



Appendix H

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the 2008-2014 Housing Element Update in the City of Malibu, California. Public Resources Code Section 21081.6(a) requires that a Lead Agency adopt an MMRP prior to approving a project in order to mitigate or avoid significant impacts that have been identified in an Environmental Impact Report (EIR). The purpose of the MMRP is to ensure that the required mitigation measures identified in the EIR are implemented as part of the overall project implementation. In addition to ensuring implementation of mitigation measures, the MMRP provides feedback to agency staff and decision-makers during project implementation, and identifies the need for enforcement action before irreversible environmental damage occurs.

The following table summarizes the mitigation measures for each issue area identified in the EIR for the 2008-2014 Housing Element Update. The table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring frequency; and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification. These columns would be filled out by the monitoring agency or party and would document monitoring compliance. Where an impact was identified to be less than significant, no mitigation measures were required.

This MMRP will be used by City staff or the City's consultant to determine compliance with permit conditions. Violations of these conditions may cause the City to revoke the operating permit.



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Air Quality					
<p>AQ-1(a) Dust Control Measures. The following shall be implemented during grading and construction to control dust.</p> <ol style="list-style-type: none"> 1. <i>All exposed, disturbed, and graded areas onsite shall be watered twice (2x) daily until completion of the project construction to minimize the entrainment of exposed soil.</i> 2. <i>The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.</i> 3. <i>Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavating activities. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.</i> 4. <i>Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:</i> <ol style="list-style-type: none"> a. <i>All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.</i> b. <i>All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.</i> 5. <i>Graded and/or excavated inactive areas of the construction site shall be monitored at least</i> 	City of Malibu Building and Safety Division	Verification of implementation in the field during grading and construction	Periodically during grading and construction		



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<p><i>weekly for dust stabilization. Soil stabilization methods shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, it shall be seeded and watered until vegetation growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.</i></p> <p>6. <i>Signs shall be posted onsite limiting construction traffic to 15 miles per hour or less.</i></p> <p>7. <i>During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to affect adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust from being an annoyance or hazard, either off-site or onsite.</i></p> <p>8. <i>Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.</i></p> <p>9. <i>Personnel involved in grading operations, including contractors and subcontractors, shall wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.</i></p> <p>10. <i>Shaker plates shall be installed at all truck exits from the site.</i></p> <p>11. <i>Dust control requirements shall be shown on all grading plans.</i></p>					
<p>AQ-1(b) Construction Equipment Controls. The following shall be implemented during construction to minimize emissions of PM2.5 associated with diesel construction equipment.</p> <p>1. <i>All diesel construction equipment shall meet Tier 4 EPA emission standards.</i></p>	City of Malibu Building and Safety Division	Verification of implementation in the field during construction	Periodically during grading and construction		



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2. <i>Construction contractors shall minimize equipment idling time throughout construction. Engines shall be turned off if idling would be for more than five minutes.</i> 3. <i>Equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.</i> 4. <i>The number of pieces of equipment operating simultaneously shall be minimized.</i> 5. <i>Construction contractors shall use alternatively fueled construction equipment (such as compressed natural gas, liquefied natural gas, or electric) when feasible.</i> 6. <i>The engine size of construction equipment shall be the minimum practical size.</i> 7. <i>Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated clean diesel engines) shall be utilized wherever feasible.</i> 8. <i>During the smog season (May through October), the construction period should be lengthened so as to minimize the number of vehicles and equipment operating at the same time.</i>					
Biological Resources					
BIO-2 Special-Status Plant Surveys. Prior to any vegetation removal, grubbing, or other construction onsite, seasonally-timed special-status plant surveys shall be conducted by a City-approved biologist no more than two years before initial ground disturbance. The consulting biologist may coordinate with CDFW staff and surveys may be provided to CDFW for review. The purpose of these surveys is to document the location(s) and number(s) of special-status plant species within construction and mitigation areas so that mitigation can be accomplished. The surveys shall coincide with the bloom periods for each species listed above and all special-status plant species identified onsite shall be mapped onto a site-specific aerial	City of Malibu Planning Department City of Malibu Biologist	Review and approval of survey results. If special-status species are found, verification of assessment	Prior to issuance of grading permit		



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<p>photograph and topographic map. Surveys shall be conducted in accordance with CDFW and USFWS protocols (California Department of Fish and Game 2009, United States Fish and Wildlife Service 2000). Areas containing special-status plant species shall be considered ESHA per the LCP.</p> <p>If special-status plant species are determined to be present onsite, the habitat within which said species are found shall be delineated as ESHA and all applicable LCP development standards shall be adhered to. The policies include assessment of the biological resources onsite prior to project approval, development standards that avoid or minimize impacts to sensitive resources such as establishment of buffers between development and specific types of habitats and resources, and mitigation requirements, including mitigation plan requirements, for unavoidable impacts.</p>					
<p>BIO-4(a) Coastal whiptail, San Bernardino Ringneck Snake, and Coast Horned Lizard Surveys, Capture, and Relocation. Prior to issuance of a building permit on Candidate Sites #1 and #7 and other MF sites that could be subject to the AHO, capture and relocation efforts shall be conducted where suitable habitat is present for the coastal whiptail, San Bernardino ringneck snake, and coast horned lizard. Surveys shall be conducted by a qualified biologist, approved by the City of Malibu, and shall include raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of two inches. In addition to raking, coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles. Coverboards shall be placed in the survey area two weeks before surveys begin and shall be checked at least twice per week during raking surveys.</p>	<p>City of Malibu Planning Department, City of Malibu Biologist</p>	<p>Review and approval of survey results.</p> <p>Verification of relocation activities (if necessary)</p>	<p>Prior to issuance of grading permit</p> <p>Throughout construction</p>		



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<p>Captured animals shall be placed immediately into containers containing sand or moist paper towels and released in designated release areas either onsite or at a City-approved off-site location no more than three hours after capture.</p> <p>During all grading activities, a qualified biologist shall be onsite to recover any coastal whiptails, San Bernardino ringneck snakes, or coast horned lizards that may be excavated/unearthed. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be released to a City-approved specialist until they are in a condition to be released into the designated release area.</p>					
<p>BIO-4(b) Monarch Butterfly Surveys and Avoidance. A qualified biologist with expertise in Monarch ecology, approved by the City of Malibu, shall survey the eucalyptus trees on Candidate Site #1 and other MF sites that would be subject to the AHO to determine if monarch butterflies are roosting onsite prior to issuance of building permits. The survey shall occur during the peak of the winter roosting period (December to February). If the biologist determines that the habitat onsite serves as a winter roost, no development shall occur within 100 feet and the roost site shall be mapped as ESHA. If avoidance is not feasible, the development design of that site will be re-evaluated and consultation with CDFW shall occur to determine if development may proceed with additional specific mitigation.</p>	<p>City of Malibu Planning Department, City of Malibu Biologist</p>	<p>Review and approval of survey results</p> <p>Field verification that sufficient space is given to roosts (if necessary)</p>	<p>Prior to issuance of grading permit</p> <p>Throughout construction</p>		
<p>BIO-4(c) Special-Status Bat Surveys and Impact Avoidance. A qualified biologist, approved by the City of Malibu, shall conduct presence/absence surveys for special-status bats where suitable roosting habitat is present on Candidate Site #1 and #2 and other MF sites that would be subject to the AHO prior to</p>	<p>City of Malibu Planning Department, City of Malibu Biologist</p>	<p>Review and approval of survey reports</p> <p>Field verification that sufficient space is given to bats or exclusionary</p>	<p>Prior to issuance of grading permit</p> <p>Throughout construction</p>		



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<p>issuance of a building permit. Bat surveys shall be conducted in accordance with methods set forth by the CDFW Survey methods shall include the use of both acoustic detectors and by physically searching tree cavities, crevices, and other areas where bats may roost. Surveys shall be conducted no more than 30 days prior to initiation of construction activities.</p> <p>Areas where bats are located shall be avoided where feasible. If impacts to bats cannot be avoided, with concurrence from CDFW, exclusionary devices, such as netting, shall be installed by a City-approved biologist around the roost(s) after the bats have left the roost in the evening and shall be monitored for a minimum of three days to ensure that no bats return to the roost. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately. Exclusion of bats must commence prior to establishment of maternity colonies, which varies by species. If a maternity colony is determined to be present, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Bat roosts shall be removed after the breeding season has ended but before the onset of winter when temperatures are too cold for bat movement.</p> <p>If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), installation of bat boxes near the impacted roost would be necessary to reduce the impact to the bat species present. Bat boxes shall be species-specific in design. Bat boxes shall be installed at a height that is appropriate for the bat species and anti-predator measures, such as small metal spikes on the top, shall be included to protect bats.</p>		devices are installed (if necessary)			



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<p>BIO-4(d) Migratory Bird Treaty Act. To avoid the accidental take of any migratory bird species or raptors, construction activities at any of the three candidate sites and other MF sites that would be subject to the AHO shall be conducted between September 1 and March 1, outside of the typical breeding season. If avoidance of the nesting season is not feasible, a qualified biologist, approved by the City of Malibu, shall conduct focused nesting surveys weekly for 30 days, with the final survey occurring not more than three days prior to initiation of ground and vegetation disturbance activities. The results of the nest survey shall be submitted upon completion of the surveys to the City for review via a letter report prior to initiation of grading or other construction activity. In the event that a nesting migratory bird species or raptor is observed within 300 feet of the construction work areas (500 feet for raptors), the project biologist shall demarcate the buffer area. No construction or other project-related disturbance shall occur in these areas until the active nest(s) is vacated for the season and there is no evidence of further nesting attempts, as determined by the project biologist. Construction personnel shall be instructed on the ecological sensitivity of the area.</p>	<p>City of Malibu Planning Department, City of Malibu Biologist</p>	<p>Review and approval of nesting bird survey reports</p> <p>Field verification that sufficient space is given to nesting birds (if necessary)</p>	<p>Prior to initiation of grading or construction activity.</p> <p>Throughout construction</p>		
<p>BIO-4(e) Worker Education. Prior to initiation of any construction activities, a qualified biologist, approved by the City of Malibu, shall conduct a training session for all construction personnel on all candidate sites and other MF sites that could be subject to the AHO. At a minimum, the training shall include a description of all sensitive resource issues onsite as well as the general measures that are being implemented to protect these resources. A fact sheet shall be provided to all contractors, their employees, and any other personnel involved with the construction of the project, and shall include a description of the sensitive</p>	<p>City of Malibu Planning Department, City of Malibu Biologist</p>	<p>Verification that training completed</p>	<p>Prior to initiation of construction activities</p>		



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resources onsite, information on their occurrence onsite, a list of construction Best Management Practices (BMPs) outlined in Mitigation Measure BIO-4(f) and other applicable mitigation measures, instructions to follow when encountering sensitive resources, and all applicable City-required conditions of approval.					
<p>BIO-4(f) Construction Best Management Practices. The following construction BMPs shall be incorporated into all grading and construction plans for any future development on the three candidate sites:</p> <ul style="list-style-type: none"> • <i>Designation of a 15 mph speed limit in all construction areas.</i> • <i>All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible. Development of new access and right-of-way (ROW) roads shall be minimized.</i> • <i>Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.</i> • <i>Daily construction work schedules shall be limited to the hours between 7 AM and 7 PM and shall comply with Section 8.24.050(G) of the M.M.C.</i> • <i>Mufflers shall be used on all construction equipment and light trucks shall be in good operating condition.</i> • <i>Drip pans shall be placed under all stationary vehicles and mechanical equipment.</i> • <i>All trash shall be placed in sealed containers and</i> 	City of Malibu Planning Department, City of Malibu Biologist	Review and approval of construction plans Verification of implementation during construction	Prior to issuance of grading permit Periodically during construction		



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<p><i>shall be removed from the candidate sites a minimum of once per week.</i></p> <ul style="list-style-type: none"> <i>No pets are permitted on candidate sites during construction.</i> 					
Cultural Resources					
<p>CR-1(a) Procedures for Discovery of Intact Cultural Resources. In the event that archaeological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find shall be temporarily suspended or redirected until the Planning Director has been notified and an archaeologist has evaluated the nature and significance of the find, pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) cultural resources regulations (LIP Section 11.5) and M.M.C. Section 17.54.060. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative shall monitor any mitigation work associated with Native American cultural material.</p>	City of Malibu Planning Department	Verification that procedures in this measure and in Section 11.5 of the Malibu LCP-LIP are followed	If cultural resources are encountered during grading or construction		
<p>CR-1(b) Procedures for Discovery of Human Remains. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC).</p>	City of Malibu Planning Department	Verification that procedures in Section 7050.5 of the California Health and Safety Code are followed	If necessary, during grading or construction		
Geology and Soils					
<p>GEO-1 Fault Study and Mitigation. Because portions of the Malibu Coast Fault meet the definition of an active fault per the Alquist-Priolo legislation (passed in 1972), any future application for development within 500 feet of the Malibu Coast Fault shall require a fault study prepared by a certified</p>	City of Malibu Building and Safety Division	Review and approval of fault study	Prior to issuance of building permit		



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engineering geologist for the project site, consistent with the requirements of the Alquist-Priolo legislation and City of Malibu Geotechnical Guidelines prior to issuance of a building permit. The study shall identify the precise location of the fault relative to proposed structures to ensure that the structure is located at least 50 feet from the fault to avoid damage and risk from fault rupture. The applicant shall also conform to any other recommendations of the study relative to building positioning, structural design, foundation materials or other necessary earth work to minimize hazards associated with the Malibu Coast Fault. The fault study shall be submitted to the City of Malibu for review and approval prior to Planning Department approval.					
<p>GEO-3 Geotechnical Study and Mitigation. Prior to Planning Department approval, a geotechnical study shall be prepared by a registered civil or geotechnical engineer and certified engineering geologist for any future project developed pursuant to the Housing Element Update. This study shall include an analysis of the settlement, expansion, and liquefaction potential of the underlying materials. If a particular development site is confirmed to be in an area prone to seismic settlement or expansion, appropriate techniques to comply with the requirements of the California Building Code shall be prescribed and implemented.</p> <p>Suitable measures to reduce impacts may include: removal of any undocumented fill or topsoil; specialized design of foundations by a structural engineer; removal or treatment of liquefiable soils to reduce the potential for liquefaction; drainage to lower the groundwater table to below the level of liquefiable soils, in-situ compaction of soils; or other alterations to the ground characteristics. In areas prone to settlement or liquefaction, current structural</p>	City of Malibu Building and Safety Division	Review and approval of geotechnical study	Prior to issuance of building permit		



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engineering methods for foundation design may not be sufficient to prevent a building's foundation from failing in a larger earthquake which would result in stronger and longer ground shaking.					
<p>GEO-4 Landslide Study and Mitigation. The future applicant for development of residential structures pursuant to the Housing Element Update on sites with slopes above 30% shall have a geotechnical study prepared by a certified engineering geologist and geotechnical engineer for the project site prior to Planning Department approval. This study shall include an analysis of the erosion and landslide potential of portions of the sites with steep slopes. If a particular development site is confirmed to be in an area prone to erosion or landsliding, appropriate techniques to comply with the requirements of the California Building Code shall be prescribed and implemented.</p> <p>Suitable measures to reduce impacts may include the stabilization of the building site utilizing grading or structural solutions, deepened foundations, thickened slabs, or a combination of all of the above. Proper maintenance of the site (utilities, landscaping, irrigation, onsite wastewater treatment systems, etc.) after construction will be required. The landslide study and recommendations shall be submitted to the City of Malibu for review and approval prior to Planning Department approval.</p>	City of Malibu Building and Safety Division	Review and approval of geotechnical study	Prior to issuance of building permit		
HAZARDS AND HAZARDOUS MATERIALS					
<p>HAZ-2 Aerially-Deposited Lead (ADL) Study. Prior to issuance of grading permits on Candidate Sites #1 and #2 and other MF sites that could be subject to the AHO adjacent to PCH, an ADL study must be performed by a qualified consultant. The ADL study shall include soil sampling to determine the presence of onsite lead concentrations, as well as a remediation</p>	City of Malibu Building and Safety Division	Verification and approval of study	Prior to issuance of grading permit		



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plan if lead levels are detected above the hazardous material thresholds. If soil removal is required, the soil shall be hauled and disposed of by a transportation company licensed to transport hazardous material. In addition, the hazardous material shall be taken to a landfill or receiving facility licensed to accept hazardous waste. Documentation of the appropriate sampling, transportation and disposal must be prepared and include the volume of soil removed, where the material was moved to, and include soil profiling, and transportation and disposal manifests. The soil removal documentation shall be prepared for the property owner or other responsible party, with a copy submitted to the City of Malibu.					
Noise					
N-1(a) Diesel Equipment Mufflers. All future project sponsors on Candidate Sites #1, #2, and #7 and all other MF sites to which the AHO is applied shall ensure that all diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers during construction.	City of Malibu Planning Department	Field verification of compliance	Periodically during construction		
N-1(b) Electrically-Powered Tools. All future project sponsors on Candidate Sites #1, #2, and #7 and all other MF sites to which the AHO is applied shall ensure that electrical power is used to run air compressors and similar power tools during construction.	City of Malibu Planning Department	Field verification of compliance	Periodically during construction		
N-5 Interior Noise. All residential structures within the 65 dB(A) noise contour shall include the following or equivalent to achieve an acceptable interior noise level of 45 CNEL: <ul style="list-style-type: none"> <i>Windows shall be dual pane, laminated, or similar with a Sound Transmission Class rating of at least 30 for all residential units with direct exposure to</i> 	City of Malibu Planning Department	Check site plans to ensure compliance	Prior to issuance of building permit		



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<p><i>PCH;</i></p> <ul style="list-style-type: none"> • <i>Exterior doors facing PCH shall have a sound insulating design with an STC rating of at least 35;</i> • <i>Solid core exterior doors with perimeter weather stripping and threshold seals shall be used;</i> • <i>Roof and attic vents shall face away from PCH.</i> 					
Transportation and Traffic					
<p>T-1 Cross Creek Road & PCH. Future applicants of Candidate Sites #1, #2, and #7 shall contribute their fair share of payment to for construction of a westbound right-turn lane on PCH at Cross Creek Road. Sufficient right-of-way exists to accommodate this right-turn lane; however, the existing roadway is not centered within the existing right-of-way. In order to implement a new westbound right-turn lane at this location, the roadway centerline must be shifted to the south as PCH passes through the Cross Creek Road intersection. This improvement would result in the loss of approximately 12 on-street parking spaces on the shoulder of the south side of PCH west of Cross Creek Road. It would also result in a substandard 11-foot left-turn lane on PCH east of Cross Creek Road, which would require Caltrans approval. If Caltrans does not approve of non-standard narrower lane widths, then roadway widening on the south side of PCH on the approach and departure legs would allow the standard width lanes for this improvement.</p>	City of Malibu Planning Department	Verification of payment	Prior to issuance of occupancy permit		
<p>T-2 Malibu Canyon Road & PCH. Future applicants of Candidate Sites #1, #2 and #7 shall contribute their fair share of payment to ensure that a southbound left-turn/through lane is modified to a left-turn/through/right-turn lane. Sufficient right-of-way exists on PCH to allow for a second receiving lane on this roadway.</p>	City of Malibu Planning Department	Verification of payment	Prior to issuance of occupancy permit		

