



City of Malibu

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Sent via email to TopangaLagoonRestoration@gmail.com

April 11, 2024

California Department of Parks and Recreation
Attn: John Ota, Environmental Scientist
1925 Las Virgenes Road
Calabasas, CA 91302

Re: Comments on Draft EIR – Topanga Lagoon Restoration Project

Dear Mr. Ota:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed Topanga Lagoon Restoration Project.

The City provides the following comments on the Draft EIR:

1. Section 3.9-2 - The project must comply with the City of Malibu's Municipal Code Chapter 14.04 (Storm Water Management and Discharge Control) and Chapter 15.20m Floodplain Management). This project will need to comply with the City's MS4 Permit requirements. The project will also need to be reviewed for impacts in a mapped FEMA Flood Zone.
2. Section 3.9-11- The project will be required to comply with the area's MS4 Watershed Management Plan. The reference to "SUSMP" is not applicable to the new requirements in the latest version of the NPDES permit provisions. The applicant should look into each jurisdiction's requirements.
3. Section 3.9-22 - The applicant shall verify the specific local MS4 Permit requirements as stated in the Watershed Management Plans. It appears that this project would be required to meet the water quality discharge requirements as stated in the North Santa Monica Bay Watershed Management Plan (City of Malibu, County of Los Angeles, and Flood Control). The applicant shall verify the specific requirements in the adjacent jurisdiction.
4. Section 4-12 -This project needs to be evaluated by the City of Malibu since it is within a FEMA mapped Flood Zone that is administered by the City. Any development within a

mapped flood zone shall meet the requirements of the City's Municipal Code Chapter 15.20 and other FEMA Floodplain regulation.

5. Due to the potential impacts to water and water quality, the California Department of Parks and Recreation may consider sharing the DEIR to and requesting comments from the North Santa Monica Bay Watershed Area Steering Committee, consisting of members of numerous jurisdictions, water districts, and Wishtoyo Chumash.
6. The soils report and geotechnical investigation could consider the impact that substantial winter rains may have on the proposed subsurface drip irrigation.
7. The maps show the location of the proposed subsurface drip irrigation (option 1). Consider updating the maps to show the proposed location of the septic tank(s) and seepage pits (option 2).
8. Section 2.2.3 includes an erroneous question mark: *“This upgraded an earlier coastal? road built in the early 1920s”*
9. Section 2.6.2, Option 2 discusses trucking material from Pacific Coast Highway to Malibu Canyon Road. If this option is chosen, discuss the requirements of trucking material with the City of Malibu’s Environmental Sustainability Department.
10. Section 3.1.1 Regulatory Setting describes local regulations from County of Los Angeles, Topanga State Park 2012 General Plan, and Santa Monica Mountains Local Coastal Program. This section should include the applicable Malibu regulations (Local Coastal Program Local Implementation Plan) since portions of the project are within the City of Malibu jurisdiction.
11. Do the results of the Los Angeles County Beaches and Harbor’s Coastal Resiliency study impact the sea level rise evaluated for this study?
12. A coastal development permit (CDP) pursuant to the California Coastal Act from the California Coastal Commission (CCC) is required. The Draft EIR indicates State Parks would obtain a consolidated CDP and implement the permit conditions. The DEIR should acknowledge that a CDP may be required from the City of Malibu for any work that takes place within City boundaries or the City may authorize the work to be implemented under the consolidated CDP. The City understands this information will not be available until after the project alternative is selected.

At its April 8, 2024 meeting, the City Council considered the attached letter from Laurence Wiener, Richards, Watson & Gershon (RWG), who represents residents who live adjacent to the western boundary of the Topanga Lagoon Restoration project. The Council voted to include the letter and fully supports the comments offered by the residents and requests that the comments be given full consideration.

Sincerely,

Richard Mollica
Richard Mollica
Planning Director

Enclosure: RWG April 4, 2024 Letter

cc: Honorable Members of the Malibu City Council
Steve McClary, City Manager



Laurence S. Wiener
Shareholder

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April 4, 2024

VIA ELECTRONIC MAIL

Mayor Uhring and Honorable Members of the City Council
Malibu City Hall
23825 Stuart Ranch Rd
Malibu, CA 90265
citycouncil@malibucity.org

Dear Mayor Uhring and Honorable Members of the City Council:

We support the City of Malibu's comments on the Draft Environmental Impact Report ("DEIR") for the Topanga Lagoon Restoration Project ("Project"), appearing as Item 6.B on of the Monday, April 8, 2024 City Council meeting agenda. Furthermore, we respectfully request the addition of several other comments.

I represent residents who live adjacent to the western boundary of the Project Site ("Residents") and who are concerned about the Project's potential impacts to their homes as well as the overall adequacy of the DEIR. We are pleased that the City is considering submitting comments on the DEIR and commend staff's work in identifying the issues raised in the draft comments. We concur that the DEIR should be revised to address those comments.

Unfortunately, the Residents have not been adequately consulted by the State to allow meaningful participation in the planning of the Project, particularly with respect to the potential dangers to their homes as a result of the Project. As a consequence, the Residents plan on submitting comments on the DEIR that identify many concerns with the Project and deficiencies in the DEIR.

From a review of the DEIR, and the potentially massive traffic and safety impacts on the City of Malibu, it appears that the City of Malibu was also not adequately consulted. As such, we have identified areas of concern with the DEIR that we believe should be of particular interest to the City of Malibu and its residents and visitors. To that end, we respectfully provide the following proposed language with the hope that the City Council will supplement the City's draft comment letter to additionally address these additional concerns.

1. The DEIR fails to provide “an accurate, stable and finite” project description. Absent an accurate, stable and finite project description, it is not possible for the City of Malibu to understand the Project and assess its impacts. The DEIR must be revised to identify a preferred project and also identify alternatives to that proposed project. It is not sufficient to simply set forth a range of possible alternatives without identifying a proposed project. However, the DEIR does just that. *See Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277. The City of Malibu should be apprised of the project’s impacts and be able to comment thoughtfully on alternatives and mitigation.
2. The DEIR fails to adequately account for and analyze transportation and emergency access and evacuation impacts given the existing condition of SR-27 (Topanga Canyon Boulevard) which is closed indefinitely from the Pacific Coast Highway to Grand View Drive due to an unstable landslide. The DEIR should be updated to analyze transportation and emergency evacuation impacts under the present and likely recurrent scenario of an extended SR-27 closure.
3. The DEIR fails to adequately discuss or analyze impacts to the adopted Evacuation Plan for the City of Malibu, which identifies Topanga State Beach Parking at 18700 Pacific Coast Hwy Malibu CA 90265 - located within the project site - as a pre-identified “Safe Refuge Area.” Temporary closure of the site during construction, which will last a minimum of five years, would conflict with the adopted Evacuation Plan. This impact is not adequately mitigated. Appendix J provides a Draft Construction Traffic and Emergency Management Plan which is required by Mitigation Measure TRA-1. The Draft Construction Traffic and Emergency Management Plan, however, does not address this issue and instead defers dealing with this conflict to a future coordination between the County and City of Malibu at some point during the final design stating: “The Lead Agency/Project Sponsor and contractor will coordinate with the County and City of Malibu to identify an alternative refuge area in close proximity to the Project during the period of construction which causes the DBH [County Department of Beaches and Harbors] parking lot to be unavailable.” There is no guarantee that any alternative area can be found nor are there any guidelines for identifying an alternative area. Again, Malibu should be informed of any change of this magnitude to its emergency plans.
4. The DEIR understates potential transportation and traffic impacts that will impact the lives of residents of and visitors to the City of Malibu, particularly during construction of the Project. Pacific Coast Highway will be severely impacted during construction, and construction is estimated to last a minimum of five years, and will likely be much longer.
5. The Project proposes to move the existing helipad (located west of the lagoon on the Malibu side of the existing bridge) to the east of the lagoon with one of the proposed

parking lots. This places the helipad on the other side of the extended bridge from Malibu. The DEIR does not discuss or analyze impacts of this to Malibu-based first responders who, to access the helipad, would need to cross the bridge, adding distance to the helipad and potential obstructions if the bridge is impacted by traffic or natural disaster (e.g., earthquake, fire, flood, landslide).

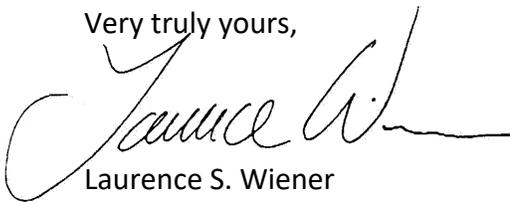
6. The staff should consider supplementing comment 9 to request that the DEIR discuss the requirements of trucking material with the City Environmental Sustainability Department for all options, not just option 2. The Beneficial Sediment Reuse Study on page 11 notes that Option 3 (Mechanical Removal and Upland Landfill Disposal) may include haul routes using either Topanga Canyon Boulevard, or Pacific Coast Highway, or Malibu Canyon Boulevard. However, the DEIR doesn't appear to recognize any City interest in such haul routes. The DEIR should be revised to require consultation with the City on all haul routes which traverse the City.

7. The DEIR should be revised to fully address the City of Malibu's concerns. The DEIR should then be recirculated pursuant to CEQA Guidelines Section 15088.5 to allow the City of Malibu, and the interested public, the opportunity to meaningfully review and comment on the DEIR, including the adequacy of the revisions necessary to address the City's concerns.

Should the City Council find it appropriate to supplement the draft City comment letter based on the foregoing, our recommendation is that the City Council provide staff direction to add the comments identified in items 1 through 7 of this letter to the City's comment letter and submit the revised comment letter to State Parks by the April 12 comment period deadline.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Laurence S. Wiener". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laurence S. Wiener

cc: Steve McClary, City Manager
Richard Mollica, Planning Director
Kelsey Pettijohn, City Clerk
Chris Griffiths
Lloyd Ahern

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