



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: March 2, 2011

SUBJECT: **Agenda Item IX: Consideration of resolution: (a) acknowledging receipt of the California Coastal Commission's resolution of certification approving the Malibu Parks Public Access Enhancement – Public Works Plan (PWP) with suggested modifications, including all terms and/or modifications suggested for final certification; (b) accepting and agreeing to all such terms and/or modifications; (c) taking formal action to incorporate such terms and/or modifications in the PWP, and (d) acknowledging that the Mountains Recreation and Conservation Authority will satisfy such terms and/or modifications.**

Staff Recommendation: That the Governing Board adopt the attached resolution (a) acknowledging receipt of the California Coastal Commission's resolution of certification approving the Malibu Parks Public Access Enhancement – Public Works Plan (PWP) with suggested modifications, including all terms and/or modifications suggested for final certification; (b) accepting and agreeing to all such terms and/or modifications; (c) taking formal action to incorporate such terms and/or modifications in the PWP, and (d) acknowledging that the Mountains Recreation and Conservation Authority will satisfy such terms and/or modifications.

Background: On October 13, 2010, the California Coastal Commission unanimously approved and certified the Malibu Parks Public Access Enhancement Plan - Public Works Plan (PWP) proposed by the Santa Monica Mountains Conservancy (Conservancy) and Mountains Recreation and Conservation Authority (MRCA), with suggested modifications. Today's proposed action and attached resolution are in response to a letter dated January 12, 2011 from California Coastal Commission (attached). That letter states that certification of the PWP shall not be deemed final and effective until three steps are taken. The proposed action in the attached resolution is intended to satisfy one of those steps. Per that January 12, 2011 letter, the Conservancy and MRCA each need to (1) acknowledge receipt of the Commission's resolution of certification, including any terms or modifications

suggested for final certification and (2) accept and agree to any such terms and modifications and take whatever formal action is required to satisfy the terms and modifications.

After that, the Coastal Commission needs to take the other two actions. Once the Conservancy and MRCA transmit the resolutions to the Commission, the Executive Director of the Commission will determine in writing whether the Conservancy's and MRCA's actions are legally adequate to satisfy the requirements set forth in the Commission's January 12, 2011 letter. The Executive Director will then report the determination to the Commission at its next regularly scheduled public meeting.

Due to the large size of the background documents, some have been posted online. The MRCA website at <http://www.mrca.ca.gov/> provides the following additional background documents:

- Malibu Parks Public Access Enhancement Plan - Public Works Plan (Adopted by Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority on August 23, 2010);
- Engineering Plans Submitted to the California Coastal Commission with Public Works Plan (dated August 25, 2010).

The following items are attached to this staff report:

- January 12, 2011 letter from Coastal Commission to Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority re: Malibu Parks Public Access Enhancement - Public Works Plan, with Suggested Modifications on the Public Works Plan;
- Adopted findings for the Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority PUBLIC WORKS PLAN (PWP) approved at the October 13, 2010 Commission Meeting in Oceanside, CA (January 12, 2011 Memorandum).

There is a long history associated with the development of this PWP and the rest of this staff report provides a brief summary and overview of the modifications suggested by the Coastal Commission. In 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. Since then there have been numerous versions of proposed City of Malibu Local Coastal Program (LCP) amendments to incorporate a Malibu Parks Public Access Enhancement Plan Overlay, public hearings, negotiations with the City of Malibu and others, and versions of the public

works plan. Much of this history is described in the adopted findings of the Coastal Commission (attached; Section IV. Findings and Declarations, A. Plan Background).

On July 15, 2008, the Coastal Commission received the Conservancy's and MRCA's City of Malibu LCP Amendment "Override" submittal for the Malibu Parks Public Access Enhancement Plan Overlay District. This was submitted pursuant to Section 30515 of the Coastal Act, as implemented by Section 13666 of the California Code of Regulations. The amendment proposed to establish an overlay district for specific park properties within the City of Malibu with comprehensive policies and development standards to allow for implementation of public access and recreational improvements.

On June 10, 2009, the Commission approved the proposed LCP amendment with revisions. The Commission then adopted the revised findings at the October 2009 Commission hearing in support of their action on June 10, 2009.

Coastal Act Section 30605, as implemented by Section 13350 *et seq.* of the corresponding regulations, provides for the submittal of Public Works Plans to the California Coastal Commission as an alternative to the project-by-project coastal development permit review for public works projects.

The PWP proposed by the Conservancy and MRCA includes detailed project and facility plans for development of trails, campgrounds, various support facilities, and park uses, as well as a detailed policy framework to guide future improvements and various park programs to ensure consistency with all applicable policies of the Malibu LCP and Coastal Act, for the parkland and trail corridors included in the Plan area. The PWP proposed by the Conservancy and MRCA meets the definition of a public works project.

The Plan area covers portions of the City of Malibu and unincorporated Los Angeles County. The Plan addresses public parklands, including recreation areas (parklands and trails) that extend from the east edge of Kanan Dume Road easterly to the Malibu Bluffs Conservancy Property (Malibu Bluffs). The Plan area extends southerly to Pacific Coast Highway at Corral Canyon Park and to Malibu Road by Malibu Bluffs, and northerly beyond the City of Malibu/unincorporated Los Angeles County boundary to the Santa Monica Mountains "ridgeline" in Malibu Creek State Park in Corral Canyon. Public lands addressed in the Plan include Ramirez Canyon Park, Escondido Canyon Park, the Latigo Trailhead property, Solstice Canyon Park, Corral Canyon Park, Conservancy-owned Malibu Bluffs, National Park Service-owned land in Ramirez Canyon, Los Angeles County-owned land, City of Los Angeles Department of Water and Power property, and State Parks-owned and National Park Service-owned land in upper Corral Canyon.

After several hearings, notices, and public comment periods for the Notice of Preparation and the Draft Environmental Impact Report for the PWP, on August 23, 2010, the Conservancy and MRCA certified the Final Environmental Impact Report. At that meeting,

the boards adopted findings and mitigation monitoring and reporting program pursuant to the California Environmental Quality Act, Malibu Parks Public Access Enhancement Plan - Public Works Plan, SCH No. 2009091018, City of Malibu and surrounding unincorporated area. The boards also adopted the PWP and authorized submission thereof to the California Coastal Commission. With a letter dated August 25, 2010, the Conservancy and MRCA submitted the PWP to the Coastal Commission.

On October 13, 2010, after a public hearing, the Coastal Commission unanimously approved and certified the PWP proposed by the Conservancy and MRCA with suggested modifications. In a letter dated January 12, 2011 (attached), the Coastal Commission transmitted copies of the resolution of certification of the PWP and suggested modifications and findings adopted to the Conservancy and MRCA. According to the Commission, the certification shall not be deemed final and effective until three steps occur. Today's action would satisfy one of those steps. The Commission would take the other two steps.

The suggested modifications proposed in the Coastal Commission staff report for the October 13, 2010 hearing included deleting all optional emergency fire shelters from the engineering plans and the PWP text. (Upgrades to existing buildings at Ramirez Canyon Park to be used as emergency fire shelters would remain in the PWP however.)

At the October 13, 2010 Coastal Commission hearing, the Commission approved the PWP, with the staff suggested modifications, and another modification pertaining to the use of propane stoves. The PWP proposed by the Conservancy and MRCA to the Commission did not include propane stoves at the campsites, and only allowed electrical outlets for cooking appliances, in response to comments made by Los Angeles County Fire Department. The suggested modification adopted by the Commission states:

However, the use of propane cook-stoves may be allowed at designated cook stations at approved campsites if it is determined that propane cook-stoves pose no greater fire hazard risk than electric stoves pursuant to a 1-yr. study, as described below. The SMMC/MRCA, in consultation with California Department of Parks and Recreation, Los Angeles County Fire Department, and the State Fire Marshall, shall conduct a 1-yr. study and pilot project that analyzes the potential fire hazard and incidents/accidents associated with the use of propane cook-stoves versus electric cook-stoves at Camp Areas 1 and 2 of Malibu Bluffs and other public campgrounds to determine if the ban on the use of propane cook-stoves is warranted. The results of the study and pilot project shall be submitted to the Executive Director of the Coastal Commission for review and approval. If it is determined that propane cook-stoves pose no greater fire hazard risk than electric stoves, then the use of propane cook-stoves shall be allowed at all designated campsites throughout the Plan area.

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There are fifty-three Coastal Commission suggested modifications (attached). The Conservancy was scheduled to take a similar action at its February 28, 2011 Governing Board meeting. If the Conservancy and MRCA adopt these resolutions, then Conservancy and MRCA staff will incorporate the suggested modifications into the PWP (including into the engineering plans) and will submit the modified PWP to the Coastal Commission for action. (The PWP and engineering plans on the MRCA website currently do not have the Coastal Commission's suggested modifications incorporated.)