To: Chair Jennings and Members of the Planning Commission

Prepared by: Raneika Brooks, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: April 9, 2020
Meeting Date: April 20, 2020

Subject: Coastal Development Permit No. 18-007 – An application for the installation of a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead

Location: 27555 Winding Way, not within the appealable coastal zone

APN: 4460-002-903
Owner: Mountains Recreation and Conservation Authority

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-01 (Attachment A) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 18-007 for the installation of a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead in the Public Open Space (OS) zoning district located at 27555 Winding Way (Mountains Recreation and Conservation Authority [MRCA]).

DISCUSSION: This agenda report provides a project overview, summary of surrounding land uses and project setting, the specific project scope of work, analysis of the project’s consistency with applicable Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to the California Environmental Quality Act. The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.

Project Overview

As shown in Figure 1 below, the 2.04-acre open space parcel is located in the southern portion of the 140.8-acre Escondido Canyon Park, which is a park that consists of open land that is heavily vegetated with a variety of native and non-native plant and tree species.
Owned and managed by MRCA, it is immediately next to and provides trail access to the popular Escondido Falls. MRCA estimates that the park attracts approximately 400 – 600 visitors, such hikers, mountain bikers, and equestrians, on a high weekend use day.

**Figure 1 – Project Area Aerial**

![Project Area Aerial](source: City of Malibu GIS 2019)

The project site is accessed by Winding Way, a private road that serves a residential neighborhood. The property is located approximately one mile east of Kanan Dume Road and approximately one mile north of Pacific Coast Highway (PCH). The project site provides access to the Edward Albert Escondido Canyon Trailhead. As shown in Figure 2 below, a public parking lot for the trail is available one mile south of the trailhead at the intersection of Winding Way and PCH. The public parking lot currently provides the only public toilet for the entire 4.2-mile trail loop in Escondido Canyon Park. The proposed portable toilet will provide a much needed second toilet for the public's use.

The project site is not within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. However, after reviewing the LCP’s definition of “appealable coastal development permit,” after reviewing the California Coastal Act’s definition of “sensitive coastal resource area” provided in Public Resources Code Section 30116, and after consulting with the CCC pursuant to LIP Section 13.10.1, the City has determined the project meets the LCP’s definition of an appealable coastal development permit because of its location in a highly scenic area that would qualify as a sensitive coastal resource area. This determination

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1 Pursuant to LIP Section 13.10.1(B), if the determination of the Planning Manager as to what type of development is being proposed (i.e. appealable, non-appealable), is challenged by the applicant or an interested person, or if the City wishes to have a Coastal Commission determination as to the appropriate designation, the Planning Manager shall notify the District Director of the South Central Coast District Office of the Coastal Commission by telephone or in writing of the dispute/question and shall request the Executive Director’s determination as to whether the development is categorically excluded, non-appealable or appealable.
was based on the fact that the project involves installing a portable toilet that could have had view impacts in an undeveloped area that provides sweeping unobstructed highly scenic views of the surrounding mountains and Escondido Canyon Park. Therefore, the project is appealable to the CCC. The project site is not in a designated Environmentally Sensitive Habitat Area (ESHA) and is approximately 300 feet south of a delineated ESHA as shown on the LCP ESHA and Marine Resources Map (Figure 3 below).

Figure 2 – Escondido Canyon Park Map

![Escondido Canyon Park Map](source)

Existing Public Parking Lot and Portable Toilet

Proposed Portable Toilet

Source: MRCA Escondido Canyon Park Website 2018
Staff worked with the applicant and neighbors extensively on the siting for the project. While siting the proposed portable toilet, the applicant needed to balance public safety and accessibility while minimizing potential visual impacts. The portable toilet must be in a safe location for the public and easily accessible for servicing. However, it is also important for the surrounding residents and the public trail users that the portable toilet is sited and designed to minimize visual impacts on the scenically impressive views of the surrounding mountains and Escondido Canyon Park.

The portable toilet was originally sited immediately adjacent to Winding Way within the street easement which, not only resulted in the six-foot-high wood enclosure being completely visible above grade but also resulted in a portion of the portable toilet unit itself being visible because its height is approximately two feet taller than the enclosure. Water District 29 also expressed concern about this location due to its utility easements. Planning and Public Works staff were concerned about proximity to the street and potential traffic collisions, especially in this area where the paving is narrow, the street is curved and there are no street lights.

In response to staff and neighbor concerns about the public's safety with the toilet's location being close to the road and the visual impact of the toilet, the applicant relocated the toilet to its current location which is at a lower elevation approximately three feet downslope and immediately adjacent to the trail and well off the roadway.

To help assess potential visual impacts to scenic resources, the applicant installed temporary story poles in February 2020 that demonstrated the toilet's current location. The City notified the Planning Commissioners and the neighbors once the story poles
were installed to provide an opportunity to view the toilet’s current location. Photos of the story poles are provided in Attachment C.

Although the current location adequately addresses staff’s safety concerns and Water District 29’s easement concerns since it has shifted the toilet downslope and away from the road, the neighbors continue to have concerns that the toilet is still visible from Winding Way, and would like for the toilet to be shifted further downslope to reduce the toilet’s visibility from the road. In response to the neighbors’ concern, the applicant has indicated that, according to their portable toilet service provider, shifting the toilet further downslope would render the toilet inaccessible for servicing and that the current location is the only feasible alternative.

**Surrounding Land Uses and Project Setting**

As outlined in Table 1 below, the surrounding land use consists of parkland and single-family residential homes.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address / APN</th>
<th>Lot Size</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>4460-002-904</td>
<td>8.33 acres</td>
<td>OS</td>
<td>Park land</td>
</tr>
<tr>
<td></td>
<td>4460-002-901</td>
<td>24.11 acres</td>
<td>OS</td>
<td>Park land</td>
</tr>
<tr>
<td>South</td>
<td>27330 Winding Way / 4460-004-021</td>
<td>1.25 acres</td>
<td>RR-2**</td>
<td>Vacant</td>
</tr>
<tr>
<td>West</td>
<td>27380 Winding Way / 4460-004-014</td>
<td>3.26 acres</td>
<td>RR-2</td>
<td>One-story, SFR**</td>
</tr>
<tr>
<td>East</td>
<td>27320 Winding Way / 4460-004-016</td>
<td>3.73 acres</td>
<td>RR-2</td>
<td>Two-story, SFR</td>
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<td></td>
<td>4460-004-017</td>
<td>1.21 acres</td>
<td>RR-2</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

**RR-2** = Rural Residential – Two Acre; SFR = Single-Family Residential

**Project Description**

The application is to allow the installation of a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead. The project does not propose grading or landscaping. The development area will consist of 47 square feet (Attachment B – Project Plans).

Conditions of approval have been included as follows:

1. The portable toilet must be equipped with a containment tray to keep the ground dry and contaminate-free.
2. The six-foot-high fence enclosure must be equipped with a swing door that automatically locks daily from sunset to 8 am.
3. The exterior of the portable toilet and its enclosure must include a clear anti-graffiti coating to prevent the surface from being defaced with vandalism.
4. Any graffiti found on the portable toilet or its enclosure must be removed within 72
5. The portable toilet must be maintained in a functional, sanitary, and safe condition at all times.

6. The portable toilet must be maintained through daily servicing to include, but not be limited to:
   b. Clean the interior walls, doors, and ceiling, including touchpoints such as door latches and hand sanitizer dispensers.
   c. Remove any trash in and around the portable toilet.
   d. Restock toilet paper rolls, hand sanitizer, etc.

**LCP Analysis**

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP carries out the LUP’s policies, and contains specific requirements to which every project requiring a coastal development permit must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters do contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division.

For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit and Scenic, Visual and Hillside Resource Protection. These chapters are discussed in the *LIP Findings* section of this report.

**LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department and the City Biologist (Attachment D – Department Review Sheets). The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies.

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2 The ESHA, Native Tree Protection, Transfer of Development Credits, Hazards, Shoreline and Bluff Development, Public Access, and Land Division findings are neither applicable nor required for the proposed project.
Zoning (LIP Chapter 3)

The OS zoning designation of the subject parcel specifically allows for the use proposed in this application. The OS zone provides for publicly owned land dedicated to recreation or preservation of the City’s natural resources, including recreation facilities, educational activities, trails, park lands, and preserves. Publicly owned property designated and zoned OS is intended to be used predominantly for recreation or preservation; however, the property may also be used for restrooms, offices or other support facilities to carry out the purpose of the zone. A portable toilet is ancillary and subordinate to the primary OS use. There are no specific development standards applicable to properties in the OS zone;

Grading (LIP Chapter 8)

The project only proposes minor excavation to create a flat pad for the portable toilet unit to sit on and for the installation of footings for the fence enclosure. The minor excavation that is required as part of the project meets the definition of exempt understructure grading. The project conforms to the grading requirements as set forth under LIP Chapter 8, which ensures that new development minimizes the visual and resource impacts of grading and landform alteration.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. A Phase I Archaeological Study was prepared by Aspen Environmental Group for the subject property in February 2020. No indication of prehistoric or historic archaeological was yielded in the project area. Staff determined that any proposed improvements within the project area will have no adverse impact on known cultural resources.

Nevertheless, a condition of approval is included in the resolution which states that in the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Planning Director can review this information.

Water Quality (LIP Chapter 17)

LIP Chapter 17 contains water quality protection policies and standards. The project contains a development area of 47 square feet and stormwater runoff is expected to be negligible, therefore, no evaluation is required.
Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design and performance requirements for OWTS. The project does not include a new OWTS and no system exists on site, therefore, no evaluation is required.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The subject parcel is located in the OS zoning district, an area designated for parklands, trails, and recreational facilities. The project is a request to install a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead. The project is consistent with LCP LUP Policy 6.5 in that it has been sited to minimize impacts to the scenically impressive views of surrounding mountains and Escondido Canyon Park. The project is also consistent with LCP LUP Policy 6.13 in that it is required to incorporate colors and exterior materials that are compatible with the surrounding landscape. To ensure consistency with General Plan LUP Policy 3.2.2, the City solicited input from residents concerning the operational aspects of the portable toilet including hours of use, location, and maintenance, which has resulted in the portable toilet being relocated to address safety and visual impact concerns. The project will be conditioned to comply with MMC Section 12.08.090, which requires the portable toilet to be locked from sunset to 8:00 am daily. This will protect park resources by discouraging unauthorized use of the park and the toilet during hours when the park is closed. The project has been reviewed for conformance with the LCP by the Planning Department and City Biologist. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable development standards.

Finding 2. If the project is located between the first public road and the sea, that the project is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is not located between the first public road and the sea but does contain a portion of the Edward Albert Escondido Canyon Trail. The trailhead is located approximately one mile east of Kanan Dume Road and approximately one mile north of PCH and gently descends into Escondido Canyon Park before it runs approximately 1.3 miles north to the base of Escondido Falls as depicted on the LCP Park Lands Map. The
location of the portable toilet will not interfere with the public’s access to the trail because it is sited on publicly-owned property outside of the trail. The project conforms to the public access policy established in Public Resources Code Section 30212.5 in that it is a support facility that will improve existing public recreation opportunities by providing a second public toilet for users of the Edward Albert Escondido Canyon Trail.

Finding 3. The project is the least environmentally damaging alternative.

The following alternatives to the proposed project were considered.

Alternative Locations – As depicted on the Feasible Alternatives Map in Attachment E, several alternative locations were considered for the portable toilet, the first of which is at the terminus of Winding Way, located approximately one-third of a mile east of the trailhead. Although this location would minimize the toilet’s visibility from the public viewing area of the trail that runs along Winding Way, the stream and culvert in this area reduce the turning radius needed for the portable toilet service trucks to maneuver. Moreover, this remote location would not only create a detour for most trail users but would also make it more challenging for trail users to locate.

The second alternative for locating the portable toilet was immediately adjacent to the trail on an ascending slope that separates the trail from the upper portion of Winding Way. This location would be visible and convenient for users but would require increased site disturbance of additional grading and the construction of retaining walls. MRCA contends this location also posed challenges to access the portable toilet for servicing.

The third alternative for siting the portable toilet, which was the original proposed location discussed earlier in this report, was on the shoulder of Winding Way, located at the trail entrance in an area that has been graded. This location would also be convenient for trail users and portable toilet service providers because of its close proximity to the trailhead and service truck parking area. However, this alternative presented safety concerns because of the close proximity to moving vehicles using Winding Way to access neighboring residences and visual impacts. This location also received opposition from the surrounding residents because of public safety and visual impact concerns.

Although the current location adequately addresses the safety concerns since it has shifted downslope and away from the road, the neighbors continue to have concerns that the toilet continues to be visible from Winding Way.

Proposed Project – The proposed project location three feet downslope from the road and adjacent to the trail is the least environmentally damaging alternative. This site reduces visual impact by lowering the profile of the project from the street, minimizes the grading needed to create a flat pad, and avoids the safety and easement concerns by situating the toilet away from the street easement and vehicular traffic. Importantly, this location also allows adequate proximity to the street for safe servicing of the toilet by wastewater trucks. The proposed development is consistent with that existing in the area, and has been
determined not to result in significant adverse biological, scenic or visual resource impacts, and is the least environmentally damaging feasible alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

As discussed previously, the project site where the toilet will be placed does not contain ESHA and therefore, the findings in LIP Chapter 4 do not apply.

B. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

The subject property is not in a designated ESHA, or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Therefore, the findings of LIP Section 4.7.6 are not applicable.

C. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

D. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual, and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. On September 21, 2018 and October 18, 2019, staff visited the site to determine potential visual impacts of the proposed project on any scenic area, scenic road, or public viewing area. After the proposed location shifted downslope, staff visited the site again on February 21, 2020 after a mock-up of the portable toilet was placed onsite using story poles to allow staff to assess potential visual impacts. The project is visible from the Edward Albert Escondido Canyon Trail which is a public viewing area, but is sited in the area of existing trail signs and two trash receptacles. Based on the site analysis, project plans, and photographs taken during the site visit, it was determined that there would be minimal visual impacts from the trail as a result of the proposed project.

Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

The project is a support facility for users of the trail and there is no feasible way to install the portable toilet that would not be visible from the trail. However, the portable toilet and its six-foot high wooden fence enclosure is a typical amenity for a trail and parkland use and will be compatible with the existing parkland improvements, which consist of two trash
receptacles, a two-post supported large sign and a small sign. Accordingly, the project, as proposed, will not have significant adverse scenic or visual impacts.

**Finding 2.** The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

The project will be conditioned to require the wood fence enclosure to be painted brown with a clear anti-graffiti coating to prevent the surface from being defaced with vandalism. Accordingly, the project, as conditioned, will not have significant adverse scenic or visual impacts.

**Finding 3.** The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Section A, Finding 3, the project, as proposed and conditioned, is the least environmentally damaging feasible alternative.

**Finding 4.** There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As discussed in Finding 1, the project, as conditioned, will result in a less than significant impact on scenic and visual resources.

**Finding 5.** Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

As discussed in Finding 1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources.

**E. Transfer of Development Credit (LIP Chapter 7)**

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

**F. Hazards (LIP Chapter 9)**

With the exception being located within a high wildfire hazard area, the proposed development will not be subject to any of the hazards listed in LIP Chapter 9. The proposed improvements consist of the installation of a portable toilet enclosed by a permanent six-foot-high fence. The proposed improvements will not in any appreciable increase the potential for wildfire on or near the subject site. The findings of LIP Chapter 9 are not necessary.
G.  Shoreline and Bluff Development (LIP Chapter 10)

The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. The subject parcel is located on the seaward side of PCH, but is separated from the bluff top by another property. Therefore, the findings of LIP Chapter 10 are not applicable.

H.  Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff-top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the subject property includes a portion of the Edward Albert Escondido Canyon Trail. The proposed project is a portable toilet which is a support facility that will improve existing public recreation opportunities by providing a second public toilet for trail users. As stated earlier, the location of the portable toilet will not interfere with the public’s access to the trail because it is sited on publicly-owned property outside of the trail. The project enhances public access and further findings are not required.

I.  Land Division (LIP Chapter 15)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303 (e) - New Construction and 15311(c) – Accessory Structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).
CORRESPONDENCE: Staff has received correspondence from property owners in the neighborhood who have expressed concerns (Attachment F – Public Correspondence).

The concerns can be summarized in three categories:

1. **Siting and Design** - The portable toilet’s original location along the shoulder of Winding Way raised public safety concerns because of its proximity to moving vehicles that use Winding Way. Moreover, the trail has a descending slope from Winding Way and, to reduce visual impacts from the road, the neighbors requested that the toilet be relocated further downslope. Also, to prevent the enclosure from being defaced with vandalism, the neighbors requested the enclosure to be treated with a clear anti-graffiti coating.

2. **Operational Aspects** – For the toilet to remain functional, safe, and sanitary, the neighbors expressed concerns about the frequency of the toilet’s servicing, maintenance, the park ranger’s patrol of the area. Furthermore, the neighbors requested that the restroom is locked from sunset to sunrise.

3. **Trail Improvements and Maintenance** – The neighbors have expressed concerns that the trails in the area are not well maintained, require brush clearance, and the decomposed granite needs to be re-compacted. The neighbors are also concerned about trail users veering off the trail into the street, and that fencing should be installed along the segments of the trail that follow blind curves along Winding Way.

As stated earlier, the applicant has relocated the toilet to its current location which is at a lower elevation approximately three feet downslope and away from the road to address the public safety and visual impact concerns. The applicant has indicated that, according to their portable toilet service provider, shifting the toilet further downslope would render the toilet inaccessible for servicing and that the current location is the only feasible alternative.

The project is conditioned to require the toilet to be locked nightly from sunset to sunrise, for the enclosure to be treated with a clear anti-graffiti coating, and that servicing be conducted on a daily basis. The applicant has indicated that, in addition to the daily maintenance of the toilet, a park ranger will visit the site two to three times per week.

Although staff understands the neighbors’ concerns about the ongoing need for trail repair and maintenance, staff is unable to find a nexus between the proposed portable toilet and the requirement of trail maintenance and fence installation along portions of the trail as a condition of approval for this CDP. These concerns will need to be addressed as a separate matter.
PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on April 9, 2020 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property on April 9, 2020 (Attachment H). The Notice of Public Hearing that was published in the newspaper and emailed to all interested parties incorrectly identified the project as non-appealable development while the notice mailed to all property owners and occupants within a 500-foot radius of the subject property correctly identified the project as appealable development. Once staff discovered the error, an updated Notice of Public Hearing was emailed to all interested parties that correctly identified the project as appealable development.

SUMMARY: The required findings can be made that the project complies with the LCP and MMC. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-01. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

A. Planning Commission Resolution No. 20-01
B. Project Plans
C. Site Photos
D. Department Review Sheets
E. Feasible Alternatives Map
F. Public Correspondence
G. 500-Foot Radius Map
H. Notice of Public Hearing
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 18-007 FOR THE INSTALLATION OF A PORTABLE TOILET ENCLOSED BY A PERMANENT SIX-FOOT HIGH FENCE TO SERVE THE PUBLIC AT THE EDWARD ALBERT ESCONDIDO CANYON TRAILHEAD, LOCATED IN THE PUBLIC OPEN SPACE ZONING DISTRICT AT 27555 WINDING WAY (MOUNTAINS RECREATION AND CONSERVATION AUTHORITY)

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

SECTION 1. Recitals.

A. On March 5, 2018, an application for Coastal Development Permit (CDP) No. 18-007 was submitted to the Planning Department by applicant and property owner, the Mountains Recreation and Conservation Authority (MRCA). The application was routed to applicable departments and agencies for review.

B. On September 21, 2018 and October 18, 2019, staff visited the site to assess alternatives for the location of the portable toilet and to determine potential visual impacts of the proposed project on the scenic area, scenic road, or public viewing area.

C. On September 25, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On September 26, 2019, the subject application was deemed complete for processing.

E. On February 21, 2020, the applicant submitted revised plans to address neighbors’ safety and visual impact concerns.

F. On February 21, 2020, Planning Department staff conducted a site visit to inspect the installed story poles representing the location and height of the proposed portable toilet and enclosure. The City notified the Planning Commissioners and the neighbors once the story poles were installed to provide an opportunity to view the toilet’s current location.

G. On April 9, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On April 20, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.
SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(e) – New Construction and 15311(c) – Accessory Structures. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implemenation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 18-007 for the installation of a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead in the Public Open Space (OS) zoning district located at 27555 Winding Way.

The project is consistent with the LCP’s zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is consistent with LCP LUP Policy 6.5 in that it has been sited to minimize impacts to the scenically impressive views of surrounding mountains and Escondido Canyon Park. The project is also consistent with LCP LUP Policy 6.13 in that it is required to incorporate colors and exterior materials that are compatible with the surrounding landscape. To ensure consistency with General Plan LUP Policy 3.2.2, the City solicited input from residents concerning the operational aspects of the portable toilet including hours of use, location, and maintenance, which has resulted in the portable toilet being relocated to address safety and visual impact concerns. The project will be conditioned to comply with MMC Section 12.08.090, which requires the portable toilet to be locked from sunset to 8:00 am daily. This will protect park resources by discouraging unauthorized use of the park and the toilet during hours when the park is closed. The project has received LCP conformance review from the Planning Department and the City Biologist and is determined to be consistent with the policies and provisions of the LCP and MMC.

2. The location of the portable toilet will not interfere with the public’s access to the trail because it is sited on publicly owned park property outside of the trail easement and street easement. The project is consistent with the public access requirements of the Coastal Act.

3. The proposed project location three feet downslope from the road and adjacent to the trail is the least environmentally damaging alternative. This site reduces visual impact by lowering the profile of the project from the street, minimizes the grading needed to create a flat pad, and avoids the safety and easement concerns by situating the toilet away from the street.
easement and vehicular traffic. Importantly, this location also allows adequate proximity to the street for safe servicing of the toilet by wastewater trucks. The proposed development is consistent with that existing in the area, and has been determined not to result in significant adverse biological, scenic or visual resource impacts, and is the least environmentally damaging feasible alternative.

B. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

1 and 2. The project is a support facility for users of the trail and there is no feasible way to install the portable toilet that would not be visible from the trail. However, the portable toilet and its six-foot-high wooden fence enclosure is a typical amenity for a parkland use and will be compatible with the existing parkland improvements, which consist of two trash receptacles, one two-post large sign, and one small sign. Accordingly, the project, as proposed, will not have significant adverse scenic or visual impacts.

3, 4 and 5. The project, as proposed and conditioned, is the least environmentally feasible alternative due to its siting and design which minimize visibility, avoid ESHA disturbance, facilitate safe servicing, and avoid traffic conflicts. There are no significant scenic or other resource impacts expected. As a result, there are no feasible alternatives that would substantially lessen such impacts.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 18-007, subject to the following conditions.

SECTION 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any lawsuit challenging the City’s actions concerning this project.

2. Approval of this application is to allow the installation of a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead. The project does not propose grading or landscaping. The development area will consist of approximately 47 square feet.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on architectural plans on file with the Planning Department date-stamped February 21, 2020 on file with the Planning Department. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 working days of this decision and/or prior to commencement of any development.

5. The applicant shall submit two (2) complete sets of plans to the Planning Department for consistency review and final approval prior to the installation of the project commencing.

6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the Planning Department for consistency review and final approval prior to the installation of the project commences.

7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All structures shall conform to requirements of the Environmental and Building Safety Division, City geotechnical staff, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Waterworks District No. 29 and the Los Angeles County Fire Department, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. An application with all required materials and fees may be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

**Cultural Resources**

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Grading/Drainage/Hydrology

14. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

Site Specific

15. The portable toilet must be equipped with a containment tray to keep the ground dry and contaminate-free.

16. The six-foot-high fence enclosure must be equipped with a swing door that automatically locks daily from sunset to 8 am.

17. The exterior of the portable toilet and its enclosure must include a clear anti-graffiti coating to prevent the surface from being defaced with vandalism.

18. Any graffiti found on the portable toilet or its enclosure must be removed within 72 hours at the property owner’s expense.

19. The portable toilet must be maintained in a functional, sanitary, and safe condition at all times.

20. The portable toilet must be maintained through daily servicing to include, but not be limited to:
   b. Clean the interior walls, doors, and ceiling, including touchpoints such as door latches and hand sanitizer dispensers.
   c. Remove any trash in and around the portable toilet.
   d. Restock toilet paper rolls, hand sanitizer, etc.

Colors and Materials

21. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
   e. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
f. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.

g. All windows shall be comprised of non-glare glass.

Deed Restrictions

22. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval and commencing the project.

Fixed Conditions

23. This CDP runs with the land and binds all future owners of the property.

24. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted thereunder.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 20th day of April 2020.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Anyone unable to submit an appeal via email should contact Patricia Salazar at (310) 456-2489, extension 245, at least two business days before the appeal deadline to arrange alternative delivery of the appeal. Appeal forms may be found online
at malibucity.org/planningforms, or by calling (310) 456-2489, ext. 245.

**COASTAL COMMISSION APPEAL** - An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-01 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 20th day of April 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
EDWARD ALBERT JR. TRAIL AT ESCONDIDO CANYON
RESTROOM IMPROVEMENTS
MALIBU, CALIFORNIA

PROJECT INFORMATION
OWNER: SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON RD
MALIBU, CA 90265
CONTACT: RORIE SKEI
EASEMENT: #87-963830
QUIT CLAIM DEED: #98-1506312

CONTRACTOR: MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
LA RIVER CENTER AND GARDENS
570 W. AVENUE 26, SUITE 100
LOS ANGELES, CA 90065
CONTACT: BRIAN BALDAUF
APN: 4460-002-903
MMC Zoning Designation: Open Space
General Land Use Designation: Public Open Space

PROJECT SQUARE FOOTAGE: 46.75
PROJECT ADDRESS
PROJECT DESCRIPTION
New portable toilet to be placed in the ROW at the entrance to the Edward Albert Jr. Trail inside a wooden 6' high privacy enclosure

OWNERSHIP OF DOCUMENTS
ORIGINAL DRAWINGS AND OTHER DOCUMENTS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF THE SANTA MONICA MOUNTAINS CONSERVANCY (SMMC). NO REPRODUCTION, COPYING OR USE IS AUTHORIZED ON OTHER PROJECTS EXCEPT BY WRITTEN AGREEMENT OF THE SMMC.

INDEX OF DRAWINGS
1. G-1 TITLE SHEET
2. V-1 OVERVIEW OF SITE IMPROVEMENTS
3. L-1 SITE PLAN AND DETAIL
4. L-2 SLOPE ANALYSIS
5. FIG 3 CITY OF MALIBU/COUNTY OF LA ESHA EXHIBIT

VICINITY MAP
EXISTING MRCA AGENCY SIGNAGE

STANDARD PORTABLE TOILET - SEE DETAIL L-1/A

EXISTING TRASH RECEPTACLE

EXISTING MRCA AGENCY SIGNAGE

EDGE OF ASPHALT ROAD

EXISTING ESCONDIDO CANYON TRAIL

EDGE OF ROAD SHOULDER

PROPERTY LINE

SMMC PUBLIC ACCESS EASEMENT

EXISTING DISTURBED NATURAL SURFACE
EXISTING MRCA AGENCY SIGNAGE
STANDARD PORTABLE TOILET - SEE DETAIL L-1/A
EXISTING TRASH RECEPTACLE
6' HT WOOD PORTABLE TOILET ENCLOSURE - SEE DETAIL L-1/A
EDGE OF ASPHALT ROAD
EXISTING ESCONDIDO CANYON TRAIL
EDGE OF ROAD SHOULDER
PROPERTY LINE
SMC PUBLIC ACCESS EASEMENT
EXISTING DISTURBED NATURAL SURFACE

6' HT WOOD PORTABLE TOILET ENCLOSURE; PAINTED BROWN
STANDARD PORTABLE TOILET
WOOD FENCE ENCLOSURE; PAINTED BROWN
Figure 3: City of Malibu/County of Los Angeles Environmentally Sensitive Habitat Area (ESHA)

Note: This map reflects ESHA, as well as Significant Oak Woodland and Savannas, which is another category of Sensitive Environmental Resources designated by the County of Los Angeles (1984) of the Malibu Local Coastal Program Land Use Plan, part of the Los Angeles County Local Coastal Program, as certified by the California Coastal Commission, December 11, 1986. ESHA designation for the Proposed Santa Monica Mountains Local Coastal Program, County of Los Angeles (September 2007), is unavailable at this time and has yet to be certified by the California Coastal Commission.

* Note: This map reflects ESHA, as well as Significant Oak Woodland and Savannas, which is another category of Sensitive Environmental Resources designated by the County of Los Angeles (1984) of the Malibu Local Coastal Program Land Use Plan, part of the Los Angeles County Local Coastal Program, as certified by the California Coastal Commission, December 11, 1986. ESHA designation for the Proposed Santa Monica Mountains Local Coastal Program, County of Los Angeles (September 2007), is unavailable at this time and has yet to be certified by the California Coastal Commission.

SOURCE: City of Malibu, County of Los Angeles

City of Malibu ESHA
County of Los Angeles ESHA *
County of Los Angeles Significant Oak Woodland and Savannas *
County of Los Angeles Significant Watershed

Biological Resources Technical Report for the Malibu Parks Public Access Enhancement Plan
East view of the proposed portable toilet from Winding Way
Northeast view of the proposed portable toilet from Winding Way
North view of the proposed portable toilet from Winding Way
North view of the proposed portable toilet from trailhead
South west view of proposed portable toilet from trail
South view of proposed portable toilet from trail
TO: City of Malibu Contract Biological Staff
FROM: City of Malibu Planning Department
DATE: 3/5/2018

| PROJECT NUMBER: | CDP 18-007 |
| JOB ADDRESS: | 27555 WINDING WAY |
| APPLICANT / CONTACT: | Liz Jennings |
| APPLICANT ADDRESS: | 570 West Avenue 26, Los Angeles, CA 90065 |
| APPLICANT PHONE #: | (323)221-9944 x185 |
| APPLICANT FAX #: |  |
| APPLICANT EMAIL: | liz.jennings@mrca.ca.gov |
| PLANNER: | Richard Mollica |
| PROJECT DESCRIPTION: | Permanent portable toilet at trail entrance |

TO: Malibu Planning Department and/or Applicant
FROM: City Contract Biologist

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: 4/1/18

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

Contact Information:
Dave Crawford, Contract Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277
Steven Hongola, Contract Biologist, shongola@malibucity.org, (310) 456-2489, extension 301
Christopher Julian, Contract Biologist, cjulian@malibucity.org, (310) 456-2489, extension 301
## BIOLOGY REVIEW SHEET

### PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant: (name and email address)</th>
<th>Liz Jennings</th>
<th><a href="mailto:Liz.jennings@mrca.ca.gov">Liz.jennings@mrca.ca.gov</a></th>
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<tbody>
<tr>
<td>Project Address:</td>
<td>27555 Winding Way</td>
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<td></td>
<td>Malibu, CA 90265</td>
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<tr>
<td>Planning Case No.:</td>
<td>CDP 18-007</td>
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<tr>
<td>Project Description:</td>
<td>Permanent portable toilet at trail entrance</td>
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<tr>
<td>Date of Review:</td>
<td>April 10, 2018</td>
<td></td>
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<tr>
<td>Reviewer:</td>
<td>Dave Crawford</td>
<td></td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact Information:</td>
<td>Phone: (310) 456-2489 ext. 307 Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a></td>
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### SUBMITAL INFORMATION

<table>
<thead>
<tr>
<th>Site Plans:</th>
<th>3/5/18</th>
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<tbody>
<tr>
<td>Site Survey:</td>
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<td>Grading Plans:</td>
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<td>OWTS Plan:</td>
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<td>Planting Plan:</td>
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<td>Hydrozone map and Water Budget Calcs</td>
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<td>Bio Assessment:</td>
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<td>Bio Inventory:</td>
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<td>Native Tree Survey:</td>
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<td>Native Tree Protection Plan</td>
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<td>Miscellaneous:</td>
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<td>Previous Reviews:</td>
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### REVIEW FINDINGS

<table>
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<tr>
<th>Review Status:</th>
<th>INCOMPLETE: Additional information and/or a response to the listed review comments is required.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>NOT APPROVED Please respond to the listed review comments and provide any additional information requested.</td>
</tr>
<tr>
<td></td>
<td>APPROVED The proposed project</td>
</tr>
</tbody>
</table>

Environmental Review Board: This project has the potential to impact ESHA and may require review by the Environmental Review Board
RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. Local Implementation Plan section 4.5.3 specifies trails and public access ways as permitted uses within and ESHA. The proposed portable toilet is specifically for the purpose of providing facilities for the public that use the trails, thus contributing to the preservation of the habitat. Further, pursuant to LIP Section 4.7.1 allowable development area 10,000 square feet as all feasible building areas will result in impacts to Environmentally Sensitive Habitat Area (ESHA). The proposed portable toilet is the only proposed development in this area.

   B. The portable toilet shall be maintained by the MRCA or its designate at appropriate and regular intervals to ensure its functionality and appropriate level of sanitation to ensure there is no impact to the surrounding native habitats.

---

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
Just to be clear these are questions trying to be of assistance, not demands.

Sent from the Bell System Picturephone Service

On Apr 24, 2019, at 11:07 AM, Bonnie Blue <bblue@malibucity.org> wrote:

Thanks for the additional comments, Brad.

Bonnie Blue
Planning Director
City of Malibu
310-456-2489 ext. 258

Hi Judy,

Since we have had so many promises from them in exchange for previous support that they unfortunately have almost universally not complied with, would it be possible to request the approval be conditional upon compliance of reasonable conditions brought about by their heavy use? Something like a CUP? Otherwise there is virtually no way of persuading them to do what they agreed to do. Also, in addition to regular maintenance, they should be asked to supply reasonable regular security visits from rangers on an agreed upon schedule....If reasonable and possible of course. The amenity will undoubtedly attract more crowds and that requires additional security and maintenance.

Thanks.

Brad

Hi Bonnie,

Thanks again for making time to meet with us about the MRCA Plan. I just wanted to restate the conditions we
would like included in the CDP to maximize public safety and retain our neighborhood character.

The toilet should be placed down the trail and off the street. The toilet should be locked when the park is closed (sunset to sunrise).

Every sign posted in the park has had damage and graffiti. Can we ask that any graffiti be removed within 24 hours? And they should choose materials that are resistant to graffiti as possible. Can the CDP be revoked if they don't maintain the toilet in good condition?

We would like maintenance done of the trail along Winding Way (weed whacking, leveling/replacement as needed of the DG) so that it doesn't push hikers into the street. This should be required to be done BEFORE they are issued a CDP for the toilet.

Ideally they should place a fence along the trail again for public safety to prevent walking in the street, especially on the blind curves in the road.

Could we ask that they put screening around the portable toilet at the bottom of Winding Way as well? Do they have a permit for that toilet and should that be required?

Thanks, let us know if you have any questions.

Judy Villablanca
so their story poles are not level, but I am assuming they need to make a flat pad to build this? No way to tell if that flat pad will take the taller poles down to the lower level since the story poles are on a slope. Can you answer that question for me? The poles are still up as of this morning.

As I told you previously, I spoke in person with Eli’s pumping and they have a forty foot hose. So it is not true you are limited to 25 feet. If the toilet roof sticks up above street level, you will have major complaints from the neighborhood, AND it is a view impact when you are at the trailhead looking into the canyon. I'm just not convinced they couldn't move this down farther to lower it.

On Mon, Mar 9, 2020 at 12:34 PM Raneika Brooks rbrooks@malibucity.org wrote:

Thanks, Judy,

The easements are plotted on the site plan which, unfortunately, I can’t email but would be happy to review it with you in person. But, in general, the easements run parallel to Winding Way and are dedicated for ingress and egress and trail purposes. I hope the fact that the toilet will be locked automatically daily adequately addresses the neighbors’ concerns about a potential homeless encampment.

One of the main constraints for siting the portable toilet is the distance from the road where a service provider would park. Shifting the portable toilet further downslope would make it difficult for a 25-foot pumping hose to reach. It is my understanding that the toilet will be serviced seven days a week because of the anticipated high frequency of use.

The CDP will include a standard condition that requires compliance with all conditions of approval or the CDP is subject to revocation and the rights to install and maintain the toilet could be terminated.
Let me know if you have any additional questions.

Best,

Raneika K. Brooks

Associate Planner | City of Malibu | Planning Department
23825 Stuart Ranch Road, Malibu, CA 90265-4861
Office: (310) 456-2489. Ext. 276 | Fax: (310) 456-7650
www.malibucity.org | rbrooks@malibucity.org

From: Judy Villablanca <judygroby@gmail.com>
Sent: Friday, March 6, 2020 10:37 AM
To: Raneika Brooks <rbrooks@malibucity.org>
Subject: Re: Bathroom for Escondido Canyon

Thanks Raneika,

The objections are:

1. Should be farther down the trail so roof of structure is at street level. This is major concern I have expressed to you.

2. I heard concerns about promoting homeless camps but I told them it would be locked.

3. There is no trust MRCA will maintain as promised due to past experiences. Who will enforce violations? I know the city code enforcement does not have adequate staff. It will fall to residents to identify any violations.

In attached photo you see two brown MRCA signs along the trail. This site would deal with #1. Happy to meet again at the site which seems easier. Can you send me an easement map since I don't know where those are. But if their signs are there it must be their property.
Hi Judy,

The applicant will perform minor grading before creating a platform upon which the portable toilet will sit. This will create an entrance to the portable toilet that is flush with the trail entrance. It is my understanding that the current location is the furthest away from the road for a 25-foot hose to reach that is outside of any easements and is located entirely within MRCA’s property. Could you clarify the location you believe the toilet should be relocated to? And what is the nature of the opposition from the neighbors regarding the current location?

Regarding the project’s appealability to the Coastal Commission…the City has determined that since the project involves installing a portable toilet that could have had view impacts in an undeveloped area that provides sweeping unobstructed highly scenic views of the surrounding mountains and Escondido Canyon Park, the City has determined the project meets the LCP’s definition of an appealable coastal development permit because of its location in a highly scenic area that would qualify as a sensitive coastal resource area.

The portable toilet will be enclosed by a 6-foot high wood fence that will have a swing door equipped with an automatic timer to lock daily when the park closes. The applicant indicated it would not be a problem for the toilet to be serviced 2 – 3 times a week.

The project is tentatively scheduled for April 20, 2020, Planning Commission meeting. Since you are on the interested parties list, you’ll receive a link to the staff report once it's published.

But, in the interim, if you could provide feedback on my questions above, I’d like to sort out any outstanding issues with the project.

Best,

Raneika K. Brooks

Associate Planner | City of Malibu | Planning Department
23825 Stuart Ranch Road, Malibu, CA 90265-4861
Office: (310) 456-2489. Ext. 276 | Fax: (310) 456-7650
www.malibucity.org | rbrooks@malibucity.org
Hi Raneika.

Had a few questions after seeing the poles marking the site for the bathroom,

It is sited on a pretty good slope, is there a plan to level that area, and level it to match the lower part of the slope?

The place it is sited still makes it very visible from the road. It seems easier to put it to the right of the trail where their sign is currently (down the trail a little). This area is flat and the truck can pull up at the roadside to service with a 25 foot hose. The current site is going to get many oppositional comments from my neighborhood.

Did the city agree to let MRCA appeal any planning decision to coastal versus to the city of Malibu? I hope not...

When is the staff report coming out? still wondering how they resolved locking it after dark and servicing it 2-3 times per week.

You can also just call me at 310-428-9024 if that's easier.

thanks so much for all your help,
Judy Villablanca
The Malibu Planning Commission will hold a public hearing on Monday, April 20, 2020, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 18-007 - An application for the installation of a portable toilet enclosed by a permanent six-foot high fence to serve the public at the Edward Albert Escondido Canyon Trailhead

LOCATION / APN / ZONING: 27555 Winding Way / 4460-002-903 / Open Space (OS)
APPLICANT / OWNER(S): Mountains Recreation and Conservation Authority
APPEALABLE TO: City Council and Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(e) and 15311(c)
APPLICATION FILED: March 5, 2018
CASE PLANNER: Raneika Brooks, Associate Planner, rbrooks@malibucity.org (310) 456-2489, ext. 276

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner. You will have an opportunity to testify at the public hearing; written comments which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City’s action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission’s approval directly to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

BONNIE BLUE, Planning Director

Date: April 9, 2020