

RESOLUTION NO. 16-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 10-003 AMENDING THE LAND USE PLAN PARK LANDS MAP AND COROLLARY LAND USE PLAN POLICIES; APPROVING GENERAL PLAN AMENDMENT NO. 10-003 AMENDING THE GENERAL PLAN OPEN SPACE AND RECREATIONAL ELEMENT FIGURE OS-2 (MALIBU / SANTA MONICA MOUNTAINS AREA PLAN TRAIL SYSTEM); DETERMINING THE LOCAL COASTAL PROGRAM AND GENERAL PLAN AMENDMENTS ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND REPEALING RESOLUTION NO. 11-15

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On April 25, 2011, the City Council adopted Resolution No. 11-15 approving Local Coastal Program Amendment (LCPA) No. 10-003 and General Plan Amendment (GPA) No. 10-003, amendments to the LCP and General Plan to update the City's Park Land Map, and incorporate it into the LUP and General Plan Open Space and Recreation Element.

B. On August 19, 2011, the City submitted the amendments to the California Coastal Commission (CCC) for its review and certification.

C. On September 22, 2014, the CCC determined that the City's amendment submittal, identified by the CCC as MAL-MAJ-2-11-B (Parkland and Trails System Map and Trail Incentive Plan), was in proper order and legally adequate to comply with the submittal requirements of California Coastal Act.

D. On November 13, 2014, the CCC granted a one-year time extension to act on the City request for the LCPA.

E. On December 10, 2015, the CCC held a public hearing and conditionally certified LCPA No. MAL-MAJ-2-11-B with suggested modifications.

F. On March 17, 2016, a Notice of City Council Public Hearing to be held on April 11, 2016, was published in a newspaper of general circulation within the City and was mailed to all interested parties; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendments; and media; and the CCC. A public notification announcement was posted on the City's Channel 3, and published in the Malibu Surfside News and the Malibu Times. The proposed Parkland and Trails Dedication Incentive Program Map, revised LCP Park Lands Map and General Plan Figure OS-2 (Malibu / Santa Monica Mountains Area Trail System) were made available for public review on the City's website, Malibu City Hall, and the Malibu Library.

G. On April 11, 2016, the City Council continued the item to the May 9, 2016 Regular City Council meeting to allow staff additional time to discuss with the California Coastal Commission specific implementation procedures.

SECTION 2. Environmental Review.

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the CCC before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and a provision of the General Plan. In order to prevent an inconsistency between the LCP and the General Plan, if the LCP amendment is approved, the City must also approve the corollary amendment to the General Plan Open Space Element. This amendment is necessary for the preparation and adoption of the LCP amendment and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

SECTION 3. Local Coastal Program Amendments.

LCPA No. 10-003 includes amendments to the LCP Land Use Plan. Related amendments to the LCP Local Implementation Plan are included in Ordinance No. 405. Consistent with the CCC's December 10, 2015 conditional certification of MAL-MAJ-2-11-B, the City Council hereby amends the Land Use Plan as follows:

- A. Amend LUP Policy 2.14 to read as follows:

Incentives Program

- A. An incentives program that will encourage landowners to make lands available for public access and recreation uses should be developed.
- B. Incentives may be provided for applicants to voluntarily dedicate, or offer to dedicate, public trail easements along trails shown on the Parkland and Trails Dedication Incentive Program Map or along other trails that the City determines provide connectivity to the trail network. Where incentives would allow for modification of development standards, they may be approved only when the associated development is consistent with all other applicable provisions of the LCP.

- B. Amend LUP Policy 2.49 to read as follows:

A trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment shown on the LUP Park Lands Map or where there is substantial evidence that prescriptive rights exist. An existing trail which has historically been used by the public may be relocated as long as the new

trail alignment offers equivalent public use. Both new development and the trail alignment shall be sited and designed to provide maximum privacy for residents and maximum safety for trail users.

- C. Replace LCP Park Lands Map in its entirety, included as Exhibit A this resolution.

SECTION 4. Local Coastal Program Amendment Findings.

A. Based on evidence in the whole record, the City Council hereby finds that the proposed amendments meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act.

B. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP as identified in said document. The revised LCP Park Land Map reflects updated alignments based on the most current inventory of existing and planned parkland and trails in the City since 2002 and demonstrates their connectivity to regional trails within the Santa Monica Mountains. Further, it provides new recreation and access opportunities between the Santa Monica Mountains and the Pacific Coast pursuant to the access and recreation policies of the LCP. The map was prepared with substantive input from the City's Trails Committee, the National Park Service, Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, and the Los Angeles County Department of Parks and Recreation.

The proposed map is consistent with and implements the following LUP policies and goals:

LUP Policy 2.45: An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation opportunities. This system includes trails located within state and national parklands as well as those which cross private property in the City and County. The City's existing and proposed trails are shown on the LUP Park Lands Map. A safe trail system shall be provided throughout the mountains and along the shoreline that achieves the following:

- a) Connects parks and major recreational facilities;
- b) Links with trail systems of adjacent jurisdictions;
- c) Provides recreational corridors between the mountains and the coast;
- d) Allows for flexible, site-specific design and routing to minimize impacts on adjacent development, and fragile habitats. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources;
- e) Provides connections with populated areas;
- f) Includes trails designed to accommodate multiple use (hiking, biking and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized;
- g) Reserves certain trails for hiking only;
- h) Facilitates linkages to community trail systems;
- i) Provides diverse recreational and aesthetic experiences;

- j) Prohibits public use of motorized vehicles on any trail;
- k) Provides public parking at trail head areas;
- l) Ensures that trails are used for their intended purpose and that trail use does not violate private property rights.

LUP Policy 2.9: Public access and recreational planning efforts shall be coordinated, as feasible, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Los Angeles County, Los Angeles County Department of Beaches and Harbors, the Santa Monica Mountains Conservancy, and the Santa Monica Mountains Trails Council.

SECTION 5. General Plan Amendments.

General Plan Amendment No. 10-003 includes amendments to the General Plan Open Space Element. The City Council hereby amends the General Plan as follows:

A. Replace Figure OS-2 (Malibu / Santa Monica Mountains Area Plan Trail System) in its entirety with Exhibit B.

SECTION 6. General Plan Amendment Findings.

The City Council approves the General Plan on the condition that the General Plan amendment only takes effect if the LCPA is certified by the CCC. The General Plan amendment will allow the figure in the General Plan to be amended consistent with the amended LCP and is corollary of that action.

The proposed map is consistent with and implements the following General Plan policies, objectives, and implementation measures:

General Plan Land Use Policy 2.4.5: The City shall promote a system of equestrian and pedestrian trails.

General Plan Open Space and Recreation Objective 3.1: A comprehensive, safe and accessible trail system serving hikers, equestrians and bicyclists.

General Plan Open Space and Recreation Implementation Measure 53: Where possible, obtain trail dedications and easements consistent with the Trails Plan.

SECTION 7. Approval of LCPA No. 10-003 and Repealing Resolution 11-15.

Based on the evidence in the record, the City Council hereby approves LCPA No. 10-003, amending the LUP as modified by the CCC, and GPA No. 10-003. Resolution No. 11-15 is hereby repealed and any amendments to the LUP authorized by Resolution No. 11-15 are superseded by the amendments set forth in Sections 3 and 5 of this resolution.

A. Pursuant to the CCC's Administrative Regulations Section 13544.5, the LCPA certification shall not be deemed final and effective until all of the following occur: 1) the City Council: a) acknowledges receipt of the CCC's Resolution of Certification, including any terms and modifications suggested for final certification; b) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and c) agrees to issue coastal development permits for the total area included in the certified LCP; 2) the Executive Director of the CCC determines in writing that the City's action is legally adequate to satisfy any specific requirements set forth in the CCC's certification order and the Director reports the determination to the CCC at its next regularly scheduled meeting; 3) if the Director finds that the City's action does not conform to the CCC's order, the CCC shall review the City action as if it were a resubmittal; and 4) notice of the certification shall be filed with the Secretary of the Resources Agency for posting and inspection.

B. The City Council acknowledges receipt of the CCC's modifications to LCPA No. 10-003. The City Council further accepts and agrees to the modified language suggested by the CCC pertaining to the LUP and approves revisions to LCPA No. 10-003 without further changes.

C. The City of Malibu agrees to issue coastal development permits for the total area included in the certified LCP. The proposed amendments to the LUP meet the requirements of, and are in conformance with the policies and requirements of Chapter 3 of the California Coastal Act to the extent necessary to achieve the basic State goals specified in Public Resources Code Section 30001.

SECTION 8. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit a copy of this Resolution to the Commission per Title 14, California Code of Regulations Section 134544.5(a).

SECTION 9. Severability.

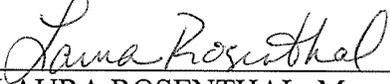
If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. Effectiveness.

The LCP and General Plan amendments approved in this resolution shall become effective only upon certification by the CCC of this amendment to the LCP.

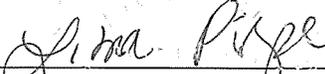
SECTION 11. The City Clerk shall certify the adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of May 2016.



LAURA ROSENTHAL, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

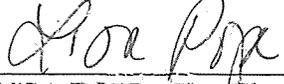
APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-18 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 9th day of May 2016 by the following vote:

AYES:	4	Councilmembers:	House, Peak, La Monte, Rosenthal
NOES:	0		
ABSTAIN:	0		
ABSENT:	1	Councilmember:	Sibert



LISA POPE, City Clerk
(seal)

