



City of Malibu

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February 7, 2020

Mountains Recreation & Conservation Authority
Attn: Jessica Nguyen, Project Manager
26800 Mulholland Highway
Calabasas, CA 91302
coastalaccesspwp@mrca.ca.gov

RE: Comments on Initial Study – Malibu Coastal Access Public Works Plan

Dear Ms. Nguyen:

Thank you for the opportunity to provide comments on the scope of potential environmental, coastal resources, public safety and community impacts of the proposed project. We look forward to working with you and your team to help shape and manage the project to avoid significant impacts.

The City continues to object to MRCA's use of Section 30605 of the Coastal Act to process a PWP for the design and management of 10 existing and 7 new public accessways in the City. This process not only undermines local control but reduces notice to and participation from residents in the City, especially the property owners directly adjacent who are potentially most affected. MRCA's use of the PWP to bypass the City and the lack of engagement with the City are in direct conflict with the mission statement of the California Coastal Commission which advocates strong public participation and effective intergovernmental coordination. The City requests that MRCA/SMMC withdraw the PWP and submit coastal development permits for the proposed improvements so that a more robust public engagement process can occur and more detailed information and analysis of each project can be provided.

In the meantime, the City provides the following comments in response to the Notice of Preparation and Initial Study:

1. CEQA requires coordination to determine who the lead agency will be in the preparation of an EIR. MRCA continues to disregard this requirement as there has been no consultation with the City to date.
2. A scoping meeting should have been held in the City, rather than outside the City in Calabasas, since all of the accessways are located in the City. The City

has repeatedly asked MRCA to hold public meetings that affect the residents of Malibu in the City. There are sufficient locations in the City including City Hall. Holding the scoping meeting outside the City limits the ability of Malibu residents, especially those that will be most impacted by the project, to attend. For this reason, a revised Notice of Preparation should be issued with the scoping meeting held in Malibu.

3. The Initial Study was insufficiently detailed to allow the City and the public to have a full understanding of the proposed improvements. At a minimum, preliminary site plans and elevations should be provided. Generally, it is difficult for the public to understand the full impact of a project without some visual representation of the project. While this is true for each site, it is especially important for D5, D6 and D7 Escondido Beach accessways in which the terrain consists of steep canyons, stream crossings and dramatically rising and falling elevation profiles of some of the accessways, and D4, where a new seawall is proposed. For this reason, a revised Notice of Preparation should be issued which includes preliminary site plans and elevations for all sites. Under a coastal development permit review process, detailed plans and studies would be required as part of the Local Coastal Program (LCP) consistency review, allowing the City to evaluate conformance and for the public to be fully informed.
4. The Initial Study does not provide information on how CDPs pending with the City, such as the ones for M10 (Lechuza Beach) and M3, will be handled in light of the PWP. Does MRCA intend to complete the CDP processing for the pending CDPs?
5. The EIR should describe current baseline conditions for staffing and management at existing open accessways and provide an analysis and comparison with the proposed management plan including the new accessways. This information should include the number of staff and number/frequency of maintenance visits that are currently being performed during the peak seasons and non-peak seasons and specifics about what changes, if any, are proposed to properly manage the new accessways. The IS provides no minimum number of rangers that will be needed to manage the accessways (just maximums “up to...”), so it is difficult to determine whether sufficient staffing and funds are available to properly manage the accessways.

Significant environmental impacts could result from issues like inadequate trash pick-up and litter control, maintenance of portable toilets, and site monitoring of gate locks and after-hours use of accessways. The management plan should address who will monitor and maintain the affected beaches, not just the accessways themselves – for issues such as leftover litter, unleashed

dogs and dog waste, alcohol and overnight camping. The potentially significant impacts directly related to the identified management issues that should be studied are adverse impacts to water quality from trash/litter and portable toilet discharges, impacts to sensitive intertidal habitat and wildlife, aesthetic and visual quality impacts from trash/litter, odors from portable toilets and trash cans, and burdens on public services (specifically, Sheriff resources) to respond to calls for service, especially after hours. The EIR should demonstrate what measures will be put in place to ensure adequate management resources are available and less than significant impacts occur.

The management plan should require MRCA to maintain a log of management activities and calls for service for each accessway so that the need for additional staffing and resources can be monitored and adjusted over time and provided for public inspection either at MRCA office or online if requested.

6. There is a potential for significant impacts with respect to traffic and public safety associated with proposed parking and street/traffic conditions that must be analyzed. The EIR should include a detailed baseline analysis of existing available parking and street/traffic conditions, including crosswalks and prevailing highway speeds, around each existing and proposed accessway. Most of the accessways in eastern Malibu lack sufficient on-street parking on the ocean side of Pacific Coast Highway (PCH) which will make it difficult and potentially hazardous for the public to visit the sites. In the east end of Malibu, PCH is signed for 45 miles per hour but prevailing speeds typically exceed this. Shoulders are narrow, visibility is limited in places, and there are few crosswalks or signalized intersections. These circumstances are likely to result in sudden dangerous traffic maneuvers as drivers slam on breaks or make U-turns to grab a rare parking space. Parking on the land side of PCH would require the public to run across PCH to reach these accessways.
7. The EIR should analyze traffic and safety impacts from members of the public utilizing the Escondido Falls Winding Way parking lot and crossing PCH to access sites D6 and D7.
8. Many of the proposed accessways do not line up well with existing Metro bus stops. The EIR should analyze the potential for a significant safety impact to result from an increase in pedestrian foot traffic along PCH shoulders and an increase pedestrian crossing of PCH as people try to reach the new accessways.
9. The EIR should analyze and provide mitigation measures for impacts on traffic on PCH during the estimated 3 to 8 months of construction needed for each accessway.

10. The PWP conflicts with the following LCP policies and standards, causing a potentially significant land use impact:

a. Adequate parking for uses:

- i. minimum of 2 spaces shall be provided for any use or development, regardless of size or scope of the use or development (LIP Section 3.14.3)
- ii. required parking shall be on the same lot or structure or within 300 feet along a safe and legal pedestrian path (LIP Section 3.14.5)

b. State Lands Commission: All new development along the shoreline shall include a determination from the State Lands Commission that addresses the project relative to its impact on the boundary between public tidelands and private property (LIP Section 12.9(G)). *No information has been provided on the location of public tidelands relative to the proposed accessways.*

c. Access design:

- i. Access planning should be coordinated among local and state agencies (LUP Policy 2.9). *Coordination has not occurred.*
- ii. Public land, including rights-of-way, easements and dedications, shall be used for public recreation or access purposes, where appropriate and consistent with public safety and protection of ESHA (LUP Policy 2.11). *Public safety issues exist in locations with narrow road shoulders due to traffic hazards. New access stairs may not be appropriate and may be unsafe in locations with narrow rocky shorelines where people on the beach could be unable to reach stairways due high tides and waves.*
- iii. No development shall be permitted on sandy public beach areas, except that lifeguard stations, small visitor serving concessions, trash recycling receptacles and physically challenged access improvements may be permitted when sited and designed to minimize adverse impacts to public access, visual resources, ESHA and marine resources (LUP Policy 2.20). *The proposed access improvements will impact sandy beach areas but do not provide physically challenged access.*

d. Sea level rise:

- i. Siting and design of shoreline development shall take sea level rise into account (LIP Section 10.4A). *Details should be provided to demonstrate how the improvements, including but not limited to access stairs and restrooms, will minimize to the maximum*



feasible extent feasible hazards from sea level rise and wave run up hazards over the 100 year life of the structures.

- ii. New development must be sited 10 feet landward of the most landward surveyed mean high tide line (LIP Section 10.4B). *Details should be provided to demonstrate compliance with this requirement.*

- e. Shoreline protection structures:
 - i. All new beachfront development shall be sized, sited and designed to minimize risk from wave run-up, flooding and beach erosion hazards without requiring a shoreline protection structure at any time during the life of the development (LIP Section 10.4H).
 - ii. All new beachfront development shall be required to utilize a foundation system adequate to protect the structure from wave and erosion hazard without necessitating construction of a shoreline protection structure (LIP Section 10.4I).
 - iii. Shoreline protection structures shall not be permitted to protect new development, except when necessary for new septic system protection (LIP Section 10.4K). *The proposed seawall at D4 appears to conflict with all of these standards.*

- 11. The City, along with other nearby jurisdictions, has experienced an influx of long-term parking of RVs and cars along the ocean side of PCH, particularly where accessways and portable restrooms are provided. Long-term parking in several instances has resulted trash accumulation and wastewater dumping that cause significant adverse effects on water quality, the marine environment, as well as public access and view impacts from a lack of parking turnover and large vehicle sizes. These impacts touch the jurisdictions of multiple agencies, including but not limited to, the City, Caltrans, the Regional Water Quality Control Board, Los Angeles County, State Parks, and others, and should be addressed in a collaborative way. The PWP and EIR must acknowledge and analyze these issues and include measures for interagency coordination to address the impacts that balance environmental protection, public access and the needs of those experiencing homelessness.

- 12. In addition to locking access gates at night, all restrooms should be locked at night. For site D7, both the parking lot and restrooms should be locked. Nighttime noise and potential safety impacts from unlocked restrooms at each site where restrooms are proposed must be addressed in the EIR.

- 13. All signage at accessways should include information to inform visitors about hazards of changing tide conditions and wave action in order to minimize safety hazards.

14. The EIR should describe how adjacent properties will be protected during construction of improvements to ensure less than significant impacts, especially those where vertical access easements abut developed properties.
15. FEMA is currently updating flood hazard maps for Malibu. The EIR must analyze not only the existing but also the proposed flood hazard zones at each location where improvements are proposed.

Thank you again for the opportunity to provide comments on the environmental and community impacts of the proposed project. We look forward to meeting with you and your team at your earliest convenience to work together to avoid significant impacts.

Sincerely,

Bonnie Blue
Planning Director

cc: Reva Feldman, City Manager