

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Order (revised April 21, 2022). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. The meeting will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to revans@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may also speak during the meeting through the Zoom application. The City requests that you sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

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Malibu Environmental Review Board
Meeting Agenda
(to be held during COVID-19 emergency)

Wednesday, May 25, 2022

9:00 A.M. – ENVIRONMENTAL REVIEW BOARD MEETING

Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT

[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)

1. **Written and Oral Communications from Staff and the Board**

2. **Old Business**

None.

3. **New Business**

A. **Coastal Development Permit No. 21-013, Capital Improvement Project No. 21-002, Initial Study No. 22-001, and Mitigated Negative Declaration No. 22-001 – An application to replace two damaged drainage culverts on Pacific Coast Highway near Nicholas Canyon Beach Road and biological habitat restoration**

Application Filing: April 6, 2021

Project Applicant: CalTrans

Property Owner: California Department of Transportation, County of Los Angeles, William B. Feil, Edward R. Niles, William E. Niles

Location: 34201.5 Pacific Coast Highway, within the appealable coastal zone
Nearest APNs: 4473-027-005; 4473-027-006; 4473-027-007; 4473-024-904; 4473-024-911; 4473-024-900
Zoning: Rural Residential-20 acres and Public Open Space
Case Planner: Contract Planner Pisarkiewicz, 203-962-9078

Recommended Action: Review the proposed project and provide recommendations for the Planning Commission's consideration.

Adjournment

Guide to the Meeting Proceedings

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, State of California, and a federal emergency declared by the President of the United States. In order to reduce the risk of spreading COVID-19, the Environmental Review Board meeting will be open and public but conducted virtually because meeting in person would present imminent risks to the health or safety of attendees. This way, the public, the staff, and the Board will not be physically in the same place.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Applicants will be given 15 minutes to present their position to the Board. Members of the public wishing to speak will be limited to three (3) minutes. Members of the public wishing to speak during the meeting must participate through the Zoom application. The City requests that you sign up to speak before the item you would like to speak on has been called by the Chair. In order to speak, individuals must visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Items in New Business are items, which are appearing for the first time for formal action. Applicants will be given 15 minutes to present their position to the Board. Members of the public wishing to speak will be limited to three (3) minutes. Members of the public wishing to speak during the meeting must participate through the Zoom application. The City requests that you sign up to speak before the item you would like to speak on has been called by the Chair. In order to speak, individuals must visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Copies of the staff reports or other written documentation relating to each item of business described above are available at <https://www.malibucity.org/agendacenter>. Requests to show an audio or video presentation during a Board meeting should be directed to Alex Montano at (310) 456-2489, ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 18th day of May 2022 at 12:30 p.m.



Rebecca Evans, Administrative Assistant



Environmental Review Board Agenda Report

To: Members of the Environmental Review Board

Prepared by: Adam Pisarkiewicz, Contract Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Courtney McCammon, City Biologist

Date prepared: May 18, 2022 Meeting date: May 25, 2022

Subject: Coastal Development Permit No. 21-013, Capital Improvement Project No. 21-002, Initial Study No. 22-001, and Mitigated Negative Declaration No. 22-001 – An application to replace two damaged drainage culverts on Pacific Coast Highway near Nicholas Canyon Beach Road and biological habitat restoration

Application Filing Date: April 6, 2021

Owner: California Department of Transportation (Caltrans), County of Los Angeles, William B. Feil, Edward R. Niles, William E. Niles

Applicant: Caltrans

Location: 34201.5 Pacific Coast Highway, within the appealable zone

Nearest APNs: 4473-027-005; 4473-027-006; 4473-027-007; 4473-024-904; 4473-024-911; 4473-024-900

Zoning: Rural Residential–20 acres and Public Open Space

RECOMMENDED ACTION: Review the proposed project and initial study and provide recommendations to the Planning Commission.

DISCUSSION: The proposed project is to replace two damaged drainage culverts of approximately 420 and 320 feet in length along Pacific Coast Highway (PCH). The project also includes biological habitat restoration. This project involves two of a total of 19 planned drainage improvements along Pacific Coast Highway (PCH) within the City of Malibu to restore full functionality, prevent further deterioration, and ensure proper drainage in an area that is subject to erosion. The two drainage improvements that are the

focus of this report are designated Location No. 13 and Location No. 14 by Caltrans. The project is located within an Environmentally Sensitive Habitat Area (ESHA), but the proposed improvements are permitted within the ESHA.

The project is part of a broader drainage improvement project for which an Initial Study (IS)/Environmental Assessment (EA) and Mitigated Negative Declaration (MND)/Finding of No Significant Impact (FONSI) were prepared to comply with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The preparation of an IS/MND for the broader drainage improvements requires this project to be reviewed by the Environmental Review Board (ERB). The project involves minor excavation on the downslope from PCH (beachside) to replace the drainage pipe. Beach access is required for a temporary access road. The proposed entry and exit for the temporary access road is along Leo Carrillo State Beach, outside of the City boundary. Caltrans has secured a permit from Los Angeles County Beaches and Harbors for the temporary beach access. The project also includes habitat restoration to mitigate potential impacts on the ESHA.

Environmental Review and Project Alternatives

As part of the planning and design process for the project, Caltrans prepared and circulated an Initial Study and Mitigated Negative Declaration (IS/MND) during March of 2019. The IS/MND studied the following two alternatives:

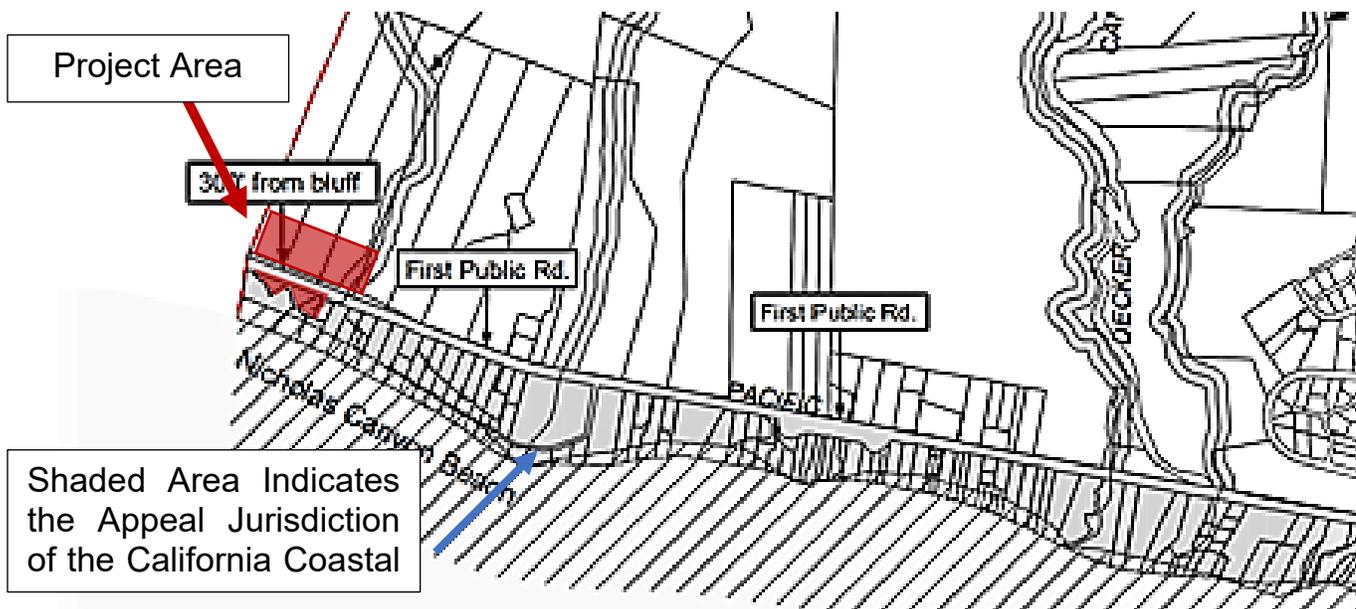
Alternative 1 – No Build-Alternative: With the “No-Build Alternative,” none of the proposed improvements would be implemented or constructed and continued deterioration of the existing drainage system would compromise the safety of the roadway.

Alternative 2 – Rehabilitate Drainage at 19 Locations on PCH: Initially, Caltrans had proposed rehabilitation of drainage facilities at 19 locations largely through a relining of existing drainage structures along the route. The scope of work for the 19 locations was modified after a culvert assessment was initiated to confirm the need for rehabilitation and repair. The assessment showed that some of the existing drainage and culvert facilities required full or partial pipe replacements, and that a relining of existing structures would be insufficient.

Outside Agency Involvement

The proposed project boundaries lie within the permitting jurisdiction of the City of Malibu and within the jurisdiction retained by the California Coastal Commission (CCC) as shown on the Post-Local Coastal Program (LCP) Certification and Permitting Jurisdiction Map shown in Figure 1. The Coastal Development Permit (CDP) will be appealable to the CCC as it is a public works project and is located within the appealable jurisdiction.

Figure 1 – California Coastal Commission Appeal Jurisdiction Map



Source: Post-LCP Certification Permit and Appeal Jurisdiction City of Malibu, Map 1

In addition, to the subject CDP application being processed by the City, additional permits and approvals will be required by the following agencies prior to commencement of construction:

- California Coastal Commission
- California Department of Fish and Wildlife Section 1602 Streambed Alteration Agreement
- California Department of Parks and Recreation
- Los Angeles County Beaches and Harbors
- Regional Water Quality Control Board Clean Water Act Section 401 Certification
- United States Army Corps of Engineers Clean Water Act Section 404 Permit

The Determinations Reached in the IS/MND

The IS/MND determined that the proposed project would have no effect on cultural resources, environmental justice, farmlands/timberlands, land use planning, growth, mineral resources, paleontology, population and housing, public services, recreational resources, tribal cultural resources, and utilities and service system resources, or wild and scenic rivers.

Furthermore, it was determined that the proposed project would have less than significant effects on aesthetics, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, and transportation/traffic resources. The IS/MND concluded that with the inclusion of the recommended mitigation measures, the proposed project would have less than significant effects on biological resources. The applicant has

also provided a Habitat Mitigation and Monitoring Plan to account for the mitigation measures.

Surrounding Land Uses

The project site is surrounded by residential uses to the north and a public beach to the west, east, and south. Table 1 summarizes the surrounding land uses.

Table 1 – Surrounding Land Uses				
	Address/ APN	Size	Zone	Land Use (Year Built)
North	34685 Pacific Coast Highway	20.1 acres	RR-20	SFR (2002)
North	34555 Pacific Coast Highway	20.1 acres	RR-20	SFR (1997)
North	34405 Pacific Coast Highway	20.1 acres	RR-20	SFR (1997)
West	City Boundary	6.37 acres		Vacant
East	Nicholas Canyon Beach Park		POS	Open Space
South	Nicholas Canyon Beach Park		POS	Public Beach

Environmental Review and Project Chronology

Between November 2, 2018 and December 14, 2018, the draft Final IS/EA/MND/FONSI was circulated by Caltrans (SCH No. 2018111004). Due to the cancellation of the public hearing because of the Woolsey Fire, Caltrans continued to accept comments beyond this date.

On March 25, 2019, Caltrans filed a Notice of Determination for the project.

On April 6, 2021, an application for the proposed project was submitted to the Planning Department.

On September 14, 2021, a Notice of Application was posted on the property.

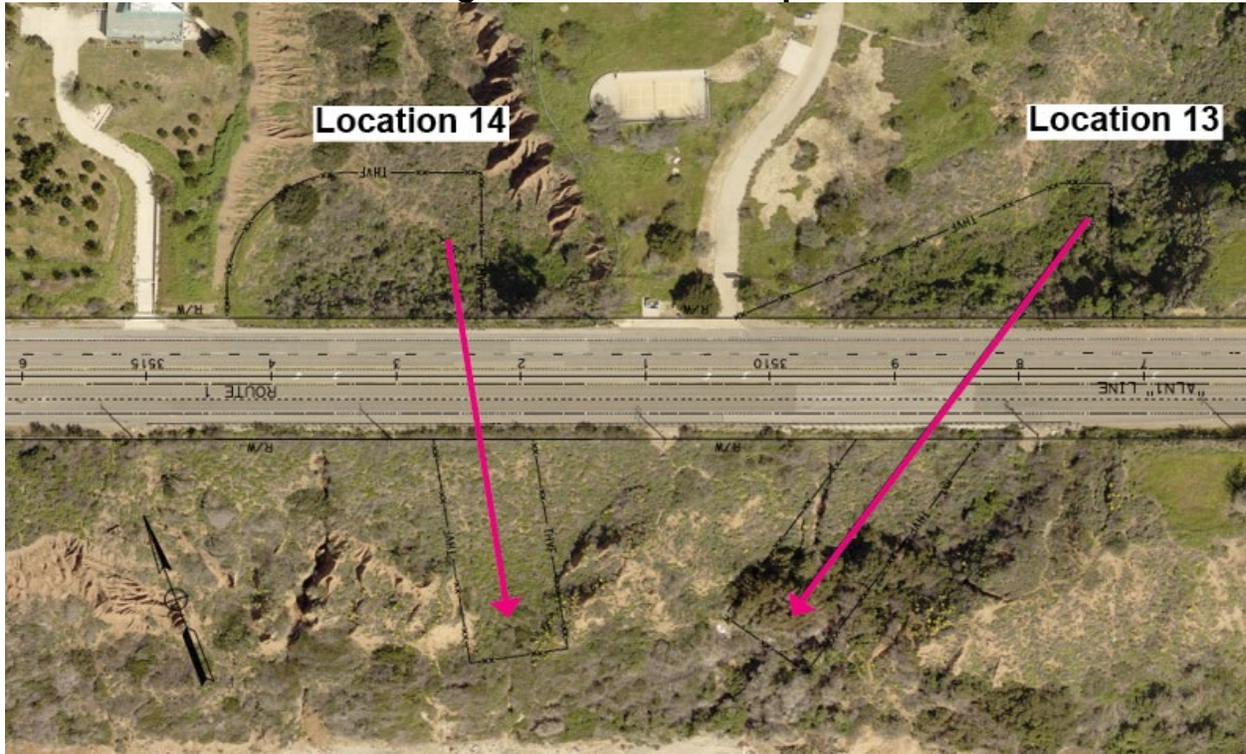
On February 3, 2022, the application was deemed complete.

Project Setting

Figure 2 below displays the location and outflow directions of each proposed drainage culvert. Each culvert’s intake is located on private property (34555 PCH and 34405 PCH)

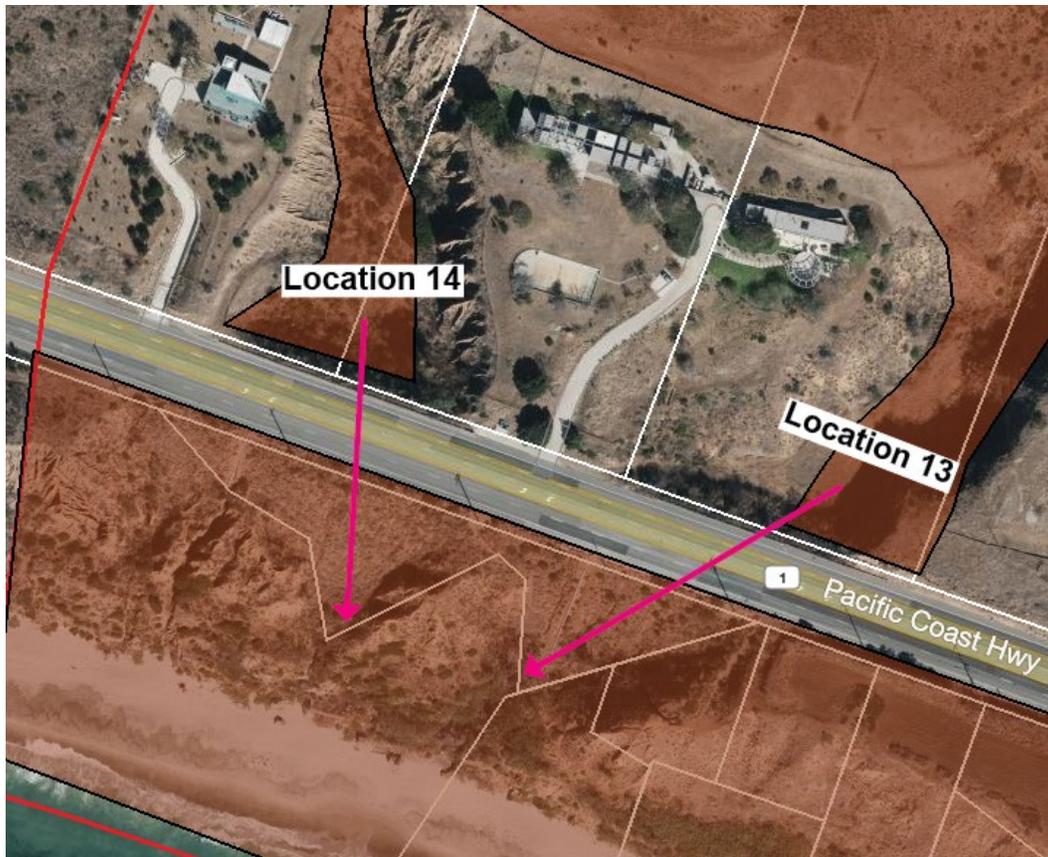
while the outflow ends are located on public property within the Nicholas Canyon Beach Park area.

Figure 2: Location Map



Source: Caltrans

Figure 3: ESHA Boundaries



Source: City GIS

No trails are mapped on or adjacent to the project area according to the LCP Park Lands Map. The subject parcels contain ESHA based on the LCP ESHA and Marine Resources Map on the private properties, north of PCH, and on public property, south of the PCH. Figure 3 displays Locations Nos. 13 and 14 within the designated ESHA.

Project Description

The proposed scope of work is as follows:

- a. Abandonment of existing culvert and installation of 411 feet of Reinforced Concrete Pipe (RCP), 24 inches in diameter, at "Location No. 13" parallel to the abandoned culvert. The replacement will occur between 18 feet and 75 feet below PCH roadway
- b. Abandonment of existing culvert and installation 312 feet of RCP, 24 inches in diameter, at "Location No. 14" parallel to the abandoned culvert. The replacement will occur between 7 feet and 70 feet below PCH roadway
- c. Removal of non-native tree and plant species and re-planting of affected areas with coastal sage scrub.

The subject area is located between Nicholas Canyon Road and the western edge of the City limits. The drainage culvert inlets are located on properties in the RR-20 zone at

34495 PCH, 34555 PCH, and 34405 PCH and allow water to drain through a pipe underneath the roadway leading to outflow into open space within the Nicholas Canyon Beach area. The drainage culverts were originally installed in 1946. The need for the proposed project is based on Caltrans District 7 Culvert Inspection Program that continually assesses the conditions of drainage facilities on State Route 1/PCH. Inspection data showed evidence of joint separation, misalignment of culverts, concrete spalls at reinforced concrete pipe joints, and circumferential and longitudinal cracking. Further deterioration of these drainage facilities is expected if not repaired or rehabilitated as proposed by this project.

Location No.13 requires the replacement of an existing 30-inch RCP while Location No.14 requires the replacement of an existing 24-inch RCP. No lane closures or other traffic safety measures along PCH will be required for the project.

The proposed project is subject to State and Federal environmental review requirements. Caltrans has prepared an IS/EA with MND/FONSI in compliance with both CEQA and the NEPA. Caltrans is the lead agency under CEQA and NEPA.

The proposed project has been reviewed by the Planning Department, City Coastal Engineer, City geotechnical consultant reviewers, City Environmental Health Administrator, City Biologist, and City Public Works Department (Attachment C – Department Review Sheets).

The City Biologist has determined that the culverts are a permitted use in wetlands under the criteria of “Incidental Public Services”, a permitted use in streams as it involves flood protection and habitat restoration, and a permitted use in ESHA buffers as it involves habitat restoration and will include removal of invasive plant species.

Archaeology

As discussed in the IS/MND, Caltrans archaeologists conducted an archaeological survey of the project area on August 7, 2017 and March 19, 2018. Survey efforts were focused primarily in areas with the potential to be impacted by construction activities, the proposed easements, and staging and storage locations. Areas along the coast that were too steep to walk over were not surveyed. No archaeological resources were identified within the Area of Potential Effects during the survey efforts.

Consistent with Assembly Bill 52, Native American consultation was initiated on February 1, 2018. A Sacred Lands File and Native American Contacts List Request form and a map depicting the project location was sent to the Native American Heritage Commission (NAHC). The Sacred Lands Files and Native American Contacts List Request form requested that the NAHC search their Sacred Lands Database and provide a list of potentially interested Native American representatives for the project area. The NAHC responded in writing on February 2, 2018. The NAHC stated that their Sacred Lands File did not show Native American cultural resources within the project locations. The NAHC provided a list of 16 Native American representatives to contact for further information.

Letters describing the project locations and project area maps were sent to the 16 Native American individuals on February 9, 2018. Project status letters were mailed to the Native American representatives on July 9, 2018, to provide a project update and the results of the current study. Consultation with local tribes included on the NAHC list include the Coastal Band of the Chumash Nation on August 2, 2018, Fernandeno Tataviam Band of Mission Indians on September 7, 2018, and November 9, 2018,

Water Quality

The City Public Works Department reviewed and approved the proposed project for conformance to Local Implementation Plan (LIP) Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board because the property is located in an Area of Special Biological Significance (ASBS). The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an ASBS as part of the California Ocean Plan. Standard conditions of approval include the implementation of approved storm water management plans during construction activities and management of runoff from the development, including recordation of a water quality mitigation plan, and best management practices in compliance with ASBS standards. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Agency Referrals

The following is a description of the environmental issues reviewed and the corresponding agency approvals.

Biology

The project area is entirely within the designated ESHA overlay.

At the proposed project Location No. 13, it is estimated that 20,400 square feet of coastal scrub habitat will require removal. At the outlet, two 50- to 60-foot tall, non-native Mexican fan palms (*Washingtonia robusta*) will be removed as well as several non-native *Myoporum laetum*. The area immediately around the culvert outlet has a small grove of non-native Eucalyptus trees (*Eucalyptus sp.*) of which one or two may need to be trimmed or removed.

At the proposed project Location No. 14, it is estimated that 10,300 square feet of coastal scrub habitat will require removal.

As described in the IS/MND and the Habitat Mitigation and Monitoring Plan, any impacts to coastal scrub habitat will be replanted at a ratio of 1 to 1.

Pursuant to LIP Section 4.5.1 B, the proposed project is a permitted use in wetlands as it meets the criteria of Incidental Public Services. Pursuant to LIP Section 4.5.2 B and C, the proposed work is a permitted use in streams as it involves flood protection and habitat

restoration. Lastly, pursuant to LIP Section 4.5.4 B and C, the proposed work is a permitted use in ESHA buffers as it involves habitat restoration and will include removal of invasive plant species.

The proposed project will result in less than significant impacts to sensitive resources, and no significant loss of native vegetation or wildlife. Therefore, the implementation of the project would result in no adverse impacts on biological resources.

Geology

The City's geotechnical consultant reviewers reviewed the geotechnical report and project plans prepared for the project by Caltrans. On September 3, 2021, the City's geotechnical reviewers approved the proposed project. The project proposes to abandon two existing drainage culverts and the installation of new culverts parallel to those being abandoned. Implementation of the project would not alter the existing seismic or geologic conditions present at the site, nor would it expose people or structures to potential substantial adverse effects due to seismic-related ground failure or landslides.

Public Works

The City Public Works Department has reviewed the project plans and determined that the project is in conformance with the LCP and the Malibu Municipal Code and can proceed through the planning process. Conditions of approval are identified to be implemented during construction and operation, including requiring the City of Malibu, Public Works Department shall be invited to the pre-construction meeting before any construction activity takes place and requiring the preparation of a traffic control plan by a licensed civil or traffic engineer.

Environmental Health

The project does not include replacement or modification to any onsite wastewater treatment system (OWTS), nor is the project expected to impact the OWTS of any neighboring properties. Therefore, there are no adverse impacts on water treatment facilities.

Coastal Engineering

The IS/MND did not identify coastal impacts associated with this project. The City's Coastal Engineers reviewed and approved the project on August 24, 2021. The City's Coastal Engineers determined that the replacement structures are not subject to coastal hazards due to the outlet elevations of approximately 45 feet at Location 13 and 59 feet at Location 14 when also considering for sea level rise. Additionally, they determined that the highest wave uprush reach in this area is generally 30-40 feet and the outlet locations are set back

from the bluff edge far enough that it will not be subject to wave action and therefore no impacts are expected.

Los Angeles County Fire Department

The proposed project is for a roadway improvement that will be constructed to both State and Federal roadway standards. Given the nature of the project, development review by the fire department is not applicable.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department analyzed the proposed project. Caltrans prepared an initial study (Initial Study No. 22-001) pursuant to CEQA Guidelines Section 15300.2(c). The initial study analyzed the proposed project and determined it will not have a significant impact on the environment; subsequently, the Mitigated Negative Declaration No. 22-001 was prepared and circulated pursuant to CEQA Guidelines Section 15070. On October 31, 2018, Caltrans made the Initial Study and Mitigated Negative Declaration available to the public for the required 45-day circulation period, which concluded on March 25, 2019. Comments were accepted beyond the 45-day circulation period due to cancellation of the public hearing because of the Woolsey Fire. The State Clearinghouse closed its review period on December 17, 2018.

SUMMARY: The required findings can be made that the project complies with the LCP. The project has been reviewed and conditionally approved for conformance with the LCP by staff and appropriate City departments.

STAFF FOLLOW-UP: Recommendations of the ERB will be incorporated into the agenda report for the Planning Commission's review and consideration.

EXHIBITS:

Unless otherwise noted, Exhibits were distributed to the ERB in the City's Dropbox and are available for review by contacting the Planning Department at (310) 456-2489, extension 246.

EXHIBITS:

- A. Project Plans
- B. Initial Study / Mitigated Negative Declaration
- C. Department Review Sheets
- D. Geotechnical Report
- E. Total Grading Yardage Verification Certificate
- F. Bio Assessment
- G. Habitat Mitigation and Monitoring Plan
- H. Visual Analysis