



City of Malibu

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Sent via email to public.comments@mrca.ca.gov

December 12, 2022

Mountains Recreation and Conservation Authority
RE: Malibu Lower-Cost Accommodations Public Works Plan
Attn: Mario Sandoval, Project Manager
26800 Mulholland Highway
Calabasas, CA 91302

Re: Comments on Notice of Preparation – Malibu Lower-Cost Accommodations Public Works Plan

Dear Mr. Sandoval:

The City provides comments on the scope of the potential environmental impacts of the proposed Malibu Lower-Cost Accommodations Public Works Plan (PWP). Public Resources Code section 30605 requires your coordination and consultation with the City of Malibu “so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program.” Such consultation and coordination with the City has not occurred to date, and this project cannot continue unless, and until, such consultation and coordination has occurred. This letter does not constitute the City’s full comments on the proposed PWP, nor does it excuse Mountains Recreation and Conservation Authority’s (MRCA) obligations to consult and coordinate with the City. The City provides these comments in an abundance of caution due to the lack of outreach to the City. The City awaits MRCA’s coordination and consultation with the City’s elected officials, staff, and the public. Such consultation, at a minimum, requires public outreach and meetings. If possible, it would be helpful if future outreach meetings could be held within the City of Malibu near the subject project locations.

The City continues to object to MRCA’s use of Section 30605 of the Coastal Act to process a PWP for the proposed improvements which include camping areas with associated support facilities, parking, and trail improvements for two parks located in the City. Such projects, which are all located within the City, should be applied for through the coastal development permit process of the City’s LCP. The PWP process was not designed for such projects, and appears to be used here to avoid input from the City and its residents. This process not only undermines public involvement and the purpose and design of the City’s Local Coastal Program (LCP) and the Coastal Act, but reduces notice to and participation from residents in the City, especially the property owners directly adjacent to the proposed improvements.

MRCA’s use of the PWP process to bypass the City and its lack of engagement with the City is 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 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 to the public.

In the meantime, the City provides the following comments in response to the Notice of Preparation (NOP):

1. The NOP was insufficiently detailed to allow the City and the public to have a full understanding of the proposed improvements. At a minimum, preliminary policies, standards, site plans, and elevations should be provided. It is difficult for the public to understand the full impact of a project without some visual representation of the project. In addition, the project description should include a list of draft policies and standards to allow comments on the adequacy and consistency of the policies to the City's LCP. For this reason, a revised NOP should be issued which includes a draft PWP with policies, standards, site plans, and elevations.
2. The environmental impact report (EIR) should discuss in detail how the project will ensure fires are not utilized at the proposed campsites or on hiking trails. A detailed description of a flameless campsite and the kitchen, noted in the project description for the Malibu Bluffs site, should be provided in the EIR and the following questions should be addressed in the EIR.
 - a. How will MRCA ensure that campers do not use fires or smoke at their campsite as they are hiking the trails?
 - b. Will there be rangers on-site at all times at both sites? What is the staffing ratio of rangers to campers and day-use visitors?
 - c. How will the campsites be monitored, especially during the nighttime hours?
 - d. Will camping, hiking, and events at the proposed amphitheater be allowed on red-flag days?
 - e. What is the plan for coordination with the City to monitor Live Fuel Moisture (LFM), relative humidity, temperature, and dead fuel moisture to determine hazardous fire conditions for Malibu?
 - f. How will rangers address issues with the homeless that may be attracted to the on-site facilities and choose to camp on or near the project sites?
 - g. How will MRCA ensure the property, campsites and facilities are properly and consistently maintained and kept clear of debris, trash and refuse?
3. A detailed evacuation plan utilizing the City's Mass Evacuation Plan (August 2020) needs to be included in the EIR. The plan should include regular testing of the plan and education of on-site rangers and other staff.
4. The EIR should include an analysis of how emergencies such as fires, earthquakes, tsunamis, and other city-wide emergencies will be handled including how people will be evacuated or whether shelter-in-place is proposed.

5. The EIR should include all reasonably available technologies in order to rapidly identify fires on the property, such as an alert siren or automatic sprinkler system, to be shared with the City and local public agencies.
6. The EIR should include a fire hazard study on fire behavior and how fire burns. This is especially important in Malibu given the history of fires in Malibu. A history of fires in Malibu along with the cause of the fire and the challenges and methods used in fighting the fires should be included in the fire hazard study. And while a fire at either campsite has the potential to impact a significant portion of Malibu, as part of the fire hazard study, the number of houses that may be directly impacted by a fire located on the two proposed campsite properties should be identified in the EIR. This would include at a minimum the houses along Malibu Road and in Ramirez Canyon.
7. The EIR should provide a detailed description of the proposed yurts, tent cabins, and tent pad sites. What are the proposed height and sizes of the yurts and tent cabins? What materials will be used in the construction of the yurts and tent cabins? What is the potential fire danger from the materials used for the yurts and tent cabins? Will there be restrooms in the yurts and tent cabins?
8. Detailed information is needed in the EIR on the proposed amphitheater at the Malibu Bluffs site in order to understand potential environmental impacts. What types of events would be held there? Will amplified sound be allowed? What is the capacity of the amphitheater? What would be the hours of operation? Where will visitors to the amphitheater park? At a minimum, the EIR should study: traffic and parking impacts, impacts on wildlife from both noise and lighting, view impacts both daytime and nighttime from Pacific Coast Highway (PCH) and surrounding residential communities, and noise impacts to surrounding residential communities.
9. The EIR should discuss and analyze the need for a medical building at the Malibu Bluffs site given the close proximity of other medical facilities.
10. The EIR should include a detailed noise study of potential noise impacts and mitigations from campers, staff, maintenance personnel, and day-use visitors, including the amphitheater, on adjacent residential properties. How will noise be controlled at the campsites during the evening hours?
11. A visual impact analysis to determine view impacts is needed in the EIR. View impacts should be analyzed from all public streets or public viewing areas from which the sites would be visible. The visual impact analysis should include views of the proposed campsites and any proposed trail construction.
12. A lighting study should be provided in the EIR that provides information and mitigation measures on lighting impacts from the proposed new buildings, campsites, and other facilities. The proposed buildings, campsites, and other facilities will introduce new lighting in areas that are currently dark at night.

- a. All proposed lighting, including parking lot lighting, must be consistent with the City's Dark Sky Ordinance.
 - b. What view impacts will occur from the introduction of lighting to both sites?
 - c. How will the new lighting affect wildlife that may currently utilize the sites?
13. The projects will require biological assessments for each property. Both proposed projects sit within ESHA and near a stream for the Ramirez Canyon Project. Development should be sited to avoid ESHA. All development shall provide a buffer of no less than 100 feet from the edge of ESHA and/or riparian areas. A permitted use within ESHA is "public accessways and trails, including directional signs". No other use shall be permitted in ESHA.
14. The EIR should include information on the availability of water to serve both sites. Both sites would require extensive utility upgrades to install the correct water lines to the sites. Can Waterworks District No. 29 provide the site with a will serve determination or allow improvements at the locations for the additional water demand?
15. The existing trail at the Ramirez Canyon Park project site does not lead to the existing campground but to the adjacent residential neighborhood. The EIR should study trail alternatives that provide direct access to the campground in order to reduce impacts on the neighborhood.
16. The EIR should provide details on the restrooms proposed at both project sites and describe how wastewater will be handled along with analyzing the impact on how the restrooms will be managed. The number of restrooms proposed at the Malibu Bluffs site is not provided.
- a. Will the restrooms be locked at night and if so, how will the campers access the restrooms at night?
 - b. What safety precautions will be taken to ensure individuals that are not registered campers or day-use visitors don't utilize the campsite restrooms?
 - c. Nighttime noise and potential safety impacts from unlocked restrooms at each site must be addressed in the EIR.
 - d. For the proposed restroom building on Malibu Road, the EIR should discuss how that restroom will be utilized and how it will be monitored to ensure it is kept clean, safe, and well-maintained.
17. The EIR should provide information on the number of staff that will be needed to manage the proposed day-use and camping areas and the number/frequency of maintenance visits. An MRCA staff capacity assessment based on both current and proposed staff should be provided in the EIR.
18. A needs assessment should be included in the EIR to determine the need for new camping sites beyond what currently exists in the area. Given the history of fires in Malibu and the fact that the entire City is in a Very High Fire Hazard Severity Zone (VHFHS), introducing new campsites will increase the fire danger in Malibu. A list of all available campsites in and adjacent to Malibu including capacity and use statistics should be provided in the EIR.

19. The EIR should include a management plan of sufficient detail for the public to understand any potential environmental impacts related to the maintenance of the facilities. How will trash pick-up and litter control, maintenance of restrooms, maintenance of kitchen and food preparation areas, and general site monitoring of after-hours use of the trails be addressed?
20. The EIR should analyze and provide mitigation measures for traffic on PCH and Kanan Dume Road during the construction and provide a timeline for construction. A detailed construction management plan should be provided to ensure the emergency response is not adversely affected.
21. The EIR should discuss how the coordination and permitting of a new onsite wastewater treatment system (OWTS) for domestic wastewater disposal for both sites will be addressed. A soils report would need to be submitted to the City to determine septic feasibility. If the installation of a septic system is feasible, a complete and detailed evaluation of the proposed OWTS would need to be conducted by the City of Malibu, Environmental Health (EH) staff during the plan review. EH staff must review and verify all relevant documentation, including but not limited to: geotechnical reports, system design calculations, compliance with local building codes, and historic geological data, for the area. Conformance with the Malibu Municipal Code, State OWTS policy, OWTS manual, and the Local Coastal Program/Local Implementation Plan as well as proper routine maintenance of OWTS, will be needed to reduce any project-specific and cumulative impact to a level considered less than significant.
22. The EIR should include detailed geology reports to determine the feasibility of the project. The following items must be considered in the geology reports.
 - a. The slopes on the bluffs above Malibu Road and in some areas of Ramirez Canyon are historically prone to surficial and deep-seated landslides. Any development on the bluffs or above the bluffs will need to conform to LCP-LIP standards with respect to slope stability. This includes the habitable structures, campsites, and restrooms as well as the new OWTS that will be required.
 - b. Standards for new facilities that are public use (whether temporary occupancy or not) within mapped hazard areas may require mitigation of hazards.
 - c. Any proposed changes to surface grade will need to be accompanied by erosion control and drainage plans, and maintenance should be addressed.
23. The feasibility of new onsite wastewater treatment facilities should be addressed in the EIR as locations may be limited by geologic conditions (e.g. slope stability). The proposed development should specify whether the restrooms include shower facilities or not.
24. The EIR should study the geological impacts of access road grading. While this may not be an issue at Bluffs Park it may be an issue at the Ramirez Canyon site. Impacts will need to be evaluated in the EIR.
25. Occupancy will need to be described for all structure types so as to determine geotechnical mitigation requirements in the EIR. Any habitable structure (as determined by CBC occupancy) must meet all LCP-LIP and CBC standards.

Comments Specific to Malibu Bluffs Site (#26 through #29)

26. Driveway entrance. The NOP indicated that the majority of the project improvements will be located within the northwestern portion of the site. However, the NOP does not indicate what traffic improvements are needed to accommodate the entrance to the site. The traffic study prepared for the EIR must consider the following items:
- a. If the project intends to use the intersection of John Tyler Drive and PCH, then additional improvements on PCH would be required, such as a dedicated westbound left turn lane and a dedicated eastbound right turn lane. Any proposed improvements shall not reduce the existing shoulder widths.
 - b. The proposed project will need to improve the bicycle infrastructure in the area.
 - c. The proposed project will also be required to upgrade the traffic signal at this intersection to accommodate any driveway entrance modifications. The City will be upgrading this traffic signal with its PCH Signal Synchronization Project. Any proposed improvements to the traffic signal shall be consistent with the City's improvements.
27. On-Site Parking and Circulation – A parking study should be included in the EIR which analyzes whether adequate parking is proposed. Based on the information provided in the NOP, additional parking beyond what is described in the NOP may be needed to accommodate the number of people that could utilize the campsites and day-use facilities, in addition to the staff needed to manage the facilities. Any expansion of the project footprint to accommodate additional parking would require recirculation of the NOP.
- a. With the number of proposed camping areas, day-use sites, and trail improvements, the proposed 30-40 parking spaces will not be sufficient to accommodate this use. The proposed project would likely need closer to 100-150 parking spaces to accommodate the planned uses at the site as well as the camper's and general public's use of the trails. Other MRCA trails within the City have a very large parking demand and the current parking supply does not fully accommodate the parking. This results in the need for the public to park in various areas not designated for trail use which causes an impact on the community. The parking study should include an analysis of parking impacts from existing MRCA-owned facilities and how those same impacts will be avoided with the proposed project.
 - b. Any proposed parking shall be contained within the project area and not on PCH or on Malibu Road. The project shall not include project-related parking on Malibu Road. Malibu Road cannot accommodate parking for the project and public parking for the community and beach access. The EIR needs to address how this impact will be mitigated.
 - c. There is a large natural drainage course located within the area indicated where the improvements will be located. The project will likely need to install a bridge at this location. A proposed bridge will include a series of impacts, including environmental and flood control, and it would require various agency permits to construct. The EIR must address these impacts and how they will be mitigated.

28. Wastewater – The project includes a ranger residence, medical building, office, and kitchen along with restrooms for campers. This project is located in the septic prohibition zone as defined by the Regional Water Quality Control Board November 5, 2019 resolution. The EIR must analyze how the MRCA intends to install these improvements within the existing septic prohibition.
29. Resources – The proposed project will impose a severe impact to the City’s resources. The EIR must address the number of rangers and staff needed to enforce the no-fire restrictions, any parking violations, excess noise, and other medical or sheriff needs. Without sufficient rangers, any emergency or enforcement action would likely come from the Los Angeles County Sheriff or the Los Angeles County Fire Department. This would impact the response time from these agencies to the Malibu community. Any impact to the response time for agencies that currently serve Malibu must be mitigated. The proposed project should be required to contribute additional funds to provide sufficient fire and law enforcement.

Comments Specific to Ramirez Canyon Site (#30 and #31)

30. Driveway Entrance – The EIR should include an analysis of how access to the site will be accommodated. To enter into the proposed project, a dedicated left turn and right turn lane would be required. Kanan Dume Road is a two-lane canyon road that cannot accommodate additional travel lanes to construct a protected left turn lane or right turn lane. Having the public access to the proposed project on Ramirez Canyon Road from PCH poses other access and easement issues. Ramirez Canyon Road is a private road and is not intended to be a public road. Although the MRCA properties may possess an access easement to their parcels on Ramirez Canyon Road, the easement documents may not include language that provides the public the right to use Ramirez Canyon Road.
31. On-Site Parking and Circulation – The EIR must provide additional information on on-site parking and circulation in order for the public to understand potential impacts. No parking study was performed to determine the number of parking spaces required for this project. Inadequate parking will likely expand onto Kanan Dume Road and cause other safety-related issues – inadequate parking spaces, public walking into the existing travel lane, and unsafe U-turns on Kanan Dume Road. There are no specific details or project descriptions that indicate how the public will access the proposed campsites from the curbside parking spaces at the Kanan Dume Road entrance.

Sincerely,



Steve McClary
City Manager

cc: Mayor Grisanti and Honorable Members of the Malibu City Council
Richard Mollica, Planning Director