

Appendix A

Comments Received on the Draft IS/ND

MRCA
Attachment 2
May 1, 2019
Agenda Item X

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]

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 & 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

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/ 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.

JAN 31 2019

MRCA
MALIBU

To whom

"WOW-WOW," THIS WITH SHIRLEY BEING AN 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 THE TAKES THE CAKE -

Eric 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

SC
Review of
Reg Dec

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

1/24/19
7/16/2007

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

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

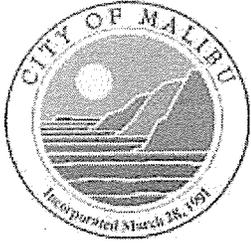
Conformance Review Complete for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or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

2-27-19
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

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Mountains Recreation and Conservation Authority Judi Tamasi Judi.tamasi@mrca.ca.gov	
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: mlalent@malibucity.org

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"/>	CONFORMANCE REVIEW COMPLETE 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"/>	CONFORMANCE REVIEW INCOMPLETE 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"/>	NOT REQUIRED
	<input type="checkbox"/>	REQUIRED (attached hereto) <input type="checkbox"/> REQUIRED (not attached)

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

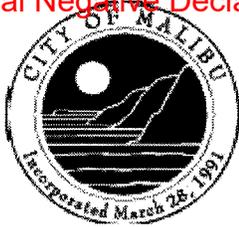
Initial Study Comments:

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

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

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

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: dcrawford@malibucity.org

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"/> INCOMPLETE: Additional information and/or a response to the listed review comments is required. <input type="checkbox"/> DENIED 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"/> APPROVED 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.

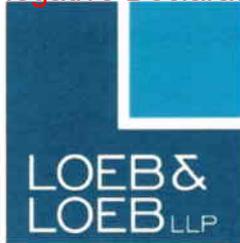
NOTE: The fees for a Biological Reviews for a CDP are \$860.00 and must be paid immediately. This permit application will not receive a final determination until all required fees are paid.

-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".

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

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

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

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

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

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.

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

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

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
Cattail unattractive
To get equip. vehicle by

forming 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

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 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.

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.

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

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

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

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

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.

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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

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.

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

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

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 1 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 1, 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.