

**Policy Consistency Analysis**  
**Malibu Parks Public Access Enhancement Plan**  
**April 14, 2008**

As detailed in the policy analysis below, the proposed Overlay District and associated trail, park improvements, and program policies and implementation measures have been planned and designed with consideration of all coastal resources that exist within the Plan area. The proposed Overlay and Plan improvements will serve to implement many of the City's public access and recreation policies, consistent with the need to ensure public safety, to protect and respect private property rights and ensure compatibility with adjacent residential neighborhoods. In addition, the Overlay District and associated improvements are designed to be consistent with the most protective coastal resource protection policies of the Coastal Act and the City's LCP.

The proposed Overlay reflects past determinations and actions of agencies having jurisdiction over the Plan area with respect to protection of coastal-priority uses including public access, recreation, and protection and enhancement of sensitive coastal resources known to potentially occur in the Plan area, including coastal streams and drainages; riparian, coastal bluff, native grassland and coastal sage scrub habitat, and areas of archaeological sensitivity. As described in detail in the following sections, the proposed Overlay and associated park-specific project improvements will avoid or minimize potential adverse impacts to all sensitive resources in the Plan area, and the Overlay will be further evaluated pursuant to the Coastal Commission LCP amendment certification process to ensure consistency with all coastal resource protection policies of the Coastal Act and the City's Local Coastal Program prior to Plan approval and implementation of specific trail and park improvements.

## COASTAL ACCESS AND RECREATION

### California Coastal Act Public Access and Recreation Policies

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

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

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

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

Coastal Act Section 30210 mandates that maximum public access and recreational opportunities be provided for all people, consistent with the need to protect public safety, private property and natural resources. Coastal Act Sections 30212.5 and 30213 state that public facilities are to be provided throughout an area so as to mitigate impacts of overcrowding or overuse by the public of any single area, and that lower-cost visitor and recreational facilities be protected, encouraged, and where feasible, provided.

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

In addition, consistent with Coastal Act Section 30210, to provide recreational opportunities for all people, the Overlay includes detailed policies and implementation measures for Ramirez Canyon Park program

and operational elements that support special public outreach and educational opportunities, as well as the administrative infrastructure necessary to operate specialized public outreach programs and to ensure that maximum public access and recreational opportunities are provided for visitors with varying degrees of special needs.

The proposed Public Outreach and Education and Accessibility policies and implementation measures provide for expansion of recreational opportunities at existing park facilities to serve a variety of visitors, whenever feasible and consistent with safety needs and constraints of natural parklands. The Conservancy and MRCA recognize that, in some cases, natural constraints of parklands inherently limit access and recreation opportunities for visitors with special needs. As such, the Conservancy and MRCA have therefore emphasized the need to provide facilities and outreach programs intended to reach visitors with diverse abilities, disadvantaged youth, or other underserved groups. Accessibility implementation measures contained in the Overlay provide that the Conservancy/MRCA will continue all public outreach programs at Ramirez Canyon Park and provide for development of additional day-use picnic facilities and limited overnight camping opportunities at Ramirez Canyon Park, and Corral Canyon Park in compliance with the Americans with Disabilities Act (ADA). The Plan's Accessibility implementation measures also provide that proposed park improvements enhance accessibility, wherever feasible and consistent with public safety and resource protection policies, by incorporating the recommended guidelines for the universal design of trails and trail facilities as described in the document prepared by Moore, Iacofano, Goltsman, Inc. (MIG).

In addition, to protect natural resources, to ensure public safety, and to protect the rights of private property owners, the policies and implementation measures of the proposed Overlay include the following provisions:

- 1) Trails are to be located, designed, and maintained to avoid or minimize impacts to ESHA by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible; trail construction resulting in unavoidable impacts to ESHA must be found consistent with all applicable Resource Protection Policies of the City of Malibu LCP and the Coastal Act. As illustrated on the Proposed Trail Map and site-specific conceptual project plans, the proposed Overlay incorporates a number of existing trail corridors, trail corridors previously evaluated for the Draft Santa Monica Mountains National Recreation Area Interagency Trail Management Plan, the City of Malibu LCP and the City of Malibu Trail Master Plan, and analyzes alternative trail alignments to minimize potential conflicts with sensitive habitat, adjacent neighborhoods and/or steep terrain.
- 2) Campsites are proposed to be developed in existing public use areas and in previously disturbed or non-sensitive areas. Campsites would be appropriately setback from the top of bank from all streams, in areas of level terrain to avoid the need for grading and to minimize associated impacts to sensitive habitat areas and water quality. Consistent with the proposed Overnight Camp policies and implementation measures, the park-specific conceptual project plans demonstrate that camps areas can be designed and located in disturbed areas, with adequate setbacks from sensitive habitats areas, and in level areas to avoid excessive grading and potential impacts the ESHA.
- 3) Conceptual campsite locations have been evaluated by a qualified biologist to ensure that campsites may be appropriately located in previously disturbed areas, are appropriately setback from the top of bank of any adjacent stream, and to assess potential impacts to adjacent habitat areas and provide recommendations for mitigation, as applicable, to ensure resources impacts are avoided and minimized to the maximum extent feasible.

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

5) Public park areas subject to degradation resulting from intense and/or unrestricted use are addressed in the Overlay per ESHA implementation measures which require 1) revegetation of degraded areas with native plants, 2) trail consolidation and improvement, 3) provision of support facilities such as defined parking areas and trail corridors, trash and recycling receptacles, self-contained chemical/composting restrooms, picnic areas, and 4) provision of support facilities necessary for operations and maintenance personnel and associated maintenance equipment. Conceptual project plans include critical support facilities for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park, which include, as applicable, parking, trash and recycling receptacles, and self-contained chemical/composting restrooms. The existing structures of Ramirez Canyon Park have and will continue to provide a center within the Plan area for maintenance personnel and associated maintenance equipment storage necessary to sustain maintenance operations for the subject park areas. The Plan's support facilities will ensure that adequate facilities are provided and maintained to manage public parking areas, to accommodate potential trash and waste generation at park areas, and to ensure that support facilities necessary to maintain the park properties are provided for. These measures will ensure that public access is maximized in a way that maintains park areas such that they remain desirable destination areas for visitors. The proposed Overlay includes measures for restoration of disturbed and degraded areas in the subject park properties, including areas disturbed by the proliferation of invasive and exotic plant species.

6) New support facilities are to be located at park entrances, along existing primary trail routes and within previously disturbed areas, are to be adequately setback from the top of bank from any adjacent streams and sited on level terrain to the maximum extent feasible to minimize the need for grading and impacts to sensitive habitat areas. The park-specific conceptual project plans illustrate that new support facilities may be designed and constructed consistent with these resource protection measures. One specific exception to the 100 foot stream setback provision is at Corral Canyon Park where an accessible vehicular drop off point is proposed within an existing disturbed maintenance access route adjacent to a riparian area. Conceptual grading plans illustrate that support facilities are proposed in areas of level terrain as much as feasible resulting in minimal grading. The proposed parking area off Kanan Dume Road is located along the road shoulder in an area entirely level and void of vegetation and will require minimal grading. The proposed parking area at Escondido Canyon Park has been located in the most level portion of the park in a previously disturbed area and entirely outside of the sensitive riparian corridor that encompasses the much of canyon bottom.

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

8) Policies and implementation measures call for standardized signs for parklands and recreation areas

subject to the Overlay to provide for easy recognition by park and trail users which will include information relative to trails, regulations, and services. Signs will include:

- Information relative to distance to destination points, trail conditions, and accessibility that will help visitors determine the level of trail difficulty.
- Regulatory signs at park entrance areas, staging areas or gathering points including information relative to 1) permitted use of the area or facility, 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.
- Service signs identifying services and/or support facilities.
- Safety information, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments will be provided at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads.

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

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

The proposed Overlay District would have a beneficial impact on coastal public access and recreational opportunities for all people and will provide new low-cost overnight camping facilities in the Plan area. As described above, the proposed Overlay policies and implementations measures for new park improvements, uses and programs have been designed to protect natural resources, to ensure public safety, to protect the rights of private property owners, and to minimize conflicts with and preserve the character and integrity of adjacent residential areas. Therefore, the proposed Overlay is consistent with Sections 30210, 30212.5 and 30213 of the Coastal Act.

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

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic value of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual*

*property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.*

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

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

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

As illustrated on the Proposed Trail Map and site-specific conceptual project plans, the proposed Overlay incorporates a number of existing trail corridors, trail corridors previously evaluated for the Draft Santa Monica Mountains National Recreation Area Interagency Trail Management Plan, the City of Malibu LCP and the City of Malibu Trail Master Plan, and analyzes alternative trail alignments to minimize potential conflicts with adjacent neighborhoods and steep terrain. Furthermore, vehicular access to and special program operations at Ramirez Canyon Park have already been limited per the request of neighboring properties and pursuant to the conditions of CDP 4-98-334; these limitations will remain pursuant to the Overlay provisions. In addition, the planned parking lot for Escondido Canyon Park has conceptually been limited to 22 spaces to minimize vehicular trips on roads within the adjacent residential neighborhoods. Therefore, the Overlay and associated Plan improvements have been designed in consideration of all topographic, geologic and natural resource constraints, as well as minimizing conflicts with adjacent residential development and is therefore consistent with Coastal Act Section 30214.

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

The Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority work with Federal, State, and other local government partners to acquire parkland and participate in planning efforts to complete and manage park improvements for the benefit of coastal recreational uses. The Overlay includes a number of public access and recreational opportunities throughout the Plan area, primarily in upland areas of the Coastal Zone, including new and improved trail linkages and limited overnight camping areas, and support facilities deemed necessary to support public access and recreational uses. The Overlay identifies new public access, recreational facility, and program improvements for Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park generally consisting of public parking, camp areas within park boundaries, and trail improvements to support existing

recreational demand and to facilitate an increased level of accessibility for visitors with disabilities. The park areas addressed in the Plan and associated improvements would be available for and maintained for public access and recreational use; therefore, the proposed Plan is consistent with Coastal Act Section 30223.

## City of Malibu LCP Land Use Plan Public Access and Recreation Policies

***2.1 The shoreline, parklands, beaches and trails located within the City provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state and national importance.***

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

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

Consistent with LCP Policy 2.1, Sections 3.1.1 and 3.2.1, the Overlay identifies trails as permitted uses in ESHA and resource dependent uses which is appropriate given the extent of the Plan Area subject to the LCP ESHA Overlay designation. The Overlay includes trails that would be located, designed, and which will be maintained to minimize impacts to ESHA by utilizing established trail corridors, following natural contours to minimize grading and avoiding naturally vegetated areas with significant native plant species, to the maximum extent feasible. Trail construction resulting in unavoidable impacts to ESHA will be carried out with all applicable Resource Protection Policies of the adopted Overlay, the City of Malibu LCP and the Coastal Act. (

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

Where severely degraded areas may develop, controlled and limited public access will be required during the recovery period and in consultation with appropriate public agencies and/or resource specialists. Public use will be evaluated periodically to determine the need for use restrictions and any implemented limitations on public access will be removed at the termination of the recovery period. The Overlay further provides that the Conservancy/MRCA conduct periodic assessments of park visitation numbers and

patterns of use and monitor the quality of visitor experience to make the appropriate management changes to prevent potential degradation of natural resources from overuse. Any future development potentially impacting ESHA must be submitted to the Coastal Commission or City of Malibu, as applicable, for specific project review. These Overlay provisions will ensure that limited or controlled methods of access and/or mitigation will be implemented to eliminate or minimize impacts to ESHA consistent with LCP Policy 2.4.

***2.7 Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer-to- Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities e.g. parking, construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use.***

Consistent with LCP Policy 2.7, the Overlay will facilitate acceptance and opening of public access trail OTDs throughout the Plan area which is a permitted use in all zone districts. The includes a detailed description of the Conservancy/MRCA OTD acceptance program and efforts to facilitate and expedite acceptance and development of the OTD identified in the Plan area to create an integrated system of trail connections linking the public parklands within the Plan area and thus allowing for continuous, open access opportunities for hikers, mountain bikers, backpackers and equestrians.

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

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

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

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

Outdoor Recreation Planner of the National Park Service to ensure continued interagency coordination and planning efforts for providing an accessible, safe and enjoyable trail system throughout the Plan area.

On April 17, 2006, staff from the Conservancy, MRCA, and National Park Service participated in an all day site visit to evaluate and define the Plan area, review updated trail data and potential opportunities for connections, and to identify and discuss prioritization of park facility improvements. The National Park Service has been instrumental in the development of the proposed Plan with its focus on enhancing public access and recreation opportunities to the adjacent Federal parklands, as well as sharing guidelines for development of trail improvements and camping facilities to incorporate the recommendations of the Draft Interagency Regional Trail Management Plan (TMP). The National Park Service provided a letter of support for a conceptual trail alignment through the Federal parkland that would allow for a trail linkage between Ramirez Canyon Park to Zuma/Trancas Canyon Park via the County-owned parcels presently subject to acquisition negotiations, pending a determination of final trail alignment and completion of required compliance documents. In addition, proposed trail plans have been coordinated with NPS staff. Consistent with LCP Policy 2.9, these coordinating efforts between the Conservancy, MRCA, and the National Park Service will ensure continued success of interagency coordination for the benefit of public resource protection, and increasing public access and recreational opportunities in the Santa Monica Mountains National Recreation Area.

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

Consistent with LCP Policy 2.11, the Overlay includes public access and recreation for public parklands, and all identified and documented public rights-of-way in the Plan area, including offers-to-dedicate (OTDs), intended for trail access. The Overlay sign program will provide information on regulations required to promote safe use of an area and resource protection. Appropriate signs and visual cues will also serve to clearly identify the designated public parking areas and public trails throughout the Plan area to avoid conflicts with private property and sensitive habitat areas. The Overlay includes trails that are located, designed, and which will be maintained to minimize impacts to ESHA by utilizing established trail corridors, following natural contours to minimize grading and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible.

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

Consistent with LCP Policy 2.13, the Conservancy/MRCA have and will continue to coordinate with the Coastal Commission to 1) identify the location and acceptance status of trail OTDs to prioritize for immediate acceptance and 2) prioritize for immediate acceptance Open Space OTDs for the protection of important scenic resources, park views and habitat areas and any Open Space OTDs that may allow for trail access.

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

The proposed Overlay and associated LCP amendment is a collaborative effort between the

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

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

Consistent with LCP Policy 2.16, a number of support facilities are identified for implementation by the Overlay where none currently exist including new public parking resources adjacent to Kanan Dume Road, at the terminus of Winding Way and adjacent to Latigo Canyon Road intended to support access and recreational opportunities at Ramirez Canyon Park and Escondido Canyon Park, respectively. The Overlay also identifies trail use support facilities including self-contained public restrooms and water sources along trail routes at Ramirez Canyon Park, Escondido Canyon Park, and Corral Canyon Park. These support facilities would be located at park entrances, along existing primary trail routes and within previously disturbed areas, would be appropriately setback from the top of bank from any adjacent streams and on level terrain to the maximum extent feasible to minimize the need for grading and impacts to sensitive habitat areas. Where impacts to sensitive resources are unavoidable, the Overlay includes a comprehensive set of policies and implementation measures to ensure that unavoidable impacts are minimized to the maximum extent feasible and that restoration plans be implemented to ensure that no significant impacts to resources will occur.

***2.17 Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a coastal development permit.***

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

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

The Overlay signage program requires that a uniform and comprehensive park and trail sign program be developed to identify park areas, permitted uses, support facilities and sensitive habitats. The policies and implementation measures of Overlay provide that Plan signage be installed to assist the public in identifying

public parks and private property, and locating and recognizing trail access points, public support facilities, potential natural hazards, road crossings, and park rules. The Overlay requires that final plans for location and content of proposed trail and park signs be submitted for review and comment to the Outdoor Recreation Planner of National Park Service to ensure continuity of signs between the park properties in the Plan area. As such, the proposed Overlay is consistent with the intent of LCP Policy 2.18.

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

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

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

The Overlay includes provisions for new public parking resources at existing parklands to alleviate parking demand for public use and recreation where existing parking restrictions on adjacent roadways currently limit public access opportunities. New parking facilities would potentially include an 18-car and two-trailer parking area at the terminus of Winding Way and a 10-car parking area accessed via Latigo Canyon Road, and pocket parking for 34-cars at Kanan Dume Road to support public use of Escondido Canyon Park and Ramirez Canyon Park, respectively, and the surrounding trail system.

***2.26 Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.***

Consistent with LCP Policies 2.25 and 2.26, the Overlay provides for development of new parking facilities adjacent to Kanan Dume Road and at Escondido Canyon Park intended to adequately and specifically serve coastal access and recreation. The conceptual access and recreational parking improvements will provide public parking resources where none currently exist and will thereby serve to meet the existing demand for parking resources necessary to support maximum access and recreational opportunities.

***2.27 The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.***

***2.28 Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit,***

*deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.*

The Overlay includes provisions for new and improved trails and public parking areas intended to support public access and recreation to parklands, and does not involve restrictions or limitations on any existing or proposed parking areas or adjacent roadways, with the exception of time restrictions associated with typical park hours of operation. As such, the Overlay is consistent with LCP Policies 2.27 and 2.28.

*2.32 Landscaping and any other barriers or obstructions placed by private landowners shall not be allowed within existing public road rights-of-way where such areas would otherwise be available for public parking.*

While the Overlay does not address private residential landscaping within roadways, implementation of trail improvements pursuant to the Overlay may require that private residential development or landscape encroachments occurring within existing trail easements be removed to develop trails in existing public right-of-ways. Therefore, the Overlay is consistent with LCP Policy 2.32.

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

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

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

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

## *Trails and Bikeways*

*2.44 Proposals to install bike racks, lockers, or other devices for securing bicycles in convenient locations at beach and mountain parks, parking lots throughout the City, trailheads and other staging areas shall be permitted. Funding should be supported and provided where available.*

Consistent with LCP Policy 2.44, the Overlay includes provisions to install bike racks, or other devices for securing bicycles at new parking and trailhead facilities. To carry out these provisions, bike racks would be located within the parking area adjacent to Kanan Dume Road and the parking area proposed at Escondido Canyon Park, and would be added to the existing parking area at Corral Canyon Park which will serve to facilitate alternative means of transportation to park areas.

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

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

LCP Policy 2.45 provides the foundation for the proposed Overlay District. Consistent with the provisions of LCP Policy 2.45, the Overlay will serve to create an interlinking network of parks, trails, and open space areas over multiple jurisdictions for diverse public use, and provides the policies and development standards for implementing this goal. The Overlay provides for flexible, site-specific design and analyzes alternative trail routes to minimize impacts on adjacent development, steep terrain, and fragile habitats. The Overlay provides for multi-use trail construction, wherever feasible and found consistent with applicable resource protection measures. The Overlay includes linkages to community trail systems within the City of

Malibu and the Santa Monica Mountains National Recreation Area as identified on the Proposed Trail Map, and will provide diverse recreational and aesthetic experiences for various physical levels of users given the diversity of environments, terrain, habitat types, and special design guidelines included in the Overlay. In addition, the Overlay will enhance a diversity of public access and recreation opportunities with necessary support facilities and accessible design features, including two crucial public parking components for Ramirez Canyon Park and Escondido Canyon Park. Finally, the Overlay is sensitive to private property rights and potential neighborhood conflicts; alternative trail alignments have been identified on public land, within existing public trail easements, and within potential future public land purchases or easement dedications wherever feasible to avoid potential conflicts with private property and adjacent neighborhoods.

***2.46 The appropriate agency or organization to accept and develop trail dedication offers resulting from City issued CDPs shall be determined through coordination, where applicable, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Los Angeles County, the Santa Monica Mountains Coastal Conservancy, and the Santa Monica Mountains Trails Council, and nonprofit land trusts or associations.***

Consistent with LCP Policy 2.46, the Mountains Recreation and Conservation Authority and Santa Monica Mountains Conservancy are identified as an appropriate public organization able to accept trail dedication offers resulting from issued Coastal Development Permits. The Conservancy and MRCA administer an ongoing program in coordination with the Coastal Commission to accept offers-to-dedicate (OTDs) for trail access easements to and along the shoreline and inland coastal trails, and to accept parcels subject to OTDs for open space easements resulting from the Commission's transfer of development credits (TDC) program. The OTD acceptance program has been incorporated as a significant component of the Overlay to facilitate implementation of the Coastal Slope Trail and other connector trails, and to therefore carry out LCP Policy 2.46.

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

The proposed Overlay contemplates new camping facilities within park boundaries, to be located within existing public use areas and to take advantage of the uniqueness of the diverse resources at the parks and to facilitate disabled access where possible. Campsites are to be located in previously disturbed or non-sensitive areas to minimize impacts to sensitive habitat areas to the maximum extent feasible. Campsites within park boundaries identified in the proposed Overlay are identified as a principal permitted use and would therefore not be considered conditionally permitted uses subject to Conditional Use Permit requirements, but would be subject to Coastal Act permitting requirements (e.g., coastal development permit or equivalent). Although the contemplated campsites are not exclusively considered trail campsites, the proposed campsites meet the intent of Policy 2.48 to provide and enhance public access and recreation opportunities consistent with the Malibu LCP and the Coastal Act.

Consistent with LCP Policy 2.48, the Overlay includes provisions for development of limited public overnight camps intended to enhance access and recreational opportunities and to provide new low-cost, overnight recreational opportunities where impacts to environmentally sensitive habitat areas and visual resources are minimized and where designed to meet fire safety standards. The Overlay includes the

following measures to ensure that potential impacts to ESHA and visual resources are minimized and to ensure fire safety:

- 1) Limiting vehicular access to existing roads and disturbed areas and limiting use to facilitate camping opportunities for persons with disabilities, for park staff administrative/management purposes, and for other limited specific uses with prior permission (e.g., research).
- 2) Locating camp areas in existing public use areas and in previously disturbed or non-sensitive areas. Campsites are proposed a minimum of 100 feet from the top of bank from all streams, in disturbed areas of level terrain to avoid the need for grading and minimize impacts to sensitive habitat areas and visual resources, to the maximum extent feasible.
- 3) Ensuring that campsite locations have been evaluated by a qualified biologist to make certain that campsites are appropriately located in previously disturbed areas, are appropriately located a minimum of 100 feet from the top of bank and any adjacent stream, where feasible, and to assess potential impacts to adjacent habitat areas and provide recommendations for mitigation, as applicable.
- 4) Prohibiting campfires at all times and ensuring development, use restrictions, and brush maintenance for all campsites are carried out in accordance with an approved Fire Protection and Emergency Evacuation Plan. The Fire Protection and Emergency Evacuation Plan required per Hazards implementation measures must include site specific provisions that address fuel modification, safety precautions, onsite fire protection and infrastructure, and evacuation plans and policies.

***2.51 A uniform signage program shall be developed and utilized to assist the public in locating and recognizing trail access points. In areas containing environmentally sensitive habitat or safety hazards, signs shall be posted in English and in Spanish with a description of the sensitive habitat or safety hazard once the trail is opened by a public agency or private association.***

Consistent with LCP Policy 2.51, the Overlay requires that a uniform and comprehensive park and trail sign program be developed to identify park areas, permitted uses, support facilities and sensitive habitats. The policies and implementation measures of the Overlay provide that Plan signs be posted in English and in Spanish, where appropriate, and that signs be developed and installed to assist the public in identifying public parks, and locating and recognizing trail access points, public support facilities, potential natural hazards, road crossings, and park rules. In areas containing environmentally sensitive habitat or safety hazards, signs will be posted with a description of the sensitive habitat or safety hazard once the trail is opened by a public agency or private association. The sign program shall also be designed to minimize conflicts between public and private property uses. The Overlay further requires that final plans for location and content of proposed trail and park signs be submitted for review and comment to the Outdoor Recreation Planner of National Park Service to ensure continuity of signs between the park properties in the Plan area.

***2.52 Trail areas that have been degraded through overuse or lack of maintenance should be restored by such techniques as revegetation with native plants, and through the provision of support facilities such as parking, trash receptacles, restrooms, picnic areas etc. In environmentally sensitive habitat areas a limited recovery period during which public access should be controlled may be necessary. Any limitation on access shall be for the minimum***

*period necessary, shall be evaluated periodically to determine the need for continued limited use and shall require a Coastal Development Permit.*

Consistent with LCP Policy 2.52, the resource protection policies of the Overlay related to trail development in ESHA include, among other requirements, provisions for restoration of areas that have been severely degraded as the result of overuse or lack of maintenance utilizing techniques such as revegetation with native plants, trail consolidation and improvement, and provision of support facilities such as parking, defined trail systems, raised walkways, trash receptacles, restrooms, and picnic areas. Appropriate fencing and signs will be installed around restoration areas for purposes of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. Finally, where severely degraded areas may develop, controlled and limited public access will be required during the recovery period and in consultation with appropriate public agencies and/or resource specialists. Public use will be evaluated periodically to determine the need for use restrictions and any implemented limitations on public access will be removed at the termination of the recovery period. The Overlay further provides that the Conservancy/MRCA conduct periodic assessments of park visitation numbers and patterns of use and monitor the quality of visitor experience to make the appropriate management changes to prevent potential degradation of natural resources from overuse. Any future development potentially impacting ESHA must be submitted to the Coastal Commission or City of Malibu, as applicable, for specific project review. These Overlay provisions will ensure that limited or controlled methods of access and/or mitigation will be implemented to eliminate or minimize impacts to ESHA consistent with LCP Policy 2.52.

## 4.2 RESOURCE PROTECTION

### Environmentally Sensitive Habitat Area (ESHA)

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

*Section 30240:*

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

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

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

Implementation of the proposed Overlay will result in improvements located in a variety of habitat types varying from highly disturbed road shoulders void of vegetation and of little habitat value to well established coastal sage scrub habitat areas and riparian corridors of significant habitat values. Many of the conceptual park-specific improvements are located in areas subject to the ESHA Overlay designation of the City's LCP.

The majority of the trail improvements associated with OTDs are located along road shoulders primarily composed of bare dirt and scattered residential landscaping and other non-native vegetation. However, the majority of the park-specific improvements would be located within existing parklands that are subject to the ESHA Overlay designation of the City's LCP and clearly contain a variety of sensitive habitat areas. The ESHA policies of the Overlay include a number of provisions to ensure that environmentally sensitive habitat areas are protected, and that potential impacts to sensitive habitats resulting from project implementation be avoided, where feasible, and minimized to the maximum extent possible. The policies require that new park facility development be sited and designed in disturbed areas, to the maximum extent feasible, and where only minimal grading and removal of natural vegetation are required to ensure that potential impacts to ESHA are avoided or minimized. Provisions for very limited motorized vehicular access, signs and fencing are included for accessibility services, public safety, or to ensure habitat protection or restoration success. Fencing may also be provided on park property where found necessary to minimize potential conflicts with adjacent neighborhoods. The Overlay also addresses issues associated with stream channelization of Ramirez Canyon Creek which was previously channelized by the prior property owners and now proposed for restoration.

The Overlay ESHA policies and implementation measures provide for regulation of project implementation within and adjacent to areas designated as environmentally sensitive habitat areas, including measures such as setbacks and buffers, grading controls (Water Quality policies), maintenance of natural vegetation, and control of runoff, and specific mitigation requirements for unavoidable impacts to avoid significant

adverse impacts on habitat resources. Specific development controls for conceptual project plans and particular habitat types and associated sensitive species are discussed in the Draft Biological Resources Letter Report and Impacts Analysis, prepared by Dudek. In addition, the Ramirez Creek Habitat Enhancement Study, prepared by Penfield & Smith, includes a detailed analysis of stream restoration opportunities for Ramirez Canyon Creek which was substantially channelized by a previous property owner. The creek restoration project would significantly improve the water quality and habitat value of Ramirez Canyon Creek.

For these reasons, the proposed Overlay and associated project improvements will not have a significant impact on sensitive plant or animal species, and is therefore consistent with Section 30240 of the Coastal Act.

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

### *a. ESHA Designation*

*3.1 Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments are Environmentally Sensitive Habitat Areas (ESHAs) and are generally shown on the LUP ESHA Map. The ESHAs in the City of Malibu are riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, dunes, bluffs, and wetlands, unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem. Regardless of whether streams and wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply. Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA.*

### *b. ESHA Protection*

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

*3.9 Public accessways and trails are considered resource dependent uses. Accessways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.*

Consistent with LCP Policy 3.8, the Overlay provides for trail improvements, which are sited and designed to protect and minimize impacts to ESHA to the maximum extent feasible. The proposed trails will enhance public access opportunities in the Plan area and are permitted uses in ESHA pursuant to LCP Policy 3.9.

In addition, the LCP public access policies specifically allow for recreational and park support facility improvements within natural parklands, most of which within the City are designated and zoned OS and subject to the ESHA Overlay designation, assuming such improvements can be sited and designed to

avoid and minimize impacts to ESHA to the maximum extent feasible. Consistent with LCP Policy 2.7, trails are permitted uses in all land use and zoning districts, and trails and related support facilities are permitted to be constructed, opened and operated in parklands for their intended public use. Furthermore, LCP Policy 2.16 specifically permits entrance roads, parking facilities, and other necessary support facilities for parks where sited and designed to minimize adverse impacts to environmentally sensitive habitat areas and other sensitive environmental and visual resources.

Consistent with LCP Policies 3.1, 3.8 and 3.9, and the public access and recreation policies of the City's LCP, proposed Overlay trails are located, designed, and will be maintained to avoid or minimize impacts to ESHA by utilizing established trail corridors, following natural contours, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. In addition, the Overlay park support facilities would be located either within existing developed and disturbed areas of Ramirez Canyon Park, or within existing disturbed and non-sensitive areas at Escondido Canyon and Corral Canyon Parks. All proposed improvement areas have been evaluated to confirm the presence or absence of ESHA in proposed improvement areas to ensure that significant impacts to ESHA are avoided (Draft Biological Resources Letter Report and Impacts Analysis, prepared by Dudek). In doing so, all planned park support facility improvements are sited and designed to utilize existing facilities and/or disturbed areas to the maximum extent feasible, to provide appropriate setbacks from streams and other sensitive habitat areas, and to be non-invasive on the natural topography thus minimizing grading and associated impacts to sensitive habitat areas.

Additionally, the administrative support facilities located at Ramirez Canyon Park are appropriately sited within the limits of existing development envelopes and buildings. All existing buildings and other appurtenant structures located at Ramirez Canyon Park are documented to have been constructed prior to the effective date of Coastal Act and thus resulted in a significantly disturbed and manicured environment. In addition, pursuant to the City's LCP ESHA designation, *"Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA."* As such, much of the property within and directly adjacent to the existing development envelopes associated with the previous use of Ramirez Canyon Park as an estate compound, as well as those adjacent areas subject to required fuel modification for existing structures, do not meet the City LCP definition of ESHA. However, although the site has been subject to past disturbance resulting in diminished habitat value, consistent with the ESHA definition of the LCP, Ramirez Canyon Creek is afforded special treatment as a habitat area of significance pursuant to the policies and standards in the LCP applicable to streams and, therefore, the Overlay provides for a substantial creek restoration plan for Ramirez Canyon Creek within the park's boundaries.

Finally, consistent with LCP Policy 2.48, the Overlay includes provisions for development of limited public campsites intended to enhance access and recreational opportunities and to provide new low-cost, overnight recreational opportunities where impacts to environmentally sensitive habitat areas are minimized and where designed to meet fire safety standards. Consistent with LCP Policy 2.48, the Overlay defines overnight camps as camp areas located within park boundaries and which are accessed by hike-in users, except for campsites specifically designed for accessibility. The Overlay includes a number of measures to ensure that potential impacts to ESHA are minimized and to ensure fire safety including:

- 1) Limiting vehicular access to only facilitate camping opportunities for persons with disabilities, for park management activities, and for other restricted uses (e.g., research with prior permission).

2) Locating camp areas in existing public use areas and in previously disturbed or non-sensitive areas. Campsites are proposed a minimum of 100 feet from the top of bank from all streams, in disturbed areas of level terrain to avoid the need for grading and minimize impacts to sensitive habitat areas and visual resources, to the maximum extent feasible.

3) Ensuring that campsite locations have been evaluated by a qualified biologist to make certain that campsites are appropriately located in previously disturbed areas, are appropriately located a minimum of 100 feet from the top of bank and any adjacent stream, where feasible, and to assess potential impacts to adjacent habitat areas and provide recommendations for mitigation, as applicable.

4) Prohibiting campfires at all times and ensuring development, use restrictions, and brush maintenance for all campsites are carried out in accordance with and approved Fire Protection and Emergency Evacuation Plan. The Fire Protection and Emergency Evacuation Plan required per Hazards implementation measures would include a number of site specific provisions that address fuel modification, safety precautions, onsite fire protection and infrastructure, and evacuation plans and policies.

*3.12 No development shall be allowed in wetlands unless it is authorized under Policy 3.89. For all ESHA other than wetlands, the allowable development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites are ESHA or ESHA buffer shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. If it is demonstrated that it is not feasible from an engineering standpoint to include all graded slopes within the approved development area, then graded slope areas may be excluded from the approved development area. For parcels over 40 acres in size, the maximum development area may be increased by 500 sq. ft. for each additional acre in parcel size to a maximum of 43,560-sq. ft. (1-acre) in size. The development must be sited to avoid destruction of riparian habitat to the maximum extent feasible. These development areas shall be reduced, or no development shall be allowed, if necessary to avoid a nuisance, as defined in California Civil Code Section 3479. Mitigation of adverse impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be required.*

The proposed Overlay does not contemplate any improvements in wetlands; therefore, LCP Policy 3.12 is not applicable. In addition, the proposed improvements are limited in nature and will not exceed the 10,000 sq. ft./parcel or 25% of total parcel size development area limitation.

*3.14 New development shall be sited and designed to avoid impacts to ESHA. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Commission as an amendment to the LCP. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.*

*3.15 Mitigation measures for impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives, including habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion.*

*Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. However, if after ten years, performance standards have still not been met, the applicant shall submit an amendment proposing alternative mitigation measures.*

The Overlay includes new development policies and implementation measures related to trail and park improvements to enhance public access opportunities in the Plan area and would include primarily low-intensity uses consisting of access trails that are sited and designed to be noninvasive on the natural topography of trail corridors and to minimize impacts to sensitive habitat areas. Limited camping facilities would be located exclusive within park boundaries to provide rare and unique resources for low-cost overnight recreation in the Plan area. Camping facilities would be limited in size and location, and clustered in consideration of geologic and natural resource constraints of the park properties. Support facilities for the parklands would be sited and designed to minimize adverse impacts to environmentally sensitive habitat areas as the proposed improvements would be sited and designed to utilize existing facilities and/or disturbed areas to the maximum extent feasible, to provide appropriate setbacks from streams and other sensitive habitat areas, and to be non-invasive on the natural topography to minimize grading and associated impacts to sensitive habitat areas.

The Overlay specifically identifies trails as permitted uses in ESHA and resource dependent uses which is appropriate given the extent of the Plan area subject to the LCP ESHA Overlay designation. The Overlay includes trails that are located, designed, and which will be maintained to minimize impacts to ESHA by utilizing established trail corridors, following natural contours to minimize grading and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Trail construction resulting in unavoidable impacts to ESHA would be carried out with all applicable Resource Protection policies of the adopted Overlay, the City of Malibu LCP and the Coastal Act.

The Resource Protection policies of the Overlay related to trail development in ESHA include, among other requirements, provisions for restoration of areas that have been severely degraded as the result of overuse or lack of maintenance utilizing techniques such as revegetation with native plants, trail consolidation and improvement, and provision of support facilities such as parking, defined trail systems, raised walkways, trash receptacles, restrooms, and picnic areas. Fencing and signs will be installed around restoration areas for purposes of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. Finally, where severely degraded areas may develop, controlled and limited public access will be required during the recovery period and in consultation with appropriate public agencies and/or resource specialists. Limitation of public use will be evaluated periodically to determine the need for continued use restrictions and the limitation will be removed at the termination of the recovery period. The Overlay further provides that the Conservancy/MRCA conduct periodic assessments of park visitation numbers and patterns of use and monitor the quality of visitor experience and make the appropriate management changes to prevent potential degradation of natural resources from overuse, and that any future development potentially impacting ESHA not addressed in the Plan be submitted to the Coastal Commission or City of Malibu, as applicable, for specific project review.

The park-specific conceptual site designs reflect the Overlay ESHA protection requirements with respect to protection of all sensitive resources. The Overlay balances public access and recreational uses determined to be coastal-priority uses as defined by the Coastal Act, with protection of sensitive habitat areas. The proposed park-specific concept plans incorporate minimum setback/buffer requirements from streams and unique or rare habitats and would be required to incorporate mitigation measures that would serve to protect and allow for the continuance of sensitive habitat areas. The proposed Overlay will ensure that public access and recreation opportunities will be enhanced in the Plan area and that appropriate mitigation will be implemented to eliminate or mitigate potential impacts to ESHA, consistent with LCP Policies 3.14 and 3.15.

***3.18 The use of insecticides, herbicides, or any toxic chemical substance which has the potential to significantly degrade Environmentally Sensitive Habitat Areas, shall be prohibited within and adjacent to ESHAs, where application of such substances would impact the ESHA, except where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application.***

Implementation of the Overlay and associated improvements will not require the use of insecticides, herbicides or any toxic chemical substance in areas designated as ESHA where application of the substances would adversely impact ESHA, unless their use would protect or enhance the habitat itself. Therefore, the Overlay is consistent with Policy 3.18.

***3.20 Mosquito abatement within or adjacent to ESHA shall be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to ESHA.***

Mosquito abatement is not proposed as part of the Overlay. If mosquito abatement is required within an ESHA, it shall be limited to the implementation of the minimum measures necessary to protect human health and minimize adverse impacts to an ESHA. Therefore, the Overlay is consistent with LCP Policy 3.20.

***3.21 Wildfire burn areas shall be allowed to revegetate naturally, except where re-seeding is necessary to minimize risks to public health or safety. Where necessary, re-seeding shall utilize a mix of native plant seeds appropriate for the site and collected in a similar habitat within the same geographic region, where feasible. Wildfire burn area that were previously subject to fuel modification or brush clearance for existing structures, pursuant to the requirements of the Los Angeles County Fire Department, may be revegetated to pre-fire conditions.***

Wildfire burn areas will be allowed to revegetate naturally, except where re-seeding is necessary to minimize risks to public health or safety. These areas will be treated consistent with LCP Policy 3.21.

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

Consistent with LCP Policy 3.22, the Overlay includes signs for park development projects at existing facilities where determined appropriate for the purpose of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. In addition, the Overlay includes development of a

uniform and comprehensive sign program, which will be posted in English and in Spanish, where applicable, to assist the public in identifying public parks, and locating and recognizing trail access points, public support facilities, sensitive habitats, potential natural hazards, and park rules.

#### *d. Stream Protection*

***3.32 Channelizations or other substantial alterations of streams shall be prohibited except for: 1) necessary water supply projects where no feasible alternative exists; 2) flood protection for existing development where there is no other feasible alternative, or 3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.***

The Overlay includes policies and measures to implement a significant stream restoration project for Ramirez Canyon Creek to correct the streambank disturbance performed by a previous property owner resulting from substantial channelization of much of the creek corridor within the park. A Habitat Enhancement Study has been prepared for Ramirez Canyon Creek by Penfield & Smith to assist in facilitating the restoration project. Consistent with LCP Policy 3.32, the Habitat Enhancement Study analyzes creek restoration opportunities at the Park where bank protection is not required for flood protection of existing structures and where creek restoration will benefit the hydrology of the stream corridor and fish and wildlife habitat. A variety of creek bank treatments have been evaluated for the stream restoration project including total naturalization of the creek bank and/or utilizing a combination and natural and hard structures to accomplish the restoration, which will be implemented consistent with flood protection requirements of the development onsite, to improve fish and wildlife habitat, and to ensure impacts to coastal resources are minimized. The Ramirez Canyon Creek Habitat Enhancement Plan will serve to improve the biological resources and water quality associated with the Ramirez Canyon Creek riparian corridor.

#### *g. New Development*

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

- ***Minimizing grading and landform alteration, consistent with Policy 6.8***
- ***Minimizing the removal of natural vegetation, both that required for the building pad and road, as well as the required fuel modification around structures.***
- ***Limiting the maximum number of structures to one main residence, one second residential structure, and accessory structures such as, stable, corral, pasture, workshop, gym, studio, pool cabana, office, or tennis court, provided that such accessory structures are located within the approved development area and structures are clustered to minimize required fuel modification.***
- ***Minimizing the length of the access road or driveway, except where a longer roadway can be demonstrated to avoid or be more protective of resources.***
- ***Grading for access roads and driveways should be minimized; the standard for new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is***

*less. Longer roads may be allowed on approval of the City Planning Commission, upon recommendation of the Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LIP provisions.*

- *Prohibiting earthmoving operations during the rainy season, consistent with Policy 3.47.*
- *Minimizing impacts to water quality, consistent with Policies 3.94-3.155*

No new roads, significant structures or building pads are included in the Overlay. The Overlay includes trail and park improvements to enhance public access opportunities in the Plan area consisting primarily of access trails which are sited and designed to be noninvasive on the natural topography of trail corridors and to minimize impacts to sensitive habitat areas. Limited camping facilities are planned exclusively within park boundaries, which would be clustered in designated camp areas and limited in size and location in consideration of geologic and natural resource constraints of the park properties.

The Overlay requires that administrative support facilities are provided within the existing developed and disturbed area of Ramirez Canyon Park and that other limited park support facilities (parking and self-contained restrooms) are sited and designed to utilize disturbed areas within existing parklands. All new improvements would be sited and designed to be non-invasive on the natural topography to minimize grading and associated impacts to sensitive habitat areas, and proposed campsites would be clustered to minimize the need for excessive fuel modification which minimizes potential impacts of vegetation removal. Water Quality implementation measures of the Overlay require that an Interim Erosion Control Plan be developed and implemented for construction activities resulting in soil disturbance and vegetation removal, and also include specific development standards for erosion control. In addition, the Water Quality policies and implementation measures of the Overlay will serve to ensure that impacts to water quality are minimized. As such, consistent with LCP Policy 3.42, new development implemented pursuant to the approved Overlay will be sited and design to minimize impacts to ESHA.

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

No new septic systems would be installed pursuant to the Overlay and associated improvements. Pursuant to CDP 4-98-334, the Conservancy previously obtained approval to abandon nonconforming septic systems installed by a previous property owner at Ramirez Canyon Park and alternatively installed a state-of-the-art alternative wastewater treatment and recycled water system which currently serves the park uses. Water Quality implementation measures require that this system be maintained onsite and used for all park operations, that any new permanent restrooms be connected to the system, and that self-contained restrooms be supplied when necessary to supplement the system. As such, new park facility restrooms at Ramirez Canyon Park would be connected to the alternative sewage disposal system and would not result in new septic systems or wastewater discharge. New self-contained restrooms are planned at Escondido and Corral Canyon Parks and would consist of self-contained composting/chemical restrooms and the facilities would be installed with a 200 foot setback from adjacent streams wherever feasible, with an absolute minimum setback of 100 feet from adjacent streams to ensure all potential impacts to water quality and ESHA from wastewater discharge are avoided..

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

As described previously, consistent with LCP Policy 3.45 all conceptual improvements of the Overlay have been sited and designed to minimize the need for grading and vegetation removal to the maximum extent feasible. Trail alignments are sited to utilize existing trail corridors and to avoid steep, vegetated terrain wherever possible and new support facilities would be sited and designed in relatively level areas void of or containing disturbed vegetation to minimize grading, landform alteration, drainage pattern disturbance and vegetation clearance and to therefore prevent soil erosion, sedimentation, and alteration of natural water flows.

As illustrated by the conceptual project plans for the contemplated Overlay improvements, new development would be sited and designed to take advantage of the most feasible development locations on the most level portions of the park properties to minimize grading that would otherwise be necessary to create camp pads and/or parking and restroom locations. In addition, the conceptual site designs utilize existing access roads to minimize the amount of grading necessary to provide for new parking or to assist accessibility to new camp improvements. The conceptual park improvements conform to the natural terrain of the Plan area to the maximum extent feasible and would result in minimal alteration of the existing topography. Concept plans illustrate where grading would be required to construct new trails, parking improvements and camp facilities. Grading would not substantially alter the existing natural topography of improvement sites.

***3.47 Earthmoving during the rainy season (extending from November 1 to March 1) shall be prohibited for development that is 1) located within or adjacent to ESHA, or 2) that includes grading on slopes greater than 4:1. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 1, unless the City determines that completion of grading would be more protective of resources.***

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

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

- ***Plantings shall be native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.***

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

Consistent with LCP Policies 3.47, 3.48 and 3.50, the Overlay includes a number of provisions to address potential impacts of grading and uncontrolled stormwater runoff on sensitive habitats. Water Quality implementation measure require new park facility development to include post-development phase drainage and polluted runoff control plans that specify site design, source control, treatment control best management practices (BMPs), and monitoring intended to minimize post-construction polluted runoff. Water Quality implementation measures also require that an Interim Erosion Control Plan be developed and implemented for construction activities resulting in soil disturbance and vegetation removal with specific provisions should grading occur during the rainy season. In addition, Water Quality implementation measure require all graded and disturbed areas on the subject site to be planted and maintained for erosion control purposes within (60) days of completing construction activities resulting in soil disturbance or vegetation removal.

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

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

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

Consistent with LCP Policy 3.51, the ESHA policies of the Overlay include provisions for restoration of areas that have been severely degraded as the result of overuse or lack of maintenance utilizing techniques such as revegetation with native plants, trail consolidation and improvement, and provision of support facilities such as parking, defined trail systems, raised walkways, trash and recycling receptacles, restrooms, and picnic areas. Where severely degraded areas may develop, controlled and limited public access will be required during the recovery period and in consultation with appropriate public agencies

and/or resource specialists. Limitation of public use will be evaluated periodically to determine the need for continued use restrictions and the limitation will be removed at the termination of the recovery period.

The Overlay provides that the Conservancy/MRCA shall conduct periodic assessments of park visitation numbers and patterns of use and monitor the quality of visitor experience and make the appropriate management changes to prevent potential degradation of natural resources from overuse, and that any future development potentially impacting ESHA be submitted to the Coastal Commission or City of Malibu, as applicable, for specific project review. The Overlay further provides for restoration of Ramirez Canyon Creek which was previously degraded by the substantial channelization carried out by a former property owner/s and provides specific development standards for implementing the creek restoration plan. In addition, consistent with LCP Policies 3.53 and 3.55, fencing and signs are required to be installed around restoration areas for purposes of identifying sensitive habitats and educating visitors of ESHA occurrence and/or restoration efforts. All fencing would be permeable to wildlife.

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

The proposed Overlay would not result in the introduction of permanent lighting fixtures in the Plan area.

#### ***h. Fuel Modification***

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

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

A Fire Protection and Emergency Evacuation Plan prepared per the Hazards implementation measures is required by the proposed Overlay and would include a number of site specific provisions that address fuel modification, safety precautions, onsite fire protection and infrastructure, and evacuation plans and policies. This Overlay requires that an emergency plan-of-action be prepared to minimize exposure of public park facilities, visitors, and adjacent communities to natural hazards, and to prepare and condition for potential emergency situations. Fire protection and evacuation measures will be defined for each park property, and specialized fire protection measures implemented for Ramirez Canyon Park due to the built-out nature of the property and the unique access programs the Park supports.

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

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

Consistent with LCP Policies 3.61 and 3.62, habitat mapping has been conducted and provides a quantification of acreage of natural vegetation that would potentially be removed or subject to fuel modification imposed around new facilities. All impacts to natural vegetation as determined by the habitat mapping would be appropriately mitigated per the mitigation requirements of the adopted Overlay and the City's LCP.

*i. Native Tree Protection*

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

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

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

Consistent with LCP Policies 3.63-3.65, the Overlay and associated improvements will protect all native trees in or near the planned improvement areas. The Plan area, particularly within existing parklands, contains a number of native trees that are afforded protection pursuant to the City's LCP. The conceptual Plan improvements have been sited and designed to avoid removal of native trees, with the exception of the proposed stream restoration plan for Ramirez Canyon Creek. Creek restoration would result in widening of the creek channel throughout much of Ramirez Canyon Park and in some locations may affect upland land area that presently supports large native trees. Where it is determined infeasible to preserve in-place or to transplant these trees, tree replacement mitigation would be provided onsite consistent with the requirements of the tree mitigation provisions of the Overlay and the City's LCP.

## Water Quality

### California Coastal Act Water Quality Policies

#### Coastal Act § 30230:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

#### Coastal Act § 30231:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

#### Coastal Act § 30236

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

The implementation of the Overlay and associated Plan improvements would include grading only for trail, camp area and limited public parking/restroom development and paving is proposed only to construct a new public parking area along the road shoulder adjacent to Kanan Dume Road, at the terminus of Winding Way and adjacent to Latigo Canyon Road at Escondido Canyon Park, The riparian corridors contained in Ramirez, Escondido and Corral Canyon Parks provide important habitat for a variety of sensitive plant and animal species. The value and quality of the sensitive habitat areas within these parks are directly related to the water quality of the coastal tributary that sustains them. Therefore, to ensure protection of ESHA and to minimize impacts to water quality, the Overlay includes a number Water Quality policies generally requiring that new park development be located and designed to minimize soil disturbance, removal of natural vegetation, and landform alteration. In addition, the park-specific concept site designs reflect the Overlay ESHA and water quality protection requirements with respect to protection of all sensitive resources and minimum setback/buffer requirements from all coastal waterways.

Water Quality policies of the Overlay require that new parking facilities be designed to minimize stormwater runoff and potential pollutant loads from impervious areas and that activities involving soil disturbance and

vegetation removal be carried out in conjunction with construction phase erosion control and polluted runoff control plans. Implementing these policies will serve to minimize impacts from erosion and sedimentation from disturbed soils or areas void of vegetation, and will prevent alteration of natural drainage patterns. Water Quality policies also include specific provisions for installing new portable self-contained restroom facilities for trail users and backpackers to ensure impacts to ESHA and water quality are avoided. Conceptual project plans reflect the requirements of the Water Quality policies and implementation measures of the Overlay in that grading is minimized as much as feasible by utilizing level terrain for facility improvements, and all limited impervious surfaces associated with new public parking resources will be treated with stormwater runoff control and filtration devices. In addition, the Overlay provides for maintenance of, and connection of new restroom facilities to, the state-of-the-art wastewater treatment and water reuse system previously installed for Ramirez Canyon Park pursuant to CDP 4-98-334, and installation of entirely self-contained portable restroom facilities at Escondido Canyon and Corral Canyon Parks.

The Overlay is consistent with Coastal Act Sections 30230 and 30231 in that it requires control and treatment of stormwater runoff on site via graded bioswales and the future project implementation would not involve any elements that would result in depletion of groundwater supplies. Additionally, the Overlay and associated improvements would not involve substantial alteration of any stream or drainage, with the exception of the habitat enhancement project planned for Ramirez Canyon Creek which will serve to improve habitat value and water quality of the coastal stream. New park support facilities would be setback a minimum of 100 feet from streams to the maximum extent feasible such that potential development impacts including grading and removal of vegetation in sensitive riparian and other coastal water habitat areas is avoided. Finally, incorporation of construction BMPs as required by the Overlay Water Quality policies and implementation measures discussed above will minimize potential runoff, erosion of site soils and resulting degradation of water quality.

Consistent with Coastal Act Section 30236, the Overlay includes a significant stream restoration component for Ramirez Canyon Creek to correct the streambank disturbance and channelization performed by a previous property owner which has affected much of the habitat value of the creek corridor within the park. ESHA implementation measures Overlay acknowledge that the 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. As such, a Habitat Enhancement Study has been prepared for Ramirez Canyon Creek by Penfield & Smith. The study includes a site-specific, comprehensive analysis of the modified stream channel within the park to assess opportunities for streambed and riparian habitat restoration and potential onsite and off site flooding or erosional hazards that might result from removing and/or modifying the existing channelization structures. The Habitat Enhancement Study analyzes creek restoration opportunities in consideration of the need to provide for flood protection of existing structures and where creek restoration can benefit the overall hydrology of the stream corridor and improve fish and wildlife habitat. A variety of creek bank treatments have been evaluated for the stream restoration project including total naturalization of the creek bank and/or utilizing a combination of natural and hard structures to accomplish the restoration, which will be implemented consistent with flood protection requirements for the existing development onsite, to improve fish and wildlife habitat, and to ensure impacts to coastal resources are minimized. ESHA implementation measures require that habitat restoration be provided as part of the stream restoration effort. Implementation of the Ramirez Canyon Creek Habitat Enhancement Plan would serve to improve the biological resources and water quality associated with the Ramirez Canyon Creek riparian corridor consistent with the provisions of Coastal Act Sections 30230, 30231 and 30236.

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

### *b. Development*

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

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

*3.96 New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.*

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

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

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

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

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

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

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

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

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

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

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

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

*3.119 New development that requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas, consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive*

*plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.*

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

The City of Malibu LCP provides a detailed and comprehensive set of policies intended to protect water quality.

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

Consistent with the balance of LCP Policies relating to water quality protection, the Overlay will not result in the degradation of the water quality of groundwater basins or coastal surface waters and all improvements are designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern that may result in significant impacts from site runoff from impervious areas. The Overlay provides for incorporating site design and Best Management Practices (BMPs) to ensure that potential pollutant loading in stormwater runoff is reduced to the maximum extent feasible.

Conceptual improvements identified by the proposed Overlay for new parking facilities are designed to minimize stormwater runoff and potential associated pollutant loads from limited impervious areas, and the Overlay requires that all trail and park facility improvements be sited and designed to minimize grading, landform alteration, drainage pattern disturbance and vegetation clearance to prevent soil erosion, sedimentation, and alteration of natural water flows to any receiving water body, and that all activities involving soil disturbance and vegetation removal associated with development of new trails, campsites and support facilities include construction phase erosion control and polluted runoff control plans. Water Quality implementation measures further specifically requires that the new park facility development, as applicable, include post-development phase drainage and polluted runoff control plans that specify site design, source control and treatment control best management practices (BMPs), and include monitoring and maintenance provisions for identified BMPs.

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

implemented on site prior to or concurrent with initial grading operations and must be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction.

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

Park-specific conceptual project plans demonstrate that camping and park facility improvements have been located to avoid grading of hillside terrain. Park facility improvements would be sited and designed to take advantage of the most feasible development locations on the most level portions of the subject parklands to minimize grading that would otherwise be necessary to create pads for the proposed camping and support facilities. The conceptual improvements conform to the natural terrain of the improvement areas to the maximum extent feasible and would result in minimal alteration of the existing topography. Grading would be limited to only what is necessary to provide limited camp areas for hike-in use, to facilitate accessibility, and to provide critical support facilities including parking and restrooms.

Conceptual improvements areas are also setback a minimum of 100 feet from all wetlands and riparian habitat of coastal drainages to the extent feasible. One exception to the minimum 100 foot setback requirement for new development is related to the proposed accessible vehicular access and drop off point located at Corral Canyon Park within a disturbed maintenance road that will be upgraded to provide for one drop-off point from which visitors with special needs can gain access to the park. Given the proximity of this area to the creek, the improvements will consist only of leveling the area, providing adequate dimensions for vehicle turnaround, and maintaining the area as a permeable surface for water infiltration.

Given that only new parking facilities proposed at Ramirez Canyon Park (adjacent to Kanan Dume Road), at Escondido Canyon Park (at the terminus of Winding Way), and at the property adjacent to Latigo Canyon Road would result in new impervious surfaces within the entire Plan area, increases in impervious surfaces and run-off volumes resulting from the project would be of a limited, incremental nature. Drainage features would be designed to accommodate the anticipated incremental increase of runoff from these limited parking areas. Consistent with LCP Policies related to protection of water quality, water runoff would be retained on-site by means of primarily non-structural, post-construction BMPs that would include permanent graded bioswales designed to accommodate peak runoff and naturally filter, treat and retain stormwater on the site. Stormwater would be conveyed via the proposed swales to existing adjacent drainage courses for discharge and dispersal at a point with ungrouted rip-rap to prevent erosion.

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

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

### *c. Hydromodification*

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

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

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

The proposed Overlay does not include improvements that would result in disturbance or alteration of stream or natural drainages with the exception of the stream restoration plan proposed for Ramirez Canyon Creek. Consistent with LCP Policies 3.32 and 3.121, the proposed Overlay includes a significant stream restoration project for Ramirez Canyon Creek to correct the streambank disturbance and channelization performed by a previous property owner which has affected much of the habitat value of the creek corridor within the park. The Habitat Enhancement Study prepared to assess stream restoration potential for Ramirez Canyon Creek analyzes creek restoration opportunities in consideration of the need to provide for flood protection of existing structures and where creek restoration can benefit the overall hydrology of the stream corridor and improve fish and wildlife habitat. A variety of creek bank treatments have been evaluated for the stream restoration project including total naturalization of the creek bank and/or utilizing a combination of natural and hard structures to accomplish the restoration, which will be implemented consistent with flood protection requirements for the existing development onsite, to improve fish and wildlife habitat, and to ensure impacts to coastal resources are minimized. Consistent with LCP Policies 3.122, natural vegetation buffer areas will be provided between all park improvements and coastal waterways by requiring 100 foot and 200 foot setbacks for new park facilities as appropriate. The proposed Overlay does not involve any new channelization or dam proposals, but is intended to substantially improve

the water quality and habitat value of Ramirez Canyon Creek within the Park, subject to stream disturbance and channelization carried out by a previous property owner.

### *LCP Policies 3.126 – 3.140 On-Site Treatment Systems*

Policies 3.126 – 3.140 of the City's LCP address wastewater discharges associated with on-site treatment systems (OSTSs). The proposed Overlay does not include the introduction of new OSTs within the Plan area that would result in waste water discharge.

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

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

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

## **4.3 Visual Resources**

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

*Coastal Act § 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the*

*alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The proposed Plan appropriately addresses the entire Plan area as a significant scenic area providing views to and along the coastline and the naturally vegetated open space areas of the Santa Monica Mountains. In preparing the proposed Overlay District, the Conservancy and MRCA have considered potential impacts on views to and within the Plan area. As such, Policies, Implementation Measures and specific conceptual improvement plans have been developed so that proposed restroom structures, and improvements for trails, campsites, and parking facilities are visually compatible with the character of the area and are designed to protect visual resources of the Plan area consistent with Coastal Act Section 30251.

The Overlay improvements will require minor grading for new trails and park facilities. Due to the secluded nature of the proposed improvement areas, variations in natural topography and existing vegetation that will be retained on the site, the planned minor improvements and necessary grading will not be visible from the majority of viewsheds within the Plan area. The park-specific concept site design layouts utilize the most level portions of the park areas to minimize grading and landform alteration, and specifically utilize park areas presently screened from public views by natural topography and/or existing vegetation. Necessary grading would be designed to follow the natural contours of proposed improvement areas to minimize disturbed areas and timely vegetation restoration of disturbed areas with native plant species will minimize visual impacts associated with grading.

Camp area improvements, including restrooms, are designed to be clustered in specific locations that are not visible from primary public viewing areas. Additionally, camp facility improvements are sufficiently setback on the marine terrace at Corral Canyon Park and will not be visible from the beach below or Pacific Coast Highway. Furthermore, the Overlay does not include or contemplate the addition of any structural improvements such as shoreline protective devices, drain pipes or discharge dissipaters on a bluff or beach. The Overlay's improvements are minor in nature and will serve to provide additional public access and recreational opportunities to enjoy the substantial open spaces and visual resources protected by the existing parklands in the Plan area. Therefore, the proposed Overlay and associated improvements will not impact public views to or from the ocean, and will not be substantially visible from public viewing areas within the Plan area, and are therefore consistent with Coastal Act Section 30251.

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

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

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

*Map shows public beach parks and other beach areas accessible to the public that serve as public viewing areas.*

The Overlay appropriately addresses the entire Plan area as a significant scenic area providing views to and along the coastline and the naturally vegetated open space areas of the Santa Monica Mountains. In drafting the Overlay District, the Conservancy and MRCA have considered potential impacts on views to and within the Plan area. The Overlay contains Policies, Implementation Measures and conceptual improvement plans to ensure that planned restroom structures, and improvements for trails, campsites, and parking facilities are visually compatible with the character of the area and will protect visual resources of the Plan area consistent with LCP Policies 6.1 and 6.2.

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

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

In the Plan area, proposed trail improvements will potentially be visible from Kanan Dume Road, Latigo Canyon Road, and Corral Canyon Road which are designated scenic roads pursuant to LCP Policy 6.3. Trail improvements are minor in nature and will not result in substantial impacts to visual resources from these designated roadways. Given that planned parking areas, minor self-contained restroom facilities and limited retaining walls would be located and designed so as not to be substantially visible from these scenic roads, view impacts from Kanan Dume Road, Latigo Canyon Road, and Corral Canyon Road will be insignificant.

*6.5 New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.*

The only new structures contemplated by the Overlay District are public restroom facilities and where needed, retaining walls, most of which have been conceptually located and designed so as not to be substantially visible from significant public viewing areas. Consistency with Policy 6.5 is ensured by the Visual Resource implementation measures of the Overlay which enumerate standards for the screening of

restrooms, and necessary retaining walls if required for trail construction, from public trails and other scenic viewing areas as necessary. Specifically, these measures call for locating new improvements in level areas to minimize grading, and within areas where vegetation exists or where topography naturally screens the improvement areas from public views. Where necessary, native vegetation will be planted to provide a buffer between new campsites and trail corridors and to screen proposed restrooms facilities and retaining walls.

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

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

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

Consistent with LCP Policy 6.6 and as described above, only new restrooms and retaining wall structures required for trail support are considered by the Overlay that may potentially be visible from public viewing areas; however, most of these would be located and designed so as not to be visible from significant public viewing areas. Because the Overlay includes new trail improvements, public parking and camp facilities that will inevitably be visible from public trails within existing parklands, the Overlay provides for landscape screening measures to reduce the visibility of these improvements to minimize potential impacts to visual resources. The Overlay does not involve development of new structures on any prominent ridgelines or other intervening ridgelines, consistent with LCP Policy 6.8.

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

- ***Conforming to the natural topography.***
- ***Preventing substantial grading or reconfiguration of the project site.***

- *Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.*
- *Requiring that man-made contours mimic the natural contours.*
- *Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.*
- *Minimizing grading permitted outside of the building footprint.*
- *Clustering structures to minimize site disturbance and to minimize development area.*
- *Minimizing height and length of cut and fill slopes.*
- *Minimizing the height and length of retaining walls.*
- *Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.*

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

Consistent with LCP Policies 6.6 through 6.10, the Overlay requires that site selection and design alternatives be considered when locating and designing proposed camping and new park support facilities to protect the existing visual character of parklands and to minimize alteration of natural landforms. The Overlay improvements will require minor grading for new trails and park facilities and the Overlay includes only self-contained restroom structures that would potentially be visible from public viewing areas. Trails are to be located and designed to utilize established trail corridors and to follow natural contours wherever feasible. Due to the secluded nature of the proposed improvement areas, variations in natural topography and existing vegetation that will be retained on the site, the planned park improvements and necessary grading will not be visible from the majority of viewsheds within the Plan area. The park-specific conceptual site design layouts utilize the most level portions of the park areas to minimize grading and landform alteration, and specifically utilize park areas presently screened from public views by natural topography and/or existing vegetation. Necessary grading is conceptually designed to follow the natural contours of proposed improvement areas to minimize disturbed areas and timely vegetation restoration of disturbed areas with native plant species will minimize visual impacts associated with grading.

All proposed Overlay improvements have been located in gently sloping areas in which existing vegetation and variations in terrain establish a natural buffer to minimize visibility of the improvements locations. Where necessary, planting efforts utilizing native vegetation will be implemented to provide additional buffer areas for new improvement areas to screen these areas from public views within park areas.

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

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

- *Ensuring visual compatibility with the character of surrounding areas.*
- *Avoiding large cantilevers or understories.*

- *Setting back higher elements of the structure toward the center or uphill portion of the building.*

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

The proposed Overlay does not involve or facilitate construction of new roads or driveways in the Plan area. Consistent with LCP Policies 6.12 and 6.13, Visual Resource implementation measures require that new parking, restrooms and retaining wall improvements be designed with colors that are compatible with the surrounding landscape and/or consist of natural materials or veneers, texturing and/or colors that blend with surrounding earth materials or landscape, and are colored to match natural soils to ensure that the improvements are compatible with the surrounding landforms and vegetation to minimize impacts to visual resources

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

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

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

#### 4.4 Archaeological Resources

##### California Coastal Act Archaeological Resource Policies

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

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

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

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

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

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

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

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

Given the Plan area's proximity to the ocean and the generally undeveloped and natural state of the subject parklands in the Plan are, and the presence of a number of water courses which tend to be areas of high sensitivity for cultural resources, the proposed Plan must consider potential impacts to cultural resources that could result from implementing the proposed physical improvements. As such, the Overlay includes policies which require that development of new park facilities be designed to protect resources of historic, cultural, archaeological and paleontological significance, and that mitigation be implemented where impacts may occur pursuant to all applicable development standards of Chapter 11 of the Malibu Local Implementation Plan.

A Phase I Archaeological Investigation has been prepared by David Stone, R.P.A., to assess the presence and potential impacts of the proposed Plan on Archaeological Resources. The Phase I Investigation includes a written report of the results of a records search through the South Central Coast Information Center at Cal State Fullerton and an intensive field survey of the those lands in the Plan area subject to the proposed physical improvements associated with trail, parking, camping and other support facility development, and creek restoration of Ramirez Canyon Creek.

The Phase 1 Investigation concludes that the majority of the proposed conceptual improvements in the Plan area are not located within or in close proximity to known archaeological sites. However, in two locations within the Plan area conceptual improvements in the vicinity of Escondido Canyon Park and Corral Canyon Park have the potential to adversely impact known and observed archaeological resource sites. All other improvement areas were surveyed and determined to be free of either known archaeological materials and no further measures are recommended in these areas

Implementation of the improvements pursuant to the adopted Overlay that involve development within the sensitive archaeological sites discussed herein are subject to the specific Archaeological Resources

implementation measures of the proposed Overlay all applicable development standards of Chapter 11 of the Malibu Local Implementation Plan, as well as all recommendations contained in the Phase I Archaeological Investigation. The Phase I includes a recommendation for visitor notification of the importance of archaeological resources which has been incorporated as and Implementation Measure of the Plan. The Overlay's Archaeological Resources implementation measures require that 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.

Implementation of the above implementation measures and the required mitigation measures contained in the Phase I Archaeological Investigation will ensure that archaeological resources within the Plan area are protected and preserved to the maximum extent feasible, consistent with Coastal Act Section 30224 and LCP Policies 5.60 – 5.64.

## 4.5 HAZARDS

### California Coastal Act Hazards Policies

Coastal Act § 30253: New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

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

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

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

A Reconnaissance of Engineering Geologic Constraints has been prepared by Southwestern Engineering Geology to identify geologic constraints of the park areas and to provide recommendations for minimizing potential impacts of proposed uses and improvements associated with geologic hazards. With careful site design and location, the conceptual park improvements, which are minor in nature (no habitable structures with the exception of self-contained portable restrooms are proposed), will not be subject to significant geologic hazards. For any structural improvements such as parking areas, measures for avoidance of potential impacts associated with faulting, seismicity, and soil stability would be identified and incorporated into the proposed Plan improvements pursuant to the recommendations of the project's engineers during

final design.

In addition, the Overlay requires that a Fire Protection and Emergency Evacuation Plan be prepared and approved to provide a plan-of-action to minimize exposure of public park facilities, visitors, and adjacent communities to natural hazards, and to prepare and condition for potential emergency situations. Fire protection and evacuation measures will be defined for each park property, and specialized fire protection measures defined for Ramirez Canyon Park due to the built-out nature of the property and the unique access programs the Park supports. In addition, the Overlay requires that the provisions contained in Wooden Bridge Reinforcement Plan and Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, which have been previously implemented pursuant to CDP 4-98-334, will be maintained for Ramirez Canyon Park.

The Overlay is consistent with Coastal Act Sections Section 30253 of the Coastal Act and LCP Policy 4.2 as the proposed Plan improvements would be sited and designed to ensure geologic stability and would also include measures to minimize and control runoff from the site improvements thereby reducing potential site erosion, which would otherwise potentially alter natural landforms and the geomorphic processes of the site and contribute to instability.

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

Pursuant to the recommendations of the Reconnaissance of Engineering Geologic Constraints report prepared by Southwestern Engineering Geology, all of the proposed Plan improvements, with the exception of trails, would be designed to be located outside of landslide, unstable slopes and other geologic hazard areas. The Reconnaissance of Engineering Geologic Constraints report concludes that trail development, given the limited and short-term activities on trails, is consider low-risk and appropriate in these areas.

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

Although no habitable structures contemplated by the Overlay District improvements with the exception of limited, self-contained restroom facilities, consistent with LCP Policy 4.5, a Reconnaissance of Engineering Geologic Constraints has been prepared by Southwestern Engineering Geology to identify geologic constraints of the park areas and to provide recommendations to minimize potential impacts of the planned uses and improvements associated with geologic hazards. The study finds that the park sites are suitable for the conceptual improvements and that the park improvements, with careful site design and location, will not be subject to significant geologic hazards. For any structural improvements such as parking areas, measures for avoidance of potential impacts associated with faulting, seismicity, and soil stability will be identified and incorporated into the project pursuant to the Overlay policies and recommendations of the project's engineers during final design.

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

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

Consistent with LCP Policy 4.10 and the Overlay policies and implementation measures, new development will utilize non-structural devices such as graded bioswales for controlling and diverting run-off in a non-erosive manner from the proposed parking surfaces, which will serve to minimize erosion and ensure the geologic stability of the site. The intent of employing non-structural methods rather than standard urban-type BMPs (i.e. curb and gutter etc.) to minimize and control stormwater run-off from the site is to maintain the rural character of the parklands. There is ample land area to implement non-structural Best Management Practices (BMPs) to reduce, control, and filter runoff, and to further minimize site erosion, potential geologic instability and sedimentation in coastal waterways. Swales will convey stormwater from developed areas to an appropriate discharge point in existing drainages where ungrouted rip-rap will serve as energy dissipaters to disperse runoff in a non-erosive manner.

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

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

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

A Reconnaissance of Engineering Geologic Constraints has been prepared by Southwestern Engineering Geology to identify geologic constraints of the parks areas and to provide recommendations for minimizing potential impacts of proposed park uses and improvements associated with geologic hazards. With careful site design and location, the planned park improvements which are minor in nature (no habitable structures with the exception of self-contained portable restrooms are considered) will not be subject to significant geologic hazards. The Reconnaissance of Engineering Geologic Constraints study finds that the park sites are appropriate for the limited improvements planned for these park sites.

In addition, a Fire Protection and Emergency Evacuation Plan will be prepared to include a plan-of-action to minimize exposure of public park facilities, visitors, and adjacent communities to natural hazards, and to prepare and condition for potential emergency situations. Fire protection and evacuation measures will be

defined for each park property, and specialized fire protection measures defined for Ramirez Canyon Park due to the built-out nature of the property and the unique access programs the Park supports. In addition, the provisions contained in the Wooden Bridge Reinforcement Plan and Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, which have been previously implemented pursuant to CDP 4-98-334, will be maintained for Ramirez Canyon Park. Given the findings of the Reconnaissance of Engineering Geologic Constraints, and with the requirements for the Fire Protection and Emergency Evacuation Plan, the Wooden Bridge Reinforcement Plan and Emergency Access and On-Site Parking Plan for Ramirez Canyon Park, the proposed Overlay and all associated uses are appropriate for the subject parklands and will not present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.

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

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

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

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

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

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

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

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

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

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

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

- *All standard Parkland rules and regulations shall be enforced per existing policies of the MRCA/SMMC:*
  - *Except in designated camp areas, park properties shall be closed sunset to sunrise.*
  - *No smoking or fires.*
  - *No alcoholic beverages.*
  - *No littering or dumping.*
  - *No unauthorized vehicle use.*
  - *No defacing or destroying property.*
  - *Dogs must be on a leash and cleaned up after.*
  - *Possession of firearms, bow and arrow prohibited.*
  - *Violations subject to \$500 fine and/or 6 months in County jail.*
- *An annual fuel modification plan for site vegetation management and tree trimming/limbing at each park property shall be developed and implemented prior to the annual fire season.*
- *Campsite locations shall be located within existing use areas to ensure easy access for purposes of maintenance and patrol, and in case of emergency.*

- *No 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, barbecues, or any other flame source whatsoever. Propane BBQs when accompanied with approved fire extinguishers shall be exempt from this policy.*
- *Campers shall be required to utilize designated cook surfaces provided at each approved campsite, which shall be designed of non-flammable materials. Cold-camping apparatus such as flame-less cook-stoves and lanterns are preferred. Prospective campers shall be informed of the No Campfire/Cold Camp Policy upon reserving and/or registering for use of camp facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the No Campfire/Cold Camp Policy will be cause for confiscation of such devices and/or expulsion of visitors from camp facilities. Signs shall be posted and camp areas will be routinely patrolled to enforce the No Campfire/Cold Camp Policy.*
- *Fire protection apparatus shall be provided and maintained at all camp facilities and shall include, at a minimum:*
  - *Water storage tank or water delivery system designed, located, and maintained to provide a dependable water supply for fire protection at each proposed camp area at all times to ensure adequate water supply for fire protection of new camp facilities.*
  - *A portable and air-powered quick attack firefighting system to be provided at each camp facility for ready deployment by trained Camp Host, Ranger, or park personnel in the event of a fire.*
  - *Portable self-contained fire extinguisher units to be provided for each cluster or group of campsites.*
- *Camping at all park properties will be prohibited when any Red Flag, Flash Flood/Flood Warnings or Urban/Small Stream Advisory is issued. Signs will be posted and camp areas will be routinely patrolled to notify park users and to enforce restrictions on park use during all Red Flag, Flash Flood/Flood Warnings and Urban/Small Stream Advisories as determined by the National Weather Service, a division of the National Oceanic Atmospheric Administration (NOAA).*
- *An onsite Camp Host, staff maintenance person, or Ranger, who is wildland fire-trained, shall be accommodated for at each park property during the times camping is permitted. This shall be accomplished by either providing for residency of a Camp Host, staff maintenance person or Ranger at existing park properties, or ensuring that support facilities and apparatus are provided to sustain continuous daily and nightly patrols to strictly enforce the No Campfire Policy and use*

*restrictions relating to hazardous conditions. Park patrols shall be conducted daily at each park property when campers are present. Adjustments to patrol procedures will be made as necessary to ensure park rule enforcement and compliance.*

- *Emergency power generators and fuel supply at Ramirez Canyon Park necessary to maintain emergency lighting for at least twelve (12) hours shall be installed and maintained on site.*
- *Park events, tours, camping reservations or other special functions at Ramirez Canyon Park shall be cancelled when any red-flag warning for extreme weather, fire and/or flooding is issued. Written warnings of the cancellation policy shall be provided to potential campers and prospective event sponsors prior to contracting for park use.*

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

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

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

Consistent with LCP Policy 6.29, Water Quality implementation measures require that all graded and disturbed areas will be planted and maintained for erosion control purposes within (60) days of completing construction activities resulting in soil disturbance or vegetation removal. To minimize the need for irrigation, implementation measures require that revegetation efforts consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species are not permitted.

## 4.6 LAND USE

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

With the exception of developing trail linkages within variously zoned areas of the Plan area which, pursuant to LCP Policy 2.7 are permitted use in all land use and zoning designations, and those Plan areas located in the County and NPS lands, the Overlay focuses exclusively on publicly owned lands in the City which are designated and zoned as public open space (OS) by the City of Malibu certified Local Coastal Program.

The Local Coastal Program states:

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

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

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

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

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

Existing and proposed support facilities included in the Overlay are those facilities deemed necessary to support the principal permitted land use, in this case public access, recreation, education and preservation. The type of support facilities addressed at each park facility is based on the natural constraints of each park property, existing available access, and the level and complexity of public uses and specialized programs offered at each park area. Ramirez Canyon Park, given its unique character, limited accessibility to the general public, and specialized programs uses, requires more administrative and support facilities to maintain access programs, daily operations and maintenance requirements than do Escondido or Corral Canyon Parks that provide primarily passive recreation. Additionally, the developed nature of Ramirez Canyon Park provides facilities from which the Conservancy and MRCA can conduct the administrative responsibilities associated with operating specialized public outreach programs, conducting open space acquisitions, planning, research, and the management of conservation of parklands in the coastal zone. These uses are typically associated with publicly-owned parklands and are consistent with the type of uses permitted in other open space and recreation designated lands in the Coastal Zone as evidenced by the numerous parklands that support similar critical administrative functions as well as important public access programs (see attached list of Park Agency Administrative Office Locations in Parks within the Coastal Zone). In certifying the LCP, the Coastal Commission appropriately applied the OS zone designation to park properties with existing administrative support facilities, including those of Ramirez Canyon Park, thus recognizing administrative park functions as necessary public access and recreation support facilities and therefore distinguishing such support facilities as permitted uses in the OS zone district.

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

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

### California Coastal Act New Development Policies

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

*points of attraction for visitors.*

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

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

In concert with the other public access and resource protection policies discussed herein, the Overlay Land Use policies provide that the proposed trails, park uses, and necessary support facilities are permitted uses in the existing parklands that are designated and zoned OS and subject to the ESHA Overlay designation, that protection of ESHA and public access shall take priority over other development or land uses, and that trail and park improvements, uses and programs shall be designed and/or implemented to minimize conflicts and to preserve the character and integrity of adjacent residential areas.

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

The Overlay includes detailed measures addressing administrative uses, public programs and events for Ramirez Canyon Park and the strict limitations and restrictions associated with the uses intended to ensure compatibility with adjacent residential development in Ramirez Canyon Park. Pursuant to Special Programs policies of the Overlay, pre-arranged, limited event and gathering uses are permitted; however, the policies also recognize the importance of prioritizing coastal-dependent and coastal-related uses for the public park, specifically the park's public outreach and educational programs, and also consider the site constraints associated with limited availability of public transportation to the park and land use compatibility. Vehicular access to Ramirez Canyon Park has already been limited per the request of neighboring properties and pursuant to the conditions of CDP 4-98-334 and this limitation will remain pursuant to the proposed Overlay. The proposed camping, support facility improvements, and programmatic uses at Ramirez Canyon Park have been limited in consideration of the natural constraints of park properties, to minimize potential impacts to adjacent neighborhoods, and to ensure there is sufficient infrastructure to support public access and recreational uses within the Plan area.

A Traffic and Parking Study, prepared by ATE, was conducted for each park site and the associated public access improvements planned for each site. The analysis finds that the proposed Plan improvements will not result in new parking or traffic impacts within adjacent residential neighborhoods or roadways serving the park sites.

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

The proposed Overlay and associated parking and trailhead support facilities will ensure there is sufficient infrastructure to support public access and recreation and will facilitate alternative access within the Plan area. In addition, the Overlay will serve to maintain and enhance public access by facilitating extension of transit service and non-automobile circulation within the Plan area consistent with Coastal Act Sections 30250 and 30252.

## **Park Agency Administrative Office Locations in the Coastal Zone**

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

**Malibu Creek State Park:** Angeles Headquarters

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

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

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

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

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

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

### ***National Park Service:***

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

### ***Santa Monica Mountains Conservancy:***

**Ramirez Canyon Park:** Conservancy Headquarters

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

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

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

**Ramirez Canyon Park:** MRCA Headquarters

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

**Marina del Rey:** Administrative headquarters