



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, 2016

SUBJECT: **Agenda Item VI(e): Consideration of resolution ratifying acceptance of trail easement at 27865 Winding Way (APN 4467-005-007), City of Malibu.**

Staff Recommendation: That the Governing Board adopt the attached resolution ratifying acceptance of trail easement at 27865 Winding Way (APN 4467-005-007), City of Malibu.

Background: Winding Way along the southern border of the subject property at 27865 Winding Way (Assessor Parcel Number 4467-005-007) is a key location for a planned trail in the City of Malibu. A trail along Winding Way at this location is shown on the City of Malibu Local Coastal Program Park Lands Map 2. A proposed trail at this location is also on the City's most recent draft Local Coastal Program Parkland and Trails Systems Map 2. That map was recently approved (December 10, 2015) by the California Coastal Commission (with suggested modifications) as part of a proposed Local Coastal Program Amendment, to be used with a Trail Dedication Incentive Program. (That Program and set of maps are awaiting final action by the City and Coastal Commission before they become effective.)

The subject parcel is a gap in approximately 11 parcels with trail easements or required offer(s)-to-dedicate a trail easement along Winding Way and Delaplane. The Mountains Recreation and Conservation Authority (MRCA) holds a trail easement on the properties to the east of, and adjacent to, the subject parcel. An offer-to-dedicate a trail easement was required on the properties to the west of, and adjacent to, the subject parcel. These easements connect to Murphy Way, a public trail.

The proposed project at the property (Administrative Coastal Development Permit [ACDP] No. 14-037) consists of several items including an addition to an existing single family home, lot merger, demolition of certain structures, new swimming pool, and associated development. A Site Plan Review for additional height and a Minor Modification for a additional side yard setback are also part of the project.

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Staffs from California Coastal Commission, National Park Service-Santa Monica Mountains National Recreation Area, and MRCA recommended that a trail easement be offered. After originally declining, the owner agreed to offer a trail easement. The timeline was tight and the Malibu Planning Director approved the ACDP on February 9, 2016 with no condition in the permit for a trail easement. The Planning Director's decision was reported at the February 16, 2016 Malibu Planning Commission meeting.

The owner and applicant worked cooperatively with MRCA staff to draft a trail easement and prepare relevant exhibits. On February 18, 2016, the owner granted, and a MRCA officer accepted, a four-foot-wide trail easement at the edge of Winding Way. The appeal period ended February 19, 2016. Time was of the essence to finalize the trail easement and accept it, in order to avoid the MRCA staff's perceived need to file an appeal.

Resolution 96-52 of the MRCA authorizes the Executive Officer to accept end-of-year and other donations and dedications of land where time is of the essence, subject to confirmation by the Governing Board at the next duly noticed meeting.