



# Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Raneika Brooks, Associate Planner  
Patricia Salazar, Senior Administrative Analyst

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: July 1, 2021 Meeting date: July 12, 2021

Subject: Mountains Recreation and Conservation Authority Coastal Access  
Public Works Plan

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RECOMMENDED ACTION: Receive and file.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was included as item 4i in the Adopted Work Plan for Fiscal Year 2021-2022

DISCUSSION: The Mountains Recreation and Conservation Authority (MRCA) and the State Coastal Conservancy, who both serve as co-lead agencies, are proposing a Malibu Coastal Access Public Works Plan (PWP) for 17 public beach accessways, located on publicly-owned sites along the coast in the City (See Attachment 1-Table 1-List of Project Sites). Of the 17 public accessways included in the PWP, seven are considered new development that would be subject to the development and management policies of the PWP. The City is currently processing coastal development permits (CDPs) for two of these proposed accessways. The remaining 10 accessways are sites that are being developed under existing coastal development permit approvals or are currently open to the public, which would be subject to the management policies of the PWP. In response to a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) prepared by the co-lead agencies, the City submitted an opposition letter on February 7, 2020. The City's concerns are discussed later in this report.

This report serves to provide the regulatory framework for the processing of the PWP and the City's position and previous action taken on this project. Staff has reached out to the co-lead agencies for an updated timeline for the preparation of the EIR and the agencies' consideration of the PWP. Staff anticipates having this update at the July 12, 2021 City Council meeting.

## Regulatory Framework

Sections 30321, 30605, and 30606 of the California Coastal Act ("Coastal Act") allow the submittal of a PWP directly to the California Coastal Commission (CCC) as an alternative to project-by-project coastal development permit review by the local jurisdiction for public works projects. Section 30605 of the Coastal Act states the submittal of a PWP to the CCC is intended to promote greater efficiency in the planning and implementation of public works projects. In addition, a PWP eliminates the need to coordinate permit processing through separate jurisdictions and/or processing numerous permits for individual, and potentially non-contiguous properties of the plan area. Section 30605 of the Coastal Act goes on to state that the PWP shall be approved by the CCC only if it finds that, after full consultation with the affected local governments, that the proposed PWP conforms with the certified LCP in jurisdictions affected by the proposed PWP. Once a PWP is certified by the CCC, the CCC maintains review authority of any project contained in the PWP. This subsequent review would be limited to imposing conditions to ensure consistency of the project with the PWP. The complete text of Section 30321 of the Coastal Act and associated provisions are attached hereto as Attachment 4.

## Public Participation

To maximize the opportunity for local public participation in the review of the proposed accessways, the City prefers to maintain permit jurisdiction over the required CDPs. Although the opportunity for local public participation is reduced by the PWP entitlement process, the Coastal Act and the California Environmental Quality Act (CEQA) both provide opportunities for public review and comment. On December 9, 2019, the co-lead agencies issued a draft initial study and a NOP of an EIR. Members of the public and agencies were afforded a 60-day public comment period. On January 22, 2020, a public scoping meeting was held which was focused on increasing the understanding of the proposed project and any possible environmental impacts, reasonable alternatives, and potential mitigation measures. The initial study prepared for the project can be found on the MRCA's project webpage at <https://mrca.ca.gov/about/land-use-planning-documents/>.

As part of the continued environmental review required under CEQA, the certification of the Final EIR requires an additional public review and comment period of approximately

45 days when interested parties can provide comments on the sufficiency of the draft EIR and the possible impacts on the environment.

Moreover, Section 30503 of the Coastal Act requires public input in the preparation, approval, certification, and amendment of any Public Works Plan. The co-lead agencies are responsible for holding public hearings for the consideration of the proposed PWP and the certification of the Final EIR. Once these actions have been taken, the PWP is submitted to the CCC for its review. Like a Local Coastal Program Amendment (LCPA), the CCC will also hold public hearings on the PWP.

#### Local Jurisdiction Consultation

14 California Code of Regulations (CCR) Section 13357 requires that, after certification of an LCP, the CCC's review of the PWP must be undertaken after consultation with the affected local government. After the CCC staff determines the PWP has been properly submitted and the application is determined to be complete, the CCC formally notifies the local government of the proposed PWP to initiate the consultation process between the CCC staff and the City.

#### City's Position

On February 7, 2020, the City submitted a comment letter and expressed its opposition to the use of Section 30605 of the Coastal Act to process a PWP for the design and management of the proposed 17 public accessways in the City. To maximize local public participation during the review of the proposed accessways, the City requested the agencies to withdraw the PWP and submit individual coastal development permit applications for each proposed site. The City also listed 15 points of concern that covered a variety of issues, including the failure to coordinate with the City of Malibu to establish the lead agency as required by CEQA, failure to engage the public during the scoping period, inadequate site, baseline, and circulation/public safety analyses to properly assess the potential environmental impacts, and the PWP's inconsistency with the LCP policies and standards. The City comment letter is included as Attachment 2.

#### ATTACHMENTS:

1. List of Project Sites
2. City Comment Letter dated February 7, 2020
3. MRCA Scoping Meeting Presentation
4. Regulatory Provisions for Public Works Plans

# PROJECT SITES: OVERVIEW



# MALIBU COASTAL ACCESS PUBLIC WORKS PLAN

Public Scoping Meeting January 22, 2020

## Public Access Sites

Site No.	Beach	Site Address and Assessor's Parcel Number (APN)	Type of Public Ownership	Status of Public Access
D1	Las Tunas Beach	19016 Pacific Coast Highway APN 4449-003-077	Vertical access easement and lateral access easement held by MRCA	Unimproved, proposed for development in the PWP
		19020 Pacific Coast Highway APN 4449-003-076	Vertical access deed restriction and lateral access deed restriction in favor of the public	
D2 <sup>1</sup>	Las Tunas Beach	Between 19620 and 19562 Pacific Coast Highway APNs 4449-007-900 through 904	Fee title owned by MRCA	Overlook open (no beach access): Miramar; proposed for development in the PWP
M1 <sup>2</sup>	Big Rock Beach	Between 19812 & 19768 Pacific Coast Highway Between APN 4449-008-011 & 012	Fee title owned by SMMC	Overlook open (no beach access): Dolphin View Coastal Overlook
M2 <sup>3</sup>	Big Rock Beach	20500 Pacific Coast Highway Between APN 4450-005-086 & 048	Fee title owned by SMMC	Unimproved, approved coastal development permit
M3 <sup>4</sup>	Las Flores Beach	20802 Pacific Coast Highway APN 4450-007-027	Vertical access easement and lateral access easement held by MRCA	Unimproved, pending coastal development permit
D3	La Costa Beach	21554 Pacific Coast Highway APN 4451-002-010	Vertical access deed restriction and lateral access deed restriction in favor of the public	Unimproved, proposed for development in the PWP
D4	Carbon-La Costa Beach	Between 21746 and 21660 Pacific Coast Highway APNs 4451-003-900, 4451-004-900	Fee title owned by SMMC	Unimproved, proposed for development in the PWP
M4	Carbon Beach	22126 Pacific Coast Highway APN 4451-006-039	Vertical access easement and lateral access easement held by MRCA	Accessway open: Carbon Beach East Access
M5 <sup>5</sup>	Carbon Beach	22466 Pacific Coast Highway APN 4452-002-021	Vertical access easement held by MRCA and lateral access easement held by SLC	Accessway open: Carbon Beach West Access
M6 <sup>6</sup>	Surfrider Beach	23000 Pacific Coast Highway APNs 4452-005-901, 902	Fee title property owned by CDPR* and fee title property owned by County of Los Angeles	Accessway open, proposed for new development, pending fee title transfer prior to construction
M7	Amarillo Beach	24038 Malibu Road APN 4458-009-900	Fee title owned by MRCA	Accessway open: Malibu Road East Access
M8	Latigo Beach	26500 Latigo Shore Drive APN 4460-019-146, 147, 148, 149, 150	Vertical access easement and lateral access easement held by MRCA	Accessway open: Latigo Shores Beach Access
D5	Escondido Beach	27348 & 27400 Pacific Coast Highway APNs 4460-030-042, 4460-030-043	Vertical access easement held by MRCA and lateral access easement held by SLC	Accessway open, proposed for new development in the PWP
M9	Escondido Beach	27420-27428 Pacific Coast Highway APN 4460-030-048	Vertical access easement, public parking easement, and lateral access easement held by MRCA	Accessway open: Escondido Beach Access
D6 <sup>7</sup>	Escondido Beach	27700 Pacific Coast Highway APN 4460-031-007	Vertical access deed restriction lateral access deed restriction in favor of the public	Unimproved, proposed for development in the PWP

# MALIBU COASTAL ACCESS PUBLIC WORKS PLAN

Public Scoping Meeting January 22, 2020

## Public Access Sites

Site No.	Beach	Site Address and Assessor's Parcel Number (APN)	Type of Public Ownership	Status of Public Access
D7	Escondido Beach	27910 & 27920 Pacific Coast Highway APN 4460-032-017, 4460-032-018	Vertical access easement and public parking easement held by SMMC, lateral access deed restriction in favor of the public	Unimproved, proposed for development in the PWP
M10 <sup>8</sup>	Lechuza Beach	Between the terminus of West Sea Level Drive and the terminus of East Sea Level Drive Numerous APNs <sup>9</sup>	Pedestrian easements on West Sea Level Drive and East Sea Level Drive held by MRCA, 22 fee title beachfront parcels held by MRCA, land-locked fee title property known as Lot I on Broad Beach Road, across from Bunnie Lane held by MRCA, vertical access easement adjacent to Lot I held by MRCA	Accessway open, proposed for new development, pending final construction plans

### NOTES:

MRCA = Mountains Recreation and Conservation Authority; SMMC = Santa Monica Mountains Conservancy; SLC = State Lands Commission; CDPR = California Department of Parks and Recreation

<sup>1</sup> Site D2 is open as a coastal overlook only.

<sup>2</sup> Site M1 is open as a coastal overlook only.

<sup>3</sup> Site M2 has an approved coastal development permit, pending final construction plans.

<sup>4</sup> A coastal development permit for Site M3 is pending review by the City of Malibu. Site M3 is currently not improved for public access.

<sup>5</sup> Site M5 consists of existing lighting along the walls of the accessways. No change is proposed to the existing lighting and no new lighting is proposed for Site M5 in the PWP.

<sup>6</sup> New public access improvements are proposed for Site M6 under a Consent Cease and Desist Order issued by the California Coastal Commission to the Malibu Inn Hotel for Coastal Act violations. Site M6 consists of one parcel owned by CDPR and one parcel owned by the County of Los Angeles (County). A fee title transfer of the County-owned parcel to the MRCA is necessary prior to the construction of public access improvements at Site M6.

<sup>7</sup> Site D6 is open for public access.

<sup>8</sup> A coastal development permit for Site M10 is pending review by the City of Malibu. New public access improvements at Site M10 are pending under a proposed settlement agreement with the homeowners' association.

<sup>9</sup> 4470-001-900, 4470-024-900, 901, 4470-021-900, 4470-028-900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918

*Excerpted from the Initial Study prepared by the Mountains Recreation and Conservation Authority and State Coastal Conservancy*



# 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](mailto: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,



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Bonnie  
Date: 2020.02.07  
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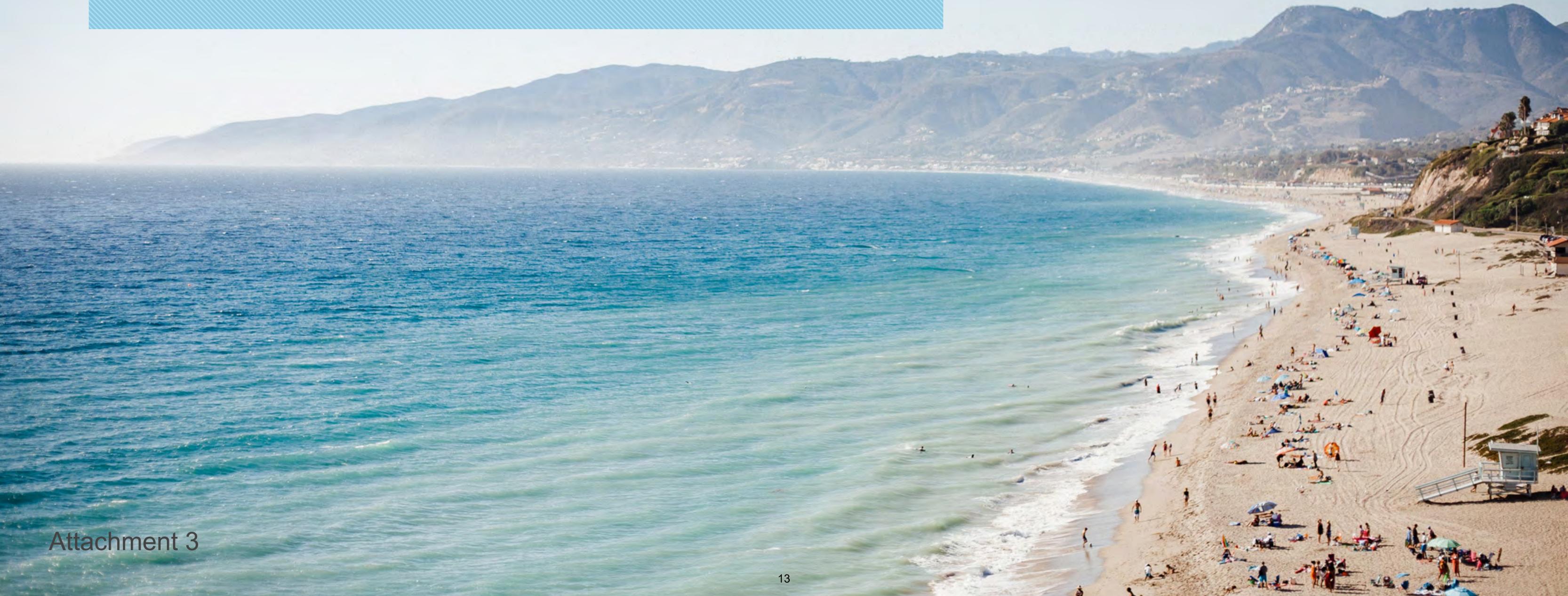
Bonnie Blue  
Planning Director

cc: Reva Feldman, City Manager



# MALIBU COASTAL ACCESS PUBLIC WORKS PLAN EIR

**PUBLIC SCOPING MEETING HOSTED BY  
THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY  
STATE COASTAL CONSERVANCY  
JANUARY 22, 2020**



# AGENDA

- ▶ INTRODUCTIONS AND ROLES
- ▶ PURPOSE OF THE MEETING
- ▶ PROJECT OVERVIEW
- ▶ CEQA PROCESS OVERVIEW
- ▶ SCOPING: ENVIRONMENTAL IMPACTS AND ALTERNATIVES
- ▶ PUBLIC PARTICIPATION OPPORTUNITIES
- ▶ PUBLIC COMMENTS



# INTRODUCTIONS AND ROLES

- ▶ MOUNTAINS RECREATION AND CONSERVATION AUTHORITY (MRCA)  
CO-LEAD AGENCY
- ▶ STATE COASTAL CONSERVANCY  
CO-LEAD AGENCY
- ▶ ENVIRONMENTAL SCIENCE ASSOCIATES  
ENVIRONMENTAL CONSULTANT
- ▶ CHESTER BRITT  
MODERATOR
- ▶ OTHER PUBLIC AGENCIES
- ▶ MEMBERS OF THE PUBLIC

# PURPOSE OF THE MEETING

THE PURPOSE OF THE PUBLIC SCOPING MEETING IS TO RECEIVE INPUT FROM MEMBERS OF THE PUBLIC ON THE SCOPE AND CONTENT OF THE EIR.

SCOPING IS AN OPEN PROCESS FOR IDENTIFYING

- ▶ ALTERNATIVES TO CONSIDER
- ▶ ISSUES TO ADDRESS IN THE IMPACTS ANALYSIS
- ▶ INFORMATION OR DATA TO INCLUDE
- ▶ RESOURCES THAT MAY BE AFFECTED
- ▶ TOPICS THAT CONCERN VARIOUS STAKEHOLDERS

SCOPING IS NOT

- ▶ YOUR FINAL OPPORTUNITY TO COMMENT ON THE PROJECT

**PLEASE FILL OUT A SPEAKER SLIP!**

# PROJECT OVERVIEW



## PROJECT OBJECTIVE

**INCREASE PUBLIC ACCESS AND  
RECREATION OPPORTUNITIES  
ALONG THE COAST IN MALIBU**

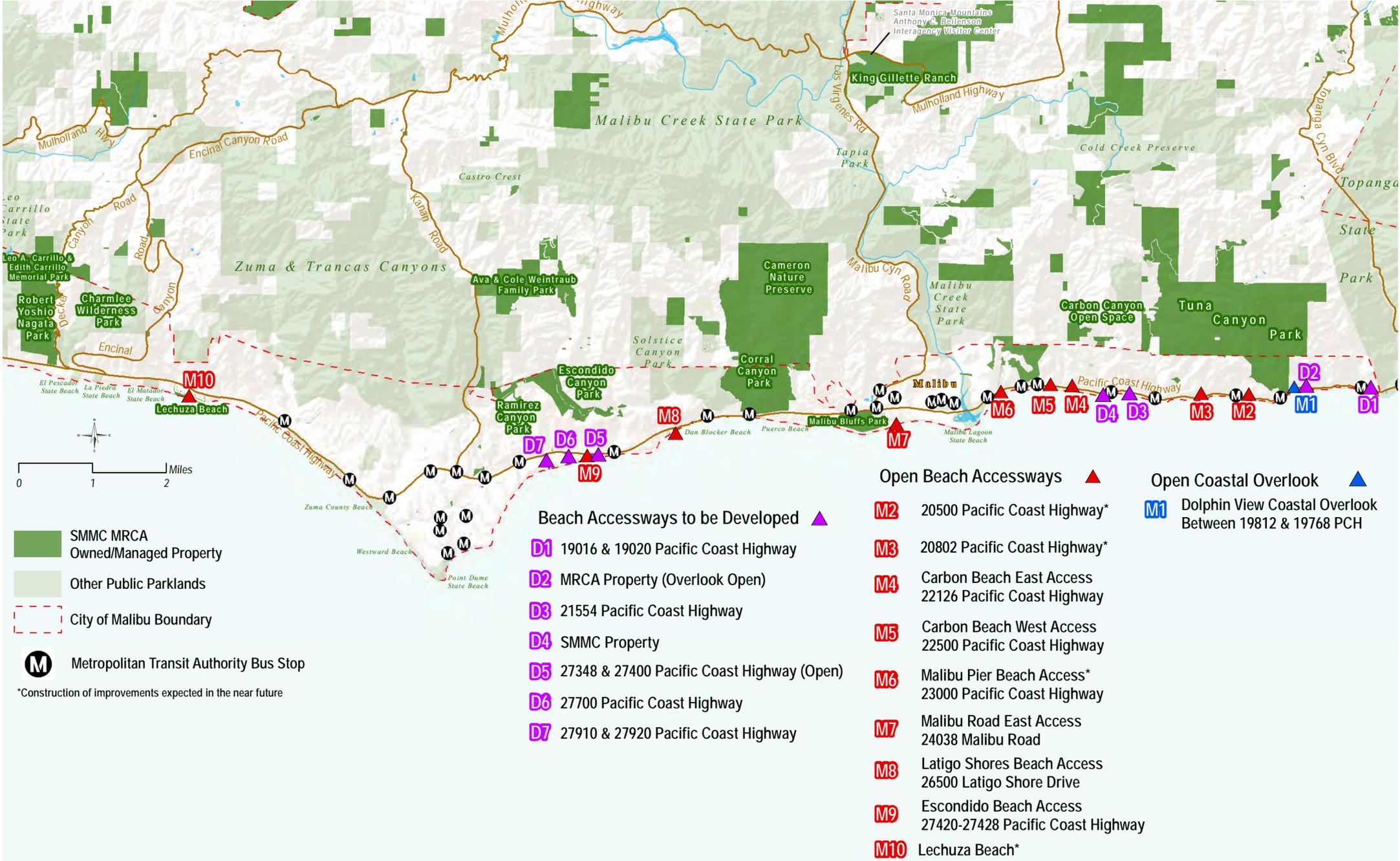
## PROJECT SCOPE

**17 PUBLIC ACCESS SITES IN  
PUBLIC WORKS PLAN**

**DEVELOPMENT PLANS AND  
POLICIES FOR 7 SITES**

**+  
MANAGEMENT POLICIES FOR  
ALL SITES**

# PROJECT SITES: OVERVIEW



# PROJECT SITES:

# TOPANGA CANYON-LAS FLORES CANYON



# PROJECT SITES:

# LAS FLORES CANYON-MALIBU CANYON



# PROJECT SITES:

# MALIBU CANYON-ESCONDIDO CANYON

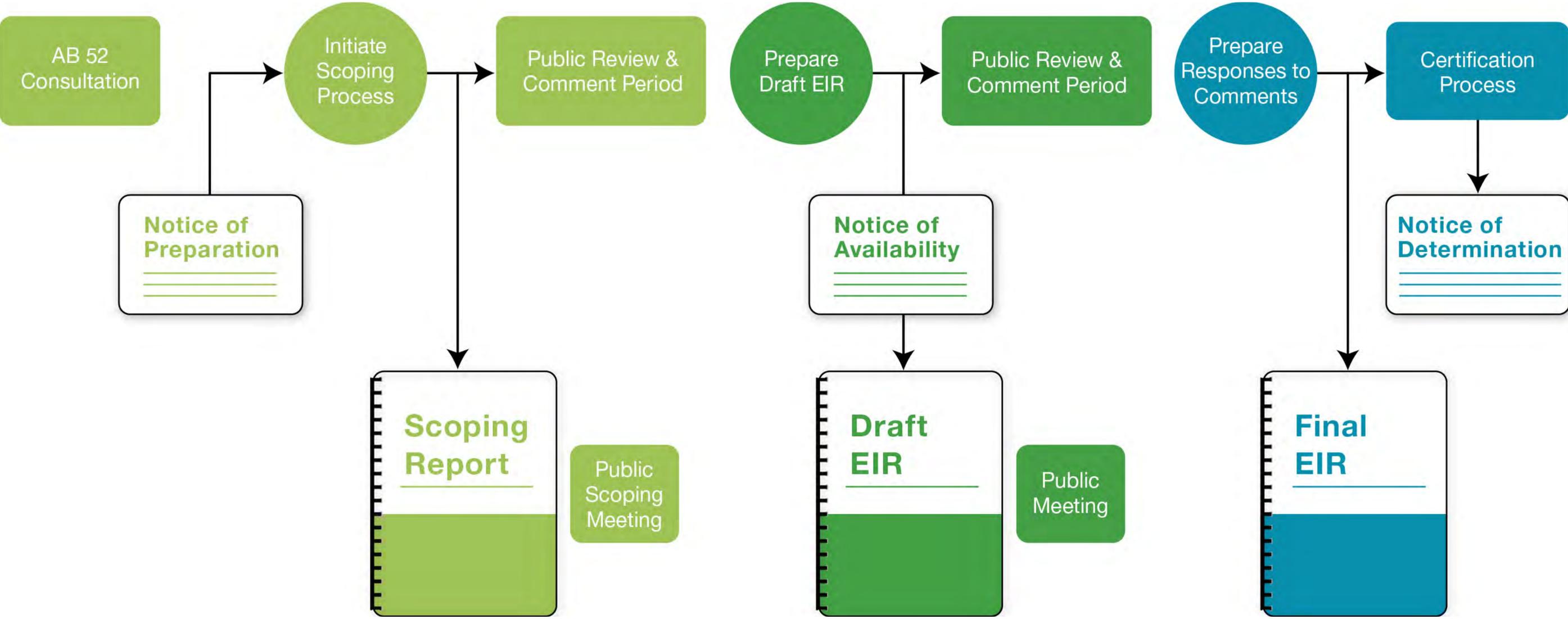


# PROJECT SITES:

# ESCONDIDO CANYON-LACHUSA CANYON



# CEQA PROCESS OVERVIEW



# SCOPING

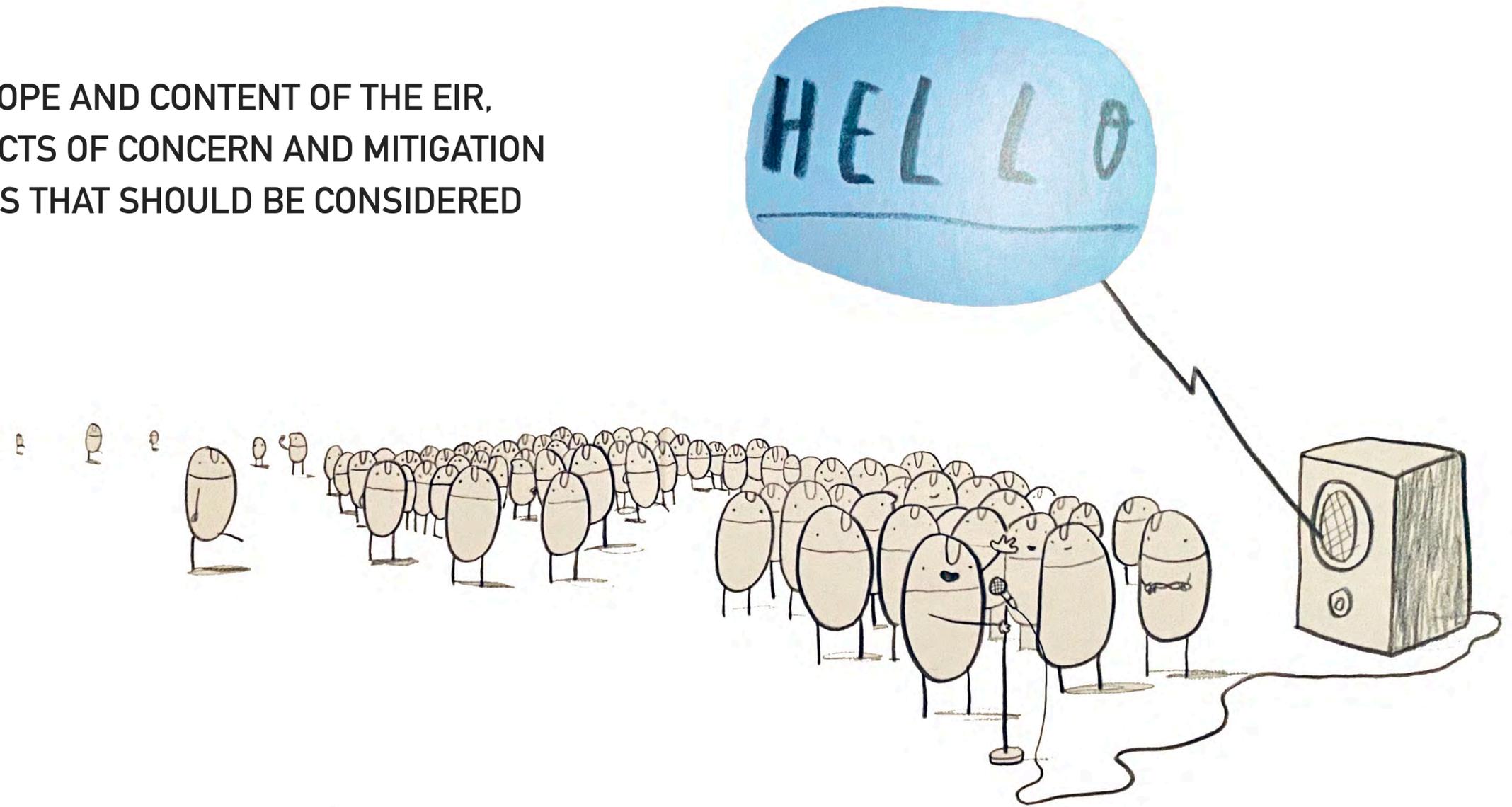
## PURPOSE

- ▶ SOLICIT INPUT AS TO THE SCOPE AND CONTENT OF THE EIR, INCLUDING POTENTIAL IMPACTS OF CONCERN AND MITIGATION MEASURES OR ALTERNATIVES THAT SHOULD BE CONSIDERED

## AGENCY SCOPING

- ▶ RESPONSIBLE AGENCIES
- ▶ TRUSTEE AGENCIES
- ▶ OTHER AGENCIES

## PUBLIC SCOPING



# SCOPING: ENVIRONMENTAL IMPACTS

## RESOURCES TO BE EVALUATED

AESTHETICS

AGRICULTURE AND FORESTRY RESOURCES

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

BIOLOGICAL RESOURCES

CULTURAL AND TRIBAL CULTURAL RESOURCES

ENERGY

GEOLOGY, SOILS, AND PALEONTOLOGY

HAZARDS AND HAZARDOUS MATERIALS

HYDROLOGY AND WATER QUALITY

LAND USE AND PLANNING

MINERAL RESOURCES

NOISE

POPULATION AND HOUSING

PUBLIC SERVICES

RECREATION

TRANSPORTATION

UTILITIES AND SERVICE SYSTEMS

WILDFIRE

# SCOPING: POTENTIAL ALTERNATIVES

## PROJECT ALTERNATIVES

- ▶ REASONABLE OR FEASIBLE ALTERNATIVES TO THE PROPOSED PROJECT OR ITS LOCATION
- ▶ CAPABLE OF AVOIDING OR SUBSTANTIALLY LESSENING ANY SIGNIFICANT PROJECT IMPACTS
- ▶ OK TO IMPEDE TO SOME DEGREE THE ATTAINMENT OF THE OBJECTIVES OR BE COSTLIER

## NO PROJECT ALTERNATIVE

- ▶ WHAT WOULD BE REASONABLY EXPECTED TO OCCUR IN THE FORESEEABLE FUTURE IF THE PROPOSED PROJECT WERE NOT APPROVED
- ▶ BASED ON CURRENT PLANS, CONSISTENT WITH AVAILABLE INFRASTRUCTURE AND SERVICES

# SCOPING: POTENTIAL ALTERNATIVES

## PROPOSED PROJECT

6 "M" SITES CURRENTLY OPEN TO PUBLIC ACCESS WOULD CONTINUE (UNCHANGED) TO BE OPEN TO PUBLIC USE

4 "M" SITES WOULD BE DEVELOPED FOR PUBLIC ACCESS THROUGH EACH RESPECTIVE SITE'S ENTITLEMENT PROCESS

7 "D" SITES WOULD BE DEVELOPED OR IMPROVED, AND THEREAFTER MANAGED FOR PUBLIC ACCESS

RELATED ENVIRONMENTAL IMPACTS AND BENEFITS

## NO PROJECT ALTERNATIVE

6 "M" SITES CURRENTLY OPEN TO PUBLIC ACCESS WOULD CONTINUE (UNCHANGED) TO BE OPEN TO PUBLIC USE

4 "M" SITES WOULD BE DEVELOPED FOR PUBLIC ACCESS THROUGH EACH RESPECTIVE SITE'S ENTITLEMENT PROCESS

7 "D" SITES WOULD NOT BE DEVELOPED OR IMPROVED

RELATED ENVIRONMENTAL IMPACTS AND BENEFITS

## PROJECT ALTERNATIVES

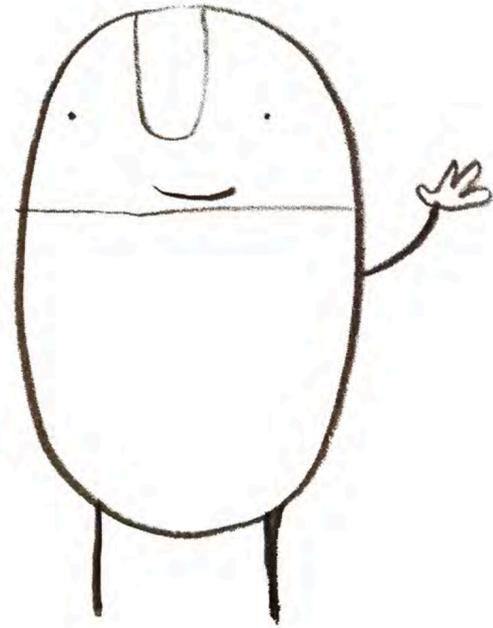
HOW TO REDUCE POTENTIAL IMPACTS FROM CONSTRUCTION-RELATED AIR EMISSIONS?

HOW TO REDUCE POTENTIAL IMPACTS TO BIOLOGICAL RESOURCES AT THE DEVELOPMENT SITES?

OTHER OPTIONS TO CONSIDER FOR POTENTIAL REDUCTION OF IMPACTS?

# PUBLIC PARTICIPATION

**SPEAK TONIGHT**



**SUBMIT WRITTEN COMMENTS ON OR BEFORE 5 P.M. FEBRUARY 7, 2020**

MAIL WRITTEN COMMENTS:  
MOUNTAINS RECREATION & CONSERVATION AUTHORITY  
RE: MALIBU COASTAL ACCESS PUBLIC WORKS PLAN  
ATTN: JESSICA NGUYEN, PROJECT MANAGER  
26800 MULHOLLAND HIGHWAY  
CALABASAS, CALIFORNIA 91302

E-MAIL WRITTEN COMMENTS:  
[COASTALACCESSPWP@MRCA.CA.GOV](mailto:COASTALACCESSPWP@MRCA.CA.GOV)

**STAY INFORMED**

**REQUEST TO BE NOTIFIED ABOUT THE PROJECT  
AND KEEP AN EYE ON THE PROJECT WEBSITE.**

**PROVIDE COMMENTS ON THE DRAFT EIR**

# PUBLIC COMMENTS

FILL OUT SPEAKER CARD

DURING YOUR TURN PLEASE:  
STATE AND SPELL YOUR NAME,  
FOCUS COMMENTS ON SCOPING SUBJECTS,  
RESPECT TIME LIMIT

DURING OTHER'S TURNS PLEASE:  
SUPPORT EVERYONE'S PARTICIPATION,  
RESPECT OTHER PERSPECTIVES,  
QUIET DURING ALL PUBLIC COMMENTS

SUBMIT WRITTEN COMMENT SHEETS

SCOPING SUBJECTS:  
ALTERNATIVES TO CONSIDER;  
ISSUES TO ADDRESS IN IMPACTS ANALYSIS;  
INFORMATION OR DATA TO INCLUDE;  
RESOURCES THAT MAY BE AFFECTED

THANK YOU FOR YOUR PARTICIPATION

## Regulatory Provisions for Public Works Plans

Section 30114 of the Coastal Act states, in part, defines “Public works” as:

***(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.***

Section 30118 of the Coastal Act defines the phrase “special district” to mean:

***any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries.***

Coastal Act Section 30321 (Jurisdiction of Commission) states:

***For purposes of this article, "a matter within the commission's jurisdiction" means any permit action, federal consistency review, appeal, local coastal program, port master plan, public works plan, long-range development plan, categorical or other exclusions from coastal development permit requirements, or any other quasi-judicial matter requiring commission action, for which an application has been submitted to the commission.***

Coastal Act Section 30515 (Procedure for Preparation, Approval, and Certification of Local Coastal Programs)

***Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.***

***If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment if it finds, after a careful balancing of social, economic, and environmental effects, that to do***

**otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.**

Coastal Act Section 30605 (Public works or state university or college or private university long-range land use development; plans) states:

**To promote greater efficiency for the planning of any public works or state university or college or private university development projects and as an alternative to project-by-project review, plans for public works or state university or college or private university long-range land use development plans may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500). If any plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether the proposed plan is consistent with Chapter 3 (commencing with Section 30200). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college or private university shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college or private university, but no amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as prescribed for amendment of a local coastal program.**

Coastal Act Section 30606 (Public works or state university or college or private university long-range land use development; notice impending development) states:

**Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college or private university, shall notify the commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified public works plan or long-range development plan. No development shall take place within 30 working days after the notice.**

14 CCR § 13357 (Procedure for Public Works Plan Review Following Certification of a Local Coastal Program(s) in the Affected Area)

**(a) Plan does not require amendment to local coastal program.**

**(1) If, after certification of local coastal program, a proposed public works plan does not require an amendment to the local coastal program pursuant to Public Resources Code Section 30515, the person authorized to undertake the plan may submit the plan to the Commission for review and certification. The purpose of the Commission review of the plan shall be to define the scope of review of any subsequent project contained in the plan.**

**(2) The Commission review shall be undertaken only after consultation with the affected local government who may recommend modifications necessary for the proposed plan to adequately carry out the certified local coastal program.**

**(3) The notice and hearing requirements of Sections 13354-13356 shall also apply to any public works plan that affects directly a portion of the coastal zone for which a local coastal program has been certified by the Commission. In addition, at least ten (10) working days prior to the first public hearing on a proposed plan directly affecting such an area, the executive director of the Commission shall direct the Commission staff to consult with the affected local government with respect to the impact of the proposed plan on the coastal zone and on the certified local coastal program; the results of such consultation shall be reported to the Commission at the first public hearing on the proposed plan. At least five (5) working days prior to transmitting a written recommendation on the proposed plan to the Commission, the executive director shall request that the affected local government(s) transmit to the Commission its recommendations.**

**(4) Approval of a public works plan by the Commission shall be accompanied by specific factual findings supporting the conclusion that the public works plan, as approved, is in conformity with the certified local coastal program in jurisdictions affected by the proposed public works plan.**

**(5) Following Commission certification of a public works plan, any review of a specific project contained in the plan shall be to determine the conformity of the project with the certified public works plan, as provided in Sections 13358 and 13359.**

Furthermore, the City of Malibu certified Local Coastal Program defines “Major Public Works and Major Energy Facilities” as follows:

***Facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. Notwithstanding the criteria above, “major public works” also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.***