

August 23, 2010

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December 4, 2007

Mayor Jennings and City Council Members
City of Malibu
2355 Civic Center Way
Malibu, California 90265-4865

LCP Amendment 07-002, Malibu Parks Public Access Enhancement Plan Overlay

Honorable Mayor Jennings and Members of the City Council:

The Malibu Parks Public Access Enhancement Plan Overlay has been proposed for your consideration with the intent of providing a framework for implementing public programs, trail development, recreation support facilities, public outreach programs, and transportation improvements for specific parklands and trail corridors to enhance public access and recreation in the City of Malibu.

The proposed public access and recreation policies and development standards of the Malibu Parks Public Access Enhancement Plan are consistent with the Coastal Act and the Malibu LCP which both encourage and mandate that maximum public access and recreational opportunities be provided. In light of the new recommendation made in the staff report for tomorrow's public hearing regarding camping and uses at Ramirez Canyon Park, the SMMC and MRCA are hereby formally amending and clarifying their request for the LCP amendment, as fully discussed below.

The SMMC and MRCA appreciate your careful consideration and support for the proposed trail elements in particular, and offer the following points of discussion in response to your deliberations at the November 13, 2007 Council hearing on the LCP Amendment and the subsequent changes presented by the staff recommendation for the December 5, 2007 hearing.

Public Parking Resources For Escondido Canyon Park And Adjacent Trail System

The initial LCP Amendment submittal to the City included conceptual plans for a parking facility consisting of 18 parking spaces and 2 equestrian trailer pull-in spaces to be located in what has become commonly referred to as the "meadow area" of Escondido Canyon Park. It is important to note that the "meadow area" is not a mapped environmentally

sensitive habitat area (ESHA) pursuant to the City's certified LCP ESHA Overlay map. Furthermore, a site-specific biological evaluation confirmed that the subject area does not meet the definition of ESHA as defined by the City LCP. In addition, the "meadow area" has been analyzed by both the project's geologic consultant and the City Geologist. Both of them found the site to be appropriate for the proposed parking and trailhead facility improvements.

The LCP Amendment conceptual plans, as submitted, reflected a 10-space decrease from the 28 parking spaces originally proposed per the SMMC/MRCA Public Works Plan. In response to comments provided by the Planning Commission and public at the Commission's October 9, 2007 hearing, the proposed parking area at Escondido Canyon Park was further reduced to provide just 2 ADA compliant parking spaces and 2 equestrian trailer spaces. The primary public parking area with 10 spaces, as an alternative, was moved in close proximity to Escondido Canyon Park but adjacent to and accessed via Latigo Canyon Road. Enhancing accessibility of public parklands and facilitating disabled access opportunities to parks and recreation areas continues to be a primary goal of the Malibu Parks Public Access Enhancement Plan. Therefore, the SMMC and MRCA request the original LCP amendment concept improvement plans for parking and trailhead facilities within the "meadow area" of Escondido Canyon Park be reinstated. Providing these limited support facilities for visitors and disabled individuals within Escondido Canyon Park is the only manner by which we can genuinely facilitate access opportunities for all members of the public to experience and enjoy the resources of Escondido Canyon.

Camping

The SMMC and MRCA believe that providing low-cost, high natural amenity value camping opportunities is a critical and essential component of the proposed Plan and will serve to enhance public access and recreation opportunities to public parklands consistent with the public access and recreation policies of the City's LCP and the Coastal Act. The City's revised proposal to prohibit public camping facilities throughout the City of Malibu with the limited exception of 2 ADA compliant campsites at Ramirez Canyon Park is grossly inconsistent with the certified LCP and the Coastal Act. The proposed prohibition on public camp facilities would in fact adversely impact public access and recreation resources by eliminating a primary means of providing lower-cost, unique hike in overnight accommodations in the Malibu Coastal Zone.

The SMMC and MRCA recognize and respect the City's obligation to plan carefully for proposed uses at the City-owned Charmlee Park area. In light of the revised staff

recommendation now to prohibit public camp facilities not only at Charmlee Park but throughout the entire City, with the exception of only 2 ADA compliant campsites in Ramirez Canyon Park, the SMMC and MRCA hereby formally amend the request for an LCP amendment to re-instate their original proposal for camp facilities at parklands owned and maintained by the SMMC and MRCA, namely Escondido Canyon Park and Corral Canyon Park.

Conditional Use Permit Requirements For Park Facilities And Uses

City staff is recommending that proposed limited camp facilities be subject to conditional use permit requirements. However, the SMMC and MRCA maintain that existing LCP policies allow camp facilities as a principally permitted use in the OS zone pursuant to coastal development permit requirements and are fully adequate to ensure appropriate discretionary review by the City for all proposed camp uses. A separate conditional use permit requirement is not appropriate or necessary.

Parkland Red Flag And Flood Warning Closure Regulation

The revised staff recommendation to require complete parkland closure in conjunction with patrols on all red flag days and during flash flood warnings would only serve to limit public access and recreation in publicly-owned parks. This revised staff recommendation would result in significant adverse impacts to existing public access and recreation resources, and as such is inconsistent with not only the purpose of the proposed Plan, which is intended to enhance public access and recreation, but is also inconsistent with numerous policies of the certified LCP and Coastal Act which mandate that maximum public access and recreational opportunities be provided. Such a policy would unnecessarily restrict public access and recreation and is inconsistent with policies of the SMMC, MRCA, the National Park Service and State Parks relative to managing and operating public parks.

Ramirez Canyon Park Use Limitations/Secondary Access Road

As with the other conceptual improvement areas subject to the proposed Malibu Parks Public Access Enhancement Plan Overlay, Ramirez Canyon Park has been evaluated for site specific constraints in developing the proposed policies and implementation measures for the location and level of park uses identified in the Plan.

The revised staff recommendation to condition the use of Ramirez Canyon Park for public outreach and education programs designed for disadvantaged youths and physically

challenged visitors on the construction of a secondary access road severely restricts, and may permanently impact, the unique public access and education opportunities of the property. These programs and uses provide significant coastal access and recreational opportunities for an under served component of California's coastal visitors.

In addition, the revised staff recommendation to condition all uses of Ramirez Canyon Park on the construction of a secondary access road will similarly limit opportunities for the general public who may elect to experience and enjoy the park's resources by participating in a garden or canyon tour, picnicking at the site, and/or benefitting from the property's existing park facilities consistent with uses that are typically permitted and encouraged in the State Park system.

Given the new staff proposed limitations and restrictions on the public's ability to use and enjoy Ramirez Canyon Park in conjunction with the prohibition on camping throughout the City of Malibu, the SMMC/MRCA hereby formally amend the LCP amendment request to reinstate the permitted number of large events to 32 events per year as originally permitted by the Coastal Commission and found consistent with the Coastal Act. The net proceeds received by the MRCA from the large events (events with more than 60 participants but not exceeding 200 participants) shall be placed in the "Malibu Public Access Enhancement Fund," which shall be administered by the MRCA and monitored by the California Coastal Commission to pay for programs that provide for supervised overnight camping for disadvantaged youth at SMMC/MRCA owned and maintained park properties and additionally for disabled youth at Ramirez Canyon Park. This will ensure that low cost, visitor serving overnight accommodations in the Coastal Zone are not restricted to the affluent, but are provided for all visitors of diverse backgrounds and abilities consistent with the goals and objectives of the Malibu Parks Public Access Enhancement Plan.

The SMMC and MRCA continue to support the original LCP amendment policy language as recommended by the Planning Commission to encourage secondary access road development but, for the reasons discussed above, request the City to strike provisions conditioning public use of the park property on secondary road construction.

In addition, given the City's apparent withdrawal of support for public use at Ramirez Canyon Park unless and until a secondary access road is developed (which the City contends "alleviates most of the problems created by the location of this Park"), all policy language relative to coordinating a City shuttle service program to support Ramirez Canyon Park uses, event notification requirements, and event monitoring requirements should be stricken in the LCP amendment. Policy language relative to use of the Peach House, Art

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Deco, and Barn facility should also be revised to allow for any use permitted within Ramirez Canyon Park. Finally, please note that the City has no authority to impose land use regulations or any use restrictions on the portion of Ramirez Canyon Park located within the County of Los Angeles.

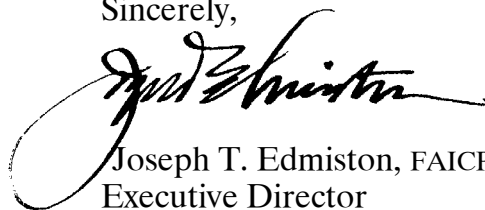
Charmlee Park

In light of the City's apparent withdrawal of support for the primary proposed recreation facilities at Charmlee Park (camping), all references to Charmlee Park should be stricken in the proposed LCP amendment. For the same reason, policy language addressing operations and maintenance agreements, monitoring and visitor survey data for City-owned park property and coordination with the City Parks and Recreation Department on compiling and reviewing such data should also be stricken.

Conclusion

We certainly recognize the importance of the issues associated with this LCP amendment to the City, the SMMC and the MRCA, as well as those seeking recreation opportunities in the Malibu coastal area. We ask the Council to give careful consideration to the proposal, as formally amended above. To that end, the SMMC and MRCA are prepared to waive the time for action by the Council on the request for the LCP amendment to and including January 31, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Edmiston", written over a large, decorative flourish that loops around the text below.

Joseph T. Edmiston, FAICP, Hon. ASLA
Executive Director

cc: Christi Hogin, City Attorney
Stephanie Edmondson, Senior Planner
Patricia Salazar, Planning Department Specialist