

RESOLUTION NO. 15-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, ADOPTING THE FINDINGS OF FACT REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 13-001 AND ERRATA NO. 1, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 13-057 AND CONDITIONAL USE PERMIT NO. 13-005 FOR PHASE ONE OF THE CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT, CONSISTING OF CONSTRUCTION OF A NEW WASTEWATER COLLECTION SYSTEM, A CENTRALIZED WASTEWATER TREATMENT FACILITY TO TREAT WASTEWATER FLOWS FROM PHASE ONE PROHIBITION AREA PROPERTIES, A NEW RECYCLED WATER PIPELINE SYSTEM TO PROVIDE NONPOTABLE RECYCLED WATER FOR REUSE, AND ANCILLARY FACILITIES, LOCATED AT 24000 CIVIC CENTER WAY IN THE COMMERCIAL VISITOR SERVING-2 ZONING DISTRICT, LEGACY PARK IN THE COMMERCIAL VISITOR SERVING-1 ZONING DISTRICT, MALIBU BLUFFS PARK IN THE PUBLIC OPEN SPACE ZONING DISTRICT, AND IN PUBLIC AND PRIVATE STREETS AND EASEMENTS IN THE CIVIC CENTER AREA (MALIBU BAY COMPANY AND CITY OF MALIBU)

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On November 5, 2009, the Los Angeles Regional Water Quality Control Board (LARWQCB) approved Resolution No. R4-2009-007 to ban the discharges from onsite wastewater disposal systems (OWDSs), locally known and referred to in this resolution as onsite wastewater treatment systems (OWTSs), in the Malibu Civic Center area. On September 21, 2010, the State Water Resources Control Board approved that same resolution, thereby amending the State Basin Plan. The Basin Plan Amendment went into effect on December 23, 2010. The Basin Plan Amendment included a map and timeline calling for commercial properties to cease discharge by 2015 and residential properties to cease discharge by 2019, among other things.

B. In August 2011, the City and the Water Boards entered into a Memorandum of Understanding (MOU) that detailed the implementation of the City's wastewater treatment plan for the Civic Center area, as defined in the Basin Plan Amendment. The MOU established the timelines for the construction of a centralized wastewater treatment facility and connection to that facility of properties in the Prohibition Area.

C. Malibu Local Coastal Program (LCP) Land Use Plan (LUP) Policy 7.20 states, "Any proposed sewer system shall be submitted to and approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction." LCP Local Implementation Plan (LIP) Section 18.10(D) mirrors LUP Policy 7.20.

D. On May 31, 2013, the City filed an application for an LCPA for the Civic Center Wastewater Treatment Facility project.

E. On June 24, 2013, the City Council adopted City Council Resolution No. 13-21 initiating changes to the LCP to create policies and standards for a Civic Center wastewater treatment system, and to update the Land Use and Zoning Maps to change the designation of two parcels that were expected to be the site for the treatment plant for the future Civic Center Wastewater Treatment Facility project (Assessor Parcel Numbers 4458-028-005 and -020, now addressed as 24000 Civic Center Way). The City Council directed the Planning Commission to schedule a public hearing regarding the amendment package. Due to the timelines set forth in the MOU, the legislative and entitlement portions of the project needed to proceed concurrently with the facility design as much as possible.

F. On November 21, 2013, an application for CDP No. 13-057 and associated entitlements was submitted by the City of Malibu Public Works Department to the Planning Department. The application was for the development of Phase 1 of the Civic Center Wastewater Treatment Facility, which included a wastewater treatment facility, pump stations, collection and distribution system pipelines, percolation ponds and groundwater injection wells, as well as a conditional use permit. The application was routed to the City Geologist, City Environmental Health Administrator, City Public Works Department, City Biologist, and Los Angeles County Fire Department (LACFD) for conformance review. At this time, it was anticipated that the LCPA and corollary amendments to Title 17 of the Malibu Municipal Code (M.M.C.) would be processed concurrently and the LCPA certified by the California Coastal Commission (CCC) in advance of consideration of the CDP and other project entitlements by City Council.

G. Also on November 21, 2013, a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) and Public Scoping Meeting was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties, as well as property owners and occupants within the entire Prohibition Area established by LARWQCB Resolution No. R4-2009-007, plus a 1,000 foot radius. The 30-day public review period was set to begin November 21, 2013 and end December 23, 2013. The NOP was also sent to the State Clearinghouse (SCH# 2013111075), who distributed the document to State reviewing agencies for a 30-day public review period from November 25, 2013 to December 24, 2013.

H. On December 11, 2013, the City held a public scoping meeting regarding the preparation of the EIR.

I. On December 12, 2013, the City extended the 30-day scoping comment period to January 7, 2014.

J. On January 23, 2014, a Notice of Planning Commission Public Hearing and Notice of Availability for LCP Amendment Documents was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC. The mailed notice area included property owners and occupants within the Prohibition Area, plus a 1,000 foot radius.

K. On January 28, 2014, a draft amendment package for LCPA No. 13-002, Zoning Text Amendment (ZTA) No. 13-008, and Zoning Map Amendment (ZMA) No. 13-003 was presented to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) for review and recommendation. The amendment package included a proposed overlay district for the Winter Canyon Site (the proposed treatment plant site), as well as development standards and corollary amendments to the M.M.C. Title 17 (Zoning Ordinance) and Zoning Map to ensure consistency with the LCP. Members of ZORACES and the public offered comments on the proposed amendments.

L. On February 7, 2014, the City issued a Notice of Cancellation of the February 18, 2014 Planning Commission meeting and all agenda items, including LCPA No. 13-002 and corollary M.M.C. amendments were continued to the Regular Planning Commission meeting on March 3, 2014.

M. On February 19, 2014, staff combined the proposed LCPA and M.M.C. amendments with the CDP and other entitlements as one application package for consideration by the Planning Commission and City Council. Consequently, on March 3, 2014, the Planning Commission continued the LCPA and corollary amendments to a date uncertain.

N. On May 29, 2014, a Notice of Availability for the Draft EIR was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties, as well as property owners and occupants within the entire Prohibition Area, plus a 1,000 foot radius.

O. On May 30, 2014, the City and the Governor's Office of Planning and Research distributed the Draft EIR to interested parties and responsible agencies (SCH #2013111075) for a 60-day public review period, May 30, 2014 through July 28, 2014.

P. In May 2014, story poles were installed on the proposed treatment plant site to depict the siting and bulk of covered and/or enclosed above-ground facilities associated with Phase 1. The story pole installation was certified by a licensed surveyor.

Q. On June 12, 2014, a Notice of Planning Commission Public Workshop and Notice of Availability of a Recirculated Draft EIR was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties, as well as property owners and occupants within the entire Prohibition Area, plus a 1,000 foot radius. The Recirculated Draft EIR was released for a 47-day public review period ending on July 28, 2014. The recirculated portions of the EIR corrected errors and/or omissions in the original Draft EIR pertaining to the number and location of pump stations expected to be needed at project buildout and facilities shown in project visual simulations, and to add information to the Geology and Soils and References sections of the document.

R. On June 18, 2014, a Notice of Coastal Development Permit application was posted at 24000 Civic Center Way (the proposed treatment plant site), the proposed Legacy Park pump station site and the proposed Bluffs Park pump station site.

S. On June 25, 2014, a Planning Commission Public Workshop on the Civic Center Wastewater Treatment Facility project was held. Following a presentation by the City's project design consultants, RMC Water and Environment, the Planning Commission and members of the public were given the

opportunity to ask questions and receive answers about the project from the consultants and staff.

T. On June 26, 2014, 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 interested parties, as well as property owners and occupants within the entire Prohibition Area, plus a 1,000 foot radius.

U. On July 21, 2014, the Planning Commission held a public hearing to receive public comments on the Draft EIR.

V. On July 23, 2014, the Environmental Review Board reviewed the Phase 1 CDP, Draft EIR and Recirculated Draft EIR and provided recommendations to the Planning Commission. All feasible recommendations have been incorporated into the final project.

W. From August 2014 through November 2014, the EIR consultant worked on responding to comments received during the 60-day public review period and prepared a Final EIR. The Final EIR responds to the comments received on the Draft EIR and proposes text revisions to the Draft EIR.

X. On September 1, 2014, the CDP application was deemed complete.

Y. On November 20, 2014, the Final EIR was made available. Also on this date, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, as well as property owners and occupants within the entire Prohibition Area, plus a 1,000 foot radius. Response to Comments on the Draft EIR was circulated to all of those who submitted comments as well as to interested parties.

Z. On December 4, 2014, the LARWQCB approved a revision to the MOU with the City (approved by City Council on November 24, 2014) that adjusted the timelines for various milestones based on the substantial progress made by the City to date and the complexity of the tasks involved with implementing the project. Under the modified MOU, the Phase 1 connection date is June 30, 2017 and the Phase 2 connection date is November 5, 2022.

AA. Ordinarily, the Planning Commission is the decision-making body for CDP projects and certification of California Environmental Quality Act (CEQA) documents. However, for amendments to the LCP and M.M.C., the Planning Commission acts exclusively as an advisory body, and the City Council is the decision-maker. Since the entitlements for the Civic Center Wastewater Treatment Facility project depend upon the LCP and M.M.C. amendments, the Planning Commission acted in an advisory capacity on the amendments, the EIR and the entitlements, and the City Council is the decision-maker for all.

BB. On December 15, 2014, the Planning Commission held a duly noticed public hearing on LCPA No. 13-002, ZTA No. 13-008 and ZMA No. 13-003 reviewed and considered the Final EIR, agenda report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission adopted Planning Commission Resolution Nos. 14-112 and 14-113 recommending that the City Council adopt LCPA No. 13-002, ZTA No. 13-008 and ZMA No. 13-003, and that the City Council certify the Final EIR, adopt the Mitigation Monitoring and Reporting

Program, and Statement of Overriding Considerations.

CC. On December 18, 2014, errata to the Final EIR were made available.

DD. On December 18, 2014, a Notice of City Council 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 1,000 foot radius of the subject property and to interested parties, regional, state and federal agencies

EE. On January 12, 2015, the City Council 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. Adoption of CEQA Findings.

The City Council finds as follows:

A. CEQA requires decision-makers to balance the benefits of a proposed project against its unavoidable environmental impacts. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” by adopting a Statement of Overriding Considerations. This statement sets forth the project benefits or reasons why the Lead Agency, City of Malibu, is in favor of approving and weighs these benefits against the project’s environmental impacts identified in the Final EIR that cannot be mitigated to a level less than significant.

B. CEQA requires decision makers to adopt a mitigation monitoring and/or reporting program (MMRP) for those mitigation measures identified in the Final EIR that would mitigate or avoid each significant effect identified in the EIR, and to incorporate the MMRP including all mitigation measures as conditions of project approval. The Final EIR includes an analysis of the extent to which the proposed project’s direct and indirect impacts will commit nonrenewable resources to uses that future generations will probably be unable to reverse.

C. CEQA requires that the responses to comments in the Final EIR demonstrate good faith and a well-reasoned analysis and may not be conclusory. In response to several comments received, portions of the Draft EIR have been revised. Although new material has been added to the Draft EIR through preparation of the Final EIR, this new material provides clarification to points and information already included in the Draft EIR and is not considered to be significant new information or a substantial change to the Draft EIR that would necessitate recirculation.

D. The CEQA Guidelines note that “[t]he EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project” and “CEQA does not require technical perfection in an EIR, but rather adequacy, completeness and a good-faith effort at full disclosure.” (14 Cal. Code of Regs. § 15003(c) and (i).)

E. Comments received on the Draft EIR during the public review period show that there may

be disagreements among experts. The Final EIR includes an additional clarifying narrative and clarifying appendices for the purposes of fully disclosing the information sources and reasoning by which levels of impact and mitigation measures were established in the Draft EIR. Further, the clarifying narrative and appendices in the Final EIR serve the purpose of fully disclosing the information sources and reasoning used by various public and agency DEIR commenters who arrived at divergent conclusions. CEQA provides that disagreement among experts regarding conclusions in the EIR is acceptable, and perfection is not required.

F. The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk of the City of Malibu and shall be located at City Hall.

Section 3. Adoption of Findings Addressing the Issues Analyzed in the Final EIR.

The City Council hereby finds that the Final EIR for the Civic Center Wastewater Treatment Facility project and associated entitlements identifies and discloses project-specific impacts and cumulative project impacts. Environmental impacts identified in the Final EIR, findings, and facts in support of findings are herein incorporated as Findings Required by CEQA, and are as follows:

A. Project-Level Impacts Determined to be Significant and Mitigable

The Final EIR identifies project-level impacts determined to be significant and mitigable to a less than significant level. They include:

1. AESTHETICS

Significant Impact: None of the proposed project elements would have a significant effect on noteworthy scenic resources, including scenic highways Pacific Coast Highway (PCH) and Malibu Canyon Road because of intervening landforms separating the site from the road. However, the proposed project would require removal of protected California walnut trees, which may be considered a scenic resource; however, new onsite native landscape screening included in the project will offset this visual impact.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: As the proposed project would not result in significant impacts to aesthetics, no mitigation measures are necessary.

2. BIOLOGICAL RESOURCES

Significant Impact:

Special-Status Species

No special-status listed plant species are known or expected to occur on the project site; however, if construction intrudes into habitat at Malibu Lagoon and Malibu Creek, disturbance or damage to special-status plant species habitat can result. Removal of vegetation when there are nesting birds present could result in a violation of the Migratory Bird Treaty Act and/or Fish and Game Code. Malibu Lagoon and Malibu Creek are also designated critical habitat for tidewater goby and southern steelhead. If during auguring operations underneath Malibu Creek fine particles associated with the boring fluid migrate to the surface, it would have the potential to smother fish and their eggs. However, anticipated improved water quality conditions in Malibu Lagoon resulting from the project would be expected to benefit southern steelhead and tidewater goby. Bat roosts may occur on the PCH bridge crossing over Malibu Lagoon, where a pipeline crossing would be placed during Phase 2 of the project. If construction on or below the bridge deck caused enough disturbances through noise, vibration, and/or motion for a maternity bat roost to be abandoned, it would be considered a potentially significant impact. In addition, bat roosts may occur on the Cross Creek bridge crossing over Malibu Creek, immediately adjacent to where work area for auguring under Malibu Creek may occur. If construction of the entry/exit bores or the auguring caused enough disturbances through noise, vibration, and/or motion for a maternity bat roost to be abandoned, it would be considered potentially significant. Treated wastewater injection would alter groundwater outflow conditions which is of potential concern because it could change habitat conditions supporting benthic settling and development of the larval life stages of sensitive species. This is particularly true given the potential presence of highly imperiled abalone species, and the importance of successful larval recruitment to the conservation of these species. However, a conservative analysis of potential marine water quality effects indicates that ocean water quality would not be substantially affected by the project.

Riparian Vegetation and Sensitive Natural Communities

The proposed project is not expected to result in impacts to riparian vegetation or sensitive natural communities. However, since work areas will occur immediately adjacent to riparian habitat and sensitive natural communities associated with Winter Canyon Creek, Malibu Creek, and Malibu Lagoon.

The injection of treated wastewater into groundwater aquifers will increase the volume of naturally occurring groundwater discharge to the Malibu Lagoon. By extension, this could affect riparian habitat, southern coastal salt marsh, and/or southern California coastal lagoon conditions. However, per Section 4.7 (Hydrology and Water Quality) of this EIR, no appreciable change is expected to the minimum depth to groundwater at Malibu Lagoon or Malibu Creek. Furthermore, if the existing condition were maintained, the volume of groundwater would increase by 45 percent instead of the approximately 3 percent as with the proposed project under anticipated operating conditions.

Jurisdictional Features

Jurisdictional features, including federally protected waters, do not occur within the disturbance footprint of the project. As currently proposed, only street level modifications would be made on the PCH bridge that occurs above Malibu Lagoon, a feature that would be a jurisdictional feature. In addition, work areas associated with auguring under Malibu Creek would be placed outside the jurisdictional limits for that feature. However, regulatory agency jurisdiction (ACOE, RWQCB, or CDFW) over the Creek would require that appropriate permits, or other agreements regarding the auguring process be obtained and adherence to any measures to protect wildlife contained in these permits/agreements would be required.

Wildlife Corridor

The project site supports one regionally important wildlife corridor, Malibu Creek. The proposed project would not result in any direct impacts to Malibu Creek, but would cause temporary indirect impacts during construction that could significantly impact some species that would be utilizing Malibu Creek for movement, such as southern steelhead and tidewater goby.

Environmentally Sensitive Habitat Areas (ESHAs)

Several ESHAs occur within the project site. Additionally, the new proposed driveway and associated stormwater infiltration area to be constructed in the footprint of the existing unpaved driveway at the proposed wastewater treatment facility site occurs within the 100 foot ESHA wetland buffer of Winter Canyon Creek. In addition, the Phase 2 pipelines would cross through ESHA, beneath Malibu Creek and over Malibu Lagoon along the PCH bridge.

California black walnut trees, a CRPR 4 plant, occur within the proposed wastewater treatment facility site, which would be constructed as part of Phase 1 of the project. This species is protected by the LCP/LIP tree ordinance. Based on current design, five walnut trees would be removed and three additional walnut trees would experience temporary impacts due to construction.

Additionally, a portion of Phase 2 of the project occurs within the County's jurisdiction and beyond the limit of the City of Malibu where native oaks are legally protected from being damaged or removed during the course of a project if they have a single-trunk diameter at breast height (DBH) of 8 inches or more, if any two trunks have a combined DBH of 12 inches or more, or if it is considered heritage. Although pipelines would be constructed underground and along existing roadway easements, native oaks that occur adjacent to the roadways may have roots extending under or branches extending over the roadways.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures BIO-1 through BIO-17 would ensure that the proposed project does not result in any significant impacts to biological resources, including special-status species and their habitats or jurisdictional features.

3. CULTURAL RESOURCES

Significant Impact: Archaeological field surveys concluded that there are no observable cultural resources, including artifacts or altered soil, indicating the presence of prehistoric archaeological remains on the project site. Archaeological records searches revealed that no archaeological or historic sites exist on the project site. Therefore, damage to, destruction, or disturbance of known important cultural, paleontological, or archaeological resources would not be expected to occur.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of the Mitigation Measures AR-1 and AR-2 would ensure that the proposed project does not result in any significant cultural resource impacts. Implementation of Mitigation Measure PR-1 would ensure that the proposed project will not result in any significant paleontological resource impacts.

4. GEOLOGY AND SOILS

Significant Impact: Construction of the proposed project would entail the removal of approximately 7,771 cubic yards (cy) of material at full build-out. In addition, the Project would import approximately 3,000 cy of material for use as fill.

Geotechnical Hazards

The geotechnical engineering reports for the parcels have been reviewed from a geotechnical perspective and approved-in-concept by the City's consulting Geologist. Based upon the findings of the geotechnical investigation, supplemental response reports, and subsequent conditions imposed through the remarks noted on the City's conformance review for said reports, the site is considered suitable for the planned development.

It is assumed that the site would be developed in compliance with all existing local, City, county, state and federal laws, regulations, codes, and statutes applicable to the geology, soils seismicity, and soil conditions outlined in the project geotechnical

engineering and investigation reports, and subsequent comments and conditions of the approval in concept granted by the City for the project. Compliance and adherence to project design measures mentioned herein will reduce potentially significant impacts to less than significant levels.

Groundshaking-Seismicity

Property owners and the general public should be aware that any structure in the southern California region is subject to potentially significant damage as a result of a moderate or major earthquake. The project will increase the potential for human health hazards and destruction of property to occur on the project site during a sizable seismic event. The risks associated with seismic activity are unavoidable and inherent to any location throughout the southern California region. While it is impossible to totally prevent structural damage to buildings and loss of life as a result of seismic events, adherence to all applicable building codes and regulations and site-specific engineering specifications can reduce such impacts to less than significant levels.

If engineering studies using state-of-the-practice techniques are employed, the impacts from ground rupture can be accounted for with setbacks and foundation designs to accommodate several inches of movement. Surface rupture potential is considered low to moderate, and the impacts are considered significant but mitigable.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures GEO-1 through GEO-7 will reduce the impact to geology and soils to a level less than significant.

5. HAZARDS AND HAZARDOUS MATERIALS

Significant Impact: Construction of the proposed project would involve the use of materials that are generally regarded as hazardous, such as gasoline, diesel fuel, hydraulic fluids, paint, and other similar materials. The risks associated with the routine transport, use, and storage of these materials during construction are anticipated to be relatively small. With appropriate handling and disposal practices, there is relatively little potential for an accidental release of hazardous materials during construction, and the likelihood is small that workers and the public, including nearby schools, would be exposed to health hazards.

Finding: Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures HM-1 through HM-4 will reduce the construction and operational impacts relating to the storage, use, management and/or disposal of hazardous materials to a level less than significant.

6. HYDROLOGY AND WATER QUALITY

Significant Impact: The wastewater treatment facility site is outside the tsunami inundation zone identified by the City of Malibu, but the pump stations, injection wells and a large portion of the pipelines are within the tsunami inundation zone. However, because these structures are not habitable, and would, for the most part, be located underground, they would not subject humans to these hazards. Above-grade structures associated with the pump stations and injection well sites, including electrical panels, transformers and generators, could potentially be impacted by tsunami flows and could pose a potentially significant impact.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measure HY-1 will reduce the impact to a level less than significant.

B. Project-Level Impacts Determined to be Significant, Unavoidable and Mitigated to the Maximum Feasible Extent

The Final EIR identifies project-level impacts in the resource area of Construction Noise that cannot be fully mitigated and are therefore considered unavoidable. To the extent the impacts remain significant and unavoidable, such an impact is acceptable when weighed against the overriding social, economic, legal, technical and other considerations, including beneficial effects of the project, which are described in the Statement of Overriding Considerations in Section 6.

1. CONSTRUCTION NOISE

Significant Impact: Noise impacts resulting from construction of the proposed project have been found to be potentially significant and unavoidable. Noise levels could be as loud as 89 dBA Leq¹ during construction of the treatment facility and proposed pipeline network due to the use of heavy equipment such as excavators, and jack-and-bore auger drill. City and County Codes exempt construction activity, provided that it does not occur on weekdays between the hours of 7 p.m. and 7 a.m. (and 5 p.m. and 8 a.m. on Saturdays in the City) or at any time on Sundays or holidays. However, the County of Los Angeles requires that mobile equipment not exceed a maximum threshold of 75 dBA at single-family residential land uses. The City does not have a mobile equipment

¹ dB = decibel; dBA = A-weighted sound level, which is the most common way of characterizing sound; Leq = equivalent noise level; dBA Leq = average A-weighted noise level during a measurement period.

noise standard. Construction of the project would result in temporary increases in noise levels near single-family residential land uses. The increase in noise levels during construction would range from 21 to 36 dB over existing ambient levels. Furthermore, periodic testing of the emergency power generators associated with the pump stations would cause temporary increases in noise levels at receivers located within the City. Noise levels could exceed this noise threshold for a short period of time thereby exposing people to noise levels in excess of established County thresholds. In the event the proposed project is approved despite these significant noise impacts, a Statement of Overriding Considerations will be required to be adopted by the decision-makers.

Finding: Impacts from the project's construction noise impacts are reduced by identified mitigation measures but cannot be mitigated to a less than significant level. The City Council finds that, to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations in Section 6.

Facts in Support of Finding: Implementation of Mitigation Measures NV-1 and NV-2 is required to address construction noise; however, this issue will remain significant and unavoidable during the construction phase of the project. The aforementioned mitigation measures indicate that the identified significant effects of the project have been reduced or avoided to the extent feasible.

C. Cumulative Impacts Associated with the Project which Remain Potentially Significant and Unavoidable.

The Final EIR identifies cumulative impacts associated with the project in the resource area of Construction Noise that remain potentially significant and unavoidable. To the extent the impacts remain significant and unavoidable, such an impact is acceptable when weighed against the overriding social, economic, legal, technical and other considerations, including beneficial effects of the project, which are described in the Statement of Overriding Considerations in Section 6.

1. CONSTRUCTION NOISE

Significant Impact: Construction of the proposed project would result in potentially significant and unavoidable noise impacts to neighboring properties. The cumulative analysis of impacts in regards to noise is limited to the time when the construction activities occur and the proximity of other projects that are under construction or other sources of noise in the immediate vicinity of proposed project construction activities. Construction impacts do not occur once construction has ceased. Reasonably foreseeable future projects could contribute to a cumulatively significant impact but only if located in proximity to the project site. Because the proposed project's pipeline system would extend throughout the network of roadways surrounding the proposed wastewater treatment facility, it is possible that construction of some projects may overlap with construction of the proposed project.

Finding: Impacts from the project's contribution to significant construction noise impacts are reduced by identified mitigation measures but cannot be mitigated to a less than significant level. The City Council finds that, to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations in Section 6.

Facts in Support of Finding: The following facts or mitigation measures indicate that the identified significant effects of the project have been reduced or avoided to the extent feasible; however, those impacts cannot be feasibly mitigated to below a level of significance, are temporary in nature, and the remaining unavoidable effects are acceptable when balanced against the specific overriding economic, legal, social, technological or other considerations described in the Statement of Overriding Considerations in Section 6.

Implementation of Mitigation Measures NV-1 and NV-2 will reduce the impacts to a less than significant level; however, the cumulative impacts associated with the potential for noise impacts from construction of the proposed project to be combined with that from construction of other projects proximate to it remains significant and unavoidable.

Section 4. Alternatives Analysis.

Based upon the testimony and other evidence in the record, and upon studies and investigation made for the project, the City Council further finds that the Final EIR analyzes a reasonable range of project alternatives. The feasible alternatives in the Final EIR are discussed in Finding A3 of Section 10 of this resolution.

Section 5. General Findings.

Based upon the testimony and other evidence received, and upon studies and investigation conducted for the project, the City Council finds:

- A. The Final EIR for this project is adequate, complete, and has been prepared in accordance with CEQA.
- B. The City Council has reviewed and considered the Final EIR in reaching its conclusion.
- C. In accordance with CEQA Guidelines Sections 15091 and 15093, the EIR includes a description of each potentially significant impact and rationale for finding that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as detailed in Section 3.
- D. In accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091, changes and alterations have been required and incorporated into the Civic Center Wastewater

Treatment Facility Project and related entitlements which avoid or substantially lessen the significant environmental effect because feasible mitigation measures included in the MMRP, Exhibit A to this resolution, are made conditions of approval for this project.

E. The Final EIR reflects the City's independent judgment and analysis.

Section 6. Statement of Overriding Considerations.

Based upon the testimony and other evidence received, and upon studies and investigation conducted for the project, the City Council has determined that, although EIR mitigation measures and conditions of approval imposed on the project will provide substantial mitigation of the identified significant environmental project-level and cumulative effects pertaining to Construction Noise discussed in Section 3(B) and (C), these environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared to substantiate the City Council's findings that these significant, unavoidable impacts are acceptable when balanced against the specific overriding economic, legal, social, technological and other considerations and community benefits afforded by the project.

**SPECIFIC, OVERRIDING COMMUNITY BENEFITS OF THE PROJECT THAT OUTWEIGH
THE SIGNIFICANT EFFECTS ON THE ENVIRONMENT**

1. The project will provide the City with a centralized wastewater collection and treatment facility, replacing the need for the use of decentralized wastewater treatment facilities and OWTSSs within the Prohibition Area.
2. The project will allow the City to comply with LARWQCB Resolution No. R4-2009-007, requiring the cessation of discharges from OWTSSs in the Prohibition Area.
3. The project will allow the City to comply with the terms of the MOU with the LARWQCB.
4. The project will support improved surface water quality in Malibu Creek and Lagoon and at the adjacent Surfrider Beach.
5. The project will result in the production of disinfected tertiary-treated recycled water that may be reused for any non-potable use, thereby offsetting the need for imported potable water for the same use.
6. The project will provide fiscal benefits to the City's general fund.

Any one or a combination of these specific community benefits would outweigh the unavoidable environmental impacts of the project.

Section 7. The City Council has reviewed and considered the environmental information contained

in the Final EIR (SCH # 2013111075) and determines that it is adequate and in compliance with CEQA (Public Resources Code, Section 21000 et seq.). In compliance with Public Resources Code Section 12081 and CEQA Guidelines Section 15093, the City Council has considered the project benefits as balanced against the unavoidable adverse environmental effects and hereby determines that any of the overriding considerations listed in the Statement of Overriding Considerations outweighs the unavoidable adverse environmental effects; therefore, the City Council determines that the adverse environmental effects are considered acceptable.

Section 8. The City Council hereby adopts the Statement of Overriding Considerations.

Section 9. The City Council hereby adopts the Mitigation Monitoring Program attached hereto as "Exhibit A" and made a part hereof.

Section 10. Approval of Entitlements.

Based on substantial evidence contained within the record and pursuant to LIP Sections 13.7(B) and 13.9, the City Council hereby adopts the findings in the staff report, the findings of fact below, and approval of Coastal Development Permit No. 13-057 and Conditional Use Permit No. 13-005 for Phase 1 of the Civic Center Wastewater Treatment Facility Project, including construction of a wastewater collection system, a centralized wastewater treatment facility, a recycled water pipeline, and ancillary facilities, including a conditional use permit to allow treatment plant public utility facilities uses within the Commercial Visitor Serving-1 (CV-1), Commercial Visitor Serving-2 (CV-2) and Public Open Space (POS) zoning districts.

The proposed project has been reviewed by the City Public Works Department, City Geologist, City Environmental Health Administrator, City Biologist, the LACFD and the Los Angeles County Sheriff. The proposed project is consistent with the LCP's zoning, grading, cultural resources and water quality requirements. The project has been determined to be consistent with all applicable LCP codes, standards, goals and policies. Additionally, CUP No. 13-005 has been reviewed for compliance with M.M.C. Section 17.66.080. The required findings can be made as follows.

A. General Coastal Development Permit (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made for all coastal development permits.

Finding A1. 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 project includes construction of Phase 1 of the Civic center Wastewater Treatment Facility project to address the prohibition on OWTS discharges imposed by the Water Boards and as specified in the MOU. The service area for Phase 1 includes the commercial properties of the Civic Center area, as well as Our Lady of Malibu church and school and the Crummer and Tow Site residential subdivisions that are entitled but not yet constructed. The treatment plant will be located at the site of an existing privately owned and operated package treatment plant at 24000 Civic Center Way. Two below-grade

pump stations and ancillary above-ground equipment will be constructed, one in Legacy Park, and one in Malibu Bluffs Park. Two pipeline systems will be constructed within a single trench within public and private streets and easements. One pipeline will convey wastewater to the treatment plant, while the other will distribute recycled water treated to standards of Title 22 of the California Code of Regulations for irrigation and other reuse purposes, and also to injection wells for disposal into the Malibu Valley Groundwater Basin.

If LCPA No. 13-002 / ZTA No. 13-008 are approved, the project, as conditioned, conforms to the certified LCP in that it meets all the required development standards proposed in the amendment. In addition, as discussed herein, all other required LCP findings can be made.

Finding A2. If the project is located between the first public road and the sea, that the project [conforms 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).

Portions of the project are located between the first public road and the sea; however, the project will not impact public access and recreation in that proposed development will not block existing public trails or recreation areas. Therefore, the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Finding A3. The project is the least environmentally damaging alternative.

According to the CEQA Guidelines Section 15064(d), "In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." As described in more detail in Chapter 5 of the Final EIR, the following four alternatives, plus the proposed project, were considered:

A. The No Project Alternative (Alternative A)

This alternative does not alter the site in any way or increase traffic or site lighting, modify viewsheds or impact groundwater quality. This alternative assumes nothing is proposed or approved on the sites and that the current condition on all sites remains. For example, no buildings or structures would be constructed on the proposed facility site, no collection system would be installed, no recycled water would be generated, and no injection wells would be installed. Use of OWTSSs would continue along with existing discharges from these systems. The No Project Alternative will have reduced environmental impacts when compared to the proposed project but will not meet the project objectives of complying with the Water Boards' orders requiring the cessation of discharges from OWTSSs in the Prohibition Area and meeting the terms of the MOU with the LARWQCB.

The City Council finds that the No Project Alternative is infeasible because it would not comply with LARWQCB Resolution No. R4-2009-007, requiring the cessation of discharges from OWTSSs in the Prohibition Area. Specifically, the No Project Alternative would not

allow for the creation of a new centralized wastewater treatment facility and collection system or allow for the generation and use of disinfected tertiary-treated recycled water as a means for offsetting potable water use by the City of Malibu and its residents. The No Project Alternative would thwart the goal of improving water quality in Malibu Creek and Lagoon and the nearshore environment that is being impacted by OWTS discharges in the groundwater basin, and may result in the issuance of fines to individual property owners by the LARWQCB for noncompliance with the aforementioned order.

B. Wastewater Treatment Facility with Ocean Outfall Alternative (Alternative B)

In this alternative, the wastewater treatment facility would be constructed as planned under the proposed project, along with the planned collection system, associated pump stations, and recycled water delivery system. Dispersal of unused recycled water via injection into the Malibu Valley Groundwater Basin and/or percolation into the Winter Canyon groundwater basin would not be considered under this alternative; instead, the remaining unused recycled water would be diverted to an ocean outfall and diffuser.

The ocean outfall would be up to 10 feet in diameter at its outlet, would extend between 1,300 and 5,000 feet offshore, anchored to the sea floor, and would be discharging at a depth of 30 to 100 feet below the ocean surface. The end of the outfall would be equipped with diffusers, such as duckbill diffusers, to ensure mixing of treated effluent and seawater and to minimize the zone of initial dilution (ZID) associated with the outfall. The recycled water pipeline would be connected to the ocean outfall at one of the public beach access points located off Malibu Road, on the west side of the Prohibition Area. Discharges from the outfall would occur continuously. Maintenance would involve annual subsea inspection and repairs as necessary.

The ocean outfall alternative was evaluated for the same impact categories as the proposed project and was found to have similar impacts to the proposed project, but greater impacts to hydrology-water quality and possibly greater impacts to air quality. Additionally, the complexity and time associated with obtaining the regulatory approvals and entitlements required for a new ocean outfall could be incompatible with the parameters and commitments set forth in the MOU and would likely impede the City's efforts to satisfy its obligations set forth in the MOU. Furthermore, public comments received by the City during the Prohibition proceedings indicate that a new ocean outfall disposal option would likely meet with significant opposition from some non-governmental organizations.

The City Council finds that Alternate B – Ocean Outfall will not meet the project objectives to the same extent as the proposed project, and that the preferred alternative provides a more acceptable dispersal means for unused recycled water.

C. Alternative Wastewater Treatment Facility Site (Alternative C)

In this alternative, the wastewater treatment facility would be constructed as planned under the proposed project, but at an alternative location - a 9-acre property located approximately

0.2 mile north of Civic Center Way known as the Wave property (APN 4458-022-019, 23571 Civic Center Way). The Wave property is located north of and behind the Los Angeles County Malibu public library and former Los Angeles County Superior Court, West District Office on Civic Center Way. The site is currently accessed via a narrow dirt path east of the public library. In the future, a paved access road would lead to the plant site. The proposed La Paz development is located east of this wastewater treatment plant site and the Malibu Knolls neighborhood is located north of the site.

A facility at this alternative site would be a membrane bioreactor facility producing recycled water that meets or exceeds current Title 22 requirements for unrestricted reuse (the same as the proposed project). The treatment facility would be residentially-scaled, visually screened, fully odor-scrubbed, and designed to operate quietly. The facility site would also contain a 250,000-gallon recycled water storage tank (not required for the proposed project) and a pump station. In this alternative, unused recycled water could be percolated into the ground using the existing commercial leach fields located at various locations throughout the Civic Center area and/or directly injected into the groundwater basin. The collection pipelines, associated pump stations, and recycled water distribution system would be essentially the same. At this location, the wastewater treatment plant site would be visible from residences to the north, but would be screened from view from the south and east. From the west, residents may have far-off views of the plant site. Construction and operating practices at this alternative facility site would be comparable with those anticipated for the proposed project.

The alternative treatment facility location was evaluated for the same impact categories as the proposed project and was found to have similar impacts to the proposed project, but with fewer impacts to biological resources and greater (or possibly greater) impacts to aesthetics/visual resources, geology and noise. It is noted that the proposed project site is owned by a willing seller, who has expressed interest in selling the site to the City of Malibu, which is not the case for the alternative treatment facility site. The proposed project site also already houses a wastewater treatment facility, so the proposed wastewater treatment plant is more compatible with the existing use of the site, as compared to the alternative site, which is completely vacant. Finally, the proposed project site affords better percolation potential as the existing seepage pits on the site could be used without the need to construct additional piping, thus spreading out percolation into two separate groundwater basins, while the alternative site is located in the same groundwater basin as the proposed injection wells.

The City Council finds that Alternate C – Alternative Wastewater Treatment Facility Site will meet the project objectives to the same degree as the preferred alternative but may result in greater environmental impacts.

D. Pipe Effluent to the Hyperion Wastewater Treatment Plant (Alternative D)

In this alternative, the proposed wastewater collection system would be constructed as planned, but rather than be treated locally, the wastewater would be sent to the Hyperion Wastewater Treatment Plant (HWTP) in the City of Los Angeles for treatment. The proposed

wastewater treatment plant, recycled water distribution system, and dispersal system (percolation ponds and injection wells) would not be constructed; rather, the collection system and pump stations would be constructed along with a new 22-mile 4-inch diameter PVC transmission pipeline placed in and/or along PCH. Additionally, two new pump stations would be located along the pipeline alignment beyond the City limits to provide the necessary pressure for delivery of the wastewater to HWTP. These pump stations would be of similar design and construction to the proposed collection system pump stations

This alternative was evaluated for the same impact categories as the proposed project and was found to have greater impacts to the proposed project for all impact categories except aesthetics and biological resources, where there would be fewer impacts, and population and housing where there would be similar impacts as the proposed project.

The City Council finds that Alternate D – Pipe Effluent to the Hyperion Wastewater Treatment Plant will meet the project objectives to the same degree as the preferred alternative but will likely result in greater environmental impacts.

E. The Preferred Alternative

This alternative is described in detail throughout the associated staff report and Final EIR as the proposed project. The project does reduce significant impacts through the implementation of mitigation measures and construction best management practices, and meets the project objectives of complying with LARWQCB Resolution No. R4-2009-007, requiring the cessation of discharges from OWTs in the Prohibition Area. The Final EIR provides substantial evidence that the proposed project will result in no significant impact to Aesthetics, Greenhouse Gas Emissions, Land Use, Noise, Recreation, Agricultural Resources, Mineral Resources, Population and Housing, Public Services and Utilities and Service Systems. With regard to the remaining environmental subject areas (Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials and Hydrology and Water Quality and Transportation and Traffic), any impacts posed by the proposed project are less than significant with the implementation of mitigation measures. Construction noise impacts were found to be significant and unavoidable; however, they will be temporary in nature, during the construction phase and pump station emergency testing only, and minimized to the extent feasible by mitigation measures MM NV-1 and MM NV-2.

Based on substantial evidence in the record, the City Council finds that the proposed project is the least environmentally damaging alternative.

Finding A4. 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.

According to the Habitat Assessment, Tree Protection Plan and Jurisdictional Delineation prepared by

ICF, International for the project (including in the Final EIR as Appendices C, D and E, respectively), the proposed treatment plant property contains environmentally sensitive habitat area (ESHA), specifically, wetland ESHA, jurisdictional drainage resources as well as protected native trees. Therefore, the project required review by the Environmental Review Board (ERB). The subject coastal development permit and Draft EIR were reviewed by the ERB on July 23, 2014. The ERB made several recommendations for the proposed project. As detailed in the accompanying agenda report, all feasible recommendations have been incorporated into to the project and no additional conditions of approval were required. The project conforms to the recommendations of the ERB.

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

As noted in Finding A4, the treatment plant site supports wetland ESHA and protected native trees. The project area also includes roosting habitat for nesting birds and special status bat species. As required by LCPA No. 13-002, treatment plant construction is expected to avoid all wetland ESHA and the required 100 foot wetland ESHA buffer, except for driveway construction, which overlays the existing driveway as much as feasible. Furthermore, no impacts to ESHA or native trees are expected to occur as a result of Phase 1 pipeline or pump station construction. Consistent with the development standards required by the LCPA, the project will offset the buffer encroachment on the treatment plant site by installing an equivalent area of native planting on the site in an area that is currently disturbed or supports non-native vegetation.

Furthermore, because the LARWQCB requires the Civic Center Wastewater Treatment Facility project to maximize the use of reclaimed water produced by the facility and, where possible, to substitute the reclaimed water for potable water uses, the LCPA explicitly identifies the proposed treatment facility as a “necessary water supply project that includes incidental public service purposes, including but not limited to, burying cables and pipes or inspections and maintenance” for purposes of LIP Chapter 4.

On July 15, 2014, the City Biologist determined that, subject to the conditions of approval and mitigation measures of the MMRP (included in this resolution as Exhibit A), the Phase 1 project is consistent with the LCP, as amended by LCPA No. 13-002, and the supplemental ESHA findings of LIP Section 4.7.6 do not apply.

C. Native Tree Protection Ordinance (LIP Chapter 5)

The provisions of the Native Tree Protection Ordinance only apply to those areas containing one or more native Oak, California Black Walnut, Western Sycamore, Alder or Toyon trees that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, four and one-half feet from the ground. As discussed in the ESHA section above, the treatment plant site contains 15 protected native California black walnut trees, five of which would be removed by the project and three of which would be encroached upon. No protected native trees are located in the injection well locations or in the proposed pump stations sites in Legacy Park and Malibu Bluffs Park. The findings required by LIP Chapter 5 are made below.

Finding C1. The proposed project is sited to minimize removal of or encroachment into the protected zone of native trees to the maximum extent feasible.

The treatment plant site has the following unique siting and design requirements that prevent complete avoidance of all protected native trees on the site:

- Keeping existing wastewater treatment facility operational during new plant construction;
- Maintaining certain existing facilities for use by the new plant (i.e., underground storage tank and seepage pits);
- Existing and nearby driveways, traffic light;
- Onsite wetland and riparian ESHA and steep slope areas;
- Fire Department 26 foot access driveway requirement; and
- Engineering design requirements for the facility, such as pad size and elevation and placement of treatment modules for future phases.

Development and facility locations have been placed to avoid as many of the 15 protected native trees on the site as possible. Five trees will be removed by the project, and the protected zones of three others will be encroached upon.

Finding C2. The adverse impact of tree removal and/or encroachment cannot be avoided because there is no other feasible alternative.

It is not feasible to avoid the adverse impacts of removing the five trees and encroaching upon three protected zones due to the siting constraints listed in Finding C1.

Finding C3. All feasible mitigation measures that would substantially lessen any significant impact on native trees have been incorporated into the approved project through design or conditions of approval.

The project complies with the LCPA standards requiring avoidance of native trees as much as feasible, will protect remaining trees as called for in the Native Tree Protection Plan, and will pay the in lieu mitigation fee for the five trees to be removed. This resolution includes conditions of approval to this effect, along with the requirement to implement the MMRP (Exhibit A). Although no protected native trees are expected to be encountered along the pipeline alignment in public and private streets, a native tree survey will be conducted for confirmation prior to construction. The project complies with LIP Chapter 5.

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

The Scenic, Visual and Hillside Resource Protection Ordinance 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. PCH and Malibu Canyon Road are designated as scenic roadways per the LCP. The treatment plant site is briefly visible from PCH, and is visible from a distance from a portion of Malibu Canyon Road. The site is also visible from the private viewing areas of the multifamily residences across Civic Center Way. In addition, Legacy Park and Malibu Bluffs Park are designated scenic areas. The findings of LIP Section 6.4 are made below.

Finding D1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

At present, the treatment plant site contains existing wastewater facilities, such as large white trickling filter tanks, and has utilitarian, semi-industrial character, with no landscaping or architectural features. Story poles were installed in May 2014 to depict the location, height and mass of the Phase 1 project. The placement of the story poles was certified by a professional land surveyor. A visual analysis of the project's visual impact from public viewing areas was conducted through site reconnaissance, a review of the story poles, architectural plans, visual simulations and an investigation of the character of the surrounding properties. Visual simulations of the treatment plant site were prepared that incorporate extensive landscape screening and illustrate how the site is expected to look in five years and in 20 years. A complete visual analysis, including visual simulations, is included in Section 4.1 of the Final EIR.

The appearance of the treatment plant site will change as a result of the project, in part due to the loss of five native trees, but also from construction of new, architecturally and vegetatively screened facilities and new landscaping. Though the landscape screening will be extensive, fuel modification requirements of the Fire Department limit some planting by prohibiting trees and shrubs that are located too close to, or overhang, structures. Consequently, some buildings and facilities on the site will still be visible from Malibu Canyon Road and PCH, as well as from some of the residences across Civic Center Way; however, by meeting the design standards in LCPA No. 13-002, the facilities will blend into the surrounding natural environment and are not expected to result in significant adverse visual impacts. The above-ground facilities associated with the pump stations will be visible from the parks, but will be hidden in cabinets and/or screened by vegetation. While not in a scenic area, the injection wells on Malibu Road will also be screened and/or landscaped to blend with the surrounding area. The visual impact of the removed native trees will be mitigated by the new native landscape screening installed in the site.

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

Finding D2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As stated in Finding D1, as conditioned, will have no significant adverse scenic or visual impact. Conditions of approval require that colors and materials be used that blend with the natural environment, and site lighting is conditioned to be dark-sky compliant and minimized to the amount necessary for public safety.

Finding D3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the project as conditioned is the least environmentally damaging feasible alternative.

Finding D4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

The proposed project does not pose any significant adverse impacts on scenic and visual resources. As discussed in Finding A3, the project, as conditioned, will result in a less than significant impact on scenic and visual resources.

Finding D5. 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 Findings A3 and D1, the project as conditioned will have no significant adverse scenic and visual impacts. With the incorporation of mitigation measures outlined in the MMRP (Exhibit A), potential impacts to sensitive resources (e.g., native tree protection) have been mitigated to a less than significant level.

E. Transfer of Development Credits (LIP Chapter 7)

LIP Chapter 7 applies to land division and/or multi-family residential development in the Multiple Family or Multi-Family Beachfront zoning districts. This project does not involve such development; therefore, the findings of LIP Chapter 7 do not apply.

F. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The project was analyzed for the hazards listed in LIP Section 9.2(A). The required findings of LIP Chapter 9 are made as follows:

Finding F1. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

The applicant submitted the following documents/data, which are on file at the City:

- Geotechnical Investigation Report: Wastewater, Recycled Water, and Effluent Dispersal Infrastructure, by Geosyntec Consultants, Inc. dated November 7, 2013
- Addendum dated November 7, 2013
- Geotechnical Investigation Report dated June 30, 2014

The City Geotechnical staff and the City Public Works Department have reviewed the EIR, project plans and associated technical submittals. On August 20, 2014, the City Geologist issued an approval in concept for conformance with City geotechnical standards and LCP requirements. Standard conditions of approval will be included to require that all recommendations of the consulting Certified Engineering Geologist, Geotechnical Engineer and all the plan check stage comments of the City Geotechnical staff shall be incorporated into all final design and construction plans, including

foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by City Geotechnical staff prior to the issuance of a grading permit.

In these reports, site-specific conditions were evaluated and recommendations were provided to address any pertinent issues. Based on extensive review of the above-referenced information, it has been determined that:

1. The buildout project service area is not located within an Alquist-Priolo Earthquake Fault Zone. It is unlikely that the project site will be impacted by active faulting or ground rupture; however, the Civic Center area is located in an area of high seismicity, generally.
2. The Seismic Hazards Zones map identifies earthquake-induced landslide hazard zones in the steep hillside portions of the overall project service area, but none of these are located in Phase 1.
3. Much of the buildout project service area, including the treatment plant site, is in a liquefaction zone.
4. The project area contains some areas of slope instability.
5. The treatment plant site is outside of the tsunami inundation zone, but injection wells and some pipelines are within the potential tsunami inundation zone.
6. Portions of the property are located within the Federal Emergency Management Agency's (FEMA's) 100 year flood zone.
7. The project site is in the vicinity of extreme fire hazard areas.

Ground-shaking / Seismicity – The project area is in a seismically active area of Southern California and may experience severe shaking in the future from the Malibu Coast Fault and other nearby faults. While it is impossible to totally prevent structural damage to buildings and loss of life as a result of seismic events, adherence to all applicable building codes and regulations and site-specific engineering specifications can reduce such impacts to less than significant levels. If engineering studies using state-of-the-practice techniques are employed, the impacts from ground rupture can be accounted for with setbacks and foundation designs to accommodate several inches of movement. Surface rupture potential is considered low to moderate, and the impacts are considered significant but mitigable. Implementation of Mitigation Measures GEO-1 through GEO-7 will reduce the impact to geology and soils to a level less than significant.

Liquefaction - Geotechnical studies identified potentially liquefiable soils within the treatment facility site. Based on site inspections, the potential for soil liquefaction-induced lateral spreading is considered low as the potentially liquefiable soil layer is not continuous and liquefiable lenses are relatively deep, approximately 10 to 25 feet below the ground surface. Depth to groundwater at the location of the proposed percolation ponds is 30 feet or more, and percolation at this location would not elevate these water levels such that they would increase the potential for liquefaction. Also, pipelines could be subject to rupture hazards from liquefaction. Design and construction of the project will incorporate appropriate engineering practices to ensure seismic stability, as required by the California Building Code. Proper design and construction using standard techniques, such as permanent dewatering, ground modification, and reinforced mat or deep-pile foundations, will be employed to ensure that facilities will not be damaged by liquefaction. Geosyntec evaluated the potential for the injection wells to increase liquefaction and determined that the increases in groundwater levels as a result of injection would have a negligible effect on liquefaction potential. Liquefaction is addressed in Section 4.5.2 in

Section 4.5 (Geology and Soils); see Impact GEO-3, and the project impacts will be less than significant.

Tsunami Inundation Zone – Above grade structures associated with the injection well sites, including electrical panels, transformers and generators, could potentially be impacted by tsunami inundation; however, implementation of MM HY-1 for preparation of a tsunami response plan would reduce the risk to less than significant.

Slope Instability – While the treatment plant site is naturally buttressed and thought to be stable, the project will require additional measures to confirm stability. In addition, there is the potential for localized sloughing of steep slopes and overhangs, as well as toppling of soil columns during construction, which are potentially significant impacts. Surface runoff, groundwater seepage, and earthquake shaking were also considered to be contributors to the weakening and toppling of temporary slopes and reducing soil shear strength. In general, these geologic and seismic hazards can be reduced by employing sound best management practices (BMPs), such as protecting graded or disturbed areas, including slopes, in accordance with the approved erosion control plan. MM GEO-4 through GEO-6 are incorporated to minimize hazards to construction workers from unstable temporary slopes and ensure that no significant adverse impacts would occur. Recycled water irrigation on sloped lands will be applied at agronomic rates in accordance with project permit requirements, reducing the potential for slope instability resulting from over-irrigation. Slope stability impacts will be less than significant.

FEMA Flood Hazard Zone – The treatment plant site, Bluffs Park pump station and the injection well heads are outside of the 100 year floodplain. However, the Legacy Park pump station is located in the 100 year floodplain. The existing detention pond at Legacy Park is expected to provide capacity to address the potential for onsite flooding, and above-ground features would be mounted on concrete pedestals at elevations above the anticipated flood levels. Therefore, impacts would be less than significant.

Fire Hazard - The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The site has been affected by wildfires in the past. Most recently, an October 2007 wildfire severely burned portions of the Civic Center area and the treatment plant site. On November 21, 2014, LACFD approved a preliminary fuel modification plan for the treatment plant site. The preliminary fuel modification plan was prepared in accordance with the LACFD Fuel Modification Plan Guidelines and identifies specific zones within the property that are subject to fuel modification. The design will also incorporate alternative fuel modification measures to allow for more effective visual landscape screening, such as irrigated, fire-resistant plant species. The LACFD will review and approve the final fuel modification plan prior to issuance of grading/building permits. LACFD has also reviewed the project and approved the project in concept for conformance with the Fire Code. Construction of the proposed structures will utilize ignition-resistant materials and design features, such as the required 26 foot wide access driveway, to complement the provided fuel modification.

Impacts associated with hazards will be less than significant.

Finding F2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As stated in Finding F1, the proposed project, as conditioned and approved by City Geotechnical staff, City Public Works Department and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to project modifications, landscaping or other conditions.

Finding F3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As stated in Finding A3, the proposed project is the least environmentally damaging alternative.

Finding F4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As stated in Finding F1, the proposed project as designed, conditioned, and approved by the City Geotechnical staff, City Public Works Department and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity of the proposed project.

Finding F5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As stated in Finding F1, the proposed project, as designed, conditioned, and approved by the City Geotechnical staff, City Biologist, City Public Works Department and the LACFD, will not have any significant adverse impacts on sensitive resources as enumerated by the LCP.

G. Shoreline and Bluff Development Ordinance (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project does not occur on a shoreline or bluff; therefore, the findings of LIP Chapter 10 do not apply.

H. Public Access Ordinance (LIP Chapter 12)

In accordance with LIP Section 12.6(B)(2), the project is exempt from providing public lateral, vertical, bluff top, trail or recreational access because the project will not impede existing public access ways, and is providing a four foot sidewalk along Civic Center Way as a continuation of the proposed Malibu Pacific Trail identified on the pending LCP Park Land and Trails System Map. This map also identifies unofficial/proposed trail segments along Malibu Canyon Road, Civic Center Way and portions of Cross Creek Road. The pump station facilities at Legacy Park and Malibu Bluffs Park have been sited so as not to affect public or recreational accessways at the parks. The project site does not include any

parcels along the shoreline or a blufftop. The Traffic Control Plan, included in the project and required as a condition of approval, calls for the project to make provisions for pedestrian and bicycle safety during construction, and for worker parking to avoid reducing availability of parking in project areas. The Final EIR evaluated potential impacts to recreation resources in Section 4.13 and determined no significant adverse impacts would occur and no mitigation measures were required. The project complies with LIP Chapter 12.

I. Land Division (LIP Chapter 15)

LIP Chapter 15 applies to land divisions. The project does not propose a subdivision of land; therefore, the findings in LIP Chapter 15 do not apply.

J. Onsite Wastewater Treatment Systems (LIP Chapter 18)

If approved, LCPA No. 13-002 would require the following four findings to be made for the approval of the Civic Center Wastewater Treatment Facility, in addition to the findings of the LCP sections discussed above. Each new finding is listed below, followed by a discussion of how the project complies.

Finding J1. The proposed project is designed to serve a capacity of development that does not exceed the amount allowed by the LCP.

The project proposes a membrane bioreactor system to treat wastewater for reuse as recycled water, or disposal by deep well injection into the lower aquifer of the Malibu Valley Groundwater Basin or percolation into the upper aquifer of Winter Canyon. On July 9, 2014, the City Environmental Health Administrator reviewed and approved the design concept report prepared by RMC for the subject Phase 1 project CDP and all supporting materials for design of all phases of the project through buildout. The design capacity of treatment facility is based on buildout conditions calculated based on the City's General Plan and LCP, existing discharge records for other permitted treatment systems in the Civic Center area, and applications on file with the City. The capacity also includes a factor of safety and redundancy based on industry standards and operational needs to account for maintenance and repairs to system components. Therefore, the project is designed to serve a capacity of development that does not exceed that allowed by the LCP.

Finding J2. The proposed project is consistent with regulatory requirements of the City of Malibu and applicable agencies, including but not limited to, the Regional Water Quality Control Board.

As discussed above, the project is consistent with the LCP. In addition, the treatment facility has been designed to meet the waste discharge requirements (WDR) established by the LARWQCB, which would consider water quality objectives established in the Basin Plan and Ocean Plan (i.e., the statewide water quality control plan that established policies and standards involving marine waters), recycled water treatment objectives set forth in Title 22 of the California Code of Regulations, and the Total Maximum Daily Load (TMDL) for nutrients that has been established for Malibu Creek and Malibu Lagoon. The WDR will also include water quality monitoring and testing requirements to meet requirements of the Prohibition as well as the regulations mentioned herein.

The project will bring wastewater collection and recycled water distribution pipelines to the property line of individual parcels. Individual property owners will be responsible for the improvements needed on their particular parcel to connect to the system. The City Environmental Health Administrator and Building Safety Division will design a septic decommissioning program that specifies the connection requirements. These requirements will follow the standards of the Malibu Plumbing Code and RMC's design specifications to ensure the wastewater treatment facility will operate as designed. Examples of property owner requirements include, but are not limited to:

- Making a water-tight connection so that water from surrounding soils is not able to infiltrate pipes and artificially increase inflows to the treatment facility; and
- Not using water softeners, which contain excess salts that would undermine the treatment capabilities of the system to meet permitting requirements.

The project and its implementation will be consistent with all regulatory requirements.

Finding J3. The project, including any proposed new or modified method of effluent disposal, is consistent with policies requiring protection of marine resources, riparian habitat and water quality.

The proposed collection and distribution systems would distribute Title 22 disinfected effluent (recycled water) from the wastewater treatment facility to various land uses for reuse purposes as well as to groundwater injection wells for protection against seawater intrusion. As indicated in Section 4.7 (Hydrology and Water Quality) of the Final EIR and supported by the Water Quality Supporting Documents of Appendix G, no significant impacts on groundwater and surface water, including the ocean, would occur.

The project will not result in any significant impacts to stream or riparian habitats and all construction would be more than 100 feet from these ESHA areas, with the exception of one small area on the treatment plant site where paving will be added to the existing dirt driveway just inside the 100 foot ESHA buffer and an infiltration area to receive and treat driveway runoff. The treatment plant site and grading plan have been designed so that stormwater runoff from roofs, gutters and all other site surfaces will be routed to designated sump locations and returned to the headworks for treatment prior to leaving the property through existing storm drains. This design also ensures that in the unlikely event of a spill, nothing flows off the site.

Standard conditions of approval are identified to be implemented during construction and operation, including requiring that a final grading and drainage plan be approved prior to issuance of grading permits. The plan must include stormwater management to mitigate increased runoff associated with site development, a stormwater pollution prevention plan and a wet weather erosion and sediment control plan. A water quality mitigation plan is required that will include installation and maintenance of permanent site design and source control stormwater management best management practices (BMPs) to meet the City's requirements of the City's current Municipal Separate Storm Sewer System (MS4) permit.

The project, including any proposed new or modified method of effluent disposal, is consistent with policies requiring protection of marine resources, riparian habitat and water quality.

K. Conditional Use Permit (M.M.C. Section 17.66.080)

Finding K1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

Pursuant to the proposed LCP and zoning text amendments, the proposed Civic Center Wastewater Treatment Facility is a public utility facility that is a conditionally permitted use in the CV-1, CV-2 and POS zoning districts where facilities would be placed. The project has been conditioned to comply with all applicable provisions of the M.M.C.

Finding K2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

According to the General Plan, the CV designation (CV-1 and CV-2) “provides for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting,” while the POS zone “provides for publicly owned land which is dedicated to recreation or preservation of the City’s natural resources.”

In order to ensure the proposed use would not impair the integrity and character of these zones, the LCPA and corollary ZTA included with the project create the Civic Center Wastewater Treatment Facility (CCWTF) Overlay District, and establish development standards for the project. The Overlay is designed to apply to and allow for the CWTF project only, not to other public utility facility projects in general. As such, there is no risk that other parcels zoned CV-1, CV-2 or POS would be used for other public utility facility uses in the future in a manner that would impair the integrity and character of the zones.

The proposed treatment plant site is currently in use for a private package wastewater treatment plant that serves the Malibu Colony Plaza shopping center and several other existing buildings. As such, it is unlikely that the plant site would be used for a visitor-serving use in the future. Therefore, the proposed project will not impair the integrity of the CV-2 zone, or the inventory of lands available for visitor-serving uses.

The proposed pump station facilities will have a small overall footprint at Legacy Park and Bluffs Park that will not interfere with recreational uses and biological resource purposes of the parks. The proposed code amendments includes development standards to require the pump station facilities to be sited and designed not to impair the integrity and character of the CV-1 and POS zone. Per the development standards, the facilities are underground and/or in disturbed areas to avoid environmentally sensitive habitat area, trails, and public recreational areas, and incorporate landscape and visual screening.

The proposed public utility facilities of the project comply with the development standards set forth in the code amendments to ensure they will not impair the integrity and character of the zoning districts where they are sited.

Finding K3. The subject site is physically suitable for the type of land use being proposed.

The proposed wastewater treatment plant site is a 4.08 acre parcel already in use as a wastewater treatment plant. The treatment plant has been designed to avoid steep slopes and jurisdictional wetland areas, and has been designed to avoid encroachment and removal of the protected native trees onsite, and will mitigate for the impacts to five native trees. Where the development on the treatment plant site cannot provide a full 100 foot buffer from the onsite wetlands, restorative planting of an equal square footage will be incorporated onsite as required by the code amendments.

The proposed locations were determined to be located in geologically feasible locations and outside of the 100-year floodplain, except for the Legacy Park pump station. However, the existing detention pond on the site is expected to provide adequate capacity to address the potential for onsite flooding, and above-ground features, such as vents, an electrical panel, transformer and backup generator, will be mounted on concrete pedestals at elevations above the anticipated flood level. The proposed facilities have received conformance review and approval from the City Public Works Department, City Biologist, City Environmental Health Administrator, City Geologist and Los Angeles County Fire Department. The site is physically suitable for the proposed development.

Finding K4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

The treatment plant site is already in use as a wastewater treatment facility which will be disconnected once the proposed project is completed. The proposed project has been designed to allow the onsite plant to continue to serve the Malibu Colony Plaza shopping center and other connected uses until they can be hooked up to the new treatment facility. In addition, an existing buried treatment tank and seepage pits will be reused in conjunction with the new treatment plant. The pump stations at Legacy Park and Bluffs Park are sited and designed to be located in existing disturbed areas that do not interfere with existing park use, public access or ESHA. As such, the proposed project is designed to be compatible with onsite uses.

There are multi-family residential properties located to the north of the proposed treatment plant site, and institutional uses (Webster Elementary and Our Lady of Malibu Church and School) located to the northwest. A Los Angeles County-operated package wastewater treatment plant that serves the multi-family development is located across Civic Center Way from the proposed treatment plant site. Adjacent to the west is a large vacant parcel currently proposed for development as the Rancho Malibu Hotel project.

The project will result in noise impacts during construction and periodic testing, but these will be temporary and mitigated as much as feasible. The project will comply with the City's Noise Ordinance (M.M.C. Chapter 8.24) which limits construction hours to 7 a.m. to 7 p.m. on weekdays, 8 a.m. to 5 p.m. on Saturday, and prohibits construction on Sundays and City holidays. Construction traffic will be controlled by a traffic control plan that will be required to be reviewed and approved by the City prior to permit issuance. The traffic control plan will include, among other things, limits on construction delivery hours to avoid conflicts with student arrival and departure and provisions for maintaining pedestrian and bicycle safety, such as special conditions to ensure safety at the crosswalk on Civic Center Way at the proposed treatment plant site.

Operation of the treatment plant (Phase 1) will require two full-time employees. Trips associated with the operation of the plant include two trips per day by employees of the facility, one truck per day for solids removal, four truck trips per week for screening/grit pickup and chemical deliveries, plus an additional four to six trips of the course of a year for routing inspection and maintenance. This level of trips will not interfere with surrounding uses. Noise generating facilities will be located underground or within enclosed buildings with noise attenuating features. All treatment processes will be fully odor-scrubbed to avoid odor releases to the environment.

The project has been sensitively designed to be aesthetically compatible with the surrounding neighborhood by siting facilities underground as much as possible, incorporating a neutral rural style into onsite buildings and enclosures, and providing extensive landscape screening to hide above-ground equipment and treatment plant buildings as much as possible.

Finding K5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

The proposed facilities will be compatible with the CV-1, CV-2 and POS zones due to the development standards provided in the overlay district, as well as the design features of the project to locate as many facilities below ground as possible, to site development in disturbed areas, to provide landscape screening, covered and/or enclosed facilities, noise abatement and odor scrubbing. Without these features, the proposed treatment plant use would not be compatible with the multifamily and institutional land use districts north of the treatment plant site, and the pump stations facilities would not be compatible POS and CV-1 zoning districts of the existing park facilities.

Furthermore, the proposed facility (Phase 1) will replace two aging treatment systems (the existing system on the proposed treatment plant site and the existing system serving Our Lady of Malibu School) that have chronic odor and other complaints, allowing properties in the Phase 1 project area to connect to a modern, safe, reliable treatment facility that will be monitored and maintained 24 hours a day, seven days a week.

Finding K6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.

Beyond onsite restroom and lab processes, no potable water is used in the operation of the treatment plant. The 2010 Los Angeles County Waterworks District No. 29 Urban Water Management Plan indicates District No. 29 will have adequate water supply to meet City demands through 2035. In addition, the proposed project will help reduce demand for potable water by providing a source of Title 22 treated recycled water that can be used instead of potable water in the project service area for uses such as irrigation and toilet flushing.

Operation of the proposed project can be accommodated by the permitted capacity of existing disposal facilities, such as the Calabasas landfill and Hyperion Treatment Plant. The proposed project will include construction of minor drainage improvements on and nearby the treatment plant site, including

grading the site to route all stormwater runoff to centralized collection points for processing in the project's headworks, and construction of a curb and gutter sidewalk along the treatment plant site that will direct flows to an existing inlet on Civic Center Way. Operation of the treatment facility will consume electricity and natural gas on a daily basis; however, the increase in energy usage from the project will not exceed local or regional supplies. The project is not expected to impact existing service levels of the Los Angeles County Fire Department (LACFD) and Los Angeles County Sheriff.

Therefore, there will be adequate provisions for water, sanitation, public utilities and services to ensure the proposed use would not be detrimental to public health and safety.

Finding K7. The project does not affect solar access or adversely impact existing public and private views, as defined by staff.

The elevation of the treatment plant site is below the level of surrounding properties and no adverse impacts to solar access or private primary views will result from the project. While facilities have been sited underground as much as feasible, some facilities on the site will be visible from PCH and Malibu Canyon Road (scenic road under the LCP), and from Civic Center Way, which is where a future alignment of the Malibu Pacific Trail has been proposed in the pending LCP Park Land and Trails System Map. Some facilities will also be visible to residential properties across Civic Center Way. The highest structure on the treatment plant site will be the membrane bioreactor canopy roof, with a height of 25 feet. Some of the pump station facilities in Malibu Bluffs Park and Legacy Park will also be aboveground and visible to park users, ranging in height from 3 feet to 8.5 feet high.

As discussed earlier, the project design includes extensive landscape screening to block views of equipment and structures from scenic and residential areas, and will incorporate colors and materials compatible with the surrounding environment as required by the LCP to minimize any adverse visual impacts. The project is expected to improve the existing appearance of the treatment plant site as existing facilities include no visual screening, either from plantings or architectural covering/enclosure, and the site is not landscaped. Lighting for the proposed treatment facility will be dark-sky compliant and limited to the minimum necessary for safety and security. The project will not affect solar access or adversely impact existing public or private views.

Finding K8. There would be adequate provisions for public access to serve the subject proposal.

The treatment plant site will be gated and fenced for security reasons and will not be accessible to the public. The treatment plant property fronts on Civic Center Way and will be served by one existing curb cut and one new curb cut to be constructed in the northwestern portion of the frontage, connected by new paved driveway which overlays the existing dirt driveway as much as possible. The driveway design takes into consideration the existing traffic light, crosswalk, bus stop and existing driveways and streets across Civic Center Way. The driveway will have a paved width of 26 feet as required to comply with LACFD access requirements. Six regular parking spaces and one American with Disability Act-compliant parking space are provided on the site. The project provides adequate provisions for public access.

Finding K9. The proposed use is consistent with the goals, objectives, policies, and general land uses

of the General Plan.

The proposed project is consistent with the goals, objectives, policies of the General Plan in that it would capture and treat wastewater flows that are currently degrading the groundwater basin and nearshore surface waters, like Malibu Creek and Lagoon, with highly advanced treatment technology far more effective than existing private onsite wastewater disposal systems. This function supports the intent of the General Plan to protect biological, recreational and groundwater resources. The development standards included with the code amendments for the overlay district set forth requirements that ensure the project avoids environmental impacts to the greatest extent feasible, and minimizes and offsets potential impacts with restorative onsite habitat planting and a tree protection plan with mitigation for loss of five protected California black walnut trees.

Finding K10. The proposed project complies with all applicable requirements of state and local law.

The project has been designed to meet the requirements of state law as provided in the prohibition established by the Water Boards. Furthermore, the project will comply with state and local law because in addition to local grading and building permits, the project requires a coastal development permit in compliance with Malibu's certified LCP, as well as California Coastal Commission certification of the LCPA. Furthermore, the project will be required to obtain SWRCB approval for Water Recycling Requirements/Waste Discharge Requirements (WRR/WDR) and LARWQCB approval for a General WDR. A California Department of Public Health approval of a Title 22 Engineer's Report and an underground injection control permit from the U.S. Environmental Protection Agency are also required. The project will obtain all required state and local approvals prior to construction. During operation, the project will comply with all surface and groundwater quality monitoring requirements as established in the WRR/WDR permits and the MOU.

Finding K11. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare. By meeting the requirements of the City's MOU, the project will provide a mechanism for property owners to comply with the Prohibition. In the absence of the project, property owners in Phase 1 of the Prohibition Area will be required to cease onsite discharges from existing septic systems by the deadline established in the MOU or face potential individual property owner penalties as may be enforced by the Water Boards.

All staff involved in operation of the treatment plant will be required to hold and maintain wastewater treatment plant certifications with the SWRCB. Project operation and maintenance will include system-wide proactive, preventive and corrective maintenance. The system would be maintained to protect the quality of water in the system, to minimize replacement costs of equipment, minimize the potential for leaks, breaks overflows, maintain injection/percolation capacity and other situations that would affect the health and safety of the staff, customers and the public.

Finding K12. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed

development is not at risk from these hazards.

All components of the project, both on and off of the treatment plant site, will be constructed in accordance with the project geotechnical consultant recommendations to ensure it will be safe from earth movement and liquefaction hazards. Redundancy and safety features, such as backup pumps and generators, are built in to the project to increase reliability in the event of seismic or other events. Also, project operating protocols will include personnel training for appropriate response actions following a seismic event. These protocols will include required notification procedures, plant operation modifications, and inspection requirements. The facilities are located outside of the 100 year flood zone, except for the Legacy Park pump station; however, as noted in Finding C, the existing detention pond on the site is expected to provide adequate capacity to address onsite flooding, and above-ground features will be mounted above flood elevations. With the implementation of geotechnical consultant and engineering design recommendations, training and protocols, the proposed development will not be at risk from these hazards.

Section 11. Conditions of Approval

Based on the foregoing findings and evidence contained within the record, the City Council hereby certifies Environmental Impact Report No. 13-001, adopts the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations, and approves Coastal Development Permit No. 13-057 and Conditional Use Permit No. 13-005, subject to the following conditions:

Standard Conditions

1. The applicants and property owners, and their successors in interest, shall indemnify, defend and hold harmless the City of Malibu and its elected and appointed officials, officers, employees and agents from and against any and all claims, actions, proceedings, liabilities and costs brought against the City and its elected and appointed officials, officers, employees and agents relating to the City's actions concerning this project, including but not limited to any proceeding under CEQA. This indemnification shall include (without limitation) damages, fees, and/or costs awarded against the City, cost of suit, attorney's fees, and 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 the property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project and the City's costs, fees, and damages that it incurs in enforcing the indemnification provisions set forth in this section.
2. The scope of work approved includes construction of Phase 1 of the Civic Center Wastewater Treatment Facility project to provide tertiary treated, Title 22 recycled water for reuse and/or injection into the Civic Center Gravels of the Malibu Valley Groundwater Basin or percolation into the Winter Canyon groundwater system as follows:

Treatment Plant Site

- a. Removal of existing onsite wastewater treatment facilities (after its existing flows are connected to the new treatment plant), except for an underground 50,000 gallon

- treatment tank and existing seepage pits that will be reused
- b. Relocation of utilities, as needed
 - c. Grading and site preparation
 - d. Construction of above-ground facilities (square footages are approximate; heights may vary but shall not exceed 28 feet), including:
 - i. Headworks facility building (2,140 square feet, 18-21 feet high)
 - ii. Operations/lab controls building (1,502 square feet, 15-16 feet high, housing employees for plant operation and water quality testing)
 - iii. Membrane bioreactor blower and electrical building (910 square feet, 15-16 feet high)
 - iv. Solids blower building (389 square feet, 15-16 feet high)
 - v. Canopy-covered pair of below-grade membrane bioreactors and filtration equipment (1,989 square foot canopy footprint, 23-25 feet high, covering a maintenance crane and below-grade bioreactor tanks)
 - vi. Secure, roofed, 248 square foot chemical area 11-12 feet high, walled on three sides and gated on the fourth with an adjacent uncovered 14 to 15 foot high storage tank
 - vii. Standby generators, transformers and other equipment
 - viii. 6 foot tall wire mesh fencing that can accommodate plantings for screening and driveway gates
 - ix. Security lighting that is dark-sky compliant.
 - x. Landscaping, fuel modification and onsite restorative planting
 - e. Construction of at-grade and below-ground facilities, including:
 - i. New 26-foot wide, all-weather surface driveway, parking and turnouts
 - ii. Sidewalk along Civic Center Way
 - iii. Various ultraviolet and other treatment and storage tanks
 - iv. Piping, odor control beds, electrical, pumping and other ancillary equipment
 - v. Three percolation ponds approximately 3 to 4 feet deep, approximately 25 wide and 110 feet long

Legacy Park and Malibu Bluffs Park Pump Stations

- f. Construction of one pump station at each park, located underground, and ancillary equipment, such as backup generators and transformers, sited above-ground in storage cabinets, screened by native plantings, with all equipment sited in paved or disturbed areas as much as feasible.

Pipelines

- g. Construction of Phase 1 wastewater collection and recycled water distribution pipelines, approximately 3.9 miles in length, to be located underground, typically within the same trench and generally beneath public rights-of-way or within easements.

Injection Wells

- h. Installation of three injection wells on the north side of Malibu Road in the right-of-way, about 400 feet apart, with each well approximately 150 feet deep, and above-

ground well head facilities placed in mesh cages measuring approximately 12 feet wide by 26 feet long by 6 feet high, screened with landscaping or other design work.

Conditional Use Permit No. 13-005

- i. Conditional approval for public utility facility uses associated with the Civic Center Wastewater Treatment Facility project in the CV-1, CV-2 and POS zones as described and conditioned herein.
3. Subsequent submittals for this project shall be in substantial compliance with the plans on file, dated **September 9, 2014** (CDP Site Plan) and **April 1, 2014** (Construction Drawings) with the Planning Department. The project shall comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs 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 days of the City Council's approval of the resolution and/or prior to issuance of any development permits.
5. The property owner / applicant or their successor shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to the issuance of any building or development permits.
6. This resolution, signed 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 City Environmental Sustainability Department for plan check, and the City Public Works Department for an encroachment permit (as applicable).
7. The CDP shall be null and void if the project has not commenced within three (3) years after issuance of the permit. 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.
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 City Environmental Sustainability Department, City Geologist, City Environmental Health Administrator, City Biologist, City Coastal Engineer, City Public Works Department, Los Angeles County Waterworks District No. 29 and the Los Angeles County Fire Department (LACFD), 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 Malibu Municipal Code (M.M.C.) and the LCP. Revised plans reflecting the minor changes and additional fees shall 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, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void. In addition, this permit shall not become effective until the CCC certifies LCPA No. 13-002.
12. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.

Project-Specific Conditions

13. The property owner / applicant or successor shall implement all mitigation measures that are specified in Environmental Impact Report No. 13-001 pursuant to the MMRP included as Exhibit A to this resolution which are applicable to this Phase 1 CDP.
14. The applicant shall obtain all required permits from responsible agencies.
15. Pipelines and ancillary infrastructure, such as but not limited to, pump stations, generators and wells not located on the treatment plant site, shall be located underground whenever feasible and/or in disturbed areas as much as possible, especially under existing paving, to avoid ESHA, native trees, trails, public recreational use areas (such as within parks), and visual impacts.
16. For pipelines and ancillary infrastructure, such as but not limited to, pump stations, generators and wells not located on the treatment plant site, any temporary impacts to ESHA from excavation, trenching or other construction disturbance shall be fully restored. Permanent impacts to or loss of ESHA shall be offset by payment of an in lieu fee in accordance with LIP Section 4.8.1(C). The applicant shall provide a preliminary calculation of any impact areas for review and approval by the City Biologist as part of the CDP application and a final calculation prior to issuance of a grading permit for the development affecting the ESHA resources.
17. Gates, fencing and walls shall comply with LIP Section 3.4.4.
18. Structures and equipment shall be designed to minimize visual impacts using methods including, but not limited to: locating development below ground level where possible; utilizing landscape screening to soften views of the development and allow it to blend with the surrounding environment; and incorporating design measures like walls, fencing, and building and lighting orientations that help to contain operational sounds and odors, screen site development from nearby properties and public viewing areas, and avoid offsite light spill.

19. The build out design capacity of the CCWTF, including all phases, shall not exceed the amount of development allowed by the LCP.
20. Prior to allowing connections to the Civic Center Wastewater Treatment Facility, the City shall develop and implement OWTS decommissioning plan and wastewater connection program designed in accordance with LARWQCB and Uniform Plumbing Code requirements and which sets forth procedures and requirements for the disposition of existing onsite wastewater treatment systems and connection to the treatment facility.
21. The property owner / applicant or their successor shall obtain an encroachment permit from Caltrans prior to commencement of any work within the Pacific Coast Highway public right-of-way.

Cultural Resources

22. 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 M.M.C. Section 17.54.040(D)(4)(b) shall be followed.
23. 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.

Construction and Demolition

24. The property owner / applicant or their successor shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to the issuance of a building/demolition permit, a Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Environmental Sustainability Department for review and approval. The WRRP shall indicate means and measures for a minimum of 50 percent diversion goal.
25. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
26. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as

feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

Colors and Materials

27. New development in scenic areas visible from scenic roads or public viewing areas shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
 - a. Colors shall be compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones.
 - b. 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.
 - c. All windows shall be comprised of non-glare glass.
28. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. The color shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.
29. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color and material of all retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

Lighting

30. Night lighting from exterior and interior sources shall be minimized to that necessary for public safety. All exterior lighting shall be dark sky compliant and shall avoid lighting of natural habitat areas.

Biology/Landscaping

31. The City shall obtain any and all state and federal regulatory agency permits/agreements for any portion of the project (including infrastructure) should final project plans indicate that development may encroach into any of those agencies' jurisdiction.
32. All landscape plantings shall be limited to species native to the Santa Monica Mountains.
33. Invasive plant species, as determined by the City of Malibu, are prohibited.
34. Prior to final plan check approval of grading plans, the applicant shall provide an area calculation of the impacted area occurring with the 100-foot wetland ESHA buffer. The landscape plans shall then be amended to incorporate an equivalent area of native planting on the site in an area that is currently disturbed or non-native vegetation, and also comply with final fuel modification plan approval from LACFD.

35. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
36. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
37. The use of building materials treated with toxic compounds such as copper arsenate shall be prohibited.
38. Grading, excavation or other site preparation activities associated with both the treatment plant and infrastructure shall only be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct these activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
39. Grading, excavation or other site preparation activities associated with both the treatment plant and infrastructure scheduled between February 1 and August 30 will require nesting bird surveys by a qualified biologist prior to initiation of those activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal on site.
40. Construction fencing shall be placed outside of required ESHA limits and native tree protection zones and indicated on the site plans approved for grading permit issuance. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.
41. The wastewater treatment facility will require the removal of five and encroachments on three protected California black walnut trees. Pursuant to LIP Chapter 5, projects that support one or more California black walnut (*Juglans californica*) trees must include a native tree protection plan. A native tree protection plan was prepared and submitted for this project and LCPA No. 13-002/ZTA No. 13-008 addresses impacts to protected native trees. Required mitigation shall include mitigation of the native tree protection plan for trees that will have encroachments, but that will not be removed. Prior to issuance of grading permits that affects the protected native trees, the City shall pay the in lieu fee required by LIP Section 5.5.2(b) for tree that are removed.

Geology

42. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and the City Geotechnical staff (August 20, 2014 review sheet) shall be incorporated

into all final design and construction. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.

43. Final plans approved by the City Geologist shall be in substantial conformance with the approved CDP relative to construction, grading and drainage. Any substantial changes may require amendment of the CDP or a new coastal development permit.

Public Works

44. This project proposes to construct improvements within the City's right-of-way. Prior to the Public Works Department's approval of the grading permit, the applicant shall obtain encroachment permits from the Public Works Department for the work within the right-of-way.
45. The proposed driveways within the public right-of-way shall be constructed of either 6 inches of concrete over 4 inches of aggregate base, or 4 inches of asphalt concrete of over 6 inches of aggregate base. The driveways shall be flush with the existing grades with no curbs.
46. The applicant shall install a new 4 foot minimum width sidewalk constructed of 4 inch thick concrete Type 520-C-2000 of Davis Color Yosemite Brown (641). The sidewalk shall be placed on 4 inches of fill with sand equivalent 20 or higher compacted to 90% minimum. The new sidewalk shall be placed along the northern edge of the treatment plant site, adjacent to Civic Center Way. The sidewalk shall have expansion joints at every 60 feet on center with a ¼ inch pre-molded joint filler. Weakened plan joints (score lines) shall be placed every 10 feet on center.
47. The applicant shall place a new curb and gutter along the northern property line adjacent to Civic Center Way. The new curb and gutter shall be Type A2-150(6) per APWA Standard Plans 120-1 of Davis Color Yosemite Brown (641).
48. The applicant shall install three curb ramps on Civic Center Way with truncated domes per APWA standard plans 111-3.
49. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be placed on the project plans to this effect.
50. The Total Grading Yardage Verification Certificate for the treatment plant site shall be provided with or on the cover sheet of the grading plans submitted for the project.
51. Grading permits shall not be issued between November 1 and March 31 each year. Projects approved for grading shall not receive grading permit unless the project can be rough-graded before November 1. A note shall be placed on the plans that addresses this condition.
52. Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.

53. A Grading and Drainage Plan is required, and shall be submitted to the City Public Works Department for review and approval, prior to the issuance of grading permits for the project. The following elements shall be included in this plan:
- a. Public Works Department general notes;
 - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways);
 - c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
 - d. The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the plan.
 - e. Protected trees shall be highlighted on the grading plan.
 - f. If the property contains rare and endangered species as identified in the Habitat Assessment, the grading plan shall contain a prominent note identifying the areas to be protected and left undisturbed. Fencing of these areas shall be delineated on the grading plan as required by the City Biologist.
 - g. Private storm drain systems shall be shown on the plan. Systems greater than 12 inch diameter shall also have a plan and profile for the system included in the grading plan.
 - h. Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of a grading permit.
54. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to issuance of a grading or building permit. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street and any drainage easements.
55. The applicant shall label all City/County storm drain inlets within 250 feet from each property line per the City of Malibu's standard label template. A note shall be placed on the plans that addresses this condition.
56. Prior to the approval of any permits and prior to the applicant submitting the required construction general permit documents to the State Water Resources Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion and Sedimentation Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and must be developed and certified by a qualified SWPPP developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:
- a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area.
 - b. Methods used to protect native vegetation and trees.

- c. Sediment/erosion control.
 - d. Controls to prevent tracking on and off the site.
 - e. Non-stormwater controls.
 - f. Material management (delivery and storage).
 - g. Spill prevention and control.
 - h. Waste management.
 - i. Identification of site risk level as identified per the requirements in Appendix 1 of the Construction General Permit.
 - j. Landowner must sign the ESCP:
 - “I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grand and/or other permits or other sanctions provided by law.”
57. A State Construction Activity Permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.
58. A stormwater management plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified with LIP Section 17.3.2(B)(2). The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project (See LIP Section 17, Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to issuance of grading or building permits.
59. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City’s current Municipal Separate Storm Sewer System (MS4) permit. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs that retain onsite the stormwater quality design volume (SWQDv). Or where it is technically infeasible to retain onsite, the project must biofiltrate 1.5 times the SWQDv that is not retained onsite;

- d. Drainage improvements;
 - e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - f. Prior to the issuance of grading or building permits, a copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction; and
 - g. The WQMP shall be submitted to the Building Safety Public Counter and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approval the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMPS, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to issuance of the certificate of occupancy.
60. The developer's consulting engineer shall sign the final plans prior to issuance of grading and building permits.

Fire Safety

61. The project requires LACFD approval of a Final Fuel Modification Plan prior to the issuance of grading or building permits.
62. The project required LACFD plan review and approval prior to issuance of building permits.

Water Service

63. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve letter from Los Angeles County Waterworks District No. 29 indicating the ability of the property to receive adequate water service.

Prior to the Issuance of Certificate of Occupancy

64. Prior to the issuance of the Certificate of Occupancy, the property owner / applicant or their successor shall provide the Environmental Sustainability Department with a Final Waste Reduction and Recycling Report. This report shall designate all materials that were land filled and recycled, broken down into material types. The final report shall be approved by the Environmental Sustainability Department.
65. Prior to final sign off by the Planning Department, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

66. The applicant shall request a final Planning inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this CDP. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

Fixed Conditions

67. This coastal development permit shall run with the land and bind all future owners of the property.
68. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Additional Conditions

69. During project construction activities, the contractor shall follow standard soil sampling procedures and shall report to the City any contaminants identified during testing. Contaminants shall be reported to the public within 30 days.
70. Construction of the Winter Canyon area pipelines shall only occur during Spring, Summer and Winter breaks for Webster Elementary School and Our Lady of Malibu School.
71. Prior to issuance of a certificate of occupancy for the treatment, plant, the City shall work with Santa Monica Malibu Unified School District and Our Lady of Malibu School to develop an emergency evacuation plan.
72. The project shall incorporate a phased plan to remove the eucalyptus trees and replace them with oak trees.
73. Mitigation Measure HM-3 shall be modified to read:

“Prior to construction on the treatment plant site, a geoprobe or other equivalent drilling methodology will be used to conduct a limited soil investigation in the areas around existing seepage pits to the anticipated depths of excavation at the proposed treatment plant site. Soil cores will be collected at pre-identified locations and screened in the field visually and with the use of handheld sampling devices such as photo-ionization detectors (PIDs). As determined in the field, selected soil samples and/or composite soil samples will be collected and delivered to a State-certified analytical laboratory for analysis for volatile organic compounds via EPA Method 8260. Samples will be collected and handled using industry-standard methods for soil sample collection for chemical analysis. The results of the analyses will be published on the City’s website within 30 days of receipt from the laboratory.

During excavation and grading for the proposed Project, the contractor shall observe exposed

soil for visual evidence of contamination and will sample soil stockpiles in the field for volatile organic compounds using a handheld device such as a PID. All observations will be recorded in a daily log book. If visual contamination indicators are observed during excavation or grading activities or significant levels of volatile organic compounds are detected, all work shall stop and an investigation shall be designed and performed to verify the presence and extent of contamination at the site.

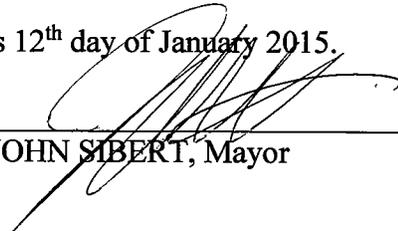
A qualified and approved environmental consultant shall perform the review and investigation. Results shall be reviewed and approved by LACFD or the California Department of Toxic Substances Control (DTSC) prior to construction. The investigation shall include collecting samples for laboratory analysis and quantifying contaminant levels within the proposed excavation and surface disturbance areas. Subsurface investigation shall determine appropriate worker protection and hazardous material handling and disposal procedures appropriate for the subject site.

74. During treatment plant operation, periodic testing of emergency power generators associated with pump stations shall not occur when Webster Elementary School and Our Lady of Malibu School are in session.
75. Air quality testing and reporting shall occur on an ongoing basis during treatment plant operations.

Section 12. Certification.

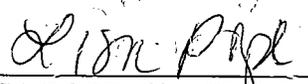
The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 12th day of January 2015.



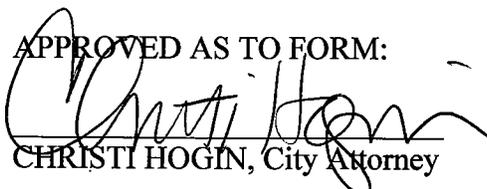
JOHN SIBERT, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

Coastal Commission Appeal - An aggrieved person may appeal the City Council's decision 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.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the M.M.C. and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 15-05 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 12th day of January 2015 by the following vote:

AYES: 5 Councilmembers: House, La Monte, Peak, Rosenthal, Sibert
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)

Exhibit A

Mitigation Monitoring and Reporting Plan

The City of Malibu is the lead agency for the Malibu Civic Center Wastewater Treatment Facility (CCWTF) Project. The EIR prepared for the Project provides an analysis of the potential environmental impacts that could result from the proposed project, either during construction or operation. The City of Malibu has found that implementation of the identified mitigation measures would reduce impacts to less-than-significant for all but two potential impacts. Two potential noise impacts were found to be significant and unavoidable impacts, even with mitigation: Noise and Vibration (NV)-1 and NV-4. Both of these impacts would be temporary in nature, occurring during construction and/or emergency testing, and associated mitigation measures would be implemented to reduce impacts as much as feasible.

Mitigation measures for the proposed project are identified in this Mitigation Monitoring and Reporting Plan, and include a total of 17 impacts that require mitigation from one or more of 35 mitigation measures. Section 21081.6 of the California Public Resources Code requires a lead or responsible agency that approves or carries out a project where an EIR has identified measures to mitigate significant environmental effects to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In accordance with Section 21081.6 of the Public Resources Code, this Mitigation Monitoring and Reporting Plan (MMRP) has been prepared.

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation Measure (Exact Text)	Mitigation Measure (Exact Text)	Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule
BIO-1	Substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by CDFW or USFWS	MM BIO-1. To reduce impacts to special-status species and their habitats to a less than significant level, the following avoidance and minimization measures shall be implemented: <ul style="list-style-type: none"> All work areas shall be approved by the Project Engineer in consultation with an approved biologist. No new areas of disturbance for lay down areas, parking, staging, or other support areas shall be developed. Previously disturbed areas will be utilized to support these work zones. Work areas shall be clearly marked in the field to prevent impacts outside of the designated work areas. 	MM BIO-1	City of Malibu Construction Consultant/ Contractor	City of Malibu	<ol style="list-style-type: none"> Confirm that measure is in the construction specifications for the project Project Engineer to sign off on work areas Confirm that no new disturbed areas be created in support of work zones Verify that work areas are clearly marked 	<ol style="list-style-type: none"> Pre-Construction During Construction
BIO-2		MM BIO-2. The drilling contractor shall prepare a Fraction Mitigation Contingency Plan for the Malibu Creek crossing that would include, at a minimum, the following elements for the protection of biological resources: 1) design protocols shall require a geotechnical engineer or qualified geologist to make recommendations regarding the suitability of the formations to be bored to minimize the potential for the inadvertent release of drilling fluids into the creek; 2) definition of how such releases of drilling fluids would be detected in a timely manner; 3) identification of steps to be implemented in the event of a drilling fluid release; and 4) a reporting protocol to ensure that all appropriate notifications are made to agencies.	MM BIO-2	City of Malibu Drilling contractor	City of Malibu	<ol style="list-style-type: none"> Confirm that measure is in the design protocols and construction specifications for the project Review and approve Fraction Mitigation Contingency Plan Verify that Malibu Creek Crossing is constructed in compliance with the Fraction Mitigation Contingency Plan 	<ol style="list-style-type: none"> Design Pre-Construction Construction
BIO-3		MM BIO-3. Within six months of any site preparation, construction, or other site disturbance associated with the Project, a focused bat roost habitat assessment shall be conducted. The assessment shall include the PCH bridge, Cross Creek bridge, and any mature trees occurring within 100 feet of any element of the Project, construction of infrastructure, and trees proposed for removal. The bat maternity season (typically April 1-August 31) shall be avoided to the greatest extent feasible. If the maternity season cannot be avoided, then a focused bat survey, utilizing current ultrasonic technology, shall be conducted by a qualified biologist acceptable to the CDFW and the City. If active maternity roosts are identified, no work will continue in those areas until such time as the City authorizes re-initiation of the	MM BIO-3	City of Malibu Qualified Biologist	City of Malibu	<ol style="list-style-type: none"> Qualified biologist shall perform a focused bat roost habitat assessment City of Malibu approve construction schedule and timing If necessary, qualified biologist to conduct focused bat survey as specified in this measure City of Malibu to consult with CDFW regarding work near active 	<ol style="list-style-type: none"> Pre-Construction During Construction

Monitoring and Reporting Plan

Implementation and Reporting

Mitigation Measure (Exact Text)

Mitigation Measure (Exact Text)

Impact Summary

Mitigation Measure (Exact Text)

Responsible Party

Review & Approval

Monitoring and Reporting Actions

Implementation Schedule

Design
Pre-Construction
During Construction
Operation

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact Summary		Mitigation Measure (Exact Text)		Implementation and Reporting		Monitoring and Reporting Plan	
Impact No.	Mitigation No.	Mitigation Measure (Exact Text)	Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule	
	MM BIO-4	work in consultation with CDFW. MM BIO-4. A biological monitor, approved by the City, shall be present for all construction activities within ESHA and activities related to auguring activities at Malibu Creek or any other jurisdictional feature, or placing piping on the PCH bridge over Malibu Creek. Within five days prior to any work being initiated at a work site for the first time, or in the event work is stopped at a given work site for more than five days and is re-initiated, the biological monitor shall complete a preconstruction survey to ensure wildlife species unlikely to escape on their own are not present, ensure that construction is not intruding into any environmentally sensitive areas, and that no special-status biological resources are being impacted. The biological monitor shall track compliance with the EIR biological mitigation measures and any other permit conditions that may pertain to biological resources. The monitor shall keep a daily activity log and provide the daily logs to the City Biologist on a weekly basis. Any and all violations or notable events shall be reported to the City immediately.	City of Malibu Biological monitor	City of Malibu	<ol style="list-style-type: none"> 1. Conduct biological monitoring 2. Confirm that biological monitoring has occurred 3. Review biological monitoring logs on a weekly basis 	<ol style="list-style-type: none"> 1. Pre-Construction 2. During Construction 	
	MM BIO-5	MM BIO-5. Construction activities shall avoid the nesting season for birds, generally accepted to be February 1 (January 1 for raptors) through September 15. Should avoidance be infeasible, beginning 30 days prior to construction, a qualified biologist, approved by the City, shall conduct weekly surveys for nesting birds in all work zones and a 500 foot buffer area, with the final survey being no less than five days from the start of construction. If there is a delay of more than five days between when the nesting bird survey is performed and vegetation removal or other construction begins, it will be necessary to reconfirm whether any new nesting has occurred between the time the first nesting bird survey was performed and ground disturbance. Standard buffers for active nests are 300 feet for passerine species and 500 feet for raptors. If an active nest is identified, an appropriate buffer will be established, as determined by a qualified biologist, in consultation with CDFW, based on the sensitivity of the species and the nature of the construction activity. The contractor will be notified of active nests and directed to avoid any activities within the buffer zone until the nests are no longer considered to be active by the	City of Malibu Qualified Biologist	City of Malibu	<ol style="list-style-type: none"> 1. Confirm that weekly bird surveys were conducted in the 30 days prior to construction if construction occurs during nesting season 2. Confirm that bird survey was completed if construction is delayed as described in this measure 3. Confirm that appropriate buffers are established and clearly marked if active nests are found 4. Confirm and maintain record of notification to contractor of active nest 	<ol style="list-style-type: none"> 1. Pre-Construction 2. During Construction 	

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact Summary		Mitigation Measure (Exact Text)	Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule Pre-Construction Design During Construction Operation
		qualified biologist.	City of Malibu Construction Consultant/ Contractor	City of Malibu	status and avoidance requirements 1. Verify that work is consistent with the project's SWPPP and/or WQMP	1. During Construction
		MM BIO-6. Any work resulting in materials that could potentially be discharged into jurisdictional features will adhere to strict BMPs and the requirements set forth in regulatory agency (AGOE, RWQCB, or CDFW) permits/agreements to prevent potential pollutants from entering any jurisdictional feature. Applicable BMPs to be applied will be included in SWPPP and/or WQMP. At a minimum, barriers (straw bales or sedimentation fences) will be erected between the construction site or bore sites and Winter Canyon Creek and Malibu Creek prior to construction or drilling, as appropriate, to prevent released material from reaching Winter Canyon Creek or Malibu Creek and associated habitats.	City of Malibu	City of Malibu	1. Confirm that trees are removed only outside bird and bat breeding season 2. Confirm that tree removal occurs consistent with MM BIO-3 and MM BIO-4, above	1. Pre-Construction 2. During Construction
		MM BIO-7. To the extent feasible, all trees that must be removed to enable construction of facilities shall be removed outside the breeding seasons for birds and bats. The City will retain a tree removal specialist to remove all trees during times when birds and bats are not breeding. In order to further minimize impacts to potentially occurring bats, a two-step process for removal of any tree that cannot be avoided shall be implemented. This will involve removing all branches less than two inches in diameter from trees that will be removed, to create a disturbance that will encourage bats to choose another roosting site after foraging for that night. The following day the tree would be completely removed.	City of Malibu Biological monitor	City of Malibu	1. Confirm measure is incorporated into project specifications 2. Identify areas where work will occur within, adjacent to, or within 100 feet of an ESHA 3. Verify presence of biological monitor as consistent with this measure 4. Verify daily monitoring log	1. During Construction
		MM BIO-17. All construction activities that occur within 100 feet of an ESHA will be evaluated by a biologist to determine if biological monitoring of the construction activity is warranted. Biological construction monitoring would occur as needed to ensure that no direct or indirect impacts to ESHAs occur. At a minimum, a daily monitoring log would be prepared documenting construction compliance with the biological EIR mitigation measures, and any other subsequent measures that may be added.				

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Monitoring and Reporting Plan		Implementation and Reporting		Implementation and Reporting		Implementation and Reporting	
Impact No.	Impact Summary	Mitigation Measure (Exact Text)	Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule	
BIO-2	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS.	Refer to MM BIO-1, MM BIO-2, MM BIO-4, MM BIO-6, and MM BIO-17, above.			5. Confirm that any additional mitigation measures are implemented as appropriate.		
BIO-3	Substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means.	Refer to MM BIO-1, MM BIO-2, MM BIO-4, MM BIO-6, and MM BIO-17, above.					
BIO-4	Interfere substantially with movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.	Refer to MM BIO-1, MM BIO-2, MM BIO-4, MM BIO-6, MM BIO-7 and MM BIO-17, above.					
BIO-5	Conflict with any local policies or ordinances protecting biological resources.	Refer to MM BIO-4, MM BIO-7 and MM BIO-17 above.	City of Malibu	City of Malibu	1. Confirm that trees are removed only outside bird and bat breeding season 2. Confirm that tree removal occurs consistent with MM BIO-3 and MM BIO-4.	1. Pre-Construction 2. During Construction	
		MM BIO-8. To ensure that potential temporary impacts will not affect the health of trees that remain on-site, the following shall be implemented, as applicable: <ul style="list-style-type: none"> • Drainage shall be directed away from the root zones of all native trees. • Poisonous chemicals or materials that could be deleterious to tree health shall be discarded in approved storage containers. • Tree trunks shall not be used as winch supports, anchors, or 	City of Malibu Contractor	City of Malibu	1. Confirm that measure is incorporated in specifications for the project 2. Identify native trees and their root zones within project area 3. Confirm measures are implemented to direct drainage away from.	1. Pre-Construction 2. During Construction	

Maibou Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact Summary		Mitigation No.	Mitigation Measure (Exact Text)	Responsible Party	Approval & Review	Monitoring and Reporting Actions	Implementation Schedule
			<ul style="list-style-type: none"> signposts or for any other function. The storage of vehicles, building materials, refuse, or excavated soil materials shall not occur within the protected zones of trees. The use, access, or parking of heavy vehicles or equipment (e.g., backhoes, tractors) shall not occur within the protected zones of trees. 			<p>native tree root zones</p> <p>4. Confirm that construction equipment and materials are stored, handled, and disposed of as required by specifications consistent with this measure</p>	
		MM BIO-9	MM BIO-9. Prior to construction along the pipeline alignment and in collection and distribution system areas, a qualified biologist or arborist shall conduct a focused native tree survey in these areas to determine if there are any other protected native trees within the direct impact area. If it is apparent that any protected native trees not previously identified would require removal, these trees shall be reported to the City, and all mitigation measures in the tree protection plan shall be implemented for these trees pursuant to LTP Chapter 5.	City of Maibou Biologist or Arborist	City of Maibou	<p>1. Confirm native tree survey was completed consistent with this measure.</p> <p>2. Confirm that any protected native tree removal occurs consistent with this measure</p> <p>3. Verify that mitigation measures in tree protection plan are implemented</p>	1. Pre-Construction
		MM BIO-10	MM BIO-10. Prior to construction, highly visible protective fencing (i.e., Environmentally Sensitive Area fencing) shall be installed around the wastewater treatment facility's limits of disturbance to avoid direct impacts on native trees adjacent to the construction area. In addition, exclusionary fencing shall be installed around the outermost limits of the tree protection zones (i.e., five feet outside of the drip line or 15 feet from the trunk whichever is greater) of the native trees within or adjacent to the construction area that will not be removed but have the potential to be disturbed during construction or grading activities. All tree fencing shall be supervised by a qualified biologist or arborist prior to the commencement of any clearing, grading, or other construction activities. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or material storage shall be allowed within the fenced exclusion areas or within the protected zones of any native trees. This includes around any native trees (if present) potentially occurring within the collection and distribution system areas.	City of Maibou Biologist or Arborist	City of Maibou	<p>1. Confirm that this measure is incorporated into specifications for project</p> <p>2. Verify that protective fencing is installed consistent with this measure.</p> <p>3. Verify that fencing remains intact throughout construction and that disturbance within the fenced area does not occur, consistent with this measure</p>	<p>1. Pre-Construction</p> <p>2. During Construction</p>

Monitoring and Reporting Plan

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation Measure (Exact Text)	Implementation and Reporting		Monitoring and Reporting		Implementation Schedule - Design - Pre-Construction - During Construction - Operation
			Responsible Party	Review & Approval	Actions	Actions	
MM BIO-11		MM BIO-11: Any construction-related activity (e.g., pruning) that encroaches into the tree protection zone of a native tree must be done using only hand-held tools. Prior to encroachment into the tree protection zone, the tree must be inspected by a qualified arborist to ensure that the activity will not result in loss or worsen the health of the tree. This includes around any native trees (if present) potentially occurring within the collection and distribution system areas.	City of Malibu	City of Malibu	1. Confirm that this measure is incorporated into project specifications 2. Confirm that tree inspections have occurred consistent with this measure 3. Verify that construction-related activities that encroach into the tree protection zone of native trees are done with hand-held tools	1. Pre-Construction 2. During Construction	
MM BIO-12		MM BIO-12: A qualified arborist or biologist shall monitor native trees that are within or adjacent to the construction area. The monitor shall be present during installation of exclusionary fencing and shall ensure that construction personnel or equipment do not encroach into sensitive areas. The monitor shall also oversee work with hand tools in the protected zone and check the exclusionary fencing weekly to ensure that the fencing remains intact during all construction phases of the Project. This includes directing construction personnel when the fencing needs repair or replacement.	City of Malibu Biologist or Arborist	City of Malibu	1. Confirm monitor oversees installation of fencing 2. Confirm monitor oversees work with handtools in the protected zone 3. Confirm monitor checks fencing weekly during construction	1. Pre-Construction 2. During Construction	
MM BIO-13		MM BIO-13: The proposed wastewater treatment facility design shall avoid removal of and temporary impacts on protected native trees to the maximum extent feasible. If the proposed design does not prevent protected native tree removal or encroachment, then the fewest or least significant impacts shall be selected. Adverse impacts on protected native trees shall be fully mitigated, with priority given to on-site mitigation. The coastal development permit shall include the mitigation requirements as conditions of approval.	City of Malibu	City of Malibu	1. Confirm that design is consistent with measure 2. Confirm coastal develop permit incorporates mitigation for native tree impacts	1. Design 2. Pre-Construction	
MM BIO-14		MM BIO-14: Any California walnut trees that meet the LIP Chapter 5 protection criteria and that are proposed for removal or where development encroaches into the protected zone of the native tree, resulting in loss or worsened health of the tree, shall be replaced on-site (if suitable habitat is present) at a ratio of 10:1. Seedlings (less than 1 year old) shall be planted in an area of the	City of Malibu Contractor	City of Malibu	1. Confirm that measure is incorporated into design and project specifications 2. Confirm that design is consistent with measure	1. Design 2. Pre-Construction 3. Construction	

Monitoring and Reporting Plan

Implementation and Reporting

Mitigation Measure (Exact Text)

Mitigation Measure (Exact Text)

Impact Summary

Impact No.

Responsible Party
Review & Approval

Monitoring and Reporting Actions

Implementation Schedule

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation Measure (Exact Text)	Implementation and Reporting		Monitoring and Reporting Plan	
			Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule - Design - Pre-Construction - During Construction - Operation
		proposed wastewater treatment facility site where suitable habitat is present.			3. Verify that correct number of seedlings are planted	
MM BIO-15		<p>MM BIO-15. If impacts to protected native trees cannot be feasibly avoided, mitigation shall be provided by one of the following methods pursuant to LIP Sections 5.3 and 5.5, and the Native Tree Protection Plan prepared for the Project (Appendix D):</p> <ul style="list-style-type: none"> Off-Site Mitigation: Planting at least 10 replacement trees for every tree removed (can occur off-site in suitable habitat that is restricted from development or in public parklands). Seedlings (less than 1 year old) shall be planted in an area where there is suitable habitat. OR In-Lieu Fee Program: For unavoidable impacts resulting in the loss of native trees and native tree habitat, payment of an in-lieu fee shall be provided. The fee shall be paid into the Native Tree Impact Mitigation Fund, which is administered by the Santa Monica Mountains Conservancy. The fee shall be based on the type, size, and age of the trees removed. 	City of Malibu	City of Malibu	<p>1. Confirm that measure is incorporated into project specifications</p> <p>2. Verify that correct number of seedlings are planted and/or correct fees paid to the Native Tree Impact Mitigation Fund</p>	<p>1. Pre-Construction</p> <p>2. Construction</p>
MM BIO-16		<p>MM BIO-16. Pursuant to LIP Chapter 5, Section 5.6.1, each affected protected tree that is not removed, but encroached upon shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the City for each of the 10 years. The monitoring report shall include measurements of the tree (i.e., DBH, approximate height, and canopy width) and the relative health of each of the replacement trees, including notes regarding any damage from fire, disease, insects, or other vectors that affect health. If at any time the health of a replacement tree begins to decline beyond recovery, that tree shall be replaced in kind with an equal healthy replacement.</p> <p>Monitoring reports shall be provided to the City annually and at the conclusion of the 10-year monitoring period to document the success or failure of the mitigation. If performance standards are not met by the end of 10 years, the monitoring period shall be extended until the standards are met. If any of the trees is lost or its health or vigor is worsened as a result of the proposed wastewater treatment facility, the impact shall be mitigated through replanting at a ratio of 10:1 on-site, off-site mitigation, or</p>	City of Malibu	City of Malibu	<p>1. Confirm measure is incorporated into project specifications</p> <p>2. Confirm that monitoring reports are produced yearly for a minimum of 10 years, for not less than a total of 10 annual reports</p> <p>3. Verify that any replacement trees that require further replacement are replaced consistent with this measure</p> <p>4. Confirm that mitigation meets performance measures after 10 years</p> <p>5. If performance measures</p>	<p>1. During Construction</p> <p>2. Operation</p>

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact		Mitigation Measure (Exact Text)		Monitoring and Reporting Plan		
Impact No.	Impact Summary	Mitigation Measure (Exact Text)	Responsible Party	Review & Approval	Implementation Schedule	
				Monitoring and Reporting Actions	Design Pre-Construction During Construction Operation	
AR-1	Creates substantial adverse change in the significance of an archaeological resource	an in-lieu fee (as described above).			not met after 10 years, confirm that monitoring, reporting, and mitigation continues as stipulated in this measure	
3.4 CULTURAL AND PALEONTOLOGICAL RESOURCES						
MM AR-1	MM AR-1: A certified archaeologist and a culturally-affiliated Native American, with knowledge of cultural resources, shall monitor all initial Project-related ground-disturbing activities in the area of the proposed wastewater treatment facility as well as excavations or other impacts, should they take place, from pipeline construction adjacent to CA-LAN-266, CA-LAN-12715, CA-LAN-1417, or the Humalwo site, CA-LAN-264. Monitoring should take place on both sides of Malibu Lagoon, specifically from Cross Creek Road east to a point on the other side of the Lagoon opposite the western end of the parking lot at Malibu State Beach, west beyond the Adamson House. This area may need to be extended, if significant materials are discovered during monitoring. In those areas that are not monitored by a certified archaeologist, and a culturally-affiliated Native American, if buried cultural resources are uncovered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the archaeological resource. Provisions for the disposition of recovered prehistoric artifacts shall be made in consultation with culturally affiliated Native Americans. The Native American Heritage Commission shall be the final arbiter should disagreement arise over the disposition of the recovered artifacts. In the event of an accidental discovery of human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code Section 7050.5, State CEQA Guidelines Section 15064.5(e), and PRC Section 5097.98 shall be implemented.	City of Malibu Native American cultural monitor Archaeologist	City of Malibu	1. Confirm measure is incorporated into project specifications 2. Confirm that any cultural resources uncovered during construction are treated in accordance with recommendation from archaeologist and Native American cultural monitor 3. Confirm that any cultural resources whose treatment is under dispute is treated in accordance with the recommendations of the Native American Heritage Commission 4. Confirm that any human remains are uncovered during construction are handled in accordance with applicable regulations, as prescribed in this measure	1. During Construction	
MM AR-2	MM AR-2: Pre-excavation borings shall be installed along the proposed pipeline location in Malibu Road adjacent to CA-LAN-1417. A certified archaeologist and a culturally-affiliated Native American, with knowledge of cultural resources, shall monitor the pre-construction investigation and determine if archaeologically significant artifacts are located in the proposed pipeline location and		City of Malibu Native American cultural	City of Malibu	1. Confirm that measure is incorporated into project specifications 2. Confirm that a treatment plan is developed if archaeologically	1. Pre-Construction

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact Summary		Mitigation Measure (Exact Text)	Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule
Impact No.	Mitigation Measure No.					
AR-2		Project would disturb human remains	Archaeologist		significant artifacts are discovered 3. Confirm that pre-excavation borings occur prior to construction and in accordance with the treatment plan, if a treatment plan is developed	
PR-1	MM PR-1	Directly or indirectly destroy a unique paleontological resource.	City of Malibu Paleontologic monitor	City of Malibu	1. Confirm that measure is incorporated into project specifications 2. Verify that monitor has resources necessary to salvage fossils and sample sediments as they are unearthed 3. Confirm that specimens are curated into a museum repository meeting the requirements stipulated in the measure 4. Confirm receipt of report of findings and inventory of specimens	1. During Construction
<p>have the potential to be impacted by project construction. Should archaeologically significant artifacts be discovered, all work in the area shall be halted until a treatment plan can be developed and implemented, following which construction would continue.</p> <p>Refer to MM AR-1 and MM AR-2, above.</p> <p>MM PR-1: A qualified paleontologic monitor shall be required in any areas where excavation will occur below a depth of 5 feet. The qualified paleontologic monitor shall retain the option to reduce monitoring if, in his or her professional opinion, the sediments being monitored were previously disturbed. Monitoring may also be reduced if the potentially fossiliferous units, previously described, are not present or, if present, are determined by qualified paleontologic personnel to have a low potential for containing fossil resources.</p> <p>The monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and be empowered to halt or divert equipment temporarily to allow removal of abundant or large specimens. Recovered specimens shall be prepared to a point of identification, and permanent preservation, including washing to recover small invertebrates and vertebrates.</p> <p>Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage. A report of findings, with an appended itemized inventory of specimens, shall be prepared and submitted to the City. The report and inventory, when submitted to the City, will signify completion of the program to mitigate impacts on paleontological resources.</p>						
3.5 GEOLOGY AND SOILS						
GEO-2	MM GEO-1	Expose people or structures to potential substantial adverse effects involving hazards due to ground shaking	City of Malibu	City of Malibu	1. Confirm design is consistent with measure	1. Design
	MM		City of Malibu	City of Malibu	1. Confirm design is	1. Design

Maitlou Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Implementation and Reporting Party	Monitoring and Reporting Plan		Implementation Schedule - Design - Pre-Construction - During Construction - Operation
					Reporting	Review & Approval	
		GEO-2	provisions and guidelines set forth by the Uniform Building Code, which sets forth regulations concerning proper design for seismic safety.	Maitlou	Maitlou	consistent with measure	
		MM GEO-3	MM GEO-3: Project operating protocols shall include facility personnel training regarding appropriate response actions following a seismic event. These protocols will include required notification procedures, plant operation modifications, and inspection requirements.	City of Maitlou	City of Maitlou	1. Confirm project operating protocols are consistent with measure	1. Operation
		MM GEO-4	MM GEO-4: All earthwork and grading shall meet the requirements of State of California building and structural codes and be performed in accordance with the recommendations in the geotechnical investigation conducted for the Project and the Erosion Control Plan required as part of the LARWQCB NPDES permit.	City of Maitlou Construction Consultant/ Contractor	City of Maitlou	1. Confirm design and project specifications incorporate the recommendations of the geotechnical investigation and Erosion Control Plan 2. Confirm construction occurs in accordance with specifications	1. Design 2. During Construction
		MM GEO-5	MM GEO-5: The Project shall comply with guidelines in the City's General Plan, LUP, and LIP Chapter 17, such as those related to fill buttressing, the use of retaining walls, drainage control, and the provision of debris basins and setbacks where appropriate.	City of Maitlou	City of Maitlou	1. Confirm design complies with the guidelines in the City's General Plan, LUP, and LIP Chapter 17	1. Design
GEO-4	Expose people or structures to potential substantial adverse effects involving hazards due to landslides or slope instability	MM GEO-6	MM GEO-6: Site preparation and earthwork shall be done in accordance with recommendations in geotechnical reports for the Project including recommendations from Geosytec (2014). This would include performing earthwork in accordance with Section 300 of the most recent approved edition of the <i>Standard Specifications for Public Works Construction and Regional Supplemental Amendments</i> .	City of Maitlou Construction Consultant/ Contractor	City of Maitlou	1. Confirm design and project specifications incorporate the recommendations in the geotechnical reports for the Project and Section 300 of the <i>Standard Specifications for Public Works Construction and Regional Supplemental Amendments</i> 2. Verify that site preparation and earthwork is done as required in specifications	1. Design 2. Pre-Construction 3. During Construction

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation Measure No.	Mitigation Measure (Exact Text)	Responsible Party	Monitoring and Reporting Actions	Implementation Schedule
MM GEO-7		MM GEO-7	<p>MM GEO-7: Geotechnical investigations shall be conducted to develop slope stabilization criteria for any pipelines that would be constructed in areas that are prone to landslides. In addition, steep slopes shall be evaluated to determine whether detailed geotechnical investigations should be performed. The geotechnical reports shall be submitted to the City for review and approval of the slope stabilization measures as well as the collection and distribution system pipeline installations included in the Project design. Slope stabilization measures may include soil improvements, buttressing of the slopes, or compaction of trench backfill. In addition, erosion control measures, such as water bars, trench dams, and revegetation, shall be identified in the Project's Erosion Control, Landscaping, and Revegetation Plan.</p>	City of Malibu Construction Consultant/ Contractor	<ol style="list-style-type: none"> 1. Confirm geotechnical investigations are conducted. 2. Approve slope stabilization measures and collection and distribution system pipeline installations. 3. Confirm erosion control measures are identified in the Project's Erosion Control, Landscaping, and Revegetation Plan. 	1. Design
HM-1	3.6 HAZARDS AND HAZARDOUS MATERIALS Create a significant hazard through routine transport and use or accidental release of hazardous materials	MM HM-1	<p>MM HM-1: An environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention, emergency response measures, and proper best management practices implementation, to all field personnel associated with construction activities. The training program shall emphasize site-specific physical conditions to improve hazard prevention (e.g., identification of potentially hazardous substances) and shall include a review of all site-specific plans.</p> <p>A Hazardous Substance Control and Emergency Response Plan shall be prepared by the contractor. This plan shall be submitted to the City along with the grading permit application for each structure or with the encroachment permit application for the construction of pipelines. The plan shall prescribe hazardous materials handling procedures for reducing the potential for a spill during construction and shall include an emergency response program to ensure quick and safe cleanup of accidental spills. Furthermore, the plan shall identify areas where refueling and vehicle maintenance activities and storage of hazardous materials, if any, shall be permitted. These directions and requirements shall also be reiterated in the Project's Storm Water Pollution Prevention Plan (SWPPP).</p>	City of Malibu Contractor	<ol style="list-style-type: none"> 1. Confirm that measure is incorporated into project specifications 2. Confirm an environmental training program consistent with this measure is established and implemented 3. Confirm all field personnel participate in the training 4. Confirm receipt of and compliance with a Hazardous Substance Control and Emergency Response Plan that is consistent with this measure 5. Confirm that the requirements and directions of the Hazardous Substance Control and Emergency Response Plan are 	<ol style="list-style-type: none"> 1. Design 2. Pre-Construction 3. During Construction

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Implementation and Reporting		Monitoring and Reporting		Implementation Schedule - Design - Pre-Construction - During Construction - Operation
				Responsible Party	Review & Approval	Actions	Actions	
		MM HM-2	MM HM-2: Oil-absorbent material, tarps, and storage drums shall be used to contain and control any minor releases in construction areas. Emergency spill supplies and equipment shall be kept adjacent to all areas of work and in staging areas, and shall be clearly marked. Detailed information for responding to accidental spills and for handling any resulting hazardous materials shall be provided in the Project's Hazardous Substances Control and Emergency Response Plan.	City of Malibu Contractor	City of Malibu	incorporated into the SWPPP	<ol style="list-style-type: none"> 1. Confirm measure is incorporated into project specifications 2. Verify emergency spill supplies and equipment are kept adjacent to work and staging areas 3. Confirm spill response and handling of hazardous materials is included in the Hazardous Substances Control and Emergency Response Plan 	<ol style="list-style-type: none"> 1. Pre-Construction 2. During Construction
		MM HM-3	MM HM-3: See City Council Resolution No. 15-05 Condition of Approval No. 73. During excavation and grading for the proposed project, the contractor shall observe exposed soil for visual evidence of contamination. If visual contamination indicators are observed during excavation or grading activities, all work shall stop and an investigation shall be designed and performed to verify the presence and extent of contamination at the site. A qualified and approved environmental consultant shall perform the review and investigation. Results shall be reviewed and approved by LACED or the California Department of Toxic Substances Control (DTSC) prior to construction. The investigator shall include collecting samples for laboratory analysis and quantifying contaminant levels within the proposed excavation and surface disturbance areas. Subsurface investigation shall determine appropriate vector protection and hazardous material handling and disposal procedures appropriate for the subject site.	City of Malibu Contractor Environmental Consultant	City of Malibu	<ol style="list-style-type: none"> 1. Confirm measure is incorporated into the project specifications 2. Confirm any review and investigation regarding contaminated soils is conducted by environmental consultant and in compliance with this measure 3. Confirm review and approval of results by LACED or the DTSC 	<ol style="list-style-type: none"> 1. During Construction 	
		MM HM-4	MM HM-4: For Project operations, the City shall prepare a Hazardous Materials Business Plan for the wastewater treatment facility that would address handling and storage of all hazardous chemicals that would be used during the treatment process. The plan shall address containment, site layouts, and emergency response and notification procedures for a spill or release.	City of Malibu	City of Malibu	<ol style="list-style-type: none"> 1. Prepare Hazardous Materials Business Plan consistent with this measure 	<ol style="list-style-type: none"> 1. Design 2. Pre-Construction 3. Operation 	

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule
HWQ-6	Project subject to inundation from seiche, tsunami, or mudflow	MM HY-1	MM HY-1: The City will prepare and implement a Tsunami Response Plan for the Project that defines emergency response and coordination procedures. The Tsunami Response Plan shall contain significant information specific to actions that may be necessary related to receipt of a tsunami watch, warning, or as a result of an actual tsunami. The first priority of emergency management response shall be the protection of life and property.	City of Malibu	City of Malibu	1. Prepare Tsunami Response Plan consistent with this measure 2. Implement Tsunami Response Plan	1. Design 2. Operation
3.9 NOISE AND VIBRATION							
NV-1	Expose persons to or generate noise levels in excess of standards established in a local General Plan or noise ordinance or applicable standards of other agencies	MM NV-1	MM NV-1: The construction contractor shall use appropriate noise-control measures to reduce construction noise levels to the extent feasible. Noise controls could include any of the following, as appropriate: <ul style="list-style-type: none"> Construction hours shall be in compliance with City and County noise ordinances during construction within each respective jurisdictional boundary. Best available noise-control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks to minimize construction noise impacts. If impact equipment (e.g., jackhammers and pavement breakers) is used during Project construction, hydraulically or electrically powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where the use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used (a muffler can lower noise levels from the exhaust by up to about 10 dBA). External jackets on the tools themselves shall be used, where feasible, which could reduce noise by 5 dBA. Quieter procedures, such as drilling rather than impact equipment, shall be used wherever feasible. Pile holes shall be pre-drilled wherever feasible to reduce potential noise and vibration impacts. Stationary noise sources shall be located as far from sensitive receptors as feasible. If they must be located near 	City of Malibu Contractor	City of Malibu	1. Confirm measure incorporated into project specifications 2. Verify use of appropriate noise-control measures	1. Design 2. Construction

Monitoring and Reporting Plan

Implementation and Reporting

Implementation Schedule

Design
Pre-Construction
During Construction
Operation

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation Measure No.	Mitigation Measure (Exact Text)	Implementation and Reporting Party	Approval & Review	Monitoring and Reporting Actions	Implementation Schedule	
							Design	Pre-Construction
			<p>receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to ensure that local noise ordinance limits are met to the extent feasible. Enclosure openings or venting shall face away from sensitive receptors. If any stationary equipment (e.g., ventilation fans, generators, dewatering pumps) is required, such equipment shall comply with the daytime and nighttime noise limits specified in pertinent noise ordinances to the extent feasible.</p> <ul style="list-style-type: none"> Material stockpiles as well as maintenance/equipment staging and parking areas shall be located as far as feasible from residential and school receptors. Proposed jack-and-bore pits shall be located as far from sensitive receptors as technically feasible. A designated Project liaison shall be responsible for responding to noise complaints during the construction phases. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advance notifications. This person shall take steps to resolve complaints, including periodic noise monitoring if necessary. Results of noise monitoring shall be presented at regular meetings with the construction contractor, and the liaison shall coordinate with the construction contractor to modify, to the extent feasible, any construction activities that generate excessive noise levels. 	City of Malibu Contractor	City of Malibu	<ol style="list-style-type: none"> Confirm measure incorporated into project specification. Verify emergency generators are housed and muffled as specified by measure 	1. During Construction	
NV-4	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity	MM NV-2	MM NV-2: All emergency generators shall be housed and muffled with acoustically rated enclosures to reduce noise levels to the greatest extent possible.			Refer to MM NV-2, above		
3.12 UTILITIES								
U-2	Construction of New Water or Wastewater Treatment Facilities or Expansion of Existing Facilities Could		See MM BIO-3, 5, 7, 10, 11, 13, and 14; MM AR-1 and 2; MM PR-1; MM GEO-1, 4, 5 and 7; MM HM-1 through 4; MM HY-					

Malibu Civic Center Wastewater Treatment Facility Project
MITIGATION MONITORING AND REPORTING PLAN

Impact No.	Impact Summary	Mitigation Measure ii. No.	Mitigation Measure (Exact Text)	Implementation and Reporting		Monitoring and Reporting Plan	
				Responsible Party	Review & Approval	Monitoring and Reporting Actions	Implementation Schedule - Design - Pre-Construction - Construction - Operation
	Cause Significant Environmental Effects		1 and MM NV-1 and 2.				
Construction Impacts	Temporary increase in traffic and traffic impacts during construction.	MM TRAN S-1	<p>MM TRANS-1: To the greatest extent possible, the City shall coordinate the Traffic Control Plan and construction of the proposed Project with any projects that are scheduled to be constructed concurrently in the Civic Center area or along PCH within 1 mile of the Civic Center area. If related projects are anticipated to be constructed concurrently within the Civic Center area or along PCH within 1 mile of the Civic Center area, the City shall provide the Traffic Control Plan to the related project's proponent or other responsible entity and receive additional input from the proponent or responsible entity on potential construction haul routes and timing. The Traffic Control Plan will also be coordinated with school traffic patterns via consultation with the Santa Monica-Malibu Unified School District and Our Lady of Malibu representatives. Prior to finalization and approval of the Traffic Control Plan by the City and prior to the commencement of construction, the Traffic Control Plan shall be reviewed by LACFD and LASD.</p>	City of Malibu Contractor	City of Malibu	<ol style="list-style-type: none"> Develop list of projects in the Civic Center area or along PCH within 1 mile of the Civic Center area that are scheduled concurrent with the proposed Project Develop Traffic Control Plan in coordination with these projects and with neighboring schools Provide draft copies of Traffic Control Plan to LACFD and LASD for review and comment Incorporate as appropriate comments from LACFD and LASD Provide copies of Traffic Control Plan to responsible entities for the identified concurrent projects 	<ol style="list-style-type: none"> Pre-Construction During Construction