



**MOUNTAINS RECREATION & CONSERVATION AUTHORITY**  
Los Angeles River Center & Gardens  
570 West Avenue Twenty-Six, Suite 100  
Los Angeles, California 90065  
Phone (323) 221-9944 Fax (323) 221-9934

## MEMORANDUM

**TO:** The Governing Board

**FROM:** Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

**DATE:** August 23, 2010

**SUBJECT:** **Agenda Item V: Consideration of resolution certifying Final Environmental Impact Report, adopting findings and mitigation monitoring and reporting program pursuant to the California Environmental Quality Act, Malibu Parks Public Access Enhancement Plan—Public Works Plan, SCH#2009091018, City of Malibu and surrounding unincorporated area.**

Staff Recommendation: That the Governing Board adopt the attached resolution certifying Final Environmental Impact Report, adopting findings and mitigation monitoring and reporting program pursuant to the California Environmental Quality Act, Malibu Parks Public Access Enhancement Plan—Public Works Plan, SCH#2009091018, City of Malibu and surrounding unincorporated area.

Legislative Authority: Government Code Section 6500, *et seq.*

Public Works Plan Executive Summary: On June 9, 2009, the Coastal Commission certified the Malibu Parks Public Access Enhancement Plan Overlay as an amendment to the City of Malibu Local Coastal Program. The certified Overlay includes comprehensive policies and development standards for public access and recreation-oriented development within specific park properties and recreation areas within the City of Malibu including Ramirez Canyon Park, Escondido Canyon Park, Corral Canyon Park, Malibu Bluffs Park, and the Latigo Trailhead property.

Pursuant to Public Resources Code Section 30605, the Malibu Parks Public Access Enhancement Plan – Public Works Plan (PWP) has been developed to serve as the facilities plan for lands subject to the Overlay and additional specific park and recreation areas located within adjacent lands of unincorporated Los Angeles County. Specifically, the public lands addressed in the PWP include: Conservancy-owned Ramirez Canyon Park; MRCA-owned Ramirez and Escondido Canyon properties; National Park Service-owned land in Ramirez Canyon; Conservancy-owned and MRCA-owned Escondido Canyon Park; Conservancy and MRCA owned Corral Canyon Park; Conservancy-owned Malibu Bluffs Park; MRCA-owned Latigo Trailhead property; National Park Service-owned Solstice Canyon Park; Los Angeles County-owned land (including Department of Public Works), City of Los Angeles Department of Water and

Power property; City of Malibu-owned land road right of way; and State Parks owned and NPS-owned land in upper Corral Canyon.

The PWP includes detailed project and facility plans for development of trails, campgrounds, various park support facilities and park uses within the parklands and trail corridors included in the Plan area. In addition to the policies and implementation measures of the Overlay, the PWP includes a detailed policy framework to guide future improvements and various park programs for the parklands and trail corridors included in the Plan area to ensure consistency with all applicable policies of the Malibu LCP and Coastal Act.

Pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000, *et seq.*, an Environmental Impact Report has been prepared for the PWP. In February 2010, a Draft EIR (DEIR) was completed which included an analysis of three alternatives: No Project Alternative, 2002 LCP Alternative Plan (Reduced Project), and a Redesign Alternative Plan. The DEIR was circulated for a 45-day public review period consistent with State CEQA Guideline 15105. The Conservancy/MRCA received a number of written and oral comments on the DEIR and the PWP, requesting that the project be reduced in scope, relocated to an off-site location, or that greater attempts be made to avoid and/or reduce the potential environmental impacts associated with the proposed Plan. The comments and responses to comments are included in the Final EIR (FEIR), which has been posted on the Conservancy's website. All public agencies were provided proposed written responses to their comments on the DEIR at least 10 days prior to today's hearing date as required by State CEQA Guidelines 15088.

In response to the comments, one of the alternatives was revised to create the Modified Redesign Alternative (MRA). This alternative refines the Redesign Alternative in the DEIR to reduce all significant and unavoidable impacts to a level of insignificance, while achieving all of the goals, policies, and objectives of the PWP. The MRA was also shaped to further reduce those impacts deemed insignificant (with or without mitigation) in the DEIR but were of concern to the public.

In developing the MRA, the intent was to make use of the comments received, and the analysis in the DEIR, to develop an alternative which would be environmentally superior to the proposed PWP analyzed in the DEIR. The FEIR describes the MRA, summarizes the major design features/changes which distinguish it from the proposed PWP, and identifies the environmental impacts which would be associated with the implementation and operation of the MRA. It also compares those impacts to those described in the DEIR for the proposed PWP and identifies the mitigation measures which apply to the MRA. The mitigation identified for the MRA mirrors that which is contained in the DEIR for the PWP. In some cases non-substantive changes have been made to the

wording of mitigation measures in response to comments or because of numerical difference between the number of facilities included in the MRA and proposed PWP. In addition, some mitigation measures contained in the DEIR would not be required for the MRA due to a reduction in impacts under the MRA; therefore, the analysis indicates those measures in the DEIR which are not applicable to the MRA. No new mitigation measures are required for the MRA.

The FEIR consists of the following volumes: Volume 1 – DEIR; Volume II – DEIR, Appendices A-G; Volume III – FEIR, Appendices H-R, Volume IV – Comments on the DEIR, Responses to Comments, and the MRA. No change to the content of the FEIR are presented in Volumes I, II and III. A slip sheet has, however, been added to Section 8.0 of Volume 1, providing direction to the Volume 1 reader to consult Section 15.0 of Volume IV for an updated version of the Alternatives Section, which contains information and analysis relating to the MRA.

The Sections of the Staff Report that provide the extensive background that has led to the PWP and FEIR, as well as a discussion of the MRA and a comparison between the proposed project and the PWP.

The addition of the MRA in the FEIR does not require the need for recirculation under State CEQA Guideline 15088.5. The standard for recirculation of an EIR under the Guidelines is a high one. Only the addition of significant new information triggers recirculation, and only where: (1) a new significant environmental impact would result from the project or a new mitigation measure is proposed; (2) a substantial increase in the severity of an environmental impact would result unless mitigation is adopted; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but it is declined to be adopted; or (4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature. See, CEQA Guideline 15088.5. Staff is recommending the adoption of the MRA which is the least impactful of all the options analyzed in the DEIR. Further, the MRA results in the reduction of all significant and unavoidable impacts that cannot be avoided with the proposed project or the alternatives analyzed in the DEIR. Thus, the inclusion of the in the MRA in the FEIR , and its recommended adoption, would not trigger the need for recirculation.

Background: In early 2006 the Coastal Commission's representative to the Conservancy (then David Allgood) requested that staff put together a presentation on increased public access opportunities within the Malibu coastal zone.

On February 27, 2006 the Conservancy heard two items relative to this, one a comment letter to the City of Malibu on its trails plan implementation, and the second authorizing a project planning and design grant to the Mountains

Recreation and Conservation Authority for development of a public works plan that would authorize access improvements in Ramirez and Escondido Canyons.

A staff presentation was made on March 27, 2006 relative to the various access improvement alternatives. The consensus of the Advisory Committee and Conservancy comments was that the staff should proceed to develop a comprehensive program of public access involving as many properties as possible owned by the Conservancy or the Mountains Recreation and Conservation Authority (SMMC/MRCA) in Malibu.

On June 26, 2006 a public hearing was held and staff made a presentation on the Malibu Public Parks Enhancement Plan–Public Works Plan. At the motion of Mr. Seider, representing the City of Malibu, voting on the public works plan was postponed to allow further negotiation with City of Malibu and Ramirez Canyon Preservation Association lawyers.

On July 31, 2006 at Webster School in Malibu staff made a further presentation and the Conservancy and Advisory Committee held another public hearing on the proposed public works plan. At this hearing representatives from the City of Malibu (including then Mayor Kearsley and City Attorney Hogin) urged the Conservancy not to pursue a public works plan, but rather to apply to the City for a Local Coastal Program Amendment.

On September 18, 2006 at a meeting in Agoura Hills the Conservancy and Advisory Committee held a public hearing on instructions to staff for amending the public works plan and submitting such at the next Conservancy meeting. At that hearing the fire management plan and an advice letter from the Attorney General's Office relative to access rights over Winding Way were considered.

On October 23, 2006 the Conservancy was back in Malibu at Webster School, again holding a public hearing on the public works plan, with a further staff report detailing responses to previous public comment.

On November 20, 2006, again at Webster School in Malibu, yet another public hearing was held on the public works plan. By a majority vote (only Mr. Seider voting against) the Advisory Committee voted to approve a resolution amending the public works plan and noticing it for final adoption. The Conservancy adopted the resolution by vote of 5-0-1 (Ms. Parks abstaining).

On November 29, 2006, the Conservancy and Advisory Committee held a public hearing on the public works plan. On a vote of 5-1 (Parks) the Conservancy adopted the Malibu Public Parks Enhancement Plan–Public Works Plan.

The City continued to urge that the Conservancy submit a Local Coastal Program Amendment (LCPA) to the City rather than pursue a public works plan that would

put the issue beyond the City's control and within the purview of the Coastal Commission. Various litigation options were discussed by all parties. On December 18, 2006 and again on January 12, 2007 the Conservancy considered litigation options in closed session. A negotiated Memorandum of Understanding and litigation stand-still agreement (together referred to as the MOU) was tentatively accepted by the Conservancy pending further discussion with the City. (As finally adopted by both parties, the MOU is attached as Exhibit "A.") In addition, the Conservancy and City agreed to a stipulated preliminary injunction: administrative and government offices for up to 15 employees, a residential caretaker and his family; two special programs a week for disabled youth and/or for seniors; occasional employee training programs; and on-going property maintenance. (The Preliminary Injunction is attached as Exhibit "B.")

On January 22, 2007 the Conservancy and the Advisory Committee took two actions required of it by the MOU: (a) The Conservancy rescinded the resolution adopting the Malibu Public Parks Enhancement Plan–Public Works Plan, and (b) directed instead that a Local Coastal Program Amendment (LCPA) be submitted to the city of Malibu.

The LCPA was filed with the City on April 23, 2007.

During the spring and summer of 2007 the Malibu Planning Department studied the proposal and so did the Malibu Environmental Review Board. Based on this staff work, a favorable proposal was submitted to the City's Planning Commission.

On October 9, 2007 the Malibu Planning Commission held a public hearing and approved the LCPA, subject to a number of conditions and recommendations.

On Saturday, November 10, 2007 the City held a public information workshop at the Point Dume Community Center. About 75 persons attended, along with City staff and two City Council members.

On November 12, 2007 the Malibu City Council heard extensive public testimony and took a "straw-vote" on the LCPA. Their tentative decision made severe changes to the Conservancy proposal, but there was a glimmer of light in that, well past midnight, the Council appeared to throw up their hands and instructed staff "to work with" the Conservancy.

Between that meeting and the Conservancy meeting of November 26, 2007, staff had inconclusive discussions with City representatives. They were inconclusive because neither City nor Conservancy staff could see a way to Council approval of the LCPA without changes that would make it unrecognizable from the initial proposal.

On November 26, 2007 the Conservancy and Advisory Committee heard public testimony on a report of Malibu's November 12, 2007 City Council meeting. The Conservancy and Advisory Committee direction was clear: push forward with the LCPA. However, the public testimony of the President of the Ramirez Canyon Preservation Association and that of the Ramirez Canyon Homeowner's Association seemed to offer an avenue for further discussion.

On November 30, 2007 the Executive Officer met at Malibu City Hall with the Mayor of Malibu, the City Attorney, and the presidents of the Ramirez Canyon Preservation Association and the Ramirez Canyon Homeowner's Association. The purpose was to follow-up on the possible opening for negotiation expressed by the Ramirez Canyon representatives at the Conservancy meeting. While it is our policy not to "negotiate and tell," we can report to you that the apparent openness for further discussion was illusory. Even if the Conservancy built the alternate access road demanded by the Ramirez interests, given the maximum number of events they would allow us to have—and the restrictions they would impose—it would take over 200 years to amortize the investment Ramirez Canyon was asking the Conservancy to make on their behalf.

Based on the November 30th meeting in Malibu, on Monday December 3, 2007 the Conservancy staff, outside counsel, and consultants met *via* conference call to assess our situation and prepare for the December 5, 2007 council meeting. Here is what we were confronted with:

The staff recommendation for the December 5, 2007 City Council meeting was to approve the LCP amendment with policy revisions resulting in a *de facto* denial of the proposed LCP amendment request. Whatever the initial intent had been of the City in entering into the MOU, the practical effect of subsequent events was an almost 180 degree turn about from what the Conservancy had intended: From provision of *increased* camping opportunity to *no* camping; from *fewer* uses and events at Ramirez Canyon Park than allowed by the Coastal Commission, to almost *no* public uses (not even garden tours) unless an alternative road was built; from *increased* parking at Escondido Canyon to *no* parking at Escondido (and only a weak study of alternative parking).

Malibu City officials have strenuously asserted that they entered into the MOU with honest intent, but that the public outcry from Malibu residents after wildfires necessitated their change of heart. There have even been suggestions that everything could be patched up at the Coastal Commission level "after the dust settled." No doubt some did harbor such hope. The risk that such a strategy ran for the Conservancy was considerable. For one thing, three of the five members of the present City Council would be out of office when a "suggested modification" to the LCPA would come down from the Coastal Commission. There was no way of knowing who would be on the Council or how they would vote. Moreover, with camping precluded by the City at Charmlee Park, this major

inducement cannot be put back on the table. Finally, when the Executive Officer was discussing Ramirez Canyon with City officials the Friday before the vote, it escaped him that the Ramirez Canyon Preservation Fund had already opined, through their counsel, that the public access balancing test per the Coastal Act we all assumed would be applicable to the Lauber-owned secondary access road from Kanan Dume Road, and would enable the road to be built through ESHA, was restricted to beach access only and could not be used in upland Ramirez Canyon. Obviously an opponent's lawyer's opinion is not determinative, but it is probative of likely litigation, and given the Coastal Commission staff's very conservative position on ESHA encroachments, represents an unwarranted roll of the dice when such important public rights are at stake as they are with respect to Ramirez Canyon Park. But this is getting slightly ahead of the story.

On December 4, 2007 the Executive Officer sent a letter to the City Council of Malibu requesting, in light of the City staff recommendation, that their next day's consideration restore to the table all the concessions the Conservancy had made, so that an appeal to the California Coastal Commission could be based on the full panoply of options, not just the already scaled down version from which Malibu was making further drastic cuts. See "C" attached.

The outcome of the December 5, 2007 City Council meeting is well known. No camping anywhere in Malibu (amend the LCP to move camping from a permitted use in all open space and recreation zones to a *prohibited* use in any zone); at Ramirez Canyon Park no meetings, conferences, events (outside of two handicapped camping sites) or other activities—not even garden tours—unless the Conservancy constructs a new access road into Ramirez Canyon from Kanan-Dume Road.

While the work by planning and legal staff of Malibu was of the highest professional caliber, it is fair to say that the Executive Officer, maybe alone among your advisors, was caught off guard by the actions of elected officials taken and acknowledged to be contrary to the evidence. Indeed, here is what the *Malibu Times* reported: "Councilmember Ken Kearsley said although he was changing his vote from the last meeting, he still did not agree with the residents who have claimed overnight camping creates a fire danger. 'There is not one scintilla of evidence that as far as I can see that camping is going to start any more fires,' Kearsley said. 'There are illegal campsites that cause fires. But legal campsites, supervised, it doesn't happen.'"

Stung by this, and on advice of counsel, as a predicate to further appeals, on December 17, 2007 the Executive Officer sent a formal request to the Malibu City Council to rescind its action of December 5, 2007. See Exhibit "D". The response from Malibu's City Attorney was less than hopeful. See Exhibit "E".

The Conservancy had the choice to either appeal Malibu's decision to the Coastal Commission or file for an override. The Conservancy voted to file for the override.

The Local Coastal Program "Override" Process: The California Coastal Act (Public Resources Code section 30515) and the regulations promulgated thereunder (14 Cal. Code Regs. § 13666 *et seq.*) contemplate a situation where one municipality's actions could adversely affect regional or statewide public sponsored projects. The "override" process involves these steps:

- (a) Submission of a proposed Local Coastal Program amendment to the Executive Officer of the Coastal Commission. The Executive Officer of the Coastal Commission has 30 days to determine if the submission meets the criteria: (1) unanticipated by the agency proposing the project at the time the Local Coastal Program was before the Coastal Commission for certification, and (2) meets the public needs of an area greater than that included in the certified Local Coastal Program.
- (b) If the Commission's Executive Officer rules favorably, then the proposal is submitted to the affected local government. The local government has 90 days in which to consider the proposal. If the local government fails to amend within that time, then the applicant can file directly with the Coastal Commission.
- (c) Coastal Commission review is based on Chapter 3 policies of the Coastal Act (Pub. Res. Code § 30200 *et seq.*).

Public hearings were held on December 28, 2007 and January 9, 2008 respectively in which the Conservancy and MRCA acted to proceed with the project planning and design for development of additions and refinements to the Malibu Park Public Access Enhancement Plan - Public Works Plan; additional project planning and design for the LCP amendment; and to authorize the Executive Officer to submit a Malibu LCP amendment to the Executive Officer of the California Coastal Commission pursuant to the LCP override procedures of Section 30515 of the California Coastal Act and Section 13666 *et seq.* of the Commissions Regulations (Title 14, Cal. Code Regs. § 13000 *et seq.*)

In taking this action, the Conservancy and MRCA found that the LCP amendment as adopted by the Malibu City Council was contrary to the action of the Malibu Planning Commission, and effectively reduced the allowed uses of public parkland, restricted access to parks owned by the Conservancy and MRCA, and failed to fulfill the intent of the original Public Works Plan.

Further public hearings of the Conservancy and MRCA were held respectively on January 28, 2008 and February 6, 2008 in which the agencies found that the amendment meets the public needs of an area greater than that included within the certified Malibu LCP that had not been anticipated at the time the LCP was before the Coastal Commission for certification. See Exhibit "F".

On April 15, 2008, the Conservancy and MRCA submitted the proposed LCP amendment (LCPA) for the Malibu Parks Public Access Enhancement Plan Overlay District, with a request for a preliminary determination by the Executive Officer of the Coastal Commission.

On May 15, 2008, the Commission issued a letter to the City of Malibu with notification that the Executive Officer of the Commission had reviewed the LCPA amendment request in consideration of the Commission's override procedure requirements and determined that the LCP amendment is a public works project that meets the needs of an area greater than that included in Malibu's certified LCP, unanticipated at the time the LCP was before the Commission for certification. The City was notified that it had 90 days from submittal of the amendment request to review and act upon the proposal.

The City of Malibu responded by taking two actions at its July 14, 2008 hearing.

First, the City Council voted unanimously to file a lawsuit against the Coastal Commission's Executive Officer to require the Executive Officer to rescind the Commission's preliminary determination as to the applicability of the local coastal program override procedures. (This case was subsequently dismissed by the Superior Court).

The next action of the City Council was to adopt City Resolution No. 08-44, which found that "the proposed Malibu Parks Public Access Enhancement Plan Overlay is not development subject to the LCP override provisions, reaffirms related amendments to the certified LCP Land Use Plan (LUP) (banning camping) now pending for certification with the Coastal Commission (MAJ-3-07) and makes findings in connection with the proposed Overlay District."

The City's failure to review and act on the Conservancy/MRCA LCP amendment proposal within the prescribed 90 day period opened the door for the Conservancy and the MRCA to file the proposed LCP amendment override application to the Commission for the Malibu Parks Public Access Enhancement Plan. The submittal to the Commission included detailed plans for studies for the proposed PWP.

The Coastal Commission certified the City of Malibu LCP Override Local Coastal Program Amendment on June 10, 2009 at its meeting held in Marina del Rey

after hearing a full day of testimony from the opponents and proponents of the amendment.

The certified LCP Override provides at Section 3.4.2 in relevant part:

1. The purpose of the Malibu Parks Public Access Enchantment Plan Overlay is to maximize and prioritize public access and recreational opportunities at specific parkland and recreation areas...consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

...

2. To better implement the goals, objectives, and policies of Chapter 3 of the Coastal Act, and Chapter 2 of the Malibu Local Coastal Program Land Use Plan, this Overlay provides site specific development standards and other implementation measures to 1) complete trail connections for the coastal Slope trail, between the beach and the Backbone trail, and other connector trails and to ensure adjacent lands are protected as natural and scenic area to enhance the recreational experience of trail corridors, and 2) identify site specific public access, recreational facility, and program improvements for Ramirez Canyon Park, Escondido Canyon Park, Corral Canyon Park and Malibu Bluffs Park to provide camp areas, critical support facilities, improved public transit, and improved trail and park accessibility to facilitate an increased level of accessibility for visitors with disabilities.

On September 2, 2009, the Conservancy and MRCA as co-lead agencies released a Notice of Preparation (NOP) and Notice of Environmental Scoping hearing to inform public members and interested parties of the agencies' intent to prepare an EIR for the proposed PWP. The notice referenced the availability of an initial study. Formal comments were accepted from September 8, 2009 to October 7, 2009. The scoping hearing was held in Pacific Palisades on October 1, 2009.

Responses to the NOP were considered in the preparation of the DEIR. The Notice of Completion for the Draft EIR (DEIR) was filed with the State Office of Planning and Research (OPR) on February 2, 2010. Notices of Availability were mailed to public agencies, interested parties, and all individual property owners within 500 feet of the project. More than two thousand of these notices were mailed. In addition CDs of the DEIR were subsequently mailed to each of the more than 2000 persons and entities on the mailing list. Notice of the DEIR availability was published in the Surfside News and Daily News. Comments on the DEIR were received during the minimum 45 day public review period. The Conservancy and MRCA held a joint meeting to receive oral and written

testimony on February 22, 2010. Although beyond the official comment period, comments coming in as recently as July have been considered.

#### Modified Redesign Alternative

As previously noted, the DEIR analyzed three alternatives to the proposed project: (1) No Project Alternative; (2) 2002 LCP Alternative Plan (Reduced Project), and (3) Redesign Alternative Plan. The Conservancy and MRCA, as joint lead agencies, are being asked to consider a refinement to the Redesign Alternative. This further tweaking of the Redesign Alternative is called the Modified Redesign Alternative (MRA). The intent is to respond to and make use of the comments received, and the analysis contained in the DEIR, to develop a modification of an existing alternative that is environmentally superior to the proposed project and the other alternatives analyzed in the DEIR.

#### MRA Synopsis

The Modified Redesign Alternative clusters camping primarily at two park locations located adjacent to Pacific Coast Highway (PCH), Corral Canyon Park and Malibu Bluffs Conservancy Property. Within each park the campsites are clustered. Clustering facilitates more effective oversight and management of the camp areas, lowers operational costs, maximizes efficiency and effectiveness of fire protection and relocation plans. In furtherance of this direction to cluster and concentrate the proposed campsites, camping at Escondido Canyon, Camp Area 2 at Corral Canyon Park in the Proposed Project, and camping at Latigo Trailhead have been removed from the PWP. Camping at Ramirez Canyon Park is limited to two accessible campsites, and can only be used if an alternative emergency access road is constructed.

In addition, numerous project features have been added to the MRA to address fire concerns. Cooking at campsites is limited to small electrical appliances. The use of flame-less cookstoves and lanterns would be required. Propane stoves are not permitted. A camp host, staff maintenance person, or Ranger, (all of whom would be wildland fire-trained), would be required to be onsite at each park property with campsites included in the MRA, during times when camping is permitted at the locations. Every camp host shall be designated and trained as a uniformed public officer pursuant to the provisions of the Public Resources Code. Such camp hosts shall enforce all applicable misdemeanors or infractions, including the "cold camping" provisions cited within the PWP, pursuant to the MRCA Ordinance and other provisions of law. MRCA park rangers are sworn California peace officers and can enforce felony as well as misdemeanor and other infraction violations.

Additional Delaplaine and Ramirez Canyon Roads and Via Acero Road improvements are proposed to address Los Angeles County Fire Department

(LACFD) comments. Changes to proposed waterlines have been made to respond to LACFD and Los Angeles County Waterworks' comments.

Furthermore, to respond to some commenters' concerns and reduce total project grading impacts, all project elements at Escondido Canyon Park have been eliminated with the exception of the proposed extension of the Coastal Slope Trail.

### Discussion

The Modified Redesign Alternative differs from the Proposed Project and DEIR Redesign Alternative in the following important ways.

Both the Proposed Project and the Redesign Alternative include campsites at all five park locations (Proposed Project-total 71 campsites; Redesign Alternative-total 54 campsites). The Redesign Alternative clusters all campsites into single areas. At Ramirez Canyon Park, the campsites in the back by the lawn/meadow (Camp Area 2 in the Proposed Project) are deleted. In Escondido Canyon Park, the campsites by the creek (Camp Area 3 in the Proposed Project) are deleted. At Corral Canyon Park, the campsites by the creek (Camp Area 2 in the Proposed Project) are deleted. The Redesign Alternative also reduces the numbers of campsites at Latigo Trailhead (Redesign-3 campsites) compared with the Proposed Project (Proposed Project-5 campsites).

Compared with the Redesign Alternative (54 campsites at five parks), the MRA further clusters campsites (54 campsites) at primarily two parks: Corral Canyon Park (17 campsites) and Malibu Bluffs Conservancy Property (35 campsites). These two campsite locations have easy access to PCH. In addition, under the MRA, an additional accessible camp area (two campsites) would be implemented at Ramirez Canyon Park in Phase 2, only after a secondary emergency access road over Via Acero is acquired and constructed.

Compared with the Redesign Alternative, the MRA incorporates several notable changes with respect to fire protection measures. This includes limiting cooking to only small electrical cooking appliances. Propane stoves and lanterns, or any open flame, are not permitted under the MRA.

A notable difference between the Redesign Alternative and MRA is the location and purpose of the secondary road to access to Ramirez Canyon Park. (The current road to access Ramirez Canyon Park is Ramirez Canyon Road.) The Redesign Plan includes a "Lauber Road and parking lot" on private land in order to provide secondary (more than emergency) access to Ramirez Canyon Park. In contrast, the MRA includes the construction of a new emergency only access road from Kanan Dume Road to Ramirez Canyon Park by improving existing Via

Acero as part of Phase 2 improvements if required by the responsible fire agency. (See further description below, under Ramirez Canyon Park.)

Additional road improvements are proposed to address LACFD comments (e.g., along Ramirez Canyon Road and Delaplane Road) in the MRA, compared with the Redesign Alternative.

In response to comments from LACFD, the locations, numbers, and type of proposed fire shelters changed between the MRA and the Redesign Alternative. The vegetation management zone around the fire shelters is increased to 200 feet in the MRA. In the Redesign Alternative, 100 feet was proposed. In the MRA, fire shelters are now optional<sup>1</sup>, and would only be installed if required and approved by the Coastal Commission, CAL FIRE (or its representative) and/or the LACFD. Not including the proposed shelter-in-place upgrades to existing buildings at Ramirez Canyon Park, the Redesign Alternative includes eight fire shelters; the MRA includes seven fire shelters. This number has been reduced primarily because fire shelters are no longer proposed where camping has been eliminated or is proximate to PCH.

New permanent structures for camp host and/or park administration/employee quarters have been proposed in the MRA (at Corral Canyon Park and Malibu Bluffs Conservancy Property) to provide for maximum staff presence at these parks where camping is proposed. In contrast, the Redesign Alternative includes RV/trailer sites (total 5). The MRA includes three such new permanent structures and three RV sites (total 6).

In the Redesign Alternative, camping would be allowed via drop boxes or onsite registration with a camp host or employee. In the MRA, camping would only be allowed after onsite registration with a camp host/employee, during which the campers would be informed of the “cold-camping” regulation. This change was made in order to address concerns raised some commentators by about adequate around-the-clock staff presence.

In the Proposed Project, 202 parking spaces are proposed (including existing spaces). In the Redesign Alternative, 173 parking spaces are proposed (including existing spaces). In the MRA, 157 parking spaces are proposed (including existing spaces). The number of parking spaces increased at some

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<sup>1</sup> This “optional” language is included in the MRA in order to provide the appropriate fire agency with jurisdiction the flexibility it needs to determine which improvements should be imposed in order to adequately reduce and mitigate any fire risk. The Conservancy and MRCA are committed to implementing all optional measures, but the responsible fire agency will ultimately determine the improvements required. As further detailed in the FEIR, the Fire Protection Plan that includes these measures serves as adequate mitigation under CEQA to reduce any fire risk to a level of insignificance.

parks and decreased at others, for an overall reduction of 16 spaces in the MRA, compared with the Redesign Alternative.

In the Proposed Project, a total of four day-use picnic areas are proposed. In the Redesign Alternative, a total of 10 day-use picnic areas are proposed. In the MRA, 12 such day-use areas are proposed, as a result of the conversion of campsites to day-use picnic areas at Latigo Trailhead.

In the Proposed Project, a total of 20 restroom stalls are proposed. In the Redesign Alternative, a total of 19 restroom stalls are proposed. In the MRA, 19 restroom stalls are also proposed, some are in different locations compared with those in the Redesign Alternative.

The proposed improvements to the Coastal Slope Trail, the Beach to Backbone Trail (Corral Canyon), and the Bluffs to Beach Trail (Conservancy Malibu Bluffs Property) are near identical between the DEIR Proposed Project, the DEIR Redesign Alternative and the MRA. The only small differences are in the grade and alignment of the Coastal Slope Trail between Kanan Dume Road and Ramirez Canyon Park. The MRA provides all of the trail benefits of both the Proposed Project and the Redesign Alternative.

### *Ramirez Canyon*

A notable difference between the Redesign Alternative and MRA is the location and purpose of the secondary road to access to Ramirez Canyon Park. The current road to access Ramirez Canyon Park is Ramirez Canyon Road. The Redesign Alternative includes the construction of a new secondary access road from Kanan Dume Road to Ramirez Canyon Park, "Lauber Road."<sup>2</sup> This road would be used for (1) emergency ingress/egress to Ramirez Canyon Park and the Ramirez Canyon community, (2) park staff, and (3) under limited circumstances, members of the public (e.g., reservations, or other pre-arranged visits only).

The Proposed Project and MRA include the proposed secondary emergency access to Ramirez Canyon Road along Via Acero. Via Acero is an existing paved road for a portion of this stretch from Ramirez Canyon Road to Kanan Dume

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<sup>2</sup> It should be noted that after issuance of the DEIR and before the draft FEIR was published, the landowner requested a large and non-refundable sum of money for full MRCA/ Conservancy access to conduct geologic and soil studies on the property. To avoid any allegation that the payment of such an amount violates the prohibition on the gift of public funds contained in the California Constitution at Article XV, Section 6, the MRCA/ Conservancy has not determined the feasibility of constructing and using the Lauber Road as a secondary access road at this time. However, at the time the DEIR was circulated, Lauber Road as an alternative secondary access road was potentially feasible as required by State CEQA Guideline 15126.6 (and may still be fully feasible pending access to conduct the necessary studies).

Road. Via Acero would need to be expanded in, and extended and paved beyond, its current alignment to complete this connection. The Lauber Road would need to be a new road constructed from Ramirez Canyon Road to the end of an existing private road that connects to Kanan Dume Road. Via Acero would be limited to emergency ingress/egress. Both road alternatives require the acquisition of private property or easements over a minimum of two parcels.

The Conservancy and MRCA staffs have done technical analysis on the feasibility of the Lauber Road but have not determined the cost necessary for construction and maintenance.

The cubic yards of cut/fill required to construct the Via Acero secondary emergency access road under the MRA would be substantially less than that of the Lauber Road under the Redesign Alternative. Also, construction of Via Acero would impact less habitat than would the construction of Lauber Road. The Lauber Road as designed in the Redesign Alternative does not meet all of LACFD requirements, whereas the proposed Via Acero improvements in the MRA do meet the parameters laid out in the LACFD comment letter.

The MRA features Phase 1 and Phase 2 improvements at Ramirez Canyon Park, whereas all these improvements are not phased in the Redesign Alternative. Potential Via Acero secondary emergency access improvements are only included in Phase 2 for the MRA if required by the responsible fire agency. Phase 1 of MRA includes existing uses e.g., administrative offices, ranger/maintenance supervisor residence, staff training, small events of 40 participants plus staff, maintenance, etc. If required by the responsible fire agency, once Via Acero is improved for Phase 2, additional events beyond the events permitted in Phase 1 would be allowed, and the additional public access improvements would be made, e.g., accessible campsites, parking improvements, improvements to day use areas to make them accessible, and restrooms. For the MRA, Phase 2, large events (maximum 200 participants) would be limited to 16 events per year. The Redesign Alternative allowed 32 events per year.

The Proposed Project includes 5 campsites. The Redesign Alternative includes 3 campsites at Ramirez Canyon Park (DEIR, Appendix D-3, Sheet 6). The MRA includes two campsites (MRA-Phase 2 only, after Via Acero is improved; Sheet 6). The configuration of the campsites in MRA Phase 2 at the tennis court have changed slightly, compared with those in the Redesign Alternative, to provide additional area for creek restoration.

The Proposed Project includes four day use areas. The Redesign Alternative (DEIR, Appendix D 3, Sheet 5) and MRA-Phase 2 both include six day-use picnic areas (MRA-Phase 2, Sheet 5). MRA-Phase 1 includes 7 day-use areas [MRA Redesign, Sheet 5].)

The Redesign Alternative and MRA-Phase 2 both include 48 parking spaces at Ramirez Canyon Park. Phase 1 of the MRA includes 54 parking spaces (without parking improvements to facilitate access for people with disabilities). In the MRA, a new project feature is that the improved parking area may be built with permeable materials to increase groundwater infiltration. (See discussion below for additional changes to parking areas along Kanan Dume Road.)

The Redesign Alternative includes a fire shelter at Ramirez Canyon Park, which has been eliminated in the MRA in response to LACFD comments. Two buildings at Ramirez Canyon Park would be retrofitted for use as a last resort shelter-in-place in both the Redesign Alternative and MRA. In the MRA the retrofits of those two buildings is phased. In the MRA, additional detail is provided for those retrofits and the specific buildings to be retrofitted.

The MRA includes the following project elements, which were not included in the Redesign Alternative. In the MRA, additional vehicles shall be provided onsite, as needed, at Ramirez Canyon Park so that there would be enough vehicular capacity to evacuate all persons on site for any event in one trip out. The MRA includes additional creek restoration/ enhancement at Ramirez Canyon Park and offsite at the MRCA-owned King Gillette Ranch. King Gillette ranch is located within the Coastal Zone. Also, a short stretch of trail is proposed at the southern portion of Ramirez Canyon Park to connect day use areas directly to the proposed Coastal Slope Trail. Three gates are proposed on site in the developed areas of the park to restrict access of the public to the administrative buildings and residence.

Both the MRA and Redesign Alternative (DEIR, App. D-3, sheets 39-44) include widening of Ramirez Canyon and Delaplane roads to 20-foot-wide. In the MRA, this widening would only be done if required by the responsible fire agency. In the MRA, additional improvements are proposed in response to LACFD comments. This includes additional road widening by fire hydrants along Ramirez Canyon Road and Delaplane Road, some widening of roads/driveways within Ramirez Canyon Park, and additional hydrants in Ramirez Canyon Park.

Two parking areas along Kanan Dume Road (nine parallel spaces) and two parking areas along Lauber Road (18 angled spaces) are included in the Redesign Alternative (DEIR, App. D-3, Sheet 4). The number of parking spaces along Kanan Dume Road was reduced in the MRA to result in fewer direct impacts to habitat, compared with the number of parking spaces in the Proposed Project. Three parking areas along Kanan Dume Road (14 parallel spaces) are included in the MRA (MRA, Sheet 8). Since Lauber Road is not proposed in the MRA, no parking spaces are proposed there.

The number of parking areas (and spaces) along Kanan Dume Road was increased from nine to 14 in the MRA, compared with the Redesign Alternative because the parking spaces associated with the Lauber Road are eliminated in the MRA so an adequate number of spaces needed to be added to the parking areas along Kanan Dume Road.

In the MRA, the parking lots along Kanan Dume Road are in Phase 1. A new feature in the MRA is striping and turn lanes along Kanan Dume Road, in response to comments from Los Angeles County Department of Public Works (LACDPW).

When the parking spaces within Ramirez Canyon Park, along Kanan Dume Road, and along the proposed Lauber Road (for the Redesign Alternative) are counted together to serve Ramirez Canyon Park, there would be 75 (48+9+18) parking spaces (existing plus proposed) in the Redesign Alternative. There would be 68 (54+14) parking spaces (existing plus proposed) in the MRA Plan-Phase 1. There would be 62 (48+14) parking spaces (existing plus proposed) in the MRA-Phase 2.

A trail is proposed to connect Kanan Dume Road to Ramirez Canyon Park (Trail alignment 1a) in both the Redesign Alternative and MRA. However, in the MRA, an additional short Kanan Spur Trail is proposed to connect Parking Area 2 along Kanan Dume Road directly to the main trail.

#### *Escondido Canyon Park*

In the MRA, the only project elements related to Escondido Canyon Park are trail improvements to connect the proposed Coastal Slope Trail from Murphy Way to Latigo Trailhead. The MRA also includes a horse hitch and sign along the existing Escondido Falls trail in Escondido Canyon Park, indicating that no access for horses is allowed beyond that point (MRA Redesign, Sheet 14), in response to a comment that recommended reduced domestic animal presence in the pool below lower Escondido Falls.

All other project elements included in the Redesign Alternative such as camping, are no longer included in the MRA and to reduce total project impacts.

The following project elements were deleted from the Proposed Project and are not in the MRA: 13 campsites (in three camp areas), a new 17-space parking lot at the entrance to Escondido Canyon Park (including three trailer spaces and two accessible spaces), parking monitoring sign at the existing parking lot at PCH/Winding Way, camp host trailer site, water tank, fire hydrant, fire shelter, an accessible trail leading from the new parking area to the creek, four restroom stalls, etc. (DEIR, figures 2-12, 2-13)

The following project elements were deleted from the Redesign Alternative and are not in the MRA: four campsites (in two camp areas), a new 17-space parking lot at the entrance to Escondido Canyon Park (including three trailer spaces and two accessible spaces), parking monitoring sign at the existing parking lot at PCH/Winding Way, camp host trailer site, water tank, fire hydrant, fire shelter, an accessible trail leading from the new parking area to the creek, three restroom stalls, etc. (DEIR, App. D-3, sheets 12 and 13).

#### *Latigo Trailhead*

The MRA deletes camping at Latigo Trailhead and increases the number of parking spaces from two spaces to four spaces compared with the Redesign Alternative. The Proposed Project includes five campsites and a new parking area on the top of the knoll consisting of nine parking spaces, one camp host trailer site, fire shelter, and restroom, as well as a water tank and new hydrant (DEIR, Figure 2-14). The Redesign Alternative includes three campsites, a new parking area consisting of two parking spaces, restroom, new hydrant, and two day-use picnic areas (DEIR, App. D-3, Sheet 16). The MRA includes no camping, and instead includes four day-use picnic areas, a restroom on the knoll, a small parking area consisting of four spaces on a lower portion of the property, and an accessible trail connecting the small parking area to the restroom and upper day-use areas (MRA, Sheet 16). In the MRA, a new project feature is that the new parking area may be built with permeable materials to increase groundwater infiltration.

#### *Corral Canyon Park*

The MRA deletes camping at Camp Area 2 by Corral Canyon Creek that is included in the Proposed Project (DEIR, Figure 2-17) and converts it to a day-use picnic area (MRA, Sheet 25). The MRA clusters the campsites onto the bluff overlooking the Pacific Ocean. One reason Camp 2 was deleted is because of concerns regarding the ability of a restroom pump truck to access the area. Clustering the campsites in one site closer to the highway facilitates oversight and management, results in lower operational costs, and maximizes the efficiency and effectiveness of fire protection and evacuation efforts.

The MRA consists of 17 campsites, a double restroom, and two fire shelters at Camp Area 1 (on a bluff overlooking the Pacific Ocean, near PCH) (MRA, Sheet 27). The Redesign Alternative consists of 11 campsites, a single restroom, and a fire shelter at Camp Area 1 (DEIR, App. D-3, Sheets 27). Both the Redesign Alternative and the MRA include a day use area along Corral Canyon Creek, "Day Use Area 2," at Corral Canyon Park. Waterlines, pumps, and hydrants were added to the MRA in response to comments from LACFD and LACDPW and to provide redundancy to the water supply system.

In the MRA, a permanent structure is proposed for the camp host and/or park administration/employee quarters building (MRA, Sheet 26) to provide for greater presence at these parks where camping is proposed. (The Redesign Alternative includes a trailer site [DEIR, App. D-3, Sheet 26].) A restroom stall for the camp host/employee is included in the MRA, compared with the Redesign Alternative. An additional parking space for the camp host/employee was added to the MRA. In the MRA, a masonry wall is proposed around the structure, in order to minimize the amount of fuel modification that may ultimately be required by the appropriate fire agency for this structure. Staffing from the Malibu Bluffs Property would be available to cover shifts at Corral Canyon Park, if necessary.

### *Malibu Bluffs*

Because campsites in the Redesign Alternative were removed, a few additional campsites were added to, and clustered on, the Conservancy's Malibu Bluffs Property in the MRA. The Proposed Project includes 32 campsites in five camp areas (DEIR, Figure 2-18). Redesign Alternative includes 33 campsites in four camp areas (DEIR, App. D-3, Sheet 29). The Modified Redesign Plan includes 35 campsites in four camp areas (Modified Redesign, Sheet 29) at the Conservancy's Malibu Bluffs Property. In the Modified Redesign Plan, Camp Area 5 was deleted and the campsites in Camp Area 4 were moved northward to respond to concerns from commentators about their proximity to Malibu Road.

The Proposed Project includes 52 parking spaces in four parking areas (parking areas 1-4). Redesign Alternative includes 30 parking spaces in two parking areas (parking areas 1 and 3), while the MRA includes 40 parking spaces in the same two parking areas (parking areas 1 and 3). The configuration of the parking spaces differs somewhat.

In the MRA, Parking Area 1 along PCH was retained. Parking Area 2 along PCH was eliminated because road access to Parking Area 2 via either of the two proposed vehicle bridges, or a separate driveway from PCH, could not be accomplished without impacts to Environmentally Sensitive Habitat Areas. Parking Area 3 along PCH was rotated to reduce its visibility from PCH and to adjust fuel modification impacts. Parking Area 4 along Malibu Road was converted into a two-stall restroom (MRA, Sheet 34) because of space constraints from the need to avoid ESHA and because potential grading impacts made it difficult to fit both a restroom and a meaningful amount of parking. Adequate parking exists along Malibu Road and a restroom provides the greater public benefit. In the MRA, a new project feature is that the new parking areas may be built with permeable materials to increase groundwater infiltration.

With respect to camp host/employee accommodations, the Redesign Alternative includes two, while the MRA includes four. In the MRA, two new permanent structures (plus a new restroom and additional employee parking spaces) are

proposed near Parking Area 1 for the camp host and/or park administration/employee quarters building (MRA, Sheet 30) to provide for greater presence at these parks where camping is proposed. The camp host trailer/RV spaces for Parking Area 1 and Parking Area 3 remain in both the Redesign Alternative (DEIR, App. D-3, sheets 30 and 32) and MRA, although the location shifted slightly in the MRA near Parking Area 1 (MRA, Sheet 30). Since Parking Area 2 (DEIR, Figure 2-18b) was deleted in the MRA, the camp host (and restroom) were deleted (Modified Redesign, sheets 31, 34).

The Redesign Alternative includes three fire shelters, while the MRA includes three optional fire shelters in different locations and of different sizes and materials. These changes were made in response to comments provided by LACFD. Fire shelters of such specifications as shall be required by the fire agency having jurisdiction.

In the MRA, a construction/maintenance/ administrative access lane is proposed to access Camp Area 2 from PCH.

Proposed waterlines were modified in the MRA (in comparison to the Proposed Project) in response to comments from LACFD and Los Angeles County Waterworks and to improve efficiency.

## **Conclusion**

Staff is recommending the adoption of the MRA. The MRA is the only alternative that reduces both of the Proposed Plan's unavoidable environmental impacts, to a level of that is significant but mitigable. The MRA also provides more of the park and recreational amenities than any other alternative (although less than the proposed plan in the DEIR) and comes closest to fully achieving the project objectives of the alternatives analyzed in the DEIR. In addition, the MRA includes a number of features designed to address community concerns, which are not included in the other alternatives or in the proposed plan. Based upon the discussion above, the MRA is staff's recommendation for adoption