

# **LECHUZA BEACH PUBLIC ACCESS IMPROVEMENTS PROJECT**

**COASTAL DEVELOPMENT PERMIT  
APPLICATION NO. 07-087**

## **FINAL NEGATIVE DECLARATION**

**PREPARED BY  
MOUNTAINS RECREATION AND CONSERVATION AUTHORITY**

**APRIL 26, 2019**

**STATE CLEARINGHOUSE NO. 2019011015**

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### **Environmental Factors Potentially Affected**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils             | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality   | <input type="checkbox"/> Land Use / Planning                | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Population / Housing               | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

#### **DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- ☒ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



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Jessica Nguyen, Project Analyst  
April 26, 2019

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## **Table of Contents**

Revisions to the Draft Initial Study/Negative Declaration .....	1
Purpose for Initial Study .....	2
Evaluation of Environmental Impacts .....	3
Initial Study Environmental Checklist Form .....	4
1.0    Project Description.....	5
2.0    Land Use and Zoning Designations .....	7
I.        Aesthetics.....	14
II.       Agriculture and Forestry Resources .....	17
III.      Air Quality.....	19
IV.       Biological Resources .....	22
V.        Cultural Resources .....	26
VI.       Energy .....	29
VII.      Geology and Soils .....	30
VIII.     Greenhouse Gas Emissions .....	35
IX.       Hazards and Hazardous Materials.....	37
X.        Hydrology and Water Quality .....	40
XI.       Land Use and Planning .....	44
XII.      Mineral Resources .....	45
XIII.     Noise .....	47
XIV.      Population and Housing .....	50
XV.       Public Services.....	51
XVI.      Recreation.....	53
XVII.     Transportation .....	55
XVIII.    Tribal Cultural Resources .....	57
XIX.      Utilities and Service Systems .....	60
XX.       Wildfire .....	62
XXI.      Mandatory Findings Of Significance .....	64
References .....	66
Appendix A: Comments Received on the Draft IS/ND .....	68
Appendix B: Response to Comments on the Draft IS/ND.....	98

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**Revisions to the Draft Initial Study/Negative Declaration**

The Final Negative Declaration for the Lechuza Beach Public Access Improvements Project (Project) contains changes made to the Draft Initial Study/Negative Declaration (Draft IS/ND) to:

- a) Further clarify the possible impact levels from the advanced onsite wastewater system component of the proposed Project, the construction noise generated by the proposed Project, the operating hours of the proposed Project, and the effect of additional entitlements on the proposed Project.
- b) Include discussion of a Collision Summary Report that was provided to MRCA in the Final Negative Declaration for the proposed Project, Section XVII. Transportation. No new significant impacts are identified.
- c) Include comments received on the Draft IS/ND.
- d) Include the MRCA's written responses to comments as statutorily required.

With respect to (a), above, the text revisions are marked in red in the following sections of the Final Negative Declaration:

- III. Air Quality
- VII. Geology and Soils
- IX. Hazards and Hazardous Materials
- X. Hydrology and Water Quality
- XI. Land Use and Planning
- XIII. Noise
- XVI. Recreation
- XVII. Transportation
- XIX. Utilities and Service Systems

These text revisions do not constitute a substantial revision as defined in the California Environmental Quality Act (CEQA). The text revisions merely clarify the discussion of possible impacts and do not require any revisions to the proposed Project, nor any new measures to mitigate, offset, avoid, or reduce the proposed Project's potential impacts.

With respect to (c) above, the comments received on the Draft IS/ND are included in the Final Negative Declaration for the proposed Project as Appendix A.

With respect to (d) above, the MRCA's written responses to the comments as statutorily required are included in the Final Negative Declaration for the proposed Project as Appendix B.

**Purpose for Initial Study**

The Mountains Recreation and Conservation Authority (as lead agency) has analyzed the project proposal described herein and has determined that the project does not have a potentially significant impact level.

This Initial Study has been prepared in accordance with relevant provisions of CEQA of 1970, as amended, and the CEQA Guidelines as revised. Section 15063(c) of the CEQA Guidelines indicates that the purposes of an Initial Study are to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration;
2. Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
3. Assist the preparation of an EIR, if one is required, by:
  - Focusing the EIR on the effects determined to be significant;
  - Identifying the effects determined not to be significant;
  - Explaining the reasons for determining that potentially significant effects would not be significant; and
  - Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects;
4. Facilitate environmental assessment early in the design of a project;
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
6. Eliminate unnecessary EIRs; and
7. Determine whether a previously prepared EIR could be used with the project.

**Evaluation of Environmental Impacts**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significance
10. The Local Coastal Program (LCP) is a certified CEQA document. Therefore, if all LCP standard conditions designed to minimize impacts to environmental resources are incorporated, and those conditions mitigate potentially significant impacts to a level of less than significant, then no additional mitigation is required by law. For discussion purposes, standard conditions may be listed below the impact discussions but are not actual mitigation measures.

**Initial Study Environmental Checklist Form**

1. **Project Title:** Lechuza Beach Public Access Improvements
2. **Project Location:** See Figure 1
3. **Project Description:** See Section 1.0
4. **Lead Agency Name and Address:** Mountains Recreation and Conservation Authority  
570 West Avenue 26, Suite 100  
Los Angeles, California 90065
5. **Contact Person and Phone Number:** Jessica Nguyen  
Project Analyst  
26800 Mulholland Highway  
Calabasas, California 91302  
(310) 589-3230, extension 125
6. **Project Applicant Name and Address:** Mountains Recreation and Conservation Authority
7. **General Plan and Local Coastal Program Land Use:** See Section 2.0
8. **Malibu Municipal Code and Local Coastal Program Zoning:** See Section 2.0
9. **Surrounding Land Uses and Setting:** See Section 2.0
10. **Responsible Agencies:** City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2486
11. **California Native American tribes traditionally and culturally affiliated with the project area:** See Section XVIII
12. **Tribal Consultation Plan:** Not applicable, see Section XVIII

## **1.0 Project Description**

### **Project Background**

The Mountains Recreation and Conservation Authority (MRCA) acquired approximately a quarter mile of beach and various access easements in 2001 and 2002 just west of Lechuza Point in Malibu with funding provided by the State Coastal Conservancy (SCC) and via donations (Figure 1). The purpose of the acquisitions is to provide public access to this area known as Lechuza Beach.

There have been numerous challenges associated with this project, including negotiations with Malibu Encinal Homeowners Association (MEHOA), site constraints, and regulatory requirements. In 2007, MRCA submitted a coastal development permit application (CDP App. No. 07-087) to the City of Malibu for the Lechuza Beach Public Access Improvements Project. In February 2010, MEHOA commenced litigation alleging several violations by MRCA. MRCA and MEHOA have been negotiating in good faith for years with the input from the State Deputy Attorney General, City of Malibu, California Coastal Commission, and SCC, and have reached mutually acceptable agreements regarding public improvements for Lechuza Beach as well as a plan for managing public access, the project parameters, as well as several legal documents, including a settlement agreement, beach management plan, and easements. Numerous project alternatives have been considered and analyzed over the years. Negotiations include representatives from the following stakeholders: MEHOA, MRCA, Deputy Attorney General, City of Malibu, California Coastal Commission, and SCC.

As part of the agreements between MEHOA and MRCA, MEHOA will provide the necessary easements to implement the Project on parcels owned by MEHOA and parcels owned by residents. MRCA is the primary CDP applicant, and MEHOA and private property owners who own property over which easements are under negotiation, are co-applicants.

The objectives of the Project are to (1) improve accessibility for visitors with disabilities, (2) meet building code and improve safety by improving existing and providing new facilities at Lechuza Beach in the City of Malibu, and (3) to implement the beach management plan between the MRCA and MEHOA. The goals of the project are to:

- comply with Americans With Disabilities Act and associated regulations/guidelines;
- comply with California Building Code;
- comply with other laws/regulations, including the Local Coastal Program of the City of Malibu; and
- implement the beach management plan between MRCA and MEHOA.

The Project address assigned by the City of Malibu is 31720.5 Broad Beach Road. The Los Angeles County Waterworks District 29 assigned an address for the restroom (a component of the Project) as 31725.5 East Sea Level Drive.

The Project proposes to improve existing access improvements at Lechuza Beach as well as construct new amenities such as accessible loading and parking spaces, restroom, and view outlook. The beach management plan is included as part of the Project and CDP application to the City. The Project is divided into four project areas as shown on the Overall Site Plan (Figure 2):

Project Area I:	West Sea Level Drive/Broad Beach Road Intersection
Project Area II:	West Sea Level Drive Terminus By Beach
Project Area III:	Lot I and Beach Terminus of East Sea Level Drive (Lot I traverses from Broad Beach Road, at Bunnie Lane, to the western terminus of East Sea Level Drive at the beach)
Project Area IV:	East Sea Level Drive/Broad Beach Road Intersection

The following provides a detailed break-down of all the Project components. The enumeration of Project components corresponds to those shown on the Overall Site Plan (Figure 2).

### **Project Area I: West Sea Level Drive/Broad Beach Road Intersection**

The following components are proposed for this project area:

- **I-1a:** Vehicle Gate (Existing)
- **I-1b:** Two Key Punch Code Pads (one existing key punch code pad for MEHOA members and one new key punch code pad for vehicles displaying disabled placards with reservations to enter vehicle gate at West Sea Level Drive)
- **I-2:** Pedestrian Gate (Existing)

See project plans and Beach Management Plan for proposed signage in this project area.

### **Project Area II: Beach Terminus of West Sea Level Drive**

The following components are proposed for this project area:

- **II-1:** Existing View Platform Reconstruction
- **II-2:** Existing Staircase Reconstruction
- **II-3:** Van-Accessible Disabled Parking Space and Access Aisle (including modifications to Fire Department turnaround)
- **II-4:** Pedestrian Gate (near view platform at West Sea Level Drive)

See project plans and Beach Management Plan for proposed signage in this project area.

### **Project Area III: Lot I and Beach Terminus of East Sea Level Drive**

Lot I traverses from Broad Beach Road at Bunnie Lane, to the beach/western terminus of East Sea Level Drive at the beach.

The following components are proposed for this project area:

- **III-1a:** Existing Lot I Staircase and Pathway Reconstruction
- **III-1b:** Pedestrian Gate (at Lot I entrance at Broad Beach Road)
- **III-2:** Relocated Beach Stairs
- **III-3a:** Accessible Single-Stall Restroom (Including Ramp to Restroom)
- **III-3b:** Septic Treatment Tank (Advanced Onsite Wastewater Treatment System [AOWTS]; underground)
- **III-3c:** View Platform (above Septic Treatment Tank)
- **III-3d:** Leachfield (underground)
- **III-4:** Accessible Disabled Loading Zone and Access Aisles

- **III-5:** Van-Accessible Disabled Parking Space and Access Aisles

**Project Area IV: East Sea Level Drive/Broad Beach Road Intersection**

The following components are proposed for this project area:

- **IV-1a:** Vehicle Gate (to be reconstructed, swap location with existing pedestrian gate)
- **IV-1b:** Two Key Punch Code Pads (one key punch code pad for MEHOA members and one key punch code pad for vehicles displaying disabled placards with reservations to enter vehicle gate at East Sea Level Drive)
- **IV-2:** Pedestrian Gate (to be reconstructed, swap location with existing vehicle gate)

**2.0 Land Use and Zoning Designations**

Per the City of Malibu General Plan and the City of Malibu Local Coastal Program (LCP), the following table consists of the land use designations for each project area:

**Table 1 – General Plan and LCP Land Use and Zoning Designations**

Project Area	Assessor's Parcel Numbers	Land Use Designation
I	4470-026-003	Single Family Residential – Medium
II	4470-021-008	Single Family Residential – Medium
	4470-021-007	Single Family Residential – Medium
	4470-021-900, 4470-028-918, 917, 915	Single Family Residential – Medium
III	4470-021-900	Single Family Residential – Medium
	4470-021-009	Single Family Residential – Medium
	4470-029-901	Single Family Residential – Medium
	4470-024-062	Single Family Residential – Medium
IV	4470-021-009	Single Family Residential – Medium

The following table consists of the zoning designations for each project area pursuant to the City of Malibu Municipal Code:

**Table 2 – Municipal Code Land Use and Zoning Designations**

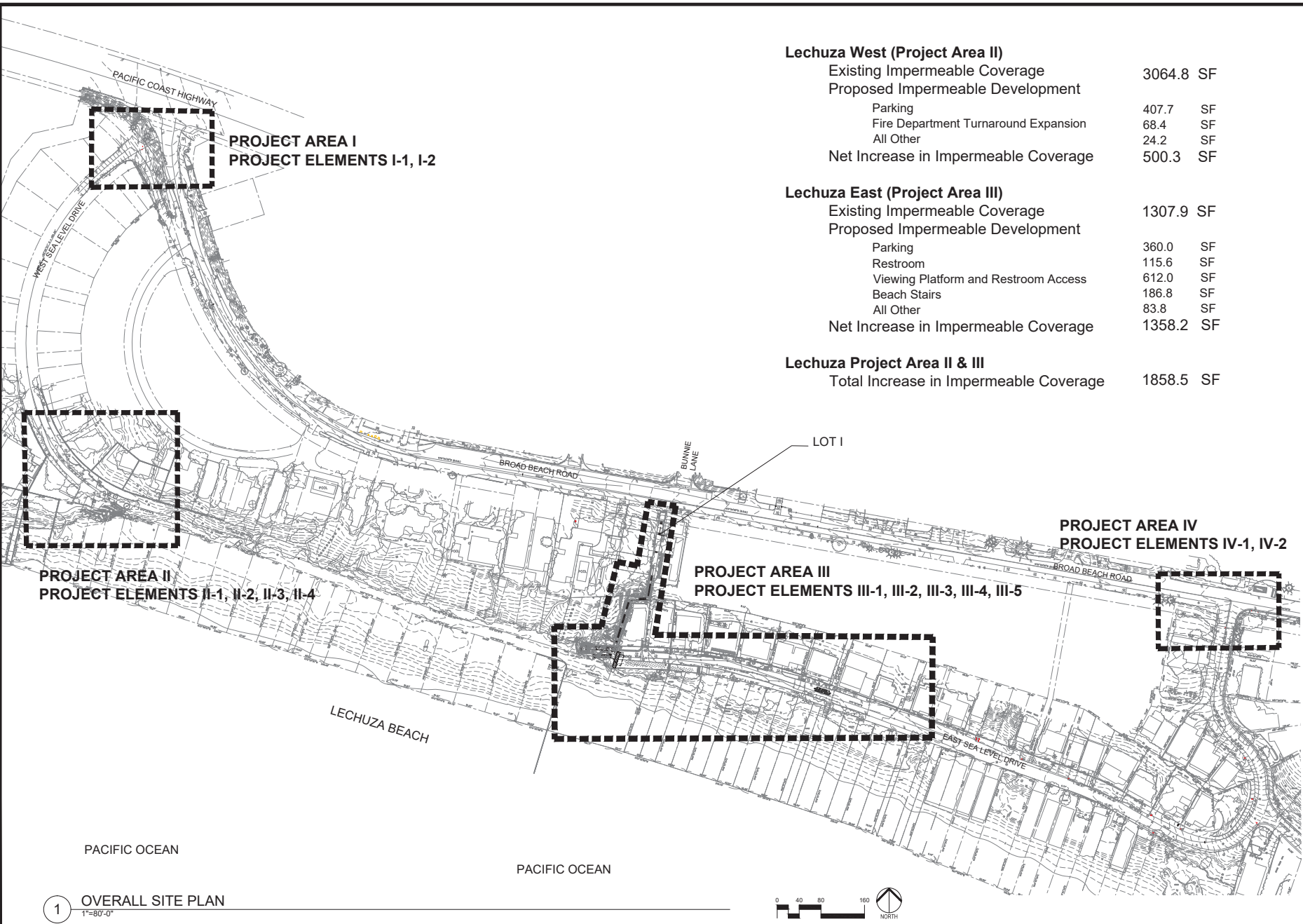
Project Area	Site Address	Land Use Designation	Zoning Code
I	4470-026-003	Single Family Residential – Medium	SFM
II	4470-021-008	Single Family Residential – Medium	SFM
	4470-021-007	Single Family Residential – Medium	SFM
	4470-021-900, 4470-028-918, 917, 915	Single Family Residential – Medium	SFM
III	4470-021-900	Single Family Residential – Medium	SFM
	4470-021-009	Single Family Residential – Medium	SFM
	4470-029-901	Single Family Residential – Medium	SFM
	4470-024-062	Single Family Residential – Medium	SFM
IV	4470-021-009	Single Family Residential – Medium	SFM

Public beach accessways are a permitted use in the Single Family Residential – Medium (SFM) zoning designation per the LCP. Lechuza Beach has existing beach accessways that the Project

proposes to enhance. The Project's proposed restrooms, parking, and view outlooks are facilities that complement public access, which may be permitted pursuant to LIP Policy 12.6.8(G).

Residential developments abut each of the project areas. Collectively, the project areas are surrounded by private residential developments to the west and to the east. The Pacific Coast Highway, residential developments, and vacant hillsides are north of the project areas. The Pacific Ocean lies south of the project areas.





**Lechuza West (Project Area II)**

Existing Impermeable Coverage	3064.8	SF
Proposed Impermeable Development		
Parking	407.7	SF
Fire Department Turnaround Expansion	68.4	SF
All Other	24.2	SF
Net Increase in Impermeable Coverage	500.3	SF

**Lechuza East (Project Area III)**

Existing Impermeable Coverage	1307.9	SF
Proposed Impermeable Development		
Parking	360.0	SF
Restroom	115.6	SF
Viewing Platform and Restroom Access	612.0	SF
Beach Stairs	186.8	SF
All Other	83.8	SF
Net Increase in Impermeable Coverage	1358.2	SF

**Lechuza Project Area II & III**

Total Increase in Impermeable Coverage	1858.5	SF
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**LECHUZA BEACH  
PUBLIC ACCESS  
IMPROVEMENTS**

Malibu, California

A PROJECT OF:  
**Mountains Recreation  
and Conservation  
Authority**

570 West Avenue 26, Suite 100  
Los Angeles, CA 90065  
(323) 221-9944

SITE DESIGN:  
**Mountains Recreation  
and Conservation  
Authority**

570 West Avenue 26, Suite 100  
Los Angeles, CA 90065  
(323) 221-9944

SURVEYOR:  
**Land & Air Surveying**  
22741 Pacific Coast Highway  
Suite 400A  
Malibu, CA 90265  
(310) 456-9381

**NOT FOR  
CONSTRUCTION**

ISSUED:

4/25/2012

2/7/2017

7/21/2017

12/12/2018

DRAWN: GG

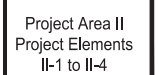
CHECKED: JT

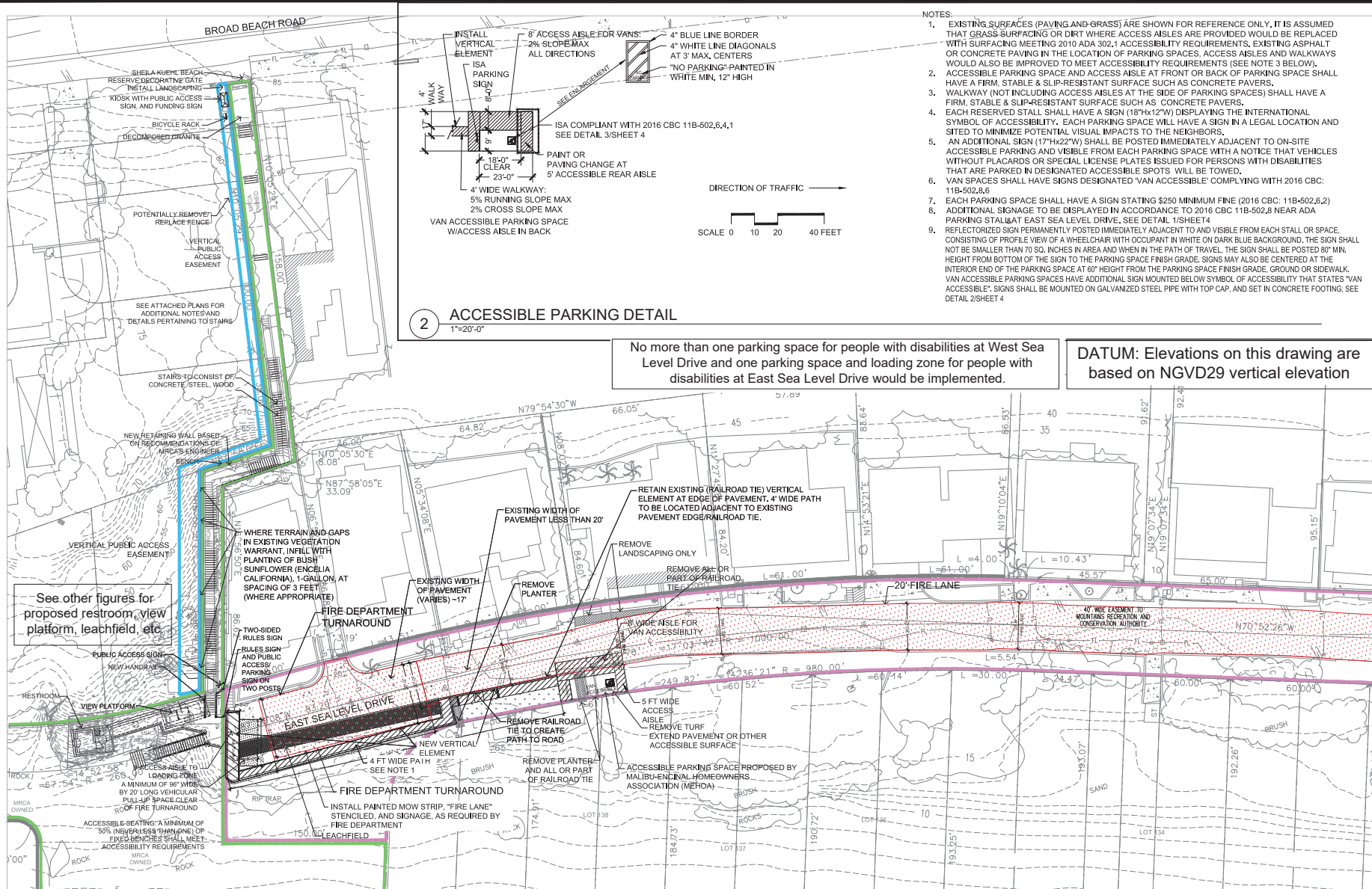
PROJECT: 24-404,444,3221,261

SCALE: As noted

**OVERALL  
SITE PLAN**

See detailed  
concept plans





**LECHUZA BEACH  
PUBLIC ACCESS  
IMPROVEMENTS**

East Sea Level Drive  
Malibu, California

A PROJECT OF:  
**Mountains Recreation  
and Conservation  
Authority**

**SITE DESIGN:**  
**Mountains Recreation  
and Conservation  
Authority**

**SURVEYOR:**  
**Land & Air Surveying**  
22741 Pacific Coast Highway  
Suite 400A  
Malibu, CA 90265  
(310) 456-9381

**NOT FOR  
CONSTRUCTION**

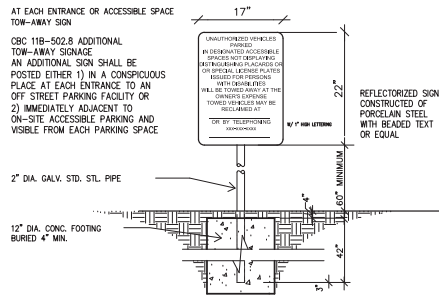
ISSUED:

6/13/2016
8/9/2016
2/7/2017
7/14/2017
8/2/2018
8/23/2018: 12/12/2018

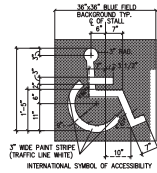
DRAWN: CM  
CHECKED: JT  
PROJECT: 24-004-444-3221-281  
SCALE: As noted

**EAST  
SEA LEVEL**

Project Area III  
Project Elements  
III-1 to III-5  
3 OF 4

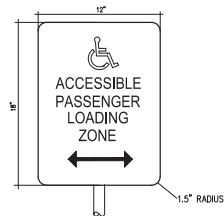


## 1 TOW INFORMATION SIGN



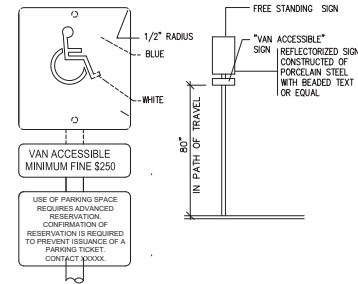
11B-502.6.4 MARKING EACH ACCESSIBLE CAR AND VAN SPACE SHALL HAVE SURFACE IDENTIFICATION COMPLYING WITH EITHER SECTION 11B-502.6.4.1 OR 502.6.4.2. SIZE: 36 INCHES WIDE BY 36 INCHES HIGH. THE CENTERLINE OF THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SHALL BE A MAXIMUM OF 6 INCHES FROM THE CENTERLINE OF THE PARKING SPACE AND ITS LOWER CORNER AT, OR LOWER SIDE ALIGNED WITH THE END OF THE PARKING SPACE LENGTH.

3 ISA SYMBOL  
NTS



- NOTES**
1. MATERIAL: 5052 REFLECTIVE ALUMINUM
  2. SHEETING COLOR: REFLECTIVE BLUE WITH WHITE LETTERING AND BORDER
  3. SHEETING TYPE: ENGINEER GRADE PRISMATIC

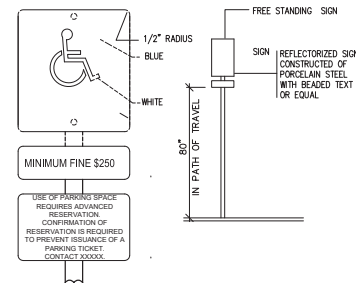
## 5 LOADING ZONE SIGN



CBC 11B-502.6.2 PARKING IDENTIFICATION  
MINIMUM FINE

11B-002.6, 002.6.1, 002.6.2 AND 002.6.3 IDENTIFICATION. PARKING SPACE IDENTIFICATION SIGNS SHALL INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY COMPLYING WITH SECTION 707.2.1. SIGNS IDENTIFYING VAN PARKING SPACES SHALL CONTAIN ADDITIONAL LANGUAGE OR AN ADDITIONAL SIGN WITH THE DESIGNATION "VAN ACCESSIBLE". SIGNS SHALL BE 60 INCHES MIN. ABOVE FLOOR FINISH OR ON GROUND SURFACE MEASURED TO THE BOTTOM OF THE SIGN. FINISH SIZE AND SIZE: PARKING IDENTIFICATION SIGNS SHALL BE RELECTORIZED WITH A MINIMUM AREA OF 70 SQ. INCHES. MINIMUM FINE ADDITIONAL LANGUAGE OR AN ADDITIONAL SIGN BELOW THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SHALL STATE "MINIMUM FINE 5250." LOCATION A PARKING SPACE IDENTIFICATION SIGN SHALL BE VISIBLE FROM EACH PARKING SPACE. SIGNS SHALL BE POSTED EITHER IMMEDIATELY ADJACENT TO THE PARKING SPACE OR WITHIN THE PROJECTED PARKING SPACE WIDTH AT THE HEAD END OF THE PARKING SPACE.

## 2 VAN ACCESSIBLE SIGN



CBC 11B-502.6.2 PARKING IDENTIFICATION  
MINIMUM FINE

11B-502.4, 502.61, 502.62 AND 502.63. IDENTIFICATION, PARKING SPACE IDENTIFICATION SIGNS SHALL INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY COMPLYING WITH SECTION 702.2.1. SIGNS IDENTIFYING ACCESSIBLE PARKING SPACES SHALL BE 89 INCHES MIN. ABOVE FLOOR FINISH OR ON GROUND SURFACE MEASURED TO THE BOTTOM OF THE SIGN UNLESS IN PATH OF TRAVEL. FINISH AND SIZE: PARKING IDENTIFICATION SIGNS SHALL BE REFLECTORIZED WITH A MINIMUM AREA OF 70 INCHES. MINIMUM FILE ADDITIONAL LANGUAGE OR AN ADDITIONAL SIGN BELOW THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SHALL STATE "MINIMUM FILE 525" LOCATION A PARKING SPACE IDENTIFICATION SIGN SHALL BE VISIBLE FROM EACH PARKING SPACE. SIGNS SHALL BE POSTED EITHER IMMEDIATELY ADJACENT TO THE PARKING SPACE OR WITHIN THE PROJECTED PARKING SPACE WIDTH AT THE HEAD END OF THE PARKING SPACE.

## 4 ACCESSIBLE SIGN

**LECHUZA BEACH  
PUBLIC ACCESS  
IMPROVEMENTS**

West Sea Level Drive  
East Sea Level Drive  
Malibu, California

A PROJECT OF:  
**Mountains Recreation  
and Conservation  
Authority**

570 West Avenue 26, Suite 100  
Los Angeles, CA 90065  
(323) 221-9944

**SITE DESIGN:**  
**Mountains Recreation  
and Conservation  
Authority**

570 West Avenue 26, Suite 100  
Los Angeles, CA 90065  
(323) 221-9944

NOT FOR  
CONSTRUCTION

ISSUED:

7/14/217

8/23/2018

12/12/2018

DRAWN: GG  
CHECKED: JT  
PROJECT: 24.404.444.3221.261  
SCALE: As noted

### PARKING SIGN DETAILS

**I. Aesthetics**

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Create a source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section 2.1 of the Local Implementation Plan of the City of Malibu Local Coastal Program (LCP) lists and defines the following terms related to scenic resources:

Scenic area – places on, along, within, or visible from scenic public roads, trails, benches, and parklands that offer scenic vistas of the beach and ocean, coastline, mountains, canyons and other unique natural features or areas.

Scenic road – those public roads within the City that traverse or provide views of areas with outstanding scenic qualities, that contain striking views of natural vegetation, geology, and other unique natural features, including the mountains, canyons, ridgelines, beach and ocean.

Public viewing area – a location along existing scenic public roads and trails or within public parklands or beaches where there are scenic views of the beach and ocean, coastline, mountains, ridgelines, canyons and other unique natural features or areas.

In addition to these terms, Section 4.2.3 of the City of Malibu General Plan identifies the Pacific Coast Highway (PCH) as an eligible scenic highway by the California Department of Transportation (Caltrans) and a potential scenic highway in the Los Angeles County General Plan.

Lechuza Beach is a publicly owned beach and thus qualifies as a public viewing area. There are existing public access improvements at Lechuza Beach, including stairways leading down to the beach located at the beachside terminus of West Sea Level Drive and East Sea Level Drive. The proposed reconstruction of these existing improvements would not further degrade scenic views of Lechuza Beach as the new visual character of these improvements will not significantly differ from its existing conditions. The new restroom and its associated developments (piers, advanced onsite wastewater treatment system) located at the beachside terminus of East Sea Level Drive

is cited as landward as feasible to minimize scenic impacts on the beach. The restroom's underground leachfield and new parking spaces compliant with the Americans with Disabilities Act (ADA) are cited on the bluffs above the beach that support existing residential developments, which would not be visible from the beach.

### **Impact Discussion:**

#### **A. Would the project have a substantial adverse effect on a scenic vista?**

**Less Than Significant Impact** – Project areas I, III, and IV do not offer scenic or ocean views from Broad Beach Road, a public road. Project areas II and III are on Lechuza Beach, which already consists of existing public access improvements. However, the Project will not substantially change the visual character of any of the project areas as the existing improvements will be reconstructed generally within its existing footprint, and the new improvements will be clustered closely to the existing improvements. Thus, the Project does not have the potential for an adverse effect on scenic vistas.

#### **B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

**Less Than Significant Impact** – The project areas do not contain any important trees, rock outcroppings, or any historic buildings as identified by the Office of Historic Preservation. Additionally, the Project is not adjacent to a designated state scenic highway. The proposed Project components cannot be seen from the nearest scenic highway, which is the Pacific Coast Highway. Although some of the proposed improvements could be seen from the publicly owned and currently accessible beach, the Project will not substantially change the visual character of the beach as the existing improvements will be reconstructed generally within its existing footprint, and the new improvements will be clustered closely to the existing improvements. Thus, the Project will have a less than significant impact on scenic resources.

#### **C. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less Than Significant Impact** – The Project is located in the City of Malibu, a largely rural City. The Project location and Lechuza Beach is surrounded by a fully developed residential neighborhood. Existing development at each end of the beach consists of public beach access stairways and residential homes further up on the bluff tops. Some of the Project components consist of enhancing already existing public access improvements. New improvements would be located inland of Lechuza Beach, except that the proposed restroom would be located against the bluff inland of the beach at the beachside terminus of East Sea Level Drive. Although some of the proposed improvements could be seen from the beach, a publicly accessible vantage point, the Project will not substantially change the visual character of the beach as the existing improvements will be reconstructed generally within its existing footprint, and the new improvements will be clustered closely to the existing improvements. The Project would not conflict with any applicable zoning or regulations governing scenic quality. The Project therefore,

would have a less than significant impact on the existing visual character or quality of public views of the site and its surroundings.

**D. Would the project create a source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

**No Impact** – The Project does not propose any lighting. The Project components will use materials that would not produce substantial shine or glare that would affect day or nighttime views in the area. Therefore, the Project does not have the potential for an adverse effect on day or nighttime views in the area.

## II. Agriculture and Forestry Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.*

### Impact Discussion:

- A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact** – The Project is not located within areas containing mapped farmland in the City of Malibu Land Use Maps and Zoning Maps. According to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) maps, No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is present on any of the project areas.

**B. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact** – The Project is not located on farmland and thus do not have the potential for an adverse effect or a conflict with existing zoning for agricultural use or a Williamson Act contract.

**C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact** – The Project is not located on forestland or timberland as statutorily defined, above, and therefore does not have the potential for a significant effect on these resources.

**D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact** – The Project is not located on forestland and therefore does not have the potential for a significant effect on forestland.

**E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact** – The Project is not located on agricultural or forest lands and therefore does not have the potential for a significant effect on agricultural land or forest land.

### III. Air Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the above determinations.*

The City of Malibu is within the South Coast Air Basin (SCAB), which is bounded by the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the Pacific Ocean to the south and west. The air quality in the SCAB is managed by the South Coast Air Quality Management District (SCAQMD).

The SCAB has a history of recorded air quality violations and is an area where both state and federal ambient air quality standards are exceeded. Because of the violations of the California Ambient Air Quality Standards (CAAQS), the California Clean Air Act requires triennial preparation of an Air Quality Management Plan (AQMP). The AQMP analyzes air quality on a regional level and identifies region-wide attenuation methods to achieve the air quality standards. These region-wide attenuation methods include regulations for stationary-source polluters; facilitation of new transportation technologies, such as low-emission vehicles; and capital improvements, such as park-and-ride facilities and public transit improvements. The most recently adopted plan is the 2016 AQMP adopted March 3, 2017 by the SCAQMD. The AQMP is the South Coast Air Basin's portion of the State Implementation Plan (SIP).

#### **Impact Discussion:**

#### **A. Would the project conflict with or obstruct implementation of the applicable air quality plan?**

**Less Than Significant Impact** – Lechuza Beach is already available for public use. The Project only intends to enhance existing improvements and provide additional small scale amenities that are not large enough to have a significant impact on regional air quality, and thus would not conflict with or obstruct implementation of the AQMP. The following discussions provide a more detailed analysis of the Project's air quality impacts.

**B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Less Than Significant Impact** – Construction of the Project is anticipated to last approximately six months. Construction activities and use construction equipment would not violate air quality standards or contribute substantially to an existing or projected air quality violation due to the short duration of construction and the small scale nature of the Project.

Lechuza Beach is already open for public use, and public parking along the public Broad Beach Road to access Lechuza Beach is often at or near full capacity during the peak season. The proposed Project would not result in a change of parking capacity along Broad Beach Road. Although the Project proposes a total of two new parking spaces and one new loading zone, these improvements are reserved for visitors with valid disabled parking placards. The Project includes a reservation system that will limit the number of reservations for the proposed parking spaces and loading zone on a daily basis. Therefore, it is not anticipated that use of the additional parking spaces and loading zone by visitors with valid disabled placards will exceed air quality standards or contribute substantially to an existing or projected air quality violation.

In addition, the staffing schedule to operate and maintain Lechuza Beach will not substantially change from its current schedule. Furthermore, pumping of the leachfield would occur on an infrequent, as-needed basis, and the duration of pumping is anticipated to be brief during each occurrence. Therefore, the operation and maintenance of the Project will have a less than significant impact on air quality standards or contribute substantially to an existing or projected air quality violation.

**C. Would the project expose sensitive receptors to substantial pollutant concentrations?**

**Less Than Significant Impact** – Construction of site improvements would occur in close proximity to residential developments. However, sensitive receptors are not anticipated to be exposed to substantial pollutant concentrations during construction due to the short duration of site construction activity. Standardized industry practices for adequate site cleanup during and following construction ensures that the possible effects of construction dust emissions are minimized. All construction would be conducted in accordance with applicable SCAQMD rules and regulations.

The primary source of operational emissions would be from vehicle trips by visitors and MRCA maintenance and ranger staff to the project areas. However, these same trips already occur at Lechuza Beach because the site is currently open for public use. Additionally, the Project includes a reservation system that will limit the number of reservations for the proposed parking spaces and loading zone on a daily basis, and maintenance of the advanced onsite wastewater treatment system and its associated leachfield would occur on an as-needed, infrequent basis. Therefore, the proposed Project will not expose sensitive receptors to substantial pollutant concentrations either during construction or from vehicle trips to the project areas.

**D. Would the project create objectionable odors affecting a substantial number of people?**

**Less Than Significant Impact** – The Project includes a restroom to be supported by an advanced onsite wastewater treatment system and an associated leachfield. The restroom components are designed in a manner that minimizes odors. Additionally, the appropriate maintenance of the restroom on a regular basis will ensure that adjacent neighbors or visitors to the site would not be subject to any objectionable odors. Pumping of the leachfield would occur on an infrequent, as-needed basis, and the duration of pumping is anticipated to be brief during each occurrence. Measures consistent with standard industry practice would be taken to minimize odors during and after each pumping activity.

#### IV. Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 3.1 of the Land Use Plan (LUP) of the City of Malibu Local Coastal Program (LCP) defines an environmentally sensitive habitat area (ESHA) as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The LCP provisions for ESHA apply to those areas designated as ESHA on the ESHA overlay map, as well as those areas within 100 feet of designated ESHA or any non-designated areas that are determined to be ESHA due to the presence of sensitive biological resources. Additionally, Section 3.8 and 3.9 in the LIP allow for trails and accessways in ESHA. According to Section 4.3 of the Local Implementation Plan (LIP) of the LCP, the following habitat areas are considered to be ESHA:

- Any habitat area that is rare or especially valuable from a local, regional, or statewide basis.
- Any habitat area that contributes to the viability of plant or animal species that are designated or are candidates for listing as rare, threatened, or endangered under State or Federal law.
- Any habitat area that contributes to the viability of species that are designated “fully protected” or “species of special concern” under State law or regulations.
- Any habitat area that contributes to the viability of species for which there is other compelling evidence of rarity, for example plant species eligible for state listing as demonstrated by their designation as “1b” (rare or endangered in California and elsewhere) or designation as “2” (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.
- Any designated Area of Special Biological Significance, or Marine Protected Area.
- Streams.
- Riparian areas, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, dunes, bluffs, and wetlands, unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem. Regardless of whether streams and wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply.

The LCP includes the Native Tree Protection Ordinance (Chapter 5 of the LIP). The purpose of this ordinance is to 1) recognize the importance of native trees in preventing erosion of hillsides, stream banks, moderating water temperatures in streams, contributing nutrients to streams, supporting a wide variety of wildlife species, and contributing to the scenic quality of the community and 2) to provide for the protection and preservation of these native trees. Section 5.2 of the ordinance designates the following tree species for protection under the ordinance, provided that the tree has at least one trunk measuring at least six inches in diameter, or a combination of any two trunks measuring a total of at least eight inches in diameter, measured at four and one-half feet above natural grade: Native oak (*Quercus* species), California Walnut (*Juglans californica*), Western Sycamore (*Platanus racemosa*), Alder (*Alnus rhombifolia*), and Toyon (*Heteromeles arbutifolia*).

The Project is not located in designated ESHA and does not include the removal of any protected native trees. Nevertheless, biological assessments were made for the Project. The results of these assessments are found in the following documents:

- Lechuza Beach Public Access Improvements Project Rare and Sensitive Plant Survey; prepared by Fred M. Roberts; May 27, 2015.
- Terrestrial Biological Resources Study – Lechuza Beach Project; prepared by Michael Brandman Associates; January 17, 2006.
- Lechuza Beach Public Access Improvements Project Rare and Sensitive Plant Survey; prepared by Fred M. Roberts; May 2011.
- Memo regarding nesting bird survey, Lechuza Beach; prepared by Daniel S. Cooper of Cooper Ecological Monitoring, Inc.; May 1, 2015.

### **Impact Discussion:**

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status**

**species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?**

**Less Than Significant Impact** – Surveys for rare plants and birds were conducted at the project site. According to Cooper (2015), no suitable habitat for beach-nesting birds on the beach was observed. Cooper stated it is far too narrow for sensitive species such as California least tern (*Sternula antillarum browni*), or western snowy plover (*Charadrius nivosus nivosus*) to occur, much less to breed (both are extirpated or extremely rare as breeders in Los Angeles County). No rare or sensitive plant species native to the site were reported within the project area in 2006, 2011, or 2015 (Michael Brandman Associates, 2006; Roberts 2011, 2015). According to Roberts (2015), no rare or sensitive plant species were observed or anticipated within the survey boundaries due to limited undisturbed natural habitat within the project site in its current condition. Therefore, the Project will have a less than significant effect on any species identified as a candidate, sensitive, or special status species.

**B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?**

**No Impact** – The Project is located within a developed residential area where there is no riparian habitat or other sensitive natural community. Therefore, the Project does not have the potential for an adverse effect on any riparian habitat or sensitive natural community.

**C. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Section 30121 of the Coastal Act defines a wetland as lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. The Project location does not contain any wetlands as defined by the Coastal Act.

**No Impact** – The Project site is generally located within an urban interface within limited natural vegetation and there are no wetlands onsite. Therefore, the proposed project improvements at these sites do not have the potential for an adverse effect on wetlands.

**D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**No Impact** – The Project does not have the potential to interfere substantially with the movement of native resident or migratory fish or wildlife species or their migratory corridors or to impede the use of native wildlife nursery sites since no suitable habitat for nesting or roosting are present onsite.

**E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact** – The Project does not have the potential to conflict with local policies or ordinances protecting biological resources since there are no presence of designated ESHA, nor any protected native trees onsite.

**F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**Less Than Significant Impact** – The project areas are not a part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the Project does not have the potential to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**V. Cultural Resources**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

According to Section 3.2.11.1 of the City of Malibu General Plan, only four of the 250 officially recognized historic sites in Los Angeles County are located in Malibu. The four sites are:

- **Adamson House:** This site is located at Malibu Lagoon State Park. It was once the home of Rhoda Rindge Adamson, daughter of Frederick and May K. Rindge. It is the best surviving work and only intact example of architecture from Stiles O. Clements and represents the Moorish-Spanish Colonial Revival Style popular in the late 1920s. The site is listed in the National Register of Historic Places and as a California Historical Landmark.
- **Serra House:** This site is located on Landumus Hill near the mouth of Malibu Creek. It is a site of local historic interest as it was once known as the unfinished Rindge Mansion. The site was purchased in 1942 by the Franciscan Order.
- **Malibu Pier:** This site is located east of Malibu Lagoon State Park in the commercial core of the City. The site is a registered Los Angeles County Landmark and a California Point of Historical Interest.
- **Historic Village of Humaliwo:** This site is a registered national site.

The Project is not located near these four historic sites.

Culturally sensitive areas in the City of Malibu are defined as any area identified on the City's Cultural Resources Sensitivity Map where important cultural resources exist. Important cultural resources include the following criteria:

- Has a special quality such as oldest, best example, largest, or last surviving example of its kind; or
- Is at least 100 years old; or
- Significant to Chumash prehistory or history;
- Contains burial or other significant artifacts;
- Is an archeologically undisturbed site;

- Has important archeological significance;
- Relates to significant events or persons;
- Listed on the Cultural Resources Sensitivity Map;
- Of specific local importance;
- Contains traditional sacred ground (including traditional ceremonial material gathering site);
- Contains burials;
- Contains sacred and/or significant artifacts.

The City of Malibu guidelines on Archaeological Evaluation and Inventory Information offer that proposed projects that may have an adverse impact on or result in a substantial adverse change to cultural resources are subject to a Phase I Inventory Report. A Phase II Evaluation is required if the Phase I Inventory Report determines that the proposed project will have an adverse impact on cultural resources. Mitigation measures would be required in Phase III if Phase II further determines that the proposed project will result in adverse impacts to cultural resources.

A Phase I Cultural Resources Survey for the Project was prepared by Knight and Paramoure Cultural Resources Consultants, dated July 18, 2015. The initial records search was performed by the South Central Coastal Information Center-California State University at Fullerton (SCCIC-CSUF), at the request of the MRCA, on June 15, 2015 (SCCIC File # 15098.1198). The records search showed that the West Sea Level Drive portion of the Project is located within the regionally important Encinal Canyon Site (CA-LAN-114). There are eight other recorded sites within 1/2 mile of the records search area, but the Project site is smaller than the area the records search covered. The Project site itself was directly examined by Albert Knight of Knight and Paramoure Cultural Resources Consultants on June 19, 2015. This survey confirmed that portions of the CA-LAN-114 archaeological site are present in the West Sea Level Drive portion of project area II. No prehistoric artifacts were observed in any part of the survey area.

Consultation with native tribes local to the project vicinity is discussed in further detail in Section XVIII.

### **Impact Discussion:**

#### **A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

**No Impact** – There are no listed State of California Office of Historical Properties, California Points of Historic Interest, California Historic Landmarks, or listed California Register of Historical Resources in the project area or within 1/2 mile of the Project. Therefore, the Project does not have the potential for a substantial adverse change in the significance of any historical resource.

#### **B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**Less Than Significant Impact** - Both the archival research and the field research show that site CA-LAN-114 overlaps with project area II at the south end of West Sea Level Drive where the new parking space is proposed. Previous research in the area of West Sea Level Drive, just north of the current project area, included multiple occasions of extensive sub-soil testing that suggests

that much of the west edge of CA-LAN-114 was 1) originally of a minor nature, being located at the very edge of the sea cliff, at the southwest extremity of the village, and 2) that the western edge of the site, being that portion that is located on the east bank of CA-LAN-114, has been "squared up" with fill dirt, some of which appears to be derived from portions of the CA-LAN-114 site, probably from/to a short distance to the northeast (south of PCH, and in the area of today's Cottontail Lane).

Previous archaeological and geologic testing in the area immediately northwest of project area II demonstrated that there were no significant intact deposits present. Thus, the Project will not have a significant impact on archaeological resources because the nature of the proposed improvements at project area II only requires shallow subsurface excavation activities during construction. However, given that archaeological materials, including *in situ* deposits of shell midden and secondary deposits that may have been transported to the project area from elsewhere, are known to be present in the vicinity of the project area, and taking into consideration that the local Native American community considers CA-LAN-114 to be culturally important, the Project will implement all recommendations of the 2015 Phase I Archaeological Report to ensure that impacts to archaeological resources will be less than significant.

**C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?**

**Less Than Significant Impact** – The Project will not have a significant impact on archaeological resources, including human remains, because the nature of the proposed improvements at project area II only requires shallow subsurface excavation activities during construction. To ensure that impacts to archaeological resources are minimized, the Project will implement all recommendations of the 2015 Phase I Archaeological Report, including general construction practices in compliance with California Health and Safety Code Section 7075.5, which requires construction to halt if human remains are encountered during construction until the County Coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98 and 5097.99.

## VI. Energy

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Impact Discussion:

#### **A. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

**Less Than Significant Impact** – The duration of construction activity would be brief due to the small-scale nature of the Project components. Construction activities will not require excessive sources of energy in order to take place. Additionally, all activities will adhere to a construction timetable to ensure the Project components are built in a timely manner and that no additional energy consumption beyond typical consumption levels for similar construction activities occur in order to complete construction.

During operation, the proposed Project components that would consume energy are the vehicle gates and its associated keypad near the West Sea Level Drive and East Sea Level Drive intersections with Broad Beach Road. However, the gates are already in operation now using local energy sources. The Project will not substantially change the existing energy consumption level required to operate the gates. Thus, the Project will have a less than significant impact on the consumption of energy resources.

#### **B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**No Impact** – The Project's construction activities will occur using self-sustained energy resources (fuel in vehicles and power generators), and the energy needed to operate the vehicle gates will not substantially change from existing consumption levels. Thus, the Project does not have the potential to conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

# **VII. Geology and Soils**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Result in substantial soil erosion, or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Under the California Environmental Quality Act, the criteria for a proposed project's approval if it lies within an earthquake, liquefaction or landslide zone is defined under Title 14 of the California Code of Regulations (CCR) Section 3724. These regulations only apply to approval of projects

that involve structures for human occupancy (see California Geological Survey's *Special Publication 117A: Guidelines for Evaluating and Mitigating Seismic Hazards (2008)*). The Project does not involve the construction of structures for human occupancy.

Several geotechnical and geological studies were conducted for the Project. The results of these studies are found in the following memorandums and reports:

- Results of Slope Stability Analyses, Proposed Parking Space "D", Lechuza Beach Public and ADA Access – West Sea Level Drive; prepared by AMEC Environment and Infrastructure; July 10, 2012
- Geotechnical Investigation Final Report; Prepared by AMEC Environment and Infrastructure; December 6, 2013
- Supporting Geotechnical Report, Proposed Advanced On-Site Wastewater Treatment System (AOWTS); prepared by Earth Systems Southern California; March 18, 2016
- Geotechnical Assessment of Proposed Setback, Advanced Onsite Wastewater Treatment System (AOWTS), Lechuza Beach Public Access Improvements; prepared by AMEC Environment and Infrastructure; November 2, 2016
- Addendum No. 1 Geotechnical Engineering Report, Response to City Review, Proposed Advanced On-Site Wastewater Treatment Systems (AOWTS); prepared by Earth Systems Southern California; December 2, 2016
- Amendment to 12/6/2013 Geotechnical Investigation Report and Response to City Review comments dated 12/27/2013 (Review Log # 3498); AMEC Environment and Infrastructure; February 21, 2017
- Update of the Results of Slope Stability Analyses, Parking Space "D", Lechuza Public and ADA Access – West Sea Level Drive; prepared by AMEC Environment and Infrastructure; February 21, 2017

### **Impact Discussion:**

**A1. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**Less Than Significant Impact** – The Malibu Coast Fault is located approximately ¼-mile north of the Project. It is an east-west trending, north-dipping reverse fault with significant lateral displacement. No active faults have been mapped at the Project site and the Project is not located within an Alquist-Priolo earthquake fault zone. As there are no known active or potentially active faults beneath the site, the risk of surface fault rupture is considered remote.

**A2. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?**

**Less Than Significant Impact** – The Project is not located within a currently established Earthquake Fault Zone. Therefore, the Project would have a less than significant impact on risk of loss, injury, or death involving strong seismic ground shaking.

**A3. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?**

**Less Than Significant Impact** - There is the potential for liquefaction to occur in the saturated beach sands during an earthquake, and this could result in lateral spreading of slopes that are underlain by these deposits. It is anticipated that in addition to the (East and West Sea Levels) beach areas, the slopes along the outboard edge of East Sea Level Drive and the slopes adjacent to the East Sea Level view platform will be prone to significant displacements due to liquefaction and lateral spreading. Additionally, there is potential for displacements to occur in dry (unsaturated) sands as a result of ground shaking. However, these hazards are not anticipated to adversely affect the Project, as the Project will follow all recommendations as provided in the Project's geotechnical and geological reports, which consider the Project to be geotechnically feasible provided that the recommendations in those reports are adhered to.

**A4. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?**

**Less Than Significant Impact** – No landslides were observed within the project areas. Small surficial failures/slumps were present in the shallow soil/terrace deposits at various locations along the bluff, including adjacent to the existing retaining wall located on the pathway mid-way down the Lot I stairs at East Sea Level and along the top of the slope for the proposed viewing area for Lot 156 at West Sea Level. A review of aerial photographs from 1928, 1975, and 2002 indicates there has not been significant erosion of the bluffs. The cause and rate of bluff retreat is dependent on varying factors including geologic materials, groundwater, surface water, wave action, and seismic events. The California Geological Survey has delineated the bluff areas as prone to seismically induced landsliding. The surficial failures observed appear to be primarily related to surface water runoff eroding the terrace deposits and weathered bedrock. This process can be reduced by providing adequate site-draining-control including eliminating surface runoff over the bluff face. Based on the geotechnical document review and observation of the slopes within the project areas, it appears the slopes are grossly stable. Therefore, the Project would have a less than significant impact on the risk of loss, injury, or death involving landslides.

**B. Would the project result in substantial soil erosion, or the loss of topsoil?**

**Less Than Significant Impact** – Geologic units exposed at the project areas include artificial fill, slope wash and surficial soil, beach sand, terrace deposits, and sandstone bedrock. Therefore, the Project does not have the potential to result in substantial loss of topsoil.

The proposed stairway landings will be subject to wave runup as high as elevation +16 feet National Geodetic Vertical Datum of 1929. Additionally, the 25-year recurrence vertical scour is 10 feet, and therefore, the beach can be scoured down to bedrock. Based on these findings, significant beach erosion and sand loss is expected to occur during a major storm event. There is significant potential for this erosion to result in displacements beyond tolerable limits within the

beach sand, and possibly the undocumented fill. These movements are expected to adversely impact the proposed improvements. Wave runup analyses were conducted for the Project. The results of the wave runup analyses are found in the following memorandums and reports:

- Coastal Hazard & Wave Runup Study, Beach Access Improvements, Lechuza Beach; prepared by GeoSoils, Inc.; August 3, 2007
- Update for Coastal Hazard & Wave Runup Study for Beach Access Improvements Lechuza Beach, Malibu, California, and Responses to City Comments; prepared by GeoSoils, Inc.; December 5, 2013
- Second Update, Coastal Hazard & Wave Runup Study for Beach Access Improvements Lechuza Beach, Malibu, California, and Responses to City Comments; prepared by Geo Soils, Inc.; August 10, 2016
- City of Malibu Coastal Engineering Review Response 31720.5 Broad Beach Road, for Beach Access Improvements Lechuza Beach, Malibu, California, CDP 07-087; prepared by GeoSoils, Inc.; November 9, 2016

The recommendations provided in the geotechnical and geological reports, as well as the wave runup studies are designed to help mitigate the effects of beach erosion and scour as a result of wave runup. All the recommendations from these reports are incorporated into the Project, which will ensure that the Project will have a less than significant impact on soil erosion.

**C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**Less Than Significant Impact** – As explained in A1 through A4 and B above, the Project location does not contain unstable soils or geologic units. The existing soils and geologic units onsite would not become unstable as a result of the Project, and would not result in a landslide, lateral spreading, subsidence, liquefaction or collapse, as all recommendations of the geotechnical and coastal wave runup reports will be incorporated into the Project to ensure that these risks are maintained at a less than significant level of impact.

**D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial direct or indirect risks to life or property?**

**Less Than Significant Impact** – The Project is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (2001). Thus, the Project would not create substantial risk to life or property.

**E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**Less Than Significant Impact** – The Project proposes to install an advanced onsite wastewater treatment system (AOWTS) for the new restroom, which includes a leachfield. Artificial fill is found within project area III at an approximate depth of four to six feet, which is not considered suitable

to support the leachfield. However, the Project will incorporate a sand bed replacement disposal field that will require removal of all existing fill and replacement with a select graded filter sand with properties that will complement the AOWTS design. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant. Furthermore, the Project will adhere to all recommendations of the referenced geotechnical and geological studies conducted for the Project. Thus, the Project will have a less than significant impact on the surrounding soils.

**F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less Than Significant Impact** – There are no known unique paleontological resource or unique geologic feature any of the project areas. Most of the project footprint is located in already disturbed areas, and the scale of the project does not require deep excavations. Therefore, the Project will have a less than significant impact on paleontological resources and unique geologic features.

# **VIII. Greenhouse Gas Emissions**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

“Greenhouse gases” (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as “global warming.” The principal greenhouse gases (GHGs) include carbon dioxide (CO<sub>2</sub>), methane, and nitrous oxide. Collectively GHGs are measured as carbon dioxide equivalent (CO<sub>2</sub>e).

The State Guidelines for the California Environmental Quality Act (CEQA) do not provide numeric or qualitative thresholds of significance for GHG emissions. However, Assembly Bill 32 requires GHGs emitted in California to be reduced to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. *The Technical Advisory on CEQA and Climate Change* from the Office of Planning and Research suggests that, in absence of regulatory guidance or standards, lead agencies may rely on significance criteria established by the applicable air quality management district.

The SCAQMD published a “Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold” in 2008. This document establishes a five-tiered process for evaluating the GHG impacts of a project. Tier 1 involves determining if the project qualifies for a CEQA exemption. If the project is not exempt, Tier 2 involves determining whether the project is consistent with an adopted GHG reduction plan that might be part of a local general plan. The proposed improvements are located in the City of Malibu and the City of Malibu has not adopted a GHG reduction plan. If there is no applicable adopted GHG reduction plan, then Tier 3 establishes a screening significance threshold level to determine significance using a 90 percent emission capture rate approach. There is no threshold for public beach accessway improvements and the SCAQMD has not adopted quantitative GHG emissions thresholds for non-SCAQMD lead agency projects. However, in its “Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans” documentation, SCAQMD suggests that a screening-level threshold of 3,000 metric tons (MT) per year of CO<sub>2</sub>e emissions is appropriate for commercial projects. Although the Project is not technically a commercial project, the suggested screening-level thresholds for all other land use types are higher than 3,000 MT of CO<sub>2</sub>e per year. As such, the significance criterion of 3,000 MT of CO<sub>2</sub>e per year was used for this analysis.

## **Impact Discussion:**

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less Than Significant Impact** – The Project is substantially smaller in scale than a commercial project. Thus, the anticipated GHG emissions generated by the Project would be well below the screening-level threshold of 3,000 MT per year of CO<sub>2</sub>e emissions for commercial projects. The GHG emissions related to the Project would be primarily from short-term construction activities, from maintenance vehicles traveling to the site, and from vehicles with disabled placards utilizing the new accessible parking spaces and loading zone. These trips would be limited in number and would not be sufficient to generate 3,000 MT of CO<sub>2</sub>e per year. Furthermore, the Project would not generate additional GHG emissions from access through project areas I, III, and IV as vehicle trips to these areas, limited by parking availability along Broad Beach Road, already reach capacity during the peak season. Project-specific GHG emissions would therefore be less than significant.

**B. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less Than Significant Impact** – The City of Malibu has not adopted a GHG reduction plan. However, as explained in the answer to Section A above, the GHG emissions generated by the Project would be well below the screening-level threshold of 3,000 MT per year of CO<sub>2</sub>e emissions for commercial projects, as currently set in the “Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold” published by the SCAQMD. Therefore, the Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**IX. Hazards and Hazardous Materials**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Project's proposed restroom requires variances for a reduced blufftop setback and for construction on slopes steeper than 2:1 due to the site's topography and other physical constraints. The proposed restroom, with its variance requirements, is designed to comply with the objectives and policies of the Local Coastal Program (LCP), as well as state and local requirements. In 2017, the Environmental Health Department of the City of Malibu completed its review of the proposed advanced onsite wastewater treatment system (AOWTS) and leachfield

for conformance with the LCP's Local Implementation Plan (LIP) and Malibu Municipal Code (MMC) and determined that the AOWTS and leachfield meet the minimum requirements of both these regulations. Additionally, the project received approvals from the geotechnical and coastal engineering departments to continue moving through the City's planning process. Thus, the proposed restroom, as designed, does not have the potential for a significant effect on water quality. Furthermore, the proposed restroom provides health and sanitation benefits for the public equivalent to the health and sanitation benefits enjoyed by nearby private beachfront properties that contain restrooms with an associated AOWTS.

### **Impact Discussion:**

**A. Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

**Less Than Significant Impact** – Routine, day-to-day operation and maintenance of the Lechuza Beach public access improvements would include typical household cleaning agents for basic maintenance of site structures and facilities. Additionally, the AOWTS and associated leachfield would be serviced on an as-needed basis by a pump truck, which will safely transport waste from the site. The transport of these cleaning agents and waste from the AOWTS would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant.

**B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Less Than Significant Impact** – Routine, day-to-day operation and maintenance of the Lechuza Beach public access improvements would include typical household cleaning agents for basic maintenance of site structures and facilities, which may expose the cleaning agents to the environment due to the outdoor nature of the site. Additionally, the AOWTS will be sufficiently protected in a concrete and masonry chamber, and its leachfield will be placed behind the existing rock revetment. Thus, use of the cleaning agents and protection of the AOWTS and its leachfield would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant.

**C. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**No Impact** – The Project is not located within a quarter mile of an existing or proposed school. Thus, the Project does not have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**Less Than Significant Impact** – A search of the Envirostor database from the Department of Toxic Substances Control does not indicate that the site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Additionally, a search of Geotracker, an online data management system from the State Water Board for sites that may impact water quality, does not indicate that the site is of concern regarding water quality impacts. Thus, the Project would not create a significant hazard to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

**No Impact** – The Project is not located within an airport land use plan or within two miles of a public airport or public use airport, and thus the Project would not have the potential to result in a safety hazard or excessive noise for people residing or working in the project area.

- F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**Less Than Significant Impact** – The Fire Department turnaround at this site would be reconfigured to accommodate a new accessible parking space on West Sea Level Drive. The reconfiguration is anticipated to widen the turnaround and would better accommodate emergency response. The new parking space and loading zone on East Sea Level Drive are outside of the Fire Department turnaround along East Sea Level Drive and would not impede emergency response. Operational use of the turnaround reconfiguration and other Project components would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

**Less Than Significant Impact** – The Project intends to enhance existing improvements that provide access to Lechuza Beach, away from potential wildfire risk inland and upland of the bluffs. New structures such as the restroom will be located on the beach, and new parking spaces consist primarily of ground striping. Operationally, beach access would be closed during extreme wildfire events requiring mandatory evacuation away from the Project vicinity. Thus, the Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires due to the nature and intent of the Project.

# **X. Hydrology and Water Quality**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
1. Result in substantial erosion or siltation on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 303 of the federal Clean Water Act requires states to develop water quality standards to protect the beneficial uses of receiving waters. In accordance with California's Porter-Cologne Act, the Regional Water Quality Control Boards (RWQCBs) of the State Water Resources Control Board (SWRCB) are required to develop water quality objectives that ensure their region meets the requirements of Section 303 of the Clean Water Act.

The Project is within the jurisdiction of the Los Angeles RWQCB. The Los Angeles RWQCB adopted water quality objectives in its Stormwater Quality Management Plan (SQMP). This SQMP is designed to ensure that stormwater achieves compliance with receiving water limitations. Thus, stormwater generated by a development that complies with the SQMP does not exceed the limitations of receiving waters, and thus does not exceed water quality standards.

Compliance with the SQMP is ensured by Section 402 of the Clean Water Act, which is known as the National Pollution Discharge Elimination System (NPDES). Under this section, municipalities are required to obtain permits for the water pollution generated by stormwater in their jurisdiction. These permits are known as Municipal Separate Storm Sewer Systems (MS4) permits. The City of Malibu is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4” (Order No. R4-2012-0175), NPDES Permit No. CAS004001. Pursuant to this permit, the City of Malibu is required to implement procedures with respect to the entry of non-storm water discharges into the municipal storm water system.

The City of Malibu has established the City of Malibu Storm Water Management and Discharge Control Ordinance to comply with the Municipal NPDES permit, MS4 permit, the Federal Clean Water Act, and the California Porter-Cologne Water Quality Control Act. Applicable provisions in the Land Use Plan and Local Implementation Plan (LIP) of the City of Malibu Local Coastal Program (LCP) incorporate compliance requirements for the Municipal NPDES Permit.

The Project's proposed restroom requires variances for a reduced blufftop setback and for construction on slopes steeper than 2:1 due to the site's topography and other physical constraints. The proposed restroom, with its variance requirements, is designed to comply with the objectives and policies of the LCP, as well as state and local requirements. In 2017, the Environmental Health Department of the City of Malibu completed its review of the proposed advanced onsite wastewater treatment system (AOWTS) and leachfield for conformance with the LCP's LIP and Malibu Municipal Code (MMC) and determined that the AOWTS and leachfield meet the minimum requirements of both these regulations. Additionally, the project received approvals from the geotechnical and coastal engineering departments to continue moving through the City's planning process. Thus, the proposed restroom, as designed, does not have the potential for a significant effect on water quality. Furthermore, the proposed restroom provides health and sanitation benefits for the public equivalent to the health and sanitation benefits enjoyed by nearby private beachfront properties that contain restrooms with an associated AOWTS.

### **Impact Discussion:**

#### **A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

**Less Than Significant Impact** – The Project is not a point-source generator of water pollutants. The advanced onsite wastewater treatment system (AOWTS) and its associated leachfield are designed to conform to all water quality standards and waste discharge regulations. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant. Additionally, ~~The~~ the proposed site improvements will conform to all requirements of the RWQCB and City policies and would not result in un-permitted discharges into the storm water systems.

- B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Less Than Significant Impact** – The Project does not involve direct withdrawal of any groundwater. Additionally, Project components would not substantially increase impermeable surfaces that would impede groundwater recharge. Thus, the Project does not have the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

- C1. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or offsite?**

**Less Than Significant Impact** – The Project location does not contain any streams or rivers. Overall, the Project would not substantially increase the amount of impervious surfaces, thus the existing drainage patterns would be generally maintained in its current condition and would not be substantially altered in a manner which would result in substantial erosion or siltation on or offsite.

- C2. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;**

**Less Than Significant Impact** – The Project location does not contain any streams or rivers. Overall, the Project would not substantially increase the amount of impervious surfaces, thus the existing drainage patterns would be generally maintained in its current condition and would not be substantially altered in a manner which would result in flooding on or offsite.

- C3. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;**

**Less Than Significant Impact** – The Project location does not contain any streams or rivers. Overall, the Project would not substantially increase the amount of impervious surfaces, thus the existing drainage patterns would be generally maintained in its current condition and would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

**C4. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?**

**Less Than Significant Impact** – The Project location does not contain any streams or rivers. Overall, the Project would not substantially increase the amount of impervious surfaces, thus the existing drainage patterns would be generally maintained in its current condition and would not impede or redirect flood flows.

**D. Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

**Less Than Significant Impact** – The Project is not located near any lakes or other closed body of water, and therefore would be affected by seiche events. The Project's proposed restroom includes an AOWTS and a leachfield. The AOWTS will be protected in place within a concrete and masonry chamber sufficient to withstand hazardous flood and storm events. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant. Standard industry practices consistent with the NPDES permit and related local and state water quality provisions would minimize leachfield impacts to water quality to a less than significant level. Additionally, short-term water pollutants during construction, including sediment, trash, construction materials, and equipment fluids would be properly managed pursuant to standard industry practices consistent with the NPDES permit and related local and state water quality provisions.

**E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**Less Than Significant Impact** – As previously explained, the Project does not involve direct withdrawal of any groundwater and would not substantially increase the amount of impervious surfaces. The existing drainage patterns would be generally maintained. Additionally, the proposed AOWTS and associated leachfield will comply with standard industry practices consistent with the NPDES permit and related local and state water quality provisions. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant. Thus, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**XI. Land Use and Planning**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

**A. Would the project physically divide an established community?**

**No Impact** – The Project intends to enhance existing beach access improvements and provide additional beach access amenities, and thus does not have the potential to physically divide any established communities in the City of Malibu.

**B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

**Less Than Significant Impact** - The proposed Project does not propose a new use of Lechuza Beach. Public use of Lechuza Beach pre-dates the City's certified Local Coastal Program (LCP) and the MRCA's property acquisitions at Lechuza Beach. Nonetheless, Ppublic access and public beach accessways is-are a permitted use in all zoning pursuant to Land Use Plan Policy 2.7 in the City of Malibu LCP. The Project will further advance the goals of the California Coastal Act and the City of Malibu LCP by increasing-enhancing public access to the shoreline.

The Project's proposed restroom requires variances for a reduced blufftop setback and for construction on slopes steeper than 2:1 due to the site's topography and other physical constraints. The proposed restroom, with its variance requirements, is designed to comply with the objectives and policies of the LCP, as well as state and local requirements. In 2017, the Environmental Health Department of the City of Malibu completed its review of the proposed advanced onsite wastewater treatment system (AOWTS) and leachfield for conformance with the LCP's Local Implementation Plan (LIP) and Malibu Municipal Code (MMC) and determined that the AOWTS and leachfield meet the minimum requirements of both these regulations. Additionally, the project received approvals from the geotechnical and coastal engineering departments to continue moving through the City's planning process. Thus, the proposed restroom, as designed, does not have the potential for a significant effect on water quality. Furthermore, the proposed restroom provides health and sanitation benefits for the public equivalent to the health and sanitation benefits enjoyed by nearby private beachfront properties that contain restrooms with an associated AOWTS. FurthermoreTherefore, all Project components will be consistent with applicable provisions of the California Coastal Act and the City of Malibu LCP.

## **XII. Mineral Resources**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section 3.2.2 of the City of Malibu General Plan states:

In order to promote the conservation of the State's mineral resources and ensure adequate reclamation of mined lands, the Surface Mining and Reclamation Act of 1975 (SMARA) was enacted. SMARA requires that the State geologist classify land in California for its mineral resource potential. Local governments are required to incorporate the mineral classification reports and maps into their general plans in order for the resources to be given consideration when making land use decisions.

Sand and gravel resources are the only mineral resources which have been mapped in western Los Angeles County. However, to date the State Division of Mines and Geology has not mapped these resources or other mineral resources in the Malibu area. Given the presence of the numerous incised canyons and drainages, sand and gravel resources are expected to occur in the Malibu coastal zone. Mapping of this area is scheduled to occur prior to 1996 if the appropriate funding is allocated (R. Miller, State Division of Mines and Geology, personal communication).

Other than the expected sand and gravel resources, other mapped mineral resources are currently not identified in the General Plan or the Local Coastal Program (LCP).

Although the Project will provide access to sand surfaces on the beach, sand on the beach is currently not identified as a known important mineral resource. Furthermore, sand on beaches in the Malibu Coastal Zone is currently not being mined for other uses. The sand supply on these beaches is subject to natural behaviors of beach erosion, wave action, and seasonal tidal changes. The Project and recreational use at Lechuza Beach would not result in a substantial loss of sand supply or other known mineral resources.

### **Impact Discussion:**

- A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**Less Than Significant Impact** – Although the Project will provide access to sand surfaces on the beach, sand on the beach is currently not identified as a known important mineral resource. The sand supply on these beaches is subject to natural behaviors of beach erosion, wave action, and seasonal tidal changes. Thus, the Project would not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

**B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No Impact** – According to the Mines Online database from the Office of Mine Reclamation, there are no locally important mineral resource recovery site delineated within the City of Malibu. Thus, the Project does not have the potential to cause a loss of availability of a locally important mineral resource recovery site delineated on a local general plan or other plans.

### XIII. Noise

Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The City of Malibu General Plan outlines the time periods and noise levels that are not to be exceeded by non-transportation sources as follows:

#### MAXIMUM EXTERIOR NOISE LIMITS NON-TRANSPORTATION SOURCES

Receiving Land Use Category	General Plan Land Use Districts	Time Period	Noise Level dBA	
			L <sub>eq</sub>	L <sub>max</sub>
<b>Rural</b>	All RR Zones and PRF, CR, AH, OS	7:00 a.m. to 7:00 p.m.	55	75
		7:00 p.m. to 10:00 p.m.	50	65
		10:00 p.m. to 7:00 a.m.	40	55
<b>Other Residential</b>	All SFR, MFR and MFBF Zones	7:00 a.m. to 7:00 p.m.	55	75
		7:00 p.m. to 10:00 p.m.	50	65
		10:00 p.m. to 7:00 a.m.	45	60
<b>Commercial, Institutional</b>	CN, CC, CV, CG, and I Zones	7:00 a.m. to 7:00 p.m.	65	85
		7:00 p.m. to 7:00 a.m.	60	70

The City of Malibu Municipal Code Section 8.24(G) similarly restricts use of construction tools, equipment, impact devices, derricks or hoists to the above hours, and further prohibits use of these construction equipment and devices before 8:00 a.m. or after 5:00 p.m. on Saturday, or at any time on Sundays or holidays, unless the City Manager grants expressed written permission.

The Project site is zoned Single Family Residential (Medium) and would thus be categorized as "Other Residential" in the above table.

**Impact Discussion:**

- C. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Less Than Significant Impact** – Construction of the proposed Project has the potential to result in temporary generation of noise. However, construction noise is not expected to be significant due to the limited scope of the proposed improvements (and thereby limited duration of construction) and the use of finished components, where feasible, that will be brought and installed onsite (e.g., signage, restroom amenities, and other prefabricated materials). The largest anticipated piece of construction equipment is a drilling rig that is needed for the construction of piles for the proposed restroom and platforms. Piles in support of the proposed improvements will be drilled into bedrock, which will result in lower noise levels than driving piles into the ground. All Construction activities and use of construction equipment would adhere to the noise levels and time periods as outlined in the City's General Plan and Municipal Code, and efforts would be made to reduce or minimize construction-generated noise. Project construction would last approximately six months. Thus, construction activities and use of construction equipment would not result in generation of a substantial temporary or permanent increase in ambient noise levels in excess of locally established standards.

Lechuza Beach is already open for public use. The operational and recreational use of public access improvements at Lechuza Beach would not substantially increase the existing ambient noise levels at the site and would not substantially increase the noise levels generated by public use of Lechuza Beach currently.

- D. Would the project result in generation of excessive ground borne vibration or ground borne noise levels?**

**Less Than Significant Impact** – The Project is small in scale and is not expected to produce excessive ground borne vibration or ground borne noise levels during construction. Piles in support of the proposed improvements will be drilled into bedrock, which will result in lower noise levels than driving piles into the ground. Nonetheless, efforts would be made to reduce or minimize construction-related ground borne vibration and ground borne noise levels compliant with provisions of the City's General Plan and Municipal Code. Thus, construction activities and use of construction equipment would not result in generation of excessive ground borne vibration or ground borne noise levels.

The operational and recreational use of public access improvements at Lechuza Beach would not consist of activities that would generate excessive ground borne vibration or ground borne noise levels.

- E. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact** – The Project is located within a one-mile radius of the private Anacapa View Estates Heliport but is not located within an airport land use plan or a public or private airport. Construction activities and use of construction equipment would adhere to the noise levels and time periods as outlined in the City's General Plan and Municipal Code, and efforts would be made to reduce or minimize construction-generated noise. Operational and recreational use of public access improvements at Lechuza Beach would not expose people residing or working in the project area to excessive noise levels.

**XIV. Population and Housing**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through an extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:**

- A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through an extension of roads or other infrastructure)?**

**Less Than Significant Impact** – The objective of the Project is to enhance existing public access improvements at Lechuza Beach and provide additional beach access amenities. The Project does not involve extension of roads or other infrastructure. Thus, the Project will not directly or indirectly induce substantial unplanned population growth in the area.

- B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No Impact** – The Project proposes improvements on publicly owned land and along two roadways (West Sea Level Drive and East Sea Level Drive). Thus, the Project will not displace substantial numbers of existing people or housing.

**XV. Public Services**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Other Public Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities as the nature of the Project is small in scale and its objective is to provide beach access, with associated amenities, at Lechuza Beach.

**Impact Discussion:**

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services?**

**Less Than Significant Impact** – The Project includes the reconfiguration and widening of the existing Fire Department turnaround on West Sea Level Drive to accommodate a new accessible parking space. However, the proposed turnaround reconfiguration and widening would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.

- B. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services?**

The City of Malibu contracts with the County of Los Angeles Sheriff's Department (LASD) for law enforcement services. The Malibu/Lost Hills Sheriff's Station located in Agoura Hills provides law enforcement services for the City of Malibu and surrounding jurisdictions. In addition, the Mountains Recreation and Conservation Authority (MRCA) employs rangers empowered to enforce rules at MRCA-owned park sites and properties.

**Less Than Significant Impact** – The Project would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for police protection services.

- C. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?**

**No Impact** – The Project would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for schools.

- D. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?**

**Less Than Significant Impact** – The Project would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for parks.

- E. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public services?**

**Less Than Significant Impact** – The proposed site improvements would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for other public services.

**XVI. Recreation**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less Than Significant Impact** – There is already public access at Lechuza Beach. The Project proposes to reconstruct existing public access improvements and provide new access amenities at Lechuza Beach. In addition, access to Lechuza Beach would be restricted by daily opening and closing hours, as regulated by the proposed new gate at Lot I (across from Bunnie Lane along Broad Beach Road) and the pedestrian access gates at West Sea Level Drive and East Sea Level Drive. The gate at Lot I shall be locked by automatic timer on the Broad Beach Road side, but not on the beach side, in order to permit pedestrian entrance between 7 a.m. and 9 p.m. from March 1st through September 30th, and between 7 a.m. and 6 p.m. from October 1st through February 28<sup>th</sup>, while allowing pedestrian exit at all times. The East Sea Level Drive and West Sea Level Drive gates shall be locked by automatic timer locks to prevent entrance outside of the hours as described for Lot I, and to prevent exiting after 10 p.m. from March 1st through September 30th and after 7 p.m. from October 1st through February 28th. An automatic timed lock would also open and close the proposed restroom during the same hours as the gates and allow for exit from the inside beyond the opening hours. Furthermore, the Project would not substantially increase visitation to Lechuza Beach as visitation to the beach are limited by parking availability along Broad Beach Road, a public road. Additionally, the new parking spaces and loading zone are only available by reservation. Thus, the Project will have a less than significant impact on existing recreational facilities at Lechuza Beach.

- B. Would the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

**Less Than Significant Impact** – The Project proposes to reconstruct existing public access improvements at Lechuza Beach and provide new access amenities including accessible parking spaces, a loading zone, and a restroom supported by an advanced onsite wastewater treatment

system and leachfield. As explained throughout various sections of this document, all Project components will employ best management practices and comply with applicable engineering, land use, and environmental regulations so that impacts would be reduced to a less than significant level.

**XVII. Transportation**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

**A. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

**Less Than Significant Impact** – The Project proposes reconstruction of existing public access improvements and additional new access amenities at Lechuza Beach, which is already open for public access. The Project does not involve improvements to public roads or transit facilities. Furthermore, the Project will not substantially increase vehicle trips to Lechuza Beach as visitation is limited by existing parking availability along Broad Beach Road, a public road. Existing visitation often reaches capacity during the peak season, estimated to be 200 people per day (see Reference #17). Use of the new proposed parking spaces and loading zone compliant with the Americans with Disabilities Act will be limited by reservation, and the turnover rate will be regulated to allow time for visitors with disabilities to enjoy Lechuza Beach. Thus, the Project would not conflict with the existing circulation system or any transit facilities.

In addition, the Project is not adding new public access points or relocating the existing three access points to Lechuza Beach located along Broad Beach Road. A Collision Summary Report was obtained from the Sheriff's Department of Los Angeles County by the City and was provided to the MRCA. The Collision Summary Report consists of five reported collisions from January 1, 2009 through March 6, 2019 within the vicinity of the Project. All five collisions were minor in nature and did not result in any injuries or fatalities. Because the Project is not proposing a new use, but rather new improvements to an existing public use, the proposed Project will have a less than significant impact on the existing traffic and parking conditions along Broad Beach Road. Thus, the Project would not conflict with any programs, plan, ordinance or policy addressing the circulation system or transit facilities.

**B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

**Less Than Significant Impact** – Lechuza Beach is already open for public access. New amenities such as the restroom may attract new visitors to Lechuza Beach. However, visitation by automobile is limited by existing parking availability along Broad Beach Road, a public road (visitation by walking is available during the posted hours through West and East Sea Level Drives and the entrance across Bunnie Lane). Existing visitation by automobile often reaches capacity during the peak season. Use of the new proposed parking spaces and loading zone will be limited by reservation. When there is no parking availability at Lechuza Beach, there are other alternative open beach access sites in close proximity that visitors could use. El Matador Beach is less than a half mile upcoast and includes a public parking lot. There are also two other beach accessways downcoast from East Sea Level Drive, and public parking is available for these accessways along Broad Beach Road. Therefore, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

**C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Less Than Significant Impact** – The Project proposes to reconfigure and widen the Fire Department turnaround on West Sea Level Drive to maintain safe emergency access. Overall, no Project component involves a geometric design or incompatible use that would substantially increase hazards.

**D. Would the project result in inadequate emergency access?**

**Less Than Significant Impact** – The Project proposes to reconfigure and widen the Fire Department turnaround on West Sea Level Drive to maintain safe emergency access. Overall, the Project would not result in inadequate emergency access.

**XVIII. Tribal Cultural Resources**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pursuant to Assembly Bill 52, a letter was sent to 11 California Native American tribes that may have significant connections to the vicinity of the Project to initiate and facilitate coordination with any tribe that may be affected by the Project. The letter was sent to the following tribes:

1. Barbareno/Ventureno Band of Mission Indians
2. Chumash Council of Bakersfield
3. Gabrieleno Band of Mission Indians - Kizh Nation
4. Gabrieleno/Tongva San Gabriel Band of Mission Indians
5. Gabrielino/Tongva Nation
6. Gabrielino Tongva Indians of California Tribal Council
7. Gabrielino-Tongva Tribe
8. San Fernando Band of Mission Indians
9. Santa Ynez Band of Mission Indians
10. yak tityu tityu - Northern Chumash Tribe
11. Coastal Band of the Chumash Nation

The above list of tribes was acquired from the Native American Heritage Commission's Tribal Consultation List for Los Angeles County.

**Impact Discussion:**

**A1. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?**

No responses were received from the tribes that were contacted. The Project site is not known to have a tribal cultural resource as defined in Public Resources Code section 21074 that is of cultural value to a California Native American tribe.

As previously explained in Section V. Cultural Resources, there are no listed State of California Office of Historical Properties, California Points of Historic Interest, California Historic Landmarks, or listed California Register of Historical Resources in the project area or within 1/2 mile of the Project. Furthermore, the Project site is not one of the four locally identified historic sites in Malibu, and is not located in close proximity to the four identified sites (Adamson House, Serra House, Malibu Pier, Historic Village of Humaliwo).

**A2. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

No responses were received from the tribes that were contacted. The Project site is not known to have a tribal cultural resource as defined in Public Resources Code section 21074 that is of cultural value to a California Native American tribe.

As previously explained in Section V. Cultural Resources, there are no listed State of California Office of Historical Properties, California Points of Historic Interest, California Historic Landmarks, or listed California Register of Historical Resources as set forth in Public Resources Code Section 5024.1 in the project area or within 1/2 mile of the Project.

A record search performed by the South Central Coastal Information Center-California State University at Fullerton indicated that the West Sea Level Drive portion of the Project is located within the regionally important Encinal Canyon Site (CA-LAN-114). There are eight other recorded sites within 1/2 mile of the records search area, but the Project site is smaller than the area the records search covered. The Project site itself was directly examined by Albert Knight of Knight and Paramoure Cultural Resources Consultants on June 19, 2015. This survey confirmed that portions of the CA-LAN-114 archaeological site are present in the West Sea Level Drive portion of project area II. No prehistoric artifacts were observed in any part of the survey area. Both the archival research and the field research show that site CA-LAN-114 overlaps with project area II at the south end of West Sea Level Drive where the new parking space is proposed. Previous research in the area of West Sea Level Drive, just north of the current project area,

included multiple occasions of extensive sub-soil testing that suggests that much of the west edge of CA-LAN-114 was 1) originally of a minor nature, being located at the very edge of the sea cliff, at the southwest extremity of the village, and 2) that the western edge of the site, being that portion that is located on the east bank of CA-LAN-114, has been "squared up" with fill dirt, some of which appears to be derived from portions of the CA-LAN-114 site, probably from/to a short distance to the northeast (south of PCH, and in the area of today's Cottontail Lane).

Previous archaeological and geologic testing in the area immediately northwest of project area II demonstrated that there were no significant intact deposits present. Thus, the Project will not have a significant impact on archaeological resources because the nature of the proposed improvements at project area II only requires shallow subsurface excavation activities during construction. However, given that archaeological materials, including *in situ* deposits of shell midden and secondary deposits that may have been transported to the project area from elsewhere, are known to be present in the vicinity of the project area, and taking into consideration that the local Native American community considers CA-LAN-114 to be culturally important, the Project will implement all recommendations of the 2015 Phase I Archaeological Report to ensure that impacts to archaeological resources will be less than significant.

**XIX. Utilities and Service Systems**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
B. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Result in a determination by the wastewater treatment provider, which serves or may serve the projects that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Less Than Significant Impact** – The Project includes a new restroom supported by an advanced onsite wastewater treatment system (AOWTS) and leachfield. The restroom will consist of one flush toilet and one washbasin that would not require a substantial amount of water to operate. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant. Additionally, the existing drainage patterns at all project areas would be generally maintained. Thus, the Project would not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.

- B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Less Than Significant Impact** – The proposed new restroom will consist of one flush toilet and one washbasin that would not require a substantial amount of water to operate. Thus, the Project will have a less than significant impact on water supplies during normal, dry, and multiple dry years.

- C. Would the project result in a determination by the wastewater treatment provider, which serves or may serve the projects that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Less Than Significant Impact** – The Project includes a new restroom supported by an advanced onsite wastewater treatment system (AOWTS) and leachfield. Proper design, operation and maintenance of the AOWTS will reduce impacts associated with the proposed Project to a level of less than significant. Thus, the Project would not result in a determination by the wastewater treatment provider that it has adequate capacity to serve the sites' projected demand in addition to the provider's existing commitments.

- D. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**Less Than Significant Impact** – The anticipated limited generation of solid waste would be taken to the Calabasas Landfill, which includes the City of Malibu in its service area. The anticipated waste generation at Lechuza Beach would not exceed State or local standards, or the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

- E. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

**Less Than Significant Impact** – The Project would not produce a substantial amount of solid waste that would exceed the permitted capacity of the Calabasas Landfill, or other State or local standards, to accommodate the disposal needs at Lechuza Beach. Thus, the Project would comply with federal, state, and local statutes and regulations related to solid waste.

**XX. Wildfire**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Wildfires are an inherent risk in the city. All of the City of Malibu is located in a designated Very High Fire Hazard Severity Zone. Several brush fires have occurred throughout the City in recent decades, including the recent Woolsey Fire in November 2018.

**Impact Discussion:**

**A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less Than Significant Impact** – The Project includes the reconfiguration and widening of the existing Fire Department turnaround on West Sea Level Drive to accommodate a new accessible parking space. The proposed turnaround reconfiguration and widening would maintain safe emergency response and access, and thus would not substantially impair an adopted emergency response plan or emergency evacuation plan.

**B. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

**Less Than Significant Impact** – The Project does not include structures for permanent occupancy. The Project components are located on or in close proximity to the beach. Furthermore, during extreme fire events within the vicinity of Lechuza Beach, access to Lechuza Beach would be closed in favor of evacuating from the area to a safer location. Access would reopen when conditions are deemed safe and evacuations in the surrounding area are lifted. Thus, the Project would not exacerbate wildfire risk and have a less than significant impact in exposure to pollutant concentrations from wildfire.

**C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

**Less Than Significant Impact** – The Project does not include installation or maintenance of roads, fuel breaks, emergency water sources, power lines, other utilities, or associated infrastructure that may exacerbate fire risk. All Project components will comply with state and local building, engineering, and environmental standards and regulations and thus temporary and ongoing impacts to the environment will be less than significant.

**D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

**Less Than Significant Impact** – The Project is geographically located on the foothills of the Santa Monica Mountains, along the coastline south of the Pacific Coast Highway. The Project is primarily surrounded by residential developments on relatively low rising bluffs. Existing drainage patterns would be generally maintained by the Project. Thus, the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides resulting from runoff, post-fire slope instability, or drainage changes.

# XXI. **Mandatory Findings Of Significance**

Does the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Have impacts that are individually limited, but cumulatively considerable ( <i>"Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects</i> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Impact Discussion:**

- A. Does the proposed project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

**Less Than Significant Impact** – As discussed in Section IV, no rare or sensitive plant species native to the site were reported within the project area, and no rare or sensitive plant species were observed or anticipated within the survey boundaries due to limited undisturbed natural habitat within the project site in its current condition. Therefore, the Project will have a less than significant effect on the number and ranger of a rare or endangered plant or animal. Additionally, the Project is not located in designated environmentally sensitive habitat and are surrounded by a residential community. Thus, the Project would not substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species or reduce their population. Furthermore, the Project will follow all recommendations of the Phase I Cultural Resources Survey prepared for the Project, and thus will not eliminate important examples of the major periods of California history or prehistory.

- B. Does the proposed project have impacts that are individually limited, but cumulatively considerable (*“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects*)?**

**Less Than Significant Impact** – Given the location and the small scale nature of the Project, the incremental effects of the Project will not be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

- C. Does the proposed project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

**Less Than Significant Impact** – As discussed in Section VII, there are no known active or potentially active faults beneath the site, and the Project is not located within a currently established Earthquake Fault Zone. There is potential for liquefaction to occur in the saturated beach sands during an earthquake, resulting in lateral spreading of slopes that are underlain by these deposits. Additionally, the Project will be subject to natural occurrences of wave runup and coastal erosion. However, the Project’s multiple geotechnical and geological reports confirm that implementation according to the reports’ recommendations will ensure that these hazards will not have a substantial adverse effect on human beings. The Project will follow all recommendations of the Project’s geotechnical and geological reports. Furthermore, the Project is not included on the compiled list of hazardous materials sites pursuant to Government Code Section 65962.5, and the Project does not involve the routine transport, use or disposal of hazardous materials. There would be no substantial adverse effects on human beings regarding hazardous materials as a result of the Project. Lastly, although the Project is located in a designated High Fire Hazard Severity Zone, the Project would not result in a substantial adverse effect on human beings as the Project components are generally located on or near the beach, and beach access would be closed in favor of evacuations during a wildfire in the area.

## References

These references and those previously cited within the text of this Initial Study are intended to provide a list of Supporting Information Sources and/or evidence staff has relied upon in completing this document and in reaching the conclusions contained herein.

If any person or entity reviewing this Initial Study/Negative Declaration has a question regarding the supporting information source and/or evidence, they may contact the contact person at the address and telephone number noted on the front page of this document during the public review period.

### **Publicly Referenced Information:**

1. City of Malibu Local Coastal Program, City of Malibu. Available at: <http://qcode.us/codes/malibu-coastal/>
2. City of Malibu General Plan, City of Malibu. Available at: <http://qcode.us/codes/malibu-general-plan/>
3. City of Malibu Malibu Municipal Code, City of Malibu. Available at: <http://qcode.us/codes/malibu/>
4. Envirostor, Department of Toxic Substances Control. <http://www.envirostor.dtsc.ca.gov/public/>
5. Geotracker, State Water Resources Control Board. <http://geotracker.waterboards.ca.gov/>
6. California Department of Conservation's Farmland Mapping and Monitoring Program. California Important Farmland Finder. <https://maps.conservation.ca.gov/dlrp/ciff/>
7. Air Quality Management Plan, South Coast Air Quality Management District. Adopted March 3, 2017. Available at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>
8. California Historical Resources, Office of Historic Preservation. <http://www.ohp.parks.ca.gov/ListedResources/>
9. Assembly Bill 32, California Air Resources Board. Available at: <https://www.arb.ca.gov/cc/ab32/ab32.htm>
10. Greenhouse Gases, CEQA Significant Thresholds, South Coast Air Quality Management District. Available at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds/page/2>
11. Mines Online (MOL), Office of Mine Reclamation. <http://maps.conservation.ca.gov/mol/index.html>
12. Calabasas Landfill. Sanitation Districts of Los Angeles County. <http://www.lacsd.org/solidwaste/swfacilities/landfills/calabasas/>

### **Project-Specific Technical Reports:**

The following project-specific technical reports will be available during the public review period online through the MRCA website at [mrca.ca.gov/about/land-use-planning-documents/](http://mrca.ca.gov/about/land-use-planning-documents/) and at the Malibu Library, located at 23519 West Civic Center Way, Malibu, California 90265.

1. Phase I Cultural Resources Survey; prepared by Knight and Paramoure Cultural Resources Consultants; July 18, 2015.
2. Lechuza Beach Public Access Improvements Project Rare and Sensitive Plant Survey; prepared by Fred M. Roberts; May 27, 2015.

3. Terrestrial Biological Resources Study – Lechuza Beach Project; prepared by Michael Brandman Associates; January 17, 2006.
4. Lechuza Beach Public Access Improvements Project Rare and Sensitive Plant Survey; prepared by Fred M. Roberts; May 2011.
5. Memo regarding nesting bird survey, Lechuza Beach; prepared by Daniel S. Cooper of Cooper Ecological Monitoring, Inc.; May 1, 2015.
6. Results of Slope Stability Analyses, Proposed Parking Space “D”, Lechuza Beach Public and ADA Access – West Sea Level Drive; prepared by AMEC Environment and Infrastructure; July 10, 2012.
7. Geotechnical Investigation Final Report; Prepared by AMEC Environment and Infrastructure; December 6, 2013.
8. Supporting Geotechnical Report, Proposed Advanced On-Site Wastewater Treatment System (AOWTS); prepared by Earth Systems Southern California; March 18, 2016.
9. Geotechnical Assessment of Proposed Setback, Advanced Onsite Wastewater Treatment System (AOWTS), Lechuza Beach Public Access Improvements; prepared by AMEC Environment and Infrastructure; November 3, 2016.
10. Addendum No. 1 Geotechnical Engineering Report, Response to City Review, Proposed Advanced On-Site Wastewater Treatment Systems (AOWTS); prepared by Earth Systems Southern California; December 2, 2016.
11. Amendment to 12/6/2013 Geotechnical Investigation Report and Response to City Review Comments dated 12/27/2013 (Review Log # 3498); AMEC Environment and Infrastructure; February 21, 2017.
12. Update of the Results of Slope Stability Analyses, Parking Space “D”, Lechuza Public and ADA Access – West Sea Level Drive; prepared by AMEC Environment and Infrastructure; February 21, 2017.
13. Coastal Hazard & Wave Runup Study, Beach Access Improvements, Lechuza Beach; prepared by GeoSoils, Inc.; August 3, 2007.
14. Update for Coastal Hazard & Wave Runup Study for Beach Access Improvements Lechuza Beach, Malibu, California, and Responses to City Comments; prepared by GeoSoils, Inc.; December 5, 2013.
15. Second Update, Coastal Hazard & Wave Runup Study for Beach Access Improvements Lechuza Beach, Malibu, California, and Responses to City Comments; prepared by Geo Soils, Inc.; August 10, 2016.
16. City of Malibu Coastal Engineering Review Response 31720.5 Broad Beach Road, for Beach Access Improvements Lechuza Beach, Malibu, California, CDP 07-087; prepared by GeoSoils, Inc.; November 9, 2016.
17. Proposed Lechuza Beach AOWTS, End of East Sea Level Drive, Malibu, CA. Coastal Development (Coastal Development Permit App. No. 07-087, 31725.5 Broad Beach Road, Los Angeles County Waterworks District 29 references project restroom address as 31725.5 East Sea Level Drive; prepared by Advanced Onsite Water; August 9, 2016.

## **Appendix A**

### **Comments Received on the Draft IS/ND**

**Appendix A: Comments Received on the Draft IS/ND**

The following comments were received on the Draft IS/ND, organized by commenter's name and numbered chronologically by the date the comments were received. Each comment corresponds to the numbered list below.

- Comment #1: Sean Murphy, received January 10, 2019
- Comment #2: Susan Saul, received January 18, 2019
- Comment #3: Robert K. Ryan, received January 31, 2019
- Comment #4: Environmental Health Department, City of Malibu, received February 5, 2019
- Comment #5: Public Works Department, City of Malibu, received February 6, 2019
- Comment #6: City Biologist, City of Malibu, received February 7, 2019
- Comment #7: Loeb & Loeb, LLP, received February 24, 2019
- Comment #8: Planning Director, City of Malibu, received March 1, 2019
- Comment #9: George Merritt, received the week of March 22, 2019
- Comment #10: Planning Director, City of Malibu, received April 22, 2019

**Jessica Nguyen**

---

**From:** Sean Murphy [REDACTED]  
**Sent:** Thursday, January 10, 2019 3:59 PM  
**To:** Jessica Nguyen  
**Subject:** Lechuza Beach Public Access Improvements

Hi Jessica,

I think it would be a good idea for somebody from MRCA to go down to Lechuza Beach and see the site for the proposed improvements. Go at high tide.

The beach is almost gone and the East Sea Level is in jeopardy of being undermined.

I currently live at [REDACTED], but will be moving in February of this year. I have no real interest in what happens either way, but from living there the past year think these improvements and opening the gate is really stupid.

The road is small and very difficult to turn around. Everybody will drive in, see there is no parking, and either park illegally or turn around on somebody's property.

The beach gets smaller and smaller every year, and is currently gone from the Bunny Lane trail to the south.

The location for the proposed bathrooms has been overrun by the ocean a number of times in the past week.

There will be all sorts of issues with the building, septic, trash etc.

The area of useable beach from Bunny Lane to the rocks at the North is so small I can not see how it makes sense to spend the money.

People who insist on using any of the beach when available to the S of Bunny lane will continue to crap and pee under the houses.

It seems to me the MRCA and the Lachuza Home Owners are in a situation similar to President Trump and the Democrats, with neither wanting to give in. In this scenario the MRCA would be Trump wanting their Wall (beach access & bathroom) at any cost. These improvements make no sense.

What should happen is there are more trash cans put in, the stairs are improved and the gates to access are locked from Sun Down to Sun Up to stop any criminal element coming down to the beach, which is happening regularly.

Please go take a look for yourself on the next good swell at High Tide.

Over the past 15 years we have lost a little beach every year, and there is very little left. In a couple years there may be non and the bathroom will be undermined.

Spend the money more wisely on something else that makes sense.

Very Best  
Sean Murphy

[Sign up to Receive Special Offers!](#)

**SEAN MURPHY**  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

**Jessica Nguyen**

---

**From:** Susan Saul [REDACTED]  
**Sent:** Friday, January 18, 2019 9:36 PM  
**To:** Jessica Nguyen  
**Subject:** Lechuza Beach Public Access Improvements

Robberies, drag racing down Broad Beach Road at night especially during the summer months, dumping condoms and trash on the surrounding properties, having people pee outside your window, illegal parking of cars near beach gates, Screaming , cursing and fighting going on during the nighttime and daytime hours, Dogs entering the beach areas with no on cleaning up after them. Beer bottles and liquor bottles on the beach and on the surrounding streets, visitors and homeless sleeping on the beach, bonfires on the beach, Beach goers leaving garbage on the beach, Beach goes drinking and doing drugs in their car blasting rap music at all hours of the day and night...then driving down PCH... all this and more... with no guards or security in the area.

I don't mind the gates being open. I understand you want people to use our beach . But how wonderful it would be if during the day we had sheriff or some one patrolling our beaches and our streets. At nighttime it would be great if you could lock the gates to the beach at sundown. The sherrif and the neighborhood would appreciate this. It would make us feel more secure. We could help with the locking the gate at night. I am pleading with you to do this. i have been living here over 30 years and I am scared to walk on the streets at night and sometimes during the day. please please close the gates at night. Only you can have the key but please keep our neighborhood, kids and animals safe.

Thank you,  
Susan Saul  
[REDACTED]



## MOUNTAINS RECREATION &amp; CONSERVATION AUTHORITY

Los Angeles River Center & Gardens  
570 West Avenue Twenty-Six, Suite 100  
Los Angeles, California 90065  
Phone (323) 221-9944 Fax (323) 221-9934

## NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION

In accordance with Section 15072 of the California Environmental Quality Act Guidelines, this notice is to inform the general public that the Mountains Recreation and Conservation Authority (MRCA), as the Lead Agency, has completed an Initial Study and Negative Declaration (IS/ND) for the Lechuza Beach Public Access Improvements project and intends to adopt the IS/ND for the project.

**Project Title:** Lechuza Beach Public Access Improvements

**Project Location:** Lechuza Beach and its three entrances at the intersection of West Sea Level Drive and Broad Beach Road, along Broad Beach Road (across from the Bunnie Lane intersection), and the intersection of East Sea Level Drive and Broad Beach Road, City of Malibu, County of Los Angeles.

**Project Description:** The MRCA proposes the reconstruction of existing beach access stairways at West and East Sea Level Drives with new view platforms; reconstruction of existing stairs at Lot I (across from Bunnie Lane) with new entrance gateway; reconstruction of existing vehicular and pedestrian gates at East Sea Level Drive; one new parking space with access aisles compliant with the Americans with Disabilities Act (ADA) at West Sea Level Drive; one new ADA-compliant parking space and loading zone with access aisles at East Sea Level Drive, as well as a new single-stall restroom with an advanced onsite wastewater treatment system and leachfield; and the operation and management of these improvements and Lechuza Beach through a beach management plan.

**Findings:** As proposed, the Lechuza Beach Public Access Improvements project would comply with all regulatory requirements and would result in less than significant impacts.

**Comment Period:** January 10, 2019 to February 24, 2019

**Contact Person:** Jessica Nguyen  
Project Analyst  
Mountains Recreation and Conservation Authority  
26800 Mulholland Highway  
Calabasas, California 91302  
[jessica.nguyen@mrca.ca.gov](mailto:jessica.nguyen@mrca.ca.gov)

The IS/ND, as well as all project-specific technical documentation, is available for public viewing online through the MRCA website at [mrca.ca.gov/about/land-use-planning-documents/](http://mrca.ca.gov/about/land-use-planning-documents/) and at the Malibu Library, located at 23519 West Civic Center Way, Malibu, California 90265.

Please submit any comments on the IS/ND to Ms. Jessica Nguyen at the address listed above before 5:00pm on February 24, 2019.

The MRCA will consider the IS/ND for approval at its regular scheduled, duly noticed public meeting on March 6, 2019 at the Conejo Recreation and Park District, located at 403 West Hillcrest Drive, Thousand Oaks, California 91362.

— Over —

JAN 31 2019

MRCA  
MALIBU

To whom

"WOW-WOW," THIS WITH SHIRLEY BRINGING IN UNWANTED  
PEOPLE - WHO WILL MONITOR & CLEAN-UP TRASH - THIS  
IS OBVIOUSLY A SURE WAY TO INCREASE EMPLOYMENT  
THROUGH TAXES, OUT OF CONTROL BEACH PARTIES, INCREASE  
PARKING ON RESIDENTIAL STREETS - & THE PROBLEMS  
ASSOCIATED WITH IT - I'VE BEEN A RESIDENT SINCE  
JUNE 1965 & HAVE SINCE LACKADAISICALLY PLANNING,  
BUT SHE TAKES THE CAKE —

ERIK RYAN 1/22/19

I VOTE NO & RECOMMEND HIRING  
NEW CONSERVATION AUTHORITY PEOPLE



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

SC  
Review of  
Neg Dec

TO: City of Malibu Environmental Health Administrator DATE: 7/24/19  
FROM: City of Malibu Planning Department 7/16/2007

PROJECT NUMBER: CDP 07-087  
JOB ADDRESS: 31720.5 BROAD BEACH RD  
APPLICANT / CONTACT: Mountains Recreation and Conservation Authority  
APPLICANT ADDRESS: 5810 Ramirez Canyon Road  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 589-3230  
APPLICANT FAX #:  
APPLICANT EMAIL: judi.tamasi@mrca.ca.gov  
PROJECT DESCRIPTION: Lechuza Beach public access and disabled parking spaces

TO: Malibu Planning Department and/or Applicant  
FROM: City of Malibu Environmental Health Reviewer

✓  
Conformance Review Complete for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

\_\_\_\_\_ Conformance Review Incomplete for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☒ NOT REQUIRED  
☐ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Melinda Talbot  
Signature

2-4-19  
Date



# City of Malibu

Environmental Health • Environmental Sustainability Department  
23825 Stuart Ranch Road • Malibu, California • 90265-4861  
Phone (310) 456-2489 • Fax (310) 456-3356 • [www.malibucity.org](http://www.malibucity.org)

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Mountains Recreation and Conservation Authority Judi Tamasi <a href="mailto:Judi.tamasi@mrca.ca.gov">Judi.tamasi@mrca.ca.gov</a>	
Project Address:	31720.5 Broad Beach Rd. Malibu, CA 90265	
Planning Case No.:	CDP 07-087	
Project Description:	Lechuza Beach public access, parking spaces, new OWTS	
Date of Review:	February 4, 2019	
Reviewer:	Melinda Talent	Signature:
Contact Information:	Phone: (310) 456-2489 x 364	Email: <a href="mailto:mlalent@malibucity.org">mlalent@malibucity.org</a>

### SUBMITTAL INFORMATION

Architectural Plans:	Plans by URS dated August 2, 2016, Revised 10-26-16.
Grading Plans:	
OWTS Plan:	OWTS plot plan by Advanced Onsite Water dated 8-9-16, Revised 11-8-16.
OWTS Report:	OWTS Engineering Report by Advanced Onsite Water dated 8-9-16, Revised 11-8-16
Geology Report:	Supporting Geotechnical Report by Earth Systems dated 8-18-16. Geotechnical Assessment of Proposed Setback by Amec Foster Wheeler Environment & Infrastructure, Inc. dated 11-3-16.
Miscellaneous:	Coastal Hazard & Wave Runup Study by GeoSoils dated 8-10-16, Response to Coastal Engineering by GeoSoils dated 11-9-16. Reduced Setback letter by AECOM dated 10-26-16. Addendum No. 1 Geotechnical Engineering Report Response to City Review by Earth Systems dated 12-2-16. Draft Initial Study/Negative Declaration prepared by Mountains Recreation and Conservation Authority dated 1-7-19
Previous Reviews:	8-25-16, 12-7-16, 1-12-17

### REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/> <b>CONFORMANCE REVIEW COMPLETE</b> for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval. <input type="checkbox"/> <b>CONFORMANCE REVIEW INCOMPLETE</b> for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	<input checked="" type="checkbox"/> <b>NOT REQUIRED</b> <input type="checkbox"/> <b>REQUIRED (attached hereto)</b> <input type="checkbox"/> <b>REQUIRED (not attached)</b>

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new alternative onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS meets the minimum requirements of the City of Malibu Municipal Code and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP).



City of Malibu

Environmental Health Review Sheet

CDP 07-087

31720.5 Broad Beach Rd.

February 4, 2019

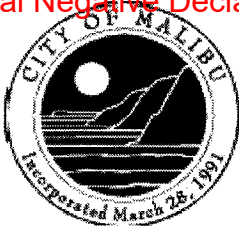
**Initial Study Comments:**

Environmental Health (EH) reviewed the Initial Study and Negative Declaration prepared by Mountains Recreation and Conservation Authority dated January 7, 2019, for the subject project. EH comments that discussions pertaining to impacts to/from onsite wastewater treatment systems (OWTS) should include the statement "proper design, operation and maintenance of OWTS will reduce impacts associated with the proposed project to a level of less than significant."

If you have any questions please contact me at your earliest convenience.

cc: Environmental Health file  
Planning Department





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 456-7650

## PUBLIC WORKS REVIEW REFERRAL SHEET

*Review  
of  
Neg Dec  
JC*

TO: Public Works Department  
FROM: City of Malibu Planning Department

DATE: 7/24/19  
7/16/2007

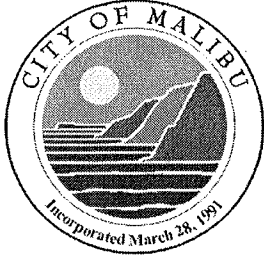
PROJECT NUMBER: CDP 07-087  
JOB ADDRESS: 31720.5 BROAD BEACH RD  
APPLICANT / CONTACT: Mountains Recreation and Conservation Authority  
APPLICANT ADDRESS: 5810 Ramirez Canyon Road  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 589-3230  
APPLICANT FAX #:  
APPLICANT EMAIL: judi.tamasi@mrca.ca.gov  
PROJECT DESCRIPTION: Lechuza Beach public access and disabled  
parking spaces (IS/NEG DEC. REVIEW ONLY)

TO: Malibu Planning Department and/or Applicant  
FROM: Public Works Department

- ☒ The following items described on the attached memorandum shall be addressed and resubmitted.
- ☐ The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

*Sarah Richardson*  
SIGNATURE

2/5/19  
DATE



# City of Malibu

## MEMORANDUM

To: MRCA

From: Public Works Department  
Jonathan Pichardo, Assist. Civil Engineer JP

Date: February 5, 2019

Re: 31720.5 Broad Beach Road Lechuza Beach Access MRCA CDP07-087 Memo No .2

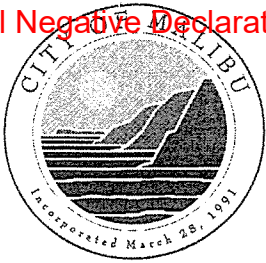
The Public Works Department has begun its review of this application and cannot recommend approval at this time.

### Transportation

1. Has the applicant considered pedestrian enhancements along Broad Beach Road? If so, please provide your findings.
2. Applicant shall provide collision history for Broad Beach Road. This history shall include but not be limited to pedestrian and vehicle collisions.
3. The addition of restroom(s) will potentially generate additional pedestrian and vehicle traffic to the project site, how will this project mitigate this additional traffic? Applicant shall provide supporting documentation aiding in the determination that these improvements will not generate a substantial increase in trips to the beach.

Applicant shall submit written responses with the next submittal. Until these issues are revised the Public Works Department cannot recommend approval for the project.





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## BIOLOGY REVIEW REFERRAL SHEET

Review of  
neg Dec

TO: City of Malibu Biologist  
FROM: City of Malibu Planning Department

DATE: 1/24/19  
~~7/16/2007~~

PROJECT NUMBER: CDP 07-087  
JOB ADDRESS: 31720.5 BROAD BEACH RD  
APPLICANT / CONTACT: Mountains Recreation and Conservation Authority  
APPLICANT ADDRESS: 5810 Ramirez Canyon Road  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 589-3230  
APPLICANT FAX #:  
APPLICANT EMAIL: judi.tamasi@mrca.ca.gov  
PLANNER: Adrian Fernandez + JC  
PROJECT DESCRIPTION: Lechuza Beach public access and disabled parking spaces

TO: Malibu Planning Department and/or Applicant  
FROM: City Biologist, Dave Crawford

☒ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

☐ The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

☐ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Signature

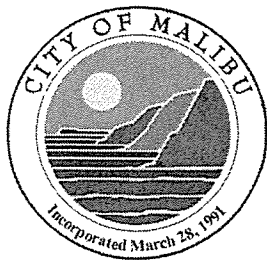
Date

2/5/19

Additional requirements/conditions may be imposed upon review of plan revision

### Contact Information:

Dave Crawford, City Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277



# City of Malibu

## Biology • Planning Department

23825 Stuart Ranch Road • Malibu, California • 90265-4861  
Phone (310) 456-2489 • Fax (310) 317-1950 • [www.malibucity.org](http://www.malibucity.org)

## BIOLOGY REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Mountains Recreation and Conservation Authority Judi.tamasi@mrca.ca.gov	
Project Address:	31720.5 Broad Beach Road	
Planning Case No.:	CDP 07-087	
Project Description:	Lechuza Beach public access and disabled parking spaces – IS/ND review	
Date of Review:	February 5, 2019	
Reviewer:	Dave Crawford	Signature: 
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a>

### SUBMITTAL INFORMATION

Site Plans:	
Site Survey:	
Planting Plan:	
Irrigation/Hydrozone/ water budget Plan:	
Grading Plans:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Other:	Draft Initial Study/Negative Declaration
Previous Reviews:	

### REVIEW FINDINGS

Review Status:	<input checked="" type="checkbox"/> <b>INCOMPLETE:</b> Additional information and/or a response to the listed review comments is required.
	<input type="checkbox"/> <b>DENIED</b> The project cannot be approved as designed as it is conflict with one or more elements of the LCP and/or City Codes.
	<input type="checkbox"/> <b>APPROVED</b> The proposed project approved with the conditions attached.
Environmental Review Board:	<input type="checkbox"/> This project has the potential to impact ESHA and may require review by the Environmental Review Board



City of Malibu

Biology Review Sheet

CDP 07-087

31720.5 Broad Beach Road

February 5, 2019

RECOMMENDATIONS:

1. The project is **INCOMPLETE**. Prior to final Biology Approval, the following information must be submitted:
  - A. The Initial Study refers to 4 separate biological studies performed on the site for this project. The City is in possession of the 13-year old Biological Resource Study from Michael Brandman Associates, but none of the other reports referenced were provided. Please provide a hard copy and electronic copy of all reports referred to in the Initial Study/Negative Declaration.

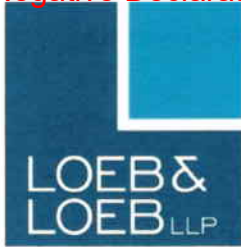
**NOTE:** The fees for a Biological Reviews for a CDP are \$860.00 and must be paid immediately. This permit application will not receive a final determination until all required fees are paid.

-o0o-

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file  
Planning Department





ALLAN J. ABSHEZ  
Partner

10100 Santa Monica Blvd.  
Suite 2200  
Los Angeles, CA 90067

Direct 310.282.2099  
Main 310.282.2000  
Fax 310.919.3982  
aabshez@loeb.com

February 24, 2019

Jessica Nguyen  
Project Analyst  
Mountains Recreation and Conservation  
Authority  
2800 Mulholland Highway  
Calabasas, CA 91302

Re: Coastal Development Permit Application No. 07-087; Draft Initial Study/Mitigated Negative Declaration dated January 7, 2019 (the "IS/MND")

Dear Ms. Nguyen:

We are writing this letter on behalf of our client, the Malibu Encinal Homeowners Association ("MEHOA"), which has been engaged in negotiations with the MRCA regarding its use and management of the beach lots owned by the MRCA within Tract 10630 (the "**MRCA Beach Lots**"), a Beach Management Plan for the MRCA Beach Lots, and the access easements over East and West Sea Level Drive (which are private streets owned by MEHOA) to the MRCA Beach Lots. MEHOA is pleased with the progress of its negotiations with the MRCA, which are continuing, and looks forward to reaching a comprehensive settlement with the MRCA regarding such matters. While reserving all of its rights and remedies pending such a settlement, MEHOA submits the following comments regarding the IS/MND.

MEHOA understands that the Coastal Development Permit will encompass the retention of the existing vehicular and locking pedestrian gates at East and West Sea Level Drive that are owned by MEHOA, as well as the re-installation of a locking pedestrian gate at the entrance to Lot I from Broad Beach Road, and a locking pedestrian gate at view platform at the terminus of West Sea Drive. MEHOA understands that upon the issuance of the Coastal Development Permit the MRCA will re-install and maintain the locking Lot I gate, and re-install and maintain the locking pedestrian gate at view platform at the terminus of West Sea Drive.

MEHOA understands that the Lot I pedestrian gate will be the public primary pedestrian access to the MRCA Beach Lots and that it will be locked by automatic timer in order to permit public access only between 7 a.m. and 9 p.m. from March 1st through September 30th, and between 7 a.m. and 6 p.m. from October 1st through February 28th (the "**Daily Access Hours**"); while allowing pedestrian exiting at all times. MEHOA also understands that the pedestrian gates located at East Sea Level Drive and West Sea Level Drive will also be locked by automatic timer locks to permit public access to the MRCA Beach Lots over East and West Sea Level Drive only during Daily Access Hours, as well as to prevent public exiting from East and West



Sea Level Drive after 10 p.m. from March 1st through September 30th and after 7 p.m. from October 1st through February 28th.

As discussed in the IS/MND, vehicular access over East and West Sea Level Drive will be limited to MRCA service and patrol, as well as reservation-controlled access during Daily Access Hours only for disabled persons in vehicles displaying disabled persons parking placards or plates as provided for by the California Department of Motor Vehicles (or any alternative method approved by the State of California currently, or in the future, of designating vehicles which are driven by or occupied by disabled persons) to access the two proposed ADA-compliant parking spaces and the proposed designated ADA-compliant loading and unloading zone for the purpose of access the MRCA's Beach Lots.

MEHOA understands that neither the MRCA Beach Lots, Lot I, nor the MRCA easements to the MRCA Beach Lots over East and West Sea Level Drive will be used for any commercial purposes whatsoever.

At page 13, the IS/MND states that "Lechuza Beach is a publicly owned beach and thus qualifies as a public viewing area." By such reference, MEHOA understands that the term "Lechuza Beach" refers to the MRCA Beach Lots, and not to portions of the beach that are located above the mean high tide line and are privately owned by MEHOA or its members. In this regard, MEHOA notes that it has previously permitted public access over East and West Sea Level Drive to beach areas not owned by MEHOA and its members during the daytime, and therefore that the continued use of such beach areas during Daily Access Hours and pursuant to the Beach Management Plan under negotiation with the MRCA as of the date of this letter is not expected to result in unmitigated environmental impacts.

MEHOA understands that the new restroom proposed by the MRCA on its property at the beachside terminus of East Sea Level Drive and its associated leach field will have an advanced on-site wastewater treatment system ("AOWTS"), that they will comply with all engineering, sanitation and safety requirements of responsible regulatory agencies (including those pertaining to the protection of the AOWTS and leach field against wave run-up), that they will be serviced regularly and maintained in good condition and repair, and that the restroom will be locked outside of Daily Access Hours; all pursuant to the Beach Management Plan under negotiation with the MRCA as of the date of this letter. Based on such assumptions, MEHOA does not expect that construction or operation of the restroom will result in unmitigated environmental impacts.

Finally, for the purpose of its comments on the IS/MND, MEHOA assumes that the Beach Management Plan under negotiation with the MRCA as of the date of this letter will be adopted in connection with the Coastal Development Permit.



Jessica Nguyen  
February 24, 2019  
Page 3

MEHOA reserves the right to supplement its comments in light of new information, looks forward to participating further in the Coastal Development Permit and environmental review process. Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Allan J. Abshez', with a long, sweeping flourish extending to the right.

Allan J. Abshez  
Partner

cc: Tom Keane



# City of Malibu

23815 Stuart Ranch Road · Malibu, California · 90265-4861  
Phone (310) 456-2489 · Fax (310) 456-3356 · [www.ci.malibu.ca.us](http://www.ci.malibu.ca.us)

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March 1, 2019

Santa Monica Mountains Conservancy  
Mountains Recreation and Conservation Authority  
5750 Ramirez Canyon Road  
Malibu, CA 90265  
Attention: Ms. Jessica Nguyen  
And via email : [jessica.nguyen@mrca.ca.gov](mailto:jessica.nguyen@mrca.ca.gov)

Re: Comment on Draft Initial Study and Negative Declaration  
Lechuza Beach Public Access Improvements Project  
31720.5 Broad Beach Road

Dear Ms. Nguyen:

The City of Malibu submits the following comments in response to the Draft Initial Study (IS)/ Negative Declaration (ND) for the Lechuza Beach Public Access Improvements Project.

As noted in the IS/ND, the City has collaborated with MRCA and the Malibu Encinal Homeowners Association (MEHOA) intermittently over many years to reach a mutually beneficial project to move forward. The City has not been involved directly with the most recent MRCA/MEHOA negotiations, but was pleased when informed by both parties that a resolution to outstanding issues appeared imminent so that this important project may move forward.

Nevertheless, the City is greatly concerned that MRCA chose to proceed with the preparation of this IS/ND without the required coordination with the City. The City was not consulted regarding lead agency determination. In addition as the City, at the very least, is a responsible agency for this project, MRCA was statutorily required to consult with the City as to the type of environmental review conducted, yet no consultation occurred. City staff was also not notified of the release of the IS/ND, or consulted on its scope or content. The coastal development permit application remains incomplete as information regarding the required easements authorizing the MRCA to conduct the project as sited has not been produced, nor has the Beach Management Plan. The City understands the easement agreements and Beach Management Plan are pending finalization of MRCA and MEHOA negotiations, but without this information being finalized the project description may be inaccurate and this environmental review premature.

On January 30, 2019, the City formally requested that MRCA postpone this project and the Escondido Canyon Park to Murphy Way Connector Project. This request came as a result of MRCA publishing draft environmental documents for both projects immediately after the Woolsey Fire and staff having limited availability to review and respond to the documents. In response to the

City of Malibu IS/ND Comments  
March 1, 2019

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City's request, MRCA agreed to extend the public review period for the Public Beach Access Improvements Project an additional 5 days to March 1, 2019.

While this extension is appreciated, 5 days is insufficient and a further extension is warranted due to the lack of availability of the easement information and the Beach Management Plan. Since the management of the project's operation is directly related to its potential for environmental impact, the entirety of the project cannot be evaluated without this information. The City requests that, at a minimum, the review period be extended to allow sufficient time for release by MRCA of the proposed Beach Management Plan and for review and comment by all interested parties, including the City. In fact, environmental review of this project should be restarted with a proper project description that includes this information and after the required consultation with the City has occurred.

The comments below are City's staff comments related to the Draft IS/ND. The City's Environmental Review Board (ERB) recommendations are also included as an attachment to this letter.

#### **A. Project Description**

- 1) Page 4: The Project Description should acknowledge all required entitlements associated with the project. For the City of Malibu, in addition to the Coastal Development Permit (CDP), two Conditional Use Permits (CUPs) and two variances are required. A CUP is required for the use of the properties as a beach park. An additional CUP is required for the proposed advanced onsite wastewater treatment system (AOWTS) and leachfield to be located on separate properties. Variances are required for a reduction in the blufftop setback and for locating proposed improvements on a steep slope.
- 2) Page 4: states that a beach management plan is included as part of the Project and CDP application to the City. In April 2010, an Initial Management Plan was submitted to the City. The Initial Management Plan has not been updated to reflect the revised scope of work or operation of the proposed project. The City requires an updated beach management plan that reflects the current scope of work and operation of the proposed project be submitted.
- 3) Provide an exhibit of the proposed signage that includes the substantive provisions that will be enforced including:
  1. No smoking (MMC Section 12.08.035)
  2. No dogs (MMC Section 17.12.290)
  3. No littering (MMC Section 17.12.380)
  4. No alcoholic beverages (MMC Section 17.12.320)
  5. No fires (MMC Section 17.12.370)

#### **B. Air Quality**

Page 20: It states that the Project will have a less than significant impact with regards to objectionable odors as measures would be taken to minimize odors during and after each pumping activity of the single-stall restroom. However, these measures to minimize odors are not discussed.

City of Malibu IS/ND Comments  
March 1, 2019

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**C. Hazards and Hazardous Materials and D. Hydrology and Water Quality**

These generally state that the AOWTS and leachfield will be protected in place within a concrete masonry chamber sufficient to withstand hazardous flood and storm events but do not specifically address how the project design meets LIP Chapter 10 (Shoreline and Bluff Protection) standards, including the project's reduced blufftop setback.

**D. Land Use and Planning**

Page 43: The IS/ND states that the Project will have a less than significant impact with regards to public access pursuant to Land Use Plan Policy 2.7 in the City of Malibu LCP; however, the IS/ND does not address the potential for conflict with other land use regulations adopted for purposes of avoiding or mitigating environmental effects. Specifically, the IS/ND should address the requirement for variances from the LCP's blufftop setback and construction on slopes standards, and the requirement to obtain the CUPs because the proposed beach park use and the proposed location of the AOWTS and leachfield on separate properties are conditionally allowed uses.

**E. Noise**

Page 47: States that construction activities and use of construction equipment would not result in the generation of excessive ground borne vibration or ground borne noise levels. However, the IS/ND does not discuss what type of construction equipment will be necessary for the proposed development, or a plan of how the construction will occur. Should heavy equipment on the beach be required to construct the single-stall restroom or other proposed development, a construction plan shall be submitted to the City of Malibu for review and would need to be addressed in the IS/ND project description of construction activities and evaluated for environmental impacts.

**F. Recreation**

Page 51: The Project proposes to reconstruct existing public access improvements and provide new access amenities including a single-stall restroom. The study should indicate if the single-stall restroom will be locked during hours the pedestrian gate at Lot I is locked. It is practical to assume that, should the restroom remain unlocked 24-hours a day, public use of the beach may extend beyond the proposed hours of operation of the pedestrian gate at Lot I, creating additional night time impacts on the surrounding residential neighborhood. This concern speaks to the importance of the Beach Management Plan's inclusion in the Project Description.

**G. Transportation**

- 1) Page 52: The IS/ND states, "the Project will not substantially increase vehicle trips to Lechuza Beach as visitation is limited by existing parking availability along Broad Beach Road, a public road. Existing visitation often reaches capacity during the peak season." It is practical to assume that the new proposed vehicular access improvements could increase visitor traffic to the area. The IS/ND should provide information regarding how many visitors are anticipated to visit the beach per day (including both peak times and normal times). The IS/ND should also include measures for managing vehicular parking along Broad Beach Road during the peak season, again related to the Beach Management Plan's importance.

City of Malibu IS/ND Comments  
March 1, 2019

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- 2) Upon review of the IS/ND, the City Public Works Department is requesting further documentation in the form of a traffic analysis in order to demonstrate the conclusions in the document that the potential parking and traffic impacts along Broad Beach Road and within the surrounding residential neighborhood will be less than significant.

If you have any questions, please call (310) 456-2489, extension 234, or e-mail at [jcolvard@malibucity.org](mailto:jcolvard@malibucity.org).

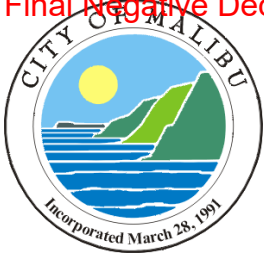
Sincerely,

Bonnie Blue  
Planning Director

cc: Reva Feldman, City Manager  
Christi Hogin, City Attorney  
Jessica Colvard, Associate Planner

ATTACHMENTS:

- A. City of Malibu Environmental Review Board Recommendations dated February 12, 2019.



# City of Malibu

## ERB RECOMMENDATION

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**To:** Bonnie Blue., AICP, Planning Director

**Prepared by:** Jessica Colvard, Associate Planner

**Reviewed by:** Dave Crawford, City Biologist

**Subject:** Coastal Development Permit No. 07-087 – Lechuza Beach Public Access Project at 31720.5 Broad Beach Road

**Meeting Date:** February 12, 2019 **Date Prepared:** February 12, 2019

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At its February 12, 2019 meeting, the above referenced project was considered by the Environmental Review Board (ERB). The comments/concerns raised are enumerated below:

### Recommendations:

- 1) Process CDP No. 07-087 in conjunction with CDP No. 14-012 (an application to widen the existing private road at 31848 Broad Beach Road and 31885 Sea Level Drive).
- 2) Request the Fire Department review CDP No. 07-087 in conjunction with CDP No. 14-012.
- 3) If the removal of any native plants species is necessary for the installation of the proposed AOWTS, mitigation occurs by planting the species elsewhere within the project site (if possible).
- 4) Request that the City Environmental Health Administrator review the project for perch water associated with the existing residential development along East Sea Level Drive.

### Present at the meeting:

- 1) Dave Crawford
- 2) Suzanne Goode
- 3) Jeffery Holt
- 4) Marny Randall
- 5) Anthony David Shafer
- 6) Elaine Rene-Weissman

Leaving trash  
on street

Fireworks AT NIGHT  
10 pm + 100 FT in the Air

Blocking STREET  
Cattentail unable  
To get Emerg. Veh. By

Information on people's  
yards

Need to look at night

George Meriti

RETIRED Lifeguard CAPT.



# City of Malibu

23815 Stuart Ranch Road · Malibu, California · 90265-4861  
Phone (310) 456-2489 · Fax (310) 456-3356 · www.ci.malibu.ca.us

April 22, 2019

Santa Monica Mountains Conservancy  
Mountains Recreation and Conservation Authority  
5750 Ramirez Canyon Road  
Malibu, CA 90265  
Attention: Ms. Jessica Nguyen  
And via email: [jessica.nguyen@mrca.ca.gov](mailto:jessica.nguyen@mrca.ca.gov)

Re: Comment on Draft Beach Management Plan  
Lechuza Beach Public Access Improvements Project  
31720.5 Broad Beach Road

Dear Ms. Nguyen:

The City of Malibu submits the following comments in response to the Draft Beach Management Plan. This letter serves to supplement the comments to the Draft Initial Study (IS)/ Negative Declaration (ND) for the Lechuza Beach Public Access Improvements Project provided by the City of Malibu on March 1, 2019. The City's staff comments related to the Draft IS/ND are included as an attachment to this letter. Comment Number A.2 of the attached letter requires MRCA to submit an updated Beach Management Plan for review. The following comments are in response to the Draft Beach Management Plan submitted to the City of Malibu on April 12, 2019.

## **Section 4.1: Additional Pedestrian Access via East Sea Level Drive and West Sea Level Drive Easements**

- 1) Section 4.1 states that the pedestrian access via East Sea Level Drive and West Sea Level Drive will be locked by automatic timers to prevent exiting after 10 p.m. from March 1<sup>st</sup> through September 30<sup>th</sup> and after 7 p.m. from October 1<sup>st</sup> through February 28<sup>th</sup>. Although pedestrian access through the gate at Lot I will allow egress at all hours, any malfunction of the Lot I gate could feasibly strand a pedestrian, preventing them from exiting during the evening hours. This is a public/human safety related issue that needs to be addressed.

## **Section 8.0 and 8.1: Non-Peak Season and Peak Season**

- 2) Sections 8.0 and 8.1 address inspection and maintenance of the beach and accessways. Both Non-Peak and Peak staffing and maintenance plans appear to be the same. It's logical to assume the Peak season protocols would require additional staffing and/or an increased number of visits by staff to monitor the beach and facilities. The sections also state that inspections and maintenance may be performed by the MRCA's maintenance personnel. A more definitive statement regarding who will maintain and inspect the beach and facilities is

City of Malibu IS/ND Comments  
March 1, 2019

---

needed. Maintenance and regular inspections of the beach and facilities is crucial to the protection of public safety, water quality and traffic circulation.

**Section 8.2: Maintenance and Repairs**

- 3) Similar to Sections 8.0 and 8.1, a more definitive statement identifying the responsible party/agency to perform maintenance and repairs is required. Proper maintenance of the beach and facilities is directly related to public safety and water quality issues. Please also directly identify a responsible agency to perform regular maintenance of the restroom and shoreline.

If you have any questions, please call (310) 456-2489, extension 234, or e-mail at [jcolvard@malibucity.org](mailto:jcolvard@malibucity.org).

Sincerely,

Bonnie Blue  
Planning Director

cc: Reva Feldman, City Manager  
Christi Hogin, City Attorney  
Jessica Colvard, Associate Planner

**ATTACHMENTS:**

- A. City of Malibu Comment on Draft Initial Study and Negative Declaration dated March 1, 2019.



# City of Malibu

23815 Stuart Ranch Road · Malibu, California · 90265-4861  
Phone (310) 456-2489 · Fax (310) 456-3356 · [www.ci.malibu.ca.us](http://www.ci.malibu.ca.us)

March 1, 2019

Santa Monica Mountains Conservancy  
Mountains Recreation and Conservation Authority  
5750 Ramirez Canyon Road  
Malibu, CA 90265  
Attention: Ms. Jessica Nguyen  
And via email : [jessica.nguyen@mrca.ca.gov](mailto:jessica.nguyen@mrca.ca.gov)

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City of Malibu IS/ND Comments  
March 1, 2019

---

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City of Malibu IS/ND Comments  
March 1, 2019

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**C. Hazards and Hazardous Materials and D. Hydrology and Water Quality**

These generally state that the AOWTS and leachfield will be protected in place within a concrete masonry chamber sufficient to withstand hazardous flood and storm events but do not specifically address how the project design meets LIP Chapter 10 (Shoreline and Bluff Protection) standards, including the project's reduced blufftop setback.

**D. Land Use and Planning**

Page 43: The IS/ND states that the Project will have a less than significant impact with regards to public access pursuant to Land Use Plan Policy 2.7 in the City of Malibu LCP; however, the IS/ND does not address the potential for conflict with other land use regulations adopted for purposes of avoiding or mitigating environmental effects. Specifically, the IS/ND should address the requirement for variances from the LCP's blufftop setback and construction on slopes standards, and the requirement to obtain the CUPs because the proposed beach park use and the proposed location of the AOWTS and leachfield on separate properties are conditionally allowed uses.

**E. Noise**

Page 47: States that construction activities and use of construction equipment would not result in the generation of excessive ground borne vibration or ground borne noise levels. However, the IS/ND does not discuss what type of construction equipment will be necessary for the proposed development, or a plan of how the construction will occur. Should heavy equipment on the beach be required to construct the single-stall restroom or other proposed development, a construction plan shall be submitted to the City of Malibu for review and would need to be addressed in the IS/ND project description of construction activities and evaluated for environmental impacts.

**F. Recreation**

Page 51: The Project proposes to reconstruct existing public access improvements and provide new access amenities including a single-stall restroom. The study should indicate if the single-stall restroom will be locked during hours the pedestrian gate at Lot I is locked. It is practical to assume that, should the restroom remain unlocked 24-hours a day, public use of the beach may extend beyond the proposed hours of operation of the pedestrian gate at Lot I, creating additional night time impacts on the surrounding residential neighborhood. This concern speaks to the importance of the Beach Management Plan's inclusion in the Project Description.

**G. Transportation**

- 1) Page 52: The IS/ND states, "the Project will not substantially increase vehicle trips to Lechuza Beach as visitation is limited by existing parking availability along Broad Beach Road, a public road. Existing visitation often reaches capacity during the peak season." It is practical to assume that the new proposed vehicular access improvements could increase visitor traffic to the area. The IS/ND should provide information regarding how many visitors are anticipated to visit the beach per day (including both peak times and normal times). The IS/ND should also include measures for managing vehicular parking along Broad Beach Road during the peak season, again related to the Beach Management Plan's importance.

City of Malibu IS/ND Comments  
March 1, 2019

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- 2) Upon review of the IS/ND, the City Public Works Department is requesting further documentation in the form of a traffic analysis in order to demonstrate the conclusions in the document that the potential parking and traffic impacts along Broad Beach Road and within the surrounding residential neighborhood will be less than significant.

If you have any questions, please call (310) 456-2489, extension 234, or e-mail at [jcolvard@malibucity.org](mailto:jcolvard@malibucity.org).

Sincerely,

Bonnie Blue  
Planning Director

cc: Reva Feldman, City Manager  
Christi Hogin, City Attorney  
Jessica Colvard, Associate Planner

ATTACHMENTS:

- A. City of Malibu Environmental Review Board Recommendations dated February 12, 2019.



# City of Malibu

## ERB RECOMMENDATION

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**To:** Bonnie Blue., AICP, Planning Director

**Prepared by:** Jessica Colvard, Associate Planner

**Reviewed by:** Dave Crawford, City Biologist

**Subject:** Coastal Development Permit No. 07-087 – Lechuza Beach Public Access Project at 31720.5 Broad Beach Road

**Meeting Date:** February 12, 2019 **Date Prepared:** February 12, 2019

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At its February 12, 2019 meeting, the above referenced project was considered by the Environmental Review Board (ERB). The comments/concerns raised are enumerated below:

### Recommendations:

- 1) Process CDP No. 07-087 in conjunction with CDP No. 14-012 (an application to widen the existing private road at 31848 Broad Beach Road and 31885 Sea Level Drive).
- 2) Request the Fire Department review CDP No. 07-087 in conjunction with CDP No. 14-012.
- 3) If the removal of any native plants species is necessary for the installation of the proposed AOWTS, mitigation occurs by planting the species elsewhere within the project site (if possible).
- 4) Request that the City Environmental Health Administrator review the project for perch water associated with the existing residential development along East Sea Level Drive.

### Present at the meeting:

- 1) Dave Crawford
- 2) Suzanne Goode
- 3) Jeffery Holt
- 4) Marny Randall
- 5) Anthony David Shafer
- 6) Elaine Rene-Weissman

## **Appendix B**

### **Response to Comments on the Draft IS/ND**

**Appendix B: Response to Comments on the Draft IS/ND**

The Mountains Recreation and Conservation Authority (MRCA), as lead agency, responds to the comments included in Appendix A as follows. The responses correspond with the numbered list in Appendix A (Comments Received on the Draft IS/ND).

**Response to Comment #1**

Commenter suggests that MRCA make a site visit to Lechuza Beach. MRCA responds that its staff and its consultant team conducted numerous site visits throughout the years of planning and design of the proposed Project. Technical and environmental analyses on the Project are discussed throughout the draft Initial Study/Negative Declaration (IS/ND) and support the determination for a less than significant impact on the environment.

Commenter asserts that “everybody will drive in, see there is no parking, and either park illegally or turn around on somebody’s property.” The Commenter offers no evidence that there is a possible significant effect on traffic from the proposed Project. While the MRCA acknowledges the Commenter’s concerns on the Project, the Commenter’s assertions do not meet the requirements of the California Environmental Quality Act, 14 Cal. Code Regs. § 15204 (Section 15204).

MRCA responds to Commenter that Lechuza Beach was open for public use prior to the MRCA’s property acquisitions at Lechuza Beach. Existing parking is available along the public Broad Beach Road. The proposed Project includes parking improvements only for vehicles with valid disabled parking placards, not parking improvements for the general public. Namely, the Project includes one parking space at the beachside terminus of West Sea Level Drive compliant with the Americans with Disabilities Act (ADA), one ADA-compliant parking space near the beachside terminus of East Sea Level Drive, and one ADA-compliant loading zone at the beachside terminus of East Sea Level Drive. These two parking spaces and the loading zone will be controlled by a reservation system available only to those vehicles with valid disabled parking placards.

MRCA further responds that Lechuza Beach, like all beaches, is subject to daily high tide and low tide cycles that result in various sizes of beach space available for public use seasonally and daily.

Commenter claims “all sorts of issues with building, septic, trash, etc.” but does not provide any support for the Commenter’s assertions as required by Section 15204. MRCA responds that the proposed Project includes a new restroom to alleviate improper human waste disposal on the beach. As discussed throughout the draft IS/ND, technical analysis for the design of the proposed restroom supports the determination that the restroom will have a less than significant impact on the environment.

MRCA also responds that the proposed Project includes improvements to the existing stairways at Lechuza Beach and a new gate along Broad Beach Road across from Bunnie Lane. Additionally, the Project’s Beach Management Plan includes opening and closing times of all public access gates at Lechuza Beach, as well as for the operation and maintenance of Lechuza Beach and the proposed public access improvements.

The MRCA acknowledges the Commenter's remaining comments on the proposed Project and responds that these comments do not satisfy the requirements of Section 15204. Comments noted.

### **Response to Comment #2**

The MRCA acknowledges the Commenter's description of improper behaviors in and around Lechuza Beach. The MRCA responds that the proposed Project includes a Beach Management Plan that is intended to alleviate some of the improper behaviors that the Commenter describes. However, the Beach Management Plan and the Project are only applicable to those portions of Lechuza Beach owned and/or operated by the MRCA.

Provisions for opening and closing times of all public access gates at Lechuza Beach are included as part of the Project, as well as the operation and maintenance of Lechuza Beach and the proposed public access improvements.

The MRCA acknowledges the Commenter's remaining comments on the proposed Project and responds that these comments do not satisfy the requirements of Section 15204. Comments noted.

### **Response to Comment #3**

Commenter asserts an increase in employment through taxes, out of control beach parties, and parking on residential streets and the problems associated with it, but does not provide any support for the Commenter's assertions consistent with Section 15204.

MRCA responds that the proposed Project provides for the operation and maintenance of Lechuza Beach and the proposed public access improvements. Additionally, the proposed Project includes a new restroom to alleviate improper human waste disposal on the beach. As discussed throughout the draft IS/ND, technical analysis for the design of the proposed restroom supports the determination that the restroom will have a less than significant impact on the environment.

The MRCA acknowledges the Commenter's remaining comments on the proposed Project and responds that these comments do not satisfy the requirements of Section 15204. Comments noted.

### **Response to Comment #4**

The Commenter states that "discussions pertaining to impacts from the onsite wastewater treatment systems (OWTS) should include the statement 'proper design, operation and maintenance of OWTS will reduce impacts associated with the proposed project to a level of less than significant'."

MRCA responds that the Final Negative Declaration includes the statement "Proper design, operation and maintenance of the Advanced Onsite Wastewater Treatment System (AOWTS) will reduce impacts associated with the proposed Project to a level of less than significant" in the following sections pertaining to impacts to/from the AOWTS:

- VII. Geology and Soils
- IX. Hazards and Hazardous Materials
- X. Hydrology and Water Quality
- XIX. Utilities and Service Systems

### **Response to Comment #5**

The Commenter asks whether MRCA considered pedestrian enhancements along Broad Beach Road. MRCA responds that the proposed Project does not include pedestrian enhancements along Broad Beach Road.

The Commenter asserts that MRCA should provide collision history for Broad Beach Road, including but not limited to pedestrian and vehicle collisions. MRCA responds that pursuant to Section 15204, the Commenter should explain the basis for his/her comments and submit data or references offering facts, reasonable assumptions based on facts or expert opinion supported by facts in support of the comments. MRCA requested City Planning staff to obtain the collision history for Broad Beach Road. On March 6, 2019, City Planning staff provided to the MRCA a Collision Summary Report obtained from the Los Angeles County Sheriff's Department for the segment of Broad Beach Road from West Sea Level Drive to East Sea Level Drive for a period of approximately ten years from January 1, 2009 to March 6, 2019. A review of this Collision Summary Report revealed no new significant impacts on traffic. Section XVII. Transportation has been revised to include a discussion of the Collision Summary Report.

The Commenter claims that the "addition of restroom(s) will potentially generate additional pedestrian and vehicle traffic to the project site" but again, does not provide any basis or support for the Commenter's claim as required by Section 15204. MRCA responds that the proposed Project will not substantially increase the current use of Lechuza Beach. The availability of the existing public parking along Broad Beach Road serves to limit the number of visitors to Lechuza Beach.

MRCA also responds that the proposed Project does not include new parking or parking improvements along Broad Beach Road. The Project includes one new ADA-compliant parking space at the beachside terminus of West Sea Level Drive, one new ADA-compliant parking space at the beachside terminus of East Sea Level Drive, and one ADA-compliant loading zone at the beachside terminus of East Sea Level Drive. Because these ADA-compliant spaces and loading zone are controlled by reservation and only available to vehicles with valid disabled parking placards, these additional ADA-complaint parking improvements do not have the potential for a significant environmental effect.

### **Response to Comment #6**

The Commenter requests a hard copy and electronic copy of all reports referred to in the draft IS/ND.

MRCA responds that since January 10, 2019, all of the Project's technical reports are available online at <https://mrca.ca.gov/about/land-use-planning-documents/> and in hard copy at the Malibu Library.

Additionally, as requested by the Commenter on February 6, a hard copy of each of the following three reports was submitted to the Commenter over the City Planning counter on February 12, 2019:

- Lechuza Beach Public Access Improvements Project Rare and Sensitive Plant Survey; prepared by Fred M. Roberts; May 27, 2015.
- Lechuza Beach Public Access Improvements Project Rare and Sensitive Plant Survey; prepared by Fred M. Roberts; May 2011.
- Memo regarding nesting bird survey, Lechuza Beach; prepared by Daniel S. Cooper of Cooper Ecological Monitoring, Inc.; May 1, 2015.

### **Response to Comment #7**

The Commenter refers to the proposed Project's draft IS/ND as a draft initial study/*mitigated* negative declaration. MRCA responds that it prepared a draft IS/ND, not a mitigated negative declaration.

### **Response to Comment #8**

Due to the amount of Commenter's comments, the Commenter's comments are stated below in italics and MRCA's response follows in normal text.

*Nevertheless, the City is greatly concerned that MRCA chose to proceed with the preparation of this IS/ND without the required coordination with the City. The City was not consulted regarding lead agency determination. In addition as the City, at the very least, is a responsible agency for this project, MRCA was statutorily required to consult with the City as to the type of environmental review conducted, yet no consultation occurred. City staff was also not notified of the release of the IS/ND, or consulted on its scope or content. The coastal development permit application remains incomplete as information regarding the required easements authorizing the MRCA to conduct the project as sited has not been produced, nor has the Beach Management Plan. The City understands the easement agreements and Beach Management Plan are pending finalization of MRCA and MEHOA negotiations, but without this information being finalized the project description may be inaccurate and this environmental review premature.*

In 2007, the MRCA filed its application for a Coastal Development Permit (CDP) for the proposed Project with the City of Malibu. MRCA staff coordinated extensively with City staff over the years regarding environmental review. The City requested a proposal for the preparation of an Initial Study (IS) as early as 2014 and received a proposal from Rincon Consultants in August 2014. City staff requested and received an updated proposal from Rincon Consultants in April 2017. However, the updated proposal from Rincon Consultants was not provided to the MRCA despite multiple requests from MRCA staff.

It is the understanding of MRCA staff, through communications with City staff, that the City requires the final settlement with the Malibu-Encinal Homeowners' Association (MEHOA) prior to the City's preparation of the IS or Negative Declaration (IS/ND). As the settlement is in its final stages, the MRCA determined that preparation of the IS/ND is the next logical step. However, the preparation of the IS/ND would have likely been delayed as the City helps its residents rebuild after the unfortunate Woolsey Fire. Thus, the MRCA assumed the role of lead agency pursuant

to CEQA, 14 Cal Code Regs. §15051, in order to move the Project forward after more than a decade of planning.

As lead agency, the MRCA made the determination to prepare a draft IS/ND pursuant to CEQA, 14 Cal Code Regs. §15050. The MRCA met its obligations to consult with the City regarding the type of environmental review and as the lead agency, may make the determination for the type of environmental review. The City was properly notified of the public review and comment period for the draft IS/ND pursuant to CEQA, 14 Cal Code Regs. §15072.

Furthermore, to say that the City was not consulted on the Project's scope and content is factually inaccurate. The coastal development permit (CDP) application was filed with the City in 2007. City staff and MRCA staff worked extensively over the years as the Project progressed in its scope and content. All applicable City departments (except the Planning department) provided their approvals for the Project to proceed through the planning process prior to the preparation of the draft IS/ND.

In addition, the final settlement documents (easements and a Beach Management Plan) are being developed in close consultation with MEHOA. These property interests and general management objectives support the Project as described in the draft IS/ND. The easements and Beach Management Plan do not have the potential for a significant effect on the environment other than described in the IS/ND.

*On January 30, 2019, the City formally requested that MRCA postpone this project and the Escondido Canyon Park to Murphy Way Connector Project. This request came as a result of MRCA publishing draft environmental documents for both projects immediately after the Woolsey Fire and staff having limited availability to review and respond to the documents. In response to the City's request, MRCA agreed to extend the public review period for the Public Beach Access Improvements Project an additional 5 days to March 1, 2019.*

*While this extension is appreciated, 5 days is insufficient and a further extension is warranted due to the lack of availability of the easement information and the Beach Management Plan. Since the management of the project's operation is directly related to its potential for environmental impact, the entirety of the project cannot be evaluated without this information. The City requests that, at a minimum, the review period be extended to allow sufficient time for release by MRCA of the proposed Beach Management Plan and for review and comment by all interested parties, including the City. In fact, environmental review of this project should be restarted with a proper project description that includes this information and after the required consultation with the City has occurred.*

*The comments below are City's staff comments related to the Draft IS/ND. The City's Environmental Review Board (ERB) recommendations are also included as an attachment to this letter.*

The MRCA did not "immediately" publish the draft environmental documents for this Project and the Escondido Canyon Park to Murphy Way Connector Project after the Woolsey Fire. Both the draft environmental documents were released in early January, two months after the Woolsey Fire occurred. Both projects extended the statutorily-required public review periods. The proposed Project exceeded the required public review period by 15 days initially, and then was extended for an additional five days to provide the City more time for review and comment. However, in response to the City's request in its March 1, 2019 letter, the MRCA extended the

review period an additional 30 days for review, totaling 80 days of public review instead of the 30 days required under CEQA.

As stated above, the easements and Beach Management Plan do not have the potential for a significant effect on the environment other than described in the IS/ND. The easements and a Beach Management Plan are being developed in close consultation with MEHOA. These property interests and general management objectives support the Project as described in the draft IS/ND.

The MRCA acknowledges the City's remaining comments in these paragraphs and responds that these comments do not satisfy the requirements of Section 15204. Comments noted.

*1) Page 4: The Project Description should acknowledge all required entitlements associated with the project. For the City of Malibu, in addition to the Coastal Development Permit (CDP), two Conditional Use Permits (CUPs) and two variances are required. A CUP is required for the use of the properties as a beach park. An additional CUP is required for the proposed advanced onsite wastewater treatment system (AOWTS) and leachfield to be located on separate properties. Variances are required for a reduction in the blufftop setback and for locating proposed improvements on a steep slope.*

The MRCA acknowledges the City's comments in this paragraph and responds that these comments do not satisfy the requirements of CEQA, Cal Code Regs. §15204. Comments noted.

*2) Page 4: states that a beach management plan is included as part of the Project and CDP application to the City. In April 2010, an Initial Management Plan was submitted to the City. The Initial Management Plan has not been updated to reflect the revised scope of work or operation of the proposed project. The City requires an updated beach management plan that reflects the current scope of work and operation of the proposed project be submitted.*

A draft Beach Management Plan was provided to Commenter for review on April 12, 2019. A final Beach Management Plan will be submitted to the City as part of the CDP application process. As stated above, the Beach Management Plan is intended to support the proposed Project as described in the draft IS/ND. The Beach Management Plan does not have the potential for a significant effect on the environment other than as described in the IS/ND.

*3) Provide an exhibit of the proposed signage that includes the substantive provisions that will be enforced including:*

- 1. No smoking (MMC Section 12.08.035)*
- 2. No dogs (MMC Section 17.12.290)*
- 3. No littering (MMC Section 17.12.380)*
- 4. No alcoholic beverages (MMC Section 17.12.320)*
- 5. No fires (MMC Section 17.12.370)*

An exhibit of the proposed signage will be submitted to the City as part of the CDP application process. The MRCA Ordinance includes provisions prohibiting smoking, dogs on the beach, littering, alcoholic beverages, and fires. These provisions will be included in the final Beach Management Plan. Furthermore, the MRCA posts these provisions as required at all its public beach access properties. These same provisions are posted on existing signage at the existing public access points at Lechuza Beach (the intersections of West Sea Level Drive, East Sea Level Drive, and Lot I across from Bunnie Lane along Broad Beach Road).

*Page 20: It states that the Project will have a less than significant impact with regards to objectionable odors as measures would be taken to minimize odors during and after each pumping activity of the single-stall restroom. However, these measures to minimize odors are not discussed.*

The draft IS/ND has been revised to clarify that measures consistent with standard industry practice would be taken to minimize odors during and after each pumping activity.

*These generally state that the AOWTS and leachfield will be protected in place within a concrete masonry chamber sufficient to withstand hazardous flood and storm events but do not specifically address how the project design meets LIP Chapter 10 (Shoreline and Bluff Protection) standards, including the project's reduced blufftop setback.*

Any proposal for an AOWTS and/or leachfield must be reviewed by the City's Environmental Health Department during the CDP planning review stage. In January 2017, the Environmental Health Department completed its review of the proposed AOWTS and leachfield for conformance with the Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC) and determined that the AOWTS and leachfield meet the minimum requirements of both these regulations. Likewise, the City's coastal engineering staff and geological engineering staff also completed their project review and approved the proposed Project to continue in its City planning review process. Nevertheless, the draft IS/ND has been revised in these subject sections to include clarifications to address how the project design, including its variances, meets the policies of the LCP/LIP.

*Page 43: The IS/ND states that the Project will have a less than significant impact with regards to public access pursuant to Land Use Plan Policy 2.7 in the City of Malibu LCP; however, the IS/ND does not address the potential for conflict with other land use regulations adopted for purposes of avoiding or mitigating environmental effects. Specifically, the IS/ND should address the requirement for variances from the LCP's blufftop setback and construction on slopes standards, and the requirement to obtain the CUPs because the proposed beach park use and the proposed location of the AOWTS and leachfield on separate properties are conditionally allowed uses.*

As stated above, in January 2017, the Environmental Health Department completed its review for conformance with the LCP/LIP and MMC. Likewise, the City's coastal engineering staff and geological engineering staff also completed their project review and approved the project to continue in its City planning review process. Nevertheless, the draft IS/ND has been revised in this subject section to include clarifications to address how the project design, including its variances, meets the policies of the LCP/LIP. In addition, the Project is not proposing a new use of Lechuza Beach because the existing public use of Lechuza Beach pre-dates the City's certified LCP/LIP and the MRCA's property acquisitions at Lechuza Beach. Although the proposed Project may require additional entitlements as identified by the City, the scope of the Project as proposed in the draft IS/ND is determined to have a less than significant impact on the environment. Revisions were made to the Land Use and Planning section to further clarify how the Project complies with the City's LCP.

*Page 47: States that construction activities and use of construction equipment would not result in the generation of excessive ground borne vibration or ground borne noise levels. However, the IS/ND does not discuss what type of construction equipment will be necessary for the proposed development, or a plan of how the construction will occur. Should heavy equipment on the beach be required to construct the single-stall restroom or other proposed development, a construction*

*plan shall be submitted to the City of Malibu for review and would need to be addressed in the IS/ND project description of construction activities and evaluated for environmental impacts.*

The draft IS/ND has been revised to further clarify the noise impacts that could potentially result from the proposed Project's construction activities. Construction-generated noise is not expected to be significant due to the limited scope of the proposed improvements (and thereby limited duration of construction) and the use of finished components, where feasible, that will be brought and installed onsite (e.g., signage, restroom amenities, and other prefabricated materials). Construction activities will not result in significant environmental impacts due to the limited scope of the Project, as the majority of the Project's components involve the replacement of existing structures and new small-scale structures. Any plans required by the City will be submitted as part of the CDP application process and ensuing final plan check process prior to construction.

*Page 51: The Project proposes to reconstruct existing public access improvements and provide new access amenities including a single-stall restroom. The study should indicate if the single-stall restroom will be locked during hours the pedestrian gate at Lot I is locked. It is practical to assume that, should the restroom remain unlocked 24-hours a day, public use of the beach may extend beyond the proposed hours of operation of the pedestrian gate at Lot I, creating additional night time impacts on the surrounding residential neighborhood. This concern speaks to the importance of the Beach Management Plan's inclusion in the Project Description.*

The operating hours are included in the Beach Management Plan. The draft IS/ND was revised to describe the operating hours of the pedestrian gates and the restroom. The gates and the restroom would open and close at the same time. The restroom would not be unlocked 24 hours a day. Therefore, there would be no additional night time impacts on the surrounding residential neighborhood resulting from use of the restroom.

*1) Page 52: The IS/ND states, "the Project will not substantially increase vehicle trips to Lechuza Beach as visitation is limited by existing parking availability along Broad Beach Road, a public road. Existing visitation often reaches capacity during the peak season." It is practical to assume that the new proposed vehicular access improvements could increase visitor traffic to the area. The IS/ND should provide information regarding how many visitors are anticipated to visit the beach per day (including both peak times and normal times). The IS/ND should also include measures for managing vehicular parking along Broad Beach Road during the peak season, again related to the Beach Management Plan's importance.*

The proposed restroom is designed to accommodate a peak visitorship of 200 people per day, as stated in Reference #17 of the list of Project-specific technical reports referenced in the draft IS/ND. Furthermore, the new proposed vehicular access improvements are intended only for disabled parking and loading/unloading through a reservation system. The increase in traffic from the reserved disabled parking and loading/unloading will not significantly impact visitor traffic to the area as the turnover rate will be regulated to allow time for visitors with disabilities to enjoy Lechuza Beach. Because the Project is not proposing a new use, but rather new improvements to an existing public use, existing traffic and parking conditions along Broad Beach Road are anticipated to continue without significant impacts as a result of the proposed Project. The Transportation section of the draft IS/ND has been revised to further clarify the Project's impacts on visitorship, visitor traffic, and existing conditions along Broad Beach Road as explained here in response to the City's comment.

*2) Upon review of the IS/ND, the City Public Works Department is requesting further documentation in the form of a traffic analysis in order to demonstrate the conclusions in the*

*document that the potential parking and traffic impacts along Broad Beach Road and within the surrounding residential neighborhood will be less than significant.*

A Collision Summary Report was obtained from the Sheriff's Department of Los Angeles County by the City and was provided to the MRCA. The report consists of five reported collisions from January 1, 2009 through March 6, 2019 within the vicinity of the Project. All five collisions were minor in nature and did not result in any injuries or fatalities over the course of ten years in which public access occurred at Lechuza Beach. Furthermore, because the proposed Project is not proposing a new use, but rather new improvements to an existing public use, the Project would have less than significant parking and traffic impacts along Broad Beach Road and within the surrounding residential neighborhood.

### **Response to Comment #9**

The MRCA acknowledges the Commenter's description of improper behaviors in and around Lechuza Beach. The MRCA responds that the proposed Project includes a Beach Management Plan that is intended to alleviate some of the improper behaviors that the Commenter describes. However, the Beach Management Plan and the proposed Project are only applicable to those portions of Lechuza Beach owned and/or operated by the MRCA.

The proposed Project's Beach Management Plan includes provisions for opening and closing times of all public access gates at Lechuza Beach, as well as for the operation and maintenance of Lechuza Beach and the proposed public access improvements.

The MRCA acknowledges the Commenter's remaining comments on the proposed Project and responds that these comments do not satisfy the requirements of Section 15204. Comments noted.

### **Response to Comment #10**

The Commenter submitted a first set of comments on March 1, 2019 (see Comment #8 above).

The following comments, stated below in italics, are Commenter's supplemental comments provided to the MRCA after Commenter's review of the draft Beach Management Plan that was provided to Commenter on April 12, 2019, upon Commenter's request. MRCA's response follows the italicized comments in normal text.

*The City of Malibu submits the following comments in response to the Draft Beach Management Plan. This letter serves to supplement the comments to the Draft Initial Study (IS)/ Negative Declaration (ND) for the Lechuza Beach Public Access Improvements Project provided by the City of Malibu on March 1, 2019. The City's staff comments related to the Draft IS/ND are included as an attachment to this letter. Comment Number A.2 of the attached letter requires MRCA to submit an updated Beach Management Plan for review. The following comments are in response to the Draft Beach Management Plan submitted to the City of Malibu on April 12, 2019.*

The comments submitted on March 1, 2019 are designated as Comment #8. Responses to Comment #8 are provided above.

*Section 4.1: Additional Pedestrian Access via East Sea Level Drive and West Sea Level Drive Easements*

- 1) *Section 4.1 states that the pedestrian access via East Sea Level Drive and West Sea Level Drive will be locked by automatic timers to prevent exiting after 10 p.m. from March 1st through September 30th and after 7 p.m. from October 1st through February 28th. Although pedestrian access through the gate at Lot I will allow egress at all hours, any malfunction of the Lot I gate could feasibly strand a pedestrian, preventing them from exiting during the evening hours. This is a public/human safety related issue that needs to be addressed.*

The phone number of a 24-hour ranger answering service is posted on the existing rules signs at East Sea Level Drive, West Sea Level Drive, and at Lot I, and will be posted on both sides of each entrance gate at these locations so that visitors may call to report problems or request assistance. For other emergencies, the signs advise visitors to dial 911. Calls received through the answering service are dispatched to on-call MRCA rangers. A stranded pedestrian may call the number to request assistance in the event the gate malfunctions.

*Section 8.0 and 8.1: Non-Peak Season and Peak Season*

- 2) *Sections 8.0 and 8.1 address inspection and maintenance of the beach and accessways. Both Non-Peak and Peak staffing and maintenance plans appear to be the same. It's logical to assume the Peak season protocols would require additional staffing and/or an increased number of visits by staff to monitor the beach and facilities. The sections also state that inspections and maintenance may be performed by the MRCA's maintenance personnel. A more definitive statement regarding who will maintain and inspect the beach and facilities is needed. Maintenance and regular inspections of the beach and facilities is crucial to the protection of public safety, water quality and traffic circulation.*

Section 8.0 of the draft Beach Management Plan addresses staffing for the weekdays during non-peak and peak seasons, while Section 8.1 mandates that staffing be scheduled for weekend days and holidays, in addition to the weekdays, during the peak season. This addresses the additional staffing needed for an anticipated increase in the number of visits during the peak season. In addition, Sections 8.0 and 8.1 explicitly state that "the MRCA shall clean the restroom, remove trash from the MRCA Lots and the trash cans maintained by the MRCA on the MRCA Lots and along Broad Beach Road, conduct a foot patrol of the MRCA Lots, and inspect stairways, signs, locks, gates, view platforms, and parking spaces, etc. to ensure that they are in good condition and repair and free from debris, graffiti, decals, unauthorized signs and similar defacement." The statement that inspections and maintenance may be performed by the MRCA's maintenance personnel is intended to provide the MRCA with the additional option of using MRCA's maintenance personnel instead of MRCA rangers to perform inspections and maintenance.

*Section 8.2: Maintenance and Repairs*

- 3) *Similar to Sections 8.0 and 8.1, a more definitive statement identifying the responsible party/agency to perform maintenance and repairs is required. Proper maintenance of the beach and facilities is directly related to public safety and water quality issues. Please also directly identify a responsible agency to perform regular maintenance of the restroom and shoreline.*

The draft Beach Management Plan clearly identifies the MRCA as the responsible agency to perform maintenance and repairs on portions of Lechuza Beach where the MRCA has fee simple or easement interests. Sections 8.0 and 8.1 explicitly state that "the MRCA shall clean the restroom, remove trash from the MRCA Lots and the trash cans maintained by the MRCA on the

MRCA Lots and along Broad Beach Road, conduct a foot patrol of the MRCA Lots, and inspect stairways, signs, locks, gates, view platforms, and parking spaces, etc. to ensure that they are in good condition and repair and free from debris, graffiti, decals, unauthorized signs and similar defacement.” It is logical from the preceding sections that the maintenance and repair activities described in Section 8.2 are the responsibility of the MRCA.