard road, through a heavily vegetated, relatively steep box canyon from which there is no alternative evacuation route.

2. Into structures that have not demonstrated to be in compliance with the current ignition resistant building standards for the proposed change in use.

However, consideration will be given by the Los Angeles County Fire Department to approve the Fire Protection and Emergency Evacuation Plan if the following mitigating measures are implemented:

1. An approved emergency access road no less than 20' in width with no vertical obstructions to structures and places of assembly.

John Ainsworth, Deputy Director
All California Coastal Commissioners
California Coastal Commission
June 2, 2009
Page 3

2. Approved fire proof shelters strategically located along the trails and in camping areas to accommodate park visitors when evacuation is obstructed by an approaching fire.

3. Open flame is prohibited.

   a. Violations of open flame shall be a misdemeanor. Misdemeanor crimes are punishable by a maximum fine of $1,000 and a County jail term of one year or less.

   b. Violations during red flag warnings may be punishable by fines up to $6,000.

4. The canyons and parks will be closed during periods of high fire danger when a red flag warning is declared by the National Weather Service.

If you have any questions regarding this matter, please feel free to contact Deputy Chief Scott Poster at (323) 881-2461.

Very truly yours,

P. MICHAEL FREEMAN

c: Supervisor Zev Yaroslavsky, Third District
Kate Dargan, California State Fire Marshal

STATE OF CALIFORNIA–THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

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June 8, 2009
Via Email

California Coastal Commission

Regarding: Item W16b, City of Malibu Local Coastal Program Amendment 1-08
Hearing Date: June 10, 2009

Dear Members of the California Coastal Commission:

On behalf of the Santa Monica Mountains Conservancy (Conservancy) and Mountains Recreation & Conservation Authority (MRCA), I would like to thank you for your time and consideration of the Malibu Parks Public Access Enhancement Plan Overlay (Overlay). We have received the Staff Report, dated May 28, 2009, and fully support the Staff Recommendation to approve the LCP amendment requested by the Conservancy/MRCA, but would like to present for the Commission's consideration the below request for minor changes to the proposed Overlay policies, as modified by the Staff Recommendation, and the Findings contained in the Staff Report prepared for the Commission, dated May 28, 2009. We respectfully request the Commission's consideration of proposed changes for the reasons set forth below.

In addition, we have enclosed a letter providing comments and responses to a letter sent to the Commission by counsel for the Ramirez Canyon Preservation Fund, dated December 23, 2008, in which the Ramirez Canyon Preservation Fund claims to provide information to assist staff and the Commission in determining whether the findings required for the Conservancy/MRCA Local Coastal Program amendment override request can be made. The Conservancy/MRCA response letter discusses how the Conservancy and MRCA request for a LCP amendment override meets the requirements of Section 30515 of the Coastal Act and Section 13666 of the Commission's regulations, and further demonstrates that the so-called "findings and evidence" contained in the Ramirez Canyon Preservation Fund letter of December 23, 2009 are unsubstantiated, inaccurate, and misleading with very little in the way of supporting documentation and analysis.

PROPOSED OVERLAY REVISIONS

Requested revisions are shown in **BOLD** with ~~Double Strikethrough~~ or Double Underline, as applicable.

1. Section D.11. Hazards

We are in receipt of the letter dated June 2, 2009 from Los Angeles County Fire Chief, P. Michael Freeman, to the Coastal Commission addressing fire safety issues and would like to reiterate that the Conservancy and MRCA place the highest priority on fire safety.

It bears emphasis that the matter presently before the Commission involves an LCP amendment. Subsequent to LCPA certification, the Conservancy and MRCA will prepare a Public Works Plan, supported by a full Environmental Impact Report (EIR) that will further address the fire safety issue and nature and adequacy of fire protection measures necessary to implement the LCPA.

As the Commission can imagine, the manner in which fire safety is addressed in the context of our coastal park plan proposal is not merely an issue relating to Malibu, but to all state and federal parks in the coastal zone, and elsewhere in California. The Conservancy and MRCA have developed an extensive, site specific and restrictive policy program for our park properties within the City of Malibu as part of the Conservancy/MRCA LCP amendment request – more restrictive than you might find anywhere else in the United States. Specifically, at Ramirez Canyon Park, under the Commission previous approval, extensive fire safety procedures and improvements, reviewed and approved by the Office of the State Fire Marshall and Los Angeles County Fire Department, have been implemented that serve not merely to protect the Park itself, but function as the line of defense providing fire protection to Ramirez Canyon itself. Nevertheless, we would like to propose yet additional policies and revisions intended to address and incorporate, either directly or through the use of alternative materials and methods, the Los Angeles County Fire Chief's comments and recommendations as presented in the June 2, 2009 letter into the proposed Overlay.

As such, the Conservancy and MRCA request that the Commission considers revisions to the LCP amendment implementation measures to increase notification requirements and fines for violation of proposed park closure and No Campfire/Cold Camp Policies, up to $6,000.00 and $1,000.00, respectively, and to require that Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park be closed to all recreational use during declared Red Flag Warning periods, which are tracked by the National Weather Service.

Additional implementation measures are also requested to ensure maximum compliance, where feasible, with the new fire protection requirements as described by the Los Angeles County Fire Chief in the June 2, 2009 letter.

Consistent with Fire Department practices for new developments in the City of Malibu and throughout California, an implementation measure has been added to specify that, where it is infeasible to meet all applicable current Building and Fire Code requirements for fire protection due to physical site or resource constraints, modifications may be granted for the park improvements pursuant to an approved Fire Protection Plan, as provided by Section 702A of Chapter 7A of the 2007 California Building Code and Section 4702.1 of the 2007 California Fire Code, and adopted by reference in Title 32, of the Los Angeles County Fire Code. The new implementation measure requires that the Fire Protection Plan include design, construction, maintenance and operation requirements for the park improvements in compliance with applicable fire codes and, where necessary, fire protection enhancement requirements or approved alternative materials and methods to provide "same practical effect" or functional equivalency for any non-code complying park improvement element.

As with all development proposals, a detailed and project-specific analysis of site constraints, resources, potential environmental impacts and required mitigation will be completed for all the park improvements contemplated in the Overlay. The Fire Protection Plan required by the proposed Overlay will be prepared and analyzed during the project and environmental review process and must be found consistent with the proposed Overlay and the Malibu LCP. As the requested approval is for a LCP amendment and as such, does not seek entitlement for specific projects, it is premature to identify and require fire protection enhancements for any code complying, or non-code complying park improvement, beyond standard, well recognized and tested fire protection methods and apparatus. For this reason, we respectfully request that the Fire Chief's comment to implement mitigation consisting of an "Approved fire proof shelter strategically located along trails and in camping areas to accommodate park visitors when evacuation is obstructed by an approaching fire" not be incorporated into the LCP amendment request at this policy level. However, we look forward to working with the Los Angeles County Fire Department and State Fire Marshall to identify and implement enhanced fire protection features at our Malibu park properties and, if determined appropriate, safe, acceptable and consistent with Fire Department standards and criteria, potentially implementing the recommended mitigation measure. Again, these are issues that will be addressed separately in an EIR for the Public Works Plan which will be brought back to this Commission for review

The Conservancy/MRCA request to add a new implementation measure to respond to the Fire Chief's requirement that an approved emergency access road no less than 20 feet in width be provided to structures and places of assembly. The new implementation measure provides that the Conservancy/MRCA explore and pursue all options to remove any permitted or unpermitted private encroachments into the Ramirez Canyon Road easement to achieve full access clearance with no vertical obstructions over the entire 40 foot easement width or, where infeasible due to natural constraints and residential structures, full access clearance with no vertical obstructions will be pursued for a minimum 20 foot wide access road.

In addition, the Conservancy/MRCA appreciates the Staff Recommendation to include a new policy specifying that opportunities for additional emergency ingress/egress to and from

Kanan Dume Road over Via Acero shall be explored by obtaining easements from willing property owners, and further specifying that the policy is not intended to limit the use of, or access to, Ramirez Canyon Park via Ramirez Canyon Road. To ensure that compliance with this policy and those of the Los Angeles Fire Department can be pursued to the maximum extent feasible, the Conservancy is requesting to amend the policy to specify that such access opportunities over Via Acero may also be pursued with use of eminent domain to acquire the potential access easement and road improvement.

Finally, minor text revisions are requested to clarify that the required Fire Protection Plan and Emergency Evacuation Plan, and any associated components, be reviewed and approved by the appropriate Fire Agency, recognizing that Ramirez Canyon Park is a state-owned property under the sole jurisdiction of the State Fire Marshall, and that any offsite improvements associated with the Overlay would be under the jurisdiction of the Los Angeles County Fire Department.

~~B~~b. Fire Protection, Emergency Evacuation

~~1~~i. A Fire Protection and Emergency Evacuation Plan shall be developed and **submitted, for review and approval, to the reviewing body for any Coastal Act approval as well as to the appropriate Fire Agency ~~State Fire Marshall and Los Angeles County Fire Department, Division of Fire and Life Safety~~, as described below. The approved version shall be** implemented for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park ~~and shall be approved by the State Fire Marshall and Los Angeles County Fire Department, Division of Fire and Life Safety~~. The Fire Management and Emergency Evacuation Plan shall include the following provisions:

- All standard Parkland rules and regulations shall be enforced per existing policies of the MRCA/SMMC:
  - Except in designated camp areas, park properties shall be closed sunset to sunrise.
  - No smoking or fires.
  - No alcoholic beverages.
  - No littering or dumping.
  - No unauthorized vehicle use.
  - No defacing or destroying property.
  - Dogs must be on a leash and cleaned up after.
  - Possession of firearms, bow and arrow prohibited.
  - Violations subject to $500 fine and/or 6 months in County jail.

- An annual fuel modification plan for site vegetation management and tree trimming/limbing at each park property shall be developed and implemented prior to the annual fire season.

- Campsite locations shall be located within existing public use areas to ensure easy access for purposes of maintenance and patrol, and in case of emergency.

- No ~~camper, hiker, pedestrian, casual or transient visitor to Malibu, nor any resident of the City of Malibu,~~ ***person*** shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in any of the park facilities covered by this Plan. The only cooking apparatus permitted shall consist of self-contained propane stoves when permitted consistent with the terms of the approved Fire ~~**Management**~~ **Protection** and Emergency Evacuation Plan. No kerosene or white gas lanterns shall be permitted.

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

- Campers shall be required to utilize designated cook ~~**surfaces**~~ **stations** provided at each approved campsite, which shall be designed of non-flammable materials **and capable of being fully enclosed.** Cold-camping apparatus such as flame-less cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy will be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas will be routinely patrolled to enforce the No Campfire/Cold Camp Policy **and notification provided that violation of the No Campfire/Cold Camp Policy may be punishable by fines up to $1,000.00**.

- Fire protection apparatus shall be provided and maintained at all camp facilities and shall include, at a minimum:

    - Water storage tank or water delivery system designed, located, and maintained to provide a dependable water supply for fire protection at each proposed camp area at all times to ensure adequate water supply for fire protection of new camp facilities.

- A portable and air-powered quick attack firefighting system to be provided at each camp facility for ready deployment by trained Camp Host, Ranger, or park personnel in the event of a fire.

- Portable self-contained fire extinguisher units to be provided for each cluster or group of campsites.

- **Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park shall be closed to all recreational use during any Red Flag Day/period as declared for the Santa Monica Mountains area by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA). Park properties shall be posted and patrolled to inform visitors of Red Flag Day closures and notification provided that violation of the Red Flag Day closure policy may be punishable by fines up to $6,000.00.**

- Camping at all park properties will be prohibited **and Ramirez Canyon Park shall be closed to events, tours, camping reservations or other special functions when any** ~~Red Flag Day,~~ Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and camp areas will be routinely patrolled to notify park users and to enforce restrictions on park use during all ~~Red Flag,~~ Flash Flood/Flood Warnings and Urban/Small Stream Advisories as determined by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA). **Written warnings of the cancellation policy shall be provided to potential campers and prospective program and event sponsors prior to contracting for park use.**

- A~~n~~ ~~onsite~~ Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be **onsite** ~~accommodated for~~ at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance.

- An Evacuation Plan shall be prepared and shall include details relative to evacuation procedures and evacuation locations to be implemented for each park property during emergencies.

- **Where it is infeasible to meet all applicable current Building and Fire**

Code requirements for fire protection due to site or resource constraints, modifications may be granted pursuant to an approved Fire Protection Plan, as provided by Section 702A of Chapter 7A of the 2007 California Building Code and Section 4702.1 of the 2007 California Fire Code, as may be amended. Such Fire Protection Plan will analyze the site fire risk at a fine scale and develop customized measures for mitigating the risk including design, construction, maintenance and operation requirements of the park improvements in compliance with applicable fire codes and, where necessary, fire protection enhancement requirements to provide "same practical effect" or functional equivalency for any non-code complying park improvement element.

- Emergency power generators and fuel supply at Ramirez Canyon Park necessary to maintain emergency lighting for at least twelve (12) hours shall be installed and maintained on site.

- ~~**Park events, tours, camping reservations or other special functions at Ramirez Canyon Park shall be cancelled when any red flag warning for extreme weather, fire and/or flooding is issued. Written warnings of the cancellation policy shall be provided to potential campers and prospective event sponsors prior to contracting for park use.**~~

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

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

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

v. The Conservancy/MRCA shall explore and pursue all options to remove any permitted or unpermitted private encroachments into the Ramirez Canyon Road

easement to achieve full access clearance with no vertical obstructions over the entire 40 foot easement width or, where infeasible due to natural constraints and residential structures, full access clearance with no vertical obstructions shall be pursued for a minimum 20 foot wide access road. Should it be reasonably determined to be infeasible to expeditiously remove the permitted or unpermitted private encroachments into the Ramirez Canyon Road easement in order to meet standard Building and Fire Code requirements for the safety and benefit of all Ramirez Canyon residents, public use of Ramirez Canyon Park as provided in this Overlay shall not be conditioned on strict compliance with standard code requirements for ingress/egress to the park property, but may be permitted pursuant to an approved Fire Protection Plan as detailed in Section 3.4.2 C.11.b.i of the Malibu LCP.

2. Section B. Description of Area Subject to Section 3.4.2

The below revision is intended to ensure that the Conservancy/MRCA are not limited as to the means with which trail easements may be secured to implement the Overlay trail plan, but that trail easements may simply be acquired by any legal means.

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

3. Section D.8. Water Quality

The below revision should be included as there is no restroom proposed at the contemplated ADA drop-off location at Corral Canyon Park for which a reduced stream setback would be required.

~~B~~b. Onsite Wastewater Disposal

~~1~~**i.** All new public restroom facilities shall consist of self contained, chemical or composting restrooms**,** which shall be sited and designed to ensure that impacts to ESHA and water quality are avoided. **Where feasible,** ~~S~~self-contained restroom facilities shall be located a minimum of 200 feet from the top of bank of any adjacent stream~~, wherever feasible~~, and **in no case** shall **they** ~~not~~ be located less than 100 feet from the top of bank of any adjacent stream or the outer edge of riparian vegetation **(except at Ramirez**

Canyon Park, and at a limited (no more than 10 spaces) Latigo trailhead parking and picnic area for Escondido Canyon Park~~, and at an ADA-compliant drop-off area at Corral Canyon Park where restroom facilities shall be located no less than 25 feet from top of stream bank~~), which ever is the most protective. Minimal grading to create minor berms around the facilities shall be allowed**, provided it is not in violation of other LCP resource protection policies,** to ensure run-off is contained in the vicinity and/or is conveyed and filtered through bioswales. Self-contained restroom facilities shall be maintained pursuant to manufacturer specifications at all times.

4. Section D.12. Land Use and Neighborhood Compatibility

The Conservancy/MRCA respectfully request that the Commission consider the Overlay policy restrictions on amplified music at Ramirez Canyon Park with text as proposed with the LCP amendment request. The Staff Recommendation to limit amplified music such that "at no time shall amplified music be audible beyond the property boundaries adjacent to residential development" is overly restriction and far exceeds the typical threshold of 65 dBA as required by Ordinance and most environmental guidelines. The Conservancy/MRCA further request the minor text change to policies b.vi. and b.vii. to clarify that the greater of net proceeds, or $1,000.00, per each special event held at Ramirez Canyon Park will be used for purposes of funding access and recreational improvements, and opportunities for visitors with diverse abilities, disadvantaged youth, or other underserved groups, and that the minimum 10 public outreach programs per month may occur at any of the three park properties included in the Overlay, but with a minimum of at least 5 of program minimum to occur at Ramirez Canyon Park.

~~B~~b. Specialized Programs – Ramirez Canyon Park

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

~~6~~**vi**. Net proceeds **or $1,000 per large event, whichever is greater,** generated by special events held at Ramirez Canyon Park shall be used to establish and maintain ~~the Malibu Parks Public Access Fund (the Fund)~~ **a fund** for purposes of funding access and

recreational improvements and opportunities for visitors with diverse abilities, disadvantaged youth, or other underserved groups. The ~~F~~ **f**und shall specifically serve to implement ~~the Malibu Coastal Camping Program,~~ a program designed for disadvantaged youth and dedicated to teaching first-time campers proper use of camping equipment, environmental awareness and outdoor leadership skills. The camp program shall include all necessary transportation, food and equipment, with staffing provided by professional naturalist educators who are trained in first aid, youth leadership and outdoor education.

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

- Public Outreach, Events, Gatherings, Tours, And Workshops
  - Public Outreach Programs
    - Year-Round, Permitted 7 Days/Week
    - Max 40 Participants
    - 8:00 a.m. – Dusk
    - **Minimum 10 Outreach Events Conducted Per Month at Ramirez Canyon Park, Escondido Canyon Park or Corral Canyon Park, 5 of which shall be conducted at Ramirez Canyon Park (except when precluded by public safety concerns)**

Staff Report Findings, page 61:

Section C. THE PROPOSED LCP AMENDMENT QUALIFIES FOR PROCESSING PURSUANT TO THE "OVERRIDE" PROCEDURE OF PRC SECTION 30515

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

Staff Report Findings, page 87, second to last paragraph:

Section b. Environmentally Sensitive Habitat Areas

The proposed Overlay includes policies and implementation measures for specific public access and recreational facilities (including limited **low impact campsites** ~~trail camps~~) for three park properties (Ramirez Canyon park, Escondido Canyon Park, and Corral

Canyon Park) owned by the Conservancy/MRCA. Additionally, the Overlay includes plans for connections for the Coastal Slope Trail and other connector trails which would link the three above-mentioned parks and other recreation areas within the City of Malibu. Implementation of the proposed Overlay will result in improvements located in a variety of habitat types varying from highly disturbed road shoulders that are devoid of vegetation and of little habitat value to well established coastal sage scrub habitat areas and riparian corridors of significant habitat values.

PROPOSED STAFF REPORT FINDINGS REVISIONS

Minor requested revisions are shown in **BOLD** with ~~Double Strikethrough~~ or Double Underline, as applicable.

1. Staff Report Findings, page 61:

Section C. THE PROPOSED LCP AMENDMENT QUALIFIES FOR PROCESSING PURSUANT TO THE "OVERRIDE" PROCEDURE OF PRC SECTION 30515

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

2. Staff Report Findings, page 87, second to last paragraph:

Section b. Environmentally Sensitive Habitat Areas

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

CONCLUSION

We thank the Commission and Staff for your time and consideration, and, based on substantial evidence in the record, respectfully request the Commission's support in approving the proposed Malibu Parks Public Access Enhancement Plan Overlay LCP amendment request.

Sincerely,

Joseph T. Edmiston, FAICP, Hon. ASLA
Executive Director

Enclosures

Peter Douglas, Executive Director, CCC
Hope Schmeltzer, Chief Counsel, CCC
John Ainsworth, Deputy Director, CCC
Pat Veesart, CCC
Christina Bull Arndt, Supervising Deputy Attorney General Jamee J. Patterson, Supervising Deputy Attorney General SMMC Members MRCA Governing Board Members April A. April Winecki, Dudek and Associates
Laurie Collins, Chief Staff Counsel, SMMC

STATE OF CALIFORNIA–THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

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June 8, 2009

The Honorable Bonnie Neely, Chairperson
and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

City of Malibu LCP Amendment 1-08
Santa Monica Mountains Conservancy
and Mountains Recreation and Conservation Authority

RESPONSE TO RAMIREZ CANYON PRESERVATION FUND LETTER

Dear Chairperson Neely and Commissioners:

This letter responds to the letter dated December 23, 2008, sent by counsel for the Ramirez Canyon Preservation Fund (RCPF), in which the RCPF claims provides information to assist staff and the Coastal Commission (Commission) in determining whether the findings required for a Local Coastal Program (LCP) override can be made.

The letter claims to include a discussion of findings and evidence to support their argument that the Conservancy/MRCA LCP amendment override does not meet the requirements of Section 30515 of the Coastal Act or Section 13666 of the Commission's Regulations. The RCPF assertion that the LCP amendment override does not meet the statutory criteria for the LCP amendment override procedure has been responded to in a letter to you from the Chief Staff Counsel for the Conservancy and MRCA, dated May 14, 2009.

This letter discusses in detail how the Conservancy and MRCA request for a LCP amendment override for the Malibu Parks Public Access Enhancement Plan Overlay ("Overlay") meets the requirements of Section 30515 and Section 13666 of the regulations. The below discussion further demonstrates that the so-called "findings and evidence" contained in the RCPF December 23, 2009 letter and attachments consist of gross exaggerations of the proposed public uses addressed by the Overlay, and that the RCPF claims regarding resource impacts and policy conflicts are unsubstantiated, inaccurate, and

misleading statements with very little in the way of supporting documentation and analysis to justify the RCPF claims.

I. RCPF CLAIMS THE COMMISSION HAS BEFORE IT TWO LCPAS FOR THE SAME "PLAN"

The RCPF offers a very one-sided explanation of why there are two City of Malibu LCP amendments before the Commission at this time, one application submitted by the City, and one submitted by the Conservancy/MRCA pursuant to the LCP amendment override procedures provided for in Section 30515 of the Coastal Act. The RCPF first offers that that the two LCP amendment applications before the Commission are "for essentially the same Plan". The RCPF then offers that the Conservancy/MRCA pursued the override application simply because the agencies were unhappy with the City's action on the Conservancy/MRCA LCP amendment application submitted to and processed by the City, which the RCPF claims the City "granted", "modified" and then forwarded to the Commission. These statements are both misleading and inaccurate.

The two LCP amendment submittals before the Commission have little in common as it relates to effectively carrying out the public access and recreation mandates of the City's LCP and the Coastal Act. The only real potential similarity between the two LCP amendments is the comprehensive trail improvement program developed by the Conservancy/MRCA for the Overlay, the trail alignments of which were in large part accepted and adopted by the City in its action on the Conservancy/MRCA LCP amendment application. However, even in this regard the City "modified" the Conservancy/MRCA LCP amendment in such a way as to potentially dismantle the Commission's traditional Offer to Dedicate (OTD) program for the area, which is included in the City's certified LCP, by included new policy text to specify that "approval of a coastal development permit is not linked to any offer to dedicate". As such, any potential substantive similarity between the two LCP amendments ends here.

The City's LCP amendment seeks to limit public access and recreation, for the benefit of Malibu residents only, by prohibiting public camping opportunities throughout the entire City, an amendment squarely inconsistent with existing policies of the certified LCP. The City's LCP amendment would also limit public access and recreation opportunities, particularly for park visitors with special needs, by conditioning any reasonable public use at Ramirez Canyon Park on an impermissible road improvement that would require development in an environmentally sensitive habitat area (ESHA), an action in conflict with one of the most restrictive resource protection polices of the Coastal Act.

The City's LCP amendment would also limit public access and recreation opportunities, and again particularly for visitors with special needs, by prohibiting any reasonable public parking improvements at Escondido Canyon Park under the auspices of protecting a sensitive

"meadow" area (which has been demonstrated by professional biologists to not constitute ESHA). While the City supported Conservancy/MRCA proposals to provide limited public parking amenities adjacent to Kanan Dume Road and Latigo Canyon Road that would support at least some visitor access to the proposed trail system, neither of the City-approved parking areas are located within one of the three park properties addressed by the Overlay. As a result, opportunities for visitors with special needs to use and enjoy the parks would remain severely limited as access opportunities would continue to be distant from the parklands. So even with an element of apparent agreement between the City and Conservancy/MRCA relating to development of trails and trail support facilities, the two LCP amendments remain substantially at odds with one another.

In contrast, the Conservancy/MRCA LCP amendment override application seeks the opposite result of the City LCP amendment to implement and expedite park improvements to carrying out the public access and recreation mandates of the City's LCP and the Coastal Act. Building on existing policies of the City's certified LCP the Conservancy/MRCA LCP amendment would serve to enhance public access and recreation opportunities by providing the policy framework to implement a specific set of public works projects that would realize the goals and intent of the certified LCP and the Coastal Act. The Conservancy/MRCA LCP amendment would facilitate the development of low-cost, safe and accessible camping facilities, public parking areas and trailhead facilities design for accessibility, and unique public outreach programs, all of which would enhance the ability of the public to access and recreate along the Malibu coast.

Obviously, the Conservancy/MRCA were unhappy with the City's de facto denial of the Conservancy/MRCA LCP amendment application submitted to and processed by the City. However, the Conservancy/MRCA were more disappointed by the action of the City to not only effectively deny an already significantly negotiated and scaled-down Conservancy/MRCA LCP amendment request, but to also condition reasonable public use of Conservancy/MRCA parklands to impossible improvements and circumstances (i.e. building a road through ESHA, confirmed as such by the Commission, and protecting a "meadow" area claimed to constitute ESHA irrespective of sound biological data concluding it is not). Perhaps the greatest disappointment was the aggressive action of the City to outright prohibit camping opportunities in Malibu, while making no findings and providing no sound justification that legally developed camp facilities increase fire risk in parklands.

The differences between the two LCP amendment submittals before the Commission are detailed in the Proposed Local Coastal Program Amendment Comparison document submitted with the LCP amendment override application. The RCPF letter (footnote on p. 3) states that the Conservancy's comparison document is misleading because it only shows additions the Conservancy made to the City's document, not the deletions. The text comparison that the Conservancy/MRCA prepared is not misleading as it demonstrates the differences between the City and Conservancy/ MRCA LCP amendments in a balanced fashion, illustrating the City's proposed LCP amendment with new text underlined that

differs from the Conservancy/MRCA LCP amendment, and then illustrating the Conservancy/MRCA LCP amendment with new text underlined that differs from the City's.

The RCPF claims that the Conservancy/MRCA LCP amendment policies are "far less protective of natural resources" than the Malibu LCP. However, the RCPF provides no evidence or argument to substantiate such a claim, perhaps because a simple reading of the proposed Overlay makes it clear this is not the case. Amazingly, the RCPF letter also indicates that the Conservancy/MRCA LCP amendment application was made "without providing any of the site-specific information required to analyze any specific development..." This is not only incorrect but is also inapplicable to the application procedures at hand. This is a LCP amendment process and as such does not seek entitlement for specific projects but, alternatively, seeks to establish the policy framework by which to implement specific public works projects in the future. Nevertheless, in recognition of the fact that the Conservancy/MRCA LCP amendment would facilitate specific public works project in the future, a substantial amount of site-specific environmental information and conceptual improvement plans were included in the submittal to assist Commission staff in analyzing, for policy consistency purposes, the LCP amendment policy framework with the certified LCP and Chapter 3 policies of the Coastal Act.

The Conservancy/LCP amendment submittal includes the following site-specific information that far exceeds the level of detail needed to analyze the subject LCP amendment:

- Written summary of public hearings, agency coordination, alternatives and processing options considered and reviewed for the Malibu Parks Public Access and Enhancement Plan.
- Copies of meeting minutes, noticing lists, and correspondence received regarding the Conservancy/MRCA proposed LCP amendment process.
- Detailed Policy Consistency Analysis of the proposed Malibu Parks Public Access and Enhancement Plan Overlay District with the Coastal Act and certified Malibu LCP.
- Supporting Documentation
  - Assessment of current demand for overnight camping opportunities and public access to trail resources in the Malibu coastal area and how the Malibu Parks Public Access Enhancement Plan Overlay addresses these needs.
  - Detailed description and maps of the Plan area, including specific properties and public easements included in and addressed by the Overlay District.
  - Description and history of affected Parklands.
  - Summary of the purpose and intent of the proposed Overlay District.
  - Description of planning constraints considered during preparation of the proposed Overlay District.
  - Summary of standard of review and processing procedures for the Malibu Parks Public Access and Enhancement Plan Overlay District and future project implementation.

- Special Studies
  - Conceptual project plans illustrating public access and recreation facility improvements contemplated for the Malibu Parks Public Access and Enhancement Plan Overlay including trails, overnight campgrounds, and recreation support facilities (public parking, restrooms, etc.), and applicable special studies evaluating project feasibility and coastal resources potentially affected by the conceptual improvements:
    - Malibu Parks Public Access Enhancement Plan Park and Trail Accessibility Design Guidelines. Moore Iacofano Goltsman, Inc., June 2006.
    - Reconnaissance of Engineering Geologic Constraints to Development: Proposed Park and Trail Improvements in Ramirez canyon, Escondido Canyon, Corral Canyon and Charmlee Park; City of Malibu; California. Southwestern Engineering Geology, November 16, 2006; Revised April 13, 2007.
    - Wooden Bridge Reinforcement Plan, Ramirez Canyon Park, Penfield & Smith.
    - Emergency Access and On-Site Parking Plan, Ramirez Canyon Park, Penfield & Smith.
    - Traffic and Parking Study, prepared by ate, August 21, 2007.
    - Phase 1 Archaeological Resources Report, Santa Monica Mountains Conservancy/ Mountains Recreation & Conservation Authority Public Access Enhancement Plan. David Stone, M.A., Stone Archaeological Consulting, April 2007.
    - Riparian Habitat Evaluation, Ramirez Canyon Park, LSA Associates, Inc., August 30, 2002.
    - Preliminary Biological Resources Evaluation Update, Dudek & Associates, Inc., February 2008.
    - Ramirez Creek Habitat Enhancement Study, Penfield & Smith, November 17, 2006.

This information provides ample evidence to support findings that not only is the Conservancy/MRCA LCP amendment policy framework consistent with the certified LCP and the Coastal Act, but also that the park improvements contemplated by the Overlay are feasible and can be implemented in a manner to carry out the public access and recreation mandates of the Coastal Act while minimizing potential hazards and protecting and enhancing sensitive coastal resources.

II. HISTORY OF THE MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN

The RCPF letter indicates the Conservancy/MRCA LCP amendment submittal document, Description and History of Conservancy/MRCA Parklands, is "woefully incomplete", and then continues with a very one-sided summary of the history of Ramirez Canyon Park and of the Malibu Parks Public Access Enhancement Plan (Plan). It should be noted that the LCP amendment document referenced by the RCPF was prepared with the simple intent of accurately describing the existing character and permit history for each parkland included in the Overlay to help inform reviewers of the LCP amendment from an existing setting perspective. The Description and History of Conservancy/MRCA Parklands document included in the Conservancy/MRCA LCP amendment submittal is not intended to hash-out the extraordinary legal issues and contentions raised by the RCPF relating to public use of Ramirez Canyon Park. In any event, in response to the misleading RCPF presentation of the "History of this Plan", the Conservancy/MRCA has prepared a detailed review of the history and events giving rise to the proposed Overlay, how the LCP amendment came to be, and how it has evolved throughout the process (Attachment A).

The RCPF argues that it was only the City's action on the Conservancy/MRCA LCP amendment to prohibit camping in the City and to condition public use of Ramirez Canyon Park on construction of alternate access to the canyon that prompted the LCP amendment override process. While these City actions are significant in the context of being fundamentally in conflict with the City's LCP and the Coastal Act, the "History of this Plan" and the critical Coastal Act issues at hand go well beyond Ramirez Canyon and even beyond camping in Malibu. A review of the planning history for the Conservancy/MRCA parklands included in the Overlay (Attachment A), in conjunction with the community response and the City's action addressing what was believed to be a negotiated plan and process for the Overlay, is a bleak reminder that protecting public access and recreation opportunities throughout the City of Malibu as mandated by the Coastal Act remains a highly contentious, controversial, and unresolved issue.

As it relates to Ramirez Canyon Park, the RCPF chooses to intentionally ignore 15 years of the Conservancy's good faith efforts to resolve issues and concerns of neighbors and the City associated with public use of Ramirez Canyon Park. The RCPF also consistently exaggerates the Conservancy's use of the property in an attempt to illustrate an intense "commercial" use of the Park. By exaggerating the Conservancy's use of the property the RCPF chooses to ignore the Conservancy/MRCA's unique public programs offered at Ramirez Canyon Park and the substantial efforts of the agencies to address issues of potential neighborhood compatibility and site constraints, which are evident both in the original Coastal Development Permit review process with the Commission (CDP 4-98-334) and the pending LCP amendment process. The RCPF presents a mathematical phenomena in their correspondence some how concluding that the proposed Overlay would generate "at least 900 events with 44,240 participants annually and 76 events with 3,687 participants monthly".

Truly amazing when considering the Overlay clearly proposes to limit special events to 32 events per year, and only 1 event per week March-October, with a maximum attendance of 200 participants at each event (resulting in a theoretical maximum of 6,400 potential event attendees at the Park annually, should there ever be 1 event held each week, for each month of the entire event season March-October, and each event held with the maximum allowed attendance, all highly unlikely).

It becomes apparent when reading further into the RCPF letter that to reach these phenomenal numbers, the letter authors take the liberty of redefining "events" to include the small group tours or gatherings that are proposed to occur no more than 12 times per month (with a proposed limitation of 60 participants) and to also include the Conservancy's public outreach programs that are designed specifically to accommodate visitors of diverse abilities, disadvantaged youth, or other underserved groups (proposed with a limitation of 40 participants for each program). The maximum number of tours, including garden tours, and/or small group gatherings is 12 per month. The maximum number of special events is 32 events per year. Thus, the number of non-outreach events per year is not 900, as the Ramirez Residents assert, but a maximum of 176. The gross exaggeration of uses proposed for Ramirez Canyon Park also fails to recognize that park uses, regardless of the potential maximum of yearly visitors who may come to the Park for any of the variety of programs offered, would be inherently limited given the proposed 40 round-trips per day limitation on all vehicle trips to the Park (including staff and visitors), seasonal restrictions, and the need to program Park uses to avoid any potential program conflicts.

A multi-year permit review process resulted in the Commission's approval of Coastal Development Permit 4-98-334 on April 12, 2000, which included strict limitations on public use of Ramirez Canyon Park in light of neighborhood concerns and site constraints, and which required substantial improvements to the property to ensure safe and proper use of the site consistent with Coastal Act policies. The Conservancy complied with all special conditions of the permit, incurring significant costs in doing so, and the coastal development permit was issued by the Commission on February 5, 2001, and all the terms and conditions of the Commission's approved coastal development permit for Ramirez Canyon Park have been carried over to the proposed Overlay.

Even still the RCPF states that "the Conservancy emphasizes the 'developed nature' of the Ramirez property" and that "there are no permits for most of that development". These statements are intentionally deceptive. The authors of the RCPF letter are well aware of the fact that Ramirez Canyon Park was fully developed at the time the Conservancy accepted the donated property from Barbra Streisand in December 1993. The RCPF counsel is well aware of the LSA study commissioned by the Conservancy, the conclusions of which were verified by the Commission during the Coastal Development Permit (4-98-334) review process, which details the history of development on the property and associated permits beginning with construction of the first residence in 1953. The study, prepared by LSA Associates, Inc., August 30, 2002, included a review of historic aerial photographs and legal records and

documented Ramirez Canyon Park site conditions prior to 1977 (prior to establishment of the Coastal Commission and effective date of the Coastal Act in January 1977). The study concludes that all residential structures (5 total) and associated infrastructure were developed on the property prior to 1977. In addition, the existing tennis court, swimming pool, various garden pads including the existing meadow, and the retaining wall and bridge at Barwood are documented to have been developed prior to 1977. The LSA study further reports that all of the existing stream channelization of Ramirez Canyon Creek on the park property was conducted by previous property owners, and only some of which occurred subsequent to 1977 without the benefit of permits. The only development conducted by the Conservancy on the property was done so pursuant to an approved Coastal Development Permit (4-98-334) issued by the Commission in February 2001.

Although the coastal development permit was issued by the Commission, and all required site improvements completed by the Conservancy, during the review process the City of Malibu filed suit against the Conservancy in November 1999, alleging that the Conservancy was holding commercial events at its Ramirez Canyon property in violation of the Coastal Act. In addition, in May 2000, the City of Malibu and RCPF filed suit for a writ of mandate, challenging the Commission's April 12, 2000 decision to approve Coastal Development Permit 4-98-334. Ultimately, on February 4, 2005, the Ventura County Superior Court granted the writ of mandate, ruling that at the time the Commission approved Coastal Development Permit 4-98-334, the Conservancy was subject to local land use regulation, and that the Conservancy should have sought approval from the City of Malibu before applying to the Coastal Commission. It is important to note that the Court did not set aside the Commission's findings regarding consistency of the proposed park uses with the Coastal Act, but simply found that the Conservancy's proposal should have been reviewed for consistency with Malibu's local land use regulations, which at the time had not been certified by the Commission as a local coastal program.

The Conservancy filed an appeal on November 23, 2005 but, in recognizing the long-standing and continued controversy over protecting public access and recreation opportunities to numerous Conservancy/MRCA owned park properties in the City (described in detail in Attachment A), the Conservancy subsequently abandoned its appeal on April 10, 2006 in order to pursue an expanded public access program beyond the scope of the original Coastal Commission application for Ramirez Canyon alone, but to also include improvements for Escondido Canyon Park and Corral Canyon Park, now the Malibu Parks Public Access Enhancement Plan.

The RCPF argues that by preparing a Public Works Plan, the Conservancy continued "efforts to gain immunity" from Malibu's land use regulation. Why then did the draft Public Works Plan include a detailed, 58 page policy consistency analysis with the City's certified LCP, which is the standard of review for all development requiring a coastal development permit in the City? The Conservancy/MRCA fully support the City's certified LCP, its local coastal program land use and implementation policies, which provide the basis upon which

the proposed Overlay has been developed and the very goals the Overlay seeks to implement. What the Conservancy/MRCA have sought to avoid with the Public Works Plan process; however, was the predictable, negative and counter-productive result produced from any application process before the City to increase public access and recreation at its parklands for non-residents. The LCP amendment application process before the City proved the reliability of the City and RCPF to stay true to form and adamantly oppose and ultimately reject and deny all Conservancy/MRCA efforts to address issues of existing public access and recreation deficiencies affecting use and enjoyment by the Conservancy/MRCA parklands within the City, even within the constraints of a mutually agreed upon process intended to finally resolve these long standing issues.

The RCPF then goes to make a blatantly false statement that the Conservancy agreed that the LCP amendment submittal to the City would generally describe the Plan (referring to the Public Works Plan) and then obtain coastal development permits for proposed developments. Given the predictability of both the RCPF and the City, the Conservancy/MRCA never agreed to such terms nor made such promises as is well reflected in the explicit terms of the MOU between the Conservancy/MRCA and City, which define the nature of the proposed LCP amendment submittal to City and includes the option of submitting such LCP amendment to the City in the form of a Public Works Plan.

The RCPF letter then again indicates that the City approved most of the Conservancy/MRCA's proposals and describes only two decisions with which the Conservancy/MRCA were unhappy with; the prohibition on camping in the City and with the minor exception of limited ADA compliant camping at Ramirez Canyon Park and conditioning use of the property (Ramirez) for events on the construction of alternate access from Kanan Dume Road. The RCPF argument convenient leaves out the fact that, at the time the City took action on the proposed LCP amendment before it, the City was well aware of the fact that the alternative access road required to be constructed for the majority of public uses (not just events) at Ramirez Canyon Park was determined, in consultation with Coastal Commission Staff, to be infeasible due to the unpermitted impacts to ESHA that would result from such a condition. Yet the RCPF, also aware of the permit issues associated with the alternative access road, continues to argue for this condition and thus evidently argue against even reasonable, limited public access to and use of Ramirez Canyon Park.

The same indirect approach to effectively deny the Conservancy/MRCA proposed parking area at Escondido Canyon Park is conveniently left out of the RCPF "analysis" of circumstances giving rise to the LCP amendment override application. In this instance the City's again approved "modifications" to the LCP amendment application, to condition the future parking improvements in such a way to ensure the proposed improvements could not be implemented. The City's LCP amendment requires protection of the "sensitive meadow area" where the parking lot is contemplated at Escondido Canyon Park, which is the only sizable, open area able to accommodate a public parking lot on the park property and which, based on a site specific biological study, does not meet the definition of ESHA. The City's

LCP amendment removes from consideration the only area able to accommodate public parking improvements within Escondido Canyon Park that could also be developed consistent with the ESHA protection policies of the City's certified LCP.

III. RCPF CLAIMS TO SEEK A RESULT CONSISTENT WITH THE COASTAL ACT AND FAIR TO THE CITY, THE CONSERVANCY, AND THE RESIDENTS OF RAMIREZ CANYON.

If the RCPF seeks a result from this process that is consistent with the Coastal Act and fair to the City, the Conservancy, and the Residents of Ramirez Canyon, perhaps it should start by acknowledging certain obvious facts and then cease its incessant mischaracterization of the limited public uses requested for Ramirez Canyon Park and its misinterpretation (intentionally or unintentionally) of the City's certified LCP. As demonstrated in detail in the following sections, the Conservancy/MRCA do not proposed unpermitted uses in ESHA or uses that are inconsistent with the Open Space zoning of the subject parklands as part of the Overlay.

All of the proposed park uses included in the Overlay, including limited administrative offices, are entirely consistent with the applicable zone designation and with standard practice for other park and resource agencies. The City of Malibu certified LCP designates Ramirez Canyon Park as public open space consistent with other parks located within the City's jurisdiction. The City's LCP states:

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

In addition, Table 2 Permitted Uses, of the LCP Local Implementation Plan indicates that the following uses are permitted uses in the OS Zone:

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

City-wide, the public open space land use and zoning designation clearly reflects the public parkland uses, collectively consisting of passive and active recreation, research and

education, nature observation, a range of support facilities, and a variety of other unique public recreation facilities including those at Bluffs Park, Zuma County Beach, Ramirez Canyon Park, Adamson House, and Malibu Lagoon State Park.

The Coastal Commission applied the open space land use designation and zoning to Ramirez Canyon Park upon LCP certification with full knowledge and authorization of the existing facilities and uses addressed pursuant to Coastal Development Permit 4-98-334, thereby rendering the Conservancy/MRCA park uses conforming with applicable land use and implementation policies of the certified LCP (prior to certification of the LCP the Ramirez Canyon Park property was designated rural residential). Does the RCPF honestly believe that the Commission, in certifying the City's LCP, intended to render the Commission-approved Conservancy/MRCA uses of Ramirez Canyon Park unlawful or even legal, nonconforming with the certified LCP? If this were the case, then certification of the City's LCP also resulted in rendering unlawful, or legal nonconforming, park uses at the City's Bluffs Park, Adamson House, Solstice Canyon Park, and Malibu Lagoon State Park.

The fact of the matter is that the certified LCP is not explicit in listing every conceivable park and recreation support facility necessary to operate and maintain a variety of parklands. However, local, state and federal park agencies often utilize the land resources they have within the park areas they serve and maintain to accommodate a variety of support facilities, including administrative uses. The Conservancy/MRCA does not seek to use Ramirez Canyon Park as a "regional office complex or commercial event center" as RCPF claims. The Conservancy/MRCA seek to use existing, legal facilities, located in previously developed and disturbed areas in an existing parkland designated and zoned for public park use, to conduct the administrative responsibilities associated with operating specialized public outreach programs at the Park, conducting open space acquisitions, planning, research, management and conservation of parklands in Malibu coastal zone area.

The RCPF makes several suggestions regarding what additional requirements should be placed on the proposed Overlay which, they presume, would result in an LCP amendment that is "consistent with the Coastal Act and fair to the City, the Conservancy, and the Residents of Ramirez Canyon". They first indicate that none of the uses proposed for Ramirez Canyon Park should be allowed without first constructing the likely impossible alternate access road to Ramirez Canyon. RCPF then suggests that the Conservancy/MRCA should seek site-specific approvals from the City with respect to each proposed development. This simply is not feasible since many of the improvements are located on multiple properties and in more than one jurisdiction (in areas where the City has no permit authority), thus the making the Public Works Plan process the most efficient avenue for analyzing and permitting the park improvements within multiple jurisdictions. The Coastal Act provides for the Public Works Plan process expressly for this type of development. This suggestion is also almost amazing in light of the result of the City's action to effectively deny the Conservancy/MRCA LCP amendment application, even when the LCP amendment application, its content, format, and policy framework, and City review process, were the

subject of an MOU between the Conservancy/MRCA and City prior to initiating the City's review process.

RCPF suggests that there should be no guarantee in the language in the LCP amendment that suggests a guarantee of development. This is inherently the case for the proposed LCP amendment as the Overlay is a policy document only and no entitlements for new development are currently before the Commission. As part of the follow-on Public Works Plan process each project would be discussed, analyzed, and conditioned to address any potentially inconsistencies with the certified LCP and Coastal Act.

Finally, RCPF suggest that, except for three supervised disabled-accessible campsites at Ramirez Canyon Park (which would only be permitted after what is an impossible feat of land acquisition and construction of an impermissible access road through ESHA for approximately $8.5 million), no camping should be allowed in the entire City. This suggestion is a core failure to recognize the regional importance of the Conservancy/MRCA parklands located within the Malibu area and their role in providing much needed recreational activities, including overnight camping opportunities. The suggestion is inconsistent with the certified LCP that permits camping in the open space and commercial recreation zones and is also grossly inconsistent with the Commission's goals of providing low-cost, visitor-serving recreational facilities in the Coastal Zone (Malibu LCP policies 2.33, 2.34, 2.36, 2.37; Section 30213 of the Coastal Act).

IV. RCPF CLAIMS THE CONSERVANCY/MRCA LCP AMENDMENT IS IN CONFLICT WITH THE CITY'S CERTIFIED LCP

With respect to applicability of the LCP amendment override procedures to the Conservancy/MRCA proposed Overlay, our letter from the Chief Staff Counsel for the Conservancy and MRCA, dated May 14, 2009, provides a detailed analysis of the override procedures applicability in this case. However, for purposes of this letter response, it is worth noting that the RCPF lacks a basic understanding of why the LCP amendment override procedures exist, that is, to override the requirement of processing a traditional LCP amendment request with a local government when it is necessary to engage the Commission to apply a regional or statewide perspective to land use debates where the use in question is of greater than local significance. The Conservancy/MRCA are not seeking the LCP override request to offer "an alternative to the pending Malibu LCPA" as RCPF claims. When the City essentially denied the Conservancy/MRCA LCP amendment request before the City in 2007, the Conservancy/MRCA rightly decided to abandon that negotiated LCP amendment application (which, as described above, had been gutted by the City of all purpose as originally intended by the Conservancy/MRCA), and instead pursue a LCP amendment override request with the Commission, inclusive of all the park improvements and programs originally included in the Malibu Parks Public Access Enhancement Plan, many of which

had been revised, scaled-back or deleted as part of the negotiated LCP amendment process with the City.

The RCPF goes on to state that the Conservancy/MRCA LCP amendment is "inconsistent with the existing LCP in significant respects" and requests that the Commission consider our amendment with "deference to the City's decisions on broad policy issues and with respect for the City's customary land use authority and discretion".

A. Proposed Park Uses and Fire Hazard

As justification for the City's action on the LCP amendment, the City and RCPF offer primarily the risk of fire hazard. The RCPF requests that the Commission respect the City's policy decision to reduce the risk of fire by prohibiting additional campsites in the City. However, the City has provided no evidence of how additional camp facilities would increase the risk of fire at the Conservancy/MRCA parklands. Such evidence would be absolutely critical to support the City's LCP amendment request to prohibit camping throughout the City, and act that flies in the face of decades of Commission effort to secure low-cost camping resources in the Coastal Zone given the ever increasing demand for such recreational resources.

The RCPF tries to argue that it is poor planning to propose campgrounds and park uses at the Conservancy/MRCA parklands in Malibu, primarily as it relates to fire hazards. The RCPF letter cites several statistics regarding existing campsites "in and around Malibu", relying on a supposed "high level analysis" prepare by SAIC, dated December 2008, and indicates that "most are along the beach, outside of the high fire hazard zone", and that "<u>All</u> are close to Pacific Coast Highway or adjacent to a major cross mountain highway for easy access..."

As opposed to the City's LCP amendment submittal, the SAIC report, commissioned by the RCPF, at least attempts to provide an analysis of the potential fire hazard issue. While we all readily recognize and respect that there is an inherent risk of fire hazard in the Santa Monica Mountains area, as with all of Southern California, the SAIC report does not succeed in providing any supportable documentation, evidence or reasonable justification for prohibiting camping as proposed by the Overlay.

The SAIC document reports that that there are nearly 1,000 group and family camp sites within approximately one hour of Malibu, but fails to note that of all the cited camp facilities, NONE ARE LOCATED IN MALIBU. A review of the SAIC report reveals that many of the identified sites are located over 90 miles to the north of Malibu, with some sites located as far away as 200 miles, and all of which are located within high fire hazard zones due to the vegetation that occurs within these areas. Even more interesting is the fact that the SAIC report provides alternative sites for

overnight camping that are located adjacent to residential development and within high fire hazard zones. Based on the conclusions of the SAIC report, it appears that camping near residential development and within a high fire hazard zone is acceptable as long as it does not occur in Malibu.

The SAIC report highlights the number of wildland fires in Los Angeles County from 1987-2007 and of the 439 fires indentified, 8 are listed as being caused by campfires. By presenting this data, SAIC appears to assume that these 8 fires were caused by campfires in developed campgrounds, an assumption that is unsubstantiated from the reference given (CDF 2008, website). All of the referenced Los Angeles County "campfire-caused" fires were in the Angeles National Forest. A personal interview with Angeles National Forest staff revealed that there have been no known fires caused by campfires in developed campgrounds1. As such, it is more likely that the campfires referenced in the SAIC report were started outside of official campgrounds, and therefore the data is not relevant to the camp areas planned for the Overlay parklands and the data does not support an argument that the Conservancy's and MRCA's LCP amendment will increase the fire risk in the Malibu. This conclusion is supported by testimony provided by Park personnel and professional fire-trained personnel during the City's deliberations on the Conservancy/MRCA proposed LCP amendment2.

So with nearly 1,000 group and family camp sites "near Malibu" as reported by SAIC, there is no evidence, no documented, reported or known instance, of any of the 439 fires that occurred in Los Angeles County from 1987-2007 being caused by a campfires in developed campgrounds. The SAIC report actually acknowledges that fire department statistics demonstrate that campgrounds have very low risks for fire, with arson being the leading cause.

However, the SAIC document goes on to state that by opening up previously unopened land to people will increase the risk of wildfire. The issue of fire safety for the Overlay is better defined in terms of increasing access, recreation and educational opportunities at parklands already open to the public in a carefully planned and controlled manner where the associated increased patrols and better education of visitors would result in the lowering the potential of fire risk, just as has been demonstrated at other camp areas throughout the state. To further address the fire

1 April 2009 telephone conversation between Paul Edelman, Deputy Director for Natural Resources and Planning, Santa Monica Mountains Conservancy and Marty Dumpis, Deputy Supervisor, Angeles National Forest.

2 See City of Malibu Environmental Review Board Recommendation, August 1, 2007, with comments provided by Environmental Review Board Suzanne Goode (California State Parks) at the July 25, 2007 meeting, and City Council Hearing, November 11, 2007, comments provided by Ron Schafer (California State Parks), Woody Smeck (National Park Service), and Frank Padilla (California State Parks Fire Chief).

hazard issue, the Conservancy and MRCA's LCP amendment proposes numerous fire protection regulations that are more restrictive than those already in place by State Parks in campgrounds in the Santa Monica Mountains. The Conservancy/MRCA LCP amendment proposes cold camping (i.e., an outright prohibition on campfires at all facilities), vegetation modification to reduce potential fuels adjacent to camp areas, prohibition of camping on red flag days, provision of special fire-proof cook stations and fire protection apparatus, and mandated park patrols, to name a few. The Conservancy and MRCA have developed an extensive, site specific and restrictive policy program for the park properties within the City of Malibu as part of the Conservancy/MRCA LCP amendment request – more restrictive than found anywhere else in the United States.

The RCPF further indicates that activities proposed for Ramirez Canyon Park warrant "additional development controls" and, of course, the only "development control" acceptable to RCPF is construction of an impermissible alternate access road into Ramirez Canyon. RCPF makes no mention of the development and use controls built-in to the policy framework of the Overlay including requirements for: a Fire Protection, Emergency Evacuation Plan; enforcement of Parkland rules and regulations governing "no smoking or fires" punishable by criminal fine or 6 months in County jail; an annual fuel modification plan; the siting of campsites to ensure easy access for maintenance and patrol; a limitation on cooking apparatus to only self-contained stoves ("cold camping") which must utilize designated cook surfaces designed of non-flammable materials; a prohibition on kerosene and white gas lanterns; notices to prospective campers, signage and routine patrols prohibiting unauthorized use of fire-related camping and cooking apparatus; fire protection apparatus at all facilities, including a water storage tank or other dependable water supply; portable and air-powered quick attack firefighting system; portable self-contained fire extinguisher for each cluster or group of campsites; prohibition on camping during Red Flag Days, Flash Flood/Flood Warnings or Urban/Small Stream Advisories, with signage and routine patrol for enforcement; an onsite Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained at each park property during times camping is permitted and makes continuous daily and nightly patrols; emergency power generators and fuel supply at Ramirez Canyon Park necessary to maintain emergency lighting for at least 12 hours; a Wooden Bridge Reinforcement Plan over Ramirez Canyon Creek to ensure the bridge safely supports a 25-ton fire truck and can accommodate emergency access; and an emergency access and on-site parking plan for Ramirez Canyon Park; and strict limitations on the type, intensity, frequency and timing of Ramirez Canyon uses. The proposed development and use limitations included in the Overlay even go beyond the extensive fire safety measures that the Commission required in previously approving the uses proposed at Ramirez Canyon Park CDP 4-98-334, which the Commission found to "minimize risks to life and property in areas of high . . . flood, and fire hazard" as required by

Section 30253 of the Coastal Act, and which were also previously approved by the Los Angeles County Fire Department and State Fire Marshall (Attachment B).

The RCPF states that the Conservancy/MRCA have never offered and analysis of alternatives. In making this statement one would think that the RCPF letter authors have failed to follow the Malibu Parks Public Access Enhancement Plan process and also failed to read the full and complete LCP amendment override application, which we know is not the case. The RCPF is well aware of the various public hearings, comment letters, and efforts of agency coordination on the previous Public Works Plan planning effort and the subsequent LCP amendment process before the City, which have resulted in review, consideration, and incorporation of several alternatives and revisions for the proposed Overlay. Conceptual plans for the Overlay have been incorporated in many instances to remove, relocate, and scale back conceptual park and trail improvements to ensure that the contemplated uses and improvements are compatible with resource protection efforts and surrounding residential neighborhoods, while still meeting the needs and desires of the public seeking recreation in the Malibu area. In addition, policies of the Overlay have undergone substantial revision throughout the process resulting in site-specific and detailed policies that address potential resource impacts, hazards and land use compatibility issues, which would be imposed on any future development implementation pursuant to the Overlay. In addition, several revisions to the LCP amendment have already been completed at this policy and conceptual level in the planning process and more specific design alternatives would be completed when the Conservancy/MRCA move forward with implementation of the Overlay improvements pursuant to the applicable environmental review /entitlement process.

As it relates to the subject LCP amendment override application, Section 13666.4 of the Coastal Commission's Regulations requires that the Commission make certain findings in approving the Conservancy/MRCA LCP amendment "override." Section 13666.4(a) requires a finding that "development meet a public need of a geographic area greater than that included within the certified LCP." Section 13666.4(a)(3) also requires that the Commission find that "if significant adverse environmental impacts have been identified, reasonable alternatives have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging way to meet the public need. If development will have no significant adverse environmental impact, findings shall be included which support that conclusion."

The LCP amendment alternatives analysis is discussed in more detail in Section VII of this letter. However, it must be noted that there is no specific development proposal being considered at this time, nor should there be at this policy level of review. The Conservancy/MRCA LCP amendment merely requests that the Overlay be incorporated into the Malibu LCP to provide the policy framework to develop and

implement future plans for public parkland improvements. As such, there is no need or requirement to provide for site-specific, quantitative analysis of potential impacts of any development proposal addressed in the Overlay. Although an alternatives analysis has been prepared to assist the LCP amendment process, there is absolutely no reasonable argument that the proposed Overlay, in and of itself, could result in significant adverse environmental impacts. This is true not only because there is no physical development that would cause a change in environmental conditions being requested or considered at this time, but also because the public improvements being considered in the Overlay are already allowed under the existing LCP. Trails, camping, public parking areas and other parkland support facilities (including park offices), and public gatherings/programs are primary permitted uses at the parklands included in the Overlay. Permitted parkland uses under the current LCP are discussed in more detail in the following sections. The Overlay simply serves to supplement existing LCP policies and implementation measures to enhance and expedite potential future coastal public access and recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and thus carry out the public access and recreation goals of the certified LCP and the Coastal Act.

All substantive evidence in the record suggests that significant environmental impacts would not occur from the proposed Overlay, nor even from future implementation of the uses and improvements addressed in the Overlay (see Section VII below for further analysis of potential environmental impacts). However, to assist the Commission in making the findings for approval of the LCP amendment override, the Conservancy/MRCA submitted a detailed Alternatives Analysis, prepared by Dudek, dated May 2008 (Attachment C). This analysis of the proposed LCP amendment override submittal and certified LCP concludes that denial of the LCP amendment override would reasonably result in the development of the park and recreational uses as contemplated in the Overlay, but such future improvements would not necessarily be guided by a comprehensive and long-term management program, subject to the site specific and detailed policies of the Overlay, to ensure potential impacts to environmental resources are minimized to the greatest extent feasible. Further, denial of the Conservancy/MRCA LCP amendment would not expedite coastal public access and recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and would leave to the City and the RCPF the ability to determine the fate of public use and enjoyment of the public parklands, thus resulting in a significant and unavoidable impact to recreation resources.

B. *ESHA Protection Policies of the Malibu LCP*

The RCPF makes an outlandish statement regarding the Conservancy/MRCA plans to "grade away ESHA…build vehicular crossings across streambeds, construct broadly defined 'support facilities', and lease out ESHA for private, commercial, events for

200 people at a time. This RCPF statement is intentionally inaccurate, misleading and demonstrates and lacks of a basic understanding of the public access, recreation and ESHA protection policies of the certified LCP and the Coastal Act, an additional response

The RCPF appears to assume that because the Overlay would clarify certain parkland improvements and uses as principal permitted uses for the parkland areas subject to the Overlay, all the parkland improvements and uses included in the Overlay would occur in ESHA. Perhaps the RCPF assumes, incorrectly, that because the majority of the parklands included in the Overlay are subject to the ESHA Overlay designation of the certified LCP, the properties themselves support ESHA in their entirety with no opportunity to include other than resource dependent uses (i.e. trails, nature study, etc). The assumption is disingenuous at best since the RCPF representatives no doubt have reviewed in detail the technical materials submitted with the LCP amendment application to the City and the override application submitted to the Commission, which include, among other things, a report on a site-specific biological assessment of each and every parkland improvement area contemplated in the Overlay. The conclusions of the biological assessment are clear: there are existing disturbed areas within the parklands addressed in the Overlay that have the potential to accommodate new park development and uses with no impact to ESHA.

One who makes an honest attempt to understand and apply the ESHA protection policies of the City's LCP acknowledges that the LCP public access and recreation policies specifically allow for recreational and park support facility improvements within natural parklands, all of which within the City, with few exceptions, are designated and zoned OS and are subject to the ESHA Overlay designation. Why would the Commission certify an LCP with extensive policies to encourage development of recreational support facilities to support access to parklands yet make the improvements impossible by applying an ESHA Overlay that outright prohibits any development that isn't a resource dependent use?

The reality is that public lands zoned OS and subject to the ESHA Overlay are not without the potential to develop the specific uses permitted pursuant to the OS land use and zoning designation. Such an interpretation would render the majority of the City's parklands unusable even as it relates to developing specific recreational uses permitted by the LCP. Alternatively, application of the ESHA Overlay recognizes the inherent tendency of publicly owned lands to contain sensitive resources thus making the ESHA protection policies of the Coastal Act and LCP applicable, as appropriate. The LCP ESHA protection policies therefore provide that site specific information be evaluated and presented in a biological study conducted, as was done for the Conservancy/MRCA LCP amendment application, to determine the presence of ESHA, and therefore allowable uses. LUP Policy 3.7 provides that an area not

meeting the definition of ESHA is not subject to the ESHA protection policies of the LCP and may be developed consistent with all other applicable LCP policies.

RCPF states that "the Conservancy is seeking almost wholesale exemption" from the ESHA protection policies of the LCP. This couldn't be further from the truth. Based on site-specific biological surveys of the parklands, the Conservancy/MRCA have identified limited areas of the parklands found to not contain ESHA, and the proposed Overlay identifies within these areas potential public access and recreation uses and facilities at which are consistent with the OS land use and zoning designation. The Overlay requires, among other resource protection measures, that such uses and facilities be sited and designed to utilize existing facilities and/or disturbed areas to the maximum extent feasible, to provide appropriate setbacks from streams and other sensitive habitat areas, and to be non-invasive on the natural topography thus minimizing grading and associated impacts to sensitive habitat areas. The proposed Overlay further provides that all future improvements implemented be subject to the ESHA protection policies of the LCP and Coastal Act.

As with the other conceptual improvement areas subject to the Overlay, Ramirez Canyon Park has been evaluated for site constraints related to ESHA and other coastal resources in developing the proposed policies and implementation measures for the location and level of park uses identified in the Plan. The potential park administrative and support facilities located at Ramirez Canyon Park would be appropriately sited within the limits of existing development envelopes and buildings. All existing buildings and other appurtenant structures located at Ramirez Canyon Park are documented to have been constructed per approved building permits and prior to the effective date of the Coastal Act, and thus have resulted in a significantly disturbed and manicured environment clearly not meeting the definition of ESHA as provided in the Malibu LCP and the Coastal Act.

In addition, pursuant to the City's LCP ESHA designation, *"Existing, legally established agricultural uses, confined animal facilities, <u>and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA</u>."* As such, much of the property within and directly adjacent to the existing development envelopes associated with the previous use of Ramirez Canyon Park as an estate compound, as well as those adjacent areas subject to required fuel modification for existing structures, do not meet the LCP definition of ESHA. However, although the site has been subject to past disturbance resulting in diminished habitat value, consistent with the ESHA definition of the LCP, Ramirez Canyon Creek is afforded special treatment as a habitat area of significance pursuant to the policies and standards in the LCP applicable to streams and, therefore, the proposed Overlay includes provisions for a substantial creek restoration plan for Ramirez Canyon Creek within the park's boundaries.

Contrary to the RCPF arguments, the proposed Overlay does not result in a "conflict" between the resource protection policies of the Coastal Act or the LCP. Again, the RCPF demonstrates a basic lack of knowledge and understanding of the conflict resolution provision of the Coastal Act. The question of "conflict" as it relate to implementing the Chapter 3 policies of the Coastal Act is discussed further in Section VII.D. below.

C. City Permit Authority for Proposed Parkland Improvements

The RCPF indicates there is no explanation and no precedent for the Conservancy/MRCA deletion of requirements for City discretionary review and permitting of the future development project of the parklands addresses in the Overlay. Indeed the LCP Amendment deletes all the City's requirements for CUPs, CDPs, and review by various City Departments to preclude any additional City action to prohibit all camping in Malibu, and to otherwise reduce or eliminate public access and recreation, or access thereto, on parkland property and the inland trails which this Commission has for years required as a condition of CDPs issued for development. The explanation for the Conservancy/LCP amendment request is evident and well articulated in the submittal materials, as is the precedent. RCPF tries to argue there is no precedent for this request. What about the many other Public Works Plan proposals reviewed and approved by the Commission, a permitting process that rightly gives the Commission the authority to review "the site-specific impacts of every development proposal". The deletion of City's requirements for a CDP, CUP, or review by City Departments does <u>not</u> mean that the public works projects addressed by the Conservancy's submission will not be reviewed. To the contrary, they will be fully reviewed instead by the Commission under the process that governs Public Works Plans and public works projects, a process, as provide in Coastal Act section 30515, that specifically provides for consultation with and input from the City.

RCPF states that camping is "rarely permitted in this fire-prone area" and no "jurisdiction allows camping as a principal permitted use – with no CDP, CUP or site-specific review". In the same breath it appears the RCPF argues that there are plenty of alternative camping resources in the Plan area, nearly 1,000 group and family camp sites as cited by them, yet their "research indicates that camping is rarely permitted in this fire-prone area". Then they miss the most glaring error of their argument; not only do other jurisdictions allow camping as a principal permitted use, the Commission itself specifically allowed camping as a principal permitted use for properties zoned Open Space in Malibu when it certified the City's LCP. As previously indicated, there has never been an expectation that future implementation of the Overlay improvement would not be subject to site-specific review during the

development and environmental review process, in full compliance with the certified LCP and the Coastal Act.

The RCPF takes issue with the proposed Overlay LIP § 4.3, B, 1, which provides: "Parking agreements and use of the parking resources secured by such agreements shall be considered permitted uses and shall not be denied or obstructed by the City." This provision would implement a requirement of the Commission imposed in CDP No. 4-98-334 to respond to concerns by the Ramirez residents themselves regarding traffic and to meet their requests to limit the number of vehicle trips on Ramirez Canyon Road. This provision, along with the LCP "precedence" provision in LIP Section 5.2 of the certified Malibu LCP, ensures that the Conservancy/MRCA may enter into parking agreements for off-site parking to enable there to be public access to Ramirez Canyon Park, subject to the trip limitations. It is essential to effective implementation of the public access requirements and limitations addressed by the Conservancy/MRCA LCP Amendment. The language proposed in the Conservancy's and MRCA's LCPA facilitates and permits parking in an organized manner to facilitate shuttles, maximize public access, and minimize traffic impacts in this area.

RCPF correctly notes that the Conservancy/LCP amendment includes a provision to modify Malibu's regulations for the use of private property as it relates to prohibiting any open flame, fire, or other incendiary source, within 20 feet of any flammable vegetation, and any backyard fires, barbeques, or other flame source whatsoever, while permitting propane BBQs when accompanied with approved fire extinguishers. There is nothing about this proposed policy that the Conservancy/MRCA are not also imposing on the proposed park uses at their Malibu parks. To ensure fire safety, the Conservancy's LCP Amendment provides for a limited number of strictly controlled "cold camping" (i.e., no campfires). Without these provisions, the Conservancy/MRCA efforts to ensure fire safety of their park properties arguably would be nullified because the approximately 6188 housing units in the City of Malibu nonetheless would be permitted to have open fires, without similar controls.

D. Alternate Access for Ramirez Canyon Park Uses

As described previously, the developed area of Ramirez Canyon Park does not constitute ESHA and all the proposed uses for the Park are permitted in the applicable Open Space zone. The RCPF takes particular issue with the Conservancy's limited use of the property for administrative offices, again attempting to make the argument that such park offices are not permitted in the Open Space zone.

The RCPF pretends to support the City's decision, to some extent, to require construction of an alternate access road as a condition of allowing public use of Ramirez Canyon Park. However, the notion is disingenuous at best because the RCPF

argued for several additional public use restrictions at the Park even with a condition requiring construction of the alternate access road, and the RCPF continues now to argue for more public use restrictions of the Park even beyond what the City's LCP amendment requires. In any event, both the City and RCPF are well aware of the fact that their "alternate access road" is infeasible and impermissible due to the impact to ESHA that would occur from constructing the secondary access road, an action and land use in direct conflict with the ESHA protection policies of the Coastal Act. The alternate road access requirement is not an "additional development control" as RCPF claims, its simply a tool to ensure that the public never has the access necessary to use and enjoy their State Park. If the City and RCPF were truly interested in addressing the perceived ingress/egress issues of Ramirez Canyon Road, and thus ensuring the safety of the residents, the entities would, in the past and in the future, seeks "additional development controls" for new homes and secondary or guests units in the Canyon. In addition, as the RCPF is so intent on controlling their "private" road easement, it would clearly behoove the residents to remove the many residential encroachments into the 40 foot wide easement of the road and thus, not only meet, but exceed standard Fire Code requirements for roadway width along Ramirez Canyon Road.

As it relates to the right of the Conservancy/MRCA to use Ramirez Canyon Road, the Conservancy possesses an express easement appurtenant to its property for ingress and egress over Ramirez Canyon Road. The Ramirez Canyon Preservation Fund filed the first lawsuit against the Conservancy seeking injunctive relief and alleging that the agencies' activities at Ramirez Canyon Park facility were overburdening the common road easement over Ramirez Canyon Road. In January 2000, the court granted the Conservancy a summary judgment, ruling that the Fund was not entitled to injunctive relief as a remedy as a matter of law.

RCPF basically argues that public use of Ramirez Canyon Road attempts to expand the ingress/egress use of Ramirez Canyon Road beyond what is allowed by the surrounding Rural Residential zoning, and the Conservancy/MRCA have no right to use the road.. We understand that it is beyond the scope of Commission review to determine the Conservancy's access rights over Ramirez Canyon Road. In any event, the RCPF assertion simply is not true. The Conservancy/MRCA acquired the Ramirez Canyon Park property with a non-exclusive easement over Ramirez Canyon Road, and consistent with the 40 round trip per day limitation, shuttle van and other limitations that the Commission imposed in CDP 4-98-334, traffic from operation of the Park will produce no more traffic than the six estate-style homes otherwise allowed at the site. (Crain and Associates, December 17, 1999, Traffic Generation Assessment, Ramirez Canyon Park.; ATE, June 4, 2009, Response to Comments: Santa Monica Mountains Conservancy Parks Project- Ramirez Canyon Park Project)

RCPF next states that there is no precedent for allowing park administrative offices in the Open Space that is applied to all the Conservancy/MRCA parks in the City. The question of types of permitted uses in the Open Space zone has already been addressed in Section III of this letter, but as it relates to Ramirez Canyon Park there are a few points worth reiterating.

The Commission has already approved the proposed park uses at Ramirez Canyon Park, including the Conservancy's office uses, and found, pursuant to CDP 4-98-334, that the proposed uses are consistent with the Coastal Act. The Commission then applied the Open Space land use designation and zoning to Ramirez Canyon Park upon LCP certification with full knowledge and authorization of the existing facilities and uses addressed pursuant to Coastal Development Permit 4-98-334, thereby rendering the Conservancy/MRCA park uses conforming with applicable land use and implementation policies of the certified LCP (prior to certification of the LCP the Ramirez Canyon Park property was designated rural residential).

Park and resource agencies do, whenever feasible, occupy buildings on their own property since it provides a way to reduce costs rather than pay unnecessary office leases, as the RCPF would like to see done here. The Conservancy/MRCA are fortunate to own property that provides the ability to operate from within their own parks, instead of having to lease expensive commercial office space often far removed from the resource they serve. In any event, there are many instances and plenty of precedent in which agency offices occupy parklands, most often zoned for open space and park uses.

1. California Department of Parks and Recreation (CDPR) - 100% of CDPR administrative offices are located on State Parks property. The headquarters of the Angeles District of State Parks is located at Malibu Creek State Park at the adaptively reused Hunter House and a specially constructed office facility at 1925 Las Virgenes Road, Calabasas. The headquarters of State Parks, Topanga Sector, is located at Will Rogers State Historic Park. The headquarters of State Parks, Coastal Sector, is an adaptively used residence at 40000, 40006, and 40040 Pacific Coast Highway, Malibu. State Parks' Los Angeles Sector headquarters at the Los Angeles State Historic Park are located right at the Park, 1245 N. Spring Street, Los Angeles, CA 90012.

2. Resource Conservation District of the Santa Monica Mountains - The headquarters are located at the park, Peter Strauss Ranch, 30000 Mulholland Highway, Agoura Hills, CA 91301.

3. The National Park Service (NPS), Santa Monica Mountains National Recreation Area - has its operational headquarters at Diamond X Ranch, next to King Gillette Ranch.

Finally, the RCPF outrageously suggests that the Conservancy, after making an enormous effort to secure the potential to development the alternate access road, "balked" and deleted the condition from its proposed LCP override only after the City required it as a condition of approval. Indeed the Conservancy/MRCA did not include the City and RCPF's alternate access road as all parties have been informed by Commission staff that a previous Commission action on the property in question confirmed the occurrence of ESHA on the property and therefore the alternate access road is impermissible under the Coastal Act.

E. City Authority to Define the Overlay Area and Location of Trails

The RCPF states that the Conservancy's attempt to supplant the City's decision on the nature and extent of overlay, and precise location of trail system should be rejected and speaks to this request as it relates specifically to Charmlee Park and the proposed trail system.

1. Charmlee Park

RCPF suggests that, if the Conservancy's motivation was to increase public access, it would not have deleted Charmlee Park from the Conservancy/MRCA LCP amendment. Charmlee Park is not owned by the Conservancy/MRCA and was therefore was never a component of the Malibu Parks Public Access Enhancement Plan planning effort. Only when the City offered to coordinate with the Conservancy/MRCA to include a camping proposal for Charmlee Park as part of the LCP amendment process before the City (in exchange for removing the camping proposal for Escondido Canyon Park) was Charmlee Park considered for any park improvements, and all are aware of how that process resulted in a City-approved prohibition on camping in all of Malibu. As the Conservancy cannot plan future activities on property not owned by the Conservancy/MRCA and the proposed LCP amendment override is a new application made directly with the Commission, there is no opportunity and no reason for the Conservancy/MRCA to include Charmlee Park in the Overlay.

2. Trails

The RCPF letter points out that the Conservancy proposes alternative to the Coastal Slope Trail, that is, to move it up-canyon to pass through the Ramirez Canyon Park property. The letter requests that the Conservancy not be permitted to supplant the City's decisions with respect to trail planning. The Coastal Slope Trail is a regionally significant trail connecting the western and

eastern Santa Monica Mountains, some parts of which are existing and improved, and other and others that are proposed. Numerous agencies, organizations, and private property owners are involved in the planning and implementation of this trail.

There are currently a number of existing trail planning resources from which the proposed Overlay has drawn from in an effort to implement a comprehensive trail system within the Plan area. Such resources include the Santa Monica Mountains National Recreation Area Interagency Trail Management Plan (TMP), City of Malibu LCP Trail Map, and the City of Malibu Trail Master Plan. In many instances, these trail planning resources include trail alignments that do not overlap with one another. The existing and proposed trail alignments from these resources will be implemented wherever feasible, and in many instances, as illustrated on the Proposed Trail Resources Map, implementation of the Overlay will achieve many segments of these trail plans. However, where there is presently insufficient access opportunities via public easements (existing or proposed), public land, and/or where there may be potential conflicts with adjacent neighborhoods or steep terrain that may be avoided, alternative trail alignments have been evaluated and considered to ensure trail implementation, connectivity, and to reduce potential land use conflicts and resource impacts.

The Conservancy/MRCA are proposing the Coastal Slope Trail alignment in this specific Overlay area because the staff have been negotiating acquisition of property and trail easements on private property and, together with existing open and publicly owned land in the area, a significant portion of the Coastal Slope Trail would be expeditiously developed and opened for public use. The Conservancy and MRCA fully support implementation of the City's trail plans, and is pleased that City supported, at least in part, this one component of the Conservancy/MRCA LCP amendment application when it was before the City, as the City did adopted the Conservancy/MRCA proposed trail alignment map.

The various trail planning efforts with numerous agencies can be very valuable, for example, as members of the City's Malibu Trails Commission can provide useful knowledge about specific properties and trail alignments. However, there are many factors to consider with respect to feasibility of the specific trail alignments. In fact, wholly absent from the City's discussions of its proposed Coastal Slope Trail outside of the Conservancy/MRCA LCP amendment process is the feasibility given the property ownership. There are some private properties over which the City's proposed Malibu Pacific Trail (formerly Coastal Slope Trail) alignment passes, and it is uncertain whether trail dedications would ever be obtained to realize the Coastal Slope Trail in

this area. The Conservancy/MRCA is proposing a slight realignment to the north within the Overlay area over public property, or property that is proposed to be acquired (as often is the case once new information is learned), to maximize the possibility of the trail be improved and opened. The odds of the City implementing its proposed Coastal Slope Trail are dismal at best. The odds of the Conservancy and MRCA implementing its proposed Coastal Slope Trail in this area border on certainty.

Furthermore, while the City adopted the Conservancy/MRCA Overlay trail map, the approach of the City's LCP amendment towards trails would be contrary to the Commission's decades-long effort to obtain trail dedication as part of the development process. The City's approach to the trail in its LCP amendment would also run contrary to the existing LCP (LIP, 12.5, 12.7.4; LUP policies 2.5, 2.40, 2.46, 2.49). The City's LCP amendment (LIP, 3.4.2.D.1.A.iii.) proposes that: "... the approval of a coastal development permit is not linked to any offer to dedicate." There are numerous trail OTDs accepted by MRCA in the LCP amendment area (obtained prior to the 2002 Malibu LCP), as shown on the Offer to Dedicate (OTD) map in the Conservancy/MRCA's LCPA submittal. Without additional future trail OTDs to connect them, all the work the Commission has done for years to obtain these OTDs would be lost. The connections would not be completed and the trails would never be opened.

Conservancy and MRCA staff consistently comment on coastal development permit applications on properties in the City where mapped or existing trails are located. However, the City's process of obtaining trail access is typically discouraging and provides little certainty of implementation. A perfect example if the standard language often included in the City's staff reports such as:

> *"[T]he Trails Master Plan proposes a trail through the project site along the alignment of Seaboard Road. This Plan does not include a mechanism by which to acquire easements for trails. Furthermore, the Trails Master Plan is a component of the General Plan, which has not been amended to include the updated Trails Master Plan...Once the General Plan has been updated to incorporate the new Trails Master Plan, and appropriate tools are provided to acquire trail easements, the City may pursue implementing a trail through the applicant's property. Due to the scope of the project, no potential project-related or cumulative impacts on public trail access are anticipated." (CDP 04-051, staff report for agenda Item 6B, September 16, 2008 meeting)*

The Conservancy/MRCA staff recognize that many of the City's staff planners have made efforts to obtain trail dedications by working with applicants, some of which are successful. However, the City Attorney and Council do not provide the leadership to actively acquire trail easements through the development review process. If the applicant does not volunteer a trail easement dedication, then trail easements are not acquired.

Since 2002, only approximately 8 trail easement OTDs have been obtained through the City's CDP process, an average of about one per year. Furthermore, the conditions for implementation are often not clear and Conservancy and MRCA staff have spent considerable time trying to negotiate the location of the trail and language of the easement. In fact, it is not certain if the Conservancy/MRCA will be able to accept some of the few trail easement dedications that have been offered due to legal issues with language of the City's conditions and easement.

For these reasons, the Conservancy and MRCA respectfully request that the Commission defer to the Conservancy and MRCA with respect to proposing additional trail alignments with the greatest likelihood of being implemented in this specific Overlay area and in maintaining the Commission's approach of obtaining trail dedications through the CDP process.

F. City Policy Decision and the LCP Amendment Override Findings

The RCPF asserts that the Conservancy is required to submit a specific development proposal, as required by the override provisions of the Coastal Act and the Conservancy has not properly followed override procedures, and that the Conservancy is attempting to substitute its judgment for that of the City. Override procedure addressed in separate letter.

Our letter to the Commission from Chief Staff Counsel for both the Conservancy and MRCA, dated May 14, 2009 explains in detail that the request of the Conservancy and MRCA for a LCP amendment override for the proposed Overlay squarely meets the requirements of Section 30515 of the Coastal Act and Section 13666 of the Commission's regulations. The Conservancy/MRCA are not attempting to substitute Conservancy's judgment for that of the City, but are requesting the Commission to apply the City's LCP and the Coastal Act pursuant to Section 30515 of the Coastal Act in its review of the proposed Malibu Parks Public access Enhancement Plan Overlay.

V. CONSERVANCY/MRCA PROPOSED LCP AMENDMENT AND CEQA

The RCPF first recognizes that LCP amendment override requests are reviewed in the same manner in which the Commission reviews other LCPs and that there is a certified regulatory program in place for review and certification of LCPs. Yet, the RCPF then argues that the LCP amendment override procedures require environmental review of a specific public works project beyond what the certified regulatory program typically requires such that findings can be made with respect to the environmental impact of the proposed development. This assertion has been addressed in our letter to the Commission from Chief Staff Counsel for both the Conservancy and MRCA, dated May 14, 2009.

There is no doubt that the override procedure in Section 30515 of the Coastal Act contemplates a LCP amendment for a specific public works project or energy facility development. Yet, nothing in Section 30515 of the Coastal Act or the regulations requires that a concurrent application for a public works project be processed with a requested LCP amendment. The regulations implementing Section 30515 of the Coastal Act are actually quite clear in that there are two groups of persons who may request an LCP amendment under Section 30515 and Section 13666 of the regulations: those "authorized to undertake" public works projects, such as the Conservancy and MRCA, and those "proposing" the development of energy facilities. There is no requirement that a "person authorized to undertake a public works project" propose a specific public works project concurrent with a LCP amendment. The RCPF attempt to "bootstrap" (to use their terminology) the LCP amendment override process into an unnecessary and inappropriate project review and CEQA analysis for a policy document is obvious. Let's not forget, also, that it was the RCPF that argued relentlessly at hearings on the draft public works plan that the specific public works projects proposed at that time could not move forward because, as the RCPF claimed, the public works plan required a LCP amendment.

As noted, this is a LCP amendment process and as such does not seek entitlement for specific projects but, alternatively, seeks to establish the policy framework by which to implement specific public works projects in the future. Nevertheless, in recognition of the fact that the Conservancy/MRCA LCP amendment would facilitate specific public works project in the future, a substantial amount of site-specific environmental information and conceptual improvement plans were included in the submittal to assist Commission staff in analyzing, for policy consistency purposes, the LCP amendment policy framework with the certified LCP and Chapter 3 policies of the Coastal Act. This information provides ample evidence to support findings that not only is the Conservancy/MRCA LCP amendment policy framework consistent with the certified LCP and the Coastal Act, but also that the park improvements contemplated by the Overlay are feasible and can be implemented in a manner to carry out the public access and recreation mandates of the Coastal Act while minimizing potential hazards and protecting and enhancing sensitive coastal resources.

VI. LCP AMENDMENT OVERRIDE STANDARD OF REVIEW AND PROCESS

The RCPF states that the Standard of Review and Process document, dated April 14, 2008, and submitted with the LCP amendment override application is not accurate. The reason cited is because the LCP amendment override submittal is not a public works plan or a public works project, and the Standard of Review and Process document cites statutes applicable to public works plans and public works projects that do not apply. RCPF goes on to state that the question is whether the submittal qualifies for a LCP override. However, as the title of the referenced Standard of Review and Process document clearly indicates, the document intent is simply to identify and outline the standard of review and process for the LCP amendment override and possible future permitting mechanisms to implement the contemplated specific public works projects, which it does by first defining "public works", and the identifying applicable Coastal Act Sections, implementing regulations and the standard of review for the LCP amendment override process, and any future public works plan or coastal development process that could be utilized to implement the specific public works projects address in the Overlay.

VII. REQUIRED FINDINGS FOR THE LCP AMENDMENT OVERRIDE

The RCPF contends that the Conservancy has not fully addressed the findings required to approve the proposed LCP amendment override and provides a long list of perceived issues that must be addressed as part of a LCP override submittal. Many of their arguments reference the SAIC report, dated December 2008 (attachment A their December 23, 2008 letter), which purports to conduct an analysis of issues relating to the LCP amendment override application. The SAIC report was reviewed and detailed comments and responses provided on the report in the Malibu Parks Public Access Enhancement Plan Overlay Alternatives Analysis, prepared by Dudek, May 2009.

A. RCPF Claims the Override Procedures are not Available to the Conservancy because the Development Proposed by the Conservancy was Anticipated at the Time the Malibu LCP was Before the Commission for Certification.

The RCPF argument that the Conservancy is not entitled to invoke the "override" provisions because they contend that the Conservancy anticipated this Overlay long before the Malibu LCP was before the Commission for certification in 2002. They indicate that numerous public documents establish that the Conservancy has anticipated the development proposed in the Overlay "for many years."

There is no doubt that for many years, consistent with their missions, the Conservancy and MRCA have had general ideas regarding proposed park uses and

facilities and trail planning. However, the Conservancy/MRCA LCP amendment for the Overlay takes a new and different approach, geographically and conceptually, to all planning the efforts prior to LCP certification. The site-specific LCP Amendment proposed is the direct result of recent, post-certification events that have led to completion of specific trail connections and identification of site-specific public access, recreational facility, and program improvements for specific parks. These were not anticipated at the time the City's LCP was before the Commission for certification. The current LCP Amendment is the result of more recent, post-LCP developments, including the fact that the MRCA has accepted many trail OTDs and acquired new land in the Plan area, specifically the parcel west of and adjacent to Latigo Canyon Road. And, only recent information and conditions have enabled the Conservancy and MRCA to propose a specific trail alignment that is feasible both physically and in terms of acquiring viable rights-of-way. The Conservancy's LCP Amendment was not possible prior to LCP certification. Only now are the Conservancy and MRCA able to propose a comprehensive, site-specific LCP Amendment that encompasses specific trails, as well as other park facilities, such as the campsites and parking areas, and activities, such as the Malibu Coastal Camping Program. Finally, although camping is a principal permitted use in the Open Space zone of the certified LCP, no one could have anticipated that the City would seek to eliminate all camping in all public parks and recreation areas in the City (except for limited campsites at Ramirez Canyon Park for disabled individuals).

The RCP further asserts that Conservancy anticipated the proposed park uses at Ramirez Canyon Park prior to certification of the LCP. However, the Conservancy was not anticipating public park uses but operating the Park pursuant to the Commission approved CDP for those uses. RCPF argues that the CDP for Ramirez should have been incorporated in the LCP. However, as Conservancy was operating under an approved CDP, there simply was no reason to specifically incorporate the uses already approved pursuant to the CDP in the LCP, much less any other CDP previously approved by the Commission prior to LCP certification.

B. RCPF Claims Regional Office Use and Private Events Cannot be Included in the Override.

The RCPF contends that the park administrative offices and special events proposed for Ramirez Canyon Park are not "recreational facilities" and thus cannot be defined as public works.

The Coastal Act Section 30114 defines "public works" as including "[a]ll publicly financed recreational facilities." The Commission's regulations further state that a "major public work means "facilities that cost more than one hundred thousand dollars," and that it "also means public financed recreational facilities that serve,

affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities." The "major public work" here is Ramirez Canyon Park, and despite the RCPF attempt to parse the uses undertaken, the Park indisputably constitutes an important publicly financed recreational facility that serves, affects, and impacts regional and statewide use of the coast by increasing public recreational opportunities and facilities, not only at Ramirez Canyon Park, but at the other significant Conservancy/MRCA owned parklands within the City.

The Overlay includes detailed policies and implementation measures for program and operational elements at Ramirez Canyon park that support special public outreach and educational opportunities, as well as the administrative infrastructure and offices necessary to operate specialized public outreach programs and to ensure that maximum public access and recreational opportunities are provided for visitors with varying degrees of special needs. In particular, the Conservancy and MRCA have emphasized the need at this Park to provide facilities and outreach programs intended to reach visitors of diverse abilities, disadvantaged youth, or other underserved groups. Accessibility implementation measures in the Overlay provide that the Conservancy/MRCA will continue all public outreach programs and provide for additional day-use picnic facilities and limited overnight camping opportunities at the Park. The Overlay additionally includes public improvements for the riparian area interpretive trail and picnic facilities designed specifically for safe use by physically challenged visitors, in compliance with Americans with Disability Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas.

Moreover, consistent with the Commission's decision in CDP 4-98-334, the primary buildings at Ramirez Canyon Park have all been used as "recreational facilities" and as a location to conduct or manage recreation uses at the Park. The Barn serves as the main indoor venue for senior and disabled tours of the Park and its grounds. The Staff who operate and plan for outreach programs – including programs for senior citizens, disabled and disadvantaged persons, inner-city and at-risk youth, veterans, and battered women -- operate out of the Barn, as do volunteer docents. The LCP Amendment proposes to resume the Garden Tours authorized by CDP 4-98-334 by reservation to the general public, and the Barn is the central meeting location for tour participants. The Peach House has in the past and will again be part of the Garden Tour visits. The Barwood and Art Deco Houses similarly have been part of the Garden Tours. Additionally, all three buildings have been and will be used for park-related conferences, retreats, recreational events, and paid reserved events.

Further, the Overlay incorporates the special events that the Commission previously approved, subject to conditions, at Ramirez Canyon Park in CDP 4-98-334. Despite the RCPF attempt to inaccurately portray these events as "commercial leasing," they

are merely temporary events and the Overlay provides that the proceeds generated by special events held at Ramirez Canyon Park will be used to establish and maintain a fund for purposes of funding access and recreational improvements and opportunities for visitors with diverse abilities, disadvantaged youth, or other underserved groups. The limited special event program is inextricably tied to the public outreach programs that will be offered at the Park and the unique coastal camping program envisioned in the overlay.

C. RCPF Claims Specific Findings for an Override Cannot be Made

The RCPF repeats its assertion that a specific development proposal is required for the Commission to make the findings required to approval a LCP amendment override request. This assertion has been discussed in the preceding section and in depth in out letter to the Commission from Chief Staff Counsel for both the Conservancy and MRCA, dated May 14, 2009. A simple and plain reading of the LCP "override" provision, Coastal Act Section 30515, demonstrates that a concurrently filed application for a specific public work is not required, and the Conservancy's LCP Amendment is properly before the Commission.

D. RCPF Claims the Conservancy/MRCA LCP Amendment Violates the Coastal Act's Prime Directive to Protect Coastal Resources.

The RCPF again ignores the ESHA definition and protection policies of the Malibu LCP and erroneously indicates that all of the properties are designated ESHA and, therefore, activities on the property are restricted to resource dependent uses. The RCPF contends that the Conservancy/MRCA LCP Amendment would eliminate the Coastal Act and LCP policy restriction to ESHA from its property. The Conservancy submits that the public works projects and park uses contemplated by Overlay currently are consistent with the City's certified LCP. Nonetheless, the provisions of the Overlay are, by definition, drafted to authorize specific parkland projects on the Conservancy and MRCA properties, consistent with all applicable resource protection policies of the Coastal Act and Malibu LCP.

As described in Section IV, the RCPF *appears* to assume that because the Overlay would clarify certain parkland improvements and uses as principal permitted uses for the parkland areas subject to the Overlay, all the parkland improvements and uses included in the Overlay would occur in ESHA. Perhaps the RCPF assumes, incorrectly, that because the majority of the parklands included in the Overlay are subject to the ESHA Overlay designation of the certified LCP, the properties themselves support ESHA in their entirety with no opportunity to include other than resource dependent uses (i.e. trails, nature study, etc). The assumption is disingenuous

at best since the RCPF representatives no doubt have reviewed in detail the technical materials submitted with the LCP amendment application to the City and the override application submitted to the Commission, which include, among other things, a report on a site-specific biological assessment of each and every parkland improvement area contemplated in the Overlay. The conclusions of the biological assessment are clear, there are existing disturbed areas within the parklands addressed in the Overlay that have the potential to accommodate new park development and uses with no impact to ESHA.

One who makes an honest attempt to understand and apply the ESHA protection policies of the City's LCP acknowledges that the LCP public access and recreation policies specifically allow for recreational and park support facility improvements within natural parklands, all of which within the City, with few exceptions, are designated and zoned OS and are subject to the ESHA Overlay designation. Why would the Commission certify an LCP with extensive policies to encourage development of recreational support facilities to support access to parklands yet make the improvements impossible by applying an ESHA Overlay that outright prohibits any development that isn't a resource dependent use?

The reality is that public lands zoned OS and subject to the ESHA Overlay are not without the potential to develop the specific uses permitted pursuant to the OS land use and zoning designation. Such an interpretation would render the majority of the City's parklands unusable even as it relates to developing specific recreational uses permitted by the LCP. Alternatively, application of the ESHA Overlay recognizes the inherent tendency of publicly owned lands to contain sensitive resources thus making the ESHA protection policies of the Coastal Act and LCP applicable, as appropriate. The LCP ESHA protection policies therefore provide that site specific information be evaluated and presented in a biological study conducted, as was done for the Conservancy/MRCA LCP amendment application, to determine the presence of ESHA, and therefore allowable uses. LUP Policy 3.7 provides that an area not meeting the definition of ESHA is not subject to the ESHA protection policies of the LCP and may be developed consistent with all other applicable LCP policies.

RCPF states that "the Conservancy is seeking almost wholesale exemption" from the ESHA protection policies of the LCP. This couldn't be further from the truth. Based on site-specific biological surveys of the parklands, the Conservancy/MRCA have identified limited areas of the parklands found to not contain ESHA, and the proposed Overlay identifies within these areas potential public access and recreation uses and facilities at which are consistent with the OS land use and zoning designation. The Overlay requires, among other resource protection measures, that such uses and facilities be sited and designed to utilize existing facilities and/or disturbed areas to the maximum extent feasible, to provide appropriate setbacks from streams and other sensitive habitat areas, and to be non-invasive on the natural topography thus

minimizing grading and associated impacts to sensitive habitat areas. The proposed Overlay further provides that all future improvements implemented be subject to the ESHA protection policies of the LCP and Coastal Act.

As with the other conceptual improvement areas subject to the Overlay, Ramirez Canyon Park has been evaluated for site constraints related to ESHA and other coastal resources in developing the proposed policies and implementation measures for the location and level of park uses identified in the Plan. The potential park administrative and support facilities located at Ramirez Canyon Park would be appropriately sited within the limits of existing development envelopes and buildings. All existing buildings and other appurtenant structures located at Ramirez Canyon Park are documented to have been constructed per approved building permits and prior to the effective date of the Coastal Act, and thus have resulted in a significantly disturbed and manicured environment clearly not meeting the definition of ESHA as provided in the Malibu LCP and the Coastal Act.

In addition, pursuant to the City's LCP ESHA designation, *"Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA."* As such, much of the property within and directly adjacent to the existing development envelopes associated with the previous use of Ramirez Canyon Park as an estate compound, as well as those adjacent areas subject to required fuel modification for existing structures, do not meet the LCP definition of ESHA. However, although the site has been subject to past disturbance resulting in diminished habitat value, consistent with the ESHA definition of the LCP, Ramirez Canyon Creek is afforded special treatment as a habitat area of significance pursuant to the policies and standards in the LCP applicable to streams and, therefore, the proposed Overlay includes provisions for a substantial creek restoration plan for Ramirez Canyon Creek within the park's boundaries.

Contrary to the RCPF arguments, the proposed Overlay does not result in a "conflict" between the resource protection policies of the Coastal Act or the LCP. Again, the RCPF lacks a basic understanding of the conflict resolution provision of the Coastal Act, and why it exists. First, as detailed in the policy consistency analysis of the City's Staff Reports and the LCP amendment override application, the proposed policies and implementation measures of the Overlay are consistent with the Coastal Act and LCP in every respect. Second, even assuming the proposed Overlay did present a potential conflict between the public access and recreation and natural resource protection policies of the Coastal Act, it would be up to the Commission to determine what action, approval, approval with suggested modifications, or denial of the LCP amendment, would be most protective of the coastal resource issues at hand, including public access and recreation resources. Finally, the RCPF argues that where there is a conflict, resource protection overrides all other policies and, for this reason,

Malibu's LCP requires that activities in ESHA be restricted to resource dependent uses.

The Malibu LCP limits activities in ESHA to resource dependent uses because that is what is mandated by Section 30240 of the Coastal Act, not because "resource protection overrides" when "there is a conflict" as RCPF suggests. RCPF misses the fact completely that public access and recreation are recognized as significant coastal resources pursuant to Chapter 3 of the Coastal Act. Section 30007.5 of the Coastal Act recognizes that conflicts may arise when implementing the resource protection policies of Chapter 3 of the Coastal Act, and provides the Coastal Commission with the ability to resolve conflicts between Coastal Act policies:

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

By providing for conflict resolution when implementing Chapter 3 policies of the Coastal Act, the Coastal Act recognizes the importance and significance of all coastal resources including public access and recreation. The Coastal Act does not assign levels of importance or significance to coastal resources, but affords such resources equal protection and, where a conflict arises, implements the Coastal Act such that, on balance, the Commission's action is found to be the most protective of coastal resources. In implementing the provisions of Section 30007.5, the Coastal Commission has in numerous past actions applied the balancing provisions of Section 30007.5 of the Coastal Act where the Commission found, on balance, that approving certain public access and recreational facilities and uses in ESHA was the most protective of coastal resources (City of Dana Point Local Coastal Program Amendment 1-03, Dana Point Headlands; CD-10-00 Guadalupe-Nipomo Dines National Wildlife Refuge; Coastal Development Permit 4-82-300-A5 Oceana Dunes State Vehicular Recreation Area, City of Pismo Beach).

The Malibu LCP further affords equal significance and importance to public access resources and natural resources indicating that public access and ESHA protection policies have precedence.

LUP Policy 3.30

Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards

and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence.

LUP Policy 5.6

Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence.

The Coastal Act and certified LCP clearly do not give priority to natural resources over public access and recreation resources but rather recognize the significance of all coastal resources in carrying out the goals of the Coastal Act.

Its interesting that the RCPF is so intent on making the point, incorrectly, that ESHA protection trumps public access and recreation in any and all cases, particularly in light of the fact that the only means by which their "alternate access road", which would require unpermitted development in ESHA, could even conceivably be considered and approved by the Commission. Commission recognized an inherent conflict between competing coastal resources associated with a proposal to development the road and then found that to deny the alternate access road would result in greater coastal resource impacts to public access and recreation than the potential impacts to ESHA. The only potential project considered during the entire public works plan and LCP amendment planning process that would create a conflict with the Malibu LCP and Coastal Act ESHA protection policies is the RCPF's alternate access road.

Gratefully, and due to the diligent planning efforts of the Conservancy/MRCA staff, there is no need to invoke the balancing provisions of the Coastal as there are no coastal resource conflicts associated with the proposed Overlay. The RCPF complains that there are no are "no site or facility plans", "no plans for grading or drainage systems", "no biological resource maps" and thus the findings to approve the LCP amendment cannot be made. All of this information is available and has been diligently gathered, compiled and submitted for the Commission's review and consideration, although it far exceeds the scope of what is required to analyze the Overlay for consistency with the LCP and the Coastal Act. The conceptual project plans for the Overlay along with the site-specific technical surveys of the parklands conducted by the Conservancy/MRCA have identified limited areas of the parklands found to not contain ESHA, and the proposed Overlay identifies within these areas potential public access and recreation uses and facilities at which are consistent with the Open Space land use and zoning designation. Nevertheless, RCPF asks the Commission to accept what they mischaracterize as their consultant's (SAIC) "high-level" analysis of the proposed Overlay as undoubtable evidence that the proposed Overlay, a policy framework, would have significant adverse environmental impacts.

E. RCPF Claims there is no Evidence to Demonstrate there is a Public Need for the Facilities Proposed by the Conservancy.

The proposed LCP amendment submittal is clear: the Conservancy/MRCA seek to provide public access and recreation opportunities at their coastal parklands for an area much broader than just the City of Malibu, including the entire Los Angeles region and those that may come to enjoy the California coast from far greater distances. The need and demand for public recreation at Conservancy/MRCA parklands can not be focused nor determined by the residents of Malibu alone, but the roughly 17 million people that live and work within the Los Angeles area and visitors seeking coastal recreation throughout California and the Nation. As such, the demand for public recreation at coastal parklands must take into account the lack of existing facilities within the Santa Monica Mountains and Malibu region, and the history of conflict surrounding attempts to improve park facilities within Malibu for visitors, when determining appropriate future uses within the Conservancy/MRCA parklands.

The proposed LCP amendment is intended to address issues associated with growing visitation and demands for outdoor recreational opportunities in the Coastal Zone of the Santa Monica Mountains and Malibu area. Unfortunately, the City of Malibu has a long history of conflict related to meeting the Coastal Act mandate of protecting and enhancing public access and recreational resources. In recognition of this ongoing conflict, the Commission certified the City's LCP which describes the various factors that have historically limited public access opportunities in the Malibu region:

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

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

broader view in making land use decisions for California's coastal properties in the interest of all people.

Need for Park Support Facilities – Ramirez Canyon Park Offices and Events

The public access and recreation demand of the region can only be met where adequate facilities exist to support recreation. The RCPF claims that the SAIC report demonstrates that the Conservancy/MRCA own numerous properties and offices in Los Angeles County and, therefore, there is no need for administrative offices at Ramirez and the "Conservancy should locate its offices in a traditional office building, just like every other public agency."

However, as the Alternatives Analysis prepared by Dudek clarifies, of the parcels listed by SAIC, none are identified as providing a suitable alternative and very few parcels are identified with the potential to build or develop facilities for the public programs included in the Overlay. RCPF is outright wrong when they suggest that other public entities only occupy offices in traditional office buildings (i.e. outside of parklands). City and county agencies have their offices within the city or county in which they govern, while regional and state agencies will occupy buildings on their own property if feasible, since it provides a way to reduce costs rather than pay unnecessary office leases. In most cases where agencies occupy buildings in commercials areas, it is generally due to a lack of alternatives available on their own properties. The Conservancy/MRCA are fortunate to own property that provides the ability to operate from within their own parks, instead of having to lease expensive commercial office space often far removed from the resource they serve.

Given the diversity of parklands included in the Overlay area, and the unique and varying degree of available amenities and opportunities to develop new amenities at the parklands, the Overlay similarly has the opportunity to provide for a varying degree of public access and recreation opportunities unique to each park property. However, the opportunities can only be provided by developing necessary park support facilities to ensure 1) the availability of public transit, 2) parking availability, 3) provisions for support facilities such as restrooms and picnic areas, 4) resources are available to address user demands and conflicts, and 5) the availability of personnel and facilities necessary to support daily operations and maintenance needs for parklands, and public programs intended to provide a diversity of coastal access and recreation opportunities.

The RCPF takes issue with the fact that support facilities provided for in the proposed Overlay are those facilities known to be necessary to support the primary permitted land use, in this case public access and recreation, research and education, and nature observation. They simply can't accept that Ramirez Canyon

Park is uniquely positioned to accommodate the park uses proposed for it as it already contains a number of existing, legal support facilities and amenities including picnic areas, restrooms, educational displays, sitting benches, gardens, easily accessible terrain, and a riparian area interpretive trail, all of which are readily available for specialized public use programs. Although public access into the park is currently limited, the existing facilities at Ramirez Canyon Park provide a unique park environment with well established support facilities necessary to operate specialized public outreach programs for individuals with varying degrees of abilities (e.g., physically and mentally challenged). Additionally, the developed nature of Ramirez Canyon Park provides facilities from which the Conservancy and MRCA operate and monitor public outreach and educational programs for the Park while conducting administrative, maintenance, and critical planning programs for park and recreational lands in the coastal area, perhaps without which none of the proposed Overlay's trail and park improvement programs could come to fruition.

Ramirez Canyon Park is geographically centered for the administrative uses required to serve the Santa Monica Mountains and Malibu area. The nature of the 14-15 employees that work at this park are limited and strictly associated with the administration of the park properties in this region. They include offices for the Executive Director (Conservancy)/Executive Officer (MRCA), the Chief Deputy Executive Director/Chief Deputy Executive Officer, the administrative assistant, and the MRCA Board Secretary. They additionally include the Natural Resources Group (3 persons), which deals with the planning for this LCP Amendment, the follow-on Public Works Plan and specific public works projects that will tier off of it, studies on the watershed, habitat restoration, and trail planning. It further includes the two staff persons who run the public programs at the Park, a residence for an on-site ranger, and it also operates as the Conservancy/MRCA Western Sector Emergency Command Center for fire/disaster/public safety emergencies.

It could be argued that there is no demonstrated demand for special event uses at Ramirez Canyon Park, but that certainly would not explain why most State Parks offer special event venues which are always highly coveted. However, even the RCPF acknowledges in their letter the need for "additional programs for seniors, children and the disabled". The special event program at Ramirez Canyon Park, as contemplated in the Overlay, is wholly consistent with typical uses permitted at California State Parks and will serve to establish a Malibu Parks Affordable Access Fund, supported by net proceeds of special event uses at Ramirez Canyon Park, to fund a Malibu Coastal Camping Program. It is anticipated that each special event at Ramirez Canyon Park would yield approximately $1,000 of net proceeds, and could therefore fund approximately 20 participants in one overnight program event. The camping experience funded by the Malibu Parks Affordable

Access Fund is designed to provide urban, disadvantaged youth with their first overnight camping experience. The MRCA will provide all necessary transportation, meals and equipment, and will deliver a program dedicated to teaching novice and first-time campers proper use of camping equipment, environmental awareness and outdoor leadership skills. Research shows that camping strengthens self-confidence, improves school performance, and builds inter and intra-personal skills, and interpretive programs introducing the resources of our local mountains and coast will promote stewardship of our local natural areas. As such, the special event program at Ramirez Canyon Park would support the primary purpose of the LCP amendment to maximize and prioritize recreational opportunities in specific parkland and recreation areas in Malibu by facilitating a new public camping program for all people, including those who might otherwise have limited opportunity to enjoy the resources of the Malibu coastal area, opportunities that all recognize are in high demand.

Need for Coastal Camping

The RCPF again relies on the SAIC report to conclude that there is no public need for camping in the Malibu area. However, from the outset the SAIC report's initial assumptions and conclusions regarding the public need for the recreation improvements included in the Overlay are fundamentally flawed. SAIC states that because the Conservancy/MRCA's proposed conceptual plans for coastal camping do not include direct beach or shore access, the list of campgrounds and beaches included in the LCP amendment submittal's Public Access and Recreation – Current Demand and Proposed Overlay Goals document does not support a rationale for the additional coastal camping opportunities contemplated in the Overlay.

The RCPF and SAIC overlook important points conveyed very clearly in the LCP amendment submittal. First, Corral Canyon Park does indeed have direct access to the shoreline at Dan Blocker Beach. While it is true that Ramirez Canyon Park and Escondido Canyon Park do not presently have direct access to the shoreline, the Conservancy/MRCA programs and improvements included in the Overlay would facilitate implementation of the regionally important Coastal Slope Trail which, when completed, would link all of the proposed camping areas via access along a specific trail system, decades in the making, that would achieve access from the Conservancy/MRCA parklands to the shoreline via Corral Canyon Park. In addition to the heavily influenced coastal climate that would provide a unique visitor-serving experience in the Malibu, the proximity of the parkland camping areas to the shoreline, planned in conjunction with the comprehensive trail improvement program, would enhance public access opportunities to public parklands and the shoreline, a basic objective and key element of the proposed LCP amendment that simply cannot be achieved with improvements to

"alternative" inland park areas suggested by the SAIC report as alternative locations. Beyond shoreline access, Section 30223 of the Coastal Act, which provides the Coastal Act policy support for the Commission's inland trail program that would be implemented by the proposed LCP amendment, further underscores that "Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." (See also Letter from Laurie C. Collins, Conservancy Chief Staff Counsel to CCC, dated May 14, 2009, pp. 27-28.)

The SAIC report goes on to recognize that most popular campgrounds in California are at or near capacity during peak times, but argues that the LCP amendment submittal is unclear with respect to why new low-cost camping facilities are contemplated in the City of Malibu. To the contrary, as explained below, the unmet public demand for camping resources along the coast and high/exceeding use capacity statistics (particularly for coastal campgrounds) are well documented, and State Parks reports it is unable to keep up with the growing demand for camping. It is for those reasons, that the Conservancy/MRCA are proposing camping opportunities in Malibu.

California State Parks data relative to existing demand for public camping facilities in areas in the same region of Malibu demonstrate a significant unmet demand for camping opportunities. In 2007, State Parks personnel reported that the months of June, July and August experienced a 107.4% capacity for camping at the Leo Carrillo, Malibu Creek, Point Mugu and Thornehill Broome campgrounds located in County jurisdictions (the extra 7.4% attributed to overflow camping and group camping; State Parks email, November 2, 2007).

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

> *The California State Parks system has not stayed abreast with the demand for peak-season camping as the population has grown. There is a high unmet demand for camping outdoor opportunities in California. Changes in California's demography, coupled with growing tourism, have created unprecedented demand for more camping opportunities. The demand for all*

> *campsites at State Parks grew by approximately 13% between the years 2000 and 2005.*
>
> *California's state parks are the most heavily visited of any state park system in the nation. Some facilities are at capacity. Coastal beaches and campgrounds, for example are the most heavily used state parks. State Parks coastal campsites are at or near capacity during the spring, summer and fall months, with thousands of potential visitors turned away. Demand is so high that if the Department were to add 325 camp sites a year, it would not keep up with requests. (The State Park System Plan 2002, Part I: A System for the Future, www.parks.ca.gov/?page_id=24512).*

With all this unmet demand for camping, particularly for coastal camping, there are presently no low-cost public camping opportunities in Malibu. One (1) private campground facility, the Malibu RV Park, exists in the City and is located east of the intersection of Corral Canyon Road and Pacific Coast Highway. The Malibu RV Park includes 142 RV spaces and 35 tent spaces for which fees range between $41-$46 Sunday-Thursday and $51-$56 Friday-Saturday during the peak season (May 23-September 30), and between $20-$25 Sunday-Thursday and $25-$30 Friday-Saturday during the off season (October 1-May 22). A holiday surcharge of $20/night per tent is imposed, except on the 4th of July when a surcharge of $75/night per tent is required. The RV park and campground is open 365 days per year and includes no restrictions on open flames, campfires, cooking apparatus, etc. The limited supply of overnight camping facilities in Malibu, and the apparent ability to charge considerable fees for use of the limited facilities that are available, indicate a significant demand for these limited resources.

As it questions the rational for seeking to provide additional camping resources, particularly in Malibu, the SAIC document sites that there are nearly 1,000 group and family camp sites within approximately one hour of Malibu. The statement is misleading since many of the areas cited are not open year round, but are seasonal and are much more than an hour away from this part of the coast. In addition, the analysis does not discuss how the so called 1,000 campsites meet current demand for outdoor recreation camping, especially the demand for coastal camping, but only provides a list of campgrounds within 200 miles of the Malibu area.

The Conservancy and MRCA believe that providing new low-cost camping opportunities is a critical component to meeting an unmet demand for public access and recreation opportunities in the Coastal Zone as current trends in the market place and along the coast provide a clear challenge to developing and maintaining lower-cost overnight accommodations that are in high demand to serve various types of visitors. For this reason, one of the primary components of

the Overlay is the specific provision of low-cost overnight camping in the Malibu coastal area.

Currently, there are very few, if any, camp facilities in the Santa Monica Mountains designed with the specific objective of accommodating individuals with disabilities. As such, the Overlay District provides for fully accessible camps facilities in each park area considered for campsite development. In addition, the Overlay District will establish the Malibu Parks Affordable Access Fund, supported by net proceeds of special event uses at Ramirez Canyon Park, to fund the Malibu Coastal Camping Program. It is anticipated that each special event at Ramirez Canyon Park would yield approximately $1,000 of net proceeds, and could therefore fund approximately 20 participants in one overnight program event. The camping experience funded by the Malibu Parks Affordable Access Fund is designed to provide urban, disadvantaged youth with their first overnight camping experience.

F. The Conservancy/MRCA Overlay Minimizes Risks to the Public Consistent with Section 30253 of the Coastal Act.

The RCPF asserts that there is no evidence to support a finding that Conservancy/MRCA proposal conforms to and is adequate to carry out Section 30253 of the Coastal Act. The Policy Consistency Analysis prepared by SMMC/MRCA (see Exhibit 5 of Item 16b Coastal Commission staff report for the June 2009 hearing) discusses consistency of the Conservancy/MRCA proposed LCP amendment with Coastal Act Section 30253 and the City of Malibu LCP Land Use Plan Hazard Policies (4.2, 4.4, 4.5, 4.8, 4.10, 4.11, 4.14, 4.45, 4.48, 4.49, 4.50, 4.51, 4.52, 4.53, and 6.29).

To address potential issues of fire hazard, the Overlay includes the most the most restriction fire protection plan be developed and implemented for the proposed park uses. The following implementation measures are included in the Conservancy's and MRCA's proposed Overlay to minimize risk to the public due to the fire hazards, as modified pursuant to the Staff Recommendation and additionally revised by the Conservancy/MRCA to address fire safety concerns:

Section 3.4.2.D.2.Limited Overnight Campsites.
A. Overnight Camps Location, Development, Design and Operations:

11. No camper, hiker, casual or transient visitor, shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in any of the park facilities covered by this Plan. Development, use restrictions, and brush maintenance for all campsites shall be carried out in accordance with the

Fire Protection and Emergency Evacuation Plan prepared pursuant to Section D.11.B.1 of this Overlay District.

12. *Overnight camping at Ramirez Canyon Park shall be allowed by reservation only. Overnight camping at Escondido Canyon Park and Corral Canyon Park shall be allowed by reservation and/or by onsite registration (e.g., by an onsite drop-box or by onsite Park staff). A board or kiosk at the Corral Canyon Park parking area shall designate which campsites have been reserved. At Escondido Canyon Park, if permission is obtained at the lower parking lot, a board or kiosk shall designate which campsites have been reserved (to reduce potential trips to the upper proposed parking lot). Otherwise the board or kiosk at the upper parking lot shall designate which campsites have been reserved. The reservation and onsite registration systems shall require campers to acknowledge and agree to all park rules including, but not limited to the prohibition on campfires and the "cold camping" regulation.*

Section 3.4.2.D.11. Hazards.
B. Fire Protection, Emergency Evacuation

1. *A Fire Protection and Emergency Evacuation Plan shall be developed and submitted, for review and approval, to the reviewing body for any Coastal Act approval as well as to the appropriate Fire Agency, as described below. The approved version shall be implemented for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park. The Fire Management and Emergency Evacuation Plan shall include the following provisions:*

- *All standard Parkland rules and regulations shall be enforced per existing policies of the MRCA/SMMC:*
  - *Except in designated camp areas, park properties shall be closed sunset to sunrise.*
  - *No smoking or fires.*
  - *No alcoholic beverages.*
  - *No littering or dumping.*
  - *No unauthorized vehicle use.*
  - *No defacing or destroying property.*
  - *Dogs must be on a leash and cleaned up after.*
  - *Possession of firearms, bow and arrow prohibited.*

- *Violations subject to $500 fine and/or 6 months in County jail.*

- *An annual fuel modification plan for site vegetation management and tree trimming/limbing at each park property shall be developed and implemented prior to the annual fire season.*

- *Campsite locations shall be located within existing public use areas to ensure easy access for purposes of maintenance and patrol, and in case of emergency.*

- *No person shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in any of the park facilities covered by this Plan. The only cooking apparatus permitted shall consist of self-contained propane stoves when permitted consistent with the terms of the approved Fire Protection and Emergency Evacuation Plan. No kerosene or white gas lanterns shall be permitted.*

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

- *Campers shall be required to utilize designated cook stations provided at each approved campsite, which shall be designed of non-flammable materials and capable of being fully enclosed. Cold-camping apparatus such as flame-less cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy will be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas will be routinely patrolled to enforce the No Campfire/Cold Camp Policy and notification provided that violation of the No Campfire/Cold Camp Policy may be punishable by fines up to $1,000.00.*

- *Fire protection apparatus shall be provided and maintained at all camp facilities and shall include, at a minimum:*

  - *Water storage tank or water delivery system designed, located, and maintained to provide a dependable water supply for fire protection at each proposed camp area at all times to ensure adequate water supply for fire protection of new camp facilities.*

- *A portable and air-powered quick attack firefighting system to be provided at each camp facility for ready deployment by trained Camp Host, Ranger, or park personnel in the event of a fire.*

- *Portable self-contained fire extinguisher units to be provided for each cluster or group of campsites.*

- *Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park shall be closed to all recreational use during any Red Flag Day/period as declared for the Santa Monica Mountains area by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA). Park properties shall be posted and patrolled to inform visitors of Red Flag Day closures and notification provided that violation of the Red Flag Day closure policy may be punishable by fines up to $6,000.00.*

- *Camping at all park properties will be prohibited and Ramirez Canyon Park shall be closed to events, tours, camping reservations or other special functions when any Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and camp areas will be routinely patrolled to notify park users and to enforce restrictions on park use during all Flash Flood/Flood Warnings and Urban/Small Stream Advisories as determined by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA). Written warnings of the cancellation policy shall be provided to potential campers and prospective program and event sponsors prior to contracting for park use.*

- *Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be onsite at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance.*

- *An Evacuation Plan shall be prepared and shall include details relative to evacuation procedures and evacuation locations to be implemented for each park property during emergencies.*

- *Where it is infeasible to meet all applicable current Building and Fire Code requirements for fire protection due to site or resource constraints,*

modifications may be granted pursuant to an approved Fire Protection Plan, as provided by Section 702A of Chapter 7A of the 2007 California Building Code and Section 4702.1 of the 2007 California Fire Code, as may be amended. Such Fire Protection Plan will analyze the site fire risk at a fine scale and develop customized measures for mitigating the risk including design, construction, maintenance and operation requirements of the park improvements in compliance with applicable fire codes and, where necessary, fire protection enhancement requirements to provide "same practical effect" or functional equivalency for any non-code complying park improvement element.

- *Emergency power generators and fuel supply at Ramirez Canyon Park necessary to maintain emergency lighting for at least twelve (12) hours shall be installed and maintained on site.*

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

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

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

5. The Conservancy/MRCA shall explore and pursue all options to remove any permitted or unpermitted private encroachments into the Ramirez Canyon Road easement to achieve full access clearance with no vertical obstructions over the entire 40 foot easement width or, where infeasible due to natural constraints and residential structures, full access clearance with no vertical obstructions shall be pursued for a minimum 20 foot wide access road.

Should it be reasonably determined to be infeasible to expeditiously remove the permitted or unpermitted private encroachments into the Ramirez Canyon Road easement in order to meet standard Building and Fire Code requirements for the safety and benefit of all Ramirez Canyon residents, public use of Ramirez Canyon Park as provided in this Overlay shall not be conditioned on strict compliance with standard code requirements for ingress/egress to the park property, but may be permitted pursuant to an approved Fire Protection Plan as detailed in Section 3.4.2 C.11.b.i of the Malibu LCP.

Section 3.4.2.D. 12. Land Use and Neighborhood Compatibility
B. Specialized Programs – Ramirez Canyon Park

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

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

The RCPF complain the Conservancy/MRCA must prepare the Fire Protection Plan and Emergency Evacuation Plan required by the Overlay now in connection with the LCP Amendment. As with all development proposals, a detailed and project-specific analysis of site constraints, resources, potential environmental impacts and required mitigation will be completed for all the park improvements contemplated in the Overlay are implemented. The Fire Protection Plan required by the proposed Overlay will be prepared and analyzed during the project and environmental review process and must be found consistent with the proposed Overlay and the Malibu LCP. The Conservancy and MRCA have developed an extensive, site specific and restrictive policy program for the Overlay park properties as part of the Conservancy/MRCA LCP amendment request – more restrictive than you might find anywhere else in the United States. Specifically, at Ramirez Canyon Park, under the Commission previous approval, extensive fire safety procedures and improvements, reviewed and approved by the Office of the State Fire Marshall and Los Angeles County Fire Department, have been implemented that serve not merely to protect the Park itself, but function as the line of defense providing fire protection to Ramirez Canyon itself.

Here, again, the RCPF grossly inflates the number of public outreach, tours, and/or small group gatherings and special events contemplated at Ramirez Canyon Park by the Conservancy's LCPA. The maximum number of tours, including garden tours,

and/or small group gatherings is 12 per month. The maximum number of special events is 32 events per year, limited to the period from March to October with no more than 1 event per week. Thus, the number of non-outreach events per year is not 900, as the Ramirez residents assert, but a maximum of 176. Public outreach programs at this State-owned park technically are permitted 7 days a week, with a maximum of 40 participants. The Ramirez Canyon residents must be making the incorrect assumption that in addition to those 176 non-outreach events, there would be 724 public outreach events per year, which is not being proposed. Most importantly, regardless of the raw number of events permitted, the uses at Ramirez Canyon Park are intended to be strictly limited in size, duration and occurrence, consistent with the maximum 40 round trips/day limit-the limit established by the Commission in CDP No. 4-98-334, including cancellations in the case of Red Flag Days and Flash Flood Warnings.

The RCPF indicates they have been unable to find any authorization from state fire officials as required by the Commission's approved CDP. Let them be assured that Commission Staff would have never issued the CDP without first having received these authorizations (Attachment B). These same authorizations also address the RCPF claims that "The Issue of Road Width Was Not Resolved During the 2000 Commission Proceedings" and that there is "no authority which allows any fire official to reduce the required 20-foot width" for code-compliant ingress/egress. The issues of Ramirez canyon Road width WAS thoroughly addressed during the Commission's hearing on the CDP for Ramirez Canyon Park, and, for reference, modifications may be granted for the park improvements pursuant to an approved Fire Protection Plan, as provided by Section 702A of Chapter 7A of the 2007 California Building Code and Section 4702.1 of the 2007 California Fire Code, and adopted by reference in Title 32, of the Los Angeles County Fire Code.

To address the issue of fire safety specifically and how it relates to the Conservancy/MRCA proposed LCP amendment, the SAIC report (Attachment A to the December 23, 2008 report) highlights the number of wildland fires in Los Angeles County from 1987-2007 and of the 439 fires identified, 8 are listed as being caused by campfires. By presenting this data, SAIC appears to assume that these 8 fires were caused by campfires in developed campgrounds, an assumption that is unsubstantiated from the reference given (CDF 2008, website). All of the referenced Los Angeles County "campfire-caused" fires were in the Angeles National Forest. A personal interview with Angeles National Forest staff revealed that there have been no known fires caused by campfires in developed campgrounds (April 2009 telephone conversation between Paul Edelman, Deputy Director for Natural Resources and Planning, Santa Monica Mountains Conservancy and Marty Dumpis, Deputy Supervisor, Angeles National Forest.) As such, it is more likely that the campfires referenced in the SAIC report were started outside of official campgrounds, and therefore the data is not relevant to the camp areas planned for the Overlay parklands

and the data does not support an argument that the Conservancy's and MRCA's LCP amendment will increase the fire risk in the Malibu. This conclusion is supported by testimony provided by Park personnel and professional fire-trained personnel during the City's deliberations on the Conservancy/MRCA proposed LCP amendment3.

The SAIC report actually acknowledges that fire department statistics demonstrate that campgrounds have very low risks for fire, with arson being the leading cause. However, the document goes on to state that by opening up previously unopened land to people will increase the risk of wildfire. The issue of fire safety for the Overlay is better defined in terms of increasing access, recreation and educational opportunities at parklands already opened to the public in a carefully planned and controlled manner where the associated increased patrols and better education of visitors would result in the lowering the potential of fire risk, just as has been demonstrated at other camp areas throughout the state. To further address the fire hazard issue, the Conservancy and MRCA's LCP amendment proposes numerous fire protection regulations that are more restrictive than those already in place by State Parks in campgrounds in the Santa Monica Mountains. The Conservancy/MRCA LCP amendment proposes cold camping (i.e., outright prohibition on campfire sat all facilities), vegetation modification to reduce potential fuels adjacent to camp areas, prohibition of camping on red flag days, provision of special fire-proof cook stations and fire protection apparatus, and mandated park patrols, to name a few.

G. The Conservancy/MRCA Overlay Protects ESHA Consistent with Section 30240 of the Coastal Act.

The RCPF reasserts the same unsubstantiated statements and poor interpretations of the ESHA protection policies of the Coastal Act and Malibu LCP as in discussed in previous sections of this letter, and relies on SAIC's "high-level" analysis, to conclude that there is no evidence to support a finding that the Conservancy/MRCA proposal conforms to and is adequate to carry out Section 30253 of the Coastal Act.

With the conceptual projects plans (including site and facility plans, grading and drainage plans, site-specific biological resource maps and associated technical analyses (which RCPF claims were not provided with the LCP amendment override request), and a thorough understanding of how to appropriately interpret the Coastal Act and Malibu LCP, the Policy Consistency Analysis prepared by the Conservancy/MRCA (see Exhibit 5 of Item 16b Coastal Commission staff report for the June 2009 hearing) analyzes consistency of the Conservancy/MRCA proposed

3 See City of Malibu Environmental Review Board Recommendation, August 1, 2007, with comments provided by Environmental Review Board Suzanne Goode (California State Parks) at the July 25, 2007 meeting, and City Council Hearing, November 11, 2007, comments provided by Ron Schafer (California State Parks), Woody Smeck (National Park Service), and Frank Padilla (California State Parks Fire Chief).

Overlay with the ESHA protection policies of the Coastal Act and the City of Malibu LCP Land Use Plan ESHA Protection Policies (3.1, 3.8, 3.9, 3.12, 3.14, 3.15, 3.18, 3.20, 3.21, 3.22, 3.32, 3.42, 3.43, 3.45, 3.47, 3.48, 3.50, 3.51, 3.53, 3.55, 3.56, 3.59, 3.60, 3.61, 3.62, 3.63, 3.64, and 3.65).

The conceptual project plans for the Overlay along with the site-specific technical surveys of the parklands conducted by the Conservancy/MRCA have identified limited areas of the parklands found to not contain ESHA, and the proposed Overlay identifies within these areas potential public access and recreation uses and facilities at which are consistent with the Open Space land use and zoning designation. With this knowledge and understanding of the park properties, their resource constraints and park use opportunities, the following implementation measures are included in the proposed Overlay to ensure maximum protection ESHA and other sensitive biological resources:

Section 3.4.2.D.7. Environmentally Sensitive Habitat Areas (ESHA)
A. Permitted Parkland Uses, Development and Design

1. Trails, camp facilities, park uses as described in this Overlay District, and necessary support facilities shall be considered principal permitted uses for those parkland areas subject to the Malibu Parks Public Access Enhancement Plan Overlay and as identified on the Public Parkland Map and Proposed Trail Resources Map. Trails, park uses, and necessary support facilities located within or adjacent to areas mapped as ESHA shall be sited and designed to minimize impacts to ESHA to the maximum extent feasible. Mitigation measures, including but not limited to, selective siting for new permitted park improvements in previously disturbed areas, informational signs, and limited fencing shall be implemented as necessary to protect ESHA.

2. New park facilities shall be located along existing primary trail routes, in proximity to trail entrances and trailheads, and in previously disturbed areas, where feasible, to avoid and minimize impacts to sensitive habitat areas to the maximum extent feasible.

3. New park facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, to the maximum extent feasible, excluding those special provisions for low intensity hike-in campsites and support facilities as provided for per implementation measures D.2.A.5 and D.5.A.3 of this Overlay District, respectively. Riparian area buffers shall be planted with appropriate native species to provide canopy and vegetative structure to improve habitat function and value of buffer areas.

4. Proposed park facility locations shall be evaluated by a qualified biologist to ensure that, to the maximum extent feasible, 1) facilities are appropriately located in previously disturbed areas, 2) facilities are appropriately setback from the top of bank of any adjacent stream, and 3) to assess potential impacts to habitat areas and provide recommendations for mitigation, as applicable.

5. Proposed park facility locations shall be located in proximity to maintenance and/or administrative access points (trailheads) to provide for easy maintenance access and to minimize potential impacts to sensitive habitat areas associated with existing maintenance operations requiring motorized access by park personnel. Motorized vehicle access by park personnel within parklands shall avoid sensitive habitat areas and shall be limited to existing maintenance routes to the maximum extent feasible, and shall be for the purposes of conducting maintenance, providing emergency services, conducting patrols, implementing habitat restoration, assisting accessibility to camps with fully accessible campsites and facilities, and providing other park services.

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

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

8. Prior to improving and opening any trail or park facility for public use in an area of naturally vegetated habitat, a site-specific biological assessment shall be prepared by a qualified biologist which shall evaluate the vegetation and habitat of the project area to determine potential impacts to ESHA that may occur. Should the biological assessment determine that adverse impacts to ESHA may result from permitted development, the following minimum mitigation measures shall be implemented:

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

  Coastal sage scrub 2 to 1
  Seasonal wetlands 3 to 1
  Freshwater marsh 3 to 1

Riparian areas 3 to 1
Vernal pools 4 to 1
Saltmarsh 4 to 1
Native trees 10 to 1 (oak, walnut, sycamore, alder, or toyon)

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

10. *Should project construction occur during the migratory bird nesting season (typically February through August), a focused avian nesting survey shall be performed by a qualified wildlife biologist 72 hours prior to construction in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. Sec. 703 et seq). If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer, which will be determined by the biologist based on the biology of the species. The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing.*

B. Hydromodification

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

2. *Bioengineering methods or "soft solutions" shall be developed as an alternative to constructing rock revetments, vertical retaining walls or other "hard structures" along Ramirez Canyon Creek. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any applications for protective measures along Ramirez Canyon Creek shall demonstrate that existing development and/or public use areas in Ramirez Canyon Park are in danger from flood hazards, that the proposed protective device is the least environmentally damaging alternative, that it is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the creek and the recreational and public access use of the Park property along the creek, and that any unavoidable impacts have been mitigated to the maximum extent feasible.*

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

- *Use of Arizona crossings shall be limited to repair and maintenance of existing crossings consistent with the repair and maintenance provisions of Section 13.4.2 Repair and Maintenance Activities of the City of Malibu Local Coastal Program Local Implementation Plan.*

- *All new stream crossings shall consist of a span bridge design which minimizes placement of any new structures within the stream bed or channel and avoids removal of natural riparian vegetation to the maximum extent feasible.*

- *Construction activities shall be scheduled to occur during the dry season.*

- *Staging areas outside of the riparian canopy shall be identified and flagged for construction workers and to store materials.*

- *Monitoring of stream crossing construction activities shall be conducted by a qualified biologist. The biologist shall be responsible for briefing construction workers on potential resource damage avoidance prior to the commencement of any on site activities.*

- *These provisions shall not apply to existing or proposed pedestrian stream crossings along hiking trails where no alteration of the natural stream channel is required to accommodate access.*

C. Parkland Habitat Preservation and Monitoring

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

determine the need for continued use restrictions and the limitation shall be removed at the termination of the recovery period.

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

D. Native Trees

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

3.4.2.D.1.Trails.
C. Trail Location, Development and Design

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

3.4.2.D.2. Limited Overnight Campsites
A. Overnight Camps Location, Development, Design and Operations

4. Campsites shall be located within existing public use areas and shall be located to take advantage of the unique and diverse resources of Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, and to facilitate disabled access where possible. Campsites shall be located in previously disturbed or non-sensitive areas to minimize impacts to sensitive habitat areas to the maximum extent feasible.

5. Campsites shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most

protective, to the maximum extent feasible, unless a lesser setback is determined by a qualified biologist to be adequate to protect riparian habitat. If it can be found that potential impacts to riparian corridors will be avoided or appropriately mitigated and there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream corridor setbacks may be permitted for low-impact campsites.

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

7. *Campsites shall be located in proximity to maintenance and/or administrative access points to provide for easy access and to minimize potential impacts to sensitive habitat areas associated with maintenance requirements.*

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

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

10. *Proposed campsite locations shall be evaluated by a qualified biologist to ensure that, to the extent feasible, 1) campsites are appropriately located in previously disturbed areas, 2) campsites are appropriately setback from the top of bank of any adjacent stream, and 3) to assess potential impacts to adjacent habitat areas and provide recommendations for mitigation, as applicable.*

11. *No camper, hiker, casual or transient visitor, shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in*

any of the park facilities covered by this Plan. Development, use restrictions, and brush maintenance for all campsites shall be carried out in accordance with the Fire Protection and Emergency Evacuation Plan prepared pursuant to Section D.11.B.1 of this Overlay District.

3.4.4.D.5. Support Facilities
A. Support Facilities Location, Development and Design

2. New support facilities shall be located at park entrances and along existing primary trail routes, within previously disturbed areas where feasible, to minimize impacts to sensitive habitat areas to the maximum extent feasible.

3. New support facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, to the maximum extent feasible. If determined by a qualified biologist that potential impacts to riparian corridors will be avoided or appropriately mitigated and there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream corridor setbacks may be permitted for low-impact primary parkland support facilities but in no case shall be setback less than 25 feet from the top of bank of all streams.

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

5. New support facilities shall be strategically located in disturbed areas, but shall also be located adjacent to vegetated areas whenever feasible where existing vegetation may provide a natural buffer between support facilities, trail corridors and/or public viewing areas. Where necessary, native vegetation shall be planted to provide a buffer and to screen support facilities.

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

The ESHA protection measures included in the Overlay are substantial. With full implementation of the proposed Overlay, the Conservancy/MRCA will not only provide new access and recreation opportunities to the Overlay parklands, but they will also implement habitat enhancement programs to improve the quality of ESHA in the parklands, provide support facilities to concentrate public use activities outside of

sensitive habitat areas, and educate visitors of the parks sensitive coastal resources thereby fostering environmental stewardship.

H. The Conservancy/MRCA Overlay Protects Streams Consistent with Section 30236 of the Coastal Act.

The RCPF claims, again relying on SAIC's "high-level" analysis, that there is no evidence to support a finding that the Conservancy/MRCA proposal conforms to and is adequate to carry out Section 30236 of the Coastal Act. The SAIC report cites a number of site improvements contemplated for the parklands subject to the Overlay (although many are inaccurately described and the scope exaggerated), and notes potential impacts to riparian corridor ESHA and water quality that could result from the improvements included in the Overlay. The Conservancy/MRCA concur that potential impacts to riparian ESHA and water quality could occur with any new development proposal for the parkland areas, and therefore have developed within the Overlay a range of policies and implementation measures that ensure maximum protection and, where feasible, enhancement of ESHA and water quality. All the conceptual parkland improvements would be analyzed for consistency with applicable ESHA and water quality protection policies of the certified LCP and therefore could not be approved and implemented unless found to avoid or minimize substantial impacts to the resources.

The Policy Consistency Analysis prepared by the Conservancy/MRCA (see Exhibit 5 of Item 16b Coastal Commission staff report for the June 2009 hearing) analyzes consistency of the proposed Overlay for consistency with Section 30236 of the Coastal Act Section 30236 and the Malibu LCP Land Use Plan ESHA and Protection and Water Quality Protection Policies, as they relate to streams (3.1, 3.8, 3.9, 3.12, 3.14, 3.15, 3.18, 3.20, 3.21, 3.22, 3.32, 3.42, 3.43, 3.45, 3.47, 3.48, 3.50, 3.51, 3.53, 3.55, 3.56, 3.59, 3.60, 3.61, 3.62, 3.63, 3.64, 3.65, 3.95, 3.104, 3.121, 3.122, and 3.123). See next following section for more information regarding water quality. See also implementation measures of proposed Overlay listed above addressing ESHA Protection, listed in the following section addressing water quality, and especially the following, as they relate to protection of coastal stream:

Section 3.4.2.D.7. Environmentally Sensitive Habitat Areas (ESHA)
A. Permitted Parkland Uses, Development and Design

3. New park facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, to the maximum extent feasible, excluding those special provisions for low intensity hike-in campsites and support facilities as provided for per implementation measures D.2.A.5 and D.5.A.3 of this Overlay District,

respectively. Riparian area buffers shall be planted with appropriate native species to provide canopy and vegetative structure to improve habitat function and value of buffer areas.

4. Proposed park facility locations shall be evaluated by a qualified biologist to ensure that, to the maximum extent feasible, 1) facilities are appropriately located in previously disturbed areas, 2) facilities are appropriately setback from the top of bank of any adjacent stream, and 3) to assess potential impacts to habitat areas and provide recommendations for mitigation, as applicable.

8. Prior to improving and opening any trail or park facility for public use in an area of naturally vegetated habitat, a site-specific biological assessment shall be prepared by a qualified biologist which shall evaluate the vegetation and habitat of the project area to determine potential impacts to ESHA that may occur. Should the biological assessment determine that adverse impacts to ESHA may result from permitted development, the following minimum mitigation measures shall be implemented:

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

  Coastal sage scrub 2 to 1
  Seasonal wetlands 3 to 1
  Freshwater marsh 3 to 1
  Riparian areas 3 to 1
  Vernal pools 4 to 1
  Saltmarsh 4 to 1
  Native trees 10 to 1 (oak, walnut, sycamore, alder, or toyon)

B. Hydromodification

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

2. Bioengineering methods or "soft solutions" shall be developed as an alternative to constructing rock revetments, vertical retaining walls or other

"hard structures" along Ramirez Canyon Creek. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any applications for protective measures along Ramirez Canyon Creek shall demonstrate that existing development and/or public use areas in Ramirez Canyon Park are in danger from flood hazards, that the proposed protective device is the least environmentally damaging alternative, that it is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the creek and the recreational and public access use of the Park property along the creek, and that any unavoidable impacts have been mitigated to the maximum extent feasible.

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

- *Use of Arizona crossings shall be limited to repair and maintenance of existing crossings consistent with the repair and maintenance provisions of Section 13.4.2 Repair and Maintenance Activities of the City of Malibu Local Coastal Program Local Implementation Plan.*

- *All new stream crossings shall consist of a span bridge design which minimizes placement of any new structures within the stream bed or channel and avoids removal of natural riparian vegetation to the maximum extent feasible.*

- *Construction activities shall be scheduled to occur during the dry season.*

- *Staging areas outside of the riparian canopy shall be identified and flagged for construction workers and to store materials.*

- *Monitoring of stream crossing construction activities shall be conducted by a qualified biologist. The biologist shall be responsible for briefing construction workers on potential resource damage avoidance prior to the commencement of any on site activities.*

- *These provisions shall not apply to existing or proposed pedestrian stream crossings along hiking trails where no alteration of the natural stream channel is required to accommodate access.*

3.4.2.D.2. Limited Overnight Campsites
A. Overnight Camps Location, Development, Design and Operations

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

10. Proposed campsite locations shall be evaluated by a qualified biologist to ensure that, to the extent feasible, 1) campsites are appropriately located in previously disturbed areas, 2) campsites are appropriately setback from the top of bank of any adjacent stream, and 3) to assess potential impacts to adjacent habitat areas and provide recommendations for mitigation, as applicable.

3.4.4.D.5. Support Facilities
A. Support Facilities Location, Development and Design

3. New support facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, to the maximum extent feasible. If determined by a qualified biologist that potential impacts to riparian corridors will be avoided or appropriately mitigated and there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream corridor setbacks may be permitted for low-impact primary parkland support facilities but in no case shall be setback less than 25 feet from the top of bank of all streams.

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

3.4.2.D.8.Water Quality
B. Onsite Wastewater Disposal.

1. All new public restroom facilities shall consist of self contained, chemical or composting restrooms which shall be sited and designed to ensure that impacts to ESHA and water quality are avoided. Self-contained restroom facilities shall be located a minimum of 200 feet from the top of bank of any adjacent stream,

wherever feasible, and shall not be located less than 100 feet from the top of bank of any adjacent stream or the outer edge of riparian vegetation, which ever is the most protective. Minimal grading to create minor berms around the facilities shall be allowed to ensure run-off is contained in the vicinity and/or is conveyed and filtered through bioswales. Self-contained restroom facilities shall be maintained pursuant to manufacturer specifications at all times.

The RCPF argues that the Conservancy/MRCA has included a broad proposal which would allow stream crossings for vehicular and pedestrian use, and that without the ability to review a specific stream crossing, the Commission cannot find that the Overlay is consistent with Section 30236. The proposed LIP provision, however, merely relates to "where minor alteration of natural streams for the purpose of stream crossings (vehicular or pedestrian) are necessary to provide access to and within public recreation areas." It mandates development standards that restrict the use of Arizona crossings to repair and maintenance of "existing" crossings consistent with the provisions of the already certified LIP. It permits a new stream crossing only by a span bridge that minimizes placement of any new structures in the streambed and channel and avoids removal of natural riparian vegetation to the maximum extent feasible. It also limits construction to the dry season, and requires construction staging outside of the riparian canopy.

The RCPF further correctly indicates that that the current Malibu LIP requires a 100 foot buffer from the top of banks of streams and/or the outer edge of riparian vegetation, whichever is the most protective of the resource, but then incorrectly state that the Overlay proposal would allow a reduction of the required setback to "25 feet from the top of the banks of all streams." First, nothing in the Coastal Act establishes a particular buffer distance from a stream. The Commission has discretion to determine a suitable buffer width, and LCPs throughout the coastal zone often vary in required buffer width. The proposed Overlay would provide that "new support facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, to the maximum extent feasible," but "[i]f determined by a qualified biologist that potential impacts to riparian corridors will be avoided or appropriately mitigated and there is no alternative site designed to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream corridor setbacks may be permitted for low-impact primary parkland support facilities, but in no case shall be setback less than 25 feet from the top of bank of all streams." This is particularly applicable to the new park facilities proposed at Ramirez Canyon Park because the Park already is developed with existing structures that are approximately 25 feet from the top of stream bank.

The RCPF also maintains that the Conservancy'/MRCA proposal to remove the City's requirement that streambed modification proposals "are subject to a [CDP] and

all other relevant permits from appropriate agencies" would violate Section 30522 of the Coastal Act. Section 30522, however, is inapplicable. It states: "Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency that are formally adopted by such agency, are used in the regulatory program of such agency, and are legally enforceable." (Emphasis added.) The City is not a "state regulatory agency," and its proposal is merely that – a proposal, not an existing plan or policy. Nothing in Section 30522 prevents the Commission itself from applying the LCP "override" provision in Section 30515 and amending an existing certified LCP.

Finally, the RCPF erroneously asserts that the LCP amendment override is drafted to allow the Conservancy/MRCA to ignore a requirement by California Department of Fish and Game and by the Commission that the Conservancy apply for a CDP to address the streambed modifications that occurred *prior to* Conservancy acquisition of the Ramirez Canyon Park property. The argument is surprisingly hypocritical, and it is wrong. The fact is, the residents themselves have violated the Coastal Act and channelized Ramirez Creek. It bears emphasis that only the Conservancy has studied the appropriate engineering solution for creek restoration in Ramirez Canyon Creek and is pro-actively proposing specific remediation that will result in removal and restoration of portions of the channel on its property. The Conservancy proposes to implement the LCP amendment through a carefully considered Public Works Plan and Notice of Impending Development for a subsequent public works project. Under the Coastal Act, that is, of course, the lawful alternative to a CDP.

I. The Conservancy/MRCA Overlay Protects Water Quality Consistent with Sections 30230 and 30231 of the Coastal Act.

The RCPF asserts, again relying on SAIC's "high-level" a very general analysis of potential water quality impacts, that there is no evidence to support a finding that the Conservancy/MRCA proposal conforms to and is adequate to carry out Section 30231 of the Coastal Act. The RCPF also asserts that the proposed Overlay policies for addressing water quality are far less protective than those of the Malibu LCP, an interesting statement considering the proposed Overlay policies incorporate many water quality provisions of the Malibu LCP precisely or directly by reference.

The Policy Consistency Analysis prepared by the Conservancy/MRCA (see Exhibit 5 of Item 16b Coastal Commission staff report for the June 2009 hearing) analyzes consistency of the proposed Overlay with Coastal Act Sections 30230, 30231, and 30236, and the City of Malibu LCP Land Use Plan Water Quality Protection Policies (3.95, 3.96, 3.97, 3.99, 3.100, 3.102, 3.104, 3.110, 3.111, 3.114, 3.115, 3.116, 3.117, 3.118, 3.119, 3.120, 3.121, 3.122, and 3.123).

The following implementation measures are included in the Conservancy's and MRCA's proposed LCP amendment to ensure protection of water quality:

Section 3.4.2.D.8. Water Quality
A. Parkland Facilities Development and Design

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

- *Designated areas within camp facilities to provide fresh water for camp uses including drinking water, hand washing and dish washing, and areas where overspill will drain. All overspill shall be contained onsite and treated with appropriate post-development BMPs measures.*

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

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

- *The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.*

- *Should grading take place during the rainy season (November 1 – March 31) temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, geofabric covers or other appropriate cover, geotextiles or mats shall be installed on all cut or fill slopes as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction.*

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

4. All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of completing construction activities resulting in soil disturbance or vegetation removal. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in the document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

B. Onsite Wastewater Disposal

1. All new public restroom facilities shall consist of self contained, chemical or composting restrooms which shall be sited and designed to ensure that impacts to ESHA and water quality are avoided. Self-contained restroom facilities shall be located a minimum of 200 feet from the top of bank of any adjacent stream, wherever feasible, and shall not be located less than 100 feet from the top of bank of any adjacent stream or the outer edge of riparian vegetation, which ever is the most protective. Minimal grading to create minor berms around the facilities shall be allowed to ensure run-off is contained in the vicinity and/or is conveyed and filtered through bioswales. Self-contained restroom facilities shall be maintained pursuant to manufacturer specifications at all times.

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

shall be maintained and all new permanent restroom facilities shall be required to connect to the on-site wastewater treatment and recycled water reuse system.

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

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

There is very little in the way of physical development that would be implemented pursuant to the proposed Overlay. The water quality protection measures of the proposed Overlay, along with those applicable policies of the Malibu LCP, will ensure conformance of all future development of the parklands addressed in the Overlay with Sections 30230 and 30231 of the Coastal Act. See also the Conservancy/MRCA proposed implementation measures for hydromodification pertaining to stream ESHA above.

J. The Conservancy/MRCA Overlay Minimizes Risks to the Public Consistent with Section 30253 of the Coastal Act and Ensure Neighborhood Compatibility.

The RCPF attempts to argue that the public access policies of the Coastal Act do not apply to the "upland/inland" park properties addressed by the Overlay. The RCPF argument is wrong for many reasons as discussed in more detailed in the letter to the

Commission from the Chief Staff Counsel for the Conservancy and MRCA, dated May 14, 2009, and also because, pursuant to the proposed Overlay, the Conservancy/MRCA trail program will provide public access to the shoreline from the Conservancy/MRCA parklands via the proposed trail system and Corral Canyon Park (which is adjacent to, and directly accesses, the sea).

The RCPF also tries to argue that the proposed Overlay is inconsistent with Section 30214 of the Coastal Act because the proposed park uses do not consider site characteristics, capacity of the site to sustain use and what level of intensity, proximity of the access area to adjacent residential uses, and privacy of adjacent property owners. A review of the proposed Overlay policies listed in the previous sections and as detailed in this section below demonstrates that there are ample policies included in the Overlay to ensure that future implementation of the proposed park uses without a doubt address site characteristics, capacity of the site to sustain use and what level of intensity, proximity of the access area to adjacent residential uses, and privacy of adjacent property owners.

The following implementation measures are included in the Conservancy/MRCA Overlay to promote neighborhood compatibility:

Section 3.4.2.D.12. Land Use and Neighborhood Compatibility
A. Land Use Compatibility

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

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

- *Fencing which delineates trail corridors, park boundaries, permitted parking areas, and private property, where located, designed and installed consistent with all other implementation measures of this Overlay District.*

B. Specialized Programs – Ramirez Canyon Park

1. All Ramirez Canyon Park uses, including administrative uses, public outreach, events, gatherings, tours, and workshops, etc. shall be limited in size, duration

and occurrence to comply with the proposed maximum of 40 round trips/day on Ramirez Canyon Road, except as provided herein.

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

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

4. Amplified music shall not cause a reading exceeding 65 dBA at the southern boundary of Ramirez Canyon Park as measured by an appropriately calibrated measuring device operated by a public officer.

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

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

7. Specialized programs permitted at Ramirez Canyon Park and associated support facilities shall consist of the following uses and restrictions:

- *Administrative offices for the Conservancy and Mountains Recreation & Conservation Authority (MRCA).*

- *Ranger/maintenance supervisor residence utilized by MRCA staff charged with security, site management, and public safety duties.*

- *Public improvements for the riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by physically challenged visitors in compliance with Americans with Disabilities Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas.*

- *Use of the Peach House, Barn, and Art Deco facility for small group gatherings and tours for up to 60 participants each, and to greet guests or as a component of site tours.*

- *Public Outreach, Events, Gatherings, Tours, And Workshops*

  - *Public Outreach Programs*
    - *Year-Round, Permitted 7 Days/Week*
    - *Max 40 Participants*
    - *8:00 a.m. – Dusk*

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

  - *Special Events*
    - *March – October, 32 Events Permitted/Year, 1 Event Permitted/Week*
    - *Maximum 200 Participants*
    - *8:00 a.m. - 9:00 p.m. Sunday-Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday, One Additional Hour is Allotted for Personnel Clean-Up and Securing the Facility.*

- *Day-use picnic areas designed specifically to provide park amenities to accommodate disabled visitors and their families by reservation. The accessible day-use picnic areas shall be located in level, previously disturbed areas so as not to adversely impact sensitive habitat, but shall be located in proximity to natural areas to provide association with natural resources to the maximum extent feasible.*

- *ADA accessible camp facility designed specifically for use by disabled visitors and their families, available by reservation.*

- *Hike-in camp facility, available by reservation.*

> ***8.*** *A Transportation and Parking Management Plan shall be developed and maintained to manage traffic trips on Ramirez Canyon Road pursuant to Section D.3.B.1 of this Overlay District.*
>
> ***9.*** *An Event Monitoring Program shall be implemented and shall include annual monitoring reports to be submitted to the Executive Director of the Coastal Commission annually. The monitoring reports shall include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the annual reporting period, distinguishing revenue-generating and non-revenue generating events, activities, tours, and outreach programs, and specifying the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each.*
>
> ***10.*** *Nothing herein, including trip limitations, shall operate to limit or restrict access to Ramirez Canyon Park as sovereign property of the State of California at any time and by any means whatsoever, by any of the following: The governor or any civil executive officer as provided in Government Code Sec. 1001; any member of the California National Guard or the State Militia; any firefighter of any public agency; any peace officer, any emergency medical technician or paramedic whether employed by a public agency or not, any member of the Legislature or staffs thereof, any member of the Bureau of State Audits, the Secretary for Resources or any employee thereof, any member of the California Coastal Commission or staff thereof, any person appointed pursuant to Public Resources Code Section 33200 or 33213, or person appointed pursuant to Section 5.0 of the Joint Powers Agreement between the Conejo Recreation and Parks District, the Rancho Simi Recreation and Parks District, and the Santa Monica Mountains Conservancy.*

The RCPF again grossly inflates the number of public outreach, tours, and/or small group gatherings and special events contemplated at Ramirez Canyon Park by the proposed overlay for purposes of their argument. The maximum number of tours, including garden tours, and/or small group gatherings is 12 per month. The maximum number of special events is 32 events per year, limited to the period from March to October with no more than 1 event per week. Thus, the number of non-outreach events per year is not 900, as the Ramirez residents assert, but a maximum of 176. Public outreach programs at this State-owned park technically are permitted 7 days a week, with a maximum of 40 participants. The RCPF are making an incorrect assumption that in addition to those 176 non-outreach events, there would be 730 public outreach events per year, which is not being proposed. Most importantly, regardless of the raw number of events permitted, the uses at Ramirez Canyon Park are intended to be strictly limited in size, duration and occurrence, consistent with the maximum 40 round trips/day limit-the limit established by the Commission in CDP 4-

98-334, including cancellations in the case of Red Flag Days and Flash Flood Warnings.

Noise

As it relates to potential noise impacts, the RCPF relies on the SAIC report to conclude the proposed park uses at Ramirez Canyon Park have significant noise impacts to the surrounding neighborhood. Unfortunately for the RCPF, SAIC's assumptions and methodology are flawed in many respects.

First, the SAIC report identifies traffic on Pacific Coast Highway as the primary noise source affecting the Ramirez Canyon area. SAIC ignores all noise sources currently generated by existing traffic on Ramirez Canyon Road, yet attempts to assess a potential noise impact only for potential traffic trips generated on Ramirez Canyon Road that would be associated with the proposed Park uses.

Second, the relationship for noise attenuation over distance from a line source (such as a roadway) results in a reduction of 4.5 dB with each doubling of distance from the noise source (for soft site conditions). Consequently, the resulting Community Noise Equivalent Level (CNEL) value at 4,500 feet from Pacific Coast Highway (given a calculated value of 55 dB at 600 feet from this roadway) would be 41.5 dB, not the 40.0 dB referenced by SAIC comment.

Third, the author asserts that noise impacts would occur if the traffic "resulted in a substantial increase in noise at these residences, either on a 24-hour average basis (e.g., CNEL) or from intermittent noise." In fact, the 24-hour average is the only significance criteria used in the assessment of transportation noise; the assessment of intermittent noise, including control techniques and governing policies, is only applicable to non transportation sources. Noise policy from the federal to the local level is based upon a 24-hour, community based, noise average.

The 24-hour average noise value associated with transportation facilities is generally applied in two ways. First, noise sensitive land uses such as residences are typically subject to maximum noise exposure in outdoor living areas, expressed in dB CNEL. For the County of Los Angeles and City of Malibu, the exterior living area criterion is a maximum of 65 dB CNEL. So if a residence is proposed in an area with existing roadway noise above 65 dB CNEL, mitigation must be provided by the residence to reduce exposure. Conversely, for an existing home near a roadway with CNEL below 65 dB, a significant impact would occur with an increase in the roadway-associated CNEL above 65 dB. Second, if a project's traffic generation would result in a substantial increase in the CNEL values associated with local roadway operations (even if the resulting CNEL remains below 65 dB), this could constitute a significant traffic-related noise impact. A substantial increase is generally considered to be at

least a 3 dB increase in the CNEL value (the threshold for notice ability of the change), although many jurisdictions use 5 dB.

The author cites a "peak hour average traffic noise resulting from vans" of 54 dBA Leq at 50 feet from the roadway. Assuming this value is accurate for the peak hour, and even assuming that there are two different peak hour periods for the project traffic (one for incoming traffic and one for outgoing traffic), these two hours with Leq 50 and the remaining 22 hours of the day at Leq 40, and including applicable 5 and 10 dB penalties for evening and nighttime hours in the CNEL averaging process, would result in a change of one (1) dB to the CNEL value. Therefore, while individual vehicles might be "noticeable" in this setting, no significant noise impact would be anticipated to occur in relation to the change in CNEL value associated with project-induced traffic. Also, the resulting CNEL value would not begin to approach the 65 dB criterion for outdoor living spaces for residential land uses. These assumptions would, however, be validated via a technical noise assessment once applications are prepared for the proposed use.

Finally, the SAIC report also makes frivolous statements about the types of park uses that may generate significant noise impacts on the property. This demonstrates that the SAIC report author appears to have very little understanding of the programs planned for the parklands addressed in the Overlay. For instance, while "concerts" may have occurred on the Ramirez Canyon Park property under previous ownership (Barbra Streisand), these uses are not included in the Conservancy/MRCA park program. In addition, the report identifies "boom boxes" and "car stereos" operated by campers and "motorcycles" operating within the property as potential noise sources. These are erroneous statements and completely contrary to the proposed camping program and park experience that would be offered by the Conservancy/MRCA.

It must be noted that what is considered at this conceptual, policy level, however, is the potential land use and environmental impact issues associated with the proposed land use that might result in an inconsistency with the certified LCP or the Coastal Act. For this reason, the proposed Overlay includes policies and implementation measures as listed above to address potential land use impacts associated with park related noise issues to ensure consistency with the Malibu LCP and Coastal Act, including limitations on vehicle trips to and from the Park (allowing a maximum of 40 round trips per day), requiring that amplified music not cause a noise reading exceeding 65 dBA at the southern boundary of Ramirez Canyon Park where residential development exists, and limiting special events to a maximum of 32/year and 1/week with strict limitations on duration (8:00 a.m. - 9:00 p.m. Sunday-Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday). The specifics of level and type of park uses proposed and potential impacts associated with noise would be evaluated in detail with any subsequent project-specific proposal and the associated

environmental review process to ensure that park uses would not result in significant noise impacts to the surrounding community or inconsistencies with any of the above-referenced noise-related policies.

Traffic

The RCPF attempts to disregard a number of site-specific, professional traffic analyses prepared for the proposed park uses at Ramirez Canyon Park by first questioning the methodology in which the proposed limitation on traffic trips (40 round trips/day) for park uses was determined. Amazing, one of their tactics is to question the legality of the developed lots that constitute the Park. The RCPF consultant, SAIC relies on "information obtained from long time residents of the area" (unlike the reliable, unbiased, professional, and expert sources which the Conservancy/MRCA relied to establish a baseline for traffic engineering purposes) to conclude that "there have never been six 'estate homes' on the property", and then suggests that the LCP Amendment submittal includes no evidence that the 6 parcels (5 of which are already developed with estate homes) are legal and thus could not be sold separately as individual residential sites. SAIC therefore determines that expected traffic generation by residential use of the individual parcels is an inappropriate baseline for traffic engineering purposes and is inconsistent with standard traffic engineering practices.

The 6 individual lots that constitute Ramirez Canyon Park have been recognized by both local and State agencies as legal lots as evidenced by the numerous agency development permits issued for the existing onsite development and, in particular, those development permits issued for the residences onsite (see also Riparian Habitat Evaluation, prepared by LSA Associates, Inc, August 30, 2002, with detailed development history of the property, and Coastal Commission Staff Report Findings, July 22, 2000). Therefore, there is little question as to the legality of the Ramirez Canyon Park parcels and the legal right to otherwise sell the 6 parcels as individual estates (a residential scale typical of Malibu development) if not used for Park purposes.

Irrespective of RCPF arguments that the proposed park uses would generate more then the proposed 40 round trip/day limitation, the Conservancy/MRCA are committed to limit traffic to 40 round trip/day, which equates to traffic levels associated with 6 estate residential lots, as they had done so before under the Commission approved CDP.

Associated Transportation Engineers (ATE) has prepared the following responses to the traffic related comments submitted by the RCPF December 23, 2008 letter (Attachment D). The ATE analysis again confirms that the Conservancy/MRCA proposed 40 round trips/day limitation and transportation management program as required by the Overlay

are both reasonable and equitable for the Ramirez Canyon residents and the Conservancy/MRCA.

The traffic analysis prepared by Crain and Associates for the Ramirez Canyon Park Project assumed that the existing 6 residential lots that encompass the Park site could generate up to 76 average daily trips (ADT) on weekdays and 80 ADT on weekends. Based on this level of potential traffic, the Crain analysis found that the Ramirez Canyon Park project would not generate traffic above the baseline levels if the park activities were limited to 80 ADT or less.

The Crain report estimated the weekday and weekend traffic generation for the residential lots using data contained in the Institute of Transportation Engineers (ITE) trip generation report (5th Edition). The ITE report contains base rates for single family homes of 9.55 trips/unit on weekdays and 10.19 trips/unit of weekends. The ITE report also provides adjustment factors for the base trip rates to account for larger homes with higher vehicle ownership characteristics based on data published by the Federal Highway Administration.

The adjustment factor provided in the ITE report is 2.9 trips per unit. Applying this factor to the base rates yields adjusted rates of 12.45 trips/unit on weekdays and 13.09 trips/unit on weekends. Based on these adjusted rates, the trip estimates for the 6 estate lots would be as follows:

Weekdays 6 Estates x 12.45 = 75 ADT
Weekends 6 Estates X 13.09 = 79 ADT

Because ADT are normally expressed as even numbers (one trip in and one trip out) the estimates were rounded to 76 ADT for weekdays and 80 trips for weekends.

ATE also researched trip generation data contained in the SANDAG Traffic generators report to verify the results of the Crain analysis. The SANDAG report provides a rate of 12 trips/unit on weekdays for residential estates. Assuming the weekday to weekend ratio presented in the ITE report, the weekend rate for the SANDAG data would be 12.8 trips per unit. Based on the SANDAG data, the trip generation estimates for the 6 estate lots would be as follows:

Weekdays 6 Estates x 12.0 = 72 ADT
Weekends 6 Estates X 12.8 = 77 ADT

These trip estimates are very close to the estimates developed by Crain and Associates and confirm the validity of the original analysis.

The RCPF letter states:

> *"Between September 29 and November 2, traffic was counted at the "bottom" of Ramirez Canyon (so that all trips up and down the Canyon would be recorded). The analysis shows that the houses on Ramirez Canyon Road generate an average of 8.4 trips per day over a seven-day week."*

ATE notes that the analysis presented by the RCPF is flawed. The counts cited were done on Ramirez Canyon Road north of Delaplane Road and the rates were then computed assuming that this segment serves 60 residences. The inventory of homes prepared by Conservancy/MRCA staff found that there are 47 homes along the segment, not 60 as used in the RCPF analysis.

There are two access points for the residential lots on Ramirez Canyon Road. One access is via Ramirez Canon Road at Pacific Coast Highway. The other access is via Delaplane Road, which is gated just east of Ramirez Canon Road. ATE collected traffic volumes at these two entrances for one week in August, 2007. These two count locations capture all of the traffic generated by the residences along Ramirez Canyon Road and the feeder streets (shown on maps as Blue Anchor Road, Paquet Place, and Via Acero). ATE also conducted traffic counts at the entrance to Ramirez Canyon Park to determine how much traffic was generated by the Park during the count period. The traffic volume recorded at the two Ramirez Canyon Road access points was 774 ADT and the volume at the park entrance was 21 ADT. Thus, the existing residences along Ramirez Canyon Road generated 753 ADT. The inventory of homes prepared by Conservancy/MRCA staff found that there are 52 residences served by Ramirez Canyon Road. Therefore, the trip generation rate for the existing residences is:

753 ADT / 52 Estates = 14.5 trips/estate

As shown, the existing residences on Ramirez Canyon Road generate higher traffic levels than predicted using the ITE and SANDAG rates. Applying the rate to the 6 existing residential lots that encompass the Ramirez Canyon Park site would result in a generation of 87 ADT versus 76 ADT using ITE method. The minor differences in traffic generation estimated when using the counts collected versus the ITE rates can be attributed to daily and/or seasonal fluctuations. More importantly, the counts collected on Ramirez Canyon Road and Delaplane Road demonstrate that the RCPF analysis is flawed.

ATE also indicates that limiting the number of trips is not "bad practice" noting that there are many instances where a condition is placed on a project that limits traffic generation. Such measures are enforced through monitoring. Monitoring can be achieved several ways, including installation of permanent traffic count equipment, conducting manual count samples on a routine basis, keeping trip logs, etc. Entities are

often times required to submit annual (or semi-annual, quarterly, etc.) reports demonstrating traffic generation, as is provided for in the proposed Overlay policies.

In addition, traffic counts conducted by ATE in 2007 show that existing traffic volume at the south end of Ramirez Canyon Road adjacent to Pacific Coast Highway is 391 ADT and the traffic volume on Delaplane Road at the entrance gate is 383 ADT. The traffic volume on Ramirez Canyon Road north of Delaplane Road is 541 ADT. The peak hour volumes range from 40 to 60 vehicles per hour. These volumes are relatively low and indicate that Ramirez Canyon Road operates at Level of Service (LOS) A. The addition of 80 ADT to Ramirez Canyon Road and/or Delaplane Road would not significantly degrade operations and the roadways would continue to operate at LOS A.

Finally, the RCPF letter states:

"The Conservancy's traffic study prepared by Crain & Associates (2006) provided a method by which to calculate vehicle trips based on the number of acres of a proposed park site. When that methodology is applied to the Ramirez property, "park" use of Ramirez would result in only 9-14 trips on weekdays, 13-16 trips on Saturdays, and 24 trips on Sundays."

ATE concludes again the analysis presented by the RCPF is flawed in that the trip rates applied are from studies of State parks, where amenities are limited. The park rates in ITE and SANDAG vary significantly Ä depending upon the size, location and amenities of the parks that were surveyed. The RCPF fails to acknowledge that the greater level of amenities and activities at the Ramirez Canyon Park would generate higher trip generation (assuming unrestricted use) than what is estimated using the State Park rates where amenities are limited. Most importantly, the applicant is limiting the traffic that could be generated by the park to 40 round trips per day (80 ADT), which would not significant impact traffic operations along Ramirez Canyon Road.

For all the reasons discussed herein, it is clear the Conservancy/MRCA LCP amendment and proposed Overlay includes ample evidence and policies to ensure that the kinds and intensities of land uses proposed will not adversely affect neighborhood compatibility or coastal resources.

K. The Conservancy/MRCA Overlay will have No Significant Adverse Impact to Environmental Resources.

The RCPF claims first claims that the LCP amendment override submittal dos not include the information necessary to evaluate the environmental impacts of the Overlay, but that there is just enough information included in the submittal to find

that proposed park uses contemplated in the Overlay would result in significant adverse environmental impacts.

It must be noted that there is no specific development proposal being considered by the Commission at this time. The Conservancy/MRCA LCP amendment merely requests that the Malibu Parks Public Access Enhancement Plan Overlay (Overlay) be incorporated into the Malibu LCP to provide the policy framework to develop and implement future plans for public parkland improvements. As such, there is no need or requirement to provide for site-specific, quantitative analysis of potential impacts of any development proposal addressed in the Overlay. Rather, the analysis must consider if the proposed Overlay could result in new LCP policies or development standards that could create a previously unavailable opportunity and entitlement avenue for facilitating new development that could result in significant adverse environmental impacts. Should the Overlay be certified, future implementation of the parkland improvements included in the Overlay would require preparation of project-specific plans and design details, site-specific environmental data, and completion of environmental impact analysis as part of the applicable environmental review process.

It must be further noted that, although the Conservancy/MRCA have conducted an alternatives analysis to assist the LCP amendment process, there is absolutely no reasonable argument that the proposed Overlay, in and of itself, could result in significant adverse environmental impacts. This is true not only because there is no physical development that would cause a change in environmental conditions being requested or considered at this time, but also because the public improvements being considered in the Overlay are already allowed under the existing LCP. Trails, camping, public parking areas and other parkland support facilities (including park offices), and public gatherings/programs are primary permitted uses at the parklands included in the Overlay as discussed in previous sections of this letter. While design details, specific improvement locations, mitigation measures, policy consistency analysis and conditions of approval would all be considered and evaluated for any future development proposal for the permitted parkland uses (as would be the case for future implementation of the Overlay improvements), the basic parkland use and facilities being considered here have the same potential to impact environmental resources as those uses and facilities presently allowed under the current LCP. The Overlay simply serves to supplement existing LCP policies and implementation measures to enhance and expedite potential future coastal public access and recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and thus carry out the public access and recreation goals of the certified LCP and the Coastal Act.

The proposed Overlay would better ensure that parkland uses presently permitted by the Malibu LCP, if subject to the Overlay, would lessen the potential that significant adverse environmental impacts would result from future project implementation. This

is because the Overlay contemplates parkland uses and facilities at specific parklands that have been extensively studied for purposes of preparing conceptual parkland improvement plans to gain a thorough understanding of the access and recreation demands, the resource and environmental issues possibly affecting public use of the parks. For this reason, the Overlay includes a set of site-specific policies for specific improvements that go way beyond the certified LCP in requiring and directing location and design detail, use limitations and outright restrictions to ensure that, even at the policy level, issues of potential environmental impacts are addressed and mitigated within the policy framework of the Overlay. As such, in the case of the proposed Overlay, disapproval of the Conservancy/MRCA proposed LCP amendment (the "No Action" Alternative), would potentially result in greater environmental impacts than would occur if the proposed Overlay is certified.

The Conservancy/MRCA alternatives analysis is presented in the report prepared by Dudek, dated May 2009, previously provided to the Commission. As opposed to the deficient presentation of "alternatives" provided by the RCPF and SAIC report, which identify NO alternative locations for the proposed parkland improvements within the City of Malibu and only one that is located in the Coastal Zone at the inland/coastal zone boundary, the Conservancy/MRCA alternative analysis includes a good faith effort to identify reasonable alternatives that would meet, at least in part, the public need and thus the purpose and intent of the LCP amendment.

L. Denial of the Conservancy/MRCA LCP Amendment Override Request would Adversely Affect Public Welfare as Identified in the Coastal Act.

RCPF claims that the public welfare is not defined by the Coastal Act in terms of public access or recreation, but is defined as coastal resource protection. The RCPF also tries to assert that, although the Legislature included in its findings public access, it did not view public access as public welfare, and "plainly defined public access as subordinate to resource protection."

Here, again, the RCPF misinterprets the directives of the Coastal Act. The RCPF misconstrues Section 30007.5 of the Coastal Act in an attempt to emphasize that the Coastal Act gives higher priority to natural resource protection, completely ignoring the fact that public access and recreation also are recognized as significant coastal resources pursuant to Chapter 3 of the Coastal Act. Section 30007.5 of the Coastal Act only recognizes that conflicts may arise when implementing the resource protection policies of Chapter 3 of the Coastal Act, which addresses public access, recreation and natural resources, and provides the Coastal Commission with the ability to resolve conflicts between Coastal Act policies:

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

Section 30007.5 of the Coastal Act does not prioritize coastal resources. By providing for conflict resolution when implementing Chapter 3 policies of the Coastal Act, the Coastal Act recognizes the importance and significance of all coastal resources including public access and recreation.

As the RCPF continues to argue that the Coastal Act only defines the public welfare in terms of natural coastal resources and not public access and recreation, as evident, they claim, by the fact the Legislature "plainly defined public access as subordinate to resource protection". Doing so allows them the conclude that denial of the Conservancy/MRCA LCP amendment override would not adversely affect the public welfare since, they claim, the proposed Overlay would have a significant impacts on natural resources and the benefits of the Overlay, public access and recreation are not consider the public welfare.

The RCPF reasoning is fundamentally flawed because, as determined throughout this response letter, public access and recreation are considered significant costal resources under the Coastal Act and are afforded equal consideration when balancing the many provisions of the Coastal Act addressing a range of coastal resource protection and development policies. In addition, it is clear that there is a demonstrated public need for the public access and recreational resources that are addressed by the Conservancy/MRCA LCP amendment request. There is no potential for the proposed Conservancy/MRCA LCP amendment to result in significant adverse environmental impacts, not only because there is no physical development that would cause a change in environmental conditions being requested or considered at this time, but also because the public improvements being considered in the Overlay are already allowed under the existing LCP. Rather, an analysis of the proposed LCP amendment override submittal and certified LCP concludes that denial of the LCP amendment override would reasonably result in the development of the park and recreational uses as contemplated in the Overlay, which will continue to be in high demand, but such future improvements would not necessarily be guided by a comprehensive and long-term management program, subject to the site specific and detailed policies of the Overlay, to ensure potential impacts to environmental resources are minimized to the greatest extent feasible. Further, denial of the Conservancy/MRCA LCP amendment would not expedite coastal public access and

recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and thus would hinder efforts to maximize public access and recreation opportunities as mandated by the certified LCP and the Coastal Act.

VIII. CONCLUSION

For all the foregoing reasons, the arguments of the Ramirez Canyon Preservation Fund that challenge the ability to make the necessary findings to approve the Conservancy/MRCA LCP amendment override are meritless. The LCP amendment override application materials for the Malibu Parks Public Access Enhancement Plan Overlay and the Overlay itself include all the data and information necessary to meet the requirements of Section 30515 of the Coastal Act and Section 13666 of the regulations and without question support the findings required to approve the Conservancy/MRCA LCP amendment override request.

Sincerely,

Joseph T. Edmiston, FAICP, Hon. ASLA
Executive Director

Enclosures

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ATTACHMENT A

HISTORY OF THE MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN

Need for Comprehensive Public Access and Recreation Planning Effort in Malibu – The Process that Led to the Conservancy/MRCA LCP Amendment Under Section 30515, the LCP "Override" Provision

The contentious and controversial history surrounding the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority's (hereinafter known collectively as "Conservancy") efforts to provide for public improvements intended to support public use of the parklands in Malibu is evidence of continuing conflicts in providing maximum public access to and along the shoreline and trails, as mandated by the Coastal Act. As a result, Ramirez Canyon Park and Escondido Canyon Park remain today, in large part, as publicly-owned land with significant coastal resources for which there is limited opportunity for the public to access and enjoy these public resources. Most unfortunate is the fact that this discouraging history seems to be repeating itself as the Conservancy has participated in good faith in a comprehensive planning process, with full participation by the City of Malibu and the community, to negotiate the approval of limited support facilities and public programs that would truly maximize public access and recreation opportunities consistent with the City's Local Coastal Program and the Coastal Act.

While some opponents of this plan would like to argue the proposed Local Coastal Program (LCP) amendment for the Overlay was developed for and is intended predominantly to deal only with the legal and planning issues associated with Ramirez Canyon Park, a review of the planning history for the park properties included of the Overlay, along with the community response and City's actions addressing what was believed to be a negotiated plan and process for the Overlay, are bleak reminders that protecting public access and recreation opportunities in the City of Malibu as mandated by the Coastal Act remains a highly contentious, controversial, and unresolved issue. Herein lay the roots of the Malibu Parks Public Access Enhancement Plan Overlay (Overlay) and the pending LCP amendment proposed by the Conservancy under the LCP "override" procedures in Section 30515 of the Coastal Act and Section 13666 *et seq.* of the Commission's regulations.

A. Original Conservancy/MRCA Malibu Public Parks Enhancement Plan—Public Works Plan

In early 2006 the Coastal Commission's representative to the Santa Monica Mountains Conservancy (then David Allgood) requested that Conservancy staff put together a presentation on increased public access opportunities within the Malibu coastal zone.

The Conservancy began the planning and public outreach process to address increased public access opportunities within the Malibu coastal zone with a publicly noticed meeting of the Mountains Recreation and Conservation Authority (MRCA) on February 17, 2006, and of the Conservancy on February 27, 2006. On February 27, 2006 the Conservancy heard two items relative to this, the first a comment letter to the City of Malibu on its trails plan implementation, and the second authorizing a project planning and design grant to the MRCA for preparation of a Public Works Plan that would authorize access improvements at Ramirez and Escondido

Canyons. A staff presentation was made on March 27, 2006 relative to the various access improvement alternatives. The consensus of the Conservancy and Santa Monica Mountains Conservancy Advisory Committee (Advisory Committee) comments was that the staff should proceed to develop a comprehensive program of public access involving as many properties as possible owned by the Conservancy or the Mountains Recreation and Conservation Authority in Malibu.

As a result, a draft Malibu Public Parks Enhancement Plan–Public Works Plan addressing public access and recreation improvements for Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park, and trail improvements in the planning area, was released to the public and posted on the MRCA website for viewing on June 6, 2006, and a public meeting was noticed and conducted by MRCA on the draft Public Works Plan in Thousand Oaks, California, on June 7, 2006.

A draft Public Works Plan was submitted to the Coastal Commission for review on June 9, 2006. On June 13, 2006, while the draft Public Works Plan was pending initial review by Coastal Commission staff, staff of the Conservancy met with City of Malibu staff to review and discuss the draft Public Works Plan. The draft Public Works Plan was revised in response to comments and letters received during the preceding hearings and meetings and the revised draft was posted on the MRCA website for public viewing on July 25, 2006, which was then followed by an additional Conservancy public hearing on June 26th where, at the motion of Mr. Seider, Conservancy Advisory Committee member representing the City of Malibu, voting on the Public Works Plan was postponed to allow further negotiation with City of Malibu and Ramirez Canyon Preservation Fund lawyers.

On June 30, 2006, Commission staff issued a letter indicating the draft Public Works Plan application could not be accepted by the Commission pending, among other things, completion of certain procedural elements including the need to conduct a hearing on the Plan in the City of Malibu.

An additional publicly noticed hearing on the draft Public Works Plan was conducted by the Conservancy on July 31, 2006 in Malibu to receive public comment. At this hearing representatives from the City of Malibu urged the Conservancy not to pursue a Public Works Plan, but rather to apply to the City for a LCP amendment.

A further public hearing was held concurrently by the Conservancy on September 18, 2006 in Agoura Hills, California, to discuss and provide direction regarding amendments to the draft Public Works Plan and submitting such at the next Conservancy meeting. At that hearing the fire management plan and an advice letter from the Attorney General's Office relative to access rights over Winding Way were also considered.

On October 23, 2006 the Conservancy held a public hearing in Malibu on the Public Works Plan, with a further staff report detailing responses to previous public comment.

Conservancy staff met with Los Angeles County Department of Parks and Recreation planning staff on October 31, 2006 to provide information on the draft Public Works Plan and to solicit the Department's comments, particularly regarding trail linkages and the County's Trail Plan (which is currently being updated as part of the County's Local Coastal Program planning process). The Office of Los Angeles County Supervisor Zev Yaroslavsky, Third District, was also provided with information on the draft Public Works Plan, including a presentation on November 9, 2006

at the quarterly Third District Parks Planning meeting with County staff, park agencies staff, nonprofit land trusts, and deputies for the Assemblymember and State Senator.

An additional public hearing was held locally in Malibu on November 20, 2006 wherein, by a majority vote, a resolution was passed amending the Public Works Plan and noticing it for final adoption.

On November 29, 2006, the Conservancy held a public hearing on the Public Works Plan. On a vote of 5-1 the Conservancy adopted the Malibu Public Parks Enhancement Plan–Public Works Plan.

B. Conservancy/MRCA Negotiations With City of Malibu

The City of Malibu continued to urge that the Conservancy to submit a LCP amendment to the City rather than pursue a Public Works Plan that would put the issue beyond the City's control and within the purview of the Coastal Commission itself. Various litigation options were discussed by all parties. On December 18, 2006 and again on January 12, 2007 the Conservancy considered litigation options in closed session. A negotiated Memorandum of Understanding and litigation stand-still agreement (together referred to as the "MOU") was tentatively accepted by the Conservancy pending further discussion with the City.

On January 22, 2007 the Conservancy took two actions required of it by the MOU: (a) The Conservancy rescinded the resolution adopting the Malibu Public Parks Enhancement Plan–Public Works Plan, and (b) directed instead that a LCP amendment be submitted to the City of Malibu.

Subsequent to these meetings, Conservancy staff and the City of Malibu met to discuss the draft Public Works Plan resulting in revision of various elements of the Plan, particularly to include Charmlee Park as a major component of the plan with new camping facilities in exchange for eliminating proposed camp facilities at Escondido Canyon Park, and to prepare and process a LCP amendment with the City of Malibu for incorporation of the Malibu Parks Public Access Enhancement Plan into the City's LCP as an Overlay District. The ensuing LCP amendment process resulted in a number of additional compromises on the Plan, described in more detail below.

C. Conservancy/MRCA's Negotiated Request for a Traditional City of Malibu LCP Amendment

The LCP amendment (07-002) was filed with the City on April 23, 2007 and the City's review process resulted in a thorough analysis by various City departments, as well as by the City Environmental Review Board during a public meeting July 25, 2007, preparation of additional technical studies and coordination on policy amendments resulting in a favorable City staff recommendation to the Planning Commission.

On October 9, 2007 the Malibu Planning Commission held a public hearing and acted to recommend approval of the LCP amendment to the City Council, subject to a number of conditions and recommendations. In response to the Planning Commission recommendations, the LCP amendment was revised in various ways but, most significantly, was revised to include 1) an extremely detailed definition of cold camps and the conditions under which cold camps would be permitted and maintained within the context of the Overlay, 2) new policies to reduce the proposed parking facilities within Escondido Canyon Park from 18 spaces (already reduced

by 10 spaces from the original Public Works Plan) to two accessible and two trailer parking spaces with acquisition of an alternative property adjacent to Latigo Canyon Road to accommodate 10 spaces, and 3) new policies requiring that all options for providing an alternative access road into Ramirez Canyon be explored and exhausted as part of the coastal development permit process for proposed Ramirez Canyon Park facility improvements to provide access to Ramirez Canyon Park and to offer a secondary means of emergency egress for Ramirez Canyon residents.

On Saturday, November 10, 2007 the City held a public information workshop at the Point Dume Community Center in Malibu to dispel misconceptions about the LCP amendment and its provisions.

On November 12, 2007 the Malibu City Council heard extensive public testimony and took a "straw-vote" on the LCP amendment. The Councils tentative decision made severe changes to the LCP amendment proposal but the Council instructed staff "to work with" the Conservancy.

On November 26, 2007 the Conservancy and Advisory Committee heard public testimony on a report of Malibu's November 12, 2007 council meeting. The Conservancy and Advisory Committee direction was clear: push forward with the LCP amendment. However, the public testimony of the President of the Ramirez Canyon Preservation Association and that of the Ramirez Canyon Homeowner's Association seemed to offer an avenue for further discussion.

On November 30, 2007 the Executive Director of the Conservancy met at Malibu City Hall with the Mayor of Malibu, the City Attorney, and the presidents of the Ramirez Canyon Preservation Fund and the Ramirez Canyon Homeowner's Association to follow-up on the possible opening for negotiation expressed by the Ramirez Canyon representatives at the Conservancy meeting.

D. City Council Decision Resulting in De Facto Denial of Proposed LCP Amendment and Submission of LCP Amendment to the Commission

The staff recommendation for the December 5, 2007 City Council was a recommendation to approve the LCP amendment with policy revisions resulting in a de facto denial of the proposed LCP amendment request. However, while the LCP amendment request was intended to increase camping opportunities in Malibu, the Council did an about-face and revised the LCP AMENDMENT to eliminate all new camping opportunities throughout the City; the request that included *fewer* uses and events at Ramirez Canyon Park as permitted by the Coastal Commission was revised by the Council to prohibit most public uses unless an alternative road to the canyon, (through ESHA and costing $8.5 million to acquire) was built; and while the LCP amendment request intended to *increase* parking at Escondido Canyon, the Council revised it to prohibit parking at the park (unless it could be provided in the County right-of-way of Winding Way and thus preserve the "meadow", an area extensively studied and found to not constitute ESHA).

In light of the daunting staff recommendation and reversal of course by the City, the Executive Director of the Conservancy sent a letter to the City Council of Malibu on December 4, 2007 requesting that the Council's December 5th hearing consider restoring to the LCP amendment application and all of the concessions the Conservancy had made so that an appeal to the California Coastal Commission could be based on the full range of options and intentions of the LCP amendment and not only the significantly reduced and scaled down version of the LCP amendment negotiated for months with City and from which the Council was making further drastic cuts.

The City Council approved a LCP amendment at the December 5, 2007 hearing; however, the LCP amendment as approved by the City Council prohibited and/or deleted a number of the primary components of the proposed Plan intended to enhance public access and recreation in the Plan area. The City's action on the proposed LCP amendment request included a prohibition on all camping facilities and uses throughout the City of Malibu (with the exception of two (2) ADA campsites proposed at Ramirez Canyon Park that would be subject to conditional use permit requirements), deletion of public parking facilities necessary to support parkland and trail access for Escondido Canyon Park, and a gross reduction of public uses of Ramirez Canyon Park (as well as the requirement to build a new access road into Ramirez Canyon from Kanan-Dume Road, which, as noted, has substantial financial, biological, and legal considerations, prior to implementing those uses at Ramirez Canyon Park). This City-approved LCP amendment was submitted to the Commission on December 28, 2007.

E. Conservancy/MRCA Submission of LCP Amendment Pursuant to Commission's LCP "Override" Procedures, the Commission's Preliminary Determination that It Qualifies, and the City's Decision to Reject the LCP Amendment

Following the December 5, 2007 action by the Malibu City Council on the proposed LCP Amendment, which essentially denied several primary components of the proposed Overlay District specifically intended to enhance public access and recreational resources, the Conservancy held a number of public hearings to discuss options for proceeding with the proposed Plan and Overlay District. Public hearings of the Conservancy were held on December 28, 2007 and January 9, 2008, respectively, in which the Conservancy acted to proceed with project planning and design for development of additions and refinements to the Malibu Park Public Access Enhancement Plan–Public Works Plan; additional project planning and design for the LCP amendment, and to authorize the Executive Director to submit a Malibu LCP amendment to the Executive Director of the California Coastal Commission pursuant to the LCP override procedures of Section 30515 of the California Coastal Act and Section 13666 *et seq.* of the Commission's regulations (Title 14, Cal. Code Regs. § 13000 *et seq.*). In taking this action, the Conservancy found that the LCP amendment as adopted by the Malibu City Council on December 5, 2007 was contrary to the action of the Malibu Planning Commission, and effectively reduced the allowed uses of public parkland, restricted access to parks owned by the Conservancy, and failed to fulfill the intent of the original Public Works Plan, contrary to the intent of the LCP amendment as proposed by the Conservancy. Additional public hearings were noticed and held by the Conservancy on January 28, 2008 and February 6, 2008, respectively, in which the agencies reiterated their support and authorization for the Executive Director to submit the LCP Amendment to the Executive Director of the Coastal Commission, finding that the amendment meets public needs of an area greater than that included within the certified Malibu LCP that had not been anticipated at the time the LCP was before the Commission for certification.

On April 15, 2008, the Conservancy submitted the proposed LCP amendment for the Malibu Parks Public Access Enhancement Plan Overlay District, with a request for a preliminary determination by the Executive Director of the Coastal Commission.

On May 15, 2008, the Commission issued a letter to both the City of Malibu and Conservancy, with notification that the Executive Director of the Commission had reviewed the subject LCP amendment request in consideration of the Commission's override procedure requirements and determined that the LCP amendment is a public works project that meets the public needs of an

area greater than that included in Malibu's certified LCP, unanticipated at the time the LCP was before the Commission for certification. The Commission's letter included the LCP amendment submittal, and notified the City that, according to Section 13666.2 of the Commission's regulations, the City had 90 days from the submittal of the amendment request to review and act upon the proposal, and that the City's failure to act within 90 days of the amendment submittal would allow the Conservancy to file the request for the LCP amendment with the Commission.

On July 14, 2008, the Malibu City Attorney announced that the Council, in closed session, unanimously voted to file a lawsuit against the Commission's Executive Director to require the Executive Director to rescind the Commission's preliminary determination as to the applicability of the LPC "override" procedures. Thereafter, the City Council held a public hearing regarding the Commission's preliminary determination as to the applicability of the LCP "override" procedures, and the Council acted pursuant to its staff's recommendation to adopt City Resolution No. 08-44, which found that "the proposed Malibu Parks Public Access Enhancement Plan Overlay District is not development subject to the LCP override provisions, reaffirms related amendments to the certified LCP Land Use Plan (LUP) now pending for certification with the Coastal Commission (MAJ-3-07) and makes findings in connection with the proposed Overlay District."

On July 15, 2008, the Conservancy submitted its proposed LCP amendment for the Malibu Parks Public Access Enhancement Plan Overlay District pursuant to Coastal Act Section 30515 and Section 13666 *et seq.* of the Commission's regulations.

Background Information

Ramirez Canyon Park

Public outreach and recreation programs, and the very presence of park support facilities including park offices, at Ramirez Canyon Park, have been the subject of intense debate, negotiation and legal battle for almost 15 years. The controversy is spurred over the Conservancy's use of previously well-developed facilities, including 5 residences and exceptionally landscaped grounds, to support a unique set of public park uses, including public outreach, event and recreation programs and park administration, irrespective of the fact that the property is owned by a public agency and zoned for public park use. While the Ramirez Canyon Park property was acquired in a built-out condition, the Conservancy has consistently exercised an understanding that certain limitations and special conditions on the type and intensity of use of the Ramirez park property may be appropriate given the site's various access, environmental and neighborhood constraints.

A. *Existing Development and Park Uses*

Ramirez Canyon Park was fully developed at the time the Conservancy accepted the donated property from Barbra Streisand in December 1993. The existing disturbed and developed nature of the property is, in fact, what lends the Park so well to supporting the unique set of public uses the Conservancy has sought for the property over the years, including limited use of existing facilities for park administrative offices. Opponents to the proposed Overlay have argued continuously that the developed nature of the property is unpermitted and that the Conservancy is responsible for "violations" of the Coastal Act related to unpermitted development on the site. Again and again, opponents have intentionally ignored a study conducted by the Conservancy, the conclusions of which were verified by Commission staff and the Commission during the Coastal Development Permit review process, that details the history of development on the property beginning with construction of the first residence in 1953. The study, prepared by LSA Associates, Inc., August 30, 2002, included a review of historic aerial photographs and legal records and documented Ramirez Canyon Park site conditions prior to 1977 (prior to establishment of the Coastal Commission and effective date of the Coastal Act in January 1977). The study concludes that all residential structures (5 total) and associated infrastructure were developed on the property prior to 1977. In addition, the existing tennis court, swimming pool, various garden pads including the existing meadow, and the retaining wall and bridge at Barwood are documented to have been developed prior to 1977. However, while most of the existing structural development of Ramirez Canyon Park was developed prior to 1977, the LSA study reports that all of the existing stream channelization of Ramirez Canyon Creek was conducted by previous property owners and only some subsequent to 1977 without the benefit of permits. The only development conducted by the Conservancy on the property was done so pursuant to an approved Coastal Development Permit, No. 4-98-334 issued by the Commission in February 2001 as described below.

B. *2001 Coastal Commission Approval of Public Uses at Ramirez Canyon Park (CDP 4-83-334)*

Opponents further choose to intentionally ignore 15 years of the Conservancy's good faith efforts to resolve issues and concerns of neighbors and the City associated with public use of

Ramirez Canyon Park. A lengthy, multi-hearing permit review process resulted in the Commission's approval of Coastal Development Permit 4-98-334 on April 12, 2000, which included strict limitations on public use in light of neighborhood concerns and required substantial improvements to the property to ensure safe and proper use of the site consistent with Coastal Act policies. The Conservancy complied with all special conditions of the permit, incurring significant costs in doing so, and the Commission on February 5, 2001 issued the coastal development permit. The approved coastal development permit provided a detailed project description for improvements, programs, and limitations for use of Ramirez Canyon Park including the following project components and conditions of approval:

- Park administrative offices for the Conservancy and MRCA.

- Ranger and/or maintenance supervisor and certified wildland firefighter residence. Ensures 24/7 presence at the facility for maintenance and public safety reasons.

- Public improvements for the riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by physically challenged in compliance with Americans With Disabilities Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas.

- Use of the Peach House and Barn facility for small group gatherings and tours for up to 40 participants each, and to a limited extent the Art Deco facility permitted to be used to greet guests or as a component of site tours.

- Events, Gatherings, Tours, Workshops, and Outreach Programs as follows:

    - 32 Special Events per Year (March through October only)
      (16 events for up to 150 guests per event, March, and August through October)
      (16 events for up to 200 guests per event, April through July)
      No more than one special event per week
    - 8 tours per month, (40-person maximum per tour) (all year),
    - 4 small gatherings per month (40-person maximum per gathering) (all year)
    - 10 outreach programs per month (proposed as a minimum, for up to 40 participants) (all year)

- Special events, group gatherings, workshops, and tours subject to the following limitations:

    - Special events: gatherings of guests numbering more than 40, permitted to occur a maximum of one day per week during the special event season, including weekends and holidays, between the hours of 8:00 a.m. and 9:00 p.m. Sunday-Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday. The event season for special events for up to 200 guests was established between April 1 and August 1, allowing such events one day per week only, including weekends and holidays. The event season for special events for up to 150 guests was established between March 1 and April 1 and between August 1 and October 31 (peak fire season; which was defined as August 1 through December 31), allowing such events one day per week only, including weekends and holidays. Additional provisions applicable to events include:

- Special events held during fire season to retain all guest van, shuttles, and drivers continuously on site during the event.
- Special events for groups of over 40 participants permitted outdoors only.
- No special events to be permitted between October 31 and March 1.
- Events, tours, or other special functions on site to be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued, and that written warnings of such policy to be provided to prospective sponsor prior to contracting for park use.

- Outreach programs designed to provide access and recreation opportunities primarily for disadvantaged youths, physically challenged visitors, and seniors permitted to be conducted year round, seven days per week from 8:00 a.m. to dusk. The programs are provided at no cost to the participants and the Conservancy provides free or low-cost transportation for participants typically consisting of up to three vans or small transit buses. A minimum of ten Outreach Programs were required to be conducted each month.

- Event Monitoring Program consisting of annual monitoring reports to be submitted to the Executive Director of the Commission by November 15th of each year. The monitoring reports include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the annual reporting period, distinguishing revenue-generating and non-revenue generating events, activities, tours, and outreach programs, and specifying the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each.

- Transportation and Parking Management Plan including components to ensure that:

  - Agreements were secured and offsite parking provisions (three private parking areas at the Church of Christ Scientist, 28635 Pacific Coast Highway; a private property in the 27400 block of Pacific Coast Highway; and the Paradise Cove Beach Cafe, 28128 Pacific Coast Highway) for groups of 200 people were identified and available at private parking locations for visitors boarding van shuttles or consolidating carpools to Ramirez Canyon Park to accommodate the maximum parking demand for the authorized uses of the park without displacing the current parking use of the designated locations.

  - No off-site public coastal access parking, including but not limited to the Winding Way Trailhead, would be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park use.

  - Daily vehicle trips associated with all authorized uses of Ramirez Canyon Park were restricted to a maximum of 80 trips each way per day (40 round trips).

  - Signage was provided at the entrance gate to Ramirez Canyon Park forbidding horn honking except in case of emergency.

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

- Emergency Access and On-Site Parking Plan developed by a licensed civil engineer and approved by the Los Angeles County Fire Department to comply with applicable State and County fire and life safety regulations. The plan requires that all vehicles at Ramirez Canyon Park use the appropriate designated parking areas identified in the approved plan and that a number of physical improvements to accessways, roads, parking, and placement of signage be implemented. These improvements include, among other things, construction of fire department hammerhead turnaround areas, road widening, installation of water tanks and back up generators on the park property, one 3000 gallon fold-a tank, one dedicated foam dispensing fire truck, and pump at caretaker's house. In addition, the Conservancy agreed to contribute annually a proportionate share of fees (generally equivalent to that normally assessed for 6 single family homes) to the neighborhood homeowners association for maintenance of Ramirez Canyon Road. Finally, as previously mentioned, the Conservancy adopted a policy to ensure that events, tours, or other special functions on site be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued, and that written warnings of such policy to be provided to prospective sponsor prior to contracting for park use.

- Septic System Abandonment/Wastewater Treatment and Recycled Water System Installation Plan developed to provide for the permanent abandonment of the old, idle septic system and leachfields located beneath the tennis court, the leachfield then serving Barwood, and of the leachfields and/or pits and septic tanks serving the Barn and Peach House Structures and installation of a new, state-of-the-art on site wastewater treatment system and recycled water reuse program, including a landscape/ orchard planting and management plan designed to maintain sufficient evapotranspiration capacity for the maximum effluent production of the site during all potential seasonal conditions. The plan also provides for the installation and maintenance on site of emergency power generators and fuel supply necessary to maintain the wastewater treatment system for at least twelve (12) hours.

- Water Quality Monitoring Program including provisions for quarterly analysis of water samples up- and down-stream of the subject site for a minimum of four quarters of available streamflow (streamflow in Ramirez Canyon Creek is intermittent), commencing with the first quarter of available streamflow following the installation of the new wastewater treatment system. The quarterly analysis of water samples shall determine fecal coliform concentration and, should the results of the one-year analysis be adverse or inconclusive, additional water quality analysis shall be performed. If the results of the water quality monitoring fail to rule out existing septic systems as a potential source of elevated fecal coliform counts downstream of Ramirez Canyon Park, a complete permit application was required to abandon the remaining septic systems and further upgrade the new wastewater treatment system to accept and treat the effluent from the ranger residence and/or the Art Deco building.

- Fire Management and Evacuation Plan developed and approved by the State Fire Marshall and Los Angeles County Fire Department, Division of Fire and Life Safety, including provisions for submittal of an annual fuel modification plan for site vegetation management and tree trimming/limbing on Ramirez Canyon Road, Delaplane Road, and Winding Way prior to the annual fire season. The plan also provides for the installation and maintenance on site of emergency power generators and fuel supply necessary to maintain emergency lighting for at least twelve (12) hours; that events, tours, or other special functions on site be cancelled when any red-flag warning for extreme weather,

fire and/or flooding is issued; and that written warnings of such policy to be provided to prospective event sponsors prior to contracting for park use.

- Wooden Bridge Reinforcement Plan to provide for bridge reinforcement of the wood bridge over Ramirez Canyon Creek next to the park to ensure the bridge could safely support a 25-ton fire engine.

- Amplified Music and Noise Restrictions provide for use of amplified music only in the meadow located immediately adjacent to and in front of Bam facility, but not allowed in any location on the park property after 8:00 p.m. Sunday through Thursday evenings or after 10:00 p.m. on Friday or Saturday evenings. Use of amplified sound requires monitoring of sound levels by park rangers and restrictions on amplified music are provided to events sponsors contracting for park use.

- Drainage and Polluted Runoff Control Plan developed for the on site roadway, turnouts, and parking areas to ensure implementation of best management practices to minimize the volume, velocity, and pollutant load of stormwater leaving the developed areas of the site, and provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development.

In addition, the Commission's review of the Ramirez Canyon Park project under Coastal Development Permit 4-98-334 confirmed the findings of the Conservancy initiated LSA Associates study that the streambed of Ramirez Canyon Creek through the property had been substantially modified and channelized by previous property owners without the benefit of permits. While the channelization occurred under prior ownership and is one small portion of a significant series of unpermitted streambed modifications throughout Ramirez Canyon, the Conservancy, as the current property owner, is responsible for seeking the appropriate permits to permit or restore the stream channel on the park property as necessary and consistent with all applicable laws. The Conservancy submitted a coastal development permit application to address the issue of streambed alterations which was never deemed complete by Commission Staff. To squarely address the issue – at least as to the portion of Ramirez Canyon Creek within its ownership, the Conservancy has spent substantial funds to complete the necessary studies and design to restore the creek within the Park. The Conservancy and MRCA LCP amendment for the Malibu Parks Public Access Enhancement Plan Overlay and the follow-on Public Works Plan anticipated will implement those studies and design for creek restoration. Stream channelization is not unique to the Conservancy's property. Many of the neighbors who raise the creek issue also have channelized the portion of Ramirez Canyon Creek downstream that extends across their properties. It is the Conservancy's hope that its pro-active efforts at creek restoration will some day cause the property owners downstream to follow suit for the benefit of wildlife and water quality.

C. Lawsuits Filed

The coastal development permit authorizing the uses at Ramirez Canyon Park was issued by the Commission on February 5, 2001, and thereafter all site improvements required by the Commission were completed by the Conservancy. During the Commission review process, however, several lawsuits were filed.

The Conservancy possesses an express easement appurtenant to its property for ingress and egress over Ramirez Canyon Road. The Ramirez Canyon Preservation Fund filed the first lawsuit against the Conservancy seeking injunctive relief and alleging that the agencies'

activities at Ramirez Canyon Park facility were overburdening the common road easement over Ramirez Canyon Road. In January 2000, the court granted the Conservancy a summary judgment, ruling that the Fund was not entitled to injunctive relief as a remedy as a matter of law.

In November 1999, during the review process the City of Malibu filed suit against the Conservancy alleging that the Conservancy was required to obtain special use permits from the City prior to holding commercial events on the Ramirez Canyon property. Ultimately, the Court of Appeal held that the Conservancy was subject to Malibu's land use regulations. (City of Malibu v. Santa Monica Mountains Conservancy (2002) 98 Cal.App.4th 1379.) The Legislature then amended the Conservancy Act to overrule that decision. (Pub. Res. Code Sections 33208 and 33211.5(d)(1), (2).)

In addition, in May 2000, the Ramirez Canyon Preservation Fund filed a separate suit for a writ of mandate, challenging the Commission's April 12, 2000 decision to approve Coastal Development Permit 4-98-334. Ultimately, on February 4, 2005, the Ventura County Superior Court granted the writ of mandate, ruling that at the time the Commission approved Coastal Development Permit 4-98-334, the Conservancy was subject to local land use regulation, and that the Conservancy should have sought approval from the City of Malibu before applying to the Coastal Commission.

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

The Conservancy filed an appeal on November 23, 2005 but, in recognizing long-standing and continued controversy in protecting public access and recreation opportunities to numerous Conservancy/MRCA owned park properties in the City, the Conservancy subsequently abandoned its appeal on April 10, 2006 to pursue an expanded public access program beyond the scope of the original Coastal Commission application for Ramirez Canyon alone, now the Malibu Parks Public Access Enhancement Plan.

Shortly thereafter, the Ramirez Canyon Preservation Fund returned to court and requested the issuance of a "post-judgment" preliminary injunction to block uses at Ramirez Canyon Park. The Court denied the relief sought.

At the same time, the Conservancy began preparation of a Public Works Plan for the Malibu Parks Public Access Enhancement Plan. On December 22, 2006, the Conservancy filed a separate lawsuit for declaratory relief to confirm its uses of the Ramirez Canyon Park. The City of Malibu cross-complained, challenging the use of a Public Works Plan for the proposed development and alleging non-compliance with CEQA. In early 2007, the Conservancy and City entered into a Memorandum of Understanding (MOU) under which the Conservancy agreed to rescind its action to approve the Public Works Plan and apply for an amendment to the City's LCP, with the following changes: (1) elimination of overnight camping at Escondido Canyon Park if camping is included at Charmlee Wilderness Park; (2) overnight camping in a program run by the Conservancy would be proposed at Charmlee Wilderness Park; and (3) an expansion of the City's shuttle service would be proposed to include Charmlee Nature Preserve, Corral Canyon Park, the Point Dume Headlands and Zuma Beach.

In March 2007, pursuant to that MOU, the parties agreed to a stipulated preliminary injunction staying the case pending final action and suspending the programmatic uses of the Park approved under Coastal Development Permit 4-98-334 (events, gatherings, tours, workshops) pending review of the LCP amendment, except for the following uses: administrative and government offices for up to 15 employees, a residential caretaker and his family, two special programs a week for disabled youth and/or for seniors, occasional employee training programs, and on-going property maintenance. Those uses and the other uses approved by the Commission under Coastal Development Permit 4-98-334 are addressed by the Conservancy's LCP Amendment which is currently before the Commission under the LCP "Override" Procedures in Section 30515 of the Coastal Act.

Escondido Canyon Park

Public recreation improvement efforts for Escondido Canyon Park have historically met with similar resistance due to neighbor concerns The Park is approximately 140 acres in size and includes the Escondido Canyon Natural Area acquired by MRCA in 1990 and the balance of the park property that was acquired by the Conservancy in 1997. The Park is mostly surrounded by privately owned land and is presently only accessible by the public via pedestrian access along a road shoulder trail on East Winding Way from a parking lot located approximately 1 mile south of the park boundary at Winding Way at Pacific Coast Highway. The trail easement was required as a condition of construction of a residents-serving water line by Los Angeles County Waterworks District.

Presently, there are very few support facilities for public use at Escondido Canyon Park, with the exception of one picnic table at the park entrance. During the 1997 acquisition of the Park, the Conservancy began planning for park improvements and initiated the permitting and environmental review process to develop a fifteen car parking lot near the existing Escondido trailhead adjacent to the terminus of Winding Way, which would have also accommodated one bus and a horse trailer pull-out. The project also included installation of two chemical restrooms, an ADA accessible trail to Escondido Creek, a water fountain, horse trough and hitching post, picnic tables, and trail improvements. A Negative Declaration was approved for the proposed project; however, strong opposition from the City of Malibu and neighbors curtailed the permitting effort and the public recreation improvements were eventually abandoned.

Corral Canyon Park

Corral Canyon Park is regionally significant in that it encompasses approximately 772-acres of coastal land in the City of Malibu and unincorporated County of Los Angeles and contains the last undeveloped coastal canyon in Los Angeles County that flows freely to the ocean (see Public Parkland Map). The property was formerly owned by Bob Hope, who in the early 1990s had County approvals to build a luxury home development and golf course in Corral Canyon. Corral Canyon Park and the trailhead were conveyed to the MRCA in 1998 and transferred to the Conservancy in early 2000.

The Corral Canyon Park trailhead contains a number of support facilities including public parking, picnic areas, restrooms, sitting benches educational displays, and hiking trails. On September 26, 2002, the Coastal Commission granted a waiver for Coastal Development Permit 4-02-072-W for the construction of trailhead and trail improvements at Corral Canyon Park. The project included construction of a 15 car public parking lot, one chemical restroom,

and a 2.5 mile loop trail through the Park. In addition, the project included an ADA accessible picnic area, an interpretive kiosk, park signage, drinking fountain, recycling bins, and an extensive native vegetation planting plan. Fortunately, given the absence of any immediate neighbors to the proposed improvement area, the Corral Canyon Park trailhead improvements were approved and developed without substantial controversy and are now available for public use at the park trailhead.

ATTACHMENT B

STATE OF CALIFORNIA–THE RESOURCES AGENCY GRAY DAVIS, Governor

SANTA MONICA MOUNTAINS CONSERVANCY
SOOKY GOLDMAN NATURE CENTER
2600 FRANKLIN CANYON DRIVE
BEVERLY HILLS, CALIFORNIA 90210
PHONE (310) 858-7272
FAX (310) 858-7212

August 11, 2000

Deputy Jeff Hartsuyker
Deputy State Fire Marshal
Department of Forestry and Fire Protection
1501 W. Cameron Avenue, C-110
West Covina, California 91790

Final Fire Access Plans for Ramirez Canyon Park

Dear Deputy Hartsuyker:

I am writing in regards to the Ramirez Canyon Park, Coastal Development Permit that the Santa Monica Mountains Conservancy is currently applying for. As you may recall, we had some interaction over this issue in December of last year. The Coastal Commission has approved our project pending some finalized details and third-party reviews. As you can see from the attached excerpt from their staff report, we are required to obtain your approval of our Final Fire Management and Evacuation Plan, prior to issuance of our Coastal Development permit.

Please find enclosed a copy of our final plan. I would request that you review this plan and if appropriate indicate your approval and any comments in the indicated space and return the plan to me in the enclosed envelope.

Thank you for your time and attention to this matter. If you have any questions in regards to this matter, please feel free to call me at (310) 858-7272 ext. 105.

Sincerely,

RHETT ROBB
Project Analyst

State of California, Santa Monica Mountains Conservancy
Ramirez Canyon Park
Fire Management and Evacuation Plan
August 1, 2000

Fire Management Policies

Public safety is the number one priority of the Fire Management and Evacuation Plan and requirements and policies have been determined accordingly. Special provisions have been made for additional requirements during the months of August, September, October November and December due to the significantly increased fire risk during those months (see attachment A).

Operation and maintenance of the site will comply with the State Fire Code.

Fuel Modification/Management Policies

Removal of flammable vegetation and modifying existing ornamental and native fuels within 200' from structures will be regularly undertaken to protect the structures from wildland fires. An effective fuelbreak extending up to 200' northeast of the Barn House and Peach House has been completed. Within the complex itself various pine and palm trees species will be thinned out and limbed up 15 to 20 feet above the ground. Palm trees will be pruned not less than once a year; all Pine trees will be removed by 2002, starting with dead or diseased trees.

All structures will conform to a minimum 100 foot clearance standard utilizing State Fire Marshal guidelines. Grass and other vegetation of less than 18 inches high and located more than 30 feet from any building or structure may be maintained to stabilize soil and prevent erosion.

Portions of any tree extending within 10 feet of the outlet of any chimney or stovepipe shall be removed as shall any dead or dying portions of trees located next to or overhanging any buildings.

Roofs shall be kept free of leaves, needles and any other vegetation. A screen of noncombustible material, with openings of not more than ½ inch, will be placed on the outlet of every operating chimney or stovepipe.

Vegetation shall be cut back, thinned out, trimmed up, and dead material removed for a minimum of 10 feet on each side of roadways.

All Oleanders adjacent to roadways shall be removed to provide better access and increased safety and visibility.

Flammable ornamentals and non-native vegetation will be removed from the large central island outside the park gates and the area will be maintained in such a condition as to be available as a fire protected "hunkerdown" area for local residents and staging area for fire emergency vehicle parking.

13 feet 6 inches of vertical vegetation clearance shall be maintained along Ramirez Canyon Road, Delaplane Road, and West Winding Way.

All required vegetation clearance shall be completed annually. Evidence of the completed clearance shall be submitted to the Los Angeles County Fire Department no later than June 15th of each year.

Safety Precautions

All exit doors shall continue to be openable from the inside without the use of key or any special knowledge.

No unpermitted uses of cords or cables is allowed in substitution for properly installed electrical outlets within the buildings and structures, as required in the State Fire Code, Title 19.

Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets. During cooking events, a minimum of 2A and 20BC extinguishers are required and will be located near the cooking setup.

All caterers or other contractors who desire to utilize tents, awnings or other fabric enclosures will be required to show proof that these materials meet the State Fire Code requirements as defined in Title 19, CCR, Chapter 2.

Access roads to the entrance gates of the site will be maintained as required by Los Angeles County Fire Department.

All wood shingle roofing (specifically, a portion of the roof of the Barwood) will be replaced with non-combustible material.

All staff located at Ramirez Canyon Park, as well as all 30 MRCA firefighters will be routinely briefed and trained regarding public safety protection, fire suppression and procedures as they relate to the Ramirez Canyon Park site. Emergency response to a fire

threatening the park will be governed by the agency fire "Red Book", appropriate section attached. (Attachment B)

On-Site Fire Protection Equipment

Fire apparatus and supplies located on site will include one fire engine with foam eductor, one eleven horse power pool pump, 125 gallons of class A foam concentrate, 350 feet of 2.5 inch hose, 600 feet of 2 inch, 1200 feet of 1.5 inch, 400 feet of 1 inch and all appropriate nozzles and appliances.

The water capacity maintained on site will total 40,250 gallons - tank capacity totaling 14,500, the pool with 25,000 gallons and the fire engine with 750 gallons. In addition, two water tanks will be placed on site, one of 4,500 gallons, one of 10,000 gallons.

All fire safety equipment shall be properly maintained at all times.
A site map with the location of firefighting equipment and supplies is attached. (Attachment C)

MRCA Training and Qualifications - A list of fire personnel is attached. (Attachment D)

Emergency generators and fuel sufficient to supply emergency power for a minimum of 12 hours shall be maintained on-site.

Evacuation Policies and Plans

All public access to the site will be canceled during "Red flag" days as designated by fire weather forecasters at the National Weather Service, or similar warning regarding flood, storm or other weather hazard. As a matter of practice, the MRCA is in daily contact with Los Angeles City Fire Department to obtain said designation.

Requirements for use of the site during the high fire season (August, September, October, November, December), include no special events of more than 150 people during the months of August, September and October and no events of over 40 people in November and December.

During the months of August, September, October, November and December, sufficient vehicle capacity for full evacuation of visitors is required on-site at all times.

All special events require the on-site attendance of three staff members. For events smaller than 100 people one ranger is included among the three. For events larger than 100 people two rangers are included. All staff members are trained in evacuation procedures and one is designated at the beginning of each event as the evacuation officer. A ranger will bring a fire patrol vehicle with a slip-on tank to all events of 100 persons or more.

Evacuation of the site will take place when the following conditions have been determined to exist by the MRCA Ranger in charge or the Los Angeles County Fire Department:

1. A wildfire is in progress in the area but is not anticipated to reach the site for at least an hour; or

2. Fire and/or police department personnel have arrived on site requesting evacuation; or

3. A fire has bypassed the area and the road has been surveyed and found safe for passage; or

4. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, evacuation is the safest and most prudent action.

In the event of evacuation, the predesignated evacuation officer will immediately make direct contact with the van drivers of the impending evacuation, provide them with a briefing on the evacuation plan and provide them with direction on the primary and secondary evacuation routes.

The evacuation officer will then notify guests using the amplified sound system that an evacuation will take place and direct them to gather as a group and then walk them single file to the entrance to the lower parking area where they will be loaded into vans.
Guests will be instructed to remain in a single file line to facilitate loading and to keep the road clear for incoming emergency vehicles.

The support service personnel (caterers, etc) will remain on site until all guests are evacuated. These personnel then will be instructed to evacuate the site using their service vehicles.

The following conditions will govern whether guests are guided by MRCA or Los Angeles County firefighting personnel to remain on-site in a designated safe area:

1. A wildland fire is burning in the general vicinity towards Ramirez Canyon Park, and is predicted to arrive in less than one hour; or

2. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, remaining in place is the safest and most prudent action; or

3. If it is determined that remaining in place is the safest action then guests shall be directed to remain in place within the Deco House.

In the event of a decision to remain in place, the predesignated evacuation officer will immediately notify guests using the amplified sound system that an emergency is taking place and direct them to gather as a group. They will then be walked in a single file line to the entrance of the Deco House utilizing the front steps. For those guests with disabilities, the handicapped accessible entrance to the house, located on the North side, will be utilized.

The evacuation officer will ensure that service personnel (caterers, drivers, etc) are also notified and that they line up with the guests.

The Deco House shall be maintained as the on-site emergency fire shelter in the event that remaining in place is determined to be the safest and most prudent action. Maintenance of the Deco House shall include keeping the asphalt roof in good repair. All windows within the structure shall be replaced with double paned glass.

X I have reviewed and approve of the Ramirez Canyon Park Fire Management and Evacuation Plan.

____ I have reviewed and do not approve of the Ramirez Canyon Park Fire Management and Evacuation Plan.

Comments: Per attached Memo.

APPROVED
FIRE AND PANIC ONLY

Pat Sanchez

SEP 26 2000 PS

CALIFORNIA DEPARTMENT OF FORESTRY
Office of the State Fire Marshal
Sierra South Region
Deputy State Fire Marshal III
Supervisor

STATE FIRE MARSHAL
SIERRA SOUTH

Attachment A
Special Provisions

The Ramirez Canyon Park Fire Management and Evacuation Plan contains special provisions during the months of August, September, October, November, and December due to the increased fire risk during this season.

Historically, major wildland fires in the Santa Monica Mountains occur during the late fall. During the period of March through July there is substantially less risk of fire. This is due to typical rainy season in March and a coastal fog patterns which usually occur in May/June. During the months of July and August winds are generally not a factor. Live fuel moisture contents during these months are typically between 70% to 80%.

In September, October, November, and December, the live fuel moisture content typically ranges between 63% and 70% (18 year average). The Conservancy conservatively defines as critical fuel moisture content as below 70%. (The L.A. County Fire Department defines as critical fuel moisture content as below 60%). Further, it is during the late fall that Santa Ana winds occur. Again, historically, the large fires in the Santa Monica Mountains have occurred in the late fall during Red Flag warnings.

Attachment B – MRCA Red Book

FIRE RESPONSE PRE-PLAN

Ramirez Canyon Park

SEND PAGE AND ACTIVATE EMERGENCY MESSAGE CENTER AS NEEDED

ALERT 1

Unknown Hazard

Southern Division	Units prepare and standby Ramirez Evacuation Officer prepare to implement evacuation plan Ramirez staff to prepare park fire engines Southern Division slip-on units move up to Temescal
Office	Operator cover phones (business hours) Alert employees, guests, and ranger residence

ALERT 2

Fire in Area

(plus actions of ALERT 1)

Southern Division	Activate radio relay at Kanan Road Activate radio relay at Temescal Temescal Engine respond to SCCS 1 slip-on respond to SCCS, 1 slip-on to Temescal Agency Rep to Fire Department command post All remaining Southern rangers respond to SCCS Evacuation Officer implement evacuation plan
Mulholland Division	Activate radio relay at San Vicente/Nike site Respond 1 supervisor Respond 3 firefighters
Northern Division	Respond 1 supervisor Move-up/stage engine at I-5 / Roscoe

ALERT 3

Threat Fire

(plus actions of ALERTS 1 &2)

Southern Division	Fully activated
Mulholland Division	Respond remaining firefighters (less 1 slip-on with firefighters)
Northern Division	Respond staged engine from I-5/Roscoe Respond remaining firefighters (less manned slip-on & engine)

RAMIREZ CANYON PARK
Building Check list

LOCK FRONT GATE OPEN – SWITCH NEXT TO GATE MOTOR

BARN – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING NORTH OF BUILDING: EMPTY CARS (WHO)_____
PERSONNEL REMAINING - _____
ADVISED TO CHECK OUT WITH - _____
TURN OFF GAS & A.C. YES NO

PEACH – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2 3 4
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING – UPPER LOT EMPTY CARS (WHO)_____
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____
TURN OFF A.C. & ELECTRICITY MAIN NEXT TO FIRE HYDRANT YES NO

BARWOOD – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING BY GARAGE: EMPTY CAR(WHO)_____
PARKING BY TENNIS COURTS: EMPTY CAR(WHO)_____
REFER TO OFFICE RECOVERY PLAN FOR DATA/CPU SAFEGUARDING.
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____ TURN OFF A.C. YES NO
TURN OFF GAS AT BRIDGE YES NO – TURN OFF ELECTRICITY AT MAIN BY TENNIS COURTS YES NO

DECO STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING BY GARAGE: EMPTY CAR (WHO)_____
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____
TURN OFF GAS YES NO - TURN OFF A.C. & ELECTRICITY YES NO

RANGER RESIDENCE – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED &
UNLOCKED
PARKING BY GARAGE: EMPTY CAR(WHO)_____
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____
TURN OFF ELECTRICITY YES NO - TURN PROPANE OFF YES NO – RANGER HAS 2 DOGS

COMPLETED BY: _____ *TIME:* _____ *DATE* _____

RAMIREZ CANYON PARK
FIRE ACTION PLAN

FIRST ON SCENE: YOU ARE THE I.C. UNTIL RELIEVED IN PERSON
ASSESS/SIZE UP & CONSIDER RESOURCES REQUIRED:
- FIRE – LAW ENFORCEMENT – RANGERS – MRCA CREW – NPS –
First Priority is safe evacuation of all people on site

CONTACT VIA PHONE:
1. LA County Fire - Call 911
2. MRCA Staff - Call (888) 562-1116 – Send message to Supervising Ranger Group
3. Walt Young - Home (310) 589-2413
4. Set emergency message center (323) 221-8900 x 121

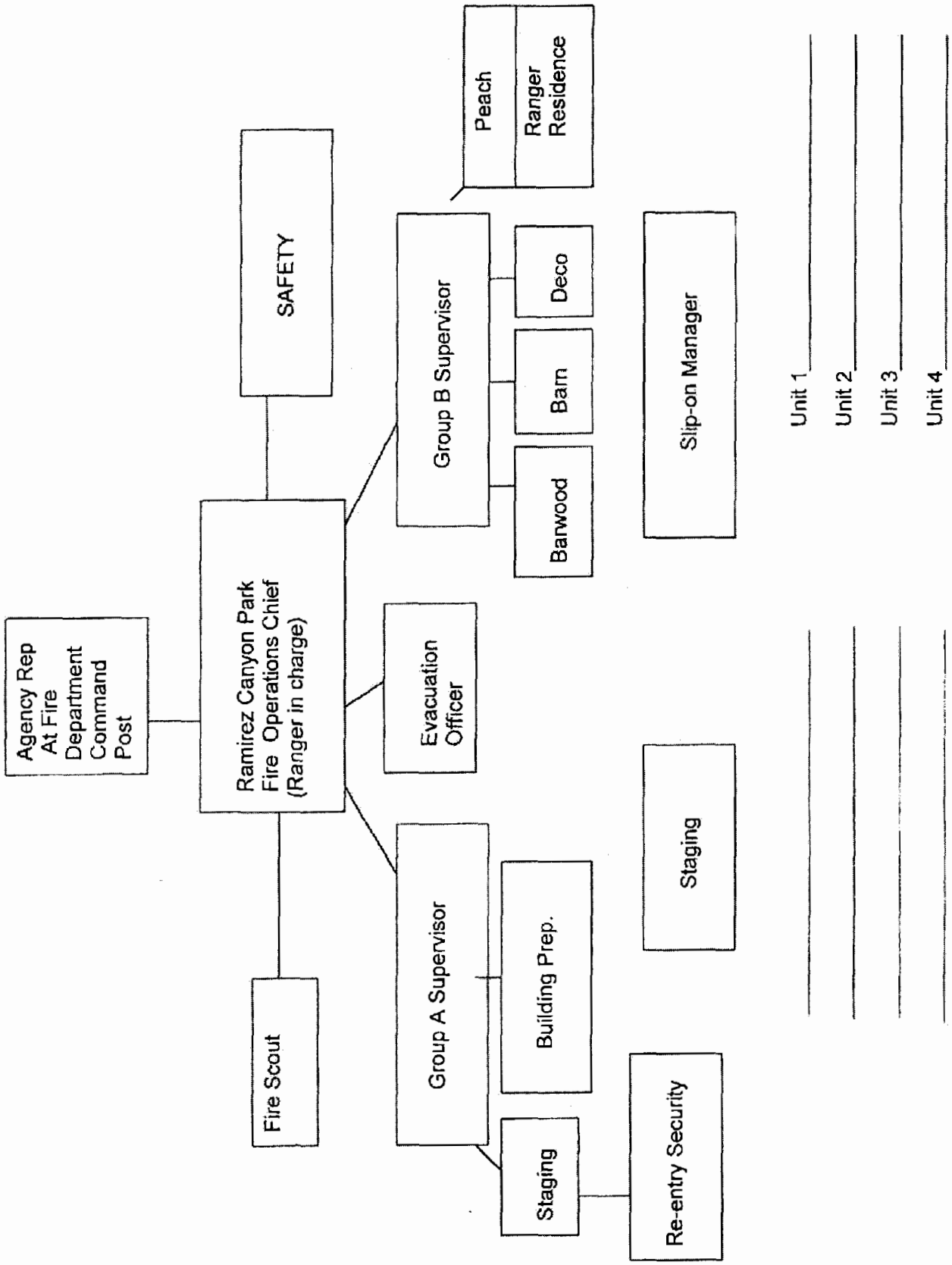
OFFICE STAFF & RESIDENTS:
1. Use truck Siren/P.A. to alert Center (wait & P.A.)
2. Use CB radio – channel 9
3. Notify Ranger house, by telephone.

EVACUATION
1. Safe evacuation of all people is number one priority
2. Implement procedures as directed by the Fire Management and Evacuation Plan
3. Designated evacuation officer implement evacuation, direct vehicles to safe route
4. Primary evacuation route – Ramirez Canyon to Delaplane to West Winding Road to PCH
5. Secondary evacuation – Ramirez Canyon to PCH

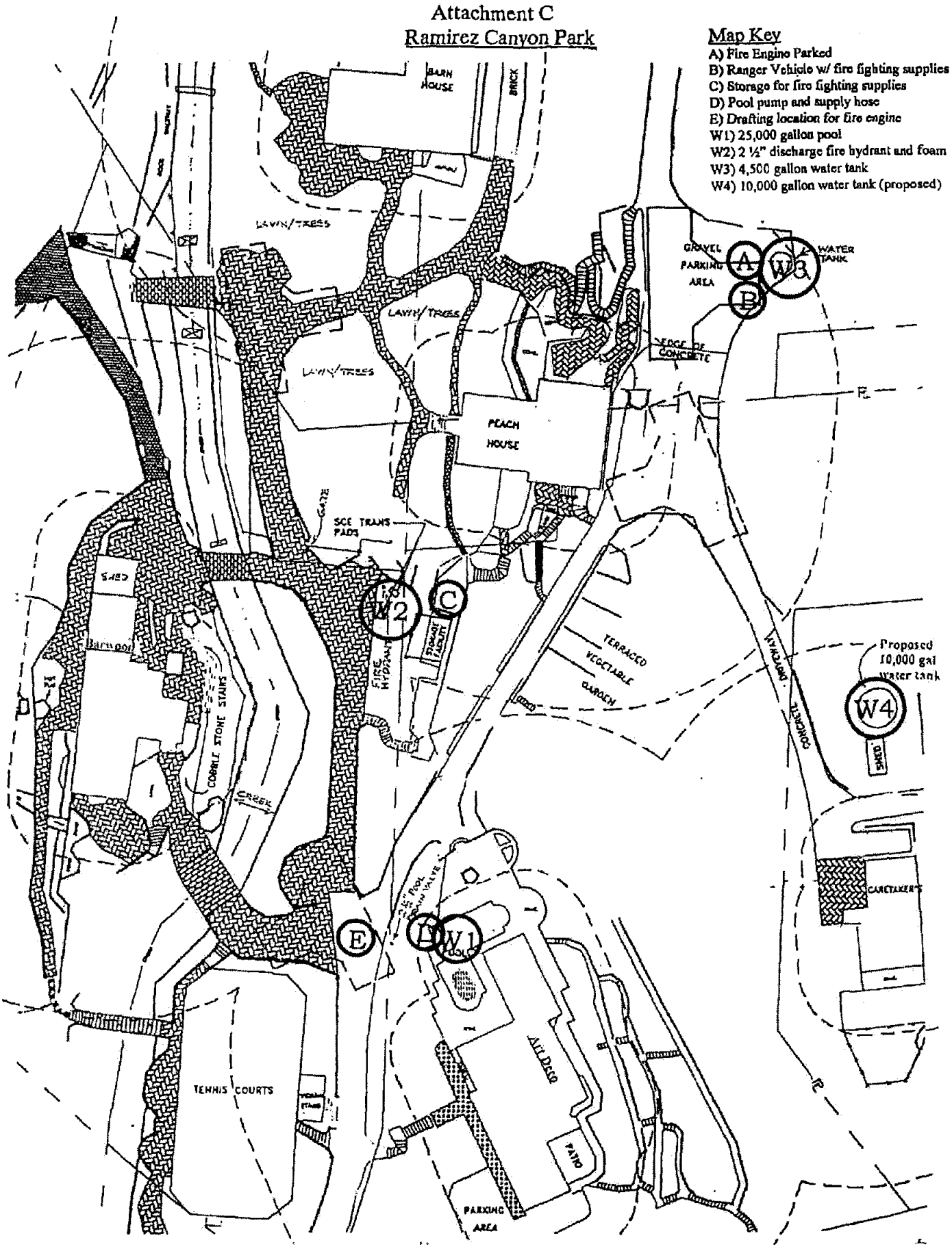
COMMAND POST – Barwood Office
1. (310) 589-3200 Fax line back-up (310) 589-3207 2. Establish CB/FM radio net (use AA batteries)
3. Radio frequency channel 5 Blackjack/channel 14
4. Move ranger vehicle to Barwood
5. Utilize Checklist forms 6. Monitor TV & News Radio

OBSERVATION POST – Kanan Road above SCCS and/or Winding Way (Helispot 71D)
1. Radio relay
2. Cell phone contact
3. Fire scouts duties

STAGING & OPERATIONS
1. Staging at Island at entrance (primary)
2. Lock gate open, switch next to motor
3. Park non-slip on units at staging area.
4. Check in at Barwood with gear for assignment.
5. "Slip-ons" Radio while en-route for assignment at PCH Ramirez.
6. Staff on-site deploy equipment and hoselines as trained


Agency Rep At Fire Department Command Post
Ramirez Canyon Park Fire Operations Chief (Ranger in charge)
SAFETY
Fire Scout
Group B Supervisor
Peach
Ranger Residence
Deco
Barn
Barwood
Evacuation Officer
Group A Supervisor
Building Prep.
Staging
Re-entry Security
Slip-on Manager
Staging
Unit 1
Unit 2
Unit 3
Unit 4

Attachment C
Ramirez Canyon Park



Attachment D
Mountains Recreation and Conservation Authority
Training and Qualifications - Fire personnel

The Mountains Recreation and Conservation Authority (MRCA) has 30 fire personnel who have completed the minimum training required by the agency as well as refresher training. This required training is :

Wildland Firefighter - National Park Services
Urban Wildland Interface - United States Forest Service
Standardized Emergency Management Systems - Office of Emergency Services
Red Cross First Aid
CPR for the Professional rescuer

In addition, senior firefighters have completed the following:

Nine firefighters have completed structure firefighting academies
Nine firefighters have completed Hazardous Materials - First Responder Operational
Seven firefighters are Emergency Medical Technicians
Six firefighters have completed Rescue Systems 1
Five firefighters have completed Incident Command System 300

MRCA Chief Ranger Young , in addition to satisfying all of the foregoing training, lives on-site in Ramirez Canyon Park and serves as the resident ranger. Chief Young has the additional following qualifications:

> 20 years with the Ventura County Sheriff Department Search and Rescue Team 3, where he held positions of Team Captain, Training Officer and Squad Leader
>
> 7 years experience with the National Park Service as a firefighter / paramedic as well as an instructor in a variety of related subjects.
>
> He has served the Mountains Recreation and Conservation Authority for six years and was appointed Chief Ranger in January 1999. As a Park Ranger, Mr. Young is a Full Time California Peace Officer, Wildland Firefighter, Emergency Medical Technician, Search and Rescue expert. He is also a licensed paramedic in the State of California.

from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

10. Final Fire Management and Evacuation Plan

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

A. Fire/Safety Review: Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit evidence to the satisfaction of the Executive Director that the State Fire Marshal and the Los Angeles County Fire Department, Division of Fire and Life Safety, have evaluated the Final Fire Management and Evacuation Plan and have determined that implementation of the Plan will achieve compliance with all applicable fire and life safety regulations, requirements, and recommendations.

B. Annual Fuel Modification: The final Plan shall incorporate the requirement that the applicant shall annually submit evidence to the Los Angeles County Fire Department, Forestry Division, that all applicable fuel modifications requirements on site, and the maintenance of the required 13 ft. 6 inches of vertical vegetation clearance along Ramirez Canyon Road, Delaplane Road, and Winding Way, have been implemented prior to the impending fire season. Such evidence shall in no case be submitted later than June 15 of the pertinent year.

C. Emergency Power Generation: The plan shall provide for sufficient emergency generator(s) and fuel to be placed on site and maintained in good working order at all times to supply emergency power to Ramirez Canyon Park for a minimum of twelve (12) hours.

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

STATE OF CALIFORNIA --THE RESOURCES AGENCY GRAY DAVIS, Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
1501 W. Cameron Avenue, Suite C-110
West Covina, California 91790

(626) 960-6441
Fax (626) 962-1676

CHRONO

November 22, 1999

Joseph T. Edmiston, AICP
Santa Monica Mountains Conservancy
STREISAND CENTER FOR CONSERVANCY STUDIES
5750 Ramirez Canyon Road
Malibu, CA 90265

Dear Mr. Edmiston:

Deputy Jeff Hartsuyker of my staff conducted a fire and life safety inspection of your facility on November 17, 1999. The following minimum state code requirements are for your reference:

Conservancy Grounds

Title 19, CALIFORNIA CODE OF REGULATIONS (CCR), Section 3.07 - CLEARANCES

(b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of **not less** than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from **30 feet to 100 feet** from such building or structure or to the property line, which ever is nearer, as may be required by the enforcing agency if he/she finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than ½ inch in size.

a. Provide brush, vegetation clearance for canyon walls and adjacent slopes on the West side.
b. Maintain vegetation clearance on East slope.
c. Cut and remove all dead Pine trees or other dead trees or limbs.
d. Maintain the above referenced code sections at all times.

Title 19, CCR, Section 563.2(a), 563.4 - ACCESSIBILITY and AVAILABILITY, INSTALLATION

Extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets.

Provide a minimum of two 2A; 20BC fire extinguishers during cooking events, to be located near cooking equipment setup.

CALIFORNIA BUILDING CODE, 1003.3.1.8 - TYPE of LOCK or LATCH

Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

Ensure exit hardware for the PEACH HOUSE is not special knowledge hardware; keys were unavailable at the time of inspection

CALIFORNIA ELECTRICAL CODE, 400-8 - USES NOT PERMITTED
Flexible cords and cables shall not be used as a substitute for the fixed wiring of a structure.

Ensure the use of extension cords is not permitted at any time.

Title 19, CCR, Section 1.14 - MAINTENANCE
Every fire alarm system or device, sprinkler system, fire extinguisher, fire hose, fire resistive assembly or any other fire safety assembly, device, material or equipment installed and retained in service in any building or structure shall be maintained in an operable condition at all times in accordance with these regulations and with their intended use.

Ensure all fire safety equipment is maintained at all times.

Title 19, CCR, Chapter 2 - Tents, Awnings and other Fabric Enclosures
Ensure all regulations are met if tents, awnings or other fabric enclosures are used for events.

Conservancy Access

Title 19, CCR, Section 3.05 - Fire Department Access
(a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

Ensure access road(s) meets minimum code requirements.

Note: L.A. County F.D. Access road approval is attached.

In summary, the STREISAND CENTER FOR CONSERVANCY STUDIES (SCCS) prepared a *Preliminary Evaluation of Fire Department Access, Wildland Fire Protection, and Evacuation* report, which was very detailed in providing information and possible solutions. This report makes many suggestions to provide adequate protection for the SCCS, some of which are not required by California State minimum code, but are excellent added protection measures.

Once it has been determined that these requirements are met, your facility will be in compliance with all adopted minimum state codes. Please feel free to contact Jeff Hartsuyker at (626) 960-6441.

Sincerely,

Patricia Sanchez

PATRICIA SANCHEZ
DSFM III Supervisor
West Covina Branch Office

cc: Ms. Barbara Carey, CA Coastal Commission
Walt Young, Chief Ranger

Jh: ps

LOCAL FIRE AUTHORITY - "ACCESS ROAD APPROVAL"

Name of Project: SANTA MONICA MOUNTAINS CONSERVANCY
Address: 5760 RAMIREZ CANYON RD.
City/State/Zip: MALIBU, CA 90265

ACCESS ROADS

Pursuant to Title 19, California Code of Regulations, Article 3, section 3.05, Fire Department Access and Egress, it is necessary to provide the California State Fire Marshal with written certification from the local fire authority that the above section is being met to their satisfaction.
Provide 20' wide minimum access, clear to the sky.

Local Fire Authority: County of Los Angeles Fire Department
Address: 23533 W. Civic Center Way
City/State/Zip: Malibu, CA 90265-4804

Approval issued by: James O. Jordan
Rank/Title: Fire Captain
Phone Number: (310) 317-1351
Date: 11/22/99

Please return this form with all sections filled in completely. Without this form, California State Fire Marshal approval may be delayed. If you have any questions, please contact the California State Fire Marshal's office at (626)960-6441.

CSFM File Number (completed by CSFM):

Fire Department Connection Location.

Fire Hydrant Location:

Fire Alarm Annunciator Location:

Fire Alarm Control Panel:

Knox Box Location:

State of California, Santa Monica Mountains Conservancy
Ramirez Canyon Park
Fire Management and Evacuation Plan
August 1, 2000

Fire Management Policies

Public safety is the number one priority of the Fire Management and Evacuation Plan and requirements and policies have been determined accordingly. Special provisions have been made for additional requirements during the months of August, September, October and November due to the significantly increased fire risk during those months (see attachment A).

Operation and maintenance of the site will comply with the State Fire Code.

Fuel Modification/Management Policies

Removal of flammable vegetation and modifying existing ornamental and native fuels within 200' from structures will be regularly undertaken to protect the structures from wildland fires. An effective fuelbreak extending up to 200' northeast of the Barn House and Peach House has been completed. Within the complex itself various pine and palm trees species will be thinned out and limbed up 15 to 20 feet above the ground. Palm trees will be pruned not less than once a year; all Pine trees will be removed by 2002, starting with dead or diseased trees.

All structures will conform to a minimum 100 foot clearance standard utilizing State Fire Marshal guidelines. Grass and other vegetation of less than 18 inches high and located more than 30 feet from any building or structure may be maintained to stabilize soil and prevent erosion.

Portions of any tree extending within 10 feet of the outlet of any chimney or stovepipe shall be removed as shall any dead or dying portions of trees located next to or overhanging any buildings.

Roofs shall be kept free of leaves, needles and any other vegetation. A screen of noncombustible material, with openings of not more than ½ inch, will be placed on the outlet of every operating chimney or stovepipe.

Vegetation shall be cut back, thinned out, trimmed up, and dead material removed for a minimum of 10 feet on each side of roadways.

All Oleanders adjacent to roadways shall be removed to provide better access and increased safety and visibility.

Flammable ornamentals and non-native vegetation will be removed from the large central island outside the park gates and the area will be maintained in such a condition as to be available as a fire protected "hunkerdown" area for local residents and staging area for fire emergency vehicle parking.

13 feet 6 inches of vertical vegetation clearance shall be maintained along Ramirez Canyon Road, Delaplane Road, and West Winding Way.

All required vegetation clearance shall be completed annually. Evidence of the completed clearance shall be submitted to the Los Angeles County Fire Department no later than June 15th of each year.

Safety Precautions

All exit doors shall continue to be openable from the inside without the use of key or any special knowledge.

No unpermitted uses of cords or cables is allowed in substitution for properly installed electrical outlets within the buildings and structures, as required in the State Fire Code, Title 19.

Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets. During cooking events, a minimum of 2A and 20BC extinguishers are required and will be located near the cooking setup.

All caterers or other contractors who desire to utilize tents, awnings or other fabric enclosures will be required to show proof that these materials meet the State Fire Code requirements as defined in Title 19, CCR, Chapter 2.

Access roads to the entrance gates of the site will be maintained as required by Los Angeles County Fire Department.

All wood shingle roofing (specifically, a portion of the roof of the Barwood) will be replaced with non-combustible material.

All staff located at Ramirez Canyon Park, as well as all 30 MRCA firefighters will be routinely briefed and trained regarding public safety protection, fire suppression and procedures as they relate to the Ramirez Canyon Park site. Emergency response to a fire

threatening the park will be governed by the agency fire "Red Book", appropriate section attached. (Attachment B)

On-Site Fire Protection Equipment

Fire apparatus and supplies located on site will include one fire engine with foam eductor, one eleven horse power pool pump, 125 gallons of class A foam concentrate, 350 feet of 2.5 inch hose, 600 feet of 2 inch, 1200 feet of 1.5 inch, 400 feet of 1 inch and all appropriate nozzles and appliances.

The water capacity maintained on site will total 40,250 gallons - tank capacity totaling 14,500, the pool with 25,000 gallons and the fire engine with 750 gallons. In addition, two water tanks will be placed on site, one of 4,500 gallons, one of 10,000 gallons.

All fire safety equipment shall be properly maintained at all times.
A site map with the location of firefighting equipment and supplies is attached. (Attachment C)

MRCA Training and Qualifications - A list of fire personnel is attached. (Attachment D)

Emergency generators and fuel sufficient to supply emergency power for a minimum of 12 hours shall be maintained on-site.

Evacuation Policies and Plans

All public access to the site will be canceled during "Red flag" days as designated by fire weather forecasters at the National Weather Service, or similar warning regarding flood, storm or other weather hazard. As a matter of practice, the MRCA is in daily contact with Los Angeles City Fire Department to obtain said designation.

Requirements for use of the site during the high fire season (August, September, October, November, December), include no special events of more than 150 people during the months of August, September and October and no events of over 40 people in November and December.

During the months of August, September, October, November and December, sufficient vehicle capacity for full evacuation of visitors is required on-site at all times.

All special events require the on-site attendance of three staff members. For events smaller than 100 people one ranger is included among the three. For events larger than 100 people two rangers are included. All staff members are trained in evacuation procedures and one is designated at the beginning of each event as the evacuation officer. A ranger will bring a fire patrol vehicle with a slip-on tank to all events of 100 persons or more.

Evacuation of the site will take place when the following conditions have been determined to exist by the MRCA Ranger in charge or the Los Angeles County Fire Department:

1. A wildfire is in progress in the area but is not anticipated to reach the site for at least an hour; or

2. Fire and/or police department personnel have arrived on site requesting evacuation; or

3. A fire has bypassed the area and the road has been surveyed and found safe for passage; or

4. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, evacuation is the safest and most prudent action.

In the event of evacuation, the predesignated evacuation officer will immediately make direct contact with the van drivers of the impending evacuation, provide them with a briefing on the evacuation plan and provide them with direction on the primary and secondary evacuation routes.

The evacuation officer will then notify guests using the amplified sound system that an evacuation will take place and direct them to gather as a group and then walk them single file to the entrance to the lower parking area where they will be loaded into vans. Guests will be instructed to remain in a single file line to facilitate loading and to keep the road clear for incoming emergency vehicles.

The support service personnel (caterers, etc) will remain on site until all guests are evacuated. These personnel then will be instructed to evacuate the site using their service vehicles.

The following conditions will govern whether guests are guided by MRCA or Los Angeles County firefighting personnel to remain on-site in a designated safe area:

1. A wildland fire is burning in the general vicinity towards Ramirez Canyon Park, and is predicted to arrive in less than one hour; or

2. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, remaining in place is the safest and most prudent action; or

3. If it is determined that remaining in place is the safest action then guests shall be directed to remain in place within the Deco House.

In the event of a decision to remain in place, the predesignated evacuation officer will immediately notify guests using the amplified sound system that an emergency is taking place and direct them to gather as a group. They will then be walked in a single file line to the entrance of the Deco House utilizing the front steps. For those guests with disabilities, the handicapped accessible entrance to the house, located on the North side, will be utilized.

The evacuation officer will ensure that service personnel (caterers, drivers, etc) are also notified and that they line up with the guests.

The Deco House shall be maintained as the on-site emergency fire shelter in the event that remaining in place is determined to be the safest and most prudent action. Maintenance of the Deco House shall include keeping the asphalt roof in good repair. All windows within the structure shall be replaced with double paned glass.

- I have reviewed the Ramirez Canyon Park Fire Management and Evacuation Plan and approve of the plan.

Fire Captain
LA Co Fire

- I defer review of his plan to the Office of the State Fire Marshal.

_____

Comments:_____

_____

_____

ATTACHMENT C

MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN OVERLAY ALTERNATIVES ANALYSIS

For

SANTA MONICA MOUNTAINS CONSERVANCY
Los Angeles River Center & Gardens
570 West Avenue Twenty-Six, Suite 100
Los Angeles, CA 90065
(323) 221-8900

And

MOUNTAINS RECREATION & CONSERVATION AUTHORITY
570 West Avenue 26, Suite 100
Los Angeles, CA 90065
(323) 221-9944

Prepared By

Dudek
621 Chapala Street
Santa Barbara, CA 93101
(805) 963-0651

May 2009

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A ATE Traffic Memo, dated 5/26/09

Malibu Parks Public Access Enhancement Plan Overlay Alternatives Analysis

1. INTRODUCTION

Section 13666.4 of the Coastal Commission's Regulations requires that the Commission make certain findings in approving the Conservancy/MRCA LCP amendment "override." Section 13666.4(a) requires a finding that "development meet a public need of a geographic area greater than that included within the certified LCP." Section 13666.4(a)(3) also requires that the Commission find that "if significant adverse environmental impacts have been identified, reasonable alternatives have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging way to meet the public need. If development will have no significant adverse environmental impact, findings shall be included which support that conclusion."

Consistent with Section 13666.4(a)(3) of the Commission's Regulations, the following is a discussion of the public need for the public access and recreational resources addressed by the subject LCP amendment request, coupled with an assessment of reasonable and other recommended "alternatives" to the proposed LCP amendment that supports the finding that there is no feasible less environmentally damaging alternative that meets the public need.

The alternatives analysis provides responses, where determined appropriate and applicable, to the statements offered by the Ramirez Canyon Preservation Fund (RCPF) in their letter to the Commission of December 23, 2008, and a report prepared by SAIC (Analysis of Issues Relating to Application by the Santa Monica Mountains Conservancy for a Local Coastal Program Amendment Override, December 2008) referenced in the RCPF letter to support their arguments opposing the Conservancy/MRCA LCP amendment. For purposes of assisting the Commission with considering findings for Section 13666.4, the alternatives analysis also assumes that significant adverse environmental impacts could occur from future implementation of the public programs and improvements contemplated in the requested LCP amendment, although there is no evidence that suggests this would be the case, and therefore represents a reasonable worst-case analysis of potential alternatives and mitigation measures that could lessen any perceived potential impacts.

As opposed to the deficient presentation of "alternatives" provided by the RCPF and SAIC report, which identify NO alternative locations for the proposed parkland improvements within the City of Malibu and only one that is located in the Coastal Zone at the inland/coastal zone boundary, the alternative analysis below includes a good faith effort to identify reasonable alternatives that would meet, at least in part, the public need and thus the purpose and intent of the LCP amendment.

It must be noted that there is no specific development proposal being considered at this time. The Conservancy/MRCA LCP amendment merely requests that the Malibu Parks Public Access Enhancement Plan Overlay (Overlay) be incorporated into the Malibu

LCP to provide the policy framework to develop and implement future plans for public parkland improvements. As such, there is no need or requirement to provide for site-specific, quantitative analysis of potential impacts of any development proposal addressed in the Overlay. Rather, the analysis must consider if the proposed Overlay could result in new LCP policies or development standards that could create a previously unavailable opportunity and entitlement avenue for facilitating new development that could result in significant adverse environmental impacts. Should the Overlay be certified, future implementation of the parkland improvements included in the Overlay would require preparation of project-specific plans and design details, site-specific environmental data, and completion of environmental impact analysis as part of the applicable environmental review process.

It must be further noted that, although this alternatives analysis has been prepared to assist the LCP amendment process, there is absolutely no reasonable argument that the proposed Overlay, in and of itself, could result in significant adverse environmental impacts. This is true not only because there is no physical development that would cause a change in environmental conditions being requested or considered at this time, but also because the public improvements being considered in the Overlay are already allowed under the existing LCP. Trails, camping, public parking areas and other parkland support facilities (including park offices), and public gatherings/programs are primary permitted uses at the parklands included in the Overlay[1]. Permitted parkland uses under the current LCP are discussed in more detail in the following sections. While design details, specific improvement locations, mitigation measures, policy consistency analysis and conditions of approval would all be considered and evaluated for any future development proposal for the permitted parkland uses (as would be the case for future implementation of the Overlay improvements), the basic parkland use and facilities being considered here have the same potential to impact environmental resources as those uses and facilities presently allowed under the current LCP. The Overlay simply serves to supplement existing LCP policies and implementation measures to enhance and expedite potential future coastal public access and recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and thus carry out the public access and recreation goals of the certified LCP and the Coastal Act.

In fact, the proposed Overlay would better ensure that parkland uses presently permitted by the Malibu LCP, if subject to the Overlay, would lessen the potential that significant adverse environmental impacts would result from future project implementation. This is because the Overlay contemplates parkland uses and facilities at specific parklands that have been extensively studied for purposes of preparing conceptual parkland improvement plans to gain a thorough understanding of the access and recreation demands, the resource and environmental issues possibly affecting public use of the parks. For this reason, the Overlay includes a set of site-specific

[1] The basis for the conclusion regarding currently allowed parkland uses and facilities under the current LCP is discussed and presented in more detail in documentation included in the Conservancy/MRCA LCP amendment submittal Policy Consistency Analysis.

policies for specific improvements that go way beyond the certified LCP in requiring and directing location and design detail, use limitations and outright restrictions to ensure that, even at the policy level, issues of potential environmental impacts are addressed and mitigated within the policy framework of the Overlay. As such, in the case of the proposed Overlay, disapproval of the Conservancy/MRCA proposed LCP amendment (the "No Action" Alternative), would potentially result in greater environmental impacts than would occur if the proposed Overlay is certified.

Nevertheless, the Conservancy/MRCA offer the following alternatives analysis in response to comments received on the proposed LCP amendment to provide additional information to support the Commission's findings required pursuant to Section 13666.4 of the Coastal Commission's Regulations, working under the assumption that it can be found that potentially significant adverse environmental impacts have been identified. The potential environmental impact issues considered herein would only be pertinent if and when the Conservancy/MRCA bring forward a specific development proposal, at which point potential adverse environmental impacts would be analyzed pursuant to the applicable environmental review process.

2. PUBLIC NEED FOR RECREATIONAL RESOURCES THAT EXTENDS TO AN AREA GREATER THAN THAT COVERED BY MALIBU'S LCP

Many of the comments received in opposition to the Conservancy/MRCA proposed LCP amendment lack a general understanding of the collective mission of the Conservancy and MRCA, which strive to preserve, protect, restore, and enhance lands of Southern California, and to create an interconnected system of parks, open space, trails, and wildlife habitats that are easily accessible to the general public. The mission is applicable to all Conservancy/MRCA-owned parklands and, just as the Legislature recognizes that "the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem" (Coastal Act Section 30001), so do the Conservancy/MRCA recognize the need to preserve, protect, restore, and enhance their coastal parklands for the benefit of coastal resources and in the interest of all people.

Section 33001 of the Santa Monica Mountains Conservancy Act (Division 23, Public Resources Code) provides.

> The Legislature hereby finds and declares that the Santa Monica Mountains Zone, as defined in Section 33105, is <u>a unique and valuable</u> economic, <u>environmental</u>, agricultural, scientific, educational, and <u>recreational resource</u> that should be held in trust for present and future generations; that, as the last large undeveloped area contiguous to the shoreline within the greater Los Angeles metropolitan region, comprised of Los Angeles and Ventura Counties, it provides essential relief from the urban environment; that it exists as a single ecosystem in which changes that affect one part may also affect all other parts; and that the

preservation and protection of this resource is in the public interest. [Emphasis added.]

The proposed LCP amendment submittal is clear: the Conservancy/MRCA seek to provide public access and recreation opportunities at their coastal parklands for an area much broader than just the City of Malibu, including the entire Los Angeles region and those that may come to enjoy the California coast from far greater distances. The need and demand for public recreation at Conservancy/MRCA parklands can not be focused nor determined by the residents of Malibu alone, but the roughly 17 million people that live and work within the Los Angeles area and visitors seeking coastal recreation throughout California and the Nation. As such, the demand for public recreation at coastal parklands must take into account the lack of existing facilities within the Santa Monica Mountains and Malibu region, and the history of conflict surrounding attempts to improve park facilities within Malibu for visitors, when determining appropriate future uses within the Conservancy/MRCA parklands.

The proposed LCP amendment is intended to address issues associated with growing visitation and demands for outdoor recreational opportunities in the Coastal Zone of the Santa Monica Mountains and Malibu area. Unfortunately, the City of Malibu has a long history of conflict related to meeting the Coastal Act mandate of protecting and enhancing public access and recreational resources. In recognition of this ongoing conflict, the Commission certified the City's LCP which describes the various factors that have historically limited public access opportunities in the Malibu region:

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

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

2.1. Need for Public Access and Recreation Trail Resources

There is no doubt that population growth and decades of private development in the coastal area of Malibu have and will continue to result in substantial loss of public access and recreational opportunities. Previously open lands, beaches, and historic trails have become developed and, as population has continued to grow in the region, more people seek use of the dwindling supply of such resources. In addition, many necessary support facilities for recreation have been affected as available public transit, parking, restrooms, and other amenities become overburdened and/or are difficult to accommodate given the shrinking supply of land available to provide for such facilities.

It is important to note that the public shoreline access and recreation policies of the Coastal Act and Malibu LCP are not separate and distinct, but are interrelated and often necessarily dependent policies. These are implemented together to meet an ever-increasing demand for public access and recreation opportunities throughout upland and shoreline areas of the coastal zone. This is reflected in the certified Malibu LUP, which addresses coastal access in terms of physical supply including *"lateral access (access along a 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".*

In response to widespread public demand and support for recreation opportunities, several agencies have spent decades planning for an expansive trail system for the Malibu coastal zone and larger Santa Monica Mountains National Recreation Area, major components of which cross and potentially connect the parklands addressed in the Overlay. This trail system includes the Backbone Trail, a primary trail corridor traversing a variety of public parklands along the coast north of the City from urban areas of Los Angeles County to the east, past Topanga State Park and on to Point Mugu State Park in Ventura County to the west. Various inland connector trails link urban areas (such as Santa Monica, the San Fernando Valley and Simi Valley) with the trail corridors and parklands of the Santa Monica Mountains National Recreation Area from which one could ultimately gain access to the shoreline. Implementation of the proposed Overlay trail system and support facility improvements is critical to completing and supporting access to the Coastal Slope Trail within the City of Malibu, and its ultimate connection to the Backbone Trail that will provide access to and between adjacent urban areas of Los Angeles County and Ventura County, the larger Santa Monica Mountains National Recreation Area, and the shoreline within the City of Malibu.

In an effort to keep up with existing and increasing demand for recreational resources in Malibu and the Santa Monica Mountains coastal area, and consistent with the access and recreation policies of the Coastal Act, the Coastal Commission has for decades implemented the Coastal Access Program Offer to Dedicate (OTD) program in the area. The Overlay's trail improvement program addresses existing and planned alignments of various trails through the Overlay area based on trail planning data gathered from the National Park Service (NPS), the City of Malibu LCP and the City's Trail Master Plan. Segments of these trails currently exist, but large portions are incomplete and a number

of trail OTDs intended to accommodate the trails remain unimproved. There are a number of opportunities to improve the recorded trail OTDs and thereby fill a number of "missing links" in the trail system and thereby increase and expedite creation of the recreation resources intended.

2.2. Need for Coastal Camping

The SAIC report's initial assumptions and conclusions regarding the public need for the recreation improvements included in the Overlay are fundamentally flawed. SAIC states that because the Conservancy/MRCA's proposed conceptual plans for coastal camping do not include direct beach or shore access, the list of campgrounds and beaches included in the LCP amendment submittal's Public Access and Recreation – Current Demand and Proposed Overlay Goals document does not support a rationale for the additional coastal camping opportunities contemplated in the Overlay.

The RCPF and SAIC overlook important points conveyed very clearly in the LCP amendment submittal. First, Corral Canyon Park does indeed have direct access to the shoreline at Dan Blocker Beach. While it is true that Ramirez Canyon Park and Escondido Canyon Park do not presently have direct access to the shoreline, the Conservancy/MRCA programs and improvements included in the Overlay would facilitate implementation of the regionally important Coastal Slope Trail which, when completed, would link all of the proposed camping areas via access along a specific trail system, decades in the making, that would achieve access from the Conservancy/MRCA parklands to the shoreline via Corral Canyon Park. In addition to the heavily influenced coastal climate that would provide a unique visitor-serving experience in the Malibu, the proximity of the parkland camping areas to the shoreline, planned in conjunction with the comprehensive trail improvement program, would enhance public access opportunities to public parklands and the shoreline, a basic objective and key element of the proposed LCP amendment that simply cannot be achieved with improvements to "alternative" inland park areas suggested by the SAIC report as alternative locations. Beyond shoreline access, Section 30223 of the Coastal Act, which provides the Coastal Act policy support for the Commission's inland trail program that would be implemented by the proposed LCP amendment, further underscores that "Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." (See also Letter from Laurie C. Collins, Conservancy Chief Staff Counsel to CCC, dated May 14, 2009, pp. 27-28.)

The SAIC report goes on to recognize that most popular campgrounds in California are at or near capacity during peak times, but argues that the LCP amendment submittal is unclear with respect to why new low-cost camping facilities are contemplated in the City of Malibu. To the contrary, as explained below, the unmet public demand for camping resources along the coast and high/exceeding use capacity statistics (particularly for coastal campgrounds) are well documented, and State Parks reports it is unable to keep up with the growing demand for camping. It is for those reasons, that the Conservancy/MRCA are proposing camping opportunities in Malibu.

California State Parks data relative to existing demand for public camping facilities in areas in the same region of Malibu demonstrate a significant unmet demand for camping opportunities. In 2007, State Parks personnel reported that the months of June, July and August experienced a 107.4% capacity for camping at the Leo Carrillo, Malibu Creek, Point Mugu and Thornehill Broome campgrounds located in County jurisdictions (the extra 7.4% attributed to overflow camping and group camping; State Parks email, November 2, 2007).

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

> *The California State Parks system has not stayed abreast with the demand for peak-season camping as the population has grown. There is a high unmet demand for camping outdoor opportunities in California. Changes in California's demography, coupled with growing tourism, have created unprecedented demand for more camping opportunities. The demand for all campsites at State Parks grew by approximately 13% between the years 2000 and 2005.*
>
> *California's state parks are the most heavily visited of any state park system in the nation. Some facilities are at capacity. Coastal beaches and campgrounds, for example are the most heavily used state parks. State Parks coastal campsites are at or near capacity during the spring, summer and fall months, with thousands of potential visitors turned away. Demand is so high that if the Department were to add 325 camp sites a year, it would not keep up with requests. (The State Park System Plan 2002, Part I: A System for the Future, www.parks.ca.gov/?page_id=24512).*

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

As it questions the rational for seeking to provide additional camping resources, particularly in Malibu, the SAIC document sites that there are nearly 1,000 group and family camp sites within approximately one hour of Malibu. The statement is misleading since many of the areas cited are not open year round, but are seasonal and are much more than an hour away from this part of the coast. In addition, the analysis does not discuss how the so called 1,000 campsites meet current demand for outdoor recreation camping, especially the demand for coastal camping, but only provides a list of campgrounds within 200 miles of the Malibu area.

The Conservancy and MRCA believe that providing new low-cost camping opportunities is a critical component to meeting an unmet demand for public access and recreation opportunities in the Coastal Zone as current trends in the market place and along the coast provide a clear challenge to developing and maintaining lower-cost overnight accommodations that are in high demand to serve various types of visitors. For this reason, one of the primary components of the Overlay is the specific provision of low-cost overnight camping in the Malibu coastal area.

Currently, there are very few, if any, camp facilities in the Santa Monica Mountains designed with the specific objective of accommodating individuals with disabilities. As such, the Overlay District provides for fully accessible camps facilities in each park area considered for campsite development. In addition, the Overlay District will establish the Malibu Parks Affordable Access Fund, supported by net proceeds of special event uses at Ramirez Canyon Park, to fund the Malibu Coastal Camping Program. It is anticipated that each special event at Ramirez Canyon Park would yield approximately $1,000 of net proceeds, and could therefore fund approximately 20 participants in one overnight program event. The camping experience funded by the Malibu Parks Affordable Access Fund is designed to provide urban, disadvantaged youth with their first overnight camping experience.

Camping at Corral Canyon Park and Escondido Canyon Park would provide unique visitor-serving experiences in the Malibu area by providing smaller campsites close to both coastal canyon habitat and the beach, and with little development disturbance or activities. The only other existing camp areas in Malibu and other nearby areas of the Santa Monica Mountains are larger campgrounds that inherently generate more disturbance from foot traffic and vehicles (e.g., noise and light associated with vehicles coming and going, noise associated with car doors shutting, etc.). As opposed to "car camping" in larger campsites in the region, the campsites proposed at Corral Canyon Park and Escondido Canyon Park would be smaller and easily accessible by a short walk. The camp areas would be removed from the noise, foot traffic, and presence of cars and asphalt and thus the serenity and solitude of nature could be experienced, similar to a "backpacking" experience, but with only a short hike from primary park access points. The proposed Corral Canyon and Escondido Canyon campsites would provide an opportunity to experience wilderness and natural habitat more readily than backpacking, and at a smaller scale compared with all other area campgrounds. The lack of distractions would make for a unique natural experience, yet the minimal scale of

the proposed camp areas would be less likely to disturb local wildlife. It is expected that proposed camp areas in Corral Canyon Park and Escondido Canyon Park would be relatively quiet in all respects and more likely to remain so during the course of the night. In addition, as campfires are prohibited, the associated distractions (e.g., smoke, burned out coals, etc.) would be avoided. Visitors travelling up and down the coast could experience an amazing opportunity to camp, hike, enjoy nature, and visit the beach. In addition, at Corral Canyon Park, visitors would have easy access to local eateries. By allowing campers at Corral Canyon Park and Escondido Canyon Park to reserve campsites onsite, there would be visitor-serving flexibility to take advantage of a high-quality, low-cost and unique camping experience.

Ramirez Canyon Park would also provide visitors a unique camping experience, unlike other camping opportunities in the area. Campsites at Ramirez Canyon Park would also be small and accessible by a short walk, with fewer disturbances that are found at larger, car camping sites. The Ramirez Canyon Park campsites would also be close to coastal canyon habitat and the beach. Campers at Ramirez Canyon Park could enjoy observing the beautiful landscaping/gardens and architecture of this developed compound, as well as the surrounding native vegetation, adjacent creek, and local wildlife. The existing amenities at the park (e.g., picnic areas, sitting benches, riparian area interpretative trail) would contribute to this unique camping experience.

2.3. Need for Recreation Facilitates for Visitors with Disabilities

The RCPF and SAIC correspondence includes several comments regarding the accessible features of the proposed Overlay, but it appears the authors must not have had the benefit of the various submittal materials addressing these features. The proposed Overlay provides for expansion of recreational opportunities at existing park facilities to serve a variety of visitors, whenever feasible and consistent with safety needs and constraints of natural parklands. The Overlay provides that proposed park improvements enhance accessibility, wherever feasible and consistent with public safety and resource protection policies, thus park improvements have been conceptually designed for location, size and program implementation consistent with the recommended guidelines for the universal design of trails and trail facilities as described in a study prepared specifically for the parklands included in the Overlay (Moore, Iacofano, Goltsman, Inc. Study, 2006).

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

provide facilities and outreach programs intended to accommodate this population.

In making public parkland facilities maximally accessible, the Conservancy and MRCA have developed the Overlay with specific provisions for accessibility while remaining sensitive to circumstances in which conventional accessibility modifications may adversely affect the natural character of park areas. In these situations, the Overlay proposes to incorporate the recommended guidelines for the universal design of trails and trail facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG), dated June 2006, into all plans for parkland facilities, where feasible. These guidelines provide design specifications and alternative regulations to facilitate access and use by persons with disabilities to structures and natural park properties.

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

2.4. Need for Recreation Support Facilities

The public access and recreation demand of the region can only be met where adequate facilities exist to support recreation. For the Conservancy/MRCA parklands in region, this is best accomplished by linking and integrating natural parks via trail linkages, public transportation, and/or thematically via public programs and events, and providing adequate support facilities to make certain residents, visitors and recreationists can reach and enjoy these public resources. Given the diversity of parklands included in the Overlay area, and the unique and varying degree of available amenities and opportunities to develop new amenities at the parklands, the Overlay similarly has the opportunity to provide for a varying degree of public access and recreation opportunities unique to each park property. These policies may be further implemented by developing necessary park support facilities within park boundaries to ensure access and recreation goals are achieved by providing facilities for parking, visitor restrooms, park staff housing, and facilities to support program operations and park maintenance, as appropriate.

The physical supply of public access and recreational resources (trails, parklands, camping facilities, etc.) is a primary factor in securing access and recreational opportunities. However, a number of other elements affecting access and recreational opportunities include 1) the availability of public transit, 2) parking availability, 3) provisions for support facilities such as restrooms and picnic areas, 4) addressing user demands and conflicts, and 5) the availability of personnel facilities necessary to support daily operations, maintenance needs for parklands, and public programs intended to provide a diversity of coastal access and recreation opportunities. The Malibu LCP provides numerous policies that apply specifically to trail development for

public access and recreation purposes, which must be supported by provision of adequate support facilities such as parking, trash receptacles, restrooms, picnic areas, etc.

Existing and proposed support facilities provided for in the proposed Overlay are those facilities deemed necessary to support the primary permitted land use, in this case public access and recreation, research and education, and nature observation. The type of support facilities addressed at each park facility is based on the level and complexity of public uses and specialized programs offered at each park area. Ramirez Canyon Park, given its unique character, relatively built-out condition (used previously as an estate compound), limited accessibility to the public, and specialized programs requires more administrative and support facilities to maintain access programs, daily operations and maintenance than do Escondido and Corral Canyon Parks that provide primarily passive recreation. The Park contains a number of existing support facilities and amenities including picnic areas, restrooms, educational displays, sitting benches, gardens, easily accessible terrain, and a riparian area interpretive trail, all of which are readily available for specialized public use programs. Although public access into the park is currently limited per the request of local neighbors along Ramirez Canyon Road, the existing facilities at Ramirez Canyon Park provide a unique park environment with well established support facilities necessary to operate specialized public outreach programs for individuals with varying degrees of abilities (e.g., physically and mentally challenged). Additionally, the developed nature of Ramirez Canyon Park provides facilities from which the Conservancy and MRCA operate and monitor public outreach and educational programs for the park while conducting administrative, maintenance, and critical planning programs for park and recreational lands in the coastal area.

3. PURPOSE AND INTENT OF THE LCP AMENDMENT

The purpose of the Malibu Parks Public Access Enhancement Plan Overlay is to maximize and prioritize public access and recreational opportunities in specific parkland and recreation areas in Malibu, consistent with sound resource conservation principles and constitutionally protected rights of private property owners. The Plan Overlay further intends to supplement and implement the public access and recreation policies of Chapter 3 of the Coastal Act, Chapter 2 of the Malibu Local Coastal Program Land Use Plan, and Chapter 12 the Malibu Local Coastal Program Local Implementation Plan. To implement the goals, objectives, and policies of the public access and recreation policies of Chapter 3 of the Coastal Act, and Chapter 2 of the Malibu Local Coastal Program Land Use Plan, the Overlay provides site specific development standards and other implementation measures to 1) complete trail connections for the Coastal Slope Trail, between the beach and the Backbone Trail, and other connector trails and to ensure adjacent lands are protected as natural and scenic areas to enhance the recreational experience of trail corridors, and 2) identify site specific public access, recreational facility, and program improvements for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park to provide camp areas, critical support facilities,

improved public transit, and improved trail and park accessibility to facilitate an increased level of accessibility for visitors with disabilities.

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

The Malibu Parks Public Access Enhancement Plan Overlay has been developed to meet the following public access and recreation objectives:

- Plan, design and develop trail connections throughout the Plan area and new overnight camping opportunities, and ensure that sufficient support facilities are provided, to readily serve the existing and growing demand for public access and recreation in the Santa Monica Mountains and Malibu coastal area, and to increase accessibility to parklands for all people.
- Secure trail easements and land purchases where necessary and feasible to connect Conservancy/MRCA-owned coastal parks and link with regionally significant Coastal Slope Trail in both the City of Malibu and unincorporated County of Los Angeles and across federal park property (Solstice Canyon, owned by the NPS).
- Implement years of Coastal Commission-required OTDs in the City of Malibu and unincorporated County of Los Angeles to achieve the Commission's long-standing goal to link inland trail dedications and make them accessible to the public, and to link inland trails with shoreline access opportunities.
- Provide for a continuous inland public access trail system that provides unique and spectacular views of the coast and ocean and, wherever feasible, linkages to access the shoreline.
- To provide for a "Beach to Backbone Trail," using the Coastal Slope Trail as a trail connector.
- To provide public access to and promote use of coastal parks and trails by visitors outside of the City of Malibu, consistent with Coastal Act section 30223: "Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible."
- Provide low-impact and low-cost camping and trail facilities for all persons in the coastal zone, and specifically the Malibu coastal zone.
- To provide for public access and recreation uses and support facilities approved by the Coastal Commission (No. 4-98-334) at Ramirez Canyon Park.
- To facilitate the California Coastal Trail vision to "*Create linkages to other trail systems and to units of the State Park system, and use the Coastal Trail system to increase accessibility to coastal resources from urban population centers.*" (Completing the California Coastal Trail, Coastal Conservancy 2003.)

- To encourage non-vehicular circulation between park areas over vehicular use and emphasize pedestrian circulation between park areas and the shoreline as a primary form of circulation.

4. LCP AMENDMENT ALTERNATIVES

4.1. Alternative Site Locations for the Public Improvements Contemplated in the Conservancy/MRCA Proposed Overlay (*Offsite Project Alternative)*

A number of alternative site locations for the public improvements addressed in the Overlay have been suggested by the RCPF relying heavily on a report prepared by SAIC (December 2008), which includes a "high-level alternatives analysis". The SAIC report appears to have been prepared with a single intent: To find potential alternative locations for Conservancy/MRCA's proposed conceptual improvements anywhere, except within the City of Malibu, and especially not at Ramirez Canyon Park.

At the outset, it must be noted that none of the alternative site locations considered in the SAIC analysis are within the City of Malibu or even immediately adjacent to the City. None of the alternative site locations involve the coastal resources at issue in the Malibu coastal zone, and only one of the alternative sites considered, King Gillette Ranch, is partially located in the Coastal Zone. While located, at least in part, in the Coastal Zone, King Gillette Ranch is located beyond the first major ridgeline paralleling sea, at the inland edge of the Coastal Zone boundary, and involves a completely different microclimate and associated resources than do the parklands addressed in the Overlay, and, in any event, fails to fulfill most of the basic public need and objectives identified and addressed by the LCP amendment. By staying out of the City of Malibu, all of the RCPF/ SAIC "alternatives" deprive the coastal trail user and camper of "blue water" views that are so prized along the coastline, and indeed which constitute a major aesthetic purpose for the Conservancy/MRCA proposal.

None of the alternatives offered by the RCPF or SAIC report capture the purpose and objectives of this project, which is unique by virtue of the nature and status of the trail linkages and camping opportunities proposed. The Overlay would provide for implementation of the Coastal Commission's inland trail program and OTDs, and is consistent with 30223, regarding reservation of upland areas for recreational uses. The Overlay trail improvement program would string together five Conservancy/MRCA and National Park Service parks, and provide consistent trail and camping facilities for recreationist, including disable persons. Since alternatives must be able to implement at least most project objectives, the alternatives suggested by the RCPF and SAIC do not qualify in this regard, and therefore would not be appropriate or feasible. Most of the alternatives suggested are entirely outside of the coastal zone, and with the exception King Gillette Ranch, are not owned by the Conservancy/MRCA and therefore are likely infeasible; no information is provided regarding the costs or other constraints on acquisition of these alternative sites or the chance for timely and successful completion of the public improvements addressed in the Overlay.

4.1.1. Camping

Alternative Camping Locations Identified by the RCPF/SAIC Analysis (December 2008)

The SAIC report discussion regarding camping is more appropriate for an existing setting discussion than an analysis of camping demand for people residing within the Los Angeles region and throughout the State. The document fails to demonstrate whether camping demand is being met by existing supply, and includes no discussion specifically about coastal camping resources, and only states that there are campgrounds in the area, many of which are a 1-2 hours drive from the Los Angeles Region and the coast. The proposed LCP amendment camping program anticipates development of camp areas that are accessible by transit to benefit recreationist in the Los Angeles region who don't have the means to drive 1-2 hours for camping opportunities. Furthermore, the document misrepresents the proximity of many of the highlighted campgrounds in the area, stating that they are within 40 miles of Malibu. This may be true as a crow flies, however, it is most likely that the campgrounds cited are accessed by vehicle making the campgrounds 60 or more miles away from the area. For example, the Frazier Park campgrounds are over 90 miles away, the La Panza camp area is over 200 miles away, the Wheeler Gorge camp area is over 60 miles away as is the Castaic Lake Recreation Area.

The SAIC document attempts to convince the reader that there are several campgrounds in the "project area" that provide at least some accessible camp sites. The document states that a full inventory of accessible parks and outdoor recreation facilities in the "project area" is beyond the scope of the analysis, but the document provides a list of State Parks that have an accessible picnic area, trail, beach/shore, or an exhibit/program, but not overnight camping. Many of the sites listed are over 80 miles away (e.g., Hungry Valley, Antelope Valley). This section is more revealing to the general lack of accessible parkland areas in the area and region, a public need the LCP amendment tends to address.

Of the 92 parcels evaluated for potential overnight camping opportunities, the SAIC report ultimately suggests only four parcels, in particular, that have potential for construction of overnight campgrounds, including accessible facilities, and the report recognizes that a more thorough evaluation is needed to determine actual suitability of the identified sites. All four alternatives, however, are located outside the Coastal Zone, and therefore would provide no public access or public recreation for coastal users, and would not meet the most basic project objectives or public need addressed by the LCP amendment. In particular, none of SAIC's proposed alternatives would provide access to any area or trail that provides for the unique and spectacular views of the ocean and California coastline, and obviously none could be connected to the shoreline with upland trails. The use of the four alternative sites suggested, including King Gillette Ranch, would essentially negate the Coastal Commission's efforts in requiring inland coastal trails that could support the Coastal Slope Trail for which OTDs have been secured over decades. The first three parcels would provide the sound of the freeway

in the background, as opposed to the ocean. The fourth parcel is located on the San Fernando Valley side of Calabasas, north of Mulholland Highway far removed from the coast.

King Gillette Ranch, while it certainly provides much opportunity for passive recreation, also supports a very active program for recreational and educational uses given the developed ranch that exists there. The higher level of use at King Gillette Ranch could hardly provide unique visitor-serving experiences as envisioned by the Overlay where smaller campsites close to both coastal canyon habitat and the beach, and with limited relative ongoing disturbance would be accommodate in a more tranquil and natural setting. The camping opportunities at the parklands addressed in the Overlay are unique as potential camp areas have been identified in existing disturbed areas to avoid impacts to environmentally sensitive habitat area (ESHA), yet would be located in areas surrounded by significant habitat areas, and the camp areas would be connected by a trail system with magnificent ocean views and which provides direct access to the shoreline. Its possible that a tranquil camping experience could be provided at King Gillette Ranch but certainly not within or adjacent to the existing developed or disturbed areas that presently support active recreation and park program uses at the Ranch, thus otherwise necessitating development in ESHA to provide a similar camping experience as that proposed for the Overlay parklands, and there is no opportunity at the Ranch to provide an experience that would be comparable to the visual and coastal access experience as that provided by the Overlay.

After evaluating 92 parcels, SAIC cites only four parcels that have a potential for trail camps, and again admits that a more thorough evaluation is needed to determine actual suitability of the sites evaluated to accommodate trail camps. The first site suggested is in Simi Valley, miles from the coastal zone, and all suggested locations are well inland, miles from the coastline. Two of the sites potential sites identified for trails camps are also identified as potential overnight camping sites which, as discussed above, are much more intense than the low-impact camp program proposed for the Overlay. The brief descriptions of these alternative sites indicate that these sites also contain sensitive habitat areas and 3 out of 4 are without water for most, if not all, of the year. Comments applicable to overnight camping as discussed above are essentially applicable to the SAIC discussion of trail camps in that the suggested alternative sites have no opportunity to provide an experience that would be comparable to the visual and coastal access experience as that provided by the Overlay.

The camping program included in the Overlay is proposed to be low-impact, low-cost walk-in camping, and it is not designed for car camping which would detract from the tranquil, minimal disturbance visitor experience sought for the program. In addition, the Conservancy/MRCA camping program included in the Overlay is designed to be transit accessible, so that visitors can utilize the MTA bus service and backpack to the camp areas in Corral Canyon Park and beyond to Escondido Canyon Park and Ramirez Canyon Park via the Coastal Slope Trail. There is readily available bus service available for transit from inner city Los Angeles and other areas outside of Malibu to

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Corral Canyon Park, a transportation resource that is not found at a facility like King Gillette Ranch.

Alternative Camping Locations Potentially Meeting LCP Amendment Objectives

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

2. Malibu Bluffs Park – The Park has been the subject of discussions, and disagreement, relative to recreation land use in the past. In 1985, the Coastal Commission denied a permit amendment request (Coastal Development Permit 5-82-780A) to develop active and passive recreation uses of the property, finding that the proposed uses were insufficient to serve the growing demand of visitors from the region and elsewhere in California for recreation, namely, recreational uses such as camping, hiking, walking for pleasure and picnicking. In 2005, the California Department of Parks and Recreation conveyed approximately 84 acres of the unit to the Conservancy. The developed portion of the property (approximately 11 acres of municipal sports complex, including the Malibu Little League ball fields, and community center) was conveyed to the City of Malibu in 2006, while the Conservancy retained the 84 acres of native natural habitat overlooking the ocean which is managed by the MRCA. This property is suitable for low-impact, low-cost camping facilities, but its location immediately adjacent to the Little League ball fields and just above and north of a residential neighborhood below the bluffs would likely trigger the same public opposition to camping that has been seen with respect to even more remote sites. In addition, the location of Malibu Bluffs parallel to Pacific Coast Highway (PCH) is better suited to RV and car camping, which is also essential to provide within the Malibu Coastal Zone and the Conservancy/MRCA remain committed to exploring this option as well. However, the RV/car camping option does not meet the objectives of the tranquil, minimal disturbance visitor experience sought for the camping program in the LCP Amendment Override, and Malibu Bluffs could not be connected to the five coastal parks and the proposed trail system that would link the parks (Malibu Bluffs is located opposite PCH from the other parklands), and thus this alternative would not meet the project objectives and public needs addressed by the LCP Amendment.

3. Tuna Canyon Park - This is a 1256-acre park owned by the Conservancy located between Las Flores Canyon on the west and Tuna Canyon on the west. This park is not a feasible alternative because it is not accessible from PCH. Tuna Canyon Road at PCH is a windy, single-lane, one-way road that outlets at PCH. Access to Tuna Canyon Park is several miles inland at the juncture of Saddle Peak Road and Ferndale Pacific Road, a couple miles from Topanga Canyon Boulevard and

therefore could not be connected to the five coastal parks included in the Overlay and the proposed trail system that would link the parks, has no potential for direct access to the shoreline, and thus would not meet the project objectives and public needs addressed by the LCP Amendment.

4. Solstice Canyon Park and the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area (SMMNRA) - These coastal parklands are owned by the National Park Service and have many of the same qualities as the parklands included in the Overlay, and portions of the planned trail system extend through the federal property at Solstice Canyon Park and to Zuma/Trancas Canyons at the westernmost end of the Overlay. The NPS SMMNRA General Management Plan does not specifically identify camping as proposed uses at Solstice Canyon Park and Zuma/Trancas Canyons. The feasibility of camping at these locations cannot be ascertained at this time. This would require extensive Federal review that would include adoption of a development concept plan and National Environmental Policy Act review, and may require an amendment to the General Management Plan. NPS is a different landowner than the Conservancy and MRCA and there is no level of certainty at this time that NPS would ever entertain the possibility of creating campsites at these locations.

4.1.2. Recreation Support Facilities, Park Offices and Public Programs

The SAIC analysis purports to look at alternative locations for public programs included in the Overlay including events, accessible overnight camping, trail camps, and office space. The alternative location discussion focuses only on the uses proposed at Ramirez Canyon Park and cites that of the 554 parcels owned by Conservancy/MRCA, 92 parcels are located near roads and subsequently are more suitable for the uses proposed at Ramirez Canyon. The discussion goes on to state that additional research is necessary to determine whether some of the parcels are actually suitable or not. SAIC lists the 92 parcels that, in their opinion, may be suitable for office buildings, special events, accessible overnight camping, and trail camps. However, of interest is the fact that of the parcels listed, and based directly on the footnotes for Table 5, Alternatives Analysis Parcels, used by SAIC in determining suitability, none are identified as providing a suitable alternative. Very few parcels are identified with the potential to build or develop facilities for the public programs included in the Overlay, while the vast majority of the parcels identified were determined to be unsuitable, as noted with an "N" in their Table 5, which refers to the following:

- Office and Events: N = no existing buildings that could be used for office space.
- Overnight Camping: N = no disturbed or open space areas where such camping facilities could be built.
- Trail Camp: N = no existing trails and dense vegetation that would have to be cleared, also fire hazard.

4.1.2.1. Offices

SAIC begins with a flatly erroneous, apparently uninformed statement - "Public agencies, including park and recreation districts, generally have their offices in buildings within a commercial area." City and county agencies have their offices within the city or county in which they govern, while regional and state agencies will occupy buildings on their own property if feasible, since it provides a way to reduce costs rather than pay unnecessary office leases. In most cases where agencies occupy buildings in commercials areas, it is generally due to a lack of alternatives available on their own properties. The Conservancy/MRCA are fortunate to own property that provides the ability to operate from within their own parks, instead of having to lease expensive commercial office space often far removed from the resource they serve. In any event, there are many instances in which agency offices occupy parklands for the reasons discussed above:

1. California Department of Parks and Recreation (CDPR) - 100% of CDPR administrative offices are located on State Parks property. The headquarters of the Angeles District of State Parks is located at Malibu Creek State Park at the adaptively reused Hunter House and a specially constructed office facility at 1925 Las Virgenes Road, Calabasas. The headquarters of State Parks, Topanga Sector, is located at Will Rogers State Historic Park. The headquarters of State Parks, Coastal Sector, is an adaptively used residence at 40000, 40006, and 40040 Pacific Coast Highway, Malibu. State Parks' Los Angeles Sector headquarters at the Los Angeles State Historic Park are located right at the Park, 1245 N. Spring Street, Los Angeles, CA 90012.

2. Resource Conservation District of the Santa Monica Mountains - The headquarters are located at the park, Peter Strauss Ranch, 30000 Mulholland Highway, Agoura Hills, CA 91301.

3. The National Park Service (NPS), Santa Monica Mountains National Recreation Area - has its operational headquarters at Diamond X Ranch, next to King Gillette Ranch.

SAIC's table on page 54 is erroneous as well:

1. The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) - the administrative offices of the RMC are no longer at the address listed; they moved from their urban office building space to a park site they own (El Encanto) so as to be near the resource they manage and so as save money on rent being in their own facility. They are located on the San Gabriel River on one of the RMC's park properties, El Encanto (100 N. Old San Gabriel Canyon Road, Azusa), at one of the major gateways to the Angeles National Forest.

2. The National Park Service (NPS), Santa Monica Mountains National Recreation Area - as noted, the operational headquarters are at Diamond X Ranch and, by agreement with the Conservancy and MRCA, it intends to co-locate its offices with the California Department of Parks and Recreation (CDPR) at King Gillette Ranch, if determined feasible and appropriate.

3. The Nature Conservancy - this is not a public agency, but rather a national non-profit. It has no park facility in this region on which they could locate their offices.

4. The Baldwin Hills Conservancy - The Conservancy does not own the land subject to its jurisdiction, and that land is an active oil field with no buildings. Its administrative offices are, however, close by in Culver City.

5. Los Angeles County Parks and Recreation Department - County Parks and Recreation operates conventional, municipal parks. It has an enormous administrative staff which is headquartered at the Vermont Avenue address indicated. It provides no parallel to the situation here.

SAIC states that King Gillette Ranch has existing buildings that could be used for offices as an alternative to the offices currently used at Ramirez Canyon Park. However, potential uses of King Gillette Ranch must be evaluated in light of the Cooperative Management Agreement and Task Agreement between the Conservancy, NPS, CDPR, and MRCA for the property. These agencies are partners in a Cooperative Management Agreement for the Santa Monica Mountains National Recreation Area and were partners in the purchase of King Gillette Ranch. The agencies are currently conducting a planning process for the King Gillette Ranch Design Concept Plan which emphasizes visitor-serving and environmental education uses, and is contemplating the collocation of park administrative offices for NPS and CDPR on the campus, demonstrating again that, whenever feasible, park agencies will occupy buildings on park property since it provides a way to reduce costs, thus preserving funds to carry-out their agency missions, and allows agency personnel to work within or in proximity to the jurisdiction and/or resources they serve. NPS contributed $2.5 million to the purchase of King Gillette Ranch in anticipation of creating the headquarters and visitor serving hub for the Santa Monica Mountains National Recreation Area. NPS has maintained its administrative offices in Thousand Oaks only as a temporary lease extension with the City until the long-envisioned collocation of NPS and CDPR personnel can be accommodated at or near King Gillette Ranch. However, it has been determined to be potentially infeasible to locate the NPS and CDPR administrative offices on the campus of the Ranch without either displacing visitor-serving needs, or constructing an entirely new building or significant building addition due to the space needs of National Park Service and State Parks alone. Even with the significant building modifications at King Gillette Ranch potentially needed to accommodate the administrative offices for NPS and CDPR, there would be little to no additional space available for Conservancy/MRCA personnel. With the limited office space potentially available at King Gillette Ranch, it is most reasonable and prudent to accommodate NPS and CDPR administrative offices at the Ranch, which would compliment the NPS operational headquarters located directly

adjacent to King Gillette Ranch at Diamond X Ranch, and the headquarters of the Angeles District of State Parks (CDPR) that is located at Malibu Creek State Park, also directly adjacent to the Ranch.

The Conservancy/MRCA does not seek to use Ramirez Canyon Park as a "regional office complex or commercial event center" as RCPF claims. The Conservancy/MRCA seek to use existing, legal facilities located in disturbed areas in an existing parkland designated and zoned for public park use from which to conduct the administrative responsibilities associated with operating specialized public outreach programs at the Park, conducting open space acquisitions, planning, research, and the management of conservation of parklands in the coastal zone.

The Conservancy proposes to continue the administrative office use it has had for 12 years at Solstice Canyon Park in Malibu at Ramirez Canyon Park. With the sale of Solstice Canyon to NPS, the same Conservancy employees moved their offices to Ramirez Canyon Park. The Conservancy/MRCA adaptively reuses the buildings on the properties it acquires. It does not have funds to expend for rental or acquisition of office space or for construction of other office facilities; if it spent money for that purpose, there would far less money available for the Conservancy/MRCA to utilize for land acquisitions, park maintenance and park programs. That is one reason that, like CDPR and NPS (above), it utilizes its own public park property for that purpose.

Ramirez Canyon Park is geographically centered for the administrative uses required to serve the Santa Monica Mountains and Malibu area. The nature of the 14-15 employees that work at this park are limited and strictly associated with the administration of the park properties in this region. They include offices for the Executive Director (Conservancy)/Executive Officer (MRCA), the Chief Deputy Executive Director/Chief Deputy Executive Officer, the administrative assistant, and the MRCA Board Secretary. They additionally include the Natural Resources Group (3 persons), which deals with the planning for this LCP Amendment, the follow-on Public Works Plan and specific public works projects that will tier off of it, studies on the watershed, habitat restoration, and trail planning. It further includes the two staff persons who run the public programs at the Park, a residence for an on-site ranger, and it also operates as the Conservancy/MRCA Western Sector Emergency Command Center for fire/disaster/public safety emergencies.

Because of the developed nature of the property and residences developed by Barbra Streisand, the property is unique and well-suited for the types of programs and special events conducted on-site. The primary buildings at Ramirez Canyon Park have all been used as "recreational facilities" and as a location to conduct or manage recreation uses at the Park. The Barn serves as the main indoor venue for senior and disabled tours of the Park and its grounds. The Staff who operate and plan for outreach programs – including programs for senior citizens, disabled and disadvantaged persons, inner-city and at-risk youth, veterans, and battered women – operate out of the Barn, as do volunteer docents. By agreement with the City, pending resolution of the LCP amendment, Garden Tours by reservation to the general public have been suspended.

However, the LCP amendment proposes to resume the Garden Tours by reservation to the general public, and the Barn is the central meeting location for tour participants. The Peach House has in the past and will again be part of the Garden Tour visits. The Barwood and Art Deco Houses similarly have been part of the Garden Tours. Additionally, all three buildings have been and will be used for park-related conferences, retreats, recreational events, and paid reserved events. The site also includes a residence for an on-site ranger, and it also operates as the command center for Conservancy/MRCA fire safety for this and the Conservancy or MRCA-owned properties in this area. Other employees with no linkage to the day-to-day operations of the Park, such as the accountants and lawyers, are located at the River Center in downtown Los Angeles. Interestingly, no concerns or comments were expressed over the Conservancy's previous office uses at Solstice Canyon Park, a parkland located within the City and subject to the ESHA overlay designation. It is curious that it appears to be acceptable for the Conservancy administrative personnel to occupy parklands within the City, as long as it is not Ramirez Canyon Park.

4.1.2.2. Special Events

The SAIC analysis considered 92 parcels in its alternatives analysis for park events. The report states: "None of the 92 parcels evaluated have good road access, previously disturbed areas that could be used for parking, and open areas (lacking dense brush) that could provide space for outdoor events in a park-like setting at a distance from urban development that would preclude noises." (P. 59.) An interesting conclusion that highlights the very reason that Ramirez Canyon Park, the previously developed and meticulously landscaped grounds that provide space for events in a park-like setting, is a feasible and reasonable location, and a unique and rare opportunity, to support the public programs and limited events proposed. That said, SAIC identifies two possible alternative locations - King Gillette Ranch and the Conservancy's Franklin Canyon Park, above Beverly Hills. The latter has no connection to the coastal zone or any coastal resources and a different ambience, and neither park provides the unique setting provided by the Malibu Parks Public Access Enhancement Plan Overlay.

The proposed special event program, along with other proposed limitations on park uses at Ramirez Canyon Park (daily vehicle trip and other public program limitations), is responsive to identified site constraints and land use compatibility issues (park access, noise, etc). In this regard, the Overlay includes policies that require the special event program be limited to only 32 events/ year with additional limitations on an allowable event season (March-October), participants (200), event cancellation requirements during red-flag and flash flood warnings, and identification of specific noise thresholds.

The special event program at Ramirez Canyon Park, as contemplated in the Overlay, is wholly consistent with typical uses permitted at California State Parks. As indicated above, the Overlay District will establish a Malibu Parks Affordable Access Fund, supported by net proceeds of special event uses at Ramirez Canyon Park, to fund a Malibu Coastal Camping Program. It is anticipated that each special event at Ramirez

Canyon Park would yield approximately $1,000 of net proceeds, and could therefore fund approximately 20 participants in one overnight program event. The camping experience funded by the Malibu Parks Affordable Access Fund is designed to provide urban, disadvantaged youth with their first overnight camping experience. The MRCA will provide all necessary transportation, meals and equipment, and will deliver a program dedicated to teaching novice and first-time campers proper use of camping equipment, environmental awareness and outdoor leadership skills. Research shows that camping strengthens self-confidence, improves school performance, and builds inter and intra-personal skills, and interpretive programs introducing the resources of our local mountains and coast will promote stewardship of our local natural areas. As such, the special event program at Ramirez Canyon Park would support the primary purpose of the LCP amendment to maximize and prioritize recreational opportunities in specific parkland and recreation areas in Malibu by facilitating a new public camping program for all people, including those who might otherwise have limited opportunity to enjoy the resources of the Malibu coastal area.

4.2. Denial of the LCP Amendment *(No Action Alternative)*

Because the public improvements being considered in the Overlay are already allowed under the existing LCP, denial of the proposed LCP amendment would not change the fact that the basic parkland uses and facilities being considered have the potential to be developed at the subject parklands; however, denial of the Conservancy/MRCA LCP amendment would not expedite coastal public access and recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and thus would hinder efforts to maximize public access and recreation opportunities as mandated by certified LCP and the Coastal Act.

The City of Malibu certified LCP designates the Conservancy/MRCA parklands as public open space consistent with other parks located within the City's jurisdiction. The City's LCP states:

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

In addition, Table 2 Permitted Uses, of the LCP Local Implementation Plan indicates that the following uses are permitted uses in the OS Zone:

- *equestrian and hiking trails*
- *wildlife preserves*
- *camping*
- *parks, beaches and playgrounds*
- *public beach accessways*
- *recreation facilities (including swimming pools, sandboxes, slides, swings lawn bowling, volley ball courts, tennis courts and similar uses)*

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- *educational (non-profit) activities are primary permitted uses in the OS Zone*

City-wide, the public open space land use and zoning designation clearly reflect a wide variety and range of public parkland uses and recreation facilities, collectively consisting of passive and active recreation, research and education, nature observation, a range of support facilities, including those at Bluffs Park, Zuma County Beach, Ramirez Canyon Park, Adamson House, and Malibu Lagoon State Park.

The Coastal Commission applied the open space land use designation and zoning to Ramirez Canyon Park upon LCP certification with full knowledge and authorization of the existing facilities and uses addressed pursuant to Coastal Development Permit 4-98-334, thereby rendering the Conservancy/MRCA park uses conforming with applicable land use and zoning policies of the certified LCP (prior to certification of the LCP the Ramirez Canyon Park property was designated rural residential). The RCPF implies, however, in their letter of December 23, 2008, that in certifying the City's LCP the Commission essentially intended to render the Conservancy/MRCA uses of Ramirez Canyon Park (authorized by the Commission pursuant to Coastal Development Permit 4-98-334) unlawful or perhaps legal, nonconforming with the certified LCP. If this were in fact the case and the RCPF interpretation of the City's LCP related to permitted uses and facilities for lands zoned open space were correct, then certification of the City's LCP also resulted in rendering unlawful or legal, nonconforming the existing uses and facilities at the City's Bluffs Park, Adamson House, Solstice Canyon Park, and Malibu Lagoon State Park, which we don't believe to be the case.

The fact of the matter is that the certified LCP is not explicit in listing every conceivable park and recreation use and support facility necessary to operate and maintain a variety of parklands. However, reason, precedent a sound parkland planning practices have resulted in local, state and federal park agencies often utilizing the land resources they have within the park areas they protect and serve to accommodate a variety of support facilities to provide and enhance opportunities for the public to access and enjoy the resource, including facilities for trailheads, public parking, restrooms, day-use areas, interpretative maintenance facilities, and park administrative uses. The Conservancy/MRCA does not seek to use Ramirez Canyon Park as a "regional office complex or commercial event center" as RCPF claims. The Conservancy/MRCA seek to use existing, legal facilities located in disturbed areas in an existing parkland designated and zoned for public park use from which to conduct the administrative responsibilities associated with operating specialized public outreach programs at the Park, conducting open space acquisitions, planning, research, and the management of conservation of parklands in the coastal zone.

As such, no change in already permitted land use is proposed by the Conservancy/MRCA LCP amendment. The Overlay simply serves to supplement existing LCP policies and implementation measures to enhance and expedite coastal public access and recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and thus carry out the public access and recreation goals of the certified LCP and the Coastal Act.

The "No Action" Alternative would reasonably result in the development of the park and recreational uses as contemplated in the Overlay. However, future improvements would not necessarily be guided by comprehensive and a long-term management program, subject to the site specific and detailed policies of the Overlay, to ensure potential impacts to coastal resources are minimized to the greatest extent feasible. It is likely that as visitation and use of the parklands addressed in the Overlay increase overtime, the lack of adequate parking and staging areas provided by the Overlay may impact adjacent residential neighborhoods from overflow parking associated by park and trail users. Without adequate park support facilities that concentrate public use in appropriate park areas, as provided by the Overlay, it is also more likely that public uses will spill over into sensitive habitat areas potentially impacting coastal and environmental resources. The Overlay considers the public need for public access and recreation, and issues and opportunities at each parkland to address that need, in a comprehensive manner such that policies can be developed and considered to ensure a balanced approach to meeting the public need while minimizing substantial impacts to resources and ensuring land use compatibility. As such, the Overlay includes limitations and restrictions on park uses, not currently required by the Malibu LCP, to address issues and opportunities in a balanced manner and in light of the opportunity to balance solutions among three Conservancy/MRCA-owned parklands. For these reasons, the "No Project" alternative has the potential to create more adverse environmental impacts than the proposed LCP amendment, while at the same time not accomplishing the objectives of the LCP amendment and thus perpetuating a condition in which the public need and demand for public access and recreation is not being met as required by the Coastal Act.

4.3. LCP Amendment with Reduced Parkland Development/Use Alternative

City of Malibu Proposed LCP Amendment

The City of Malibu proposed LCP amendment purports to increase and enhance public access and recreation opportunities in Malibu. While the City's LCP amendment would implement much of the Conservancy/MRCA-proposed trail program, the City's LCP amendment would result in significant, adverse environmental impacts on recreation and sensitive habitat resources for which neither City nor RCPF have provided any reasonable justification, and no identified mitigation.

The City's trail program would certainly facilitate implementation of the trail system the Conservancy/MRCA have developed for the Overlay; however, the City's LCP amendment includes very little of the critical support facilities that are necessary to support visitor access to the trail system. In particular, the City's LCP amendment includes new policies that would obstruct any reasonable effort to develop trailhead facilities for Escondido Canyon Park. The public would instead by left with limited trailhead and parking resources located at the Winding Way parking area (approximately 1-mile away from the Park) and the proposed, 10-space parking area off of Latigo Canyon Road that would be approximately 1/3-mile from the Park. Neither of

these locations could support ADA access to Escondido Canyon Park. In addition, by amending the City's LCP to prohibit all camping opportunities in Malibu, there is little to no opportunity to provide low-cost overnight accommodations from which visitors can experience and enjoy the extensive, regional trail system that would provide multiple days of recreation throughout the Santa Monica Mountains/Malibu coastal area. Absent any opportunity for low-cost overnight accommodation and with reduced or no parking opportunities at the Conservancy/MRCA parklands, the trails required by the Commission or acquired by the Conservancy with state funds provide only hiking opportunities for Malibu residents and Malibu equestrian users, thus resulting in a significant, adverse impact to recreation resources. The City's reduced scale LCP amendment provides no mitigation for this impact.

As justification for the City's action on the LCP amendment, the City and RCPF offer primarily the risk of fire hazard[2]. As opposed to the City's LCP amendment submittal, the SAIC report, commissioned by the RCPF, at least attempts to provide an analysis of the potential fire hazard issue. However, the SAIC report does not succeed in providing any supportable documentation, evidence or reasonable justification for prohibiting camping as proposed by the Overlay.

The SAIC report highlights the number of wildland fires in Los Angeles County from 1987-2007 and of the 439 fires indentified, 8 are listed as being caused by campfires. By presenting this data, SAIC appears to assume that these 8 fires were caused by campfires in developed campgrounds, an assumption that is unsubstantiated from the reference given (CDF 2008, website). All of the referenced Los Angeles County "campfire-caused" fires were in the Angeles National Forest. A personal interview with Angeles National Forest staff revealed that there have been no known fires caused by campfires in developed campgrounds. As such, it is more likely that the campfires referenced in the SAIC report were started outside of official campgrounds, and therefore the data is not relevant to the camp areas planned for the Overlay parklands and the data does not support an argument that the Conservancy's and MRCA's LCP amendment will increase the fire risk in the Malibu. This conclusion is supported by testimony provided by Park personnel and professional fire-trained personnel during the City's deliberations on the Conservancy/MRCA proposed LCP amendment[3].

The SAIC report actually acknowledges that fire department statistics demonstrate that campgrounds have very low risks for fire, with arson being the leading cause. However, the document goes on to state that by opening up previously unopened land to people

[2] Additional arguments related to resource impacts have been presented by the RCPF and SAIC as justification to prohibit camping in Malibu. ESHA protection policies of the certified LCP and applicability to the proposed Overlay are discussed and presented in more detail in documentation included in the Conservancy/MRCA LCP amendment submittal Policy Consistency Analysis.

[3] See City of Malibu Environmental Review Board Recommendation, August 1, 2007, with comments provided by Environmental Review Board Suzanne Goode (California State Parks) at the July 25, 2007 meeting, and City Council Hearing, November 11, 2007, comments provided by Ron Schafer (California State Parks), Woody Smeck (National Park Service), and Frank Padilla (California State Parks Fire Chief).

will increase the risk of wildfire. The issue of fire safety for the Overlay is better defined in terms of increasing access, recreation and educational opportunities at parklands already opened to the public in a carefully planned and controlled manner where the associated increased patrols and better education of visitors would result in the lowering the potential of fire risk, just as has been demonstrated at other camp areas throughout the state. To further address the fire hazard issue, the Conservancy and MRCA's LCP amendment proposes numerous fire protection regulations that are more restrictive than those already in place by State Parks in campgrounds in the Santa Monica Mountains. The Conservancy/MRCA LCP amendment proposes cold camping (i.e., outright prohibition on campfires at all facilities), vegetation modification to reduce potential fuels adjacent to camp areas, prohibition of camping on red flag days, provision of special fire-proof cook stations and fire protection apparatus, and mandated park patrols, to name a few.

Therefore, without reasonable and sound justification, the City's LCP amendment simply seeks to prohibit camping in Malibu, an action that is undeniably and grossly inconsistent with the City's certified LCP and Coastal Act. Camping is one of very few methods with which to provide low-cost overnight accommodations in the Coastal Zone as required by the City's LCP and the Coastal Act, and is a recreational resource that is clearly in high demand. To prohibit camping in Malibu would result in a significant and unmitigable adverse impact to recreation. The City makes no attempt to mitigate the impact to recreation that would occur as a result of the City's LCP amendment, nor could there be any feasible mitigation available since camping is a unique resource that allows visitors and recreationists to experience a parkland, natural and coastal resources like no other overnight accommodation could.

Furthermore, the City's LCP amendment essentially eliminates all reasonable public use of Ramirez Canyon Park, pending construction of an alternative vehicle access to the Park from Kanan Dume Road, which would require non resource-dependent development in a designated Environmentally Sensitive Habitat Area (ESHA), an action strictly prohibited by the Malibu LCP and the Coastal Act. The City's LCP amendment submittal and December 23, 2008 correspondence from the RCPF argue for the alternative access road that would involve, unequivocally, an unpermitted land use in ESHA, and would result in direct grading and vegetation impacts to ESHA. At the same time, the City and RCPF argue against trailhead improvements, camping resources and support facilities that are permitted land uses and are designed to avoid ESHAs at the parklands they are intended to serve. In addition, the City's LCP amendment submittal convenient leaves out the fact that, at the time the City took action on the proposed LCP amendment before it, the City was well aware of the fact that the alternative access road concept from Kanan Dume Road was determined, in consultation with Coastal Commission Staff, to be infeasible due to the unpermitted impacts to ESHA that would result. Yet the City and RCPF continue to argue for this condition on allowing any reasonable public use of Ramirez Canyon Park (only uses associated with administrative offices for up to 15 employees, a residential caretaker, and only two special programs a week for disabled persons and/or for seniors would be allowed) pending development of the alternative access road. The City's LCP amendment offers

no mitigation for the significant, adverse impact to recreation resources and public education programs that would be offered at Ramirez Canyon Park.

4.4. Revised Overlay Concept Development Plans and Policies *(Redesign Alternative)*

The various public hearings, comment letters, and efforts of agency coordination on the previous Public Works Plan planning effort and the subsequent LCP amendment process before the City have resulted in review, consideration, and incorporation of several alternatives and revisions for the proposed Overlay. Conceptual plans for the Overlay have been incorporated in many instances to remove, relocate, and scale back conceptual park and trail improvements to ensure that the contemplated uses and improvements are compatible with resource protection efforts and surrounding residential neighborhoods, while still meeting the needs and desires of the public seeking recreation in the Malibu area. These revisions have included locating conceptual camp areas closer to primary parkland access points and further clustering of campsites to reduce development footprint and to avoid ESHA impacts, and acquisition of the Latigo property to provide additional public parking resources to support access to Escondido Canyon Park and the surrounding trail system while minimizing vehicles trips along Winding Way. In addition, policies of the Overlay have undergone substantial revision throughout the process resulting in site-specific and detailed policies that address potential resource impacts, hazards and land use compatibility issues, which would be imposed on any future development implementation pursuant to the Overlay. Several revisions to the LCP amendment have already been completed at this policy and conceptual level in the planning process and more specific design alternatives would be completed when the Conservancy/MRCA move forward with implementation of the Overlay improvements pursuant to the applicable environmental review /entitlement process.

5. ENVIRONMENTAL ISSUES DISCUSSED IN THE SAIC REPORT

5.1. Environmentally Sensitive Habitat Areas (ESHA)

The RCPF letter of December 23, 2008 and attached SAIC report argue that none of the existing activities at Ramirez Canyon Park are allowed in ESHA designated areas. The argument lacks a basic understanding of the Malibu LCP and applicable polices relating to ESHA determinations, ESHA protection, and public access and recreation policies that specifically allow for recreational and park support facility improvements within natural parklands, all of which within the City are designated and zoned OS and subject to the ESHA Overlay designation (with few minor exceptions, such as the area of Escondido Canyon Park where public parking is proposed which is not subject to the ESHA Overlay).

Contrary to the arguments presented, lands subject to the public open space designation (POS) and the ESHA Overlay are not consequentially without the potential

to develop the specific uses permitted pursuant to the POS land use and zoning designation. Such an interpretation would render the majority of the City's parklands unusable even as it relates to developing specific recreational uses permitted by the LCP. Alternatively, application of the ESHA Overlay recognizes the inherent tendency of publicly owned lands to contain sensitive resources thus making the ESHA protection policies of the Coastal Act and LCP applicable, as appropriate and when site-specific biological study has determined the presence or absence of ESHA. The LCP ESHA protection policies therefore provide that site specific information be evaluated and presented in a biological study conducted, as was done for the proposed LCP amendment application, to determine the presence of ESHA and therefore allowable uses. LUP Policy 3.7 of the City's certified LCP provides that an area not meeting the definition of ESHA is not subject to the ESHA protection policies of the ESHA Overlay and may be developed consistent with all other applicable LCP policies. This is the case for Ramirez Canyon Park, where all public program improvements and uses would be accommodated in areas that do not constitute ESHA, based on site-specific biological study.

As with the other conceptual improvement areas subject to the Overlay, Ramirez Canyon Park has been evaluated for site constraints related to ESHA and other coastal resources in developing the proposed policies and implementation measures for the location and level of park uses included in the Overlay. The conceptual park administrative support facilities located at Ramirez Canyon Park are appropriately sited within the limits of existing development envelopes and buildings. All existing buildings and other appurtenant structures located at Ramirez Canyon Park are documented to have been constructed per approved building permits and prior to the effective date of the Coastal Act, and thus have resulted in a significantly disturbed and manicured environment.

In addition, pursuant to the City's LCP ESHA designation, *"Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA."* (Emphasis added) As such, much of the property within and directly adjacent to the existing development envelopes associated with the previous use of Ramirez Canyon Park as an estate compound, as well as those adjacent areas subject to required fuel modification for existing structures, do not meet the City LCP definition of ESHA. These structures are existing and would not require fuel modification beyond existing conditions.

Although the site has been subject to past disturbance resulting in diminished habitat value, consistent with the ESHA definition of the LCP, Ramirez Canyon Creek is afforded special treatment as a habitat area of significance pursuant to the policies and standards in the LCP applicable to streams and, therefore, the proposed Overlay includes provisions for a substantial creek restoration plan for Ramirez Canyon Creek within the Park's boundaries.

5.2. Stream ESHA and Water Quality

The SAIC report cites a number of site improvements contemplated for the parklands subject to the Overlay (although many are inaccurately described and the scope exaggerated), and notes potential impacts to riparian corridor ESHA and water quality that could result from the improvements included in the Overlay. The Conservancy/MRCA concur that potential impacts to riparian ESHA and water quality could occur with any new development proposal for the parkland areas, and therefore have developed within the Overlay a range of policies and implementation measures that ensure maximum protection and, where feasible, enhancement of ESHA and water quality. All the conceptual parkland improvements would be analyzed for consistency with applicable ESHA and water quality protection policies of the certified LCP and therefore could not be approved and implemented unless found to avoid or minimize substantial impacts to the resources. Additional analysis of potential impacts to ESHA and water quality, and identification of appropriate mitigation measures, would follow with a subsequent project-specific proposal and the associated environmental review process to ensure the improvements would not result in significant impacts to ESHA and water quality.

5.3. Traffic

SAIC attempts to discount a number of site-specific, professional traffic analyses prepared for the proposed park uses at Ramirez Canyon Park by first questioning the methodology in which the self-imposed limitation on traffic trips (40 round trips/day) for park uses was determined, and then the legality of the developed lots that constitute the Park. SAIC relies on "information obtained from long time residents of the area" (unlike the reliable, unbiased, professional, and expert source which the Conservancy/MRCA used to establish a baseline for traffic engineering purposes [see below]) to conclude that "there have never been six 'estate homes' on the property", and then suggests that the LCP Amendment submittal includes no evidence that the 6 parcels (5 of which are already developed with estate homes) are legal and thus could not be sold separately as individual residential sites. SAIC therefore determines that expected traffic generation by residential use of the individual parcels is an inappropriate baseline for traffic engineering purposes and is inconsistent with standard traffic engineering practices.

The 6 individual lots that constitute Ramirez Canyon Park have been recognized by both local and State agencies as legal lots as evidenced by the numerous agency development permits issued for the existing onsite development and, in particular, those development permits issued for the residences onsite (see also Riparian Habitat Evaluation, prepared by LSA Associates, Inc, August 30, 2002, with detailed development history of the property, and Coastal Commission Staff Report Findings, July 22, 2000). Therefore, there is little question as to the legality of the Ramirez Canyon Park parcels and the legal right to otherwise sell the 6 parcels as individual estates (a residential scale typical of Malibu development) if not used for Park purposes.

Malibu Parks Public Access Enhancement Plan Overlay Alternatives Analysis

Associated Transportation Engineers (ATE) reviewed the SAIC analysis of traffic issues for Ramirez Canyon Park and confirmed the accuracy and validity of the trip estimates determined by Crain & Associates for a residential baseline of the 6 existing, legal lots that constitute the Park (see attached Memo prepared by ATE, dated May 26, 2009). The traffic analysis completed by Crain and Associates for Ramirez Canyon Park recognized the 6 legal residential estate lots constitute Ramirez Canyon Park and estimated weekday and weekend traffic generation for the lots using data contained in the Institute of Transportation Engineers (ITE) trip generation report (5th Edition). The ITE report contains base rates for single family homes on weekdays and of weekends, and also provides adjustment factors for the base trip rates to account for larger homes with higher vehicle ownership characteristics based on data published by the Federal Highway Administration. Based on these adjusted rates, the trip estimates for the 6 estate lots would be 75 average daily trips (ADT) on weekdays and 79 ADT on weekends. Because ADT are normally expressed as even numbers (one trip in and one trip out) the estimates were appropriately rounded to 76 ADT for weekdays and 80 trips for weekends.

ATE also researched trip generation data contained in the SANDAG Traffic generators report to verify the results of the Crain analysis. The SANDAG report provides a rate of 12 trips/unit on weekdays for residential estates. Assuming the weekday to weekend ratio presented in the ITE report, the weekend rate for the SANDAG data would be 12.8 trips per unit. Based on the SANDAG data, the trip generation estimates for the 6 estate lots would be as follows:

Weekdays 6 Estates x 12.0 = 72 ADT

Weekends 6 Estates X 12.8 = 77 ADT

These trip estimates are very close to the estimates developed by Crain and Associates and confirm the validity of the trip estimates for the 6 legal lots on site, which were in turn used to establish the self-imposed 40 round trips/day limitation for the proposed Ramirez Canyon Park uses.

SAIC is apparently misinformed of the circumstances under which the proposed 40 round trips/day traffic limitation has been established for Ramirez Canyon Park (utilizing an appropriate residential baseline to ensure park uses do not exceed traffic trips that would otherwise be generated by residential use of the property), and the numerous proposed LCP amendment policies that require enforcement of the proposed trip limitation and Emergency Access and On-Site Parking Plan. The proposed 40 round trips/day limitation for the Park would govern all uses of the property, irrespective of the fact that far greater trips than that proposed for the Park uses could be accommodated on Ramirez Canyon Road, presently operating with a Level of Services A (see ATE Traffic and Parking Study, August 21, 2007), without causing a significant traffic impact, and irrespective of the number of parking spaces onsite and potential visitor turn-over that, SAIC claims, would result in greater traffic trips (SAIC also misses the fact that the Emergency Access and On-Site Parking Plan requires all vehicles at the Park to use

designated parking areas, and therefore, parking would not be expanded outside of designated parking areas and thus result in even greater traffic generation, as suggested.)

The SAIC report further confuses the methodology the traffic consultants used to determine and substantiate trip generation rates for the parklands subject to the Overlay. The Crain & Associates and ATE traffic studies relied on standard ITE Manual and San Diego Traffic Generators Manual trip generation data for parkland uses for their respective analyses. This data was also supplemented with traffic data collected locally at nearby Santa Monica Mountains National Recreation Area (SMMNRA) parklands consisting primarily of open space and with limited support facilities to substantiate the ITE rates used for those Overlay parklands that also consist primarily of open space and with limited support facilities. This same methodology is obviously not applicable to, or appropriate for, a traffic generation assessment for Ramirez Canyon Park as suggested by SAIC. This comment fails to reflect that the Crain & Associates and ATE traffic studies intentionally did not conduct traffic generation studies for Ramirez Canyon Park uses due to the proposed limitation on traffic trips to 40 round trips per day for Ramirez Canyon Road, found to be operating at an excellent Level Of Service (LOS A) based on traffic counts conducted by Associated Transportation Engineers. The SAIC comments further fail to acknowledge that the greater level of existing amenities at Ramirez Canyon Park would, under normal circumstances and without the proposed trip limitation, generate a higher trip generation and parking demand more similar to a city park as opposed to parklands consisting primarily of open space and with limited support facilities. The proposed trip limitation of 40 round trips per day for park uses are a response to concerns expressed over the uses proposed for Ramirez Canyon Park and compatibility with surrounding land uses.

5.4. Noise

The SAIC report states that the LCP Amendment proposal provides insufficient information to conduct a thorough and quantitative analysis of community noise that could result from the activities and events that are planned for the property. This is true, in part, since this detailed and technical level of information is not typically analyzed at this conceptual, policy level. What is considered at this conceptual, policy level, however, is the potential land use and environmental impact issues associated with the proposed land use that might result in an inconsistency with the certified LCP or the Coastal Act. For this reason, the proposed Overlay includes policies and implementation measures to address potential land use impacts associated with park related noise issues to ensure consistency with the Malibu LCP and Coastal Act, including limitations on vehicle trips to and from the Park (allowing a maximum of 40 round trips per day), requiring that amplified music not cause a noise reading exceeding 65 dBA at the southern boundary of Ramirez Canyon Park where residential development exists, and limiting special events to a maximum of 32/year and 1/week with strict limitations on duration (8:00 a.m. - 9:00 p.m. Sunday-Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday). The specifics of level and type of park uses

proposed and potential impacts associated with noise would be evaluated in detail with any subsequent project-specific proposal and the associated environmental review process to ensure that park uses would not result in significant noise impacts to the surrounding community or inconsistencies with any of the above-referenced noise-related policies.

The SAIC analysis itself lacks sufficient technical information and applies a flawed methodology for the conclusions it attempts to make regarding potential traffic generated noise impacts associated the Ramirez Canyon Park uses included in the Overlay.

First, the SAIC report identifies traffic on Pacific Coast Highway as the primary noise source affecting the Ramirez Canyon area. SAIC ignores all noise sources currently generated by existing traffic on Ramirez Canyon Road, yet attempts to assess a potential noise impact only for potential traffic trips generated on Ramirez Canyon Road that would be associated with the proposed Park uses.

Second, the relationship for noise attenuation over distance from a line source (such as a roadway) results in a reduction of 4.5 dB with each doubling of distance from the noise source (for soft site conditions). Consequently, the resulting Community Noise Equivalent Level (CNEL) value at 4,500 feet from Pacific Coast Highway (given a calculated value of 55 dB at 600 feet from this roadway) would be 41.5 dB, not the 40.0 dB referenced by SAIC comment.

Third, the author asserts that noise impacts would occur if the traffic "resulted in a substantial increase in noise at these residences, either on a 24-hour average basis (e.g., CNEL) or from intermittent noise." In fact, the 24-hour average is the only significance criteria used in the assessment of transportation noise; the assessment of intermittent noise, including control techniques and governing policies, is only applicable to non transportation sources. Noise policy from the federal to the local level is based upon a 24-hour, community based, noise average.

The 24-hour average noise value associated with transportation facilities is generally applied in two ways. First, noise sensitive land uses such as residences are typically subject to maximum noise exposure in outdoor living areas, expressed in dB CNEL. For the County of Los Angeles and City of Malibu, the exterior living area criterion is a maximum of 65 dB CNEL. So if a residence is proposed in an area with existing roadway noise above 65 dB CNEL, mitigation must be provided by the residence to reduce exposure. Conversely, for an existing home near a roadway with CNEL below 65 dB, a significant impact would occur with an increase in the roadway-associated CNEL above 65 dB. Second, if a project's traffic generation would result in a substantial increase in the CNEL values associated with local roadway operations (even if the resulting CNEL remains below 65 dB), this could constitute a significant traffic-related noise impact. A substantial increase is generally considered to be at least a 3 dB increase in the CNEL value (the threshold for notice ability of the change), although many jurisdictions use 5 dB.

The author cites a "peak hour average traffic noise resulting from vans" of 54 dBA Leq at 50 feet from the roadway. Assuming this value is accurate for the peak hour, and even assuming that there are two different peak hour periods for the project traffic (one for incoming traffic and one for outgoing traffic), these two hours with Leq 50 and the remaining 22 hours of the day at Leq 40, and including applicable 5 and 10 dB penalties for evening and nighttime hours in the CNEL averaging process, would result in a change of one (1) dB to the CNEL value. Therefore, while individual vehicles might be "noticeable" in this setting, no significant noise impact would be anticipated to occur in relation to the change in CNEL value associated with project-induced traffic. Also, the resulting CNEL value would not begin to approach the 65 dB criterion for outdoor living spaces for residential land uses. These assumptions would, however, be validated via a technical noise assessment once applications are prepared for the proposed use.

The SAIC report also makes frivolous statements about the types of park uses that may generate significant noise impacts on the property. This demonstrates that the SAIC report author appears to have very little understanding of the programs planned for the parklands addressed in the Overlay. For instance, while "concerts" may have occurred on the Ramirez Canyon Park property under previous ownership (Barbra Streisand), these uses are not included in the Conservancy/MRCA park program. In addition, the report identifies "boom boxes" and "car stereos" operated by campers and "motorcycles" operating within the property as potential noise sources. These are erroneous statements and completely contrary to the proposed camping program and park experience that would be offered by the Conservancy/MRCA.

6. CONCLUSION

Based on the analysis and conclusions herein, it is clear that there is a demonstrated public need for the public access and recreational resources that are addressed by the Conservancy/MRCA LCP amendment request. There is no potential for the proposed Conservancy/MRCA LCP amendment to result in significant adverse environmental impacts, not only because there is no physical development that would cause a change in environmental conditions being requested or considered at this time, but also because the public improvements being considered in the Overlay are already allowed under the existing LCP. Rather, an analysis of the proposed LCP amendment override submittal and certified LCP concludes that denial of the LCP amendment override would reasonably result in the development of the park and recreational uses as contemplated in the Overlay, but such future improvements would not necessarily be guided by a comprehensive and long-term management program, subject to the site specific and detailed policies of the Overlay, to ensure potential impacts to environmental resources are minimized to the greatest extent feasible. Further, denial of the Conservancy/MRCA LCP amendment would not expedite coastal public access and recreational facility improvements to and between specific Conservancy/MRCA-owned parklands in the City, and thus would hinder efforts to maximize public access and recreation opportunities as mandated by the certified LCP and the Coastal Act.

Malibu Parks Public Access Enhancement Plan Overlay Alternatives Analysis

Although no potentially significant adverse environmental impacts would occur as a result of certification of the Conservancy/MRCA LCP amendment, an assessment of reasonable and other recommended "alternatives" to the proposed LCP amendment, including those alternatives identified by the RCPF and SAIC (none of which meet the basic objectives of the Conservancy/MRCA LCP amendment), supports the finding that there is no feasible less environmentally damaging alternative that meets the public need.

APPENDIX A

ATE Traffic Memo

ASSOCIATED TRANSPORTATION ENGINEERS
100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509
Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

May 26, 2009 06121L07.WP

April Winecki
Dudek
621 Chapala Street
Santa Barbara, CA 93101

SANTA MONICA MOUNTAINS CONSERVANCY PARKS PROJECT - RAMIREZ CANYON PARK TRAFFIC ASSESSMENT

The original traffic analysis completed by Crain and Associates assumed that 6 residential estate lots could be developed at the Ramirez Canyon Park site. The Crain report estimated the weekday and weekend traffic generation for the residential lots using data contained in the Institute of Transportation Engineers (ITE) trip generation report (5th Edition). The ITE report contains base rates for single family homes of 9.55 trips/unit on weekdays and 10.19 trips/unit of weekends. The ITE report also provides adjustment factors for the base trip rates to account for larger homes with higher vehicle ownership characteristics based on data published by the Federal Highway Administration. The adjustment factor provided in the ITE report is 2.9 trips per unit. Applying this factor to the base rates yields adjusted rates of 12.45 trips/unit on weekdays and 13.09 trips/unit on weekends. Based on these adjusted rates, the trip estimates for the 6 estate lots would be as follows:

Weekdays 6 Estates x 12.45 = 75 ADT
Weekends 6 Estates X 13.09 = 79 ADT

Because ADT are normally expressed as even numbers (one trip in and one trip out) the estimates were rounded to 76 ADT for weekdays and 80 trips for weekends.

ATE also researched trip generation data contained in the SANDAG Traffic generators report to verify the results of the Crain analysis. The SANDAG report provides a rate of 12 trips/unit on weekdays for residential estates. Assuming the weekday to weekend ratio presented in the ITE report, the weekend rate for the SANDAG data would be 12.8 trips per unit. Based on the SANDAG data, the trip generation estimates for the 6 estate lots would be as follows:

Weekdays 6 Estates x 12.0 = 72 ADT

Weekends 6 Estates X 12.8 = 77 ADT

These trip estimates are very close to the estimates developed by Crain and Associates and confirm the validity of the original analysis.

Associated Transportation Engineers

Scott A. Schell, AICP, PTP
Principal Transportation Planner

ATTACHMENT D

ASSOCIATED TRANSPORTATION ENGINEERS
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Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

June 4, 2009 06121L08.WP

April Winecki
Dudek
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RESPONSE TO COMMENTS: SANTA MONICA MOUNTAINS CONSERVANCY PARKS PROJECT - RAMIREZ CANYON PARK PROJECT

Associated Transportation Engineers (ATE) has prepared the following responses to the traffic related comments submitted by Steven A. Amerikaner (letter dated December 23, 2008) on the subject project. A copy of the traffic related comments are attached for reference.

Response to Comment #1. Dukek to respond.

Response to Comment #2. The applicant is committed to limit traffic to 80 vehicle trips per day, which equates to traffic levels associated with 6 estate residential lots.

The traffic analysis prepared by Crain and Associates for the Ramirez Canyon Park Project assumed that the existing 6 residential lots that encompass the Ramirez Canyon Park site could generate up to 76 average daily trips (ADT) on weekdays and 80 ADT on weekends. Based on this level of potential traffic, the Crane analysis found that the Ramirez Canyon Park project would not generate traffic above the baseline levels if the park activities were limited to 80 ADT or less.

The Crain report estimated the weekday and weekend traffic generation for the residential lots using data contained in the Institute of Transportation Engineers (ITE) trip generation report (5th Edition). The ITE report contains base rates for single family homes of 9.55 trips/unit on weekdays and 10.19 trips/unit of weekends. The ITE report also provides adjustment factors for the base trip rates to account for larger homes with higher vehicle ownership characteristics based on data published by the Federal Highway Administration.

The adjustment factor provided in the ITE report is 2.9 trips per unit. Applying this factor to the base rates yields adjusted rates of 12.45 trips/unit on weekdays and 13.09 trips/unit on weekends. Based on these adjusted rates, the trip estimates for the 6 estate lots would be as follows:

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Weekdays 6 Estates x 12.0 = 72 ADT
Weekends 6 Estates X 12.8 = 77 ADT

These trip estimates are very close to the estimates developed by Crain and Associates and confirm the validity of the original analysis.

Response to Comment #3. The commentor states,

> *"Between September 29 and November 2, traffic was counted at the "bottom" of Ramirez Canyon (so that all trips up and down the Canyon would be recorded). The analysis shows that the houses on Ramirez Canyon Road generate an average of 8.4 trips per day over a seven-day week."*

The commentor's analysis is flawed. The counts cited in the comment were done on Ramirez Canyon Road north of Delaplane Road and the rates were then computed assuming that this segment serves 60 residences. The inventory of homes prepared by the applicant found that there are 47 homes along the segment, not 60 as used in the commentor's analysis.

There are two access points for the residential lots on Ramirez Canyon Road. One access is via Ramirez Canon Road at PCH. The other access is via Delaplane Road, which is gated just east of Ramirez Canon Road. ATE collected traffic volumes at these two entrances for one week in August, 2007. These two count locations capture all of the traffic generated by the residences along Ramirez Canyon Road and the feeder streets (shown on maps as Blue Anchor Road, Paquet Place, and Via Acero). ATE also conducted traffic counts at the entrance to Ramirez Canyon Park to determine how much traffic was generated by the park during the count period. The traffic volume recorded at the two Ramirez Canyon Road access points was 774 ADT and the volume at the park entrance was 21 ADT. Thus, the existing residences

along Ramirez Canyon Road generated 753 ADT. The inventory of homes prepared by the applicant found that there are 52 residences served by Ramirez Canyon Road. Therefore, the trip generation rate for the existing residences is:

753 ADT / 52 Estates = 14.5 trips/estate

As shown, the existing residences on Ramirez Canyon Road generate higher traffic levels than predicted using the ITE and SANDAG rates. Applying the rate to the 6 existing residential lots that encompass the Ramirez Canyon Park site would result in a generation of 87 ADT versus 76 ADT using ITE method. The minor differences in traffic generation estimated when using the counts collected versus the ITE rates can be attributed to daily and/or seasonal fluctuations. More importantly, the counts collected on Ramirez Canon Road and Delaplane Road demonstrate that the commentor's analysis is flawed.

Response to Comment #4. The applicant is committed to limit traffic to 80 trips per day.

Response to Comment #5. Limiting the number of trips is not "bad practice." There are many instances where a condition is place on a project that limits traffic generation. Such measures are enforced through monitoring. Monitoring can be achieved several ways, including installation of permanent traffic count equipment, conducting manual count samples on a routine basis, keeping trip logs, etc. Entities are often times required to submit annual (or semi-annual, quarterly, etc.) reports demonstrating traffic generation.

Response to Comment #6. Traffic counts conducted by ATE in 2007 show that existing traffic volume at the south end of Ramirez Canyon Road adjacent to PCH is 391 ADT and the traffic volume on Delaplane Road at the entrance gate is 383 ADT. The traffic volume on Ramirez Canyon Road north of Delaplane Road is 541 ADT. The peak hour volumes range from 40 to 60 vehicles per hour. These volumes are relatively low and indicate that Ramirez Canyon Road and operates at LOS A. The addition of 80 ADT to Ramirez Canyon Road and/or Delaplane Road would not significantly degrade operations and the roadways would continue to operate at LOS A.

Response to Comment #7. Fire consultant to respond.

Response to Comment #8. The comment states,

> *"The Conservancy's traffic study prepared by Crain & Associates (2006) provided a method by which to calculate vehicle trips based on the number of acres of a proposed park site. When that methodology is applied to the Ramirez property, "park" use of Ramirez would result in only 9-14 trips on weekdays, 13-16 trips on Saturdays, and 24 trips on Sundays."*

The commentor's analysis is flawed in that the trip rates applied are from studies of State parks, where amenities are limited. The park rates in ITE and SANDAG vary significantly – depending upon the size, location and amenities of the parks that were surveyed. The commentor fails to acknowledge that the greater level of amenities and activities at the Ramirez Canyon Park would generate higher trip generation (assuming unrestricted use) than what is estimated using the State park rates where amenities are limited. Most importantly, the applicant is limiting the traffic that could be generated by the park to 40 round trips per day (80 ADT), which would not significant impact traffic operations along Ramirez Canyon Road.

Associated Transportation Engineers

Scott A. Schell, AICP, PTP
Principal Transportation Planner

SAS/DLD

Second, activities and events at the Conservancy's property would generate noise levels that would substantially exceed existing ambient noise levels. (SAIC Report, Section 7.2, pp. 47-48.) And, the Conservancy proposes to conduct some of these events in "Barwood" and the "Art Deco House," which are closest to the surrounding residences. (*Id.*)

Third, the Conservancy proposes amplified music, apparently at any and all times, not to exceed a reading of 65 dBA at the southern boundary of the property (SMMC/LIP Text Amendments, Section 4.12.B.4; see Attachment D, p. 50). Amplified music is not consistent with ESHA, Open Space, or this rural, residential neighborhood and would have a significant impact on the Canyon.

The Conservancy's proposal for amplification also exceeds the decibel levels set forth in the Malibu General Plan and, by limiting the site of the measurement to the southern boundary of the property, does not account for the narrow, box nature of the Canyon. The City's LCPA limits the use of amplified music to six events per year, only in the meadow and garden area near the Barn – which is the most up-canyon structure (Malibu LCPA, Section 3.4.2, D, 12, b, iv; see Attachment D, p. 50). Under the City's LCPA, the amplification would be governed by the decibel limits set forth in the General Plan (SAIC Report, Section 7.0, pp. 47-48). We respectfully submit that, because of the site constraints, the City's proposal minimizes the conflict between the Conservancy's use and the residential nature of the Canyon.

4. The Conservancy's Use of Ramirez Canyon Road – The Need for Alternate Access and the Myth of "80 Vehicle Trips Per Day." Ramirez Canyon Road is constructed on a private road easement, which was created to provide residential access to the properties in Ramirez Canyon. Despite that fact, the Conservancy proposes 80 vehicle trips per day for public use.[34] That is why – in addition to the fire and safety concerns – it is imperative that the Conservancy construct alternate access.

At the same time, we respectfully submit that, if the Commission allows the Conservancy to use Ramirez Canyon Road for any public use, the *number of vehicle trips should be determined during the permit process*, i.e., when the decision-makers can examine the specific development or use, the need for a particular number of trips to support that development or use, the impact on

[34] The Conservancy does not have a right to use Ramirez Canyon Road for public access because the easement was created for residential use. A change in the character of the use of a private easement is not authorized because, as a matter of law, the change in use adds a "new and additional burden," not contemplated when the easement was created. See, e.g., *Wall v. Rudolph* (1961) 198 Cal.App.2d 684, 686; *Gaither v. Gaither* (1958) 165 Cal.App.2d 782; *Connolly v. McDermott* (1984) 162 Cal.App.3d 973, 976.

the neighborhood, and the alternatives. The permitting process will also allow for specific notice to and full participation by the owners of the private property over which this commonly-held easement passes.

For present purposes, it is also important that staff and the Commissioners understand RCPF's continuing objection to "80 vehicle trips per day" – a number which the Conservancy tirelessly asserts is necessary and appropriate for its proposed uses. The Conservancy claims a "right" to generate 80 trips a day using the following flawed logic: (i) the Ramirez property consists of six legal lots; (ii) the six lots could be separately sold and each developed with a single family home; (iii) a typical single family home produces 9.57 trips/weekday and 10.09 trips/weekend day (57 to 61 trips), and (iv) these houses will generate 20 more trips because of their lot size.[35] Since 1999, the Conservancy has insisted that 80 trips per day should be the "baseline" against which the traffic impacts of its proposed uses should be analyzed.

2

The SAIC Report points out the flaws in this analysis. First, the Ramirez property is not being used as a residence. Second, it has never been used by six separate owners occupying six separate houses on six parcels. Until the Conservancy acquired the property in 1993, it had always been a single residential estate, under one ownership, and used only on occasional weekends. Third, there is no evidence that the Coastal Commission has ever determined that there are six legal parcels which are capable of separate development and sale as single family lots. Fourth, even if there were six lots that could be separately developed and occupied by six owners, those six lots would only generate – at most — 58 trips per weekday (SAIC Report, Section 6.0, pp. 45-46). Ramirez Canyon is in a location where many people own second homes, which are used far less frequently than a "typical" single family home. Indeed, the Ramirez Canyon property was a second home for Barbra Streisand during the time she owned it. The Crain analysis fails to consider this salient factor, and thus its trip generation analysis is flawed. (*Id.*)

3

The errors in the Crain report are clearly demonstrated by examining actual traffic levels on Ramirez Canyon Road. Between September 29 and November 2, traffic was counted at the "bottom" of Ramirez Canyon (so that all trips up and down the Canyon would be recorded). The analysis shows that the houses on Ramirez Canyon Road generate an average of 8.4 trips per day over a seven-day week. (See Attachment H.) Therefore, even if there were six separate

[35] This analysis was documented in a 1999 report prepared by Crain & Associates, titled "Trip Generation Estate Homes Study."

homes on six lots on the Conservancy property, those homes would generate at most an average of 50 trips per day over a seven-day week.

For these reasons, if "residential use" is to provide any baseline whatsoever, that baseline should be the single residential ownership use that existed prior to the Conservancy's acquisition and the typical traffic generated by such a use in Ramirez Canyon: 8.4 per day.

The next step in the analysis requires calculating the number of trips generated by the proposed uses, and the number of trips resulting from the feasible alternatives. The Conservancy has previously acknowledged that its office use **alone** will generate 68-72 trips per day (although our traffic counts indicate that the existing uses of the Ramirez property generate an average of 33 trips per day over a seven day week and 41 trips per day Monday through Friday). How many additional trips will be created by the special events, tours, camping and other activities? The 1999 Crain Report indicates that just one "Special Event" with 200 people brought to the property in 15-person vans will produce 28 van trips. If a "Small Group Gathering" with 40 people is held on the same day, and visitors arrive four people per car, that event generates another 20 vehicle trips. Those two events alone will produce 48 trips in a single day. When added to the number of trips the Conservancy claims are needed for office uses, the total is 116 trips.

Using the correct baseline (a single family use), it is clear that the Conservancy's proposals to intensify the use of Ramirez Canyon would generate a significant traffic impact. In this simple example, the traffic would increase from 8 trips per day (baseline) to 116 trips per day (Conservancy's uses).

The Conservancy's answer? It proposes a limit of 80 trips per day, a limit which apparently is based on the hypothetical six-house "baseline" described above. There are a number of fatal defects with this "solution."

First, the Conservancy's proposal is **bad practice**. In order to minimize the neighborhood or environmental impacts of a project, land use regulatory agencies typically place restrictions on **uses** by limiting the type of use, square footage, number of occupants or other features of the use. Permitting agencies do not typically attempt to regulate the secondary impacts (such as traffic generation) by limiting the number of trips because monitoring and enforcement can be so difficult to achieve.

Second, the Conservancy's proposal will greatly **exacerbate the danger** of a wildfire to the visiting public. To illustrate using the above example: If the Ramirez property is used for a

wedding with 200 guests, they must be brought to the property in 15-person vans from a remote parking facility. That will require 14 separate vans each making one trip to drop off and one trip to pick up (28 trips total). Is it realistic to expect that the wedding organizer will rent 14 vans? No. More likely, two vans will be rented, with each making 7 trips to drop off and 7 trips to pick up. If there are only two vans, how will the 200 people be quickly evacuated in the event of a wildfire? And, even if there are 14 vans in use, what will be the impact on the ability of the Canyon residents to evacuate and the fire trucks to access the Canyon for fire suppression and rescue purposes?[36]

Third, even if limiting traffic trips made sense from an enforcement perspective, the Conservancy's proposed trip limit of 80 trips per day is **far too high** given (i) the low-intensity historical use of the property, (ii) the location of the property in a rural, residential neighborhood; (iii) the fact that the property is in a Very High Fire Hazard Severity Zone with a **single means of ingress and egress**, and (iv) the fact that the access road does not comply with fire standards.

Fourth, there is no compelling need to create these fire safety risks and traffic impacts because there are feasible and environmentally superior alternative locations for the Conservancy's proposed uses of the Ramirez property. (See SAIC Report, Section 8.0, pp. 49-61.)

Three additional points regarding traffic must be made. First, the Ramirez property could be used as a passive recreation park, with no management-level offices, camping or special events. The Conservancy's traffic study prepared by Crain & Associates (2006) provided a method by which to calculate vehicle trips based on the number of acres of a proposed park site. When that methodology is applied to the Ramirez property, "park" use of Ramirez would result in only 9-14 trips on weekdays, 13-16 trip on Saturdays, and 24 trips on Sundays. That passive park use would be consistent with the "baseline" use of the property.[37]

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36 "Most people who die in wildland fires do so while evacuating. Evacuation operations require large commitments of firefighters who could be better utilized on the fire, and impairs traffic, affecting the response of firefighters." Hunt, J., "Listen to Experts Concerning Fire Protection," Santa Barbara News Press, December 21, 2008. Mr. Hunt is a former county fire department captain and a wildland urban interface fire protection consultant for the past 29 years.

37 The Conservancy has also presented a second traffic study, by Associated Transportation Engineers, dated August 20, 2007. With no mention of the earlier calculations by Crain & Associates for proper park use, ATE switched to a different reference book -- the "San Diego Traffic Manual" -- for its calculations, and concluded that the daily trips for park use would be 126-186 (ATE, 8/20/07, p. 16). If that calculation is accurate, then a "passive park use" would

Second, even if the Conservancy's proposal for a daily trip limit made sense, there is no reason to accede to the Conservancy's suggestion that it be allowed to "bank" unused trips for later use (see SMMC/LIP Text Amendments, Sections 4.3.B.1 and 4.12.B.2; see Attachment D, pp. 18-19 and 49-50, respectively). "Banking" simply becomes a loophole through which the traffic impacts would be exacerbated and the fire risk worsened by "spending" trips from the bank during times of intense use of the property.

Third, there is no reason to accept the Conservancy's attempt to exempt an additional, undetermined number of vehicle trips by means of Proposed LIP Text Amendment, Section 4.12.B.10:

> "Nothing herein, including trip limitations, shall operate to limit or restrict access to Ramirez Canyon Park as sovereign property of the State of California at any time and by any means whatsoever, by any of the following: The governor or any civil executive officer as provided in Government Code § 1001; any member of the California National Guard or the State Militia; any firefighter of any public agency; any peace officer, any emergency medical technician or paramedic whether employed by a public agency or not, any member of the Legislature or staffs thereof, any member of the Bureau of State Audits, the Secretary for Resources or any employee thereof, any member of the California Coastal Commission or staff thereof, any person appointed pursuant to Public Resources Code Section 33200 or 33213, or person appointed pursuant to Section 5.0 of the Joint Powers Agreement between the Conejo Recreation and Parks District, the Rancho Simi Recreation and Parks District, and the Santa Monica Mountains Conservancy." (SMMC/LIP Text Amendments, § #.4.12.B.10; see Attachment D, p. 54; emphasis added.)

The potential impacts of this provision are significant. At a minimum, it appears to create a **major loophole** for all of the trips generated by the Conservancy's management employees who are currently housed at Ramirez, all of whom could claim to be "employees of the Secretary for Resources." (As noted above, the Conservancy has previously acknowledged that 68-72 trips per day are required for its office use.)

For all of these reasons, we urge the Commission to require the Conservancy to construct alternate access to its Ramirez Canyon property and – once that access is constructed – to use Ramirez Canyon Road only for emergency ingress and egress. (See RCPF Comment Letter re City LCPA.) In any event, we respectfully request that the Commission require the Conservancy to provide a proper environmental analysis of its proposed Ramirez Canyon uses, including an

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cause traffic and fire safety impacts comparable to the Conservancy's proposed uses, and would be equally inappropriate for this property given the access constraints.

STATE OF CALIFORNIA—THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 445-8200
Website: www.fire.ca.gov

June 2, 2009

Commissioners
Attention: John Ainsworth, Deputy Director
California Coastal Commission
South Central Coast District
89 South California Street, Suite 200
Ventura, California 93001

RE: CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-3-07 JUNE 10 ITEM #16A
CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-1-08 JUNE 10 ITEM #16B

Dear Deputy Director Ainsworth:

On May 28, 2009, the California Department of Forestry and Fire Protection (CAL FIRE) – Office of the State Fire Marshal (OSFM) received several letters from the citizens residing in the area of concern requesting fire code interpretations on the above referenced items. The OSFM had not been aware nor had received current fire plan documents to review in regards to these issues. Therefore, we respectfully request a postponement on the above referenced agenda items scheduled for the California Coastal Commission, June 10, 2009 hearings to allow time to review the proposed project specifics for compliance with applicable fire safety requirements.

The State Fire Marshal has the obligation to enforce and regulate building and fire codes for occupancies state owned or occupied buildings. I am requesting that the California Coastal Commission postpone action on the above matter based on the OSFM's authority to review, comment, and approve projects of state ownership/occupancy as referenced. (Health and Safety Code §13145, §13146, §13108). Again, this will allow the OSFM the necessary time to evaluate the project, determine the impact of OSFM regulations, and provide a detailed response to the project applicant.

Thank you for your consideration and assistance. Should you have questions concerning this request, please contact Assistant State Fire Marshal Tonya L. Hoover at tonya.hoover@fire.ca.gov or by telephone at (916) 445-8200.

Sincerely,

KATE DARGAN
State Fire Marshal

cc: P. Michael Freeman, Fire Chief, Los Angles County Fire Department
Ronald P. Schafer, Chair, Santa Monica Mountains Conservancy

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

MAL-MAJ-1-08
MALIBU
TOWNSHIP COUNCIL, INC.
A Community Association
MALIBU, CALIFORNIA
P.O. BOX 803, 90265-0803

Revised Findings

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Ref: Agenda Item 16b
SMMC LCP amendment
June 10, 2009

California Coastal Commission

Dear Commissioners:

The Malibu Township Council Board of Directors urges the Coastal Commission NOT to approve new overnight campsites in the Malibu Mountains or allow private roads to be used for access or parking as proposed in the Santa Monica Mountains Conservancy LCP amendment.

We request that consideration of this Plan be postponed until the State of California's financial ability is reestablished so that adequate funding is available to provide enough rangers to patrol the proposed campsites 24/7 should they be approved. However, if the hearing proceeds:

Our reasons for requesting denial of any new overnight camping include, but are not limited to the following:

1. The proposal violates Sec. 30253 and 30210 of the Coastal Act, which requires risks to life and property in areas of high fire hazard be minimized, and to be consistent with public safety. This proposal does NOT comply with the Coastal Act.

2. To approve the proposed campsites is to become a party to creating an extreme, unnecessary fire safety hazard for the entire community. SMMC parks and most of greater Malibu are in a designated Very High Fire Hazard Zone. The 2007 Corral fire demonstrates that night use of park areas, legal or illegal, is extremely dangerous to the community AND to the park resources and users as well. We need to eliminate as many sources of fire as possible. If this Commission approves the proposed campsites that are later identified as the source of a wildfire – the CC will be a culpable agency.

3. The application does not identify a responsible agency for either funding or enforcement of any rules or conditions that may be attached to use of the campsites. The State has admitted they do not have enough rangers to patrol the parkland currently in use. The proposed use of "Camp Hosts" who do not have police power to enforce rules is inadequate and dangerous.

4. SMMC parks proposed for campsites are confirmed to be in ESHAs – Camping is not now allowed in ESHA. (Malibu LIP, pg. 127 4.5.3). We strongly object to redefining the term "Resource Dependent Uses" to allow any type of campsites. This is subverting the intent of the term. Resource Dependent Uses in ESHA are intended to limit uses to those that have very minimal impact in order to preserve the qualities of the ESHA protected sites. The proposed campsites ARE development and SMMC proposes to construct amenities such as water tanks, chemical toilets, cooking areas, and to clear the campsite of foliage, which will damage the site. How can chemical toilets be serviced at a trail campsite where there is no nearby road. These parks can be used and enjoyed by the public without staying overnight. Redefining this term sets a dangerous precedent for other developers to follow

5. There is no notification or fire evacuation plan to warn the residents surrounding the parks. Fire starting in a park could reach unaware residents in minutes. Conflict occurs as fire personnel try to reach a fire while park users, as well as residents try to evacuate with domestic animals. This effect jeopardizes the park resources SMMC is supposed to protect. During prior fires hundreds of domestic animals and wildlife have died. It will be impossible to warn hike in campers when a fire starts. In contrast to state and federal parks, SMMC is consistently lax in closing parks on red flag days.

6. Campers would be allowed to use propane cook stoves. The Conservancy admits in the Ramirez Park Evacuation Plan, Pg. 2 (Appendix 11 of the SMMC Plan) that "camping cook stoves and lanterns ... could potentially be a source of fire ignition should such items be dropped..." These stoves must be ignited with a match or lighter - that is a flame. There is no guarantee that users of the campsites will be knowledgeable or careful. The proposal is to notify users when they make reservations that a propane stove is required. Only Ramirez requires reservations. The other two parks allow walk-in use – those users will not know in advance of this requirement

.

7. There have been many documented incidents of wildfires being started by careless or clueless campers. The adjacent communities and park resources and wildlife, should not be put at risk in order to provide recreational camping experiences – again this does not comply with the Coastal Act which requires risk to life and property be minimized in high fire hazard areas. As a few examples of campers causing fires: 1956 Sherwood Hume Kanan fire – started by a camper who buried the campfire -35,000 acres; the 2007 Corral Cyn. fire, started by an illegal camp fire - 4900 acres 53 homes lost; the 2007 Tahoe-Angora fire – started from an unpermitted campfire – 3100 acres 329 homes and businesses lost; the Santa Barbara Tea fire started when local students built a camp fire -1940 acres 210 homes lost; the 2008 Indian fire in central Ca. was started by a campfire in Los Padres National forest - 81,378 acres; 2003 San Diego Cedar fire caused by a signal fire – 280,278 acres, 2232 homes lost, 15 people killed.

8. No Campsite Needs Assessment has been provided. A generalized letter claims a large unmet need but there is no documentation. A list of supervised campsites in the Malibu 90265 greater Malibu area from the National Park Service (see attached) indicates enough sites to conservatively serve 2140 persons per night. The Malibu RV Park alone accommodates 638 persons in 35 tent spaces and 142 RV spaces. If a valid Needs Assessment shows more sites needed they should be located at existing full-time supervised campgrounds such as Leo Carrillo.

Lucien Keen, Secretary
Malibu Township Council Board of Directors

Attached: National Park Service campsite list

Letter re past fires

Letter Co. of L.A. Fire Dept. 6/2/09

Letter State Fire Marshal 6/2/09

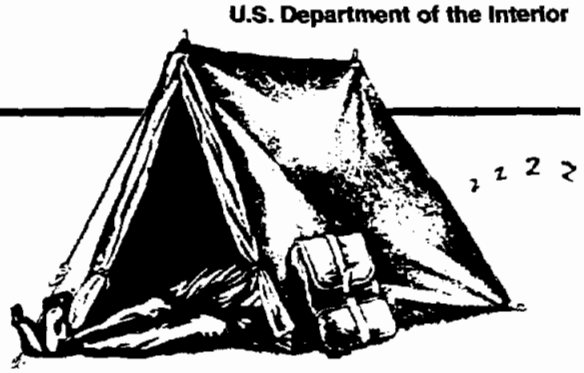
MTC Pg 2 of 2 re SMMC LCP amendment 6/10/09

Santa Monica Mountains

National Recreation Area
National Park Service
U.S. Department of the Interior

Camping in the Park

in Malibu



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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Are you searching for a quick and affordable weekend getaway? Your vacation destination may be closer than you think. Just a short drive from Los Angeles, Santa Monica Mountains National Recreation Area offers many opportunities to shake off the stresses of city life and immerse yourself in the beauty of nature.

From Topanga State Park to Point Mugu State Park, there are a variety of campgrounds for you to enjoy. Night may find you stargazing deep within a sage-scented canyon, or listening as the waves break against the sandy shore. Savor the peace and solitude on your own, or share the fun of camping with family and friends.

When you go camping in the park, please observe the following safety tips and regulations:

- Fires are prohibited except in designated areas. Because fire regulations may vary for each campground, please contact the specific park.
- Dogs are generally allowed on National Park campgrounds and trails if on a leash (6 feet maximum). At state parks, dogs are permitted only in campgrounds and picnic areas, and on certain beaches *where specified.*
- Natural and historic features (such as flowers, rocks or artifacts) are protected by law and may not be collected or damaged.
- Wood gathering or collecting is not allowed.
- Bring plenty of food and water. *(Water from streams is **not** safe to drink!)*
- Learn to recognize and avoid poison oak, rattlesnakes and bees. Guard yourself against ticks by wearing long sleeves, long pants and light colors.
- Dress appropriately for variable weather conditions and be prepared for minor emergencies. Bring a first aid kit, flashlight and extra clothes.
- Take care of your trash. Use disposal facilities on site, or pack out what you pack in.

For more information:
National Park Service Visitor Center
401 West Hillcrest Drive
Thousand Oaks, CA 91360
805-370-2301
http://www.nps.gov/samo/

In an emergency, dial 911.

MTC comments 6/10/09 #16 b
attachment 1

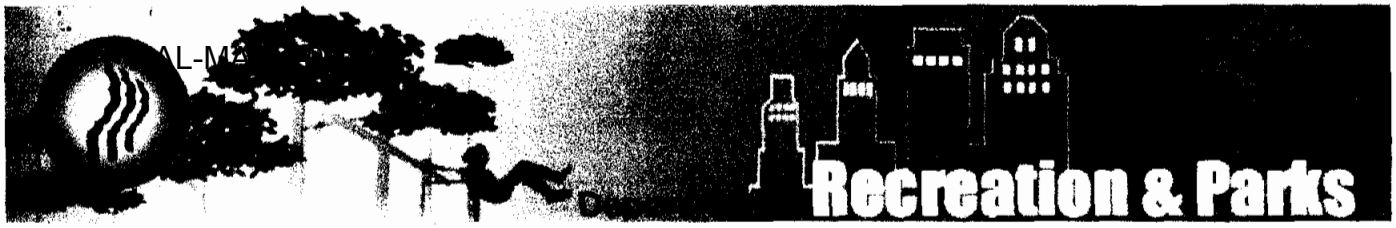
Camping in Malibu

	DRINKING WATER	FLUSH TOILETS	PIT TOILETS	SHOWERS	RV SPACES	TENT SPACES	DUMP STATION	FIRE RINGS	PETS	FEE PER NIGHT	RESERVATION INFORMATION	People
NATIONAL PARK SERVICE 805-370-2301												
CIRCLE X RANCH CAMPGROUND 805-370-2300 x1702												
(90265) Yerba Buena ~~[illegible]~~ Malibu, CA — ***Group*** *(10-50 people)* *(Reservations required)*	▲		▲			▲			▲	**$2/person**	805-370-2300 x1702	50
CALIFORNIA STATE PARKS 818-880-0350												
LEO CARRILLO STATE PARK CAMPGROUNDS 805-488-5223 or 805-488-1827												
(90265) 35000 W ACH Malibu, CA — ***Hike and Bike***	▲	▲		▲		4		▲	▲	**$3/person**	First come, first served basis	8
Canyon Family	▲	▲		▲	138	138	▲	▲	▲	**$20/$25**	800-444-7275 Reservation fee applies	552
Group Walk-In *(10-50 people)*	▲	▲		▲		▲		▲	▲	**$67/$111**	800-444-7275 Reservation fee applies	50
POINT MUGU STATE PARK CAMPGROUNDS 805-488-5223 or 805-488-1827												
(90265) 9000 W ACH Malibu, CA — ***Big Sycamore Canyon Hike and Bike***	▲	▲		▲		4		▲		**$3/person**	First come, first served basis	8
Big Sycamore Canyon Family Camp	▲	▲		▲	52	52	▲	▲	▲	**$20/$25**	800-444-7275 Reservation fee applies	208
Thornhill Broome Family Camp	▲		▲		75	75		▲	▲	**$11/$15**	800-444-7275 Reservation fee applies	300
La Jolla Valley Hike-In			▲			3				**$3/person**	Register by iron ranger at La Jolla	6
La Jolla Valley Group Hike-In *(10-20 people)*						▲				**$3/person**	Register by iron ranger at La Jolla	20
La Jolla Canyon Group *(10-50 people)*	▲	▲		▲	1	▲		▲	▲	**$67/$111**	800-444-7275 Reservation fee applies	50
Danielson Group Multi-Use Area *(10-50 people)*	▲	▲		▲		▲		▲	▲	**$150** + $50 escort fee	310-457-8144	50
Sycamore Group Multi-Use Area *(10-50 people)*	▲		▲			▲		▲	▲	**$75** + $50 escort fee	310-457-8144	50
MALIBU CREEK STATE PARK CAMPGROUNDS 818-880-0367												
Malibu Creek Family Camp	▲	▲		▲	62	62	▲	▲	▲	**$20/$25**	800-444-7275 Reservation fee applies	
Malibu Creek Group Camp Walk-In *(10-60 people)*	▲	▲		▲		▲	▲	▲	▲	**$81/$135**	800-444-7275 Reservation fee applies	
TOPANGA STATE PARK CAMPGROUNDS 310-455-2465												
Musch Camp Backcountry Hike-In	▲	▲				8				**$3/person**	First come, first served basis	
LA CITY REC. & PARK DISTRICT 213-485-4853												
(90265) 3133 S Decker Canyon Rd Malibu, CA — ***Decker Canyon Group Campground*** 310-457-3267 *(15-150 people)*	▲	▲	▲	▲		▲		▲	▲	**$6/person**	213-485-4853 $90.00 minimum	150

This information is subject to change. Please contact the appropriate agency for updated information.

Malibu RV Camp. 142 RV + 35 tents = 638

638 in 90265 2140 per night



DECKER CANYON CAMP (SANTA MONICA MOUNTAINS)

3133 South Decker Canyon Road
Malibu, CA 90265
Phone: (310) 457-3267
Fax: (818) 243-6451

*** More information about DECKER CANYON CAMP

Region: Griffith Region

Public Information: The above listed hours, phone and fax numbers are to the camping section. Reservations can be made by calling and speaking with Mark Hocberg. Reservations need to be made up to 9 months in advance.

The direct number to the camp is (310) 457-3267. However, this line is not always answered as the camp is run mostly by maintenance who are busy making the camp beautiful.

Camping groups provide own program, staff and bedding.

This facility houlds up to 150 campers.

Facility Hours Of Operation: Monday - Friday: 9:00 a.m. to 5:00 p.m.
Saturday - Sunday: Closed

Facility Features:
PICNIC TABLES
VOLLEYBALL COURTS (UNLIGHTED)

Special Features:
37.01 ACRES
BENCHES
CAMPFIRE CIRCLE
CANYONS
COOKING SHELTERS W/WOOD AND CHARCOAL STOVES
GULLEYS
HIKING TRAILS
MAIN SHOWER & RESTROOM COMPLEX
RUNNING WATER

Sports Programs: VOLLEYBALL

Other Programs: GROUP CAMP

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National Park Service

Santa Monica Mountains

National Recreation Area

CIRCLE X RANCH

Yerba Buena Rd., Malibu, CA 90265

Tucked in the canyons above Malibu and nestled below majestic Boney Mountain, you will find Circle X Ranch. This former Boy Scout camp offers many opportunities for exploration and adventure. Journey to Sandstone Peak, the highest point in the Santa Monica Mountains, and see several of the Channel Islands on a clear day. Enjoy a visit to the Grotto or a creekside picnic. Reserve the Group Camp and listen to coyote songs at night.

Travel one of the many trails that wind through this rare coastal Mediterranean ecosystem. The plants you see here, such as coastal sage scrub and mixed chaparral, are adapted to hot, dry summers and mild, wet winters. Keep an eye out for red shank chaparral, a tree-like shrub with reddish-brown bark, clusters of thread-like leaves, and small bunches of white flowers in July and August.

From the dry, rocky slopes near Sandstone Peak to the lush fern-studded Grotto, Circle X Ranch provides a wide variety of recreational possibilities. Linger here for a while, and experience the ambiance of this secluded mountain retreat.

Facilities

Group Campground

Campground is accessible by vehicle.

Reservations required: Call **805-370-2300 x1702.** Limit of 10 to 50 persons.

Fee: $2 per person per night (Golden Age and Golden Access passport discounts *do not apply*).

Facilities: Picnic tables, vault toilets, drinking water and fire grates. (Charcoal fires are permitted in fire grates or personal barbecue grills. Gas stoves are permitted. *Wood or compressed log fires are prohibited due to fire hazards.*)

Check out time: Must vacate site by noon or pay for another day of camping.

Maximum stay: 14 consecutive days and no more than 30 days per calendar year.

Quiet hours: 10pm to 6am.

Backcountry camping is not available.

Ranch House

This facility includes a meeting room for 75 people, a kitchen, restrooms with showers, a fireplace and lounge area. No overnight accommodations. Available through reservation/special use permit. Call **805-370-2308.**

Information & Safety

Be prepared: take water, food, flashlights and first-aid supplies when hiking, biking or horseback riding. Watch for and avoid rattlesnakes and poison oak.

Camping is restricted to the Group Campground only. Permits are required.

Dogs must be on a 6' or shorter leash at all times. For the health and consideration of others, clean up after your pet. Dogs are not permitted in the backcountry of Point Mugu State Park.

Firearms, weapons, nets, and traps are not allowed in parklands.

Natural and historic features including rocks, plants and animals are protected by law and may not be collected or disturbed.

Fire is a constant danger. Open fires are prohibited. Charcoal and gas stoves are allowed in the Group Campground only. Smoking and all fires are not permitted during times of high fire danger. Smoking is not permitted in Point Mugu State Park.

Bicyclists must ride courteously and yield to hikers and equestrians. **Hikers** must yield to equestrians. Bicyclists and equestrians are allowed on designated trails only.

Water that comes from streams is not safe to drink due to possible contamination or the presence of the giardia protozoan.

Trail closures will be in effect during and following extreme weather or hazardous conditions.

National Park Service
Santa Monica Mountains
National Recreation Area
401 West Hillcrest Drive
Thousand Oaks CA 91360
www.nps.gov/samo

Visitor Center 805-370-2301

In emergency: dial 911
Angeles Dispatch 661-723-3620

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Day Hiker's Trails

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Earth Day Whale Fest

Santa Monica Mountains NHA

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Point Mugu SP
State Park

Point Mugu State Park, located in the Santa Monica Mountains, features five miles of ocean shoreline, with rocky bluffs, sandy beaches, sand dunes, rugged hills and uplands, two major river canyons and wide grassy valleys dotted with sycamores, oaks and a few native walnuts. There are more than 70 miles of hiking trails. The beach also features swimming, body surfing and surf fishing. The park includes the jagged pinnacles of the Boney Mountains State Wilderness Area.

Location/Directions
The beach is 15 miles south of Oxnard on Highway One.

9000 W. Pacific Coast Highway, Malibu, CA 90265

Wi-Fi Service
Point Mugu State Park now offers AT&T Wi-Fi Service! This service enables park visitors with wireless enabled

Park Features Icon Legend
Max Camper Length: 31 Feet
Max Trailer Length: 31 Feet

Hours

Gate is locked from 10pm to 7am No entry after 10pm.

Address
9000 W. Pacific Coast Highway,
Malibu, CA 90265

General Information
(818) 880-0363

Special Events
(310) 457-8185

School Groups
(805)488-1827

Operating Hours
Gate is locked from 10pm to 7am
No entry after 10pm.

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Leo Carrillo SP
State Park

The park has 1.5 miles of beach for swimming, surfing, windsurfing, surf fishing and beachcombing. The beach also has tide pools, coastal caves and reefs for exploring. Giant sycamores shade the main campgrounds. The park also features back-country hiking.

Nature walks and campfire programs are offered and a small visitor center has interpretive displays. During the summer, children's programs are available.

The park was named after Leo Carrillo (1880-1961), actor, preservationist and conservationist, served on the California Beach and Parks commission for eighteen years, and was instrumental in the state's acquisition of the Hearst property at San Simeon. He was related by blood and marriage to a long line of distinguished original Californians. Leo's greatest fame came from his portrayal of Pancho, the sidekick to Duncan Renaldo's **Cisco Kid**, an early 1950's TV series.

Park Features Icon Legend
Max Camper Length: 31 Feet
Max Trailer Length: 31 Feet

35000 W. Pacific Coast Highway
Malibu, CA 90265

General Information
(818) 880-0363

Special Events
(310) 457-8185

School Groups
(805)488-1827

Operating Hours
Gate is locked from 10pm to 7am
No entry after 10pm.

MTC

RECEIVED
JUN 05 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

From: "Diane Pope" <d.pope@ix.netcom.com>
To: <malibutownshipcouncil@earthlink.net>
Sent: Monday, November 12, 2007 6:05 PM
Subject: NO NEW CAMPING

Dear Township Council,

On 26 December 1956, my family was awaken by the phone and our neighbor informing us that there was a fire in the mountains behind us. It was three o'clock when I got outside and looked to the mountains. The entire range, not blocked from view by homes as it is today, was aglow in orange. I thought the Russians had finally bombed us. I was 14. My dad positioned me behind the house with the garden hose and told me to keep the roof and eves wet. No easy matter with the Santa Ana winds blowing in excess of 100 miles an hour. There were only five homes located at the top of Cuthbert Road and one on Horizon Drive then. There was only one water tank feeding Malibu Park. Protected somewhat by the embankment, I didn't see the home across the street burn to the ground and didn't learn until later that those people had narrowly escaped, with their dog, after being awaken by the fire in their house. All I saw were the billions of embers flying horizontally at me and our house my dad was still building. I didn't see the lone fireman save half of the house on Horizon after my dad told him he thought the fireman on our neighbor's roof, myself and he could save the remaining four on our road. The fire hit us at 3:30 and was passed us by four. Frank Dickover, our neighbor...two doors down, decided to evacuate, didn't make the turn down the hill and was burned alive...leaving a wife and one year old daughter who went in the opposite direction in thier second car. It was a long time before the screams of the dying horses left in their barn and corrals next door faded from my memory. While the four remaining homes on Cuthbert hill were saved, out lives were forever changed.

That was almost 51 years ago and that area, now easily accessed from Kanan, has not burned since. It had not burned in 40 years when we were awaken that night. The firestorm continued on for five days and many homes were eaten up by it. When all was said and done, it turned out that that fire was started by campers who had buried their camp fire with dirt as was taught at the time. But for those Santa Ana winds, Frank might have lived to see his little girl grow up.

My dad died last year. I've gone into deep debt to buy out my sister. Realtors said his house was a tear down and my heart just could not accept that. So, I am coming home to once again save his house. But I know there will be no saving it this time if and when there is another fire from the ridge line. There are too many homes with unkept trees, fifty years of mountain growth and not enough water pressure to put up a fight. So, while I would like to thank you for closing Kanan during this last fire and thus keeping out the arsons of today, I am begging you not to increase the risk of another camper's fire lighting up the night.

LCRD Diane J. Pope, USN Retired
d.pope@ix.netcom.com

MTC comments 6/10/09 #16b
attachment 2

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

RECEIVED
JUN 05 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 2, 2009

John Ainsworth, Deputy Director
All California Coastal Commissioners
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Dear Mr. Ainsworth:

CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-3-07 JUNE 10 ITEM #16A

CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-1-08 JUNE 10 ITEM #16B (SANTA MONICA MOUNTAINS CONSERVANCY OVERRIDE)

We have reviewed the above listed Commission staff report(s) for the two Local Coastal Program Amendments to be presented at the June 10, 2009 Coastal Commission's public hearing. We recommend DENIAL of both proposed amendments and the Commission's staff recommendation to approve LCPA 1-08 as revised, unless mitigating measures are implemented.

Both Local Coastal Program Amendments (LCPA's) cover a large portion of the Malibu area which includes the Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, all of which are located in the Very High Fire Hazard Severity Zone of Los Angeles County.

Both LCPA's propose significant intensification of use of Conservancy properties, including non-residential uses, large public events, and overnight camping. We are opposed to any new campgrounds, hike-in camps, trail camps or large group gatherings in very high fire risk areas. These activities could jeopardize public safety by unnecessarily increasing the risk of fire and requiring rapid evacuation of narrow box canyons served by limited access routes.

The Conservancy's Ramirez Canyon property was originally designed for single family residential use and was not intended as a public use park. The park property is accessed

MTG comments 6/10/09 #16b
attachment 3

from Ramirez Canyon Road, which is a single means of access extending approximately one mile up-canyon from the Pacific Coast Highway. Ramirez Canyon Road is a substandard, privately owned, dead-end road that narrows to as little as 12 – 15 feet in some areas. It is non-compliant with the minimum 20' in width requirement of both the State of California and Los Angeles County Fire Codes. It is also the evacuation route for the canyon residents and the only ingress and egress route for emergency vehicles.

The Conservancy proposes to intensify the original use of the property by attracting large group gatherings and offering overnight camping. This increase in use should only be considered when it can be demonstrated that the proposed property is in strict compliance with all applicable Building and Fire Codes. A second alternate code compliant access road into Ramirez Canyon should be a precondition to any expansion of the current uses as outlined in the City of Malibu's proposed LCPA 3-07.

Both proposed LCPA's under the Hazards category require a Fire Protection and Emergency Evacuation Plan for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park to be approved by the State Fire Marshal and the Los Angeles County Fire Department. The Los Angeles County Fire Department will not approve any Fire Protection and Emergency Evacuation Plan that shows any intensification of use, unless mitigating measures are implemented. Residential use of the Ramirez Canyon Park for the residential caretaker and his family may be allowed to continue upon verification of completion of the conditions of approval of Coastal Development Permit 4-98-334.

Section 30253 of the Coastal Act states in pertinent part that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This is not accomplished by allowing large numbers of the general public:

1. Into an area of high fire hazard served by a substandard road, through a heavily vegetated, relatively steep box canyon from which there is no alternative evacuation route.

2. Into structures that have not demonstrated to be in compliance with the current ignition resistant building standards for the proposed change in use.

However, consideration will be given by the Los Angeles County Fire Department to approve the Fire Protection and Emergency Evacuation Plan if the following mitigating measures are implemented:

1. An approved emergency access road no less than 20' in width with no vertical obstructions to structures and places of assembly.

2. Approved fire proof shelters strategically located along the trails and in camping areas to accommodate park visitors when evacuation is obstructed by an approaching fire.

3. Open flame is prohibited.

   a. Violations of open flame shall be a misdemeanor. Misdemeanor crimes are punishable by a maximum fine of $1,000 and a County jail term of one year or less.

   b. Violations during red flag warnings may be punishable by fines up to $6,000.

4. The canyons and parks will be closed during periods of high fire danger when a red flag warning is declared by the National Weather Service.

If you have any questions regarding this matter, please feel free to contact Deputy Chief Scott Poster at (323) 881-2461.

Very truly yours,

P. MICHAEL FREEMAN

c: Supervisor Zev Yaroslavsky, Third District
Kate Dargan, California State Fire Marshal

Thank you for all your efforts.

Rick Mullen
Ramirez Canyon Preservation Fund
310-457-7502

STATE OF CALIFORNIA—THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 445-8200
Website: www.fire.ca.gov

RECEIVED
JUN 05 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 2, 2009

Commissioners
Attention: John Ainsworth, Deputy Director
California Coastal Commission
South Central Coast District
89 South California Street, Suite 200
Ventura, California 93001

RE: CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-3-07 JUNE 10 ITEM #16A
CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-1-08 JUNE 10 ITEM #16B

Dear Deputy Director Ainsworth:

On May 28, 2009, the California Department of Forestry and Fire Protection (CAL FIRE) – Office of the State Fire Marshal (OSFM) received several letters from the citizens residing in the area of concern requesting fire code interpretations on the above referenced items. The OSFM had not been aware nor had received current fire plan documents to review in regards to these issues. Therefore, we respectfully request a postponement on the above referenced agenda items scheduled for the California Coastal Commission, June 10, 2009 hearings to allow time to review the proposed project specifics for compliance with applicable fire safety requirements.

The State Fire Marshal has the obligation to enforce and regulate building and fire codes for occupancies state owned or occupied buildings. I am requesting that the California Coastal Commission postpone action on the above matter based on the OSFM's authority to review, comment, and approve projects of state ownership/occupancy as referenced. (Health and Safety Code §13145, §13146, §13108). Again, this will allow the OSFM the necessary time to evaluate the project, determine the impact of OSFM regulations, and provide a detailed response to the project applicant.

Thank you for your consideration and assistance. Should you have questions concerning this request, please contact Assistant State Fire Marshal Tonya L. Hoover at tonya.hoover@fire.ca.gov or by telephone at (916) 445-8200.

Sincerely,

KATE DARGAN
State Fire Marshal

cc: P. Michael Freeman, Fire Chief, Los Angles County Fire Department
Ronald P. Schafer, Chair, Santa Monica Mountains Conservancy

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

MTC Comments 6/10/09 #16b
attachment 4

Brownstein | Hyatt Farber | Schreck *A Strategic California Merger with Hatch & Parent*

June 5, 2009

Steven A. Amerikaner

805.882.1407 tel
805.965.4333 fax
SAmerikaner@bhfs.com

BY EMAIL AND FACSIMILE

Honorable Chair Bonnie Neely and Members of the Coastal Commission
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Agenda Items 16a and 16b, June 10, 2009

City of Malibu LCPA 3-07

LCP Override Application by Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority (LCPA 1-08).

Dear Chair Neely and Members of the Commission:

Brownstein Hyatt Farber Schreck and Diane M. Matsinger, Esq. represent the residents of Ramirez Canyon, as the Ramirez Canyon Preservation Fund ("RCPF"). We are disappointed, to say the least, that staff has recommended that you reject the LCPA submitted by the City of Malibu and approve the Conservancy's "Override." We respectfully request that you reject staff's recommendation. The two LCPAs before you are very similar.[1] If your opinion about any specific proposal differs from that which Malibu has included in its LCPA, please work with the City to resolve those differences under standard LCPA procedure.

We are also concerned that, although we filed extensive comments and evidence in late 2008 and early 2009, staff made no attempt to address any of that material. Our comments and evidence establish, among other things, that there is extensive unpermitted development at the Conservancy's Ramirez Canyon property (streambed modifications, structures, etc.) and that the Conservancy's proposals would violate state and local Fire Codes in numerous respects. We respectfully direct your attention to the following documents:

---

[1] The two primary differences are camping (which Malibu deleted in the aftermath of two devastating fires – one of which was caused by an illegal campfire on unsupervised State Park land in Corral Canyon), and the requirement for alternate access to the Conservancy's Ramirez Canyon property (which is necessary to protect public safety because Ramirez Canyon Road is too narrow to comply with state and local Fire Code width requirements). Except for camping, the public access programs proposed by the Conservancy – including the programs for park visitors of varying abilities (e.g., physically and mentally challenged) – were approved by the City and are part of the City's LCPA. The City's LCPA also includes development and use standards for the Conservancy's Ramirez Canyon property.

- Letter submitted by RCPF to Commission Chief Counsel Hope Schmeltzer, dated November 24, 2008, explaining why the Conservancy's attempt to use Public Resources Code section 30515[2] to write its own LCP violates the Coastal Act.
- Letter submitted by RCPF to the Commission, dated December 23, 2008, with Comments on the Conservancy's Override. This letter includes, among other things, an extensive factual analysis of the Override prepared by Science Applications International Corporation.
- Letter submitted by RCPF to the Commission, dated January 6, 2009, with Comments on the City's LCPA.
- Letter submitted by RCPF to the Commission, dated May 5, 2009, with Proposed Text Changes to the City's LCPA to Enhance Public Safety.
- Letter submitted by RCPF to the Commission, dated May 19, 2009, which explains that the Fire Code violation with respect to the Conservancy's use of Ramirez Canyon Road (i.e., it is less than the mandatory 20-foot width) was not resolved during the hearings on CDP 4-98-334.
- Letter submitted by RCPF to the Commission, dated May 22, 2009, which explains that there is extensive unpermitted development on the Conservancy's Ramirez Canyon property.

We call your attention to these specific documents because the manner in which staff has posted the materials on the Commission website is very confusing. The Staff Report for the City's LCPA has four of ten exhibits attached. Four of our submissions with respect to the City's LCPA are listed as Exhibits 7 through 10. However, the web site viewer is not told that he or she must click on the Exhibit reference in order to view it.

The Staff Report for the Override lists as Exhibits four of our submissions with respect to the Override. The Staff Report states that the rest of the Exhibits are available on the Commission's website. However, the documents cannot be accessed from the website address provided. Instead, with no notification to the web site viewer, the documents are accessed by clicking on each of them in the Exhibit List. Exhibit 10, our November 24, 2008 letter to Commission Counsel, is not complete. Exhibit 11, our December 23, 2008 letter to the Commission is also not complete.

In addition, the Staff Reports include as part of the "Amendment History" the Public Works Plan (PWP) submitted by the Conservancy in 2006, but the pertinent documents from that submission are not

[2] All statutory references herein are to this Code.

included. Therefore, we also direct your attention to the following documents in the Commission files pertaining to the PWP, and ask that they be included in the record:

- PWP, submitted by the Conservancy to the Commission on June 9, 2006.
- Letter submitted by the City of Malibu, dated June 12, 2006.
- Our Comment letter to the Commission, dated June 13, 2006.
- The Commission's letter to the Conservancy, dated June 30, 2006.

Staff characterizes the PWP as the beginning of this LCPA process. That is not so. In fact, the Conservancy is attempting to stretch the override procedures beyond recognition in order to cure the deficiencies with its PWP. To briefly explain: A PWP must be consistent with a LCP (Sec. 30605). The PWP submitted by the Conservancy was inconsistent with the Malibu LCP in numerous respects. The Conservancy has invoked the override procedure to write its own LCP – so that when it re-submits the PWP, the PWP will be consistent with the LCP. We respectfully submit that allowing the Conservancy to do so would turn the Coastal Act on its head.

Finally, we respectfully submit that it is virtually impossible to provide for meaningful public participation in the LCPA process when staff issues 164 pages of staff reports (with 1354 pages of exhibits) 11 days before a hearing on two matters as large and complex as these. Therefore, if you have any doubts about any aspect of Agenda Items 16a and 16b, please do not decide the issue on June 10, but return the matters to staff for additional review.

Because there is not time to file detailed comments on the Staff Reports, we incorporate by this reference all of the comments and evidence which we have submitted to date, and isolate for your attention the following significant errors and omissions in the recommendations and findings proposed by staff:

I

THE COMMISSION DOES NOT HAVE JURISDICTION TO AUTHORIZE LAND USE THAT VIOLATES STATE AND LOCAL FIRE CODES.

On June 2, 2009, P. Michael Freeman, Los Angeles County Fire Chief, Forestry and Fire Warden, submitted a letter to the Commission, requesting that you deny both LCPAs. Also on June 2, 2009, State Fire Marshal Kate Dargan submitted a letter, requesting that you postpone the June 10 hearing to allow the State Fire Marshal the opportunity to review and comment on the LCPAs. Both letters are attached; we respectfully request that you review it at this point.

Please note that the Chief Freeman did review the LCPAs. His letter confirms that the Los Angeles County Fire Department is opposed to any "new campgrounds, hike-in camps, trail camps, or large group gatherings in very high fire risk areas" because those activities pose a serious threat to public safety. Chief Freeman also addressed the specific Fire Code violation caused by the Conservancy's plan to use Ramirez Canyon Road, and stated that the Fire Department would not approve any Fire Evacuation Protection and Emergency Evacuation Plan that did not include a Fire-Code compliant access road to the Conservancy's Ramirez Canyon property. That is the condition imposed by the City's LCPA under the Malibu LIP Section 9.2 (Hazards).

Chief Freeman's recommendations are consistent with the evidence we submitted with respect to numerous violations of state and local Fire Codes at the Ramirez property – violations which were not resolved during the hearings on CDP 4-98-334. Ramirez Canyon Road does not meet the 20-foot road width requirements; the road is as narrow as 13 feet in some places. In addition, the structures on the Ramirez Canyon property have not been brought up to the rigorous standards required of public buildings in Very High Fire Hazard Severity Zones. And, some of the newly proposed trail and hike-in camp facilities are more than 150 feet from a 20-foot wide fire access road.

The Staff Reports do not address any of these issues. Instead, each of the "Transportation" provisions of the Override would authorize the intensive use of the Ramirez property with sole and exclusive access up Ramirez Canyon Road (see, e.g., Override Text, Sec. D, 3, b, (i) and (iii)).[3]

[3] Staff has also adopted the Conservancy's attempt to not only unlawfully use Ramirez Canyon Road, but to add language which the Conservancy could argue allows it almost unlimited access over it. (See Override Text, Sec. D, 12, b, (x), re access to the "sovereign" property of the State of California.) There is no precedent for this unusual provision.

We respectfully submit that the Commission has no jurisdiction to authorize – much less mandate – development which violates state and local Fire Codes. Therefore, there should be no action on the Conservancy's Plan until and unless these issues are resolved.

II

THIS USE OF THE OVERRIDE PROCEDURE IS NOT CONSISTENT WITH PUBLIC RESOURCES CODE SECTION 30515.

A

The Final Decision About Whether the Conservancy is Entitled to Use the Override Procedure Lies With the Commission.

Staff and the Conservancy (see Ms. Collins letter, dated May 14, 2009) take the position that staff's determination regarding the propriety of the Conservancy's attempt to use the override procedures is not subject to your review. That is not so. The Executive Director made a "preliminary determination" about the propriety of the Conservancy's attempt to use the override procedure (14 Cal. Code Regs., sec. 13666.1). The preliminary determination is not appealable to the Commission. Instead, the Commission must decide, as a threshold matter, whether the applicant is entitled to invoke Section 30515.

We respectfully submit that, for all the reasons set forth in our prior submissions, and for the specific reasons set forth below, the Conservancy's attempt to use the override procedures to write its own LCP for its own properties is not lawful and constitutes an abuse of the Coastal Act.

B

There is No Precedent for the Conservancy's Attempt to Use the Override Procedures to Write its Own LCP for its Properties.

The Staff Report for the Override acknowledges that this is only the second time that a Section 30515 application has come before the Commission. The first time was nothing like this, and the Commission's first use of Section 30515 graphically demonstrates the overbreadth of the Conservancy's application.

In Sand City LCP Amendment No. 1-93, the Commission approved an override to modify a City's land use designation for one parcel of property between the shoreline and the first public road. The

Commission simply added a designation for parks and open space as a conditional use to preserve the City's discretion.

The Conservancy's application is very different. The Conservancy is attempting to use Section 30515 to write its own LCP for its own properties, so that when it re-submits its PWP, the PWP will be consistent with that LCP. For this fundamental reason, we respectfully submit that the Commission should reject the Conservancy's application and follow standard LCPA procedure for the City's LCPA.

C

There is No Substantial Evidence to Support the Required Finding that the Conservancy's Plan Was Not "Anticipated" at the Time the Malibu LCP Was Before the Commission.

One of the threshold requirements for an override is a specific finding that the need for the applicant's proposal "had not been anticipated . . . at the time the local coastal program was before the commission for certification" (Sec. 30515). The City of Malibu submitted extensive evidence that the Conservancy not only anticipated – but planned for – the development proposed by the Override since the late 1990s (City's Letter to the Commission, June 27, 2008, pp. 9-12). That evidence consists of numerous Conservancy and inter-agency planning documents which pertain to the same area at issue here, most of the same properties, and the same trail system. The Staff Reports do not acknowledge any of this evidence.

D

Two of the Conservancy's Proposed Uses Do Not Involve Public Access or Recreational Facilities. Therefore, Even if You Adopt Staff's Recommendation, These Proposed Uses Must be Deleted.

With the exception of hike-in and trial camps (which violate Section 30253 (Hazards)), the Fund supports the public access portions of the Conservancy's plan for its Ramirez Canyon property, as long as each specific use, and the safe conditions for each, are left to the discretion of the ultimate decision maker after notice and proper hearing. Even though the Conservancy did not fulfill its original promise to restrict the use of this property as Ms. Streisand intended, the residents believe that low impact

recreation can be safely accommodated at this site, with minimal conflict with the rural, residential nature of the Canyon.[4]

Please note, however, that Section 30515 authorizes the use of the override procedure only for public works, which include "publicly financed recreational facilities" (sec. 30114). Two aspects of the Conservancy's Override do not involve public access, nor do they constitute "public recreational facilities" which might qualify for processing under Section 30515: regional office use and leasing the property for large, private events.

The Staff Report for the Override does not acknowledge this fact, and does not offer any discussion or evidence of "public need" for these facilities. Public need is one of the essential findings required for an override (Sec. 30515). In addition, the Staff Report for the Override does not include any discussion or evidence that disapproval of these two components of the Conservancy's plan would be "detrimental" to the public welfare as defined by the Coastal Act (14 Cal. Code Regs., sec. 13666.4), another required finding.

Moreover, while staff does acknowledge that the Conservancy's Ramirez Canyon property is designated Open Space, staff does not address the fact that neither government offices nor leasing for private commercial events is permitted in Open Space. The Conservancy offered, and staff apparently adopted without question, a list of publicly-owned facilities which purportedly house administrative offices similar to the Conservancy/MRCA offices at the Ramirez property. We submitted evidence with respect to each of the properties on that list, based on site visits and communication with staff at these offices. The evidence demonstrates that, while some of the properties housed administrative offices, the administration was limited to the specific site (i.e., office use which can be lawfully included in a "public work"). None of the properties housed regional executive offices like those proposed by the Conservancy, i.e., for staff who conduct planning for agency properties and acquisitions throughout all of Southern California. The Staff Report for the Override does not address this issue.

Therefore, we respectfully submit that, even if the Commission were to adopt staff's recommendations, regional offices and leasing for private events must be stricken from the Override.

---

[4] "Low impact" recreation includes camping and other facilities and programs that increase the level of accessibility for disabled visitors, children's educational programs, riparian interpretative trails, picnic facilities, senior and public outreach programs, canyon and garden tours, hiking and picnicking.

III

THERE IS NO EVIDENCE UPON WHICH THE COMMISSION COULD MAKE THE FINDINGS REQUIRED BY TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 13666.4.

The override is an exception to the Legislature's requirement that local governments control land use decisions once their LCPs are certified. That is why the procedure is narrowly drawn, to require not only a proposal for a specific public work, but to describe the Commission's findings in terms which require an analysis of that specific public work.

Title 14, California Code of Regulations, Section 13666.4 provides that the Commission may, after public hearing, approve and certify the proposed amendment if, after a careful balancing of social, economic, and environmental effects, the Commission makes the following specific findings:

(a) a public need of an area greater than that included within the certified local coastal program would be met,

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

(c) if significant adverse environmental impacts have been identified, reasonable alternatives have been examined, and mitigation measures have been included that substantially lessen any significant adverse environmental impact so that there is no feasible less environmentally damaging alternative way to meet such need, and

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

(14 Cal. Code Regs., § 13666.4, emphasis added.)

A

There is No Substantial Evidence to Support the Required Findings with Respect to "Development."

(14 Cal. Code Regs., sec. 13666.4, subd. (a)(3).)

Our November 24, 2008 letter to Commission Counsel explains that the override procedures were never intended to be used as the Conservancy is attempting to use them here. Subdivision (a), (3) of Title 14, California Code of Regulations, section 13666.4 (highlighted above) specifically requires that the "development" is consistent with the Coastal Act. Because the Conservancy has not proposed any specific development, there is no evidence upon which the Commission might make any of those findings.

Staff and the Conservancy state that applicants for "public works" overrides are not required to submit specific development plans. There is no authority for that interpretation of the regulation, which contradicts both the plain language of Section 13666.4 and the legislative history of that regulation and of Section 30515. The Legislature did not intend to upset the careful balance between Commission and local authority set forth in the Coastal Act, and the Legislature plainly did not intend to authorize any and all agencies that develop public works to write their own LCPs.

B

There is No Substantial Evidence to Support the Proposed Finding that "Disapproval Would Adversely Affect the Public Welfare as Identified in the Findings, Declarations and General Provisions of the Coastal Act . . .."
(14 Cal. Code Regs., sec. 13666.4, subd. (a)(4).)

Title 14, California Code of Regulations, Section 13666.4, subdivision (a), (4) specifically requires a finding that "disapproval would not adversely affect the public welfare." The double negative makes the language somewhat confusing. However, the most direct way to address the finding is to focus on the definition of "public welfare" in the Findings, Declarations, and General Provisions of the Coastal Act (i.e., Sec. 30000, et seq.). In those sections, the Legislature defined the "public welfare" as coastal resource protection. The Staff Report for the Override does not address this issue. Instead, staff recommends that you find that the Override would be "beneficial to the public welfare because it clarifies and expands existing public access and recreation policies in order to maximize public recreational opportunities . . .." Public access is not part of the "public welfare" as defined by the

Legislature in the Coastal Act. Therefore, even if staff had conducted the evaluation required by Section 13666.4 (i.e., to determine whether disapproval would adversely affect the public welfare), public access is not a lawful basis upon which the Commission could make the finding required by Title 14, California Code of Regulations, Section 13666.4.

Further discussion of staff's recommendations with respect to these findings is set forth below, under topic headings which isolate and explain the specific Coastal Act policies which would be violated if the Override were approved.

IV

THE COMMISSION MUST INDEPENDENTLY EVALUATE EACH ELEMENT OF THE PROPOSED OVERRIDE IN THE CONTEXT OF PUBLIC RESOURCES CODE SECTION 30515 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 13666.4.

One of the reasons for the lack of substantial evidence to support any of the findings proposed by staff is that staff and the Conservancy place so much reliance on the CDP for the Conservancy's use of Ramirez Canyon, about which the Commission conducted hearings 10 years ago. We respectfully submit that the reliance is not justified and does not relieve staff from evaluating each element of the proposed Override under the facts as they exist today. Some of the primary differences between 10 years ago and today are (a) the increasing onslaught of fires throughout California, (b) the lack of funds for fire suppression, and (c) the fact that fire season is now all year long.

The Commission's independent, current evaluation of the site constraints of Ramirez Canyon is also critical because the Override includes language which would not only authorize – but mandate – the Conservancy's intensive development in Ramirez Canyon. We submitted extensive current evidence with respect to fire safety, traffic, biology, etc. None of that evidence is even referenced in the Staff Reports.

In addition, we respectfully request your consideration of the following factors, which render so improper the Conservancy's attempt to bootstrap an old CDP into an LCP Amendment:

- The findings required for an Override are very different from the findings required for a CDP.
- This is an application for an LCPA – not a CDP. The purpose of an LCPA is to set forth general policies with respect to land use, so that future development proposals can be

analyzed based on those provisions and site-specific data presented in applications for entitlements (e.g., CDPs, PWPs, etc.). There is no precedent for taking the provisions of a CDP which pre-dated the certification of the LCP, and writing those provisions into law by adding them to the LCP – with no site-specific data or analysis.

- The CDP did not resolve, among other things, the public safety issues presented by the fact that Ramirez Canyon Road does not meet the requirements of state or local Fire Codes. The LACFD has now addressed those issues.

- The CDP did not resolve the issues presented by the extensive unpermitted development on the Conservancy's Ramirez Canyon property, with respect to both streambed modifications, improvements to the structures, and conversion of the structures from residential to office, commercial and public use.

For all these reasons, we request that you examine the sufficiency of the evidence to support each element of the Override without any inferences which might be drawn from the Commission's previous approval of CDP 4-98-334.

V

NEITHER PUBLIC RESOURCES CODE SECTION 303515 NOR TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 13666.4, AUTHORIZES THE COMMISSION TO MANDATE DEVELOPMENT.

The Staff Report for the Override states: "[w]hile the proposed LCP amendment includes only a planning level consideration of uses for Ramirez Canyon Park, the Overlay does include fairly specific detail about the types of uses and frequency of programs and events that are contemplated for this park and would be considered through further approvals in the future" (Staff Report, Override, p. 97). There is a fundamental problem with the proposed finding:

The Conservancy did not draft the Override for Ramirez Canyon at the "planning level," and staff has not revised the language. Instead, staff is proposing that you adopt language which states that the programs in Ramirez Canyon "shall" be developed (Override Text, Sec. D, 12), that the programs "shall consist" of certain uses (*Id.*, Sec D., 12, b, (vii)), and that the programs shall be implemented "to the maximum extent feasible" (*Id.*, Sec. D, 4) – which could allow the Conservancy to bring more than 44,000 people into Ramirez Canyon each year. Neither Section 30515 nor Title 14, California Code

Regulations, Section 13666.4 authorizes the Commission to mandate a particular land use, with no site-specific development proposal or analysis.

Staff did add language which would "authorize" the approval and implementation of the plan "via a public works plan and notice of impending development (NOID) or a coastal development permit" (Override Text, LUP, sec. 5.66). However, the use of the word "shall" to describe the programs and uses of Ramirez could undo that authorization and could limit the discretion of the decision-maker during future proceedings.

For these reasons, we respectfully request that, if the Commission considers the Override on its merits, the word "shall" should be replaced with the word "may" in the description of the programs and uses at Ramirez. That would be consistent with other revisions made by staff (see, e.g., Override Text, Sec. D, 4, a, (i) (outreach programs "may" be conducted), Sec. D, 4, b (facilities "may" be accessible), etc.) and would ensure independent site-specific review and analysis of any development submitted by the Conservancy.

VI

THERE IS EXTENSIVE, UNPERMITTED DEVELOPMENT AT THE CONSERVANCY'S RAMIREZ CANYON PROPERTY.

We submitted evidence of extensive unpermitted development at the Conservancy's Ramirez Canyon Property, consisting of improvements to the structures and streambed modifications (about which the Conservancy broke the promise it made to the Commission during the 2000 hearings on CDP 4-98-334 to obtain a permit). We also brought to staff's attention the lack of any evidence that the residences and accessory buildings (which were constructed from the 1950's to the 1970's) were brought up to Code when the Conservancy changed the use from residential to office, commercial and public assembly. There is no provision in the Override which calls for the correction of these Coastal Act violations, and staff does not recommend that the Commission require the Conservancy to do so prior to any consideration of the Conservancy's application.

Staff's findings acknowledge the streambed violation, and the fact that three of the structures will be used for "park related conferences, retreats, recreational facilities, and paid reserved events" (Staff Report, Override, p. 127). However, rather than address the unpermitted development, staff proposes that you mandate the intensive use of the Ramirez Canyon property (see discussion above) based on its "unique character" (Override Text, Sec. D, 12) and "well established amenities" (*Id.*, Sec. D, 4). Much of the character and amenities consists of unpermitted and potentially unsafe development.

Therefore, we respectfully submit that none of the findings required for an Override should be based on unpermitted development.

Finally, the Staff Report states that the "Overlay contemplates very little development of new, habitable, or flammable structures (only new self-contained public restrooms are proposed) . . ." (Override Staff Report, p. 104). The statement ignores the fact that the Conservancy is attempting – just as it did during the proceedings on CDP 4-98-334 – to avoid any review of the condition of the structures and all of the requirements of state law with respect to the change in use.

VII

THERE IS NO SUBSTANTIAL EVIDENCE TO SUPPORT THE PROPOSED FINDING THAT THE PLAN CAN BE IMPLEMENTED IN A MANNER WHICH DOES NOT JEOPARDIZE PUBLIC SAFETY.

(Pub. Res. Code sec. 30253.)

We submitted extensive evidence of the risk to the safety of Conservancy visitors and nearby residents posed by two aspects of the Conservancy's plan: hike-in and trail camps at all three properties and large private events in Ramirez Canyon. LACFD Chief Freeman has now confirmed our concerns. In addition to the violations of state and local Fire Codes, the risk factors include, but are not limited to, the following:

- The hike-in and trail camps are not located near accessible areas, but are sited for development up-canyons in the dry brush.
- All three properties are in a Very High Fire Hazard Severity Zone.
- All three properties are located in and surrounding residential neighborhoods.
- Malibu has been designated by the California Department of Forestry and Fire Protection as a wildland/urban community "at risk."
- All three of the properties are 100% Environmentally Sensitive Habitat Area (ESHA) (mostly chapparal), which has the highest fuel load of any ESHA vegetation.

These facts – and the extensive evidence we presented as to the nature of the fire risk – are not mentioned in the Staff Reports.

Instead, Staff recommends that you find that the proposed projects "can be approved and implemented" consistent with Section 30253 (Override Text, LUP, sec. 5.66). There is no substantial evidence before the Commission to support that finding. By way of illustration, and not limitation:

A

If the Commission Considers Camping, Conditional Use Permits Must be Required for Each Site.

Staff recommends that overnight campsites be permitted uses, with no requirement for a conditional, or any other use, permit (Override Text, Sec. D, 2, a, ii). The provision violates Public Resources Code section 30253. There are no site-specific studies of the "general locations" depicted on the Conservancy's site plans. Therefore, there is no evidence that the proposed camp sites can be implemented in those locations without endangering the public and the residents of the surrounding neighborhoods and without significant impacts to ESHA. A requirement for conditional use permits for each campsite or cluster is required to address these issues, as well as the fire safety issues discussed by LACFD Chief Freeman in his July 2, 2009 letter to the Commission.

B

The Findings are Inconsistent with the Site Plans for the Campsites.

The Override requires that campsite locations be "located within existing public use areas to ensure easy access for purposes of maintenance and patrol, and in case of emergency." That is not consistent with the conceptual site plans which staff has recommended for approval. The site plans indicate that many of the non-ADA campsites are not located in public use areas. These campsites are located up the canyons, with no vehicular access, and some do not meet the Fire Code requirement that public facilities be located no more than 150 feet from a 20-foot wide fire apparatus access road. Therefore, there is no substantial evidence to support the proposed finding.

C

FPEEP for Ramirez Canyon.

In early staff reports for CDP 4-98-334, Commission staff concluded that simultaneous evacuation of Conservancy staff and visitors and Canyon residents was "impossible." There is no evidence before you that that fact has changed.

The Override calls for the preparation of a FPEEP for the Ramirez Canyon property (Override Text Sec. D, 2, a, xl). However, the Conservancy has yet to submit that plan, which means that there is no substantial evidence to support the proposed findings with respect to Hazards. More importantly, LACFD Chief Freeman has stated that the Fire Department "will not approve" any FPEEP which does not include alternate Fire-Code compliant access to the Conservancy's Ramirez Canyon property. Therefore, at the very least, the Commission should not act on the Conservancy's application until the Conservancy submits a FPEEP which meets the requirements of the Los Angeles County Fire Department and which demonstrates that the Conservancy can protect the safety of visitors and surrounding residents.

D

A Pedestrian Trail on Ramirez Canyon Road is Not Safe.

The Conservancy's Park Lands Map includes a pedestrian trail on Ramirez Canyon Road (Park Lands Map, Override Text, p. 15). Chief Freeman has confirmed that Ramirez Canyon Road is too narrow to meet state and local Fire Codes for vehicular traffic. Therefore, pedestrian traffic cannot be added to this road without violating section 30253. The Staff Report does not discuss the issue.

E

Flooding.

Ramirez Canyon Road crosses Ramirez Canyon Creek in numerous places with Arizona dip crossings and narrow bridges. In times of heavy rains, Ramirez Canyon Road is impassable, and residents are forced to leave their vehicles and proceed on foot. There is no mention of these facts in the Staff Reports.

F

The Proposed Use of Ramirez Canyon Road for the Intensive Use Proposed by the Conservancy Is Unlawful.

We respectfully submit that Chief Freeman's letter is dispositive on this issue. However, it is important to explain why staff's proposed alternate access does not resolve the issues discussed by Chief Freeman in his June 2, 2009 letter.

G

The Alternate Access Suggested by Staff Would Not Solve the Problem.

We submitted extensive evidence of the feasibility of an alternate access road from the Conservancy Ramirez Canyon property to Kanan Dume Road over the Lauber property. We also submitted a history of the Conservancy's promise to build that road, which includes the fact that the Conservancy acquired an easement over the Lauber property in 1996 – but failed to disclose that fact during the 2000 Commission hearings on 4-98-334. None of that evidence is included in the Staff Reports.

The City's LCPA requires alternate access as a condition of the intensification of use of the Conservancy's Ramirez Canyon property. That condition was added, in part, because in 2007, the Conservancy granted the Mountains Recreation and Conservation Authority $7 million to acquire the Lauber property and build the road. The Staff Reports do not mention the issue. Instead, staff has suggested a revision to the Override, which reads as follows:

> "Opportunities for additional emergency ingress/egress to and from Kanan Dume Road over Via Acero shall be explored, including the potential for feasibly obtaining easements from willing property owners. Construction of an additional emergency ingress/egress at Ramirez Canyon may occur consistent with all applicable policies and provisions of the LCP. This policy is not intended to limit the use of, or access to, Ramirez Canyon Park via Ramirez Canyon Road." (Override Text, Sec. 11b, (iv), emphasis added.)

This is the first time that Via Acero has been mentioned as an alternative. It is not a feasible alternative because it is very similar to Ramirez Canyon Road, i.e., it is too narrow to meet state and local Fire Codes, and some of the structures are built very close to the road, which would prevent road-widening.

Public access must be consistent with "public safety" (Sec. 30210). For these and for all the reasons explained in our prior submissions and in Chief Freeman's letter, we respectfully submit that the Conservancy's proposed intensive use of the Ramirez Canyon property cannot be authorized without an access road that complies with state and local Fire Codes.

VIII

THERE IS NO SUBSTANTIAL EVIDENCE THAT THE OVERRIDE RESOLVES POLICY CONFLICTS IN THE MANNER MOST PROTECTIVE OF SIGNIFICANT COASTAL RESOURCES.

(Pub. Res. Code, Secs. 30200 and 30007.5.)

Sections 30200 and 30007.5 provide that, where there is a conflict between policies set forth in the Coastal Act, the conflict must "be resolved in a manner which on balance is the most protective of significant coastal resources." All of the properties included in the Override are ESHA and the evidence before you presents a demonstrable conflict between the public access and resource protection provisions of the Coastal Act. The Staff Report for the Override does not mention these statutes.

IX

There is No Substantial Evidence that the Override Is Consistent with the Mandate for Protection of Environmentally Sensitive Habitat Area.

(Pub. Res. Code, Secs. 30210, 30236, 30240, and 30250.)

Sections 30210 and 30240 mandate the protection of ESHA and allow for public access and recreation only where it is consistent with the protection of natural resource areas from overuse. The Staff Reports ignore the fact that the LIP which this Commission drafted for Malibu restricts the use of ESHA to public accessways and trails, interpretative signage, restoration projects, and invasive plant eradication projects. (Malibu LIP, Section 4.5.3.) Instead, staff recommends that the Commission put public access above resource protection, and obliterate the ESHA restrictions in the Coastal Act and the Malibu LIP to allow regional offices, grading, brush clearance, portable toilets, increased equestrian use, vehicular crossings of streambeds, and large "special events." There is no substantial evidence to support the proposed findings with respect to ESHA for the following reasons:

A

Is Camping a "Resource-Dependent" Use in ESHA?

Staff recommends that the Commission find that camping is a "resource dependent use." We respectfully submit that camping may be a proper use of Open Space, with proper conditions to meet the Hazards provisions of the Coastal Act (Sec. 30523). However, the properties at issue are 100% ESHA and much of that ESHA is undisturbed. Even the "low-impact" campsites recommended by staff

require grading and brush clearance (which are not discussed by staff), both of which are prohibited in ESHA.

B

The Definition of "Support Facilities" Obliterates ESHA Protection.

The Staff Report for the Override recommends a finding that the proposed "support facilities" should also be considered "resource-dependent" uses. If the term "support facilities" were narrowly defined, that might be so. However, staff has recommended a very expansive definition of support facilities, which includes parking lots, public restrooms, ranger/maintenance supervisor housing, administrative personnel facilities, events, (i.e., all of the other uses proposed by the plan (see Override Text, Secs. 5 and 5.71)). These are not "resource-dependent" uses within the meaning of the Coastal Act.

The definition of "support facilities" also includes portable toilets, which would violate Section 30240. And, there is an exemption from the streambed buffer requirements for portable toilets in the parking lots at the Ramirez Canyon property, which are approximately 25 feet from Ramirez Canyon Creek. Those provisions violate Section 30236.

C

Offices and Leasing for Large Private Gatherings are Not Resource-Dependent Uses.

Staff also recommends that you include as principal permitted uses in the Ramirez Canyon ESHA, regional executive offices for two agencies and large events. These are not resource-dependent uses and should not be allowed in ESHA.

In addition, staff recommends that you authorize the Conservancy to lease the Ramirez property for private events. Section 30250 not only prohibits commercial development in ESHA, it prohibits commercial development near ESHA if that development will have a significant impact.

D

Streambed Modifications.

Section 30236 strictly controls alterations to rivers and streams. There are extensive unpermitted streambed modifications on the Conservancy's Ramirez property. As noted above, the Override does not include any provisions to correct these Coastal Act violations.

Staff has also recommended that the Commission approve proposals which would, among other things, (a) allow extensive modifications to streambeds, for both vehicular and pedestrian crossings, (b) allow reduction in required stream buffers, and (c) exempt the Conservancy from the requirements of all regulatory agencies with respect to streambed modification (i.e., the California Department of Fish & Game, the United States Army Corps of Engineers, and the Regional Water Quality Control Board). Those proposals not only violate Section 30236, we respectfully submit that the Commission does not have jurisdiction to exempt the Conservancy from operative provisions of state law.

Finally, in an attempt to justify the intensive intrusion into the ESHA at the Ramirez Canyon property, the Staff Report states that "previous development . . . has resulted in a significantly disturbed and manicured environment." As noted above, staff has failed to mention (a) that the "manicuring" was conducted without permits, (b) that the Conservancy promised the Commission that it would procure those permits but failed to do so, and (c) that the staff is not recommending that the Commission require the resolution of that Coastal Act violation as a pre-condition to considering the Conservancy's application.

X

THERE IS NO SUBSTANTIAL EVIDENCE TO SUPPORT THE PROPOSED FINDINGS WITH RESPECT TO WATER QUALITY.

(Pub. Res. Code, sec. 30231.)

We submitted extensive evidence that the near-shore waters of the Malibu area of the Santa Monica Bay consistently contain bacterial levels that exceed AB 411 guidelines. Beaches near the mouths of Escondido and Ramirez Creeks have had elevated levels of indicator bacteria during three of the past four years. Studies are underway to identify and assess the possible source(s) of the bacteria, including a Bacterial TMDL Implementation Plan for the City of Malibu and the County of Los Angeles. The Staff Report for the Override does not mention any of that evidence. Without an analysis of that

evidence, and a resolution of the issues, there is no substantial evidence to support the proposed findings with respect to water quality.

Moreover, we respectfully submit that the addition of a condition which requires the Conservancy to conduct quarterly monitoring to ensure that water quality is not suffering any impact is meaningless. That condition was imposed as a condition of CDP 4-98-334. The evidence is undisputed that the Conservancy never complied with the condition.

XI

THERE IS NO SUBSTANTIAL EVIDENCE TO SUPPORT THE PROPOSED FINDINGS WITH RESPECT TO NEIGHBORHOOD COMPATIBILITY.

(Pub. Res. Code, secs. 30214.)

Section 30214 requires that the implementation of public access policies take into account, among other things, the "proximity of the access area to adjacent residential uses," and the need to protect the rights of the public and the rights of private property owners. The Ramirez Canyon residents have not objected to the use of the Conservancy's Ramirez Canyon property for properly-conditioned passive recreation (e.g., camping and other facilities and programs that increase the level of accessibility for disabled visitors, children's educational programs, riparian interpretative trails, picnic facilities, senior and public outreach programs, canyon and garden tours, and hiking and picnicking). However, regional office and commercial use of the property are not compatible with the rural, residential nature of this Canyon. And, as Chief Freeman has now confirmed, hike-in and trail camps and large gatherings jeopardize the residents' safety.

Moreover, while the residents have no objection to public outreach programs, we respectfully submit that the proposed intensity of those programs is not compatible with the rural, residential neighborhood. Staff has recommended that the Commission authorize outreach programs 7 days per week. In light of the significant numbers of people that the Conservancy intends to bring into the Canyon each month, at least one quiet day per week is required to meet the policy standards mandated by Section 30214.

XII

THERE IS NO SUBSTANTIAL EVIDENCE TO SUPPORT THE PROPOSED FINDINGS WITH RESPECT TO ALTERNATIVES.

Staff is recommending that you approve a wholesale re-write of numerous sections of the Malibu LCP as they apply to Conservancy properties, and not only authorize – but mandate – the Conservancy's intensive use of its Ramirez Canyon property. Yet, staff's discussion of alternatives is less than one page. We respectfully submit that the evidence is not sufficient for the Commission to make the required findings with respect to alternatives.

We submitted extensive evidence of feasible alternatives for camping, offices and large events, including the Conservancy's property at King Gillette (formerly SOKA University). None of that evidence is discussed in the Staff Reports.

Moreover, the sparse evidence and discussion which staff has included does not constitute substantial evidence upon which the Commission might reject the alternatives. For example, staff's description of the Malibu Bluffs property establishes that there is Fire Code compliant access to that site. The fact that campers might notice the noise associated with PCH does not render the alternative infeasible. In fact, if a site-specific study of camping at Malibu Bluffs demonstrated that the use could be conditioned to be made safe, it would fulfill the policy of the Coastal Act to provide public access to the coast.

Staff's dismissal of the Tuna Canyon site because of vehicular access issues is not consistent with staff's failure to address the same vehicular access issues presented by the use of Ramirez Canyon Road to access the Conservancy's Ramirez property.

With respect to offices, as we demonstrated in our prior submissions, the only office use allowed in a public work is that required for the administration of the specific site at which the office is located. That means that the Conservancy may lawfully provide offices at its Ramirez Canyon property for the staff necessary to administer the Ramirez property. Offices for planners who serve to coordinate acquisitions and future development for all Conservancy and MRCA properties are not lawful. Therefore, these staff members should be accommodated at the LA River Center or elsewhere on Conservancy property that allows office use.

Finally, staff did not address any alternate locations for large, private special events. Therefore, there is no substantial evidence to support any finding of the infeasibility of alternatives for that portion of the Conservancy's plan for Ramirez Canyon.

XIII

IT IS NOT POSSIBLE TO MAKE ANY FINDINGS ABOUT CEQA COMPLIANCE.

Staff relies on the CEQA exemption for LCPAs, which requires only the "functional equivalent" of environmental review. In addition to the arguments we have offered in our prior submissions, please note that – as to the Conservancy's Ramirez Canyon property – the Override mandates certain development, with no site-specific evidence or analysis. Therefore, as to those portions of the proposal, we respectfully submit that there has been no compliance with CEQA.

Thank you for your time and attention to these comments.

Sincerely,

Steven A. Amerikaner

Diane M. Matsinger

Enclosures: Letter to Commission from Chief P. Michael Freeman, dated June 2, 2009
Letter to Commission from State Fire Marshal Kate Dargan, dated June 2, 2009

cc: Pat Veesart, California Coastal Commission (by email and facsimile)
Rick Mullen, President, Ramirez Canyon Preservation Fund
Christi Hogin, Malibu City Attorney

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COUNTY OF LOS ANGELES

FIRE DEPARTMENT

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P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

June 2, 2009

John Ainsworth, Deputy Director
All California Coastal Commissioners
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Dear Mr. Ainsworth:

CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-3-07 JUNE 10 ITEM #16A

CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-1-08 JUNE 10 ITEM #16B (SANTA MONICA MOUNTAINS CONSERVANCY OVERRIDE)

We have reviewed the above listed Commission staff report(s) for the two Local Coastal Program Amendments to be presented at the June 10, 2009 Coastal Commission's public hearing. We recommend DENIAL of both proposed amendments and the Commission's staff recommendation to approve LCPA 1-08 as revised, unless mitigating measures are implemented.

Both Local Coastal Program Amendments (LCPA's) cover a large portion of the Malibu area which includes the Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, all of which are located in the Very High Fire Hazard Severity Zone of Los Angeles County.

Both LCPA's propose significant intensification of use of Conservancy properties, including non-residential uses, large public events, and overnight camping. We are opposed to any new campgrounds, hike-in camps, trail camps or large group gatherings in very high fire risk areas. These activities could jeopardize public safety by unnecessarily increasing the risk of fire and requiring rapid evacuation of narrow box canyons served by limited access routes.

The Conservancy's Ramirez Canyon property was originally designed for single family residential use and was not intended as a public use park. The park property is accessed

from Ramirez Canyon Road, which is a single means of access extending approximately one mile up-canyon from the Pacific Coast Highway. Ramirez Canyon Road is a substandard, privately owned, dead-end road that narrows to as little as 12 – 15 feet in some areas. It is non-compliant with the minimum 20' in width requirement of both the State of California and Los Angeles County Fire Codes. It is also the evacuation route for the canyon residents and the only ingress and egress route for emergency vehicles.

The Conservancy proposes to intensify the original use of the property by attracting large group gatherings and offering overnight camping. This increase in use should only be considered when it can be demonstrated that the proposed property is in strict compliance with all applicable Building and Fire Codes. A second alternate code compliant access road into Ramirez Canyon should be a precondition to any expansion of the current uses as outlined in the City of Malibu's proposed LCPA 3-07.

Both proposed LCPA's under the Hazards category require a Fire Protection and Emergency Evacuation Plan for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park to be approved by the State Fire Marshal and the Los Angeles County Fire Department. The Los Angeles County Fire Department will not approve any Fire Protection and Emergency Evacuation Plan that shows any intensification of use, unless mitigating measures are implemented. Residential use of the Ramirez Canyon Park for the residential caretaker and his family may be allowed to continue upon verification of completion of the conditions of approval of Coastal Development Permit 4-98-334.

Section 30253 of the Coastal Act states in pertinent part that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This is not accomplished by allowing large numbers of the general public:

1. Into an area of high fire hazard served by a substandard road, through a heavily vegetated, relatively steep box canyon from which there is no alternative evacuation route.

2. Into structures that have not demonstrated to be in compliance with the current ignition resistant building standards for the proposed change in use.

However, consideration will be given by the Los Angeles County Fire Department to approve the Fire Protection and Emergency Evacuation Plan if the following mitigating measures are implemented:

1. An approved emergency access road no less than 20' in width with no vertical obstructions to structures and places of assembly.

John Ainsworth, Deputy Director
All California Coastal Commissioners
California Coastal Commission
June 2, 2009
Page 3

2. Approved fire proof shelters strategically located along the trails and in camping areas to accommodate park visitors when evacuation is obstructed by an approaching fire.

3. Open flame is prohibited.

   a. Violations of open flame shall be a misdemeanor. Misdemeanor crimes are punishable by a maximum fine of $1,000 and a County jail term of one year or less.

   b. Violations during red flag warnings may be punishable by fines up to $6,000.

4. The canyons and parks will be closed during periods of high fire danger when a red flag warning is declared by the National Weather Service.

If you have any questions regarding this matter, please feel free to contact Deputy Chief Scott Poster at (323) 881-2461.

Very truly yours,

P. MICHAEL FREEMAN

c: Supervisor Zev Yaroslavsky, Third District
Kate Dargan, California State Fire Marshal

STATE OF CALIFORNIA—THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

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June 2, 2009

Commissioners
Attention: John Ainsworth, Deputy Director
California Coastal Commission
South Central Coast District
89 South California Street, Suite 200
Ventura, California 93001

RE: CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-3-07 JUNE 10 ITEM #16A
CITY OF MALIBU LCP AMENDMENT NO. MAL-MAJ-1-08 JUNE 10 ITEM #16B

Dear Deputy Director Ainsworth:

On May 28, 2009, the California Department of Forestry and Fire Protection (CAL FIRE) – Office of the State Fire Marshal (OSFM) received several letters from the citizens residing in the area of concern requesting fire code interpretations on the above referenced items. The OSFM had not been aware nor had received current fire plan documents to review in regards to these issues. Therefore, we respectfully request a postponement on the above referenced agenda items scheduled for the California Coastal Commission, June 10, 2009 hearings to allow time to review the proposed project specifics for compliance with applicable fire safety requirements.

The State Fire Marshal has the obligation to enforce and regulate building and fire codes for occupancies state owned or occupied buildings. I am requesting that the California Coastal Commission postpone action on the above matter based on the OSFM's authority to review, comment, and approve projects of state ownership/occupancy as referenced. (Health and Safety Code §13145, §13146, §13108). Again, this will allow the OSFM the necessary time to evaluate the project, determine the impact of OSFM regulations, and provide a detailed response to the project applicant.

Thank you for your consideration and assistance. Should you have questions concerning this request, please contact Assistant State Fire Marshal Tonya L. Hoover at tonya.hoover@fire.ca.gov or by telephone at (916) 445-8200.

Sincerely,

KATE DARGAN
State Fire Marshal

cc: P. Michael Freeman, Fire Chief, Los Angles County Fire Department
Ronald P. Schafer, Chair, Santa Monica Mountains Conservancy

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June 8, 2009

Chair Bonnie Neely and the Members
of the California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Reference: Agenda Item Nos. 16a and 16b
June 10, 2009 meeting
City of Malibu LCPA –MAL-MAJ-3-07
LCP Override Application by Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority (MAL-MAJ-1-08).

Dear Chair Neely and Coastal Commissioners:

I write on behalf of the City of Malibu. The City believes that the staff report has given short shrift to the City's application for certification of its LCP amendment and requests that the Commission continue this hearing in order to give staff an opportunity to analyze all of the components of the City's public access enhancement overlay, which, among other things, sets forth standards for trail connections. Such a postponement would also give the State Fire Marshall the time that she is requesting to evaluate the City's LCP amendment and the Conservancy's LCP override application.

Restored Partnership and a New Beginning. The City of Malibu seeks a new beginning and is attempting to work collaboratively with the Commission to implement the Coastal Act. The Coastal Act creates a partnership between Malibu and the Coastal Commission. The operative provisions of the Coastal Act are described in some detail in Exhibit 4 to this letter; in summary, the Coastal Act requires the City to implement state policies through its certified local coastal program and the Commission to ensure that any amendment to that certified LCP is consistent with those policies. The California

Supreme Court has determined that the legislature left "wide discretion to a local government not only to determine the contents of its land use plans, but to choose how to implement these plans" *Yost v. Thomas* (1984) 36 Cal.3d 561, 573. However, the Coastal Commission plays an important regulatory role with respect to amendments to LCPs through the certification process, which is the subject of this hearing.

The staff report reflects a complete distraction with the issue of the proposed camping ban and I want to make two points about that. First, the Commission staff report quotes at length from the City's December 2, 2007 analysis (staff report at 30-31); it should be apparent from the City's analysis that the City recognizes the competing issues that inform any discussion of camping in fire-prone neighborhoods. The City understood the controversy and has come here to have that discussion. The quoted passage reflects the City's understanding of the Commission's historic position on the matter and the current state of the Malibu LCP (which permits camping). The City did not anticipate that the proposed ban on new campsites would be rubber-stamped. The City seeks a fair discussion. We hope for a fair-minded dialogue based on fact, but sensitive to differing perspectives and certainly free of name-calling and caricature.

Second, as described in detail in Exhibits 3 and 4, the City underwent a lengthy public process and its proposed LCP amendment contains many more components than the proposed camping ban. The staff report relies exclusively on its conclusion that a ban on camping is not consistent with Chapter 3 policies to recommend denial of the requested certification of the whole LCP amendment. Such a wholesale dismissal is not an option for the Commission. Although in any year a local government may make only three submittals of major amendments to its certified LCP, the Coastal Act specifically permits each separate submittal to include many parts or proposed changes. Public Resources Code Section 30514(b). The Commission is required to act on each.

It defies logic for the Commission to find, as staff recommends, that identical policies are not consistent with Chapter 3 policies when proposed by the City but are consistent with Chapter 3 policies when proposed by the Conservancy. If an amendment is consistent with the Coastal Act, you must certify it.

During the 18 months that the City's application for certification was pending, the Commission staff made no effort to contact the City or alert it to any of the concerns raised in the staff report. There is no urgency to the matters before the Commission and, while it is unfortunate to have needlessly lost so much time, it would be a greater harm to

choose not to correct course when the opportunity to do so presents itself. The City has made great progress with its Master Trails Plan and is anxious to implement a world-class trail system throughout the City. For these reasons, the City is requesting that this matter be continued to allow the opportunity for Commission staff to work with the City staff in analyzing the whole of the City's LCP amendment for certification. Alternatively, the City urges the Commission to undertake a review of each component of the LCP amendment and make the separate, required findings of consistency for certification.

The Conservancy's Proposed Override Is Not Authorized by the Coastal Act. Needless to say, the City was taken aback that the Commission staff would make a preliminary determination that the Conservancy's proposed policies qualified for an LCP override. The City's calls and letter to Commission staff regarding this determination went unanswered. However, the Commission must make the ultimate determination whether the proposal qualifies.

The very moniker "LCP override" should give the Commission pause. Given the partnership created by the Coastal Act (and described in Exhibit 4), surely one would expect that the circumstances under which the Commission may override a certified LCP or impose an amendment over the objections of a local government must be constrained. And they are.

Exhibit 5 to this letter provides detailed analysis of the statute and cites previously submitted substantial evidence that demonstrates that the Conservancy's application does not qualify for an LCP override. The LCP override provisions are reserved for public work *projects*. The Conservancy does not propose a development project at all, but rather a comprehensive plan which is addressed properly through an LCP amendment. The City has submitted for certification an LCP amendment covering the same subject policy issues and development standards as are covered by the Conservancy's override application. The Conservancy does not like aspects of the City's final proposal but the override provisions do not provide an alternative method of amending the City's LCP. In this case, the override provisions are being invoked for purposes other than the statute intended.

The Conservancy's proposal is a comprehensive plan that establishes policies and development standards for the several parcels owned by the Conservancy. The City contends that the override provisions are inapplicable to the Conservancy's proposal because (1) the Conservancy's proposal is not a public works project, (2) even if it were,

it does not meet the requirements for an override because the Conservancy anticipated these uses at the time the City's LCP was being adopted and certified by the Commission; and (3) it is unfair to disregard the public process and, in any event, the proposal exceeds the Commission's jurisdiction to adopt policies.

The Conservancy's application conflates the Coastal Act provisions for a public works plan and the override provisions for certain public works projects. This leads to confusion and the potential for violation of Chapter 3 policies. Projects undertaken pursuant to a public works plan are exempt from the requirement for a coastal development permit (Public Resources Code § 30605; Malibu LIP §13.3(B)). However, the public works plan must be consistent with the certified LCP and the individual public works projects must be consistent with the public works plan. Only when an individual public works project is *not* consistent with the LCP do the "override" provisions apply and, even then, only when other requirements are met. The proposed override before the Commission is an erroneous blend of the distinct concepts and procedures in an attempt to have this Commission essentially adopt new policies and standards for all of the Conservancy's holdings in Malibu and have those newly created standards apply to future development by the Conservancy. The Coastal Act simply does not authorize that.

This Competing Submittal Process Has Been Confusing, Is Unfair and Violates Due Process. In June of 2006, SMMC submitted a "Public Works Plan" (PWP) to the Commission which is very similar to the LCP override application policies. At that point in time, SMMC sought to have the Plan processed under Public Resources Code §30605 and 14 CCR 13350, et seq. (public works plans). The PWP was not consistent with the certified LCP, as required by Public Resources Code §30605. The PWP also failed to include certain information required to be included in a public works plan under 14 CCR 13353. In July of 2006, the Commission staff returned the PWP to the Conservancy.

The Conservancy then amended and adopted a revised version of the PWP. As amended, the PWP still was not consistent with the Malibu LCP. Thereafter, the City and the Conservancy agreed to process an LCP amendment and entered into a stipulated injunction to address the interim use of Ramirez State Park; accordingly, the Conservancy rescinded the amended PWP and submitted an application to the City for an LCP amendment. The City designated the submittal as LCP Amendment No. 07-002 and processed it as the "Malibu Parks Public Access Enhancement Overlay."

After a series of hearings, the City granted SMMC's proposed LCP Amendment in large part. However, the City made two primary changes. First, in light of the fact that Malibu residents had suffered two catastrophic fires while the application was pending, the City Council voted to prohibit additional overnight camping in the City (except for SMMC's proposed supervised camping for the disabled at the Ramirez Property, to which there was no objection). Second, if the Conservancy seeks a CDP, the City placed limits on SMMC's use of the Ramirez Property pending SMMC's construction of alternate vehicular access to that site, which the Conservancy had suggested was forthcoming.

On April 15, 2008, SMMC filed its current submittal with the Commission. SMMC's proposed LCP Amendment override takes the language from the City's proposed LCP Amendment and, *inter alia*, does the following:

> Adds back the camping provisions, making the provision of camping mandatory, and re-defining the permissible uses in ESHA to allow camping, chemical toilets, grading, and other development;
>
> Deletes the requirement for alternative vehicular access to SMMC's Ramirez property;
>
> Deletes the requirement that the streambed modification to Ramirez Creek be subject to a coastal development permit and permits from other agencies. The Commission required that SMMC obtain permits for that modification in 2000. SMMC never did so;
>
> Deletes the requirement for use of permeable surfacing for parking facilities;
>
> Deletes the requirement that parks be closed on Red Flag Days, during Flash Flood/Flood Warnings or when Urban/Small Stream Advisories are issued, and requires only "no camping" on those days;
>
> Increases the proposed intensity of use of the three SMMC properties (i.e., over what SMMC requested of the City and, with respect to Ramirez, over what the previous Commission CDP authorized). Allowed apparently unlimited regional office use for SMMC and MRCA at the Ramirez

Property. Ties the revenue from the "special events" at Ramirez to camping program for disadvantaged youth;

Deletes all references to obtaining coastal development permits and deletes the Malibu LCP requirement of conditional use permits for camping;

Deletes all City participation in the location, design and development of park and trail improvements, including, but not limited to: (a) review (of either proposed or ongoing projects) by the City Environmental Review Board, City Biologist, City Environmental Health, Environmental and Building Safety, (b) the requirement for compliance with the City's Geotechnical guidelines and Building Codes, (c) the requirement for notices to the City Manager concerning special events at Ramirez, and (d) cooperation with City Planning and City Public Works regarding Transportation and Parking Management Plan;

Adds a provision that SMMC's Plan be given the "most liberal construction possible" to ensure that SMMC's public access/recreation opportunities are protected and provided;

Strikes all references to avoiding intrusive traffic circulation in residential neighborhoods and removes the requirement that SMMC comply with the City's requirements regarding off-site parking;

With respect to offers to dedicate (OTDs), deletes the provision that specified that SMMC/MRCA are independent of the City's CDP review process and that the City's approval of a CDP is not linked to any requirement for an OTD;

Purports to limit open flames, fires or other incendiary sources on public and private property *outside of the park facilities* involved in the Plan;

Purports to create a "sovereign" right of access to Ramirez Canyon Park (presumably up private Ramirez Canyon Road), for certain agencies and persons.

On May 15, 2008, the Commission staff made the preliminary determination that the Conservancy's plan was subject to the LCP override provisions of Public Resources Code §30515. Having delayed certification of the City's LCP amendment, the Commission provided the City an opportunity to set forth the reasons for not amending the LCP as requested by the Conservancy, apparently pursuant to Public Resources Code §30515. However, it would seem that the action at issue is either the adoption of the LCP that established the existing rules (that action was taken by the Commission) or the action in connection with the LCP amendment, for which no hearing on certification had yet been held, so the action is not yet final. Either way, the Commission staff's processing of an override application created a confused and inconsistent process. Because the City has an LCP amendment pending, procedural fairness and regularity would suggest that the Commission act first on the City's certification request before even entertaining the possibility of "overriding" the City's LCP with respect to the same matters raised by the pending LCP amendment.

The Coastal Act acknowledges that the "duties, responsibilities, and quasi-judicial actions of the commission are sensitive and extremely important for the well-being of current and future generations" (Public Rresources Code §30320(a).) Accordingly, the Legislature has mandated:

> "[T]he public interest and principles of fundamental fairness and due process of law require that the commission conduct its affairs in an open, objective, and impartial manner free of undue influence and the abuse of power and authority. It is further found that, to be effective, California's coastal protection program requires public awareness, understanding, support, participation, and confidence in the commission and its practices and procedures." (*Ibid.*)

For these reason, the City respectfully requests that the Commission reject the Conservancy's proposed override.

Approval of the LCP Override Would Violate CEQA. The staff report for the Conservancy's override application at page 125 indicates that the Conservancy will prepare an Environmental Impact Report (EIR) for its forthcoming Public Works Plan in compliance with the California Environmental Quality Act (CEQA). The first draft of the 2002 PWP also stated that an EIR would be prepared. The current submittal relates to the previously presented public works plan (PWP). A PWP must be consistent with the

certified LCP. It is no secret that the Conservancy is undertaking the backward process of attempting to make the certified Malibu LCP consistent with its PWP. In fact, the Conservancy's initial PWP application was rejected by Commission staff in part because it was inconsistent with the LCP. So this override application is part and parcel of the implementation of the PWP. The staff report states that "the Conservancy and MRCA are currently preparing and processing an EIR for a future PWP application that will serve as the facilities plan for the Overlay area. The EIR and PWP will include the detailed project and facility plans for future campgrounds, support facilities and uses within the parklands covered by the overlay. The EIR & PWP will also include a comprehensive analysis of the potential adverse environmental impacts of the proposed facilities and mitigation measures. Furthermore, the EIR and PWP will include a comprehensive alternatives analysis for proposed development within each parkland unit."

The California Supreme Court recently determined that the whole of the circumstances must be evaluated to determine whether a lead agency has committed itself to a definite course of action. See *Save Tara v. City of West Hollywood* (*2008*) 45 Cal.4th 116. In this instance, it is clear that the purpose of the LCP override is to clear the path for the PWP. In this circumstance, the environmental review cannot be postponed. The LCP override may not be separated from the comprehensive facilities plan that it facilitates; that is impermissible piecemealing and precommitment.

Conclusion. It is unfair to the public to allow the procedures intended to foster public participation and to structure the deliberations of public officials on important matters to be turned into a game. As detailed herein and in its request for certification, the City scrupulously followed the public hearing process for consideration and adoption of an LCP amendment pursuant to the application of the Conservancy and relating to the policies and implementation measures that will govern the Conservancy's long range plans for its holdings in Malibu. The next step in that process is for the Commission to consider the certification of the LCP amendment that resulted from that process. The public and the City have a right to expect that the certification process will follow the procedures established in the Coastal Act.

The Conservancy is unhappy with aspects of the City's decision. We know that. The Coastal Act provides the Conservancy with a fair opportunity to express its concerns, along with all other proponents and opponents of the pending LCP amendment. It is

inappropriate for the Commission to allow the Conservancy to derail this process with an competing application for an override.

In any event, the Conservancy's proposal does not even qualify for consideration under the override procedures.

The City's certification application deserves serious consideration in all its component parts. The staff report suggests that the entire LCP amendment be denied out-of-hand based on the staff's contention that a ban on camping in Malibu is inconsistent with Chapter 3 policies. However, most of the City's LCP amendment has nothing to do with overnight camping. The Commission is obligated to certify amendments consistent with the Coastal Act and must consider each part of the proposed amendment.

Finally, the State Fire Marshall has requested a postponement in order to evaluate the proposals. The City supports that request and notes that there is nothing time sensitive about the proposals which would militate against giving the Fire Marshall the additional time she requests. This would also create an opportunity for Commission staff to consult with city staff with respect to the parts of the City's LCP amendment application dismissed out-of-hand by the staff report.

For all these reasons, the City respectfully requests that the Commission determine that the Conservancy's submittal does not meets the requirements for an LCP amendment override and continue the hearing on the City's LCP amendment for further analysis.

Thank you for your consideration.

Very truly yours,

Christi Hogin
City Attorney
City of Malibu

EXHIBIT 1: Timeline of the LCP amendment certification application

DECEMBER 28, 2007: The City of Malibu submitted to the Commission for certification an amendment to the certified Malibu Local Coastal Program. The amendment was initiated by an application from the Santa Monica Mountains Conservancy and the Mountain Recreation Conservation Authority (together referred to herein as the Conservancy) and was described accurately in the staff report to the Commission dated February 14, 2008, as an amendment "to add land use policies and development standards for and related to a proposed Malibu Parks Public Access Enhancement Overlay District." That amendment (MAJ-3-07) underwent a full public review process and was the subject of robust public discourse.

MARCH 5, 2008: As is authorized by the Coastal Act, the Commission granted to itself an extension of up to one year to consider and act on that LCP amendment.

JANUARY 13, 2009: Commission staff contacts the City (for the first and only time) to request that the City withdraw and resubmit its application in order to accommodate the Commission staff's efforts to meet the statutory deadline.

EXHIBIT 2 Timeline of the "override":

MAY 19, 2008: The City received a letter from Commission staff indicating that the Commission had received an application from the Conservancy for an LCP override and had made a preliminary determination that the Conservancy proposed development subject to the override procedure. Specifically, the letter indicated that Commission staff had determined that the Conservancy's "Malibu Parks Public Access Enhancement Plan" is a public works project that proposes development unanticipated by the Conservancy at the time the Malibu LCP was before the Commission for certification and meets the public needs of an area greater than that included in Malibu's certified LCP.

JUNE 2008: The City's calls to staff to inquire about the override go unreturned. The City sends a letter to Commission staff on June 23, 2008, questioning the override and never receives a response to the letter.

JULY 14, 2008: The City Council considers override request and adopts resolution, which is transmitted to the Commission.

EXHIBIT 3: Timeline of the City's public hearing process to solicit public input and adopt the LCP amendment:

The Conservancy submitted its LCP amendment application to the City in late April 2007.

On May 22, 2007, pursuant to LCP Local Implementation Plan (LIP) Section 19.2.2, city staff notified the Conservancy that the application had been properly submitted and was complete.

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

On July 25, 2007, the application was reviewed by the City's Environmental Review Board at an open and public, noticed meeting.

On September 20, 2007, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu. In addition, on September 20, 2007, pursuant to LIP Section 19.3.2.A, a Notice of Planning Commission Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission.

On September 27, 2007, an informational item on the LCPA was presented to the Parks and Recreation Commission at an open and public, noticed meeting.

On October 9, 2007, the Planning Commission held a duly noticed public hearing, reviewed and considered written reports, public testimony, and related information, and adopted Planning Commission Resolution No. 07-87, recommending that the City Council approve the LCP amendment, subject to some revisions, and to incorporate a "Malibu Parks Public Access Enhancement Overlay" in the City's certified LCP.

On October 25, 2007, pursuant to Malibu Municipal Code Chapter 17.74 and LIP Section 19.3.2, a 21-day, quarter page Notice of Public Hearing was published in a newspaper of

general circulation within the City indicating that the City Council would hold a public hearing on November 13, 2007 to consider an amendment of the certified Local Coastal Program, Malibu Municipal Code, and General Plan.

On October 26, 2007, a Notice of City Council Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission.

On November 10, 2007, staff conducted a special facilitated and noticed public workshop.

On November 13, 2007, the City Council held a duly noticed public hearing to consider the application, 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 and the Environmental Review Board. The City Council continued its deliberations to a special meeting held December 5, 2007, where following the hearing it approved the LCP amendment submitted for certification.

On December 28, 2007, the City submitted its application for certification.

On January 7, 2008, the Executive Director determined that the City's amendment was in proper order and legally adequate to comply with the submittal requirements of the Coastal Act (Public Resources Code §30510(b)).

On March 5, 2008, the Commission extended for one year the time limit to act on the City's LCP amendment.

On January 13, 2009, the Commission staff requests that the City withdraw and resubmit its application in order to give Commission staff more time to evaluate it.

Exhibit 4 The Coastal Act governs LCP Amendments. The City adopts amendments and the Commission certifies the amendments that are consistent with the Coastal Act.

THE COASTAL ACT ASSIGNS ROLES TO THE CITY AND THE COMMISSION WITH RESPECT TO LCP AMENDMENTS AND LIMITS THE COMMISSION'S ROLE TO DETERMINING CONSISTENCY WITH CHAPTER 3 POLICIES

The Coastal Act creates a partnership between Malibu and the Coastal Commission. The state Legislature established broad policies set out in Chapter 3 of the Coastal Act and required local governments to implement these broad policies through certified local coastal programs. The California Supreme Court has determined that Legislature left "wide discretion to a local government not only to determine the contents of its land use plans, but to choose how to implement these plans" *Yost v. Thomas* (1984) 36 Cal.3d 561, 573. However, the Coastal Commission plays an important regulatory role with respect to amendments to LCPs. The Commission's job under the Act is to certify that any amendment to an LCP is consistent with the State policies. The Coastal Act defines the Commission's role in certification applications:

> **§ 30512.2. Land use plan; criteria for decision to certify or refuse certification**
>
> The following provisions shall apply to the commission's decision to certify or refuse certification of a land use plan pursuant to Section 30512:
>
> (a) The commission's review of a land use plan <u>shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3</u> (commencing with Section 30200). <u>In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan</u>.
>
> (b) The commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) <u>only to the extent necessary</u> to achieve the basic state goals specified in Section 30001.5.

(Emphasis added) Like the Coastal Act, there are numerous statutory schemes that create alliances between local government and a state agency (in areas such as housing law,[1] solid waste reduction,[2] the National Pollution Discharge Elimination System program[3] and traffic congestion management,[4] to name a few). These statutory schemes work well because they allow the state to set minimum standards without infringing on the diversity of California cities; when implementing the state policies, local governments still may exercise broad discretion to reflect local conditions.

The overarching goals of the Coastal Act are to maximize public access to the beach and protect sensitive coastal resources. The state's policies toward these ends are set forth in Chapter 3 of the Coastal Act[5] and constitute the standards by which the adequacy of LCP amendments is determined. Public Resources Code §30200.

The Coastal Act contemplates an expeditious review by the Commission. Public Resources Code Sections 30512 and 30605 provide that the Commission shall make its determination within 90 days of its submittal. If the amendments are only to the Local Implementation Plan, the statute provides only 60 days for the Commission to act. Public Resources Code Section 30517 also allows the Commission to extend the action deadline for up to a year for "good cause."

[1] *See* Govt Code §65585 (providing for state review of local housing elements to determine consistency with state housing policy)

[2] *See* Public Resource Code § 40000, *et seq.* (California Integrated Waste Management Act requiring plans and programs to reduce solid waste)

[3] *See* Water Code §§ 13370-13389 (State Water Resources Control Board administers federal Clean Water Act, issuing permits to cities for, among other things, stormwater management)

[4] *See* Gov't Code §65088, *et seq.* (Requiring cities to establish congestion management programs to meet and maintain state and regional levels of service)

[5] Chapter 3 is divided into six articles, each dedicated to a subject area: Public Access, Recreation, Marine Environment, Land Resources, Development and Industrial Development. Each article consists of five to seven substantive policies. All together, Chapter 3 is comprised of 41 policies covering six subject areas.

In this case, the City submitted its application for certification in December 2007. In March 2008, the Commission extended the deadline for a year. In January 2009, the Coastal Commission staff requested that the City withdraw its application and resubmit it in order to relieve the Commission of its then-impending statutory deadline to act.

The LCP amendment process has five basic steps:

(1) the local government proposes an amendment and meets the requirements for public participation during review, usually this will require public notice and a hearing before a planning commission and a hearing before the legislative body – the steps that the City took are detailed in Exhibit 3 above;

(2) the local government adopts and submits to the Coastal Commission the proposed amendment, along with supporting materials as set forth in the Coastal Act and related Commission guidelines – the Executive Director confirmed that the City had done this by letter on January 7, 2008;

(3) Commission staff reviews the submittal, filing it if complete and determining if it is a minor or *de minimis* amendment (may be approved administratively) or major (requires a hearing);

(4) the Commission holds a hearing and votes to certify the amendment or suggests "modifications" or denies the amendment; and

(5) if certified, the local government takes any necessary steps to implement the LCP amendment; if "modifications" suggested, the local government may accept those or prepare alternatives and re-do steps 1 through 5.

This is a public process and the City employs significant resources to comply. Section 13515 of the Commission's regulations provide that, among other means of notice, notices of public hearings or availability of draft LCP amendments must be mailed to (i) members of the public requesting such notices; (ii) contiguous and affected local governments (iii) certain regional, state and federal agencies; and (iv) local libraries and

media. Individuals may also request that copies of LCP amendment drafts and related documents be mailed to them and the local governments may charge fees sufficient to cover the cost of duplicating and mailing these materials. Notices of public hearings must be published and mailed to interested persons and public agencies at least 10 working days before the hearing. *See* 14 Cal. Code Regs Section 13515(d).

An LCP amendment submittal to the Commission must include various supporting materials. These are listed in Section 13552 of the Commission's regulations and include (i) a summary of public participation measures; (ii) a list of interested persons contacted for comment; (iii) significant comments received and the local government's response; (iv) a full description of the LCP amendment (policies, standards, text with strike-outs and underlines, maps); (v) a discussion of the amendment's relationship to and effect on the rest of the LCP including the access component; (vi) an analysis of how the amendment complies with the "common methodology" for LCP preparation (Commission Regulations Section 13511); (vii) any environmental documents required pursuant to CEQA (*but see* Public Resources Code Section 21080.9 and Section 4, below); and (viii) an indication of the zoning measures that will be used to carry out an LUP Amendment.

An application must be determined to be complete before the review begins (and the clock starts ticking). The Commission staff decides if the submittal is complete for filing. If so, staff files the amendment submittal, starting the Commission's review period. If not, staff notifies the local government in writing of the submittal's inadequacies.

As the Commission knows, it is no small task to prepare an LCP amendment and submit it to the prescribed public review process. Accordingly, it should be this Commission's absolute policy to afford every LCP amendment application that comes to it the appropriate consideration.

In this matter, Commission staff ignored the City, delayed the processing and gave the application short shrift. The staff focused almost exclusively on the camping issue and made no effort to properly process and evaluate the certification of the many other aspects of the City's LCP amendment. In any given year a local government may make only three submittals of major amendments to its certified LCP. Each separate submittal, however, may include many parts or proposed changes. Public Resources Code Section 30514(b).

Suggested modifications are the norm and the City reasonably expects to the Commission to engage in that process. The Commission has the option of suggesting modifications following a denial action (unless the local government requests that it not do so and Malibu is specifically requesting suggested modifications).

Exhibit 5: The proposed override inappropriately displaces the LCP amendment procedure and is not eligible for an override because it proposes and facilitates a comprehensive plan that establishes policies and development standards for future development

The Conservancy owns parks in the City of Malibu, including Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park. The Conservancy seeks to plan uses and future improvements for its parks and to develop a strategy to acquire and complete trail connections for the Coastal Slope Trail and other connector trails, which include trail connections from Zuma/Trancas Canyons to Ramirez Canyon Park and Escondido Canyon Park, through Solstice Canyon Park, and finally to Corral Canyon Park.

Planning policies and implementation measures that will realize the Conservancy's development goal are properly contained in an LCP. The Conservancy made the appropriate LCP amendment application and LCP Amendment MAJ-MAL-3-07 was the subject of complete public review as required by the Coastal Act and the certified LCP. The resulting LCP amendment is the subject of the City's certification application (LCP Amendment No. MAL-MAJ-3-07).

Unhappy with the revisions that the City proposed to the LCP amendment application, the Conservancy decided to attempt to "override" the City's LCP. The Commission staff notified the City on May 19, 2008 of the Conservancy's proposed override application. However, the Commission staff did not provide any factual basis upon which the decision was reached that the Conservancy's submittal meets the requirements for an override of the City's LCP.

The City called and wrote to the Commission staff seeking this information but the City received no response.

1. The LCP amendment override procedure applies only to "*a* public works *project*." The procedures do not apply to the Conservancy's "Public Works *Plan*," which acknowledges that "specific public works projects" will be implemented later, as time and funds permit.

The Commission must first determine whether the Conservancy's "Proposed City of Malibu Local Coastal Program Amendment for Incorporation of the Malibu Parks

Public Access Enhancement Plan Overlay District" meets the LCP "amendment override procedure requirements." For the reasons set forth below, it does not.

The Coastal Act assigns local governments and the Coastal Commission distinct roles in implementing the state's policies contained in Chapter Three of the Coastal Act. Generally speaking, in jurisdictions with certified LCPs, the Commission's role is to certify that any amendments to an LCP are consistent with the state policies and to consider appeals of certain CDPs issued pursuant to a certified LCP (where the development is in an appealable zone).

In instances where a public works project or energy facility is proposed to serve an area greater than that covered by a certified LCP and the project is not consistent with the LCP, the Commission's usual role is augmented. The Coastal Act (Public Resources Code §30515 and 14 CCR 13666) provides a procedure for an LCP Amendment "override" only for "a public works project" which "requires LCP amendments." The override statute and regulation do not apply to "projects" to be implemented under a "public works plan." In this case, that caveat is especially relevant because the Conservancy's public works plan is itself inconsistent with the Malibu certified LCP, which the Commission adopted and certified in September 2002.

So in this instance, the City and the Conservancy followed the proper procedure for establishing policies and implementation measures, which are hallmarks of any local coastal program. The City and the Conservancy underwent the extensive public participation process demanded by the Coastal Act and submitted to the Commission the resulting LCP amendment for certification. Any future projects will require CDPs which will evaluate proposed development in light of the policies and implementation measures in the certified LCP.

The LCP override procedures do not apply in this case because the Coastal Act does not authorize the Commission to develop policies and implementations measures associated with a proposed long range plan. Instead, the override provisions may be invoked only in connection with a specific public works project. The Conservancy's submittal portends the possibility of future projects but the request itself is to establishes uses and create an overlay and set policy and plan through creating implementation measures. These are the characteristics of *plans*.

A. The Conservancy's submittal acknowledges that it involves a "Public Works *Plan*"

Public Resources Code section 30515 and 14 CCR 13666 apply to "*a* public works *project*."[6] The Conservancy is proposing, as it readily acknowledges, a Public Works Plan which will be implemented by specific public works projects as time and funds permit:

> "**Public Works *Plan***. Implementation of the proposed Plan improvements (i.e., specific public works *projects*") . . . as time and funds permit."

(SMMC, Supporting Documentation, Standard of Review and Process, p. 2.)

> "As projects are implemented pursuant to the Plan, once certified as a public works plan by the Commission, project proposals may further be subject to special conditions to ensure project consistency with the approved Plan."

(SMMC, Supporting Documentation, Standard of Review and Process (attached), p. 3.)

Indeed, at page 125 of the staff report regarding the override, Commission staff notes "[t]he Conservancy and MRCA are currently preparing and processing an Environmental Impact Report (EIR) for a future Public Works Plan (PWP) that will serve as the facilities plan for the Overlay area."

[6] Public Resources Code §30515 (LCP override for public works project) is not located in the same chapter of the Coastal Act as sections 30605 and 30606 (public works plans). Instead, section 30515 is located in the chapter for "Implementation" . . . "Procedure for Preparation, Approval, and Certification of Local Coastal Programs." 14 Cal. Code Regs., sec. 13666 is located in Chapter entitled "Energy Facilities and LCP 'Override' Procedures," . . . "Certified LCP Amendment 'Override' Procedures."

The Conservancy has relied on Public Resources Code §30605 as authority for its submission of a "public works plan."[7] Public Resources Code §30605 authorizes the use of public works plans "as an alternative to project-by-project review." However, public works plans are required to be consistent with the certified LCP (Public Resources Code §30605), a fact which the Conservancy also acknowledges:

"The public works plan process *does not relieve the proposed Plan improvements from a stringent consistency review with the City's certified Local Coastal Program . . ..*"

(SMMC, Supporting Documentation, Standard of Review and Process p. 2-3.)

The Conservancy's Plan is not consistent with the certified Malibu LCP; instead, the Conservancy seeks an LCP amendment. However, consistent with Public Resources Code §30605, the Commission has adopted regulations for processing applications for public works plans after the certification of a LCP where the plan "does not require amendment to the local coastal program" (14 Cal. Code Regs., sec. 13357, subd. (a)). There are no procedures in the Coastal Act, in the California Code of Regulations, or in the certified Malibu LIP to "override" or otherwise approve a public works *plan* that is inconsistent with the certified LCP.

Thus, the Conservancy proposes and staff recommends an involuntary amendment to the City's certified LCP by way of an "override" which clears the path for the future PWP. The Coastal Act simply does not support this ambush on a local government's authority to control the contents of its LCP, subject of course to this Commission's certification that the LCP is consistent with the Chapter 3 policies in the Coastal Act.

The appropriate procedure for the Conservancy to follow is the one it seeks to thwart: obtain an LCP amendment, which is certified by the Commission.

[7] The Commission has original jurisdiction over public works plans (Public Resources Code §30321). The statutes and regulations governing the certification of public works plans and the development of projects consistent with those plans are located in that part of the Coastal Act which deals with "Development Controls" (Public Resources Code §§ 30605 and 30606). The Regulations which govern the processing of these plans are located in the California Code of Regulations under the heading "Coastal Development Permits . . . Public Works Plans" (14 Cal. Code Regs.,13353, et seq.) (i.e., the regulation under which SMMC submitted this Plan in 2006).

B. The Conservancy's submittal acknowledges that it is not seeking approval of "specific public works projects" at this time.

The Conservancy's Supporting Documentation also establishes that Public Resources Code §30515 and 14 CCR 13666 do not apply because the Conservancy is not seeking approval of "specific projects" at this time (Standard of Review, pp. 2-3). That acknowledgment alone precludes the Conservancy from invoking the "override" provisions for "a public works project" under Public Resources Code §31515.

Instead, the Conservancy seeks amendments to the LCP that will lead to approval of its long range plan. An agency which submits a public works plan has two options with respect to the projects to be developed under the plan:

a. The agency may propose specific projects concurrent with the plan (Pub. Res. Code, sec. 30605). If it does so, each project must also be consistent with the LCP (14 Cal. Code Regs., §13358; see also Public Resources Code § 30605, 30606).

b. The agency may wait until after certification of the plan to develop the individual projects. The plan agency must notify the Commission and other interested entities prior to the commencement of any project (Public Resources Code § 30606). The Commission then makes a threshold determination of whether the proposed project is consistent with the certified public works plan (14 Cal. Code Regs., sec. 13359, sec. (b)). If the Commission finds that the proposed project is not consistent with the plan, the Commission considers whether conditions can be imposed to bring the project into compliance with the plan.

Public Resources Code §30515 must be strictly construed because it is an exception to the mandate that land use decisions after LCP certification be made by the local agency. "[E]xceptions to a statute are construed narrowly to cover only situations that are 'within the words and reason of the exception.'" *John Doe v. City of Los Angeles* (2006) 137 Cal.App.4th 438, 446, citing *Hayter Trucking, Inc. v. Shell Western E & P, Inc.* (1993) 18 Cal.App.4th 1, 20; see also *Major v. Silna* (2005) 134 Cal.App.4th 1485, 1494.

For all these reasons, Public Resources Code §30515 does not authorize an LCP Override for an entire public works *plan*.

C. The Conservancy's description of the ongoing process demonstrates the confusion created by the Conservancy's submittal and the Commission staff's determination with respect to processing.

The Conservancy's attempt to conflate the Coastal Act provisions for a public works plan and the override provisions for certain public works projects leads to confusion and the potential for violation of Chapter Three policies. Projects undertaken pursuant to a public works plan are exempt from the requirement for a coastal development permit (Public Resources Code § 30605; Malibu LIP §13.3(B)). However, the public works plan must be consistent with the certified LCP and the individual public works projects must be consistent with the public works plan. Only when an individual public works project is *not* consistent with the LCP do the "override" provisions apply and, even then, only when other requirements are met. The Conservancy's erroneous blend of the distinct concepts and procedures is an attempt to have this Commission essentially adopt new policies and standards for all of the Conservancy's holdings in Malibu and have those newly created standards apply to future development by the Conservancy. The Coastal Act simply does not authorize that.

In its "Plan Text Amendments," the Conservancy has stricken any and all references to coastal development permits or conditional use permits from the City of Malibu; however, in the "Standard of Review," the Conservancy offers these facially inconsistent claims:

> "Implementation of the proposed Plan improvement (i.e., specific public works projects) will require *review and approval pursuant to the coastal development process*, as applicable, or *alternatively*, implementation of the proposed Plan improvement may be achieved pursuant to *the public works plan process*." . . .
>
> "*In place of processing an undetermined number of coastal development permits* in separate jurisdictions to implement projects identified in the Plan, proposed improvements are instead *subject to the public works plan process* that provides consistency in processing and implementation."

> "Absent adoption of a public works plan for the proposed Plan, individual project improvements requiring a coastal development permit would be subject to standard coastal development permit review procedures."

(SMMC, Supporting Documentation, Standard of Review and Process at 2-3. (Emphasis added))

Careful review demonstrates that the Conservancy's submittal attempts to shoehorn a whole public works plan or a comprehensive set of policies and development standards to be applicable to future development into a provision that properly applies to a narrow a specific category of individual public works projects or energy facilities.

The Commission staff recommends approval of an "override" that enacts policies which essentially clear the way for the anticipated PWP, for which an EIR has not yet been completed and the scope of which has been long known by the Conservancy. Such an action would violate CEQA and the Coastal Act.

2. Even if the Conservancy had submitted an application for "a Public Works Project," the submittal does not meet the requirements of Public Resources Code §30515 because it was anticipated by the Conservancy "at the time the LCP was before the Commission for certification" and years before that time.

Even if the Conservancy proposed a public works "project," rather than a public works "plan," it would still not be eligible to invoke the LCP Amendment override procedures. Public Resources Code §30515 expressly limit the override procedure only where the "purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program *that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification*." (See also Malibu LIP §19.2.1(a)(4).)

The Conservancy's planning history demonstrates that it plainly anticipated this plan at the time the Malibu LCP was before the Commission for certification. In fact, a wealth of evidence previously submitted to the Commission, which by this reference the City incorporates herein as if fully set forth and makes part of the record of these

proceedings, shows that it has anticipated this development for many years, including the following:

In 1979, the Santa Monica Mountains Conservancy was known as the "Santa Monica Mountains Comprehensive Planning Commission." The City submitted pertinent portions of the "Santa Monica Mountains Comprehensive Plan," adopted February 1979, proposal similar development plans.

Mr. Edmiston was the Executive Director of that Commission. The SMM Comprehensive Plan *envisioned a comprehensive trail system, linking the Backbone Trail with connector trails in Malibu, and identifying specific properties for acquisition so that those connector trails would extend to Malibu beaches* The Plan also identified properties in the Malibu area for either state purchase, e.g., Temescal, Backbone Trail right-of-way from Saddle Peak to Malibu Creek State Park, and Malibu Creek State Park Scenic Additions or for federal or expanded state purchase, e.g., Malibu Creek State Park Area, Solstice Canyon Area, Zuma-Trancas Canyon Area.

In September of 1997, the National Park Service published its SMMART Report (Santa Monica Mountains Area Recreational Trail Coordination Project). The Report was the product of a request from the Santa Monica Mountains National Recreation Area, California Department of Parks and Recreation *and SMMC* to the Rivers, Trails and Conservation Assistance Program of the National Park Service to provide assistance in *coordinating trail planning issues in the Santa Monica Mountains.*

Among other things, the SMMART Report developed an inventory of trails, identified locations for trail camp facilities and established priorities for missing trail segments. The Report was not limited to trails within the national park system, but recognized the need for trails "outside of the established park system." The Report includes a discussion of numerous trails in Malibu, with action recommendations for right-of-way acquisitions, offers to dedicate, etc. These trails include some of the specific trails included in the Conservancy's current submittal (i.e., Winding Way Connectors, Coastal Slope Trail, and Escondido Falls Trail).

The Conceptual Trail Policy Alternatives, studied as part of the SMMART report, confirm that the trail plan included in SMMC's current submittal was analyzed extensively. The City previously submitted a series of trail policy alternative maps, which clearly show proposed trail connectors for SMMC's Ramirez, Escondido, Solstice

and Corral Canyon properties, under current trail conditions and then a series of alternatives for low use, high use, and hybrid use.

In 2000, the National Park Service, the California Department of Parks and Recreation, and the Santa Monica Mountains Conservancy entered into a cooperative agreement for planning in the Santa Monica Mountains. As ultimately adopted, the General Management Plan (GMP) for the Santa Monica Mountains "National Recreation Area" provides the approved general management plan for the region for the next fifteen to twenty years. The NRA is jointly administered by the National Park Service, the California State Parks, and the Santa Monica Mountains Conservancy (the "administering agencies"). The GMP covers a broad area, including parks and trails in Malibu.

All of SMMC and MRCA's holdings are included in the GMP analysis, including the Ramirez Property (which is designated as SMMC's "headquarters," although offices are not a permitted use in that open space zone under the Malibu LCP which the Commission adopted and certified in 2002). The Plan identifies various "Management Areas" by intensity of use. *All of the areas identified in the Conservancy's present Plan are identified as "high intensity use" areas under this Plan.* High intensity use includes full visitor services, campgrounds, trail networks, park-and-ride shuttles. Mr. Edmiston assisted in the preparation of the Plan.

The environmental review process for the GMP began in December 14, 2000. The Final EIS confirms the broad scope of the study and the participating agencies, including SMMC. SMMC's holdings were included in the study, including its "headquarters" at Ramirez Canyon Park. The "Public Access" analysis in the EIS includes the "Ramirez Canyon Park Outreach Program" targeting seniors and disabled, supported by the "Streisand Center Garden Tour Program." There is also a proposal to keep the SMMC offices "in their current location," because the "building" is "not eligible for the National Register of Historic Places."

All this planning by the Conservancy had taken place before this Commission released the initial draft of the Malibu LCP in January of 2002. In its comments on the draft LCP, the Conservancy focused on proposals which would give it virtual immunity from regulation under the Malibu LCP, proposing among other things (a) that "public parklands" be a permitted use in all zones, (b) that no coastal development permits be required for "park" operations, and (c) that the ESHA rules be relaxed to allow for a broad range of development and use. The Conservancy also requested that Chapter 7 of

the Malibu Land Use Plan ("Public Works") include SMMC as an agency specifically authorized by the Coastal Act to develop "public works." That request was contrary to the express language of Public Resources Code §30114 and was rejected by the Commission as well. The Malibu LCP provides that public works includes "all publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district."

The Commission rejected those suggestions in 2002 when it adopted and certified the Malibu LCP. All but one are included in SMMC's current submittal. So not only were the components of this override proposal anticipated in 2002, they were proposed and rejected.

In May of 2002, this Commission specifically considered the consistency between the Coastal Act and the GMP discussed above. Commission staff acknowledged the Conservancy's part in the cooperative process and acknowledged the Conservancy's proposed "high intensity" uses for numerous sites, including the properties involved in the Conservancy's current submittal. Commission staff also commented on public access issues, including the importance of providing public access to the shoreline and the use of shuttles to assist park users.

In connection with the Conservancy's effort to acquire the land interests necessary to implement the Coastal Slope Trail, in 2002 the Coastal Commission included in the certified LCP an element in which specific mitigation funds are to be paid to the Mountains Recreation and Conservation Authority into the "Coastal Habitat Impact Mitigation Fund." In November of 2003, the Conservancy, the MRCA, and the California Coastal Commission signed a Memorandum of Understanding regarding administration of this fund.

In June of 2002, this Commission issued its revised draft of the Malibu LCP. In August of 2002, the Commission issued its final draft of the Malibu LCP. On September 13, 2002, the Commission adopted and certified the Malibu LCP.

The Conservancy was well aware of its plans and proposed projects at the time that the Commission was considering the LCP. As a result, its current plan simply does not qualify for an LCP override, a provision that creates a narrow exception for certain public works projects and was not created to allow wholesale revisions of a certified LCP to apply to future development.

EX-PARTES

Pat Veesart

From: Steve Hudson
Sent: Tuesday, June 02, 2009 11:59 AM
To: Pat Veesart
Cc: Barbara Carey
Subject: FW: 6/10/09 Coastal Commission Hearing
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Pat, another ex parte for the addendum.

- Steve

-----Original Message-----
From: Vanessa Miller
Sent: Tuesday, June 02, 2009 10:51 AM
To: Jeff Staben; Steve Hudson
Subject: FW: 6/10/09 Coastal Commission Hearing

-----Original Message-----
From: Pat Kruer [mailto:PKruer@MonarchGroup.com]
Sent: Tuesday, June 02, 2009 10:41 AM
To: Vanessa Miller
Subject: FW: 6/10/09 Coastal Commission Hearing

Exparte e mail

From: Architectural Sculpture [mailto:clotte1@gmail.com]
Sent: Sunday, May 31, 2009 7:45 PM
To: Pat Kruer
Subject: 6/10/09 Coastal Commission Hearing

Re: Agenda Number (16a and 16b) and the Hearing Date (June 10, 2009)

Dear Commissioner Kruer,

I am writing to express my concerns regarding Agenda Number 16a and 16b at the June 10, 2009 Coastal Commission Hearing.

I have been involved in negotiating proper use of Ramirez Canyon Road with Mr. Edmiston and his representatives since it was first donated by Ms. Streisand to the Santa Monica Mountains Conservancy for use as an environmental think tank. At that time, we were encouraged that there

would be conservative use of the property, and limited numbers of trips through our small residential private road. We had a hope that we could join together to create a workable solution that would maintain the integrity of our canyon, yet share the beauty of it with those who would appreciate it.

Much has changed since 1993. I still support small tours and educational benefit for seniors, public outreach, children, handicapped, and do not oppose supervised camping at the site. I do, however, feel that these uses should be in compliance with City rules and regulations, just as is every event for our residents.

I do, however, oppose increased catered events, weddings, etc. To have buses bringing people in and out, catering trucks, port-a-potties, personnel, etc., is unfair to residents who generally just use the road to walk their pets or hike the canyon. There is very real fire danger, and in our narrow box canyon we have over and over again seen such destruction. There is no reason to support events for large numbers of people and personnel when there is absolutely no adequate safety measure in place for evacuation, other than our one tiny road.

I also question how the State of California, which is in serious fiscal crisis, can justify the expense of having the Conservancy's private offices in the former home of Ms. Streisand. I think this is simply outrageous Why can't their offices be held in office buildings, just like other state agencies?.This is an enormously expensive property to maintain; in order to do that the Conservancy and affiliated agencies have little alternative but to hold larger events that are contra to their stated mission—conservation, and endanger, through their proposed over-use, their visitors and an entire community.

I appreciate your consideration of my concerns.

Lotte Cherin
5903 Ramirez Canyon Road
Malibu, CA 90265-0786
Clotte1@gmail.com

Visit our website at www.monarchgroup.com.
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Sent: Sunday, May 31, 2009 7:45 PM
To: Pat Kruer
Subject: 6/10/09 Coastal Commission Hearing

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I appreciate your consideration of my concerns.

Lotte Cherin
5903 Ramirez Canyon Road
Malibu, CA 90265-0786
Clotte1@gmail.com

From: Jennifer Minnehan [mailto:jminnehan@mccabeandcompany.net]
Sent: Thursday, May 21, 2009 11:59 AM
To: Pat Kruer
Subject: Site visit request

Pat:

Good afternoon. Please see the request below. If you are unable to do a site visit then we would like to set a call.

We also need to set a call re: Goteta Beach.

Please advise if you are planning to attend everyday of the June 2009 California Coastal Commission meeting. If so, we would like to request and schedule an ex parte to discuss the Santa Monica Mountains Conservancy (Conservancy) and Mountains Recreation and Conservation Authority (MRCA) project and offer a site tour via road trip or helicopter.

The Conservancy and MRCA have submitted an amendment (MAL-MAJ-1-08) to the City of Malibu Local Coastal Program (LCPA) pursuant to the LCP "Override" procedures in Coastal Act Section 30515, following rejection of the LCPA by the City of Malibu.

As submitted by the Conservancy and MRCA, the LCPA:

- Enhances PUBLIC ACCESS to coastal parks in Malibu
- Connects 5 coastal parks through 6 miles of new Coastal Slope Trail
- Connects existing OTDs and the California Coastal Trail on the beach to Backbone Trail via 3.5 miles of new public trail
- Creates ADA-accessible Parking
- Creates ADA-accessible Restrooms
- Creates 29 "cold" campfire campsites including ADA-accessible

A briefing packet with additional information will be sent separately.

Please advise your availability and interest in the site tour.

- Jennifer

Jennifer Minnehan
McCabe & Company
1121 L Street, Suite 100
Sacramento, CA 95814
(916) 553-4088
(916) 397-8523 Cell
(916) 553-4089 Fax
jminnehan@mccabeandcompany.net

RECEIVED
JUN 04 2009
CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: MAL-MAJ-1-08 W/6a & /6b

Date and time of receipt of communication: 6/4/09 11:00am

Location of communication: LaJolla

Type of communication (letter, facsimile, etc.): Telephone message

Person(s) initiating communication: Pamela Comyula City Co

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Please donot allow more dangerous overnight camping in Malibu. You were aware of the danger that the San Diego fires caused to people and nature. She is very concerned about this camping can cause great fire Risk!

6/4/09
Date

Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: MAL-MAJ-3-07 (Wed, #16a) MAL-MAJ-1-08 (Wed #16b)

Date and time of receipt of communication: 6/5/09 @ 11:00am

Location of communication: La Jolla, Calif.

Type of communication (letter, facsimile, etc.): meeting

Person(s) initiating communication: Steven A. Amerikaner

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Mr. Amerikaner reviewed the history of the project. He further discussed the safety concerns expressed by a June 2, 2009 letter from the Department of Forestry State Fire Marshal and the County of LA Fire Department letter of June 2, 2009. He showed some pictures of the substandard road access and the locations of the proposed camp sites. I told him that the camp sites are a very important coastal access issue.

6/8/09 — Date

Patricia Kruer — Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

From: Steven A Amerikaner [mailto:SAmerikaner@bhfs.com]
Sent: Saturday, June 06, 2009 10:54 AM
To: Pat Kruer
Subject: Your Questions

Dear Pat:

Thank you for spending time with me yesterday discussing the proposed "Override" plan from the Santa Monica Mountains Conservancy.

In response to your questions:

1. There are 17,804 sf of habitable space on the Ramirez Canyon property, according to the 1995 CDP application filed by the Conservancy. Some of those improvements apparently were not permitted when the Conservancy acquired the property in 1993 and there is no evidence that those permits were obtained or that the property was brought up to code when the Conservancy changed the use from residential to office, commercial and public assembly uses.

2. Attached is a transcript of your remarks at the Commission's April 12, 2000 hearing.

Please let me know if you have other questions.

Steve

1 STATE OF CALIFORNIA
2 COASTAL COMMISSION
3
4 ORIGINAL
5
6 SANTA MONICA MOUNTAINS)
7 CONSERVANCY;)
8 CITY OF MALIBU,) Application No. 4-98-334
9 COUNTY OF LOS ANGELES)
10)
11
12
13 REPORTER'S TRANSCRIPT OF PROCEEDINGS
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17 Wednesday
18 April 12, 2000
Agenda Item No. 8.c.
19
20
21
22
23
24 The Queen Mary
25 1126 Queens Highway
Long Beach, California

1 **A P P E A R A N C E S**

2

3 **COMMISSIONERS**

4 Sara Wan, Chair
Dave Potter, Vice Chair
5 Paula Daniels
Christina L. Desser
6 Shirley Dettloff
Cecilia Estolano
7 Gregg Hart
Patrick Kruer, Alternate
8 Cynthia McClain-Hill
Pedro Nava
9 Mike Reilly
John Woolley

10

11 **STAFF**

12 Peter Douglas, Executive Director
Chuck Damm, Senior Deputy Director
13 Ralph Faust, Chief Counsel
Jamee Jordan Patterson, Deputy Attorney General
14 Melanie Hale, Coastal Staff Analyst

15 -oOo-

16

17

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1 CHAIR WAN: Okay, that is fine.
2 COMMISSIONER POTTER: Thank you.
3 CHAIR WAN: All right.
4 Commissioner Kruer.
5 COMMISSIONER KRUER: I would just like to comment
6 that I support what the Conservancy is doing here today, and
7 I do believe this creates what the *Coastal Act* and Section
8 30210 stated, that the recreational opportunities shall be
9 provided for all people.
10 And, I think that this will give people a chance
11 to visit this beautiful area in Ramirez Canyon Park, and I
12 think it is one of the things that it is our mandate, as the
13 Coastal Commission, to insure that these things happen, and I
14 think that this provides that opportunity.
15 I would also like to comment on Commissioner
16 Desser's concern. I think Commissioner Desser is right on
17 the mark. I do think, regardless of some of the comments,
18 there is certainly potentially liability, and the insurance
19 thing by staff, and the Conservancy, if I was you, would look
20 into this issue.
21 I know I've held private events, or public events,
22 and had to post bonds and other things, that have had, where
23 we here as the Coastal Commission today, if we are sanction-
24 ing a commercial, in effect, a commercial operation on a
25 private road where all people are homeowners, et cetera, they

1 certainly are going to have to reflect that in their
2 homeowners policies, and I think that there is an issue here
3 on the insurance, and I would not rule it out of order. I
4 think there is some potential liability.
5 COMMISSIONER POTTER: Call the question.
6 CHAIR WAN: Do we need a roll call?
7 COMMISSIONER REILLY: Yes, go ahead.
8 CHAIR WAN: Why don't you call the roll.
9 SECRETARY GOEHLER: Commissioner Daniels?
10 COMMISSIONER DANIELS: Yes.
11 SECRETARY GOEHLER: Commissioner Desser?
12 COMMISSIONER DESSER: Yes.
13 SECRETARY GOEHLER: Commissioner Dettloff?
14 COMMISSIONER DETTLOFF: Yes.
15 SECRETARY GOEHLER: Commissioner Estolano?
16 COMMISSIONER ESTOLANO: Yes.
17 SECRETARY GOEHLER: Commissioner Hart?
18 COMMISSIONER HART: Yes.
19 SECRETARY GOEHLER: Commissioner Kruer?
20 COMMISSIONER KRUER: Yes.
21 SECRETARY GOEHLER: Commissioner McClain-Hill?
22 COMMISSIONER MC CLAIN-HILL: Yes.
23 SECRETARY GOEHLER: Commissioner Nava?
24 COMMISSIONER NAVA: Yes.
25 SECRETARY GOEHLER: Commissioner Potter?

From: dandrews@leeandrewsgroup.com
To: LWan22350@aol.com
CC: jtford@leeandrewsgroup.com
Sent: 5/15/2009 9:29:47 A.M. Pacific Daylight Time
Subj: SMMC/Ex Parte Request

Commissioner Wan,

Please advise if you are planning to attend everyday of the June 2009 California Coastal Commission meeting. If so, we would like to request and schedule an ex parte to discuss the Santa Monica Mountains Conservancy (Conservancy) and Mountains Recreation and Conservation Authority (MRCA) project and offer a site tour.

The Conservancy and MRCA have submitted an amendment (MAL-MAJ-1-08) to the City of Malibu Local Coastal Program (LCPA) pursuant to the LCP "Override" procedures in Coastal Act Section 30515, following rejection of the LCPA by the City of Malibu.

As submitted by the Conservancy and MRCA, the LCPA:

- Enhances PUBLIC ACCESS to coastal parks in Malibu
- Connects 5 coastal parks through 6 miles of new Coastal Slope Trail
- Connects existing OTDs and the California Coastal Trail on the beach to Backbone Trail via 3.5 miles of new public trail
- Creates ADA-accessible Parking
- Creates ADA-accessible Restrooms
- Creates 29 "cold" campfire campsites including ADA-accessible

A briefing packet with additional information will be sent separately.

Please advise your availability and interest in the site tour.

Feel free to call at 213-891-2965 or email if you have any questions.

Thanks,

Janet Burt for Donna Andrews

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

Name or description of the project: Malibu LCPA- W16a,16b

Time/Date of communication: 6/2/09, 3pm est

Location of communication: 420N Maple, Greenwich CT

Person(s) initiating communication: Fran Gibson

Person(s) receiving communication: Sara Wan

Type of communication: phone call

Fran called to say she was going to be at the hearing to support the Conservancy. She was particularly concerned about the trails issues but also about the broader public access issues. I asked her if she had read the staff report on the City's amendment and she said she had. I asked her if she knew that in addition to what was in the staff report the City had removed the requirement tat trail easements be dedicated with CDP approvals for new development. She was not aware of that but said that would directly impact her organization since it would prevent the completion of many of the trails

Date: 6/3/09

Sara Wan

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

Name or description of the project: Malibu LCPA- W16a,16b

Time/Date of communication: 6/1/09

Location of communication: 420N Maple, Greenwich CT

Person(s) initiating communication: Lennie Roberts

Person(s) receiving communication: Sara Wan

Type of communication: phone call

Lennie called to discuss the Malibu LCP and LCP over-ride. She indicated she was opposed to the City's version because it clearly would impact public access.

Date: 6/3/09

Sara Wan

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

Name or description of the project: **Malibu LCPA/SMMC LCPA**

Time/Date of communication: 3/26/09, 10am

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Steve Uhring

Person(s) receiving communication: Sara Wan

Type of communication: meeting: Phone call

Steve called and said he had heard I was in favor of the Conservancy and he wanted to know why. I said there were 2 main reasons

1- There is no documented proof that any fire has ever been started by a camper in a legal campground
2- Malibu is no different then most of the State, particularly Southern California.- everywhere there is dry brush is susceptible to brush fires. The Conservancy property is State parkland and camping must be allowed here as elsewhere or all parks in California would become day use parks only and available primarily only to those who live nearby

Date: 5/28/09

Sara Wan

Steve:

Thanks again for your time yesterday. In response to your questions:

1. As requested, attached is the 2005 trial court judgment setting aside the 2000 CDP.

2. Via Acero has the same problems of road width as Ramirez Canyon Road. I'm told by people familiar with this road that a number of the houses and other structures are built close to the right-of-way and thus widening is not a feasible alternative unless someone were prepared to replace the houses and other structures that would need to be demolished.

If you have other questions, please do not hesitate to ask.

Best regards,

Steve

<<RAMIREZ Judgment Granting Petitioner's Application for Peremptory Writ of Mandate - CIV199846.pdf>>

Steven A. Amerikaner
Brownstein Hyatt Farber Schreck, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

SAmerikaner@bhfs.com

805.882.1407 Office (Direct)
805.965.4333 Facsimile
805.882.1467 Olga Rittershaus (Assistant)

VENTURA SUPERIOR COURTS
FILED
SEP 26 2005
MICHAEL D. PLANET
Executive Officer and Clerk
By: Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

RAMIREZ CANYON PRESERVATION FUND, a nonprofit California mutual benefit corporation; and JEAN ANDERSON, an individual Plaintiff and Petitioners, vs. CALIFORNIA COASTAL COMMISSION, a State agency Respondents, SANTA MONICA MOUNTAINS CONSERVANCY a California state agency; MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a joint powers authority; DOES 1 THROUGH 50, Defendants and Real Parties in Interest.	Case No. CIV 199846 ~~[PROPOSED]~~ JUDGMENT GRANTING PETITIONER'S APPLICATION FOR PEREMPTORY WRIT OF MANDATE [Transferred from Los Angeles Superior Court Case No. BS 063464] Assigned for all purposes to Hon. Kent M. Kellegrew Trial Date: February 3, 2005 Time 8:30 a.m. Place: Dept. S-3, Simi Valley

THE JUDGMENT OF THIS COURT IS AS FOLLOWS:

The hearing on the Petition for Writ of Mandate of Petitioner Ramirez Canyon Preservation Fund, a California nonprofit mutual benefit corporation, and Jean Anderson, an individual ("Petitioners") on file in the above-captioned matter against the Respondents the California Coastal Commission, a State agency and Real Party In Interest, Santa Monica

Mountains Conservancy, a State agency and Mountains Recreation and Conservation Authority, a joint powers authority, was held at 8:30 a.m. on December 16, 2005, in Department S-3 of the Ventura County Superior Court, Simi Valley branch, the Honorable Kent M. Kellegrew presiding.

Corin L. Kahn appeared on behalf of Petitioners.

Terry Fujimoto appeared on behalf of Respondents California Coastal Commission ("Respondent") and The Santa Monica Mountains Conservancy, a State agency and one of the Real Parties In Interest.

Catherine Norian appeared on behalf of the Real Parties In Interest, Mountains Recreation and Conservation Authority another of the two Real Parties In Interest.

The Court, after considering the Petition for Writ of Mandate, the Administrative Record compiled by Respondent, the Opening and Reply briefs in support, the Opposition Briefs to the Petition for Writ of Mandate, and after hearing oral argument regarding the issues on December 16, 2004, and after allowing both sides to file supplemental briefing and then on February 4, 2005, having conducted a second hearing on the legal issues presented, the Court declares as follows:

At the time of the issuance of the CDP, the Santa Monica Mountains Conservancy was subject to local land use regulation *City of Malibu v. Santa Monica Mountains Conservancy* (2002) 98 Cal/ App.4th 1379, 1381. The CDP did not comply with the zoning code of the City of Malibu; and

The Court grants Petitioners' petition for writ of mandate, setting aside Coastal Development Permit ("CDP") 4-98-334 issued by Respondents on April 24, 2000;

NOW, THEREFORE, IN ACCORDANCE WITH THE OPINION OF THE COURT IT IS ORDERED ADJUDICATED AND DECREED THAT:

The issuance of CDP 4-98-334 was not in conformity with law and constituted an abuse of discretion under Code of Civil Procedure Section 1094.5.

DATED: Sept 01, 2005 By: KENT KELLEGREW

The Honorable Kent M. Kellegrew,
Judge of the Superior Court

DATED: August 26, 2005

Respectfully submitted,
CORIN L. KAHN

By: _____
CORIN L. KAHN, Attorneys for Petitioners Ramirez Canyon Preservation Fund and Mrs. Jean Anderson

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is 15060 Ventura Boulevard, Suite 490, Sherman Oaks, California, 91403, and I am employed in the office of a member of the Bar of this Court whose direction the service was made.

On August 26, 2005, I served the attached for purposes of giving notice pursuant to on all interested parties in this action as follows: [PROPOSED] JUDGMENT

Real Party In Interest	**Real Party In Interest**	**Respondent**
MRCA Catherine Norian Paul, Hastings, Janofsky & Walker 515 S. Flower Street, 25th Fl Los Angeles, CA 90071-0705	Santa Monica Mountains Conservancy c/o Attorney General's Office Terry Fujimoto, Deputy 300 S. Spring St. Ste. 5212 Los Angeles, CA 90013	California Coastal Comm'n c/o Attorney General's Office Terry Fujimoto, Deputy 300 S. Spring St. Ste. 5212 Los Angeles, CA 90013

___X__ (BY MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Narvid, Scott, Schwartz & Frangie following ordinary business practices. I am readily familiar with the practice of Narvid, Scott, Schwartz & Frangie for collection and processing of correspondence, said practice being that I the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

_____ (BY PERSONAL SERVICE) I delivered each such envelope to the office/residence of the addressee as noted on the service list or by delivering it to an employee of the above-referenced office in person.

___X___ (BY FACSIMILE) I caused the above identified document to be transmitted by facsimile machine to the addressee noted above to the Facsimile Machine telephone number indicated above.

I declare under penalty of perjury under the laws of the State of California and the laws of the United States of America that the foregoing is true and correct.

Executed on August 26, 2005, at Sherman Oaks, California.

CORIN L. KAHN

WEDNESDAY, ITEMS 16A&B

EX PARTE COMMUNICATIONS

Name or description of project: City of Malibu LCP Amendment No. MAL-MAJ-1-08
Date and time of receipt of communication: May 29, 2009 @ 1:00pm
Location and Type of communication: Phone call
Person(s) in communication: Joe Edmiston, Susan McCabe
Person(s) receiving communication Steve Blank

Detailed substantive description of the content of communication:
The project representatives described both of the LCP amendments being proposed and their agreement with the staff recommendation to deny the City's proposed amendment and approve the Santa Monica Mountains Conservancy "override" amendment.

They said that the "override" amendment would improve and enhance public access to the Santa Monica Mountains parks by allowing "cold" (no camp fire) camping, allowing activities and special events at Ramirez Canyon Park, providing public parking at the Escondido Canyon trailhead and implementing trail dedications and connections.

They said that the Ramirez Canyon association was a set of unhappy homeowners funded by musician Don Henley who just didn't want the public driving through their neighborhood. And that the claim of fire danger was a "red herring" to stop the public from using the parks.

They claimed the City's amendment would seriously limit public access to coastal parks by prohibiting camping, restricting activities and events at Ramirez Canyon Park, prohibiting parking at the Escondido Canyon trailhead and separating future public trail dedications from the coastal development permit process.

SMMC representatives also covered the issues in the briefing booklet previously supplied to Commission Staff.

Date: Wednesday, June 3, 2009

Signature of Commissioner:

WEDNESDAY, ITEMS 16A&B

EX PARTE COMMUNICATIONS

Name or description of project: City of Malibu LCP Amendment No. MAL-MAJ-1-08
Date and time of receipt of communication: June 3, 2009 @ 8:30 am
Location and Type of communication: Menlo Park, meeting
Person(s) in communication: Steve Amerikaner
Person(s) receiving communication Steve Blank

Detailed substantive description of the content of communication:
The project representative described the issues covered in detail in the briefing notebook supplied to Commission Staff.

They disagreed with the staff recommendation to deny the City's proposed amendment and approve the Santa Monica Mountains Conservancy "override" amendment. They believe the override amendment of the Coastal Act applies only to state agencies doing public works. They believe it is a real stretch for the commission to apply it here and they believe it cannot be used by SMMC.

They contend that even if the commission does approve the override LCP, the combination of year-round extreme fire danger and a lack of a viable evacuation route make the Ramirez Canyon site unsafe and unwise for events and camping.

Date: Wednesday, June 3, 2009

Signature of Commissioner:

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: Monday, June 1, 2009, 11:00 am

Location of communication: Monterey Office

Person(s) initiating communication: Margie Kay & Sarah Corbin (ORCA)

Person(s) receiving communication: Dave Potter

Name or description of project: City of Malibu LCP Amendment No. MAL-MAJ-1-08 (Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority) (Wed 16b)

Description of content of communication:

Concerns about fire. Would like Cmsn to reject Staff recommendation and deny the Conservancy request to use the override. Requests that if CCC disapprove of any part of the City's LCP, urge Commissioners staff to work with the City of Malibu to resolve issues.

6/2/09 — Date

Dave Potter — Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director **within** seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, **complete** this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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CALIFORNIA
COASTAL COMMISSION

WEDNESDAY, ITEM 16B

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:
City of Malibu LCP Amendment No. MAL-MAJ-1-08 (Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority). LCP amendment "override" to add or modify land use policies and development standards for and related to a Malibu Parks Public Access Enhancement Plan Overlay.

Date and time of receipt of communication:
June 1, 2009 @ 3pm

Location of communication:
By Phone

Type of communication:
Conference Call

Person(s) in attendance at time of communication:
Susan McCabe, Joe Edmiston, Anne Blemker

Person(s) receiving communication:
Dave Potter

Detailed substantive description of the content of communication:
(Attach a copy of the complete text of any written material received.)
I received a briefing from the project representatives in which they described both of the LCP amendments being proposed and informed me that they are in agreement with the staff recommendation to deny the City's proposed amendment and approve the "override" amendment set forth by the Santa Monica Mountains Conservancy (SMMC) and the Mountains Recreation and Conservation Authority (MRCA). The proposed "override" amendment would improve and enhance public access to the Santa Monica Mountains parks by allowing "cold" (no camp fire) camping, allowing activities and special events at Ramirez Canyon Park, providing public parking at the Escondido Canyon trailhead and implementing trail dedications and connections. As described by the representatives, the City's amendment would seriously limit public access to coastal parks by prohibiting camping, restricting activities and events at Ramirez Canyon Park, prohibiting parking at the Escondido Canyon trailhead and separating future public trail dedications from the coastal development permit process. SMMC representatives also covered the issues set forth in the briefing booklet which was previously supplied to Commission Staff.

Date:
Signature of Commissioner: Dave Potter

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

Date and time of communication: Saturday, May 30th, 2009 at 11:00 AM

Location of communication: Santa Monica Airport, 2828 Donald Douglas Loop N., Santa Monica, California 90405

Person (s) initiating communication: Joseph T. Edmiston and Donna Andrews

Person (s) receiving communication: Commissioner Steve Kram

Name or description of project: W16b. City of Malibu LCP Amendment No. MAL-MAJ-1-08 (Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority).

Detailed substantive description of content of communication:

During the tour/briefing, Joe Edmiston provided an overview of the project's merits, preceding events with the City of Malibu, the override procedure, dissimilarities with Malibu's LCPA, and compliancy with the California Coastal Act. Details discussed during the briefing are covered in the briefing booklet prepared by the Santa Monica Mountains Conservancy ("Conservancy") and the Mountains Recreation and Conservation Authority (MRCA).

The helicopter tour included review of the five coastal parks covered in the LCP Amendment submitted by the Conservancy/MRCA. The aerial tour across the City of Malibu and the publicly owned parks provided greater clarity of the project's extent along the coast.

Attached is the complete text of the written material discussed during the ex parte.

6/2/09
Date

Signature of Commissioner

If the communication was provided at the same to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the Commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LCP, etc.: LCP AMEND 1-08, 3-07

Date and time of receipt of communication: 6/5/09

Location of communication: 10877 WILSHIRE BLVD, LA CA

Type of communication (letter, facsimile, etc.) in PERSON

Person(s) initiating communication: STEVE AMERIKANNER

Person(s) receiving communication: STEVEN KRAM

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Discussion of proj. - Excavation probs, fire probs, road conditions, etc. Use of estate as office issue and use for events. 45,000 people a year could go to event center. Too much density. Override plan was to get around Malibu rules. If there were no overnight camping w/open fires it would be OK - OK w/ handicapped campsites. There are existing 400 campsites in Malibu.

If they could put a secondary access (to Kanan Dume) it would solve all the issues.

6/5/09
Date

[signature]
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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COASTAL COMMISSION

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: June 1st, 2009 – 10:00 am
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: By Phone Call
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: Steve Amerikaner, Citizens of Malibu Rep.

Person(s) receiving communication: Commissioner Bonnie Neely

Name or description of project: W16b. Santa Monica Mountains Conservancy Proposed LCP

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete test of the written material.)

Mr. Amerikaner sent a 3-ring binder full of information regarding the LCP Amendment Override matter scheduled for the June Coastal Commission meeting. His main message is "this is not about camping." He explained that the property in question was donated to the Santa Monica Mountains Conservancy by Barbra Streisand. The Conservancy uses the buildings for their offices. The Conservancy came to the Commission about ten years ago and obtained a CDP. This action was overturned by the Courts. Now, the Conservancy wants to write their own plan and create their own laws so they can have special fundraising events at the site. These special events and tours would result in approximately 45,000 people traveling up the canyon.

Mr. Amerikaner indicated the Ramirez Canyon Presentation Fund Group is concerned about fire dangers and emergency evacuation efforts. He referred to several photos in the briefing book.

Date: June 1st, 2009

Bonnie Neely, Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

Coastal Commission Fax: 415 904-5400

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

State of California, Santa Monica Mountains Conservancy
Ramirez Canyon Park
Fire Management and Evacuation Plan
August 1, 2000

Fire Management Policies

Public safety is the number one priority of the Fire Management and Evacuation Plan and requirements and policies have been determined accordingly. Special provisions have been made for additional requirements during the months of August, September, October and November due to the significantly increased fire risk during those months (see attachment A).

Operation and maintenance of the site will comply with the State Fire Code.

Fuel Modification/Management Policies

Removal of flammable vegetation and modifying existing ornamental and native fuels within 200' from structures will be regularly undertaken to protect the structures from wildland fires. An effective fuelbreak extending up to 200' northeast of the Barn House and Peach House has been completed. Within the complex itself various pine and palm trees species will be thinned out and limbed up 15 to 20 feet above the ground. Palm trees will be pruned not less than once a year; all Pine trees will be removed by 2002, starting with dead or diseased trees.

All structures will conform to a minimum 100 foot clearance standard utilizing State Fire Marshal guidelines. Grass and other vegetation of less than 18 inches high and located more than 30 feet from any building or structure may be maintained to stabilize soil and prevent erosion.

Portions of any tree extending within 10 feet of the outlet of any chimney or stovepipe shall be removed as shall any dead or dying portions of trees located next to or overhanging any buildings.

Roofs shall be kept free of leaves, needles and any other vegetation. A screen of noncombustible material, with openings of not more than ½ inch, will be placed on the outlet of every operating chimney or stovepipe.

Vegetation shall be cut back, thinned out, trimmed up, and dead material removed for a minimum of 10 feet on each side of roadways.

All Oleanders adjacent to roadways shall be removed to provide better access and increased safety and visibility.

Flammable ornamentals and non-native vegetation will be removed from the large central island outside the park gates and the area will be maintained in such a condition as to be available as a fire protected "hunkerdown" area for local residents and staging area for fire emergency vehicle parking.

13 feet 6 inches of vertical vegetation clearance shall be maintained along Ramirez Canyon Road, Delaplane Road, and West Winding Way.

All required vegetation clearance shall be completed annually. Evidence of the completed clearance shall be submitted to the Los Angeles County Fire Department no later than June 15th of each year.

Safety Precautions

All exit doors shall continue to be openable from the inside without the use of key or any special knowledge.

No unpermitted uses of cords or cables is allowed in substitution for properly installed electrical outlets within the buildings and structures, as required in the State Fire Code, Title 19.

Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets. During cooking events, a minimum of 2A and 20BC extinguishers are required and will be located near the cooking setup.

All caterers or other contractors who desire to utilize tents, awnings or other fabric enclosures will be required to show proof that these materials meet the State Fire Code requirements as defined in Title 19, CCR, Chapter 2.

Access roads to the entrance gates of the site will be maintained as required by Los Angeles County Fire Department.

All wood shingle roofing (specifically, a portion of the roof of the Barwood) will be replaced with non-combustible material.

All staff located at Ramirez Canyon Park, as well as all 30 MRCA firefighters will be routinely briefed and trained regarding public safety protection, fire suppression and procedures as they relate to the Ramirez Canyon Park site. Emergency response to a fire

threatening the park will be governed by the agency fire "Red Book", appropriate section attached. (Attachment B)

On-Site Fire Protection Equipment

Fire apparatus and supplies located on site will include one fire engine with foam eductor, one eleven horse power pool pump, 125 gallons of class A foam concentrate, 350 feet of 2.5 inch hose, 600 feet of 2 inch, 1200 feet of 1.5 inch, 400 feet of 1 inch and all appropriate nozzles and appliances.

The water capacity maintained on site will total 40,250 gallons - tank capacity totaling 14,500, the pool with 25,000 gallons and the fire engine with 750 gallons. In addition, two water tanks will be placed on site, one of 4,500 gallons, one of 10,000 gallons.

All fire safety equipment shall be properly maintained at all times.
A site map with the location of firefighting equipment and supplies is attached. (Attachment C)

MRCA Training and Qualifications - A list of fire personnel is attached. (Attachment D)

Emergency generators and fuel sufficient to supply emergency power for a minimum of 12 hours shall be maintained on-site.

Evacuation Policies and Plans

All public access to the site will be canceled during "Red flag" days as designated by fire weather forecasters at the National Weather Service, or similar warning regarding flood, storm or other weather hazard. As a matter of practice, the MRCA is in daily contact with Los Angeles City Fire Department to obtain said designation.

Requirements for use of the site during the high fire season (August, September, October, November, December), include no special events of more than 150 people during the months of August, September and October and no events of over 40 people in November and December.

During the months of August, September, October, November and December, sufficient vehicle capacity for full evacuation of visitors is required on-site at all times.

All special events require the on-site attendance of three staff members. For events smaller than 100 people one ranger is included among the three. For events larger than 100 people two rangers are included. All staff members are trained in evacuation procedures and one is designated at the beginning of each event as the evacuation officer. A ranger will bring a fire patrol vehicle with a slip-on tank to all events of 100 persons or more.

Evacuation of the site will take place when the following conditions have been determined to exist by the MRCA Ranger in charge or the Los Angeles County Fire Department:

1. A wildfire is in progress in the area but is not anticipated to reach the site for at least an hour; or

2. Fire and/or police department personnel have arrived on site requesting evacuation; or

3. A fire has bypassed the area and the road has been surveyed and found safe for passage; or

4. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, evacuation is the safest and most prudent action.

In the event of evacuation, the predesignated evacuation officer will immediately make direct contact with the van drivers of the impending evacuation, provide them with a briefing on the evacuation plan and provide them with direction on the primary and secondary evacuation routes.

The evacuation officer will then notify guests using the amplified sound system that an evacuation will take place and direct them to gather as a group and then walk them single file to the entrance to the lower parking area where they will be loaded into vans.
Guests will be instructed to remain in a single file line to facilitate loading and to keep the road clear for incoming emergency vehicles.

The support service personnel (caterers, etc) will remain on site until all guests are evacuated. These personnel then will be instructed to evacuate the site using their service vehicles.

The following conditions will govern whether guests are guided by MRCA or Los Angeles County firefighting personnel to remain on-site in a designated safe area:

Ramirez Canyon Park
Fire Management and Evacuation Plan
August 1, 2000 Page 5

1. A wildland fire is burning in the general vicinity towards Ramirez Canyon Park, and is predicted to arrive in less than one hour; or

2. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, remaining in place is the safest and most prudent action; or

3. If it is determined that remaining in place is the safest action then guests shall be directed to remain in place within the Deco House.

In the event of a decision to remain in place, the predesignated evacuation officer will immediately notify guests using the amplified sound system that an emergency is taking place and direct them to gather as a group. They will then be walked in a single file line to the entrance of the Deco House utilizing the front steps. For those guests with disabilities, the handicapped accessible entrance to the house, located on the North side, will be utilized.

The evacuation officer will ensure that service personnel (caterers, drivers, etc) are also notified and that they line up with the guests.

The Deco House shall be maintained as the on-site emergency fire shelter in the event that remaining in place is determined to be the safest and most prudent action. Maintenance of the Deco House shall include keeping the asphalt roof in good repair. All windows within the structure shall be replaced with double paned glass.

- I have reviewed the Ramirez Canyon Park Fire Management and Evacuation Plan and approve of the plan.

Fire Captain
LA Co Fire

- I defer review of his plan to the Office of the State Fire Marshal.

_____

Comments:_____

_____

_____

State of California, Santa Monica Mountains Conservancy
Ramirez Canyon Park
Fire Management and Evacuation Plan
August 1, 2000

Fire Management Policies

Public safety is the number one priority of the Fire Management and Evacuation Plan and requirements and policies have been determined accordingly. Special provisions have been made for additional requirements during the months of August, September, October November and December due to the significantly increased fire risk during those months (see attachment A).

Operation and maintenance of the site will comply with the State Fire Code.

Fuel Modification/Management Policies

Removal of flammable vegetation and modifying existing ornamental and native fuels within 200' from structures will be regularly undertaken to protect the structures from wildland fires. An effective fuelbreak extending up to 200' northeast of the Barn House and Peach House has been completed. Within the complex itself various pine and palm trees species will be thinned out and limbed up 15 to 20 feet above the ground. Palm trees will be pruned not less than once a year; all Pine trees will be removed by 2002, starting with dead or diseased trees.

All structures will conform to a minimum 100 foot clearance standard utilizing State Fire Marshal guidelines. Grass and other vegetation of less than 18 inches high and located more than 30 feet from any building or structure may be maintained to stabilize soil and prevent erosion.

Portions of any tree extending within 10 feet of the outlet of any chimney or stovepipe shall be removed as shall any dead or dying portions of trees located next to or overhanging any buildings.

Roofs shall be kept free of leaves, needles and any other vegetation. A screen of noncombustible material, with openings of not more than ½ inch, will be placed on the outlet of every operating chimney or stovepipe.

Vegetation shall be cut back, thinned out, trimmed up, and dead material removed for a minimum of 10 feet on each side of roadways.

All Oleanders adjacent to roadways shall be removed to provide better access and increased safety and visibility.

Flammable ornamentals and non-native vegetation will be removed from the large central island outside the park gates and the area will be maintained in such a condition as to be available as a fire protected "hunkerdown" area for local residents and staging area for fire emergency vehicle parking.

13 feet 6 inches of vertical vegetation clearance shall be maintained along Ramirez Canyon Road, Delaplane Road, and West Winding Way.

All required vegetation clearance shall be completed annually. Evidence of the completed clearance shall be submitted to the Los Angeles County Fire Department no later than June 15th of each year.

Safety Precautions

All exit doors shall continue to be openable from the inside without the use of key or any special knowledge.

No unpermitted uses of cords or cables is allowed in substitution for properly installed electrical outlets within the buildings and structures, as required in the State Fire Code, Title 19.

Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets. During cooking events, a minimum of 2A and 20BC extinguishers are required and will be located near the cooking setup.

All caterers or other contractors who desire to utilize tents, awnings or other fabric enclosures will be required to show proof that these materials meet the State Fire Code requirements as defined in Title 19, CCR, Chapter 2.

Access roads to the entrance gates of the site will be maintained as required by Los Angeles County Fire Department.

All wood shingle roofing (specifically, a portion of the roof of the Barwood) will be replaced with non-combustible material.

All staff located at Ramirez Canyon Park, as well as all 30 MRCA firefighters will be routinely briefed and trained regarding public safety protection, fire suppression and procedures as they relate to the Ramirez Canyon Park site. Emergency response to a fire

threatening the park will be governed by the agency fire "Red Book", appropriate section attached. (Attachment B)

On-Site Fire Protection Equipment

Fire apparatus and supplies located on site will include one fire engine with foam eductor, one eleven horse power pool pump, 125 gallons of class A foam concentrate, 350 feet of 2.5 inch hose, 600 feet of 2 inch, 1200 feet of 1.5 inch, 400 feet of 1 inch and all appropriate nozzles and appliances.

The water capacity maintained on site will total 40,250 gallons - tank capacity totaling 14,500, the pool with 25,000 gallons and the fire engine with 750 gallons. In addition, two water tanks will be placed on site, one of 4,500 gallons, one of 10,000 gallons.

All fire safety equipment shall be properly maintained at all times.
A site map with the location of firefighting equipment and supplies is attached. (Attachment C)

MRCA Training and Qualifications - A list of fire personnel is attached. (Attachment D)

Emergency generators and fuel sufficient to supply emergency power for a minimum of 12 hours shall be maintained on-site.

Evacuation Policies and Plans

All public access to the site will be canceled during "Red flag" days as designated by fire weather forecasters at the National Weather Service, or similar warning regarding flood, storm or other weather hazard. As a matter of practice, the MRCA is in daily contact with Los Angeles City Fire Department to obtain said designation.

Requirements for use of the site during the high fire season (August, September, October, November, December), include no special events of more than 150 people during the months of August, September and October and no events of over 40 people in November and December.

During the months of August, September, October, November and December, sufficient vehicle capacity for full evacuation of visitors is required on-site at all times.

All special events require the on-site attendance of three staff members. For events smaller than 100 people one ranger is included among the three. For events larger than 100 people two rangers are included. All staff members are trained in evacuation procedures and one is designated at the beginning of each event as the evacuation officer. A ranger will bring a fire patrol vehicle with a slip-on tank to all events of 100 persons or more.

Evacuation of the site will take place when the following conditions have been determined to exist by the MRCA Ranger in charge or the Los Angeles County Fire Department:

1. A wildfire is in progress in the area but is not anticipated to reach the site for at least an hour; or

2. Fire and/or police department personnel have arrived on site requesting evacuation; or

3. A fire has bypassed the area and the road has been surveyed and found safe for passage; or

4. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, evacuation is the safest and most prudent action.

In the event of evacuation, the predesignated evacuation officer will immediately make direct contact with the van drivers of the impending evacuation, provide them with a briefing on the evacuation plan and provide them with direction on the primary and secondary evacuation routes.

The evacuation officer will then notify guests using the amplified sound system that an evacuation will take place and direct them to gather as a group and then walk them single file to the entrance to the lower parking area where they will be loaded into vans. Guests will be instructed to remain in a single file line to facilitate loading and to keep the road clear for incoming emergency vehicles.

The support service personnel (caterers, etc) will remain on site until all guests are evacuated. These personnel then will be instructed to evacuate the site using their service vehicles.

The following conditions will govern whether guests are guided by MRCA or Los Angeles County firefighting personnel to remain on-site in a designated safe area:

Ramirez Canyon Park
Fire Management and Evacuation Plan
August 1, 2000 Page 5

1. A wildland fire is burning in the general vicinity towards Ramirez Canyon Park, and is predicted to arrive in less than one hour; or

2. It is determined by the Ranger/Firefighter in charge that, based on existing conditions, remaining in place is the safest and most prudent action; or

3. If it is determined that remaining in place is the safest action then guests shall be directed to remain in place within the Deco House.

In the event of a decision to remain in place, the predesignated evacuation officer will immediately notify guests using the amplified sound system that an emergency is taking place and direct them to gather as a group. They will then be walked in a single file line to the entrance of the Deco House utilizing the front steps. For those guests with disabilities, the handicapped accessible entrance to the house, located on the North side, will be utilized.

The evacuation officer will ensure that service personnel (caterers, drivers, etc) are also notified and that they line up with the guests.

The Deco House shall be maintained as the on-site emergency fire shelter in the event that remaining in place is determined to be the safest and most prudent action. Maintenance of the Deco House shall include keeping the asphalt roof in good repair. All windows within the structure shall be replaced with double paned glass.

X I have reviewed and approve of the Ramirez Canyon Park Fire Management and Evacuation Plan.

____ I have reviewed and do not approve of the Ramirez Canyon Park Fire Management and Evacuation Plan.

Comments: Per attached Memo.

APPROVED
FIRE AND PANIC ONLY

Pat Sanchez

SEP 26 2000 PS

CALIFORNIA DEPARTMENT OF FORESTRY
Office of the State Fire Marshal
Sierra South Region
Deputy State Fire Marshal III
Supervisor

STATE FIRE MARSHAL
SIERRA SOUTH

Attachment A
Special Provisions

The Ramirez Canyon Park Fire Management and Evacuation Plan contains special provisions during the months of August, September, October, November, and December due to the increased fire risk during this season.

Historically, major wildland fires in the Santa Monica Mountains occur during the late fall. During the period of March through July there is substantially less risk of fire. This is due to typical rainy season in March and a coastal fog patterns which usually occur in May/June. During the months of July and August winds are generally not a factor. Live fuel moisture contents during these months are typically between 70% to 80%.

In September, October, November, and December, the live fuel moisture content typically ranges between 63% and 70% (18 year average). The Conservancy conservatively defines as critical fuel moisture content as below 70%. (The L.A. County Fire Department defines as critical fuel moisture content as below 60%). Further, it is during the late fall that Santa Ana winds occur. Again, historically, the large fires in the Santa Monica Mountains have occurred in the late fall during Red Flag warnings.

FIRE RESPONSE PRE-PLAN

Ramirez Canyon Park

SEND PAGE AND ACTIVATE EMERGENCY MESSAGE CENTER AS NEEDED

ALERT 1

Unknown Hazard

Southern Division	**Units prepare and standby** **Ramirez Evacuation Officer prepare to implement evacuation plan** **Ramirez staff to prepare park fire engines** **Southern Division slip-on units move up to Temescal**
Office	**Operator cover phones (business hours)** **Alert employees, guests, and ranger residence**

ALERT 2

Fire in Area

(plus actions of ALERT 1)

Southern Division	**Activate radio relay at Kanan Road** **Activate radio relay at Temescal** **Temescal Engine respond to SCCS** **1 slip-on respond to SCCS, 1 slip-on to Temescal** **Agency Rep to Fire Department command post** **All remaining Southern rangers respond to SCCS** **Evacuation Officer implement evacuation plan**
Mulholland Division	**Activate radio relay at San Vicente/Nike site** **Respond 1 supervisor** **Respond 3 firefighters**
Northern Division	**Respond 1 supervisor** **Move-up/stage engine at I-5 / Roscoe**

ALERT 3

Threat Fire

(plus actions of ALERTS 1 &2)

Southern Division	**Fully activated**
Mulholland Division	**Respond remaining firefighters (less 1 slip-on with firefighters)**
Northern Division	**Respond staged engine from I-5/Roscoe** **Respond remaining firefighters (less manned slip-on & engine)**

MAL-MAJ-1-08

RAMIREZ CANYON PARK
Building Check list

Revised Findings

LOCK FRONT GATE OPEN – SWITCH NEXT TO GATE MOTOR

BARN – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING NORTH OF BUILDING: EMPTY CARS (WHO)_____
PERSONNEL REMAINING - _____
ADVISED TO CHECK OUT WITH - _____
TURN OFF GAS & A.C. YES NO

PEACH – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2 3 4
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING – UPPER LOT EMPTY CARS (WHO)_____
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____
TURN OFF A.C. & ELECTRICITY MAIN NEXT TO FIRE HYDRANT YES NO

BARWOOD – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING BY GARAGE: EMPTY CAR(WHO)_____
PARKING BY TENNIS COURTS: EMPTY CAR(WHO)_____
REFER TO OFFICE RECOVERY PLAN FOR DATA/CPU SAFEGUARDING.
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____ TURN OFF A.C. YES NO
TURN OFF GAS AT BRIDGE YES NO – TURN OFF ELECTRICITY AT MAIN BY TENNIS COURTS YES NO

DECO STRUCTURE: WINDOWS CLOSED/DRAPES OPEN LEVELS 1 2
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED & UNLOCKED
PARKING BY GARAGE: EMPTY CAR (WHO)_____
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____
TURN OFF GAS YES NO - TURN OFF A.C. & ELECTRICITY YES NO

RANGER RESIDENCE – STRUCTURE: WINDOWS CLOSED/DRAPES OPEN
INTERIOR DOORS CLOSED
EXTERIOR DOORS CLOSED &
UNLOCKED
PARKING BY GARAGE: EMPTY CAR(WHO)_____
PERSONNEL REMAINING:_____
ADVISED TO CHECK OUT WITH:_____
TURN OFF ELECTRICITY YES NO - TURN PROPANE OFF YES NO – RANGER HAS 2 DOGS

COMPLETED BY: _____ *TIME:* _____ *DATE* _____

FIRST ON SCENE: YOU ARE THE I.C. UNTIL RELIEVED IN PERSON
ASSESS/SIZE UP & CONSIDER RESOURCES REQUIRED:
- FIRE – LAW ENFORCEMENT – RANGERS – MRCA CREW – NPS –
First Priority is safe evacuation of all people on site

CONTACT VIA PHONE:
1. LA County Fire - Call 911
2. MRCA Staff - Call (888) 562-1116 – Send message to Supervising Ranger Group
3. Walt Young - Home (310) 589-2413
4. Set emergency message center (323) 221-8900 x 121

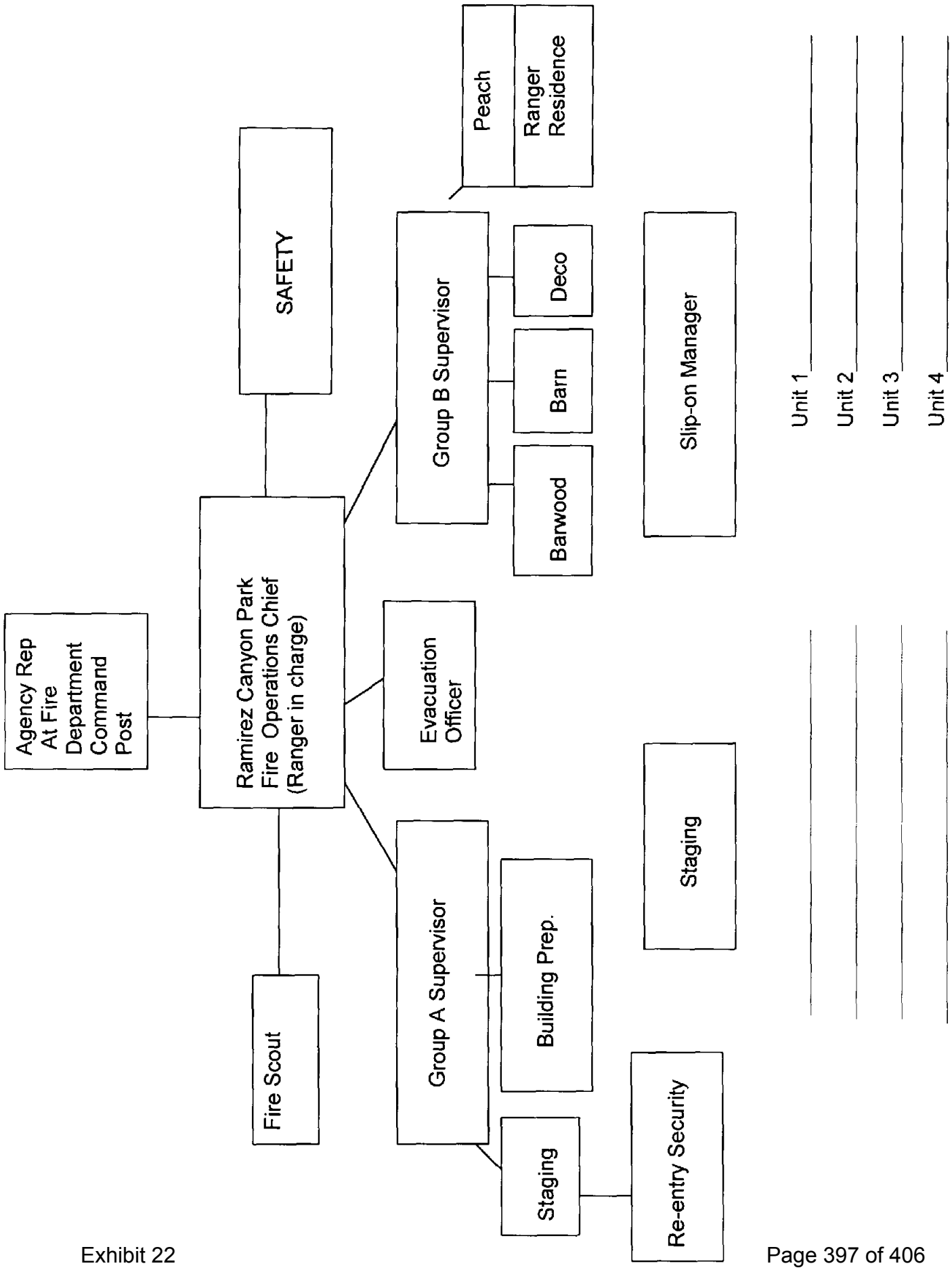
OFFICE STAFF & RESIDENTS:
1. Use truck Siren/P.A. to alert Center (wait & P.A.)
2. Use CB radio – channel 9
3. Notify Ranger house, by telephone.

EVACUATION
1. Safe evacuation of all people is number one priority
2. Implement procedures as directed by the Fire Management and Evacuation Plan
3. Designated evacuation officer implement evacuation, direct vehicles to safe route
4. Primary evacuation route – Ramirez Canyon to Delaplane to West Winding Road to PCH
5. Secondary evacuation – Ramirez Canyon to PCH

COMMAND POST – Barwood Office
1. (310) 589-3200 Fax line back-up (310) 589-3207
2. Establish CB/FM radio net (use AA batteries)
3. Radio frequency channel 5 Blackjack/channel 14
4. Move ranger vehicle to Barwood
5. Utilize Checklist forms
6. Monitor TV & News Radio

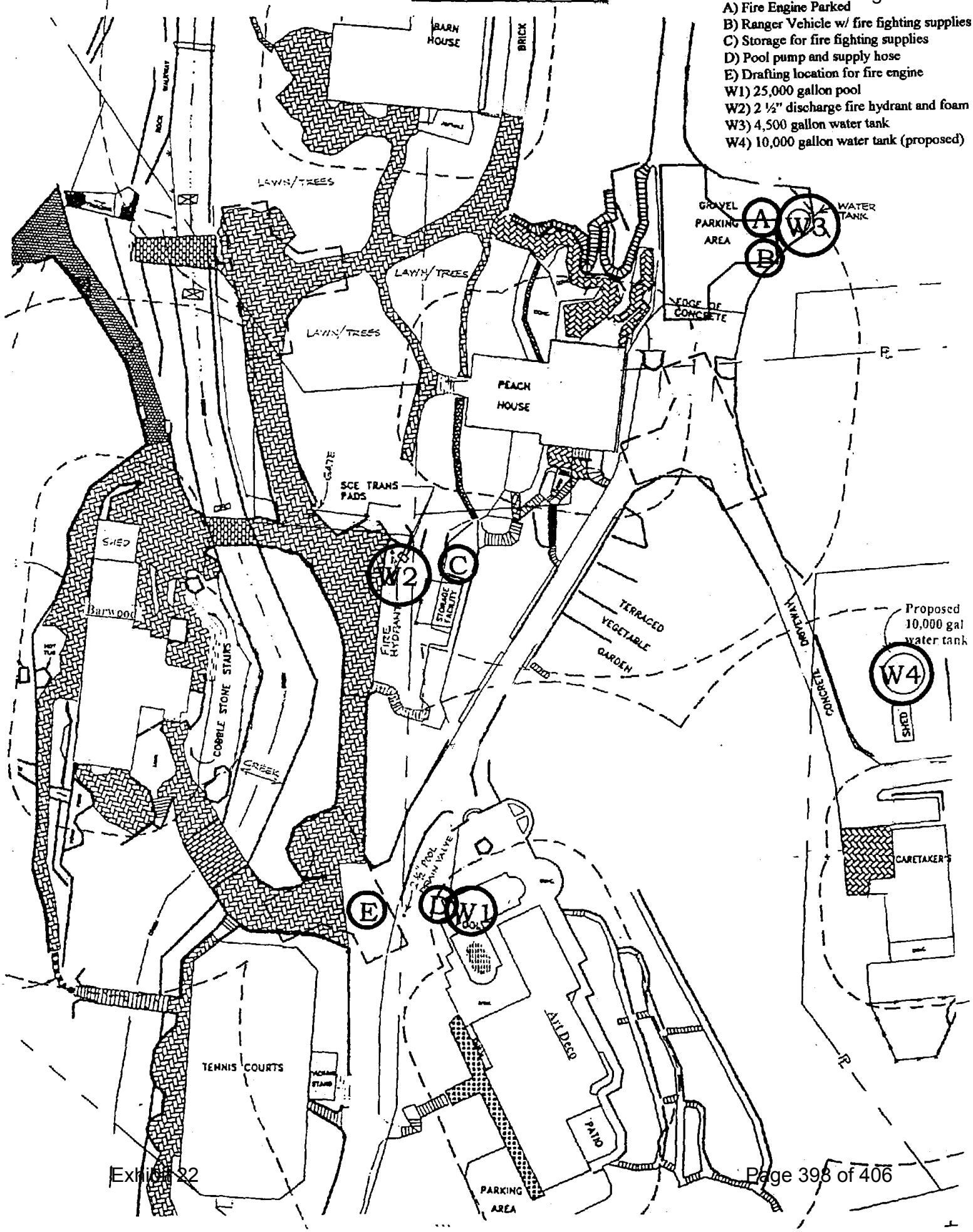
OBSERVATION POST – Kanan Road above SCCS and/or Winding Way (Helispot 71D)
1. Radio relay
2. Cell phone contact
3. Fire scouts duties

STAGING & OPERATIONS
1. Staging at Island at entrance (primary)
2. Lock gate open, switch next to motor
3. Park non-slip on units at staging area.
4. Check in at Barwood with gear for assignment.
5. "Slip-ons" Radio while en-route for assignment at PCH Ramirez.
6. Staff on-site deploy equipment and hoselines as trained


Agency Rep At Fire Department Command Post
Ramirez Canyon Park Fire Operations Chief (Ranger in charge)
SAFETY
Fire Scout
Group B Supervisor
Peach
Ranger Residence
Deco
Barn
Barwood
Evacuation Officer
Group A Supervisor
Building Prep.
Staging
Re-entry Security
Slip-on Manager
Staging
Unit 1
Unit 2
Unit 3
Unit 4

Attachment C
Ramirez Canyon Park

Map Key
A) Fire Engine Parked
B) Ranger Vehicle w/ fire fighting supplies
C) Storage for fire fighting supplies
D) Pool pump and supply hose
E) Drafting location for fire engine
W1) 25,000 gallon pool
W2) 2 ½" discharge fire hydrant and foam
W3) 4,500 gallon water tank
W4) 10,000 gallon water tank (proposed)



Attachment D
Mountains Recreation and Conservation Authority
Training and Qualifications - Fire personnel

The Mountains Recreation and Conservation Authority (MRCA) has 30 fire personnel who have completed the minimum training required by the agency as well as refresher training. This required training is :

Wildland Firefighter - National Park Services
Urban Wildland Interface - United States Forest Service
Standardized Emergency Management Systems - Office of Emergency Services
Red Cross First Aid
CPR for the Professional rescuer

In addition, senior firefighters have completed the following:

Nine firefighters have completed structure firefighting academies
Nine firefighters have completed Hazardous Materials - First Responder Operational
Seven firefighters are Emergency Medical Technicians
Six firefighters have completed Rescue Systems 1
Five firefighters have completed Incident Command System 300

MRCA Chief Ranger Young , in addition to satisfying all of the foregoing training, lives on-site in Ramirez Canyon Park and serves as the resident ranger. Chief Young has the additional following qualifications:

> 20 years with the Ventura County Sheriff Department Search and Rescue Team 3, where he held positions of Team Captain, Training Officer and Squad Leader
>
> 7 years experience with the National Park Service as a firefighter / paramedic as well as an instructor in a variety of related subjects.
>
> He has served the Mountains Recreation and Conservation Authority for six years and was appointed Chief Ranger in January 1999. As a Park Ranger, Mr. Young is a Full Time California Peace Officer, Wildland Firefighter, Emergency Medical Technician, Search and Rescue expert. He is also a licensed paramedic in the State of California.

from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

10. Final Fire Management and Evacuation Plan

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

A. Fire/Safety Review: Prior to the issuance of Coastal Development Permit 4-98-334, the applicant shall submit evidence to the satisfaction of the Executive Director that the State Fire Marshal and the Los Angeles County Fire Department, Division of Fire and Life Safety, have evaluated the Final Fire Management and Evacuation Plan and have determined that implementation of the Plan will achieve compliance with all applicable fire and life safety regulations, requirements, and recommendations.

B. Annual Fuel Modification: The final Plan shall incorporate the requirement that the applicant shall annually submit evidence to the Los Angeles County Fire Department, Forestry Division, that all applicable fuel modifications requirements on site, and the maintenance of the required 13 ft. 6 inches of vertical vegetation clearance along Ramirez Canyon Road, Delaplane Road, and Winding Way, have been implemented prior to the impending fire season. Such evidence shall in no case be submitted later than June 15 of the pertinent year.

C. Emergency Power Generation: The plan shall provide for sufficient emergency generator(s) and fuel to be placed on site and maintained in good working order at all times to supply emergency power to Ramirez Canyon Park for a minimum of twelve (12) hours.

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

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
1501 W. Cameron Avenue, Suite C-110
West Covina, California 91790

(626) 960-6441
Fax (626) 962-1678

CHRONO

November 22, 1999

Joseph T. Edmiston, AICP
Santa Monica Mountains Conservancy
STREISAND CENTER FOR CONSERVANCY STUDIES
5750 Ramirez Canyon Road
Malibu, CA 90265

Dear Mr. Edmiston:

Deputy Jeff Hartsuyker of my staff conducted a fire and life safety inspection of your facility on November 17, 1999. The following minimum state code requirements are for your reference:

Conservancy Grounds

Title 19, CALIFORNIA CODE OF REGULATIONS (CCR), Section 3.07 - CLEARANCES

(b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of **not less** than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from **30 feet to 100 feet** from such building or structure or to the property line, which ever is nearer, as may be required by the enforcing agency if he/she finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than ½ inch in size.

a. Provide brush, vegetation clearance for canyon walls and adjacent slopes on the West side.
b. Maintain vegetation clearance on East slope.
c. Cut and remove all dead Pine trees or other dead trees or limbs.
d. Maintain the above referenced code sections at all times.

Title 19, CCR, Section 563.2(a), 563.4 - ACCESSIBILITY and AVAILABILITY, INSTALLATION

Extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Extinguishers shall be installed on hangers, brackets or in cabinets.

Provide a minimum of two 2A; 20BC fire extinguishers during cooking events, to be located near cooking equipment setup.

CALIFORNIA BUILDING CODE, 1003.3.1.8 - TYPE of LOCK or LATCH

Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

Ensure exit hardware for the PEACH HOUSE is not special knowledge hardware; keys were unavailable at the time of inspection

CALIFORNIA ELECTRICAL CODE, 400-8 - USES NOT PERMITTED

Flexible cords and cables shall not be used as a substitute for the fixed wiring of a structure.

Ensure the use of extension cords is not permitted at any time.

Title 19, CCR, Section 1.14 - MAINTENANCE

Every fire alarm system or device, sprinkler system, fire extinguisher, fire hose, fire resistive assembly or any other fire safety assembly, device, material or equipment installed and retained in service in any building or structure shall be maintained in an operable condition at all times in accordance with these regulations and with their intended use.

Ensure all fire safety equipment is maintained at all times.

Title 19, CCR, Chapter 2 - Tents, Awnings and other Fabric Enclosures

Ensure all regulations are met if tents, awnings or other fabric enclosures are used for events.

Conservancy Access

Title 19, CCR, Section 3.05 - Fire Department Access

(a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

Ensure access road(s) meets minimum code requirements.

Note: L.A. County F.D. Access road approval is attached.

In summary, the STREISAND CENTER FOR CONSERVANCY STUDIES (SCCS) prepared a *Preliminary Evaluation of Fire Department Access, Wildland Fire Protection, and Evacuation* report, which was very detailed in providing information and possible solutions. This report makes many suggestions to provide adequate protection for the SCCS, some of which are not required by California State minimum code, but are excellent added protection measures.

Once it has been determined that these requirements are met, your facility will be in compliance with all adopted minimum state codes. Please feel free to contact Jeff Hartsuyker at (626) 960-6441.

Sincerely,

Patricia Sanchez

PATRICIA SANCHEZ
DSFM III Supervisor
West Covina Branch Office

cc: Ms. Barbara Carey, CA Coastal Commission
Walt Young, Chief Ranger

Jh: ps

LOCAL FIRE AUTHORITY - "ACCESS ROAD APPROVAL"

Name of Project: SANTA MONICA MOUNTAINS CONSERVANCY
Address: 5750 RAMIREZ CANYON RD.
City/State/Zip: MALIBU, CA 90265

ACCESS ROADS

Pursuant to Title 19, California Code of Regulations, Article 3, section 3.05, Fire Department Access and Egress, it is necessary to provide the California State Fire Marshal with written certification from the local fire authority that the above section is being met to their satisfaction.

Provide 20' wide minimum access, clear to the sky.

Local Fire Authority: County of Los Angeles Fire Department
Address: 23533 W. Civic Center Way
City/State/Zip: Malibu, CA 90265-4804

Approval issued by: James O. Jordan
Rank/Title: Fire Captain
Phone Number: (310) 317-1351
Date: 11/22/99

Please return this form with all sections filled in completely. Without this form, California State Fire Marshal approval may be delayed. If you have any questions, please contact the California State Fire Marshal's office at (626)960-6441.

CSFM File Number (completed by CSFM):

Fire Department Connection Location:

Fire Hydrant Location:

Fire Alarm Annunciator Location:

Fire Alarm Control Panel:

Knox Box Location:

RAMIREZ CANYON ROAD TRAFFIC TRIP CALCULATIONS
(December 2008)

Monitoring Period (2008)	Per day average
September – October 5	499.9
October 6 – October 12	566.7
October 13 – October 19	517.6
October 20 – October 26	554.1
October 27 – November 2	566.1
Average over monitoring period	540.9 (see Note 1)
Less: Trips generated from SMMC property	36.7 (see Note 2)
Equals: Trips generated from canyon homes	504.2
Divided by number of homes (= 60)	**8.4 daily trips per home**

Notes:

1. Traffic counter placed on Ramirez Canyon Road just north of intersection with Delaplane.
2. SMMC traffic generation based on counts taken from November 10, 2008 to December 7, 2008 just outside the gate to the SMMC property.
3. Traffic count records available upon request.