

air and water quality compliance shall be notified and provided the opportunity to present their agencies' positions before the Commission hearing. Such hearing shall be set for a regular Coastal Commission meeting not later than the 49th*42nd*day after receipt of the documents required by Section 13660.3. The Executive Director may, at his discretion; extend for an additional 30 days the 49-day*42-day*time period for a hearing. All public hearings shall be scheduled with a view toward allowing widespread public distribution of the information contained in the staff's summary and recommendation and toward allowing maximum public participation and attendance at the hearing particularly for the citizens of the affected area, while affording the applicant expeditious consideration of consistency certifications.*determinations.*

NOTE: Authority cited: State law: Section 30333, Public Resources Code. Reference: Section 30008(c), and 30621, Public Resources Code. Federal law: 15 CFR 930.79, 930.84(a), 930.61(a), 930.63.

13660.5. Contents of Summary and Recommendation. The summary shall:

(1) list the major activities listed in the OCS plan, for which a consistency certification*~~determination~~*,assessments and findings have been required, (2) discuss the effect of these activities and their associated facilities, or*and*their effects on land and water uses in the coastal zone, (3) discuss the consistency of such activities and related effects with the mandatory provisions of the CCMP. The summary shall also specifically list all other Federal permits for which consistency findings have not been enclosed and for which future consistency certification*~~determinations~~*will be required under Section 13660.11 of these regulations.

13660.6. Conduct of Hearings on Staff Recommendations on a Consistency Certification.*~~Determination~~.* The Commission shall be*the



final decision maker on consistency determinations and shall*conduct de novo hearings on consistency certifications*~~determinations~~*substantially in accordance with the applicable procedures for permit hearings set forth in ~~Sections 13057 through 13096, excluding*Sections 13071, 13085, and 13087 of these Regulations.*~~ Chapter 5 of these regulations.

NOTE: Authority cited: State law: Section 30333, Public Resources Code.

Reference: Section 30008(c), Public Resources Code. Federal law: 15 CFR 930.79 and CZMA.

13660.7. Consent Calendar Procedures. Consistency certifications at the discretion of the Executive Director may be included as a consent calendar item pursuant to Chapter 5, Article 15 of these regulations.

~~*13660.7. Regional Commission Role. The affected Regional Commission(s) may wish to conduct hearings prior to the Commission hearing, and based on those hearings present testimony at the Commission hearing. The Regional Commission hearing panel may include State Commissioners. Upon written request by a Regional Executive Director, the Executive Director may extend for an additional 30 days the 42-day time period for its hearing required by Section 13660.4 in order to allow a full hearing at the Regional Commission level. Any Regional Commission hearings shall also be conducted substantially in accordance with Sections 13064-13096 of these regulations. Regional Commission and State Commission shall attempt to hold hearing where possible.*~~

Delete

13660.8. Final Commission Decision. (a) The Commission shall issue a decision on whether the applicant's consistency certification complies with the CCMP; i.e., whether it "concurrs" or "objects" to the applicant's consistency certification, at the earliest practicable time and in no event

more than 6 months from the date of receipt of such consistency certification and required information from the USGS Area Supervisor (see Section 13660.3 of these regulations). If a Commission decision has not been reached within 3 months of such receipt, the Executive Director shall notify in writing the Assistant Administrator, the applicant, the USGS Area Supervisor, and the relevant Federal agencies of the status of review and the basis for further delay.

(b) A Commission decision which objects to an applicant's consistency certification for one or more of the activities described in detail in the OCS plan shall be accompanied by a statement indicating:

- (1) the effect which the activity will have on coastal land or*and* water uses, in the coastal zone,
- (2) how the activity is inconsistent with a mandatory provision of the CCMP,
- (3) alternative measures or conditions (if they exist) which would make their proposed activity consistent with CCMP policies,
- (4) if a decision to object is based upon grounds that the applicant has to ~~*not* provide information*required in Section 13660.3 above, which has been*~~requested by the Executive Director, the type ~~*nature*~~of ~~*the*~~information requested and the necessity of that information for a consistency certification ~~*determination*~~must be described, and
- (5) the applicant's right of appeal to the Secretary of Commerce on the grounds that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act or is necessary in the interest of national security.

(c) The Commission shall notify the applicant, the USGS Area



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Supervisor, the Assistant Administrator, and the relevant Federal agencies of its decision by sending a copy of its Final Decision to them.

NOTE: Authority cited: State law: Section 30333, Public Resources Code.

Reference: Section 30008(c), Public Resources Code. Federal law: 15 CFR 930.79 and 15 CFR 930.64, 930.63 and CZMA.

13660.9. Appeals Procedure. Any applicant may file a notice of appeal of a Commission objection to a consistency certification within 30 days of receipt to the Secretary of Commerce according to the provisions of the Coastal Zone Management Act and the regulations contained in 15 CFR Par 930.120 et seq~~Any applicant who appeals to the Secretary of Commerce a Commission objection to a consistency determination~~The applicant shall send a copy of the notice of appeal and accompanying documents to the Executive Director.~~of the Commission.~~ The Executive Director shall submit detailed comments to the Secretary of Commerce within 30 days of receipt of the appeal and transmit~~send~~ copies of such comments~~such comments~~ to the applicant, the USGS Area Supervisor, and the relevant Federal agencies. Where the Commission meeting schedule allows sufficient time for discussion prior to the 30 day period, these comments shall be the subject of Commission discussion with opportunity for public comment. This procedure shall also be followed if the Secretary of Commerce pursues an independent review of the consistency of an OCS activity.

NOTE: Authority cited *S*tate law: Section 30333, Public Resources Code.

Reference: Section 30008(c), Public Resources Code. Federal law: 15 CFR 930.120-134.

13660.10. Required Amendments. Any amendment to an OCS plan which must be submitted as a result of Commission objection to consistency of an OCS activity shall be processed as if such amendment were a new plan; i.e., Sections 13660.1-13 of these regulations apply, except that the Commission



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must make its decision within 3 months of receipt.

NOTE: Authority cited: State law: Section 30333, Public Resources Code.

Reference: Section 30008(c), Public resources Code. Federal law: 15 CFR Part 930.83 et seq.

13660.11. Multiple Permit Review. (a) Applicants are strongly encouraged to include with OCS plans and ~~*with consistency certifications~~ required to be submitted to the Commission in accordance with Section 13660.3 of these regulations, ~~*detailed descriptions, consistency certification* determinations,* findings and assessments and other supporting data for other OCS-related activities, which require a federal license or permit but are not required to be described in detail in OCS plans by the Secretary of the Interior (e.g., Corps of Engineer permits for the placement of structures on the OCS and for dredging and the transportation of dredged material, Environmental Protection Agency air and water quality permits for offshore operations and onshore support and processing facilities, or the other permits listed in Section 13660.1 of these regulations).~~ Where consistency certification* determinations* and related findings and assessments are made for activities for all required Federal permit connected with an OCS plan, the applicant shall so state and consolidated consistency review for these activities will take place at the same time and under the same procedures as review of activities required to be described in detail in OCS plans (Sections 13660.1-.13 of these Regulations).

(b) If consistency certifications* determinations* and related assessments and findings for all OCS related Federal permit activities are not included with an OCS plan and consistency certification* determination*, the applicant shall state which Federal permit activities have not been included. ~~*The Commission will review those permit activities which are not~~



included separately.* The final decision of the Commission*for-consistency determinations of OCS plan activities*shall state which Federal permit activities have not been included and*which*therefore must be reviewed separately.

(c) The applicant and the Coastal Commission shall comply with Sections 13660-13660.13 of these regulations in processing consistency certification*determinations*which have not been included with OCS plans, except that:

(1) As soon as possible, but at least 10 days prior to submission of an application for a Federal permit, the applicant shall consult with the Executive Director concerning OCS-related Federal license or permit activities.

(2) An environmental report as described by 30 CFR 250.34-3(a) and 3(b) need not be submitted, if one which covered the subject permit activity was previously submitted under Section 13660.3 of these regulations, or if the Executive Director is satisfied that the applicant has provided sufficient information concerning the environmental effects of the permit activity to adequately review the project as if it were a coastal permit under the CCMP.

(3) Wherever there is a requirement to notify the USGS Area Supervisor, notification shall also be sent to the appropriate*chief of the*Federal permitting agency.

NOTE: Authority cited: State law: Section 30333, Public Resources Code.
Reference: Section 30008(c), Public Resources Code. Federal law: 15 CFR .82.

13660.12. Associated Coastal Development Permits. Where a facility associated with an OCS plan requires a coastal development permit under the California Coastal Act (e.g. pipeline, marine terminal, onshore

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support and processing facilities, etc.), the applicant shall notify the Executive Director of the facility's relationship to the OCS plan at the time of submittal of the plan. Where an application for such a facility precedes submittal of the OCS plan to the Commission, the applicant shall notify the Executive Director that the facility is associated with a forthcoming OCS plan. If the Executive Director determines that a consolidated review of the applicant's consistency certification*~~determination~~*and application for a coastal development permit is necessary for complete and proper consideration of the matter, he shall recommend such*~~direct~~*consideration*of ~~such permit application by the State Coastal Commission pursuant to §30333.5 of the Coastal Act.~~*

NOTE: Authority cited: State law: Section 30333, Public Resources Code.
Reference: Section 30008(c), Public Resources Code. Federal law: 15 CFR 930.82

13660.13. Monitoring of Federal Permits. Copies of Federal license and permit applications for activities described in detail in an OCS plan, as well as for OCS-related activities, which have received Commission concurrence and which have been requested in the final Commission decision, shall be sent by the applicant to the Executive Director to allow the Commission to monitor the activities.



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June 23, 2008

John Ainsworth
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Re: **LCP Amendment No. MAJ-3-07** and
Santa Monica Mountains Conservancy's
Malibu Parks Public Access Plan Overlay District
City of Malibu Local Coastal Program Amendment

Dear Mr. Ainsworth:

The City of Malibu submitted to the Commission for certification an amendment to the certified Malibu Local Coastal Program. The LCP amendment was submitted on December 28, 2007. 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 is described accurately by you in your 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. On 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. We await further discussion in connection with the certification process.

On May 19, 2008, the City received a letter from you indicating that you 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, you indicated that you 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

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Needless to say, the City was taken aback that the staff would reach such a conclusion given that the Conservancy's application does not propose a development project at all, but rather a comprehensive plan which is addressed properly through an LCP amendment and given that an LCP amendment covering the same subject policy issues and development standards as are covered by the Conservancy's override application had been pending for certification with the Commission for four months before the Conservancy apparently made the application. Moreover, Because there is an on-going LCP amendment, procedural fairness and regularity would suggest that the Commission act first on the City's certification request before entertaining the possibility of "overriding" the City's LCP with respect to the same matters raised by the pending LCP amendment

I write to express the City's extreme concern regarding the fairness of this apparent change in procedure and the apparent misapplication of the LCP override provisions. The City urges the Commission staff to reconsider its conclusions in light of the facts and analysis raised herein.

I. The LCP Amendment process is underway and, in fact, pending before the Commission since December 28, 2007; the proposed override inappropriately displaces the LCP amendment procedure for a comprehensive plan that establishes policies and development standards for the several parcels owned by the Conservancy

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.

In 2006, when the Conservancy first considered a Public Works Plan to determine the land use policies and development standards applicable to its Malibu holdings, the City contacted Commission staff and it was generally agreed that the nature of the changes in regulations sought were appropriately addressed as an LCP amendment. Indeed, the City and the Conservancy worked together to process such an amendment.

LCP Amendment MAJ-3-07 was the subject of complete public review as required by the Coastal Act and the certified LCP; given the pending amendment is at the final stage of processing, it is difficult to justify an "override" procedure. Consider the timeline and the extensive solicitation of public input in connection with the LCP Amendment:

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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.

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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.

The resulting LCP amendment currently awaits certification (LCP Amendment No. MAJ-3-07). In your letter dated May 15, 2008 (received May 19, 2008) inviting the City's comment on the Conservancy's proposed override application, you make no mention of the City's pending LCP amendment certification request covering the same subject matter. Further, your letter makes no attempt to set forth 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.

Given that the Commission has a pending certification request before it, the proposed override inappropriately displaces the LCP amendment procedure. 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 conclusion that the override provisions are applicable to the Conservancy's proposal is in error 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

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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.

I. 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 preliminary determination that 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" is in error.

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

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future projects but the request itself is to establish 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."¹ 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 (attached), 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.)

The Conservancy's submittal cites Public Resources Code §30605 as authority for its submission of the "public works plan."² 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:

¹ 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."

² 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).

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"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 (attached), pp. 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 LCP to "override" or otherwise approve a public works plan that is inconsistent with the certified LCP.

The appropriate procedure for the Conservancy to follow is the one it seeks to abandon: apply for and obtain an LCP amendment, which is subject to certification by the Commission.

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).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 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).

³ The Conservancy has not submitted any of the detail required to determine whether each proposed project is consistent with the certified Malibu LCP. The Conservancy's submittal also omits any of the detail required to make that determination with respect to the Conservancy's unpermitted development within the plan area. It submitted the same studies submitted with the pending LCP amendment application.

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- 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 Amendment 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'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.

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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" (attached), 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 (attached), pp. 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.

II. 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).)

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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, the evidence submitted with this letter (Exhs. A through I) shows that it has anticipated this development for many years.

In 1979, the Santa Monica Mountains Conservancy was known as the "Santa Monica Mountains Comprehensive Planning Commission." Pertinent portions of the "Santa Monica Mountains Comprehensive Plan," adopted February 1979, are attached as Exhibit A.

Mr. Edmiston was the Executive Director of that Commission (Ex. A at 3). The SMM Comprehensive Plan envisoned 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 (Ex. A at 7, 46-48, Map. No. 6). 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 (Ex. A at 75, 79, 80-81) or for federal or expanded state purchase, e.g., Malibu Creek State Park Area, Solstice Canyon Area, Zuma-Trancas Canyon Area (Ex. A at 83, 85-87).

In September of 1997, the National Park Service published its SMMART Report (Santa Monica Mountains Area Recreational Trail Coordination Project) (Ex. B). 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 (Ex. B at 2).

Among other things, the SMMART Report developed an inventory of trails, identified locations for trail camp facilities and established priorities for missing trail segments (Ex. B at 3). The Report was not limited to trails within the national park system, but recognized the need for trails "outside of the established park system" (Ex. B at 25). The Report includes a discussion of numerous trails in Malibu, with action recommendations for right-of-way acquisitions, offers to dedicate, etc. (Ex. B at 28-33). 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) (Ex. B at 28-33).

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. Attached as Exhibit C are a series of trail policy alternative maps, which clearly show proposed

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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 (Ex. C, Maps).

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 (see Ex. D at 1-3).

All of SMMC and MRCA's holdings are included in the GMP analysis (Ex. D at 25-27), 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) (Ex. D at 26). The Plan identifies various "Management Areas" by intensity of use (Ex. D at 42-45). All of the areas identified in the Conservancy's present Plan are identified as "high intensity use" areas under this Plan (Ex. D, map following at 46). High intensity use includes full visitor services, campgrounds, trail networks, park-and-ride shuttles (Ex. D at 44-52). Mr. Edmiston assisted in the preparation of the Plan (Ex. D at 65).

The environmental review process for the GMP began in December 14, 2000, with a Notice of Draft EIS (Ex. E). The Final EIS (excerpts attached as Ex. F) confirms the broad scope of the study and the participating agencies, including SMMC (Ex. F at 3, 9-12). SMMC's holdings were included in the study (Ex. F at 32-33), including its "headquarters" at Ramirez Canyon Park (Ex. F at 33). The "Public Access" analysis in the EIS (Ex. F at 184, et seq.) includes the "Ramirez Canyon Park Outreach Program" targeting seniors and disabled, supported by the "Streisand Center Garden Tour Program" (Ex. F at 188). 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" (Ex. F at 269).

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 (See SMMC Comment Letter, April 22, 2002 (Ex. G), proposing among other things (a) that "public parklands" be a permitted use in all zones (Ex. G at 2), (b) that no coastal development permits be required for "park" operations (Ex. G at 4-6), and (c) that the ESHA

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rules be relaxed to allow for a broad range of development and use (Ex. G at 8)).⁴ The Commission rejected those suggestions. All but one are included in SMMC's current submittal.

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 (Ex. H at 1) and acknowledged the Conservancy's proposed "high intensity" uses for numerous sites, including the properties involved in the Conservancy's current submittal (Ex. H at 5). 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 (Ex. H at 12-13).⁵

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 (MOU) 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.

⁴ 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" (Ex. G at 10). 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" (LCP, p. 20).

⁵ In November of 2002, the Final EIS for the GMP issued (Exh. D) and, in March of 2003, the final draft of the GMP issued (Exh. D).

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III. It is unfair for the Commission to require the City to process the Conservancy's proposed "override" of a City's LCP, when it has an amendment awaiting certification and the Coastal Act does not authorize the Commission to act unilaterally in this matter.

In June of 2006, SMMC submitted a very similar "Public Works Plan" (PWP) to the Commission. At that point in time, SMMC sought to have the Plan processed under PRC 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;

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Deletes the requirement for alternative vehicular access to SMMC's Ramirez property [note that it is the City's understanding that SMMC granted MRCA \$7 million dollars last year to acquire the property necessary to provide that access];

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 intrusive "special events" at Ramirez to a "Malibu Coastal 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;

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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, you have provided the City an opportunity to set forth the reasons for its action, 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 has yet been held, so the action is not yet final. Either way, the preliminary determination appears to create a confused and inconsistent process. Because there is an on-going LCP amendment, 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 Resources 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.*)

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For these reason, the City respectfully requests that the Commission staff retract its preliminary determination with respect to the Conservancy's proposed override and proceed with the City's request for certification of its LCP amendment.

IV. The Conservancy proposes a Public Works Plan that is not exempt from compliance with CEQA.

Previously, the Conservancy has offered assurances that it would prepare an Environmental Impact Report for this Plan in compliance with the California Environmental Quality Act. The first draft of the 2002 PWP also stated that an EIR would be prepared. The Conservancy changed its position during that process. However, when the Commission returned the PWP to the Conservancy for processing, the Commission advised that "the EIR process must be complete and the result submitted to Commission staff prior to Commission filing of the PWP" (Commission letter to SMMC, dated June 30, 2006, at 2, ¶ 5) The Conservancy amended the scope of work of its consultant, Dudek, to prepare that EIR. Now, the Conservancy apparently has changed course again and claims that (a) the submittal of its "plan" under Public Resources Code §30515 exempts it from compliance with CEQA, (b) makes the Commission the Lead Agency, and (c) entitles the Conservancy to process under the Commission's "functional equivalent" process for LCP Amendments (see "Standard of Review," attached, at 3-4).

As the Conservancy has acknowledged, the current submittal involves a public works plan (PWP). A PWP must be consistent with the certified LCP. The Conservancy's attempt to make the LCP consistent with its plan is backwards. Under the rules which apply to public works plans, SMMC is the lead agency and must comply with CEQA before it submits the PWP to the Commission for processing.

V. 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 above 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 hold a public hearing to consider the certification of the LCP amendment that resulted from that process. The public and the City has a right to expect that the certification process will follow the procedures established in the Coastal Act.

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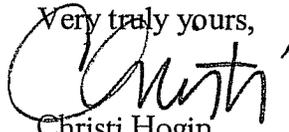
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The Conservancy is unhappy with aspects of the City's decision. We know that. The Coastal Act provides the Conservancy with a fair opportunity to express its concerns, along with all other proponents and opponents of the pending LCP amendment. It is inappropriate for the Commission to allow the Conservancy to derail this process with an intervening application for an override.

As detailed herein, the City contends that the conclusion that the override provisions are even applicable to the Conservancy's proposal is in error 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.

For all these reasons, the City respectfully requests that the Commission staff retract its preliminary determination that the Conservancy's submittal meets the requirements for an LCP amendment override. Please respond to this request within ten days so that the City may pursue any other remedies that may be available to it.

Very truly yours,



Christi Hogin
City Attorney
City of Malibu

cc: Chair Patrick Kruer and the
Members of the California Coastal Commission
Joseph Edmiston, Executive Director
Chair Ronald P. Schafer and the
Members of the Santa Monica Mountains Conservancy
Chair Michael Berger and the
Members of the Mountains Recreation Conservation Authority
Steven R. Orr, Esq. (SMMC special counsel)
Steven H. Kaufmann, Esq. (SMMC special counsel)
A. Catherine Norian, Esq. (MRCA special counsel)

<p>MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>1. Land Use Plan</p> <p>1.1 Chapter 2 (Public Access and Recreation), Section C (Land Use Policies) is hereby amended to include Subsection 7, policy 2.90 (Malibu Parks Public Access Enhancement Overlay) as follows:</p> <p>7. <u>Malibu Parks Public Access Enhancement Overlay</u></p> <p>2.90 The City, Santa Monica Mountains Conservancy, and Mountains Recreation and Conservation Authority, shall coordinate and consult with the National Park Service and the County of Los Angeles, and other appropriate public and private entities and interested parties in designing, locating, funding, and acquiring, and implementing the public access and recreational facility improvements identified in the Malibu Parks Public Access Enhancement Overlay pursuant to and adopted and certified overlay district.</p>	<p>7. <u>Malibu Parks Public Access Enhancement Plan Overlay</u></p> <p>2.90 The City, Santa Monica Mountains Conservancy, and Mountains Recreation and Conservation Authority, shall coordinate and consult with the National Park Service and the County of Los Angeles, and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the public access and recreational facility improvements identified in the Malibu Parks Public Access Enhancement Plan pursuant to an adopted and certified overlay district.</p>
<p>1.4 Land Use Plan Park Lands Map No. 2 is hereby amended to include the trail segments identified in the Malibu Parks Public Access Enhancement Overlay. attached hereto as Exhibit A.</p> <p>[NOTE: Comparison of Trail Maps attached.]</p>	<p>1.4 Land Use Plan LCP LUP PARK LANDS MAP NO. 2</p> <p>is hereby a Amended to include the trail segments identified in the as proposed by the Malibu Parks Public Access Enhancement Overlay Plan. attached hereto as Exhibit A.</p>

MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>1.2 Chapter 5 (New Development), Section C (and Use Policies) Subsection 1 is hereby amended to read as follows:</p> <p>1. <u>Land Use Plan Map</u></p> <p>The Land Use Plan Map Shows the land use designation for each property. The land use designation denotes the type, density and intensity of development that may be permitted for each property, consistent with all applicable LCP policies. An overlay is applied to the Civic Center area that allows for a mix of land uses and specific development standards if a specific plan or other comprehensive plan is developed, adopted, and certified as an LCP amendment for the area. An overlay is also applied to those parkland and recreation areas included in the Malibu Parks Public Access Enhancement Overlay, a comprehensive plan developed to provide the framework for implementation of specific trail development, recreation support facility, transportation, and public program improvements for individual parklands and trail corridors for the benefit of public access and recreation consistent with the goals of LCP and the Coastal Act. New development in the City shall be consistent with the Land Use Plan map, and all applicable LCP policies. Following is a description of the land use designations.</p>	
<p>1.3 Chapter 5 (New Development), Section C (Land Use Policies) is hereby amended to include Subsection 13, Policies 5.66 through 5.71 (Malibu Parks Public Access Enhancement Overlay) as follows:</p>	

MALIBU LCP COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>13. <u>Malibu Parks Public Access Enhancement Overlay Policies</u></p> <p>5.66 The Malibu Parks Public Access Enhancement Overlay shall be implemented to 1) develop public access and recreational facility improvements, including support facilities, needed to meet growing visitation and demands for recreational opportunities in the Santa Monica Mountains and Malibu area, 2) address potential impacts to coastal resources associated with recreational facility development, 3) provide alternative transportation opportunities to facilitate public access, 4) implement and maintain specialized public program uses intended to enhance and diversify access and recreation opportunities, and 5) balance the needs and concerns of private residents adjacent to public recreational lands with the need to promote and enhance public access and recreation opportunities in the Coastal Zone for all visitors.</p>	<p>13. <u>Malibu Parks Public Access Enhancement Plan Overlay Policies</u></p> <p>5.66 The Malibu Parks Public Access Enhancement Overlay Plan shall be implemented as public works projects to 1) develop public access and recreational facility improvements, including support facilities, needed to meet growing visitation and demands for recreational opportunities in the Santa Monica Mountains and Malibu area, 2) address potential impacts to coastal resources associated with recreational facility development, 3) provide alternative transportation opportunities to facilitate public access, 4) implement and maintain specialized public program uses intended to enhance and diversify access and recreation opportunities, and 5) balance the needs and concerns of private residents adjacent to public recreational lands with the need to promote and enhance public access and recreation opportunities in the Coastal Zone for all visitors.</p>
<p>5.67 The Malibu Parks Public Access Enhancement Overlay provides policies and implementing measures that expand on the public access and recreation policies of the Malibu LCP which shall be implemented to enhance public access and recreation opportunities to and within existing parklands and recreation areas subject to the Malibu Parks Public Access Enhancement Overlay Map public use by local and non-local visitors, and for visitors with diverse backgrounds, interests, ages, and abilities.</p>	<p>5.67 The Malibu Parks Public Access Enhancement Overlay Plan provides policies and implementing measures that expand on the public access and recreation policies of the Malibu LCP which shall be implemented to enhance public access and recreation opportunities to and within existing parklands and recreation areas subject to the Malibu Parks Public Access Enhancement Overlay Map overlay district (LIP Zoning Map X) for public use by local and non-local visitors, and for visitors with diverse backgrounds, interests, ages, and abilities.</p>

MALIBU COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>5.68 Park uses shall be established and maintained consistent with the visitor serving capacity of specific park areas taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, ability to protect natural resources, public safety issues, and neighborhood compatibility.</p>	<p>5.68 Park uses shall be established and maintained consistent with the visitor servcarrying capacity of specific park areas taking into consideration available support facilities, opportunities to develop new support facilities, accessibility, ability to protectprotection of natural resources, public safety issues, and neighborhood compatibility.</p>
<p>5.69 Except where specifically conditionally permitted in the Malibu Parks Public Access Enhancement Overlay, camping is prohibited in all public parks and recreation areas. Limited overnight campsites should be developed exclusively in existing Ramirez Canyon Park boundaries to accommodate organized programs for disabled individuals.</p>	<p>5.69 Except where specifically conditionally permitted in the Malibu Parks Public Access Enhancement Overlay, camping is prohibited in all public parks and recreation areas. Limited overnight campsites should be developed exclusively in existing Ramirez Canyon Park boundaries to accommodate organized programs for disabled individuals. are defined as principal permitted uses in parklands subject to the Malibu Parks Public Access Enhancement Plan Overlay and should be developed within park boundaries for public use to provide a wider range of recreational opportunities and low-cost visitor serving opportunities for visitors of diverse abilities, where impacts to coastal resources are minimized and where such sites can be designed within site constraints and to adequately address public safety issues.</p>
<p>5.70 Where physical constraints of natural park areas limit access opportunities for people with disabilities, park support facilities and amenities shall be developed and maintained, where available and consistent with public safety needs and resource protection policies, to thematically link nature study, education and recreation via specialized public programs and events.</p>	<p>5.70 Where physical constraints of natural park areas limit access opportunities for people with disabilities, park support facilities and amenities shall be developed and maintained, where available and consistent with public safety needs and resource protection policies, to thematically link nature study, education and recreation via specialized public programs and events.</p>

MALIBU COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>5.71 Trails to and within public parklands, public outreach and educational programs and/or related support facilities (e.g. parking, public restrooms, picnic amenities, ranger/maintenance supervisor housing, nature centers, limited personnel facilities related to the daily operation and maintenance of parklands and public access programs), and special programs and events conducted at Ramirez Canyon Park, defined in the Malibu Parks Public Access Enhancement Overlay shall be permitted to be constructed, opened and operated for intended public use or benefit only where it is determined feasible to locate, design, and maintain such facilities and uses so as to avoid, or minimize and fully mitigate, potential impacts to ESHA and, if required, a coastal development permit is obtained.</p>	<p>5.71 Trails to and within public parklands, camp facilities, public outreach and educational programs and/or related support facilities (e.g. parking, public restrooms, picnic amenities, ranger/maintenance supervisor housing, nature centers, limited administrative personnel facilities related to the daily operation and maintenance of parklands and public access park programs), and special programs and events conducted at Ramirez Canyon Park, are defined as principal permitted uses in the Malibu Parks Public Access Enhancement Plan Overlay and shall be permitted to be constructed, opened and operated for intended public use or benefit only where it is determined feasible to locate, design, and maintain such facilities and uses so as to avoid, or minimize and fully mitigate, potential impacts to ESHA and, if required, a coastal development permit is obtained.</p>
<p>1.4 Land Use Plan Park Lands Map No. 2 is hereby amended to include the trail segments identified in the Malibu Parks Public Access Enhancement Overlay. attached hereto as Exhibit A.</p>	<p>1.4 Land Use Plan Park Lands Map No. 2 is hereby amended to include the trail segments identified in the Malibu Parks Public Access Enhancement Overlay. attached hereto as Exhibit A.</p>
<p>1.5 The word “camping” and the word “campgrounds” are hereby deleted from Chapter 2 paragraph A under introduction; Policy 2.1 is amended to delete the word “camping”; Policy 2.35 is amended to delete the word “campground”; Policy 2.48 is deleted in its entirety; and the word “camping” is deleted from the definition of CR zone and “summer camps” is changed to “summer day camps.”</p>	<p>1.5 The word “camping” and the word “campgrounds” are hereby deleted from Chapter 2 paragraph A under introduction; Policy 2.1 is amended to delete the word “camping”; Policy 2.35 is amended to delete the word “campground”; Policy 2.48 is deleted in its entirety; and the word “camping” is deleted from the definition of CR zone and “summer camps” is changed to “summer day camps.”</p>

MALIBU COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>2. Local Implementation Plan</p> <p>2.1 To prohibit overnight camping:</p> <p>a. LIP Section 3.3 F is hereby amended to replace “summer camps” with “summer day camps”</p> <p>b. Delete “campground” from LIP Section 12.11 A</p> <p>c. In TABLE B (Permitted Uses) replace “P” under CR and OS zones with “•”</p> <p>d. In TABLE B (Permitted Uses) add footnote to CUP for camping in MPPAE Overlay to read: maximum of three campsites ONLY for organized programs for overnight camping for disabled individuals.</p>	<p>2. Local Implementation Plan</p> <p>2.1 To prohibit overnight camping:</p> <p>a. LIP Section 3.3 F is hereby amended to replace “summer camps” with “summer day camps”</p> <p>b. Delete “campground” from LIP Section 12.11 A</p> <p>c. In TABLE B (Permitted Uses) replace “P” under CR and OS zones with “•”</p> <p>d. In TABLE B (Permitted Uses) add footnote to CUP for camping in MPPAE Overlay to read: maximum of three campsites ONLY for organized programs for overnight camping for disabled individuals.</p>
<p>2.2 Chapter 3 (Zoning Designations and Permitted Uses) is hereby amended to include Subsection 3.4.2 (Malibu Parks Public Access Enhancement Overlay Zone) as follows:</p> <p>3.4.2 Malibu Parks Public Access Enhancement Overlay</p> <p>A. Purpose</p> <p>The purpose of the Malibu Parks Public Access Enhancement Overlay Zone is to maximize and prioritize public access and recreational opportunities in specific parkland and recreation areas as defined in Section 3.4.2.B. below (Overlay area). This chapter implements the land use policies of the Malibu Parks Public Access Enhancement Overlay, consistent with sound resource conservation principles and constitutionally protected rights of private property owners. This chapter shall further supplement and implements the public access and recreation policies of</p>	<p>CHAPTER 3—Zoning Designations and Permitted Uses</p> <p>3.4.2 Malibu Parks Public Access Enhancement Plan Overlay</p> <p>A. Purpose</p> <p>The purpose of the Malibu Parks Public Access Enhancement Overlay Zone is to maximize and prioritize public access and recreational opportunities in specific parkland and recreation areas as defined in Section 3.4.2.B. below (Overlay Plan area). This chapter Overlay District implements the land use policies of the Malibu Parks Public Access Enhancement Overlay Plan, consistent with sound resource conservation principles and constitutionally protected rights of private property owners. This chapter Overlay District shall further supplement and implements</p>

<p>MALIBU LCP MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>Chapter 3 of the Coastal Act and Chapter 2 of the Malibu Local Coastal Program Land Use Plan.</p> <p>To implement the goals, objectives, and policies of the Malibu Parks Public Access Enhancement Overlay and the public access and recreation policies of Chapter 3 of the Coastal Act, and Chapter 2 of the Malibu Local Coastal Program Land Use Plan, this chapter provides site specific development standards, and other implementation measures to 1) complete trail connections for the Coastal Slope Trail and other connector trails and to ensure adjacent lands are protected as natural and scenic areas to enhance the recreational experience of trail corridors, and 2) identify site specific public access, recreational facility, and program improvements for Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park, subject to the Malibu Public Access Enhancement Overlay to provide critical support facilities, improved public transit, and improved trail and park accessibility to facilitate an increased level of accessibility for visitors with disabilities. The Malibu Parks Public Access Enhancement Overlay further specifies the uses and facilities to be accommodated by park-specific projects, and provisions to ensure project implementation is carried out consistent with all applicable resource protection, hazards and land use policies of the Coastal Act and Malibu LCP.</p>	<p>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, and Chapter 12 the Malibu Local Coastal Program Local Implementation Plan. This ordinance shall be given the most liberal construction possible to ensure that public access and public recreational opportunities are protected and provided consistent with the goals, objectives, and policies of the Malibu Parks Public Access Enhancement Plan, the California Coastal Act, City of Malibu Local Coastal Program, and Article X, Section 4, of the California Constitution.</p> <p>B. To implement the goals, objectives, and policies of the Malibu Parks Enhancement Overlay Plan and the public access and recreation policies of Chapter 3 of the Coastal Act, and Chapter 2 of the Malibu Local Coastal Program Land Use Plan, this chapter Overlay District provides site specific development standards and other implementation measures to 1) complete trail connections for the Coastal Slope Trail, between the beach and the Backbone Trail, and other connector trails and to ensure adjacent lands are protected as natural and scenic areas to enhance the recreational experience of trail corridors, and 2) identify site specific public access, recreational facility, and program improvements for Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park subject to the Malibu Parks Public Access Enhancement Plan Overlay to provide camp areas, critical support facilities, improved public transit, and improved trail and park accessibility to facilitate an increased level of accessibility for visitors with disabilities. The Malibu Parks Public Access Enhancement Plan Overlay further specifies the uses and facilities to be accommodated by park-specific projects, and provisions to ensure project implementation is carried out consistent with all applicable resource protection, hazards and land use policies of the Coastal Act and certified Malibu LCP Local Coastal Program.</p>

MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>B. Description of Area Subject to LIP Section 3.4.2</p> <p>The provisions of this chapter shall apply to those public parklands and recreation areas illustrated generally in Exhibit A (Overlay Map), including Charmlee Park, specific recreation areas that extend from the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area to Corral Canyon Park, south to Pacific Coast Highway and just north of the City of Malibu/Unincorporated Los Angeles County Boundary. The term recreation areas as used in this section applies specifically to Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park existing and proposed trail corridors as identified in the City’s Trail Master Plan, Local Coastal Program, and Draft Interagency Regional Trail Management Plan, Exhibit B. Public parklands that are owned and maintained by the National Park Service; the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area and Solstice Canyon Park, are included in the Malibu Parks Public Access Enhancement Overlay to allow for comprehensive and strategic planning for developing priority trail and transit connections with the goal of establishing a network of parks, trails, and open space for public use; however, this chapter shall not apply to any future development plans of the National Park Service for these parklands.</p>	<p>B. Description of Area Subject to Section 3.4.2</p> <p>The provisions of this chapter chapter Overlay District shall apply to those public parklands and recreation areas illustrated generally on Exhibit A (Overlay Map), including Charmlee Park, specific recreation areas that extend from the Malibu Parks Public Access Enhancement Plan Overlay Public Parkland Map and Proposed Trail Resources Map, extending from the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area to Corral Canyon Park, south to Pacific Coast Highway and just north of the City of Malibu/Unincorporated Los Angeles County Boundary. The term recreation areas as used in this section applies specifically to Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park existing and proposed trail corridors as identified in the City’s Trail Master Plan, Local Coastal Program, and Draft Santa Monica Mountains National Recreation Area Interagency Trail Management Plan, Exhibit B. Public parklands that are owned and maintained by the National Park Service; the Zuma/Trancas Canyon Units of the Santa Monica Mountains National Recreation Area and Solstice Canyon Park, are included in the Malibu Parks Public Access Enhancement Plan Overlay to allow for comprehensive and strategic planning for developing priority trail and transit connections with the goal of establishing a network of parks, trails, and open space for public use; however, this chapter Overlay District shall not apply to any future development plans of the National Park Service for these parklands.</p>

<p>MALIBU LCP MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>Private property subject to this chapter consists only of those properties containing trail and open space Offers To Dedicate and subject to the Malibu Parks Public Access Enhancement Overlay and all applicable provisions of Chapter 12, Public Access, of the Malibu Local Coastal Program Local Implementation Plan, or those identified on the Conservancy's Work Program, as may be amended, which are purchased from willing sellers, dedicated to public use as part of the entitlement process, or donated by a private landowner.</p>	<p>Private property subject to this chapter chapter Overlay District consists only of those properties containing trail and open space Offers To Dedicate and subject to the 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 those identified on the Conservancy's Work Program, as may be amended, which are purchased from willing sellers, dedicated to public use as part of the entitlement process, or donated by a private landowner.</p>
<p>C. Applicability</p> <p>The implementing measures of this chapter will serve to enhance public access and recreation opportunities to and within existing park facilities subject to this Malibu Parks Public Access Enhancement Overlay.</p> <p>These implementing measures establish the park-specific uses and facilities determined to be critical in ensuring maximum public access and recreational opportunities are achieved pursuant to the Malibu Parks Public Access Enhancement Overlay goals, consistent with all public access and recreation policies of the Malibu LCP and the Coastal Act. Development of public access and recreation improvements as defined in the Malibu Parks Public Access Enhancement Overlay shall be governed by the policies, standards and provisions of this chapter in addition to any other applicable policies or standards of the certified Local Coastal Program and the Coastal Act. Where applicable, Coastal Development Permits for development of public access and recreation improvements as defined in the Malibu Parks Public Access Enhancement Overlay shall be conditioned to ensure compliance with the policies, standards and provisions contained herein.</p>	<p>C. Applicability</p> <p>The implementing measures of this chapter chapter Overlay District will serve to enhance public access and recreation opportunities to and within existing park facilities subject to this Malibu Parks Public Access Enhancement Plan Overlay</p> <p>These implementing measures establish the park-specific uses and facilities determined to be critical in ensuring maximum public access and recreational opportunities are achieved pursuant to the Malibu Parks Public Access Enhancement Plan Overlay goals, consistent with all public access and recreation policies of the Malibu LCP Local Coastal Program and the Coastal Act. Development of public access and recreation improvements as defined in the Malibu Parks Public Access Enhancement Plan Overlay shall be governed by the policies, standards and provisions of this chapter in addition to any other applicable policies or standards of the certified Local Coastal Program and the Coastal Act. Overlay District. Where applicable, Coastal Development Permits for development of public access and recreation improvements as defined in the Malibu Parks Public Access Enhancement Overlay shall be conditioned to ensure compliance with the policies, standards and provisions contained herein.</p>

<p>MALIBU LCP MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>Where any policy or standard provided in this chapter conflicts with any other policy or standard contained in the City's General Plan, Zoning Code or other City-adopted plan, resolution or ordinance not included in the LCP, and it is not possible for the development to comply with both the Malibu Parks Public Access Enhancement Overlay and other plan, resolution or ordinance, the policies, standards or provisions contained herein shall govern.</p>	<p>Where any policy or standard provided in this chapter Overlay District conflicts with any other policy or standard contained in the City's General Plan, Zoning Code, LCP certified Local Coastal Program, or other City-adopted plan, resolution or ordinance not included in the LCP certified Local Coastal Program, and it is not possible for the development to comply with both the Malibu Parks Public Access Enhancement Plan Overlay and other plan, resolution or ordinance, the specific policies, standards or provisions contained herein shall govern take precedence.</p>
<p>D. Development Standards</p> <p>1. Trails</p> <p>Public access and recreation opportunities on lands subject to this chapter shall be provided and enhanced by developing trail resources pursuant to implementation of a number of site-specific trail improvements as conceptually illustrated in Exhibit C, and which shall be subject to the following implementation measures.</p> <p>a. Trail Easement and Open Space Deed Restriction Land Acceptance Program</p> <p>i. The Conservancy/MRCA shall work with the Public Access Division of the Coastal Commission and the City of Malibu Planning Division to accept all Offers to Dedicate (OTDs) identified in areas subject to Malibu Parks Public Access Enhancement Overlay.</p>	<p>D. Development Standards</p> <p>1. Trails</p> <p>Public access and recreation opportunities on lands subject to this chapter Overlay District shall be provided and enhanced by developing trail resources pursuant to implementation of a number of site-specific trail improvements as conceptually illustrated on the Malibu Parks Public Access Enhancement Plan Proposed Trail Resources Map in Exhibit C, and which shall be subject to the following implementation measures.</p> <p>a. A. Trail Easement & Open Space Deed Restriction Land Acceptance Program</p> <p>i. 1. The Conservancy/MRCA shall work with the Public Access Division of the Coastal Commission and the City of Malibu Planning Division to accept all Offers to Dedicate (OTDs) OTDs identified in areas subject to Malibu Parks Public Access Enhancement Plan Overlay beginning July 2006.</p>

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<p>ii. As data becomes available, the Conservancy/MRCA shall work with the Coastal Commission and City of Malibu to identify and accept, as applicable, all trail and open space OTDs identified in areas subject to Malibu Parks Public Access Enhancement Overlay and evaluate/process the legal documentation necessary to ensure allowance of trail use on properties subject to OTDs, where appropriate, or to ensure such properties are protected as natural and scenic areas to enhance the recreational experience of trail corridors.</p> <p>iii. The Conservancy/MRCA should monitor the review and approval process for coastal development permits in the areas subject to Malibu Parks Public Access Enhancement Overlay, subject to City or Coastal Commission action, for potential future OTDs requirements and act to accept OTDs that may become available. The Conservancy/MRCA agencies are independent of the City's coastal development permit review process and approval of a coastal development permit is not linked to any offer to dedicate.</p> <p>iv. The Conservancy/MRCA should study opportunities and evaluate potential land acquisitions based on proximity to existing trail alignments and existing OTDs to facilitate development of the Coastal Slope Trail, and associated connector trails, where private property presents a significant obstacle to trail implementation.</p>	<p>ii. 2. As data becomes available, the Conservancy/MRCA shall work with the Coastal Commission and City of Malibu to identify and accept, as applicable, all trail and open space OTDs identified in areas subject to Malibu Parks Public Access Enhancement Plan Overlay and evaluate/process the legal documentation necessary to ensure allowance of trail use on properties subject to OTDs, where appropriate, or to ensure such properties are protected as natural and scenic areas to enhance the recreational experience of trail corridors.</p> <p>iii. 3. The Conservancy/MRCA should monitor the review and approval process for coastal development permits in the areas subject to Malibu Parks Public Access Enhancement Plan Overlay, subject to City or Coastal Commission action, for potential future OTDs requirements and act to accept OTDs that may become available. The Conservancy/MRCA agencies are independent of the City's coastal development permit review process and approval of a coastal development permit is not linked to any offer to dedicate.</p> <p>iv. 4. The Conservancy/MRCA should study opportunities and evaluate potential land acquisitions based on proximity to existing trail alignments and existing OTDs to facilitate development of the Coastal Slope Trail, and associated connector trails, where private property presents a significant obstacle to trail implementation.</p>

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<p>b. Park Agency Coordination</p> <p>i.i All plans for location, design and development of park improvements located on, or potentially affecting, adjacent federal parklands and/or County lands shall be submitted to the Outdoor Recreation Planner of the National Park Service and/or the Los Angeles County Department of Parks and Recreation to ensure continued interagency coordination and successful planning efforts for providing an accessible, safe and enjoyable trail system throughout the Malibu Parks Public Access Enhancement Overlay area.</p>	<p>B. Park Agency Coordination</p> <p>ii 1. All plans for location, design and development of park improvements located on, or potentially affecting, adjacent Federal parklands and/or County lands shall be submitted to the Outdoor Recreation Planner of the National Park Service and/or the Los Angeles County Department of Parks and Recreation to ensure continued interagency coordination and successful planning efforts for providing an accessible, safe and enjoyable trail system throughout the Malibu Parks Public Access Enhancement Plan Overlay area.</p>
<p>c. Trail Location, Development and Design</p> <p>i. The Conservancy/MRCA should develop plans to construct, improve and maintain trails for public use once accepted as an OTD, or once acquired through land purchase, consistent with the resource protection policies of this Chapter.</p> <p>ii. To the maximum extent feasible, and where consistent with all public safety provisions and the resource protection policies of this Chapter, the Local Coastal Program and the Coastal Act, trails should be designed to accommodate the recommended guidelines for the universal design of trails and trail facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG), dated June 2006. Where full compliance with these accessibility guidelines is determined to be infeasible, trails and trail facilities will incorporate those accessible features that can be reasonably accommodated.</p>	<p>C. Trial Location, Development and Design</p> <p>i. 1. The Conservancy/MRCA should develop plans to construct, improve and maintain trails for public use once accepted as an OTD, or once acquired through land purchase, consistent with the resource protection policies of this Chapter Overlay District.</p> <p>ii. 2. To the maximum extent feasible, and where consistent with all public safety provisions and the resource protection policies of this Chapter Overlay District, the City of Malibu Local Coastal Program and the Coastal Act, trails should be designed to accommodate the recommended guidelines for the universal design of trails and trail facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG), dated June 2006. Where full compliance with these accessibility guidelines is determined to be infeasible, trails and trail facilities will incorporate those accessible features that can be reasonably accommodated.</p>

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<p>iii. Trails shall be located, designed, and maintained to avoid or minimize impacts to ESHA by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to extent feasible. The location and design of trails and potential impacts to ESHA will be evaluated during the coastal development permit process.</p> <p>iv. Trail development and maintenance shall be designed to accommodate multiple uses including hiking, mountain biking and equestrian uses wherever feasible. Where practical multi-use trails occur along existing roadways, wood bollards shall be installed between trails and roadways, and pedestrian crossing signage and/or signals shall be installed at all major road crossings, to clearly delineate trail alignments, and to provide separation and ensure safety for trails adjacent to roadways.</p>	<p>iii. 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. The location and design of trails and potential impacts to ESHA will be evaluated during the coastal development permit process. 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.</p> <p>iv. 4. Trail development and maintenance shall be designed to accommodate multiple uses including hiking, mountain biking and equestrian uses wherever feasible. Where practical multi-use trails occur along existing roadways, wood bollards shall be installed between trails and roadways, and pedestrian crossing signage signs and/or signals shall be installed at all major road crossings, to clearly delineate trail alignments, and to provide separation and ensure safety for trails adjacent to roadways.</p>
	<p>2. Limited Overnight Campsites</p> <p>Public access and recreation opportunities on lands subject to this Overlay shall be provided by developing low-cost visitor-serving camp facilities pursuant to implementation of a number of site-specific improvements proposed exclusively at Ramirez Canyon Park, Escondido Canyon Park and Corral Canyon Park, subject to the following implementation measures.</p> <p>A. Overnight Camps Location, Development, Design and Operations.</p>

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	<ol style="list-style-type: none"> <li data-bbox="1060 215 2005 354">1. To maximize access to parklands, trails and recreational opportunities, new campsite facilities shall be provided within park boundaries at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park. <li data-bbox="1060 394 2005 751">2. Campsites proposed and developed pursuant to the Malibu Parks Public Access Enhancement Plan shall consist of designated and improved camps areas located within park boundaries. Consistent with Table B, Permitted Uses, of the City of Malibu Local Implementation Plan, these campsites are defined as principal permitted uses in the Open Space (OS) Zone and are therefore not subject to conditional use permit requirements, or any other non-appealable special use permit that may otherwise limit development and maintenance of such campsites in the Malibu coastal zone. <li data-bbox="1060 792 2005 1271">3. To the extent supported by funds available in the Malibu Parks Public Access Fund operated and maintained pursuant to Section D.12.B.6 of this Overlay District, programs that provide camping opportunities for disadvantaged youth will be provided at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park at no cost to participants. The fund shall specifically serve to implement the Malibu Coastal Camping program, a program designed for disadvantaged youth and dedicated to teaching first-time campers proper use of camping equipment, environmental awareness and outdoor leadership skills. The camp program shall include all necessary transportation, food and equipment, with staffing provided by professional naturalist educators who are trained in first aid, youth leadership and outdoor education. <li data-bbox="1060 1312 2005 1450">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

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	<p>possible. Campsites shall be located in previously disturbed or non-sensitive areas to minimize impacts to sensitive habitat areas to the maximum extent feasible.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

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	<p>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.</p> <p>13. To the maximum extent feasible, and where consistent with all public safety provisions and the resource protection policies of this Overlay District, the City of Malibu Local Coastal Program and the Coastal Act, campsites should be designated to accommodate the recommended guidelines for the universal design of trails and trail facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG), dated June 2006. Where full compliance with these accessibility guidelines is determined to be infeasible, campsites shall incorporate those accessible features that can be reasonably accommodated.</p>
<p>2. Public Transit</p> <p>Public access opportunities to parklands and recreation areas subject to this Overlay shall be maximized by encouraging and expanding transportation options supported by adequate support facilities pursuant to implementation of a number of site-specific transit and facility improvements as conceptually illustrated in Exhibit D and subject to the following implementation measures.</p>	<p>3. Public Transit</p> <p>Public access opportunities to parklands and recreation areas subject to this Overlay shall be maximized by encouraging and expanding transportation options supported by adequate support facilities pursuant to implementation of a number of site-specific transit and facility improvements, as conceptually illustrated in Exhibit D and subject to the following implementation measures.</p>

<p>MMALBMA LCPA COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>a. Public Transit Improvements</p> <p>i. The Conservancy/MRCA shall coordinate with the National Park Service to extend the Park Link Shuttle Program service to 1) the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park, 2) the proposed public parking lot at Escondido Canyon Park, or other identified preferred alternative site for a new parking facility supporting access to Escondido Canyon Park, and 3) the proposed public parking lot adjacent to Kanan Dume Road. Once implemented, the expanded shuttle service information shall be made available to the public via public notices trailhead signage and website posting.</p> <p>ii. The Conservancy/MRCA shall coordinate with the Metropolitan Transit (MTA) to include a stop in the existing service route to 1) the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park, and 2) the proposed public parking lot adjacent to Kanan Dume Road. The Conservancy shall provide MTA service information to the public via public notices, trail head signage and website posting.</p> <p>iii. The Conservancy/MRCA shall coordinate with the City of Malibu to extend the Point Dume Nature Preserve Shuttle Program service to Charmlee Park, the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park, and to Corral Canyon Park. Once implemented, the expanded shuttle service information shall be made available to the public via public notices, trailhead signage and website posting.</p>	<p>a. A. Public Transit Improvements</p> <p>1. The Conservancy/MRCA shall coordinate with the National Park Service to extend the Park Link Shuttle Program service to 1) the Metropolitan Transportation Authority (MTA) to include a stop in the existing service route to the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park. 2) the proposed public parking lot at Escondido Canyon Park, or other identified preferred alternative site for a new parking facility supporting access to Escondido Canyon Park, and 3) the proposed public parking lot adjacent to Kanan Dume Road. Once implemented, the expanded shuttle service information shall be made available The Conservancy/MRCA shall provide MTA service information to the public via public notices trailhead signage and website posting.</p> <p>Incorporated above.</p> <p>iii. The Conservancy/MRCA shall coordinate with the City of Malibu to extend the Point Dume Nature Preserve Shuttle Program service to Charmlee Park, the Winding Way Trailhead parking lot, typically used to access Escondido Canyon Park, and to Corral Canyon Park. Once implemented, the expanded shuttle service information shall be made available to the public via public notices, trailhead signage and website posting.</p>

<p>MALIBU LOCAL COASTAL PROGRAM AMENDMENT MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>iv. The Conservancy/MRCA shall coordinate with the City of Malibu to explore additional options and opportunities to provide shuttle service to Ramirez Canyon Park to further enhance public access to the Park via a shared shuttle program.</p>	<p>iv. The Conservancy/MRCA shall coordinate with the City of Malibu to explore additional options and opportunities to provide shuttle service to Ramirez Canyon Park to further enhance public access to the Park via a shared shuttle program.</p>
<p>b. Transportation and Parking Management</p> <p>i. The Conservancy shall implement a Transportation and Parking Management Plan for Ramirez Canyon Park including the following provisions:</p> <p>a) Agreements shall be secured and maintained for offsite parking resource provisions to accommodate the maximum parking demand for the authorized uses of the park for groups of 200 people without displacing current parking use of the designated locations.</p> <p>b) No off-site public coastal access parking, including but not limited to, the Winding Way Trailhead parking lot located of Latigo Canyon Road, and proposed parking facilities supporting access to Escondido Canyon Park, shall be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park use.</p> <p>c) Daily vehicle trips associated with all authorized uses of Ramirez Canyon Park are restricted to a maximum of 80 trips per day (40 round trips).</p> <p>d) Signage shall be provided and maintained at the entrance gate to Ramirez Canyon Park forbidding horn honking except in case of emergency.</p>	<p>b. B. Transportation and Parking Management.</p> <p>i. 1. The Conservancy shall implement a Transportation and Parking Management Plan for Ramirez Canyon Park including the following provisions:</p> <p>a) • Agreements shall be secured and maintained for offsite parking resource provisions to accommodate the maximum parking demand for the authorized uses of the park for groups of 200 people without displacing current parking use of the designated locations. Parking agreements and use of the parking resources secured by such agreements shall be considered permitted uses and shall not be denied or obstructed by the City.</p> <p>b) • No off-site public coastal access parking, including but not limited to, the Winding Way Trailhead parking lot located of Latigo Canyon Road, and proposed parking facilities supporting access to at Escondido Canyon Park, shall be utilized to satisfy the off-site parking requirements associated with Ramirez Canyon Park use.</p> <p>c) • Daily vehicle trips associated with all authorized uses of Ramirez Canyon Park are restricted to a maximum of 80 trips per day (40 round trips), except as provided for in Section D.12.B.2.</p> <p>d) • Signages shall be provided and maintained at the entrance gate to Ramirez Canyon Park forbidding horn honking except in case of emergency.</p>

<p>MMAIBMA.LOCA8 COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>e) Vans and shuttles shall minimize traffic trips on Ramirez Canyon Road by traveling with maximum passenger capability and in convoys, whenever feasible.</p> <p>ii. Bicycle parking facilities shall be included on all plans to construct new parking or trailhead facilities.</p> <p>iii. Hike-in public access opportunities shall be developed for Ramirez Canyon Park due to existing limitations on vehicular transportation to the Park. Hike-in opportunities shall be developed from the proposed parking areas along Kanan Dume Road and from public easements along De Butts Terrace, Winding Way, Delaplane, and Ramirez Canyon Road, where feasible.</p> <p>iv. The SMMC/MRCA shall coordinate with the National Park Service and the City to compile and submit on an annual basis monitoring data for the extended ParkLink and Point Dume Nature Preserve Shuttle services. The annual monitoring reports shall assess the effectiveness of the shuttle services in providing public access to the parklands and to determine whether adjustments to scheduling, signs, or marketing would be appropriate to meet visitor demand.</p>	<p>e) • Vans and shuttles shall minimize traffic trips on Ramirez Canyon Road by traveling with maximum passenger capability and in convoys, whenever feasible.</p> <p>ii- 2. Bicycle parking facilities shall be included on all plans to construct new parking or trailhead facilities.</p> <p>iii- 3. Hike-in and walk-in public access opportunities shall be developed for Ramirez Canyon Park due to existing limitations on vehicular transportation to the Park. Hike-in opportunities shall be developed from the proposed parking areas along Kanan Dume Road and from and from dedicated, donated, and purchased public easements along De Butts Terrace, Winding Way, Delaplane, and Ramirez Canyon Road, and from Pacific Coast Highway, where feasible.</p> <p>iv. The SMMC/MRCA shall coordinate with the National Park Service and the City to compile and submit on an annual basis monitoring data for the extended ParkLink and Point Dume Nature Preserve Shuttle services. The annual monitoring reports shall assess the effectiveness of the shuttle services in providing public access to the parklands and to determine whether adjustments to scheduling, signs, or marketing would be appropriate to meet visitor demand.</p>
<p>3. Public Outreach and Education</p> <p>Public access to parklands subject to this Overlay shall be maximized by improving accessibility of parklands for visitors of diverse backgrounds, interests and abilities.</p>	<p>4. Public Outreach and Education</p> <p>Public access to parklands subject to this Overlay shall be maximized by improving accessibility of parklands for visitors of diverse backgrounds, interests and abilities.</p>

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<p>This section specifically identifies Ramirez Canyon Park as an existing parkland with well established amenities available to support various public use programs including picnic areas, restrooms, educational displays , sitting benches, gardens, easily accessible terrain, and a riparian areas interpretive trail.</p> <p>This Section provides for a number of park-specific improvements and plan specifications (see Exhibit E) designed to accommodate visitors with special needs.</p> <p>This Section further provides detailed program and operational requirements of public outreach and educational opportunities necessary to ensure that public programs are implemented to the maximum extent feasible within the site constraints of Ramirez Canyon Park.</p> <p>The uses set forth in this Section are permitted only after vehicular access to the Park from Kanan Dume Road is constructed and available to Park users.</p> <p>a. Ramirez Canyon Park Public Outreach, Recreation and Education Programs</p> <p>i. Outreach programs designed to provide access and recreation opportunities primarily for disadvantaged youths, physically challenged visitors, and seniors may be permitted year round at Ramirez Canyon Park, seven days per week from 8:00 a.m. to dusk. The programs shall be provided at no cost to the participants and free or low-cost transportation utilizing vans or small transit buses shall be provided.</p>	<p>This section specifically identifies Ramirez Canyon Park as an existing parkland with well established amenities available to support various public use programs including picnic areas, restrooms, educational displays , sitting benches, gardens, easily accessible terrain, and a riparian areas interpretive trail.</p> <p>This Section provides for a number of park-specific improvements and plan specifications (see Exhibit E) designed to accommodate visitors with special needs various disabilities (e.g., mentally and physically challenged).</p> <p>This Section further provides detailed program and operational requirements of public outreach and educational opportunities necessary to ensure that public programs are implemented to the maximum extent feasible within the site constraints of Ramirez Canyon Park.</p> <p>The uses set forth in this Section are permitted only after vehicular access to the Park from Kanan Dume Road is constructed and available to Park users.</p> <p>a. A. Ramirez Canyon Park Public Outreach, Recreation and Education Programs</p> <p>i. 1. Outreach programs designed to provide access and recreation opportunities primarily for disadvantaged youths, physically and mentally challenged visitors, clients from various shelters, Los Angeles Mission representatives, veterans, and seniors may shall be permitted year round at Ramirez Canyon Park, seven days per week from 8:00 a.m. to dusk. The programs shall be provided at no cost to the participants and free or low-cost transportation utilizing vans or small transit buses shall be provided.</p>

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<p>ii. Public improvements for the riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by visitors with mobility disabilities in compliance with American with Disabilities Act (ADA), including trails, picnic facilities, drinking fountains, restrooms, and parking areas, shall be maintained for public use.</p> <p>iii. Three day-use picnic areas and up to three overnight campsites may be developed at Ramirez Canyon Park that shall be designed specifically for supervised programs accommodating disabled visitors and their families by reservation. No campfires shall be permitted at any time. The day use picnic areas shall be located in level, previously disturbed areas so as not to adversely impact sensitive habitat, but shall be located in proximity to natural areas to provide association with natural resources to the maximum extent feasible.</p> <p>iv. All public outreach, recreation and education programs operated at Ramirez Canyon Park shall comply with the requirements of Section 3.4.2.D.2.b of this Chapter, Transportation and Parking Management, which includes mandated use of shuttle service for public visitors and limitations on daily vehicle trips. The Conservancy/MRCA shall give priority to public outreach, recreation and education programs at Ramirez Canyon Park over private events and/or small group gathering uses, specifically as it relates to implementing Section 3.4.2.D.2.b of this Chapter, Transportation and Parking Management.</p>	<p>ii. 2. Public improvements for the riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by visitors with mobility disabilities in compliance with American with Disabilities Act (ADA), including trails, picnic facilities, drinking fountains, restrooms, and parking areas, shall be maintained for public use.</p> <p>iii. 3. Three day-use picnic areas and up to three and two overnight campsites areas may be developed at Ramirez Canyon Park, which that shall be designed specifically to provide park amenities to for supervised programs accommodating disabled visitors and their families by reservation. No campfires shall be permitted at any time. 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.</p> <p>iv. 4. All public outreach, recreation and education programs operated at Ramirez Canyon Park shall comply with the requirements of Section 3.4.2.D.2.b D.3.B.1 of this Chapter Overlay District, Transportation and Parking Management, which includes mandated use of shuttles and van pools service for to support public visitors visitation, and limitations on daily vehicle trips. The Conservancy/MRCA shall give priority to public outreach, recreation and education programs at Ramirez Canyon Park over private events and/or small group gathering uses, specifically as it relates to implementing Section 3.4.2.D.2.b D.3.B.1 of this Chapter Overlay District, Transportation and Parking Management.</p>

<p>MMABMA LCPA COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>b. Accessibility Design Guidelines</p> <p>i. Access and recreational opportunities for visitors with diverse abilities shall be accommodated, where feasible and consistent with public safety needs and resource protection policies, by trail design and improvements intended to meet current accessibility standards and technical requirements. Where such improvements would potentially result in adverse impacts to cultural, historic, religious, or significant natural features or characteristics; where such improvements would substantially alter the nature of the setting or the purpose of the trail or would require construction methods or materials that are prohibited by law; or where compliance would not be feasible due to terrain or prevailing construction practices, specialized programs shall be developed and implemented to provide feasible alternatives for compliance and/or universal design when appropriate.</p> <p>ii. To ensure that access and recreational opportunities for visitors with diverse abilities are maximized, the Conservancy/MRCA may continue all public outreach programs at Ramirez Canyon Park, provide additional day-use picnic facilities, and implement park improvements to provide for limited overnight camping opportunities at Ramirez Canyon Park in compliance with Americans with Disabilities Act (ADA).</p>	<p>b. B. Accessibility Design Guidelines</p> <p>i. 2. Access and recreational opportunities for visitors with diverse abilities shall be accommodated, where feasible and consistent with public safety needs and resource protection policies, by trail design and improvements intended to meet current accessibility standards and technical requirements. Where such improvements would potentially result in adverse impacts to cultural, historic, religious, or significant natural features or characteristics; where such improvements would substantially alter the nature of the setting or the purpose of the trail or would require construction methods or materials that are prohibited by law; or where compliance would not be feasible due to terrain or prevailing construction practices, specialized programs shall be developed and implemented to provide feasible alternatives for compliance and/or universal design when appropriate.</p> <p>1. To ensure that access and recreational opportunities for visitors with diverse abilities are maximized, the Conservancy/MRCA may continue all public outreach programs at Ramirez Canyon Park, shall provide additional day-use picnic facilities, and shall implement park improvements to provide for limited overnight camping opportunities at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park in compliance with Americans with Disabilities Act (ADA).</p>

<p>MMABMA LCPA COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>iii. The Conservancy/MRCA will assess all contributing structures and landscape features for their role in developing programs that meet current accessibility guidelines and technical requirements at the parks areas owned and maintained by the Conservancy/MRCA. Where programmatic needs cannot be met within existing park facilities, the Conservancy/MRCA shall consider the following: 1) appropriate new construction; 2) modifying programs or providing new specialized programs able to be accommodated at existing facilities and landscapes; or 3) not implementing the program element.</p>	<p>iii. 3. The Conservancy/MRCA will assess all contributing structures and landscape features for their role in developing programs that meet current accessibility guidelines and technical requirements at the parks areas owned and maintained by the Conservancy/MRCA. Where programmatic needs cannot be met within existing park facilities, the Conservancy/MRCA shall consider the following: 1) appropriate new construction; 2) modifying programs or providing new specialized programs able to be accommodated at existing facilities and landscapes; or 3) not implementing the program element.</p>
<p>4. Support Facilities</p> <p>Public access and recreation opportunities shall be maximized by development of critical public support facilities as generally illustrated in Exhibits F1 and F2 and subject to the required coastal development permits and the following implementation measures.</p> <p>a. To maximize access to parklands and trails consistent with the other provisions of this Chapter, new, limited parking and trailhead facilities shall be provided at Ramirez Canyon Park and Escondido Canyon Park.</p> <p>b. New support facilities shall be located at park entrances and along existing primary trail routes, within previously disturbed areas where feasible, to minimize impacts to sensitive habitat areas to the maximum extent feasible.</p> <p>c. New support facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is most protective, to the maximum extent feasible. If it can't be found that potential impacts to riparian corridors will be avoided or appropriately mitigated and</p>	<p>4. 5. Support Facilities</p> <p>Public access and recreation opportunities shall be maximized by development of critical public support facilities, as generally illustrated in Exhibits F1 and F2 and subject to the required coastal development permits and the following implementation measures.</p> <p>a. 1. To maximize access to parklands and trails consistent with the other provisions of this Chapter Overlay District, new, limited parking and trailhead facilities shall be provided at Ramirez Canyon Park and Escondido Canyon Park, including the Latigo Canyon Road Trailhead to Escondido Canyon.</p> <p>b. 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.</p> <p>c. 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 most protective, to the maximum extent feasible. If it can't be found that If determined by a qualified biologist that potential impacts to riparian corridors will be avoided</p>

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<p>there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream corridor setbacks may be permitted for low-impact primary parkland support facilities intended to enhance accessibility (accessible access routes, ADA day use areas) but in no case shall setback less than 25 feet from the top of bank of all streams. The exact location of any proposed support facilities will be reviewed by the City Biologist during the coastal development permit review process.</p> <p>d. New support facilities shall be located in areas of level terrain to minimize the need for grading as much as feasible.</p> <p>e. New support facilities shall be strategically located in disturbed areas, but shall also be located adjacent to vegetated areas whenever feasible where existing vegetation may provide a natural buffer between support facilities, trail corridors and/or public viewing areas. Where necessary, native vegetation shall be planted to provide a buffer and to screen support facilities.</p> <p>f. Proposed support facility locations shall be evaluated by a qualified biologist to ensure that, to the maximum extent feasible, 1) facilities are appropriately located in previously disturbed areas, 2) facilities are appropriately setback from the top of bank of any adjacent stream, and 3) to assess potential impacts to habitat areas that may result from development of new facilities and to provide recommendations for mitigation, as applicable.</p>	<p>or appropriately mitigated and there is no alternative site design to meet these setback requirements given other environmental constraints such as sensitive habitat, archaeological resources or topography, reduced stream corridor setbacks may be permitted for low-impact primary parkland support facilities intended to enhance accessibility (accessible access routes, ADA day use areas) but in no case shall setback less than 25 feet from the top of bank of all streams. The exact location of any proposed support facilities will be reviewed by the City Biologist during the coastal development permit review process.</p> <p>d. 4. New support facilities shall be located in areas of level terrain to minimize the need for grading as much as feasible.</p> <p>e. 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.</p> <p>f. 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.</p>

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<p>5. Signs</p> <p>A uniform and comprehensive park and trail sign program essential for identifying park areas, permitted uses, support facilities, sensitive habitats, and adjacent land uses shall be applied to all new trail and park area improvements as applicable, and shall be subject to the following implementation measures.</p> <p>a. Signs shall be provided at all park locations as determined necessary and appropriate, to provide information relative to trails, regulations, and services.</p> <p>i. Trail signs shall be provided for visitors beyond the trailhead and shall include distance to destination points and information about trail conditions and accessibility that will help visitors determine the level of trail difficulty.</p> <p>ii. Regulatory signs shall be provided at park entrance areas, staging areas or gathering points and may include, but not limited to, the following information: 1) permitted use of the area or facility being posted, 2) general regulations at trail heads, 3) general regulations at jurisdiction boundaries, 4) regulations required to promote safe use of an area and resource protection, and 5) identification of private property boundaries.</p> <p>iii. Services signs identifying services and/or support facilities for the park visitor shall be provided in locations as determined appropriate by the managing agency.</p> <p>b. Signs appearance shall be standardized for easy recognition by visitors including face, font, capitalization, colors, icons, materials, and dimensions, except where unique signs are used to identify architecturally significant structures in Ramirez Canyon Park. Signs shall be in English and in Spanish.</p>	<p>5. 6. Signs</p> <p>A uniform and comprehensive park and trail sign program essential for identifying park areas, permitted uses, support facilities, sensitive habitats, and adjacent land uses shall be applied to all new trail and park area improvements as applicable, and shall be subject to the following implementation measures.</p> <p>a. 1. Signs shall be provided at all park locations as determined necessary and appropriate, to provide information relative to trails, regulations, and services.</p> <p>i. • Trail signs shall be provided for visitors beyond the trailhead and shall include distance to destination points and information about trail conditions and accessibility that will help visitors determine the level of trail difficulty.</p> <p>ii. • Regulatory signs shall be provided at park entrance areas, staging areas or gathering points and may include, but not limited to, the following information: 1) permitted use of the area or facility being posted, 2) general regulations at trail heads, 3) general regulations at jurisdiction boundaries, 4) regulations required to promote safe use of an area and resource protection, and 5) identification of private property boundaries.</p> <p>iii. • Services signs identifying services and/or support facilities for the park visitor shall be provided in locations as determined appropriate by the managing agency.</p> <p>b. 2. Signs appearance shall be standardized for easy recognition by visitors including face, font, capitalization, colors, icons, materials, and dimensions, except where unique signs are used to identify architecturally significant structures in Ramirez Canyon Park. Signs shall be in English and in Spanish.</p>

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<p>c. Trail improvements should provide adequate sign at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads, and should provide adequate safety signs, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments.</p> <p>d. Final plans for location and content of proposed trail and park sign shall be submitted for review and comment to the Outdoor Recreation Planner of the National Park Service to ensure continuity of signs between the park properties in the Plan area.</p>	<p>e. 3. Trail improvements should provide adequate sign at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads, and should provide adequate safety signs, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments.</p> <p>d. 4. Final plans for location and content of proposed trail and park sign shall be submitted for review and comment to the Outdoor Recreation Planner of the National Park Service to ensure continuity of signs between the park properties in the Plan area.</p> <p>5. The Conservancy/MRCA shall retain the services of a bilingual consultant who will assist in determining which of those regulatory, informational, and directional signs should be posted in both English and Spanish.</p>
<p>6. Environmentally Sensitive Habitat Areas (ESHA)</p> <p>Environmentally Sensitive Habitat Areas (ESHA) shall be protected against significant disruption of habitat values and all areas subject to proposed access and recreation improvements found to constitute ESHA pursuant to the provisions of Chapter 4 of the Malibu Local Implementation Plan shall be subject to the following implementation measures.</p> <p>a. Permitted Parkland Uses, Development and Design</p> <p>i. Trail, park uses as described in this Chapter, and necessary support facilities shall be permitted uses for those parkland areas subject to the Malibu Parks Public Access Enhancement Overlay.</p>	<p>6. 7. Environmentally Sensitive Habitat Areas (ESHA)</p> <p>Environmentally Sensitive Habitat Areas (ESHA) shall be protected against significant disruption of habitat values and all areas subject to proposed access and recreation improvements found to constitute ESHA pursuant to the provisions of Chapter 4 of the Malibu Local Implementation Plan shall be subject to the following implementation measures.</p> <p>a. A. Permitted Parkland Uses, Development and Design</p> <p>i. 1. Trail, camp facilities, park uses as described in this Chapter 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.</p>

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<p>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.</p> <p>Mitigation measures, including but not limited to, selective siting for new permitted park improvements in previously disturbed areas, information signage, and limited fencing shall be implemented as necessary to protect ESHA.</p> <p>ii. New Park facilities shall be located along existing primary trail routes, in proximity to trail entrances and trailheads, and in previously disturbed areas, where feasible, to avoid and minimize impacts to sensitive habitat areas to the maximum extent feasible.</p> <p>iii. New park facilities shall be located a minimum of 100 feet from the top of bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective, unless a lesser setback distance is determined adequate by the City Biologist. Riparian area buffers shall be planted with appropriate native species to provide canopy and vegetative structure to improve habitat function and value of buffer areas.</p> <p>iv. Proposed park facility locations shall be evaluated by a qualified biologist and reviewed by the City Biologist as part of the coastal development permit process to ensure that, to the maximum extent feasible, 1) facilities are appropriately located in previously disturbed areas; 2) facilities are appropriately setback from top of bank of any adjacent stream; and 3) to assess potential impacts to habitat areas and provide recommendations for mitigation, as applicable.</p>	<p>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.</p> <p>Mitigation measures, including but not limited to, selective siting for new permitted park improvements in previously disturbed areas, information signages, and limited fencing shall be implemented as necessary to protect ESHA.</p> <p>ii. 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.</p> <p>iii. 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.</p> <p>iv. 4. Proposed park facility locations shall be evaluated by a qualified biologist and reviewed by the City Biologist as part of the coastal development permit process to ensure that, to the maximum extent feasible, 1) facilities are appropriately located in previously disturbed areas; 2) facilities are appropriately setback from top of bank of any adjacent stream; and 3) to assess potential impacts to habitat areas and provide recommendations for mitigation, as applicable.</p>

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<p>v. Proposed park facility locations shall be located in proximity to maintenance and/or administrative access points (trailheads) to provide for easy maintenance access and to minimize potential impacts to sensitive habitat areas associated with existing maintenance operations requiring motorized access by park personnel. Motorized vehicle access by park personnel within parklands shall avoid sensitive habitat areas and shall be permitted only on existing maintenance routes, and for purposes of conducting maintenance or emergency services.</p> <p>vi. Proposed park facilities shall be developed with the smallest development envelope determined feasible to accommodate such facilities to minimize the area of disturbance and avoid potential impacts to ESHA.</p> <p>vii. All new improved park facility projects, including trails, parking, etc., where determined appropriate and feasible, shall incorporate the best practices design provisions contained in the Guidelines for the Universal Design of Trails and Trail Facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG), dated June 2006.</p>	<p>v. 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 permitted only on limited to existing maintenance routes to the maximum extent feasible, and shall be for the purposes of conducting maintenance, providing or emergency services, conducting patrols, implementing habitat restoration, assisting accessibility to camps with fully accessible campsites and facilities, and providing other park services.</p> <p>vi. 6. Proposed park facilities shall be developed with the smallest development envelope determined feasible necessary to accommodate such facilities to minimize the area of disturbance and avoid potential impacts to ESHA.</p> <p>vii. 7. All new 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.</p>

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<p>viii. Prior to proposing any trail or park facility for public use in an area of naturally vegetated habitat, a site-specific biological assessment shall be prepared by a qualified biologist as part of the required coastal development review process which shall evaluate the vegetation and habitat of the project area to determine potential impacts to ESHA that may occur. Should the biological assessment determine that adverse impacts to ESHA will result from permitted development, the following minimum mitigation measures shall be implemented:</p> <p>a) Mitigation measures for impacts to ESHA shall include habitat restoration and/or enhancement and shall be monitored for a period of no less than five years following completion. Mitigation ratios for specific types of habitat shall be as follows:</p> <p>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)</p> <p>ix. Focused spring surveys for special status plant species shall occur within project footprint areas to assess potential direct and indirect impacts to special status species prior to implementation of new park facility improvement projects.</p> <p>x. Should project construction occur during the migratory bird nesting season (typically February through August), a focused avian nesting survey shall be performed by a qualified wildlife biologist 72 hours prior to construction in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.G. 703-712). If an</p>	<p>viii. 8. Prior to proposing 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 as part of the required coastal development review process which shall evaluate the vegetation and habitat of the project area to determine potential impacts to ESHA that may occur. Should the biological assessment determine that adverse impacts to ESHA will result from permitted development, the following minimum mitigation measures shall be implemented:</p> <p>a). • Mitigation measures for impacts to ESHA shall include habitat restoration and/or enhancement and shall be monitored for a period of no less than five years following completion. Mitigation ratios for specific types of habitat shall be as follows:</p> <p>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)</p> <p>ix. 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.</p> <p>x. 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.G. 703-712). If an</p>

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<p>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.</p>	<p>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.</p>
<p>b. Hydromodification</p> <p>i. Existing streambed modifications in Ramirez Canyon Park are part of a larger system of channelization in Ramirez Canyon where numerous neighboring properties contain similarly modified channels. The Conservancy/MRCA shall initiate a site-specific, comprehensive analysis of the modified stream channel at Ramirez Canyon Park to assess opportunities for streambed and riparian restoration and potential onsite and offsite flooding or erosional hazards that might result from removing or other modification of the channelization structures. Any streambed modification proposal will be subject to a coastal development permit and all other relevant permits from appropriate agencies.</p> <p>ii. Bioengineering methods or “soft solutions” shall be developed as an alternative to constructing rock revetments, vertical retaining walls or other “hard structures” along Ramirez Canyon Creek. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any applications for protective measures along Ramirez Canyon Creek shall demonstrate that existing development and/or public use areas in Ramirez Canyon Park are in danger from flood hazards, that the proposed protective device is the least environmentally damaging alternative, that it is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the creek and the recreational and public access use of the Park</p>	<p>b. B. Hydromodification</p> <p>i. 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 restoration and potential onsite and offsite flooding or erosional hazards that might result from removing or other modification of the channelization structures. Any streambed modification proposal will be subject to a coastal development permit and all other relevant permits from appropriate agencies.</p> <p>ii. Bioengineering methods or “soft solutions” shall be developed as an alternative to constructing rock revetments, vertical retaining walls or other “hard structures” along Ramirez Canyon Creek. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any applications for protective measures along Ramirez Canyon Creek shall demonstrate that existing development and/or public use areas in Ramirez Canyon Park are in danger from flood hazards, that the proposed protective device is the least environmentally damaging alternative, that it is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the creek and the recreational and public access use of the Park</p>

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<p>property along the creek, and that any unavoidable impacts have been mitigated to the maximum extent feasible.</p> <p>iii. Where minor alternation 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:</p> <p>a) Use of Arizona crossings shall be limited to repair and maintenance of existing crossings consistent with the repair and maintenance provisions of Section 13.4.2 Repair and Maintenance Activities of the Malibu.</p> <p>b) All new stream crossings shall consist of a span bridge design which minimizes placement of any new structures within the stream bed or channel and avoids removal of natural riparian vegetation to the maximum extent feasible.</p> <p>c) Construction activities shall be scheduled to occur during the dry season.</p> <p>d) Staging areas outside of the riparian canopy shall be identified and flagged for construction workers to store materials.</p> <p>e) Monitoring of stream crossing construction activities shall be conducted by a qualified biologist. The biologist shall be responsible for briefing construction workers on potential resource damage avoidance prior to the commencement of any on site activities.</p> <p>f) These provisions shall not apply to existing or proposed pedestrian stream crossing along hiking trails where no alteration of the natural stream channel is required to accommodate access.</p>	<p>property along the creek, and that any unavoidable impacts have been mitigated to the maximum extent feasible.</p> <p>iii. 3. Where minor alternation 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:</p> <p>a) • Use of Arizona crossings shall be limited to repair and maintenance of existing crossings consistent with the repair and maintenance provisions of Section 13.4.2 Repair and Maintenance Activities of the City of Malibu Local Coastal Program Implementation Plan.</p> <p>b) • All new stream crossings shall consist of a span bridge design which minimizes placement of any new structures within the stream bed or channel and avoids removal of natural riparian vegetation to the maximum extent feasible.</p> <p>c) • Construction activities shall be scheduled to occur during the dry season.</p> <p>d) • Staging areas outside of the riparian canopy shall be identified and flagged for construction workers to store materials.</p> <p>e) • Monitoring of stream crossing construction activities shall be conducted by a qualified biologist. The biologist shall be responsible for briefing construction workers on potential resource damage avoidance prior to the commencement of any on site activities.</p> <p>f) • These provisions shall not apply to existing or proposed pedestrian stream crossing along hiking trails where no alteration of the natural stream channel is required to accommodate access.</p>

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<p>c. Parkland Habitat Preservation and Monitoring</p> <p>i. Trail or park areas that have been severely degraded as the result of overuse or lack of maintenance shall be restored by such techniques as revegetation with native plants, trail consolidation and improvement, and through the provision of support facilities such as parking, defined trail systems, raised walkways, trash receptacles, restrooms, and picnic areas. Fencing and signs, designed and located consistent with other applicable provisions of this Chapter, shall be installed around restoration areas for purposes of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. All park fencing shall be designed to allow for wildlife passage. In severely degraded areas, controlled and limited public access may be allowed during the recovery period and in consultation with appropriate public agencies and/or resource specialists. Any limitation of public use shall be evaluated periodically to determine the need for continued use restrictions and the limitation shall be removed at the termination of the recovery period.</p> <p>ii. The Conservancy/MRCA shall conduct periodic assessments of park visitation numbers and patterns of use and shall monitor the quality of visitor experience and make the appropriate management changes to prevent potential degradation of natural resources from overuse. Monitoring and visitor survey data shall be evaluated in conjunction with the City Parks and Recreation Department to identify needs, problems, and issues that require management action.</p> <p>iii. All development requiring a coastal development permit proposed within the existing park boundaries of Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, including new support facilities and trails, shall be reviewed by the City of Malibu Environmental Review Board.</p>	<p>e. C Parkland Habitat Preservation and Monitoring</p> <p>i. Trail or park areas that have been severely degraded as the result of overuse or lack of maintenance shall be restored by such techniques as revegetation with native plants, trail consolidation and improvement, and through the provision of support facilities such as parking, defined trail systems, raised walkways, trash receptacles, restrooms, and picnic areas. Fencing and signs, designed and located consistent with other applicable provisions of this Chapter 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.</p> <p>ii. 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 in conjunction with the City Parks and Recreation Department to identify needs, problems, and issues that require management action.</p> <p>iii. All development requiring a coastal development permit proposed within the existing park boundaries of Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, including new support facilities and trails, shall be reviewed by the City of Malibu Environmental Review Board.</p>

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<p>D. Native Trees</p> <p>i. All development requiring a coastal development permit and involving access and recreation improvements within areas containing one or more native oak (<i>Quercus</i> species), California Walnut (<i>Juglans californica</i>), Western Sycamore (<i>Plantanus racemosa</i>), Alder (<i>Alnus rhombifolia</i>), or Toyon (<i>Heteromeles arbutifolia</i>) tree, that has a 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.</p>	<p>D. Native Trees</p> <p>i. 1. All development requiring a coastal development permit and involving access and recreation improvements within areas containing one or more native oak (<i>Quercus</i> species), California Walnut (<i>Juglans californica</i>), Western Sycamore (<i>Plantanus racemosa</i>), Alder (<i>Alnus rhombifolia</i>), or Toyon (<i>Heteromeles arbutifolia</i>) tree, that has a 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.</p>
<p>7. Water Quality</p> <p>All new public access and recreation improvements shall be evaluated for potential adverse impacts to water quality and shall consider Site Design Source Control and Treatment Control Best Management Practices (BMPs) to prevent polluted runoff and water quality impacts resulting from new development, and shall be designed to prevent the introduction of pollutants that may result in water quality impacts. Projects shall be designed to control post-development peak runoff rates and average volumes to maintain or reduce pre-development downstream erosion rates. Development of public access and recreation improvements shall be subject to the following standards as well as any other applicable development standards of Chapter 17 of the Malibu Local Implementation Plan, or the Regional Water Quality Control Board, whichever is most protective.</p>	<p>7. 8. Water Quality</p> <p>All new public access and recreation improvements shall be evaluated for potential adverse impacts to water quality and shall consider Site Design Source Control and Treatment Control Best Management Practices (BMPs) to prevent polluted runoff and water quality impacts resulting from new development, and shall be designed to prevent the introduction of pollutants that may result in water quality impacts. Projects shall be designed to control post-development peak runoff rates and average volumes to maintain or reduce pre-development downstream erosion rates. Development of public access and recreation improvements shall be subject to the following standards as well as any other applicable development standards of Chapter 17 of the Malibu Local Implementation Plan, or the Regional Water Quality Control Board, whichever is most protective.</p>

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<p>a. Parkland Facilities Development and Design</p> <p>i. New park facility development shall, as applicable, include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control Best Management Practices (BMPs), that will be implemented to minimize post-construction polluted runoff, and shall include monitoring and maintenance provisions for identified BMPs and shall specifically address:</p> <p>a) Designated areas within picnic facilities to provide fresh water for public use including drinking water and hand washing and areas where overspill will drain. All overspill shall be contained onsite and treated with appropriate post-development BMPs measures.</p> <p>b) Methods to accommodate onsite percolation and to mitigate and treat any increase in runoff from impervious surfaces consistent with all applicable development standards of Section 17.5.1 BMP Requirements and Implementation of the Malibu Local Implementation Plan.</p> <p>c) New parking facility development shall be constructed of permeable material to allow for percolation of runoff.</p> <p>ii. An Interim Erosion Control Plan shall be developed and implemented for construction activities resulting in soil disturbance and vegetation removal and the following development standards shall be applied as follows:</p> <p>a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.</p>	<p>a. A. Parkland Facilities Development and Design</p> <p>i. 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:</p> <p>a) • Designated areas within picnic camp facilities to provide fresh water for public camp uses including drinking water, and 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.</p> <p>b) • Methods to accommodate onsite percolation and to mitigate and treat any increase in runoff from impervious surfaces consistent with all applicable development standards of Section 17.5.1 BMP Requirements and Implementation of the Malibu Local Implementation Plan.</p> <p>c) New parking facility development shall be constructed of permeable material to allow for percolation of runoff.</p> <p>ii. 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 as follows:</p> <p>a) • The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.</p>

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<p>iii. All new park facilities shall be located in areas of level terrain, to the maximum extent feasible, to avoid the need for grading and to minimize landform alteration and alteration of natural drainage patterns. Campsites in Ramirez Park specifically designed to facilitate disabled access, parking resources to support trail access, and development of important trail linkages, shall be sited and designed to ensure grading is minimized to the maximum extent feasible.</p> <p>iv. All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of completing construction activities resulting in soil disturbance or vegetation removal. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in its document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.</p>	<ul style="list-style-type: none"> • 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. <p>iii. 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 in Ramirez Park specifically designed to facilitate disabled access, parking resources to support trail access, and development of important trail linkages, shall be sited and designed to ensure grading is minimized to the maximum extent feasible.</p> <p>iv. 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 its document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.</p>

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<p>b. Onsite Wastewater Disposal</p> <p>i. All new public restroom facilities shall consist of self contained, chemical or composting restrooms which shall be sited and designed to ensure that impacts to ESHA and water quality are avoided. Self-contained restroom facilities shall be located a minimum of 200 feet from the top of bank of any adjacent stream, wherever feasible, and shall not be located less than 100 feet from the top of bank of any adjacent stream or the outer edge of riparian vegetation, whichever is the most protective. Minimal grading to create minor berms around the facilities shall be allowed to ensure run-off is contained in the vicinity and/or is conveyed and filtered through bioswales. Self-contained restroom facilities shall be maintained pursuant to manufacturer specifications at all times.</p> <p>ii. Details regarding construction and operation of new self-contained restroom facilities proposed for Charmlee Park, Escondido Canyon Park and Corral Canyon Park shall be provided for review and approval by the City Environmental Health Division prior to issuance of a coastal development permit required for any new development or increase in public use of the park properties to be served by the facilities.</p> <p>iii. A Septic System Abandonment/Wastewater Treatment and Recycled Water System Installation Plan, developed and implemented for Ramirez Canyon Park shall be maintained onsite to provide for 1) the permanent abandonment of the idle septic system and leachfields located beneath the tennis court, the leachfield serving Barwood, and of the leachfields and/or pits and septic tanks serving the Barn and Peach House Structures; 2) installation of a new, on site wastewater treatment system and recycled water reuse program, including a landscape/orchard planting and management plan designed to maintain sufficient</p>	<p>b. B. Onsite Wastewater Disposal</p> <p>i. 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, whichever is the most protective. Minimal grading to create minor berms around the facilities shall be allowed to ensure run-off is contained in the vicinity and/or is conveyed and filtered through bioswales. Self-contained restroom facilities shall be maintained pursuant to manufacturer specifications at all times.</p> <p>ii. Details regarding construction and operation of new self-contained restroom facilities proposed for Charmlee Park, Escondido Canyon Park and Corral Canyon Park shall be provided for review and approval by the City Environmental Health Division prior to issuance of a coastal development permit required for any new development or increase in public use of the park properties to be served by the facilities.</p> <p>iii. 2. A Septic System Abandonment/Wastewater Treatment and Recycled Water System Installation Plan, developed and implemented for Ramirez Canyon Park shall be maintained onsite to provide for 1) the permanent abandonment of the idle septic system and leachfields located beneath the tennis court, the leachfield serving Barwood, and of the leachfields and/or pits and septic tanks serving the Barn and Peach House Structures; 2) installation of a new, on site wastewater treatment system and recycled water reuse program, including a landscape/orchard planting and management plan designed to maintain sufficient</p>

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<p>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.</p> <p>iv. The Wastewater Treatment and Recycled Water System Installation Plan developed and implemented for Ramirez Canyon Park shall require use of restrooms connected to the wastewater treatment system for all visitors, tours, gatherings and events at Ramirez Canyon Park accommodating up to 200 people. Should any use, or combination of uses, at Ramirez Canyon Park, result in a capacity of visitors exceeding 200 people at any one time, portable restrooms shall be provided to supplement the treatment capacity of the wastewater treatment system.</p> <p>v. A water Quality Monitoring Program shall be implemented at Ramirez Canyon Park upon certification of Plan that includes provisions for quarterly analysis of water samples up- and down-stream of the subject site for a minimum of four quarters of available streamflow (streamflow in Ramirez Canyon Creek is intermittent), commencing with implementation of this Chapter. The quarterly analysis of water samples shall determine fecal coliform concentration and, should the results of the one year analysis be adverse or inconclusive, additional water quality analysis shall be performed. If the results of the water quality monitoring fail to rule out existing septic systems as a potential source of elevated fecal coliform counts downstream of Ramirez Canyon Park, a coastal development permit application shall be made to the City for abandonment of the remaining septic systems and further upgrade the new wastewater treatment system to</p>	<p>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.</p> <p>iv. 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. 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.</p> <p>v. 4. A water Quality Monitoring Program shall be implemented at Ramirez Canyon Park upon certification of Plan that includes provisions for quarterly analysis of water samples up- and down-stream of the subject site for a minimum of four quarters of available streamflow (streamflow in Ramirez Canyon Creek is intermittent), commencing with implementation of this Chapter 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 coastal development a complete permit application shall be made to the City of Malibu Health Department for abandonment of the remaining septic systems and further</p>

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<p>accept and treat the effluent from the ranger/maintenance supervisor residence and/or the Art Deco building.</p> <p>vi. The existing Onsite Wastewater Treatment System serving Charmlee Park shall be located and its construction, current condition, and capacity assessed for compliance with minimum requirements of the City Plumbing Code, and Malibu Local Implementation Plan prior to issuance of a coastal development permit required for any new development or increase in public use of the park property to be served by the system.</p>	<p>upgrade the new wastewater treatment system to accept and treat the effluent from the ranger/maintenance supervisor residence and/or the Art Deco building.</p> <p>vi. The existing Onsite Wastewater Treatment System serving Charmlee Park shall be located and its construction, current condition, and capacity assessed for compliance with minimum requirements of the City Plumbing Code, and Malibu Local Implementation Plan prior to issuance of a coastal development permit required for any new development or increase in public use of the park property to be served by the system.</p>
<p>8. Visual Resources</p> <p>a. All new public access and recreation improvements shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. Development of public access and recreation improvements shall be subject to the following standards as well as any other applicable development standards of Chapter 6 of the Malibu Local Implementation Plan.</p> <p>i. New restroom facilities shall be located and designed such that they are not substantially visible from trails, public roads or other scenic viewing areas. Measures to minimize visibility of restroom facilities include:</p>	<p>8. 9. Visual Resources</p> <p>a. All new public access and recreation improvements shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. Development of public access and recreation improvements shall be subject to the following standards as well as any other applicable development standards of Chapter 6 of the Malibu Local Implementation Plan.</p> <p>A. Park Facilities Siting and Design</p> <p>i. 1. New restroom facilities shall be located and designed such that they are not substantially visible from trails, public roads or other scenic viewing areas. Measures to minimize visibility of restroom facilities include:</p>

<p>MMIBMA.LOCA COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>a) Locating the structures in level areas where vegetation exists or where topography naturally screens the areas from public views. Where necessary, native vegetation shall be planted to provide a buffer between restrooms and trail users and to screen restroom facilities.</p> <p>b) Where determined necessary and feasible for purposes of protecting visual resources, grading shall be allowed to “tuck” restroom facilities into hillside terrain and thereby blend with natural terrain. Restroom facilities shall be designed with colors that are compatible with the surrounding landscape and landscape screening shall be used to minimize visibility of the structures.</p> <p>ii. Retaining walls shall be permitted only where required to support critical trail linkages on hillside terrain, or to support restroom construction in hillside terrain, where no other alternative location or method of support is available. The height of permitted retaining walls shall not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted. Retaining walls shall be designed with natural materials that blend with the surrounding earth materials and landscape.</p>	<p>a) • Locating the structures in level areas where vegetation exists or where topography naturally screens the areas from public views. Where necessary, native vegetation shall be planted to provide a buffer between restrooms and trail users and campers, and to screen restroom facilities.</p> <p>b) Where determined necessary and feasible for purposes of protecting visual resources, grading shall be allowed to “tuck” restroom facilities into hillside terrain and thereby blend with natural terrain. Restroom facilities shall be designed with colors that are compatible with the surrounding landscape and landscape screening shall be used to minimize visibility of the structures.</p> <p>2. Campsite locations shall be located and designed such that they are not substantially visible from trails, public roads or other scenic viewing areas. Measures to minimize visibility of campsites include locating sites in level areas where vegetation exists or where topography naturally screens the areas from public views. Where necessary, native vegetation shall be planted to provide a buffer between campers and trail users and to screen camp facilities from adjacent trails.</p> <p>ii. 3. Retaining walls shall be permitted only where required to support critical trail linkages on hillside terrain, or to support restroom construction in hillside terrain, where no other alternative location or method of support is available. The height of permitted retaining walls shall not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted. Retaining walls shall be designed with natural materials that blend with the surrounding earth materials and landscape.</p>

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<p>iv. Drainage devices for parking facilities shall be placed in locations of minimal visibility and shall be colored to match natural soils and screened with landscaping to minimize visibility.</p>	<p>iv. 4. Drainage devices for parking facilities shall be placed in locations of minimal visibility and shall be colored to match natural soils and screened with landscaping to minimize visibility.</p>
<p>9. Archaeological Resources</p> <p>a. All new public access and recreation improvements shall be located and/or designed to protect and preserve areas, sites and structures of historic, cultural, archaeological and paleontological significance. Development of public access and recreation improvements shall be subject to the following:</p> <p>i. A Phase I Inventory of cultural resources shall be conducted by a qualified archaeologist for all project areas that will involve ground disturbance. All other applicable development standards of Chapter 11 of the Malibu Local Implementation Plan apply.</p> <p>ii. Park signs, maps, public information notices, and website information shall include notice to inform visitors that disturbance to archaeological sites cannot be reversed, that such resources are of great religious importance to contemporary Native Americans and destruction of archaeological sites on public property is illegal and a punishable offense.</p>	<p>9. 10. Archaeological Resources</p> <p>a. All new public access and recreation improvements shall be located and/or designed to protect and preserve areas, sites and structures of historic, cultural, archaeological and paleontological significance. Development of public access and recreation improvements shall be subject to the following:</p> <p>i. 1. A Phase I Inventory of cultural resources shall be conducted by a qualified archaeologist for all project areas that will involve ground disturbance. All other applicable development standards of Chapter 11 of the Malibu Local Implementation Plan apply.</p> <ul style="list-style-type: none"> • A records search through the regional historical resources information center. • An archival search of historic records. • A field survey. • A written report which describes how the survey was conducted and the result of the survey. <p>ii. 2. Park signs, maps, public information notices, and website information shall include notice to inform visitors that disturbance to archaeological sites cannot be reversed, that such resources are of great religious importance to contemporary Native Americans and destruction of archaeological sites on public property is illegal and a punishable offense.</p>

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<p>10. Hazards</p> <p>All new public access and recreation improvements shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development of public access and recreation improvements shall be subject to the following development standards as well as any other applicable development standards of Chapter 9 of the Malibu Local Implementation Plan to minimize risks associated with high geologic, flood, and fire hazard.</p> <p>a. Geology and Flooding</p> <p>i. A geologic/soils/geotechnical study identifying any geologic hazards affecting areas identified for new park facility development shall be prepared for any coastal development permit application and shall contain recommendations for mitigation measures, where applicable, and a statement that the project areas are suitable for the proposed improvements and that the improvements will be safe from geologic hazard.</p> <p>ii. Engineered structures such as retaining walls, footings for small structures (i.e. restrooms with footings, water service lines, engineered retaining walls, parking areas, etc., as applicable), and significant cut and fill grading will require the preparation of a geotechnical report, prepared by a qualified engineering geologist and a registered geotechnical engineer, to provide recommendations for the design of these structures and grading procedures in accordance with the City’s Geotechnical Guidelines and Building Codes.</p> <p>iii. Where applicable, new park improvements shall include adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff and erosion.</p>	<p>10. 11. Hazards</p> <p>All new public access and recreation improvements shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development of public access and recreation improvements shall be subject to the following development standards as well as any other applicable development standards of Chapter 9 of the Malibu Local Implementation Plan to minimize risks associated with high geologic, flood, and fire hazard.</p> <p>a. A. Geology and Flooding</p> <p>i. 1. A geologic/soils/geotechnical study identifying any geologic hazards affecting areas identified for new, structural park facility development shall be prepared for any coastal development permit application and shall contain recommendations for mitigation measures, where applicable, and a statement that the project areas are suitable for the proposed improvements and that the improvements will be safe from geologic hazard.</p> <p>ii. 2. Engineered structures such as retaining walls, footings for small structures (i.e. restrooms with footings, water service lines, engineered retaining walls, parking areas, etc., as applicable), and significant cut and fill grading will require the preparation of a geotechnical report, prepared by a qualified engineering geologist and or a registered geotechnical engineer, to provide recommendations for the design of these structures and grading procedures in accordance with the City’s Geotechnical Guidelines and Building Codes.</p> <p>iii. 3. Where applicable, new park improvements shall include adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff and erosion.</p>

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<p>b. Fire and Emergency Evacuation</p> <p>i. A Fire Protection and Emergency Evacuation Plan shall be developed and implemented for Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park and shall be approved by the State Fire Marshall and Los Angeles County Fire Department, Division of Fire and Life Safety. The Fire Management and Emergency Evacuation Plan shall include the following provisions:</p>	<p>b. B. Fire and Emergency Evacuation</p> <p>i. 1. A Fire Protection and Emergency Evacuation Plan shall be developed and implemented for Charmlee Park, Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park and shall be approved by the State Fire Marshall and Los Angeles County Fire Department, Division of Fire and Life Safety. The Fire Management and Emergency Evacuation Plan shall include the following provisions:</p> <ul style="list-style-type: none"> • 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.

MALIBU COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>a. An annual fuel modification plan for site vegetation management and tree trimming/limbing at each park property shall be developed and implemented prior to the annual fire season.</p> <p>b. Campfires shall be prohibited at all times.</p>	<p>a. • An annual fuel modification plan for site vegetation management and tree trimming/limbing at each park property shall be developed and implemented prior to the annual fire season.</p> <ul style="list-style-type: none"> • 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 <p>b. Campfires shall be prohibited at all times.</p> <ul style="list-style-type: none"> • No camper, hiker, pedestrian, casual or transient visitor to Malibu, nor any resident of the City of Malibu, shall make or maintain, nor aid and abet others in making or maintaining, a campfire or any other open fire in any of the park facilities covered by this Plan. The only cooking apparatus permitted shall consist of self-contained propane stoves when permitted consistent with the terms of the approved Fire Management and Emergency Evacuation Plan. No Kerosene or white gas lanterns shall be permitted. • 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.

MMAIBMA.LOCA8 COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
	<ul style="list-style-type: none"> • Campers shall be required to utilize designated cook surfaces provided at each approved campsite, which shall be designed of non-flammable materials. Cold-camping apparatus such as flameless cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy will be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas will be routinely patrolled to enforce the No Campfire/Cold Camp Policy. • Fire protection apparatus shall be provided and maintained at all camp facilities and shall include, at a minimum: <ul style="list-style-type: none"> • 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.

MMAIBMA.LOCA8 COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>c. Park properties will be closed when any Red Flag, Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and areas will be routinely patrolled to notify park users and to enforce restrictions on park use during all Red Flag, Flash Flood/Flood Warnings and Urban/Small Stream Advisories as determined by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA).</p> <p>d. Emergency power generators and fuel supply at Ramirez Canyon Park necessary to maintain emergency lighting for at least twelve (12) hours shall be installed and maintained on site.</p>	<p>€. • Camping at all P park properties will be closed when any Red Flag, Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and 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).</p> <ul style="list-style-type: none"> • An onsite Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be accommodated for at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance. • 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. <p>Ⓔ. • 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.</p>

MALIBU LOCAL COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>e. Park events, tours, reservations for camping programs for disabled individuals or other special functions at Ramirez Canyon Park shall be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued. Written warnings of the cancellation policy shall be provided to potential and prospective event sponsors prior to contracting for park use.</p> <p>ii. A Wooden Bridge Reinforcement Plan, developed and implemented to provide for reinforcement of the wood bridge over Ramirez Canyon creek next to Ramirez Canyon Park, shall be maintained to ensure that the bridge will safely support a 25-ton fire truck and thereby accommodate emergency access. The wood bridge shall be maintained in sound condition to ensure safe and adequate emergency access to the Park. Annual inspection records of the bridge shall be forwarded to the City Environmental and Building Safety Division.</p> <p>iii. An Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, prepared by a licensed civil engineer and approved by the Los Angeles County Fire Department as compliant with applicable state and county fire and life safety regulations shall be maintained for Ramirez Canyon Park.</p>	<p>e. • Park events, tours, camping reservations for camping programs for disabled individuals or other special functions at Ramirez Canyon Park shall be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued. Written warnings of the cancellation policy shall be provided to potential campers and prospective event sponsors prior to contracting for park use.</p> <p>ii. 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. Annual inspection records of the bridge shall be forwarded to the City Environmental and Building Safety Division.</p> <p>iii. 3. An Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, prepared by a licensed civil engineer and approved by the Los Angeles County Fire Department as compliant with applicable state and county fire and life safety regulations shall be maintained for Ramirez Canyon Park.</p>
<p>11. Land Use and Neighborhood Compatibility</p> <p>All new public access and recreation facilities shall be developed consistent with the established OS land use and zoning designation of the parklands subject to the Malibu Parks Public Access Enhancement Overlay. Permitted park uses consist of recreation, research and education, nature observation, and a range of critical support facilities, developed and operated pursuant to this Chapter of the Malibu Local Implementation Plan. Existing and proposed support facilities are defined as those</p>	<p>11. 12. Land Use and Neighborhood Compatibility</p> <p>All new public access and recreation facilities shall be developed consistent with the established OS land use and zoning designation of the parklands subject to the Malibu Parks Public Access Enhancement Plan Overlay. Permitted park uses consist of recreation, research and education, nature observation, and a range of critical support facilities, developed and operated pursuant to this Chapter Overlay District of the Malibu Local Implementation Plan. Existing and proposed support facilities are</p>

MMAIBMA.LOCA8 COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>facilities deemed necessary to support the primary permitted land use, public access and recreation, research and education, and nature observation. The type of support facilities addressed at each park facility shall be based on the level and complexity of public uses and specialized programs offered at each park area. Ramirez Canyon Park, given its unique character, limited accessibility to the public, and specialized programs shall be permitted the administrative and support facilities necessary to maintain access programs, daily operations and maintenance of the various park and recreation programs addressed in this Chapter.</p> <p>Development of public access and recreation improvements, and specialized public parkland programs, shall be subject to the following development standards and all other applicable implementation measures identified in this Chapter. Public access and recreation improvements, and specialized public parkland programs, shall be developed and maintained to minimize potential land use conflicts with adjacent residential neighborhoods and to avoid intrusive traffic circulation in residential neighborhoods.</p> <p>a. Land Use Compatibility</p> <p>i. Trail and park improvements shall be located and designed to provide separation between public trails and use areas and private property where feasible. Measures to provide such separation may include but not be limited to:</p>	<p>defined as those facilities deemed necessary to support the primary permitted land use, public access and recreation, research and education, and nature observation. The type of support facilities addressed at each park facility shall be based on the level and complexity of public uses and specialized programs offered at each park area. Ramirez Canyon Park, given its unique character, limited accessibility to the public, and specialized programs shall be permitted the administrative and support facilities necessary to maintain access programs, daily operations and maintenance of the various park and recreation programs addressed in this Chapter Overlay District.</p> <p>Development of public access and recreation improvements, and specialized public parkland programs, shall be subject to the following development standards and all other applicable implementation measures identified in this Chapter Overlay District. Public access and recreation improvements, and specialized public parkland programs, shall be developed and maintained to minimize potential land use conflicts with adjacent residential neighborhoods and to avoid intrusive traffic circulation in residential neighborhoods.</p> <p>a. A. Land Use Compatibility</p> <p>i. 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:</p>

<p style="text-align: center;">MMAIBMA.LOCA8 COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p style="text-align: center;">SMMC OVERRIDE</p>
<p>a) Signs which informs hikers and park visitors of parkland and private property boundaries and includes provisions to restrict trespassing on private property, and to limit activities which may result in nuisance noise, odors, or other uses that may impact the quality of life in residential areas. Such signs shall be found consistent with all other implementation measures of this Chapter and the LIP.</p> <p>b) Fencing which delineates trail corridors, park boundaries, permitted parking areas, and private property, where located, designed and installed consistent with all other implementation measures of this Chapter and the LIP.</p> <p>ii. Trail and park improvements, uses, and programs shall be designed and implemented to avoid intrusive traffic circulation in residential neighborhoods. Implementation of park facility improvements shall be conducted in concert with the provisions of Section 3.4.2.D.2 Public Transit of this Chapter to encourage and expand alternative transportation opportunities to public parklands.</p> <p>iii. Options for a traffic monitoring system shall be evaluated and implemented for the Escondido Canyon Park trailhead parking facility that will provide counts of vehicles utilizing the parking area and transfer use data (parking lot capacity status) to a sign located at the entrance of Winding Way Road via Pacific Coast Highway to notify potential trail users of parking availability at the parking lot.</p>	<p>a) • Signs which informs hikers and park visitors of parkland and private property boundaries and includes provisions to restrict trespassing on private property, and to limit activities which may result in nuisance noise, odors, or other uses that may impact the quality of life in residential areas. Such signs shall be found consistent with all other implementation measures of this Chapter and the LIP Overlay District.</p> <p>b) • Fencing which delineates trail corridors, park boundaries, permitted parking areas, and private property, where located, designed and installed consistent with all other implementation measures of this Chapter and the LIP Overlay District.</p> <p>ii. Trail and park improvements, uses, and programs shall be designed and implemented to avoid intrusive traffic circulation in residential neighborhoods. Implementation of park facility improvements shall be conducted in concert with the provisions of Section 3.4.2.D.2 Public Transit of this Chapter to encourage and expand alternative transportation opportunities to public parklands.</p> <p>iii. Options for a traffic monitoring system shall be evaluated and implemented for the Escondido Canyon Park trailhead parking facility that will provide counts of vehicles utilizing the parking area and transfer use data (parking lot capacity status) to a sign located at the entrance of Winding Way Road via Pacific Coast Highway to notify potential trail users of parking availability at the parking lot.</p>

<p align="center">MMAIBMA.LOCA COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p align="center">SMMC OVERRIDE</p>
<p>iv. The SMMC/MRCA shall provide primary trailhead and parking facility location for Escondido Canyon Park, on property located in proximity to Escondido Canyon and accessed via Latigo Canyon Road, to provide pedestrian access to Escondido Canyon Park and the surrounding trail system. In addition, two fully accessible and two trailer parking spaces shall be located conveniently in the area at a site consistent with the policies of the LCT and, to the maximum extent feasible, without disturbing the existing meadow at the top of Winding Way.</p> <p>b. Specialized Programs – Ramirez Canyon Park</p> <p>i. All Ramirez Canyon Park uses, including administrative uses, public outreach, events, gatherings, tours and workshops, etc. shall be limited in size, duration and occurrence to comply with the proposed maximum of 40 trips/day on Ramirez Canyon Road.</p> <p>ii. Public outreach and education activities are priority uses and shall be accommodated first within the maximum allowed 40 round trips/day for Ramirez Canyon Park uses.</p> <p>iii. Events, tours, or other special functions permitted pursuant to this section shall be cancelled when any red-flag warning for extreme weather, fire and/or flooding warning is issued. Written warnings of such policy shall be provided to prospective sponsors prior to contracting for park use.</p>	<p>iv. The SMMC/MRCA shall provide primary trailhead and parking facility location for Escondido Canyon Park, on property located in proximity to Escondido Canyon and accessed via Latigo Canyon Road, to provide pedestrian access to Escondido Canyon Park and the surrounding trail system. In addition, two fully accessible and two trailer parking spaces shall be located conveniently in the area at a site consistent with the policies of the LCT and, to the maximum extent feasible, without disturbing the existing meadow at the top of Winding Way.</p> <p>b. B. Specialized Programs – Ramirez Canyon Park</p> <p>i. 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 trips/day on Ramirez Canyon Road, except as provided herein.</p> <p>ii. 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.</p> <p>iii. 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.</p>

MALIBU COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>iv. Amplified music may be permitted only in the meadow and garden areas located adjacent to and in front/behind the Barn facility, but not allowed in any location on the park property after 8:00 p.m. Sunday through Thursday evenings or after 10:00 p.m. on Friday or Saturday evenings. Use of amplified sound shall require monitoring of sound levels by park rangers and notices of restrictions on amplified music shall be provided to events sponsors contracting for park use. Amplified music/sound may only be used at six events per calendar year.</p> <p>v. Special events held during fire season shall retain all guest vans, shuttles, and drivers continuously on site during the event.</p> <p>vi. Specialized programs permitted at Ramirez Canyon Park and associated support facilities shall consist of the following uses and restrictions:</p>	<p>iv. 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. may be permitted only in the meadow and garden areas located adjacent to and in front/behind the Barn facility, but not allowed in any location on the park property after 8:00 p.m. Sunday through Thursday evenings or after 10:00 p.m. on Friday or Saturday evenings. Use of amplified sound shall require monitoring of sound levels by park rangers and notices of restrictions on amplified music shall be provided to events sponsors contracting for park use. Amplified music/sound may only be used at six events per calendar year.</p> <p>v. 5. Special events held during fire season shall retain all guest vans, shuttles, and drivers continuously on site during the event.</p> <p>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.</p> <p>vi. 7. Specialized programs permitted at Ramirez Canyon Park and associated support facilities shall consist of the following uses and restrictions:</p>

MMAIBMA LCPA COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>a) Park administrative offices for the Conservancy and Mountains Recreation and Conservation Authority for up to 15 employees.</p> <p>b) Ranger/maintenance supervisor residence utilized by MRCA staff charged with security, site management, and public safety duties.</p> <p>c) Public improvements for the riparian area interpretive trail and picnic facilities designed specifically to provide facilities and amenities required for the safe use of the trail by physically challenged visitors in compliance with Americans with Disabilities Act (ADA) requirements, including trails, picnic facilities, drinking fountains, restrooms, and parking areas.</p> <p>d) Use of the Peach House and Barn facility for small group gatherings and tours for up to 60 participants each, and to a limited extent the Art Deco facility permitted to be used to greet guests or as a component of site tours.</p> <p>e) Public Outreach, Events, Gatherings, Tours, And Workshops.</p> <p>1. Public Outreach Programs</p> <p>(a) Year-Round, Permitted 7 Days/Week</p> <p>(b) Max 40 Participants</p> <p>(c) 8:00 a.m. – Dusk</p> <p>2. Tours And/Or Small Gatherings</p> <p>(a) Year-Round, 12 Tours or Gatherings Permitted/Month</p> <p>(b) Max 60 Participants</p> <p>(c) 8:00 a.m. – Dusk</p>	<p>a) • Park a Administrative offices for the Conservancy and Mountains Recreation and Conservation Authority (MRCA). for up to 15 employees.</p> <p>b) • Ranger/maintenance supervisor residence utilized by MRCA staff charged with security, site management, and public safety duties.</p> <p>e) • 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.</p> <p>d) • Use of the Peach House, and Barn, and Art Deco facility for small group gatherings and tours for up to 60 participants each, and to a limited extent the Art Deco facility permitted to be used to greet guests or as a component of site tours.</p> <p>e) • Public Outreach, Events, Gatherings, Tours, And Workshops.</p> <p>1. • Public Outreach Programs</p> <p>(a) • Year-Round, Permitted 7 Days/Week</p> <p>(b) • Max 40 Participants</p> <p>(c) • 8:00 a.m. – Dusk</p> <p>2. • Tours And/Or Small Gatherings</p> <p>(a) • Year-Round, 12 Tours or Gatherings Permitted/Month</p> <p>(b) • Max 60 Participants</p> <p>(c) • 8:00 a.m. – Dusk</p>

MMAIBMA LCPA COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
<p>3. Special Events</p> <p>(a) March – October, 16 Events Permitted/Year. (b) 1 Event Permitted/Week (c) Maximum 200 Participants (d) 8:00 a.m. – 9:00 p.m. Sunday – Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday, One Additional Hour is Allotted for Personnel Clean-Up and Securing the Facility. (e) At least one week prior to a special event involving 100 participants or more, the City Planning Manager must be notified in writing as to the type of event, event hours, number of anticipated guests and proposed transportation plan.</p> <p>f) Three day-use picnic areas and up to three overnight campsites may be developed at Ramirez Canyon Park that shall be designed specifically for supervised programs accommodating disabled visitors and their families by reservation. No campfires shall be permitted at any time. The day-use picnic areas shall be located in level, previously disturbed areas so as not to adversely impact sensitive habitat, but shall be located in proximity to natural areas to provide association with natural resources to the maximum extent feasible.</p>	<p>3. ◦ Special Events</p> <p>(a) ◻ March – October, 16 32 Events Permitted/Year, (b) 1 Event Permitted/Week (c) ◻ Maximum 200 Participants (d) ◻ 8:00 a.m. – 9:00 p.m. Sunday – Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday, One Additional Hour is Allotted for Personnel Clean-Up and Securing the Facility. (e) At least one week prior to a special event involving 100 participants or more, the City Planning Manager must be notified in writing as to the type of event, event hours, number of anticipated guests and proposed transportation plan.</p> <p>f) • Three d Day-use picnic areas and up to three overnight campsites may be developed at Ramirez Canyon Park that shall be designed specifically to provide park amenities to accommodate for supervised programs accommodating disabled visitors and their families by reservation. No campfires shall be permitted at any time. 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.</p> <ul style="list-style-type: none"> • ADA accessible camp facility designed specifically for use by disabled visitors and theirs families, available by reservation. • Hike-in camp facility, available by reservation.

<p>MMAIBMA.LOCA8 COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)</p>	<p>SMMC OVERRIDE</p>
<p>vii. A Transportation and Parking Management Plan shall be developed in conjunction with the City Planning Department and City Public Works Department and maintained to manage traffic trips on Ramirez Canyon Road pursuant to Section 3.4.2.D.2.b.i. of this Chapter.</p> <p>viii. An Event Monitoring Program shall be implemented and shall include submittal of annual monitoring reports to the City. The annual monitoring reports shall include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the annual reporting period, distinguishing revenue-generating and non-revenue generating events, activities, tours, and outreach programs, and specifying the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each.</p> <p>ix. An alternative access road into Ramirez Canyon shall be a precondition for uses of Ramirez Park except as follows:</p> <ul style="list-style-type: none"> A. Administrative and government offices for up to 15 employees B. A residential caretaker and his family C. Two special programs a week for disabled persons and/or for seniors D. Occasional employee training programs E. On-going property maintenance 	<p>vii. 8. A Transportation and Parking Management Plan shall be developed in conjunction with the City Planning Department and City Public Works Department and maintained to manage traffic trips on Ramirez Canyon Road pursuant to Section 3.4.2.D.2.b.i. D.3.B.1 of this Chapter Overlay District.</p> <p>viii. 9. An Event Monitoring Program shall be implemented and shall include submittal of annual monitoring reports submitted to the City Executive Director of the Coastal Commission annually. The annual monitoring reports shall include a summary of the number and kind of events, tours, small gatherings, and outreach programs conducted at Ramirez Canyon Park during the annual reporting period, distinguishing revenue-generating and non-revenue generating events, activities, tours, and outreach programs, and specifying the dates, vehicle trip counts, and event sponsor or beneficiary as applicable, for each.</p> <p>ix. An alternative access road into Ramirez Canyon shall be a precondition for uses of Ramirez Park except as follows:</p> <ul style="list-style-type: none"> A. Administrative and government offices for up to 15 employees B. A residential caretaker and his family C. Two special programs a week for disabled persons and/or for seniors D. Occasional employee training programs E. On-going property maintenance

MMAIBMA.LOCA8 COASTAL PROGRAM AMENDMENT (LCPA No. 07-002)	SMMC OVERRIDE
	<p>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 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.</p>
<p>2.3 In TABLE B (Permitted Uses) under RECREATION AND LEISURE add “Park Administrative Offices” and place a “•” in all zones except in MPPAE Overlay insert “P” (Exhibit G).</p>	

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
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July 14, 2008

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

**Proposed Amendment to City of Malibu Local Coastal Program
Incorporating Malibu Parks Public Access Enhancement Plan Overlay
(LCP Amendment No. MAJ-3-07)**

Dear Mr. Ainsworth:

On May 15, 2008, pursuant to the preliminary determination made by Commission Staff, the request of the Santa Monica Mountains Conservancy (Conservancy) and Mountains Recreation and Conservation Authority (MRCA) to amend the City of Malibu Local Coastal Program (LCP) to incorporate the Malibu Parks Public Access Enhancement Plan Overlay (Plan) was submitted to the City. In a letter to you, dated June 23, 2008, Malibu, through its City Attorney, has questioned whether the LCP override procedure in Coastal Act section 30515 and section 13666 of the Commission's regulations applies to the submittal. The letter, unfortunately, spins a contorted, erroneous view of our proposed LCP Amendment, the override procedure, and the documents cited as to whether this detailed, site-specific LCP amendment was anticipated at the time the LCP was certified. We are providing you this letter to set the record straight.

The Override Process

The City argues that the LCP amendment override procedure applies only to "a public works project," and does not apply to a "plan," such as the Malibu Parks Public Access Enhancement Plan, which the City then labels as a "Public Works Plan." This confuses terminology and mischaracterizes the LCP amendment.

The LCP override provision, Public Resources Code section 30515, is contained in Chapter 6 of the Coastal Act (commencing with Section 30500), which deals with "Local Coastal Programs" and "Procedure for Preparation, Approval, and Certification of Local Coastal Programs." Section 13666 of the Commission's regulations, in turn, is included in a sub-

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chapter of the regulations entitled “Certified Local Coastal Program (LCP) Amendment of “Override” Procedures.” Try as Malibu might, it would be difficult to read these provisions as contemplating anything other than a local coastal plan amendment.

Section 30515 provides, “[a]ny person authorized to undertake a public work project . . . may request any local government to amend its certified local coastal program” under the circumstances set forth in the Section. (Emphasis added.) Section 13666 of the regulations contains similar language; its procedures “are applicable to persons authorized to undertake a public works project.” (Emphasis added.) Neither provision states, as the City Attorney suggests, that the override provision may be invoked only when the LCP Amendment equates with a specific public works project. The override procedure contemplates an LCP amendment with land use plan policies and implementation provisions to guide subsequent approval of a specific public works project. That, after all, is what an LCP, by definition, is. (Pub. Res. Code § 30108.6.) In fact, our requested LCP amendment, although very detailed and site-specific, involves policy changes (text revisions and additions) and a zone change (the Overlay District). Thus, the LCP amendment lays the policy foundation for future review and approval pursuant to individual coastal developments permits or implementation of proposed Plan improvements pursuant to the public works plan process.

None of this is a mystery to the City. Malibu is fully aware of the fact that our current application pursuant to the override procedure is for a site-specific LCP amendment, not a public works project or a public works plan. Indeed, our submittal requests approval of the proposed Overlay District that the City itself requested the Conservancy to prepare (in conjunction with setting aside the Public Works Plan) when we processed the original LCP amendment with the City last year.

Moreover, the current submittal explains that it is only for an LCP amendment, and that a separate public works plan would follow. Our April 14, 2008 letter to the Executive Director explained that: “The proposed Overlay District will serve to enhance public access and recreational opportunities of regional significance by establishing the framework to implement a variety of public access and education programs, comprehensive trail development, recreation support facility and transportation improvements, improved accessibility for visitors with diverse abilities (e.g., physically and mentally challenged), and a rare opportunity for low-cost and fully accessible overnight camping for specific parklands and trail corridors throughout the City of Malibu.” We further noted: “We have provide some information in this submittal regarding our anticipated public works projects. We

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anticipate later submitting to the Coastal Commission a Malibu Parks Public Access Enhancement Plan and Public Works Plan pursuant to PRC Section 30605, which will more precisely define these proposed public works projects.”¹ (Exh. 1; emphasis added.)

The current LCP amendment itself further explains the differences between the two processes.² (LCP Amendment, Standard of Review, p. 2.) The standard of review for the proposed changes to the land use plan of the certified LCP is the Chapter 3 policies of the Coastal Act. Implementation of the Plan improvements, *i.e.*, specific public works projects) will require review and approval pursuant to the coastal development permit (CDP) process. Alternatively, implementation of the proposed Plan improvements may be achieved pursuant to the public works plan process. A public works plan is desirable here because, as the LCP amendment explains, the proposed improvements are located in an area “within two jurisdictions (unincorporated Los Angeles County and the City of Malibu), as well as National Park Service property. The standard of review of a public works plan will be the LCP amendment, once certified, and, as an alternative, it permits processing through the public works plan process instead of processing an undetermined number of coastal development permits in separate jurisdictions to implement specific projects as funds and/or additional trail easements and land purchase opportunities become available.³

¹ In the course of its convoluted argument, the City suggests that the Conservancy has changed course on its assurance that it would prepare an EIR in connection with the future Public Works Plan. We have previously advised Commission Staff that we do not believe an EIR is legally required for a public works plan under Section 30605 of the Coastal Act. We have, however, committed to prepare that EIR.

² The City misrepresents the LCP amendment when it snips portions of the discussion concerning the future public work plan and then asserts that the submittal is actually a public works plan when it clearly is not.

³ The City’ letter argues that the Public Works Plan previously submitted by the Conservancy is inconsistent with Malibu’s LCP. That PWP included an extensive 50+ page policy consistency analysis with substantive background documentation demonstrating the Plan’s consistency with the certified LCP and the Coastal Act. It bears emphasis that the Conservancy and MRCA never agreed with the City’s argument regarding Plan consistency. However, we did agree to work with the City to prepare and submit the original LCP amendment, but only after the parties negotiated an MOU to process an LCP amendment with the City to address the various trail, camping, public parking, and Ramirez Canyon Park program uses set forth in the original Public Works Plan. As part of the MOU, the City agreed to incorporate Charmlee Park as a limited overnight camp facility in exchange for removing a proposal for camping from Escondido Canyon Park. Contrary to the City’s letter, which indicated that the City “granted SMMC’s proposed LCP amendment in large part,” the Conservancy spent an entire year working in good faith with the City’s LCP amendment process only to have the majority of the proposed LCPA amendment denied in December 2007. The City not only denied the proposed policies and development standards to implement camping at specific park properties, but acted to prohibit all potential public camping opportunities throughout the entire City. The City also denied proposed policies and development standards intended to provide new public parking resources at Escondido Canyon Park and to clarify permitted public program uses at Ramirez Canyon Park.

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The LCP amendment proposed by the Conservancy and MRCA is perfectly appropriate for consideration under the LCP override procedures.

The LCP Amendment was not anticipated at the time of LCP certification

The City further argues that the LCP amendment was “anticipated” at the time of LCP certification, and therefore does not meet the requirements of Section 30515. There is no doubt that for years, consistent with their missions, the Conservancy and MRCA have had general ideas regarding proposed park uses and facilities and trail planning. These ideas have been refined and defined at various planning stages. More importantly, the Conservancy’s/MRCA’s LCP amendment takes a new and different approach, geographically and conceptually to all planning efforts prior to LCP certification. The site-specific LCP amendment proposed, in particular, is the direct result of recent, post-LCP 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.⁴ They include the following:

- The judgment entered in *Ramirez Canyon Preservation Fund v. California Coastal Com.*, Ventura Superior Court Case No. CIV 199846, on September 25, 2005 (appeal abandoned on April 10, 2006), invalidating the coastal development permit for various uses at Ramirez Canyon Park;
- The passage of Proposition 50 and Proposition 84 mandated major new funding for projects located within the coastal watersheds of the Santa Monica Mountains and Santa Monica Bay;
- MRCA purchase and acceptance of open space dedications involving significant acreage in Corral Canyon, in coordination with other organizations;
- MRCA acceptance of numerous trail offers to dedicate (OTDs) within the plan area (approximately 20);
- MRCA acquisition of a parcel just west of Latigo Canyon Road (see Public Parkland Map in the LCP amendment);

⁴ Section 30515 similarly permits an LCP amendment for an energy facility development.” It is worth noting that a power company that proposes such an amendment may know it will need to provide additional power at some point to serve customers’ needs, and is likely to be involved in multiple planning processes to achieve that goal. However, it also may not have a specific development, or public work, project in mind beyond a conceptual project until further study is completed (e.g., regarding the number and location of specific power plants, power lines, and support facilities) and conditions have changed (e.g., easements and/or land have been acquired).

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- The County's offer to surplus land between Kanan Dume Road and Ramirez Canyon Park to the MRCA;
- The Conservancy/MRCA staffs' review and comment on CDP applications before the City and specific trail alignments that have been or currently are being offered as trail OTDs;
- The Conservancy/MRCA's negotiations with private property owners regarding specific alignments of trails on private property;
- The City's proposal to eliminate all camping in all public parks and recreation areas in the City of Malibu (except for limited campsites in Ramirez Canyon Park for disabled individuals); and
- The Conservancy/MRCA's coordination with City, the public and organizations to develop fire guidelines for their public parklands, including specific guidelines for camping in parklands (e.g., cold camping).⁵

The City nonetheless cites to a couple of documents, but none alter the fact that this LCP amendment is detailed and site-specific, and was not anticipated at the time the LCP was certified. The City cites an excerpt from the Santa Monica Mountains Comprehensive Plan (February 1979). The excerpt refers to properties that have no relation to the current LCP amendment, and, more importantly, the Comprehensive Plan did not make any recommendations for the area south of the Arroyo Sequit line (*i.e.*, the present boundary of the City of Malibu). The Comprehensive Plan explains (Exh. 2, at page 7):

The [Santa Monica Mountains Comprehensive Planning] Commission, however, has not made recommendations regarding land use for the immediate Coastal Corridor (generally south of the Rancho Topanga-Malibu Sequit boundary) since it is

⁵ During the hearings on the City's LCP amendment, the City recognized numerous times in public hearings and in its staff reports that camping in the OS Zone does not require a CUP per the certified LCP. The October 9, 2007 Planning Commission staff report, for example, explained at page 38: "All of the parks are zoned Open Space (OS) which permits camping . . . The conditional use permit process (CUP) is not specifically addressed in the LIP and relies on the MCC process for CUPs . . . Staff has suggested a changed from "permitted" to conditionally permitted for camping within ESHA." City staff got it right. The 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 LIP expressly indicates that "camping" is a principal permitted uses in the OS Zone. The City's letter now suggests that despite the LCP, camping is subject to a CUP. The Conservancy and MRCA certainly could never have contemplated at the time the Commission certified the City's LCP that the City would subsequently act to prohibit all camping opportunities throughout the City in response to the Conservancy's request to develop limited camping resources at its public parklands zoned OS, consistent with the certified LCP.

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topographically different from the Mountains. The Commission felt that any detailed recommendations for this area would be redundant in view of the continuing coastal planning process. The Comprehensive Plan identifies the Coastal Corridor for statistical purposes only; it does not represent an attempt to redefine the Coastal Zone, nor does it purport to delineate the extent of coastal resources.

Still further, the Comprehensive Plan was a planning document, and did not propose the specific development projects outlined in the LCP amendment. Although some of the Solstice Creek watershed is proposed to be acquired per the Map 6 Trail System, the trail is a general north-south alignment. None of these elements are part of the LCP amendment.

The City next references the SMMART (Santa Monica Mountains Area Recreational Trail Coordination Project) report published by the National Park Service in 1997. While the Conservancy was involved in this effort to coordinate planning issues in the Santa Monica Mountains, the SMMART report was a conceptual document. The current LCP amendment, however, is the result of more recent developments in the period following LCP certification, notably the fact that the MRCA has accepted many trail OTDs and acquired new land in the Enhancement Plan area, specifically the parcel west of and adjacent to Latigo Canyon Road. For example, although Coastal Slope Trail alignments have been discussed for many years, only recent information and conditions have enabled the Conservancy and MRCA to propose a specific alignment that is feasible both physically and in terms of acquiring viable rights-of-way. Thus, the Conservancy and MRCA are now able to propose a comprehensive site-specific LCP amendment that encompasses specific trails, as well as other park facilities (e.g., specific campsites and parking areas) and activities (e.g., the Malibu Coastal Camping Program).

There are cases where a trail is mentioned in an older planning document that is also included in the Conservancy's/MRCA's LCP amendment. Some built and/or existing trail easements are shown on the Conservancy/MRCA LCP Amendment for continuity and planning purposes. However, the Conservancy/MRCA LCP amendment takes a substantially different approach, both geographically and conceptually, than all previous plans.

For example, the Coastal Slope Trail connection from Zuma/Trancas National Park Service land (just west of Kanan Dume Road) to Kanan Dume Road, to Ramirez Canyon Park, and eastward to Escondido Canyon Park was not contemplated in the County of Los Angeles' trail plan. In the Conservancy/MRCA LCP amendment, the Coastal Slope Trail is aligned further to the north to take advantage of superior terrain, superior scenery, and

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willing sellers. In addition, this new alignment includes properties located outside of the City boundary to achieve realistic trail implementation and a higher quality user experience.

For example, the alignment deviates from substandard trails along roadsides in favor of natural settings and maximizes routes through both existing and contemplated park properties.

The Conservancy/MRCA LCP amendment takes a new approach in that it includes both trailheads and parking areas where they had never been contemplated. Examples include acquisition of the property adjacent to, and west of, Latigo Canyon Road for a significantly-sized staging area. The amendment also includes parking along Kanan Dume Road.

This Conservancy/MRCA LCP amendment is also a conceptually different proposal in that it includes the accommodation of overnight users along the Coastal Slope Trail. The Conservancy/MRCA LCP amendment includes trails that are linked by campsites; these are not just day hikes. No prior plan contemplated campsites accessible via the Coastal Slope Trail.

The Conceptual Trail Policy Alternatives referenced in the City's letter incorporate recommendations from the SMMART report, but they are dated 2005, well after LCP certification (Exh. 3).

Finally, the City cites the Santa Monica Mountains National Recreation Area General Management Plan (GMP), finally issued in March 2003. The GMP explains that it is not an implementation plan; it discussed trails at a general and "conceptual level," with implementation to come at a later date. (Exh. 4, at pages 4 and 12.) While the specific components of the current LCP amendment may be consistent with some of the guidance of the GMP, none of the components (e.g., specific locations, numbers and types of campgrounds, and types and location of visitor services) were defined or anticipated during the GMP planning stage. Indeed, regarding trails, the GMP stated that a trail management plan will be prepared. Obviously, the trail alignments proposed in the LCP amendment were not anticipated at the time the GMP was developed.⁶ Contrary to the City's assertion, the GMP does not show the areas identified in the current LCP amendment as "high intensity use" areas. Further, while Ramirez Canyon Park and the Ramirez Canyon Park Outreach

⁶ The reference in the City's letter to a park and ride shuttle is irrelevant because it is not currently being proposed in the LCP amendment.

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Program are generally mentioned in the GMP, the document does not encompass the public works project contemplated by the LCP amendment. Most importantly, as to Ramirez Canyon Park, at the time of LCP certification, the Conservancy had a coastal development permit which authorized the uses ongoing at the Park. The CDP was not judicially set aside until several years after certification of the City's LCP.

Regarding the reference to the Conservancy's and MRCA's previous comment letters on the Malibu LCP, the Jenkins & Hogin letter mischaracterizes the Conservancy's/MRCA's position on the proposed site-specific LCP Amendment. The Conservancy/MRCA LCP Amendment is intended to provide a framework in the form of site-specific policies and development standards to address site-specific projects at three specific parks, with a comprehensive trail plan. The previous comment letters referred to comprehensive, City-wide policies and implementation measures.

Regarding reference to the Coastal Habitat Impact Mitigation Fund in the Jenkins & Hogin letter, the Conservancy/MRCA did not contemplate the acquisition of any of the Coastal Slope Trail properties in the current Conservancy/MRCA site-specific LCP Amendment.

The Element of Fairness: Ensuring that the LCP Amendment Certified Protects and Maximizes the Public's Access to Public Resources

Finally, the City claims that it would be unfair for the Commission to require the City to process the LCP Amendment proposed by the Conservancy and MRCA while the City's LCP Amendment is pending before the Commission. It is strange that the City of Malibu would sound the trumpet of fairness. Of course, the City would like to have only its LCP amendment considered by the Commission. After all, it enticed the Conservancy and MRCA to request the LCP amendment, and then perpetrated the ultimate *bait and switch*, adopting an LCP Amendment that would eliminate public overnight camping opportunities anywhere in the City, including Charmlee Wilderness Park, Ramirez Canyon Park, and Corral Canyon Park, meaningful public access and parking at Escondido Canyon Park, and effective use of Ramirez Canyon Park for public programs and events. (Exh. 5, my letter, to City Council, dated December 17, 2007.) The Coastal Act, however, provides for two different methods for amending an LCP – the traditional LCP Amendment review process (Sections 30514) and the LCP Amendment override process (Section 30515), and both are being invoked here. A good example is Sand City Amendment No. 1-93, where the Park District submitted its version on an LCP Amendment to the Commission following the

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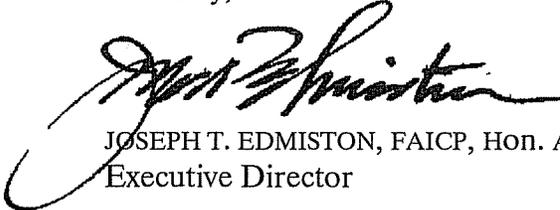
override procedures, and the City, in turn, submitted its own different version to the Commission.

The issue, of course, is not whether this process is fair to the City of Malibu or even to the Conservancy and MRCA. The question is simply one fundamental to the Coastal Act and which both LCP amendments will enable the Commission to decide – namely, whether Malibu's LCP should diminish or enhance public access to public resources, whether the use of public property should be diminished to the advantage of a select few at the expense of the majority, and whether millions of dollars of state taxpayer's investment in state park property should be reduced to a private trail system for Malibu residents.

We look forward to working with your Staff on this proposed LCP Amendment.

If you have any questions, please contact Laurie Collins, Senior Staff Counsel, at (323) 221-8900, ext. 133, or Judi Tamasi, Project Analyst, at (310) 589-3200, ext. 121.

Sincerely,



JOSEPH T. EDMISTON, FAICP, Hon. ASLA
Executive Director

Enclosures

cc: Honorable Members, Malibu City Council
Jim Thorsen, City Manager
Christi Hogin, City Attorney, Malibu
Interested parties