

# Memorandum

To : The Conservancy  
The Advisory Committee

Date: December 9, 2013

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

Subject: **Agenda Item 14: Consideration of resolution authorizing joint application with the Mountains Recreation and Conservation Authority to the City of Malibu for a coastal development permit uses and programs at Ramirez Canyon Park.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing joint application with the Mountains Recreation and Conservation Authority to the City of Malibu for a coastal development permit uses and programs at Ramirez Canyon Park.

Legislative Authority: Public Resources Code Section 33211.

Background: In 2006, the Santa Monica Mountains Conservancy (“Conservancy”) and the Mountains Recreation and Conservation Authority (MRCA) filed suit against the City of Malibu for declaratory relief and determination of their rights for the use of Ramirez Canyon Park. The City of Malibu filed an answer and counterclaim regarding the same. To allow related litigation and administrative processes to resolve, the parties subsequently entered into a memorandum of understanding and stipulated to a court ordered injunction limiting the uses of Ramirez Canyon Park.

Now the related litigation and associated processes have largely been resolved and the parties to the pending litigation have reached a conceptual settlement agreement. In January 2013, the Conservancy considered and approved a similar settlement of the pending litigation. The complete terms of the revised settlement agreement will be considered in closed session by this board.

One key term of the revised settlement must also be approved by the Conservancy in open session. The MRCA and Conservancy have agreed to apply to the City of Malibu for a coastal development permit for park administrative uses at Ramirez Canyon Park, which closely mirror the current uses as agreed upon by the parties in the above referenced memorandum of understanding.

In particular, these park administrative uses are described as follows:

1. Park administrative offices for up to 15 employees;

2. A residential caretaker and his family;
3. Two special programs a week by the Conservancy and/or MRCA for disabled or special needs persons and/or for seniors, provided:
  - The activities do not generate noise audible beyond the property line in excess of the noise limits set forth in the Malibu Municipal Code;
  - Transportation is provided by vans and/or mini-coaches, with a 20-passenger capacity (or smaller), not including the driver;
  - There is a maximum of 40 attendees per event, plus staff;
4. Training programs for employees of the Conservancy and/or MRCA, with a maximum of two events per month and a maximum of 20 employees per event, except that a maximum of 40 trainees from the MRCA wildland fire force shall be permitted to train to protect Ramirez Canyon Park; and
5. On-going property maintenance, upgrades that do not increase the intensity of use or as may be required by regulatory agencies, and repairs.

The MRCA and Conservancy will be free to apply for additional uses in the portions of Ramirez Canyon Park located within the City of Malibu and in unincorporated Los Angeles County.