

Memorandum

To : The Conservancy
The Advisory Committee

Date: December 9, 2013

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

Subject: **Agenda Item 13: Consideration of resolution (a) decertifying those portions of the Final Environmental Impact Report for the previously approved Malibu Parks Public Access Enhancement Plan Public Works Plan relating to the Ramirez Canyon Park area, as defined, located in the City of Malibu and in unincorporated Los Angeles County, and (b) vacating those portions of the previously approved Malibu Parks Public Access Enhancement Plan Public Works Plan relating to the Ramirez Canyon Park area.**

Staff Recommendation: That the Conservancy adopt the attached resolution (a) decertifying those portions of the Final Environmental Impact Report for the previously approved Malibu Parks Public Access Enhancement Plan Public Works Plan relating to the Ramirez Canyon Park area, as defined, located in the City of Malibu and in unincorporated Los Angeles County, and (b) vacating those portions of the previously approved Malibu Parks Public Access Enhancement Plan Public Works Plan relating to the Ramirez Canyon Park area.

Legislative Authority: Public Resources Code Section 33211:

Background:

Subsequent to the adoption of the Malibu Parks Public Access Enhancement Plan Public Works Plan (PWP) and the accompanying Environmental Impact Report (EIR) in 2010, the Santa Monica Mountains Conservancy (“Conservancy”) and the Mountains Recreation and Conservation Authority (MRCA) were sued by the Ramirez Canyon Preservation Fund (RCPF), in part, for violation of the California Environmental Quality Act. This case is entitled *Ramirez Canyon Preservation Fund v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority* (Case No. BS127089).

The lawsuit was delayed as related litigation was resolved. Recently, the parties to the lawsuit approved a settlement of the present case. The terms of the settlement are straightforward: RCPF has agreed to drop its lawsuit against the Conservancy and MRCA and the Conservancy and MRCA have agreed to drop any portion of the PWP and final EIR relating to the area around Ramirez Canyon Park. The settlement was presented to the judge who approved and issued a peremptory writ of mandate ordering the MRCA and Conservancy to carry out the actions described in this report and the accompanying resolution.

Agenda Item 13
December 9, 2013
Page 2

The result of this action will be a final PWP and certified final EIR identical to those adopted in 2010 with the omission of the Ramirez Canyon Park area, as defined in the writ of mandate.