

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



# W24c

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## ADDENDUM

**DATE:** March 9, 2015  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item W24c, City of Malibu LCP Amendment No. LCP-4-MAL-15-0001-1 Time Extension, Wednesday, March 11, 2015

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The purpose of this addendum is to attach written correspondence staff received regarding the time extension request for the City of Malibu LCP Amendment No. LCP-4-MAL-15-0001-1.



Heal the Bay



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MAY 05 2015  
California Coastal Commission  
South Coast Area Office

March 6, 2015

California Coastal Commission  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802  
*Submitted via fax to (562) 590-5084*

**Re: Item W24c - City of Malibu LCP Amendment No. LCP-4-MAL-15-000-1 Time Extension**

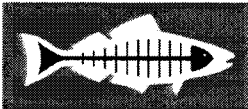
Dear Coastal Commissioners:

On behalf of Heal the Bay and Los Angeles Waterkeeper (“Waterkeeper”), we submit the following comments to the California Coastal Commission on the City of Malibu LCP Amendment No. LCP-4-MAL-15-000-1 Time Extension. We ask the Commission to approve the LCP Amendment as soon as possible in order to ensure that the Malibu Civic Center wastewater treatment facility (“Civic Center WWTF”) will be constructed without any further delays and septic pollution to the Malibu Creek, Malibu Lagoon and Surfrider Beach will be eliminated as required by the Septic Prohibition.

Heal the Bay and Waterkeeper are environmental organizations with thousands of members dedicated to protecting and enhancing Southern California coastal waters and watersheds for people and aquatic life. We have been actively involved in water quality protection, enhancement and habitat restoration issues within the City of Malibu (“Malibu” or “City”) for decades, including advocating for the elimination of septic discharges in the Civic Center Area which culminated in the Septic Prohibition, Resolution No. R4-2009-007, adopted by the Los Angeles Regional Water Board (“Regional Board”) on November 5, 2009 to eliminate bacteria and nutrient pollution discharged from septic systems to the federally-impaired Malibu Creek, Malibu Lagoon and Surfrider Beach.<sup>1</sup> Monitoring data and studies have clearly established that on-site wastewater disposal systems in the Civic Center area are a major source of nutrients and pathogens to Malibu Creek, Lagoon and Surfrider Beach and pose a serious threat to humans and aquatic life.

Following the adoption of the Septic Prohibition in 2009, the Regional Board and the City entered into a Memorandum of Understanding (“MOU”) in August 2011 setting forth detailed steps and deadlines to comply with the Septic Prohibition. The City committed to designing and constructing the Civic Center WWTF to ensure commercial (Phase I) and residential (Phase II) properties in the prohibition area are connected to the wastewater treatment facility by the Septic Prohibition deadlines of November 5, 2015 and November 5, 2019, respectively. For nearly 5 years, our organizations have been working with the City and the Regional Board to set and maintain a clear timeline to complete the Civic Center WWTF and achieve compliance with the Septic Prohibition mandates. Legal requirements aside, the swift construction of the Civic Center WWTF is critical for

<sup>1</sup> Available at: [http://www.waterboards.ca.gov/rwqcb4/press\\_room/announcements/Public-Hearing-Malibu/Malibu\\_Final\\_Resolution\\_Docs/3.%20RESOLUTION.pdf](http://www.waterboards.ca.gov/rwqcb4/press_room/announcements/Public-Hearing-Malibu/Malibu_Final_Resolution_Docs/3.%20RESOLUTION.pdf) (last visited on March 6, 2015).



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cleaning up bacteria and nutrient pollution in the Malibu Creek, Malibu Lagoon and Surfrider Beach, all of which have been on the California 303(d) List of Impaired Waters since 1998.<sup>2</sup> The project has experienced significant delays and on December 4, 2014, the MOU was amended postponing the deadlines to ensure commercial and residential properties are connected to the Civic Center WWTF to June 30, 2017 and November 5, 2022, respectively.

Despite these delays, the City, the Regional Board and stakeholders have been working to ensure CEQA environmental review, waste discharge permits and other legal requirements are satisfied in time to meet the revised MOU deadlines. However, there are a number of additional deadlines and requirements to be met by the City prior to the June 30, 2017 deadline for Phase I properties<sup>3</sup> and any delays in the project approval process, such as the proposed postponement of LCP Amendment certification will very likely create further delay in the completion of the Civic Center WWTF.

More importantly, the completion of the Civic Center WWTF project in accordance with the schedule set forth in the MOU is critical for restoring beneficial uses to Malibu Creek and Lagoon and coastal waters which continue to exceed water quality standards. The implementation schedule for commercial properties to connect to a centralized wastewater treatment facility is extremely tight – any unforeseen delays in the project approval and permitting process will not only significantly impact the City’s ability to comply with the MOU but will also place public health at risk. Thus, we urge the Commission to approve LCP Amendment No. LCP-4-MAL-15-000-1 at its next hearing or as soon as possible.

Thank you for this opportunity to provide comments and if you have any questions please contact Heal the Bay at (310) 451-1500 or Los Angeles Waterkeeper at (310) 394-6162.

Sincerely,

Peter Shellenbarger, MESM  
Water Resources Manager  
Heal the Bay

Tatiana Gaur  
Senior Attorney  
Los Angeles Waterkeeper

<sup>2</sup> See California 1998, 2002, 2006 and 2010 303(d) lists of impaired waters available at [http://www.waterboards.ca.gov/rwqcb4/water\\_issues/programs/303d\\_list.shtml](http://www.waterboards.ca.gov/rwqcb4/water_issues/programs/303d_list.shtml) (last visited on March 6, 2015).

<sup>3</sup> Memorandum of Understanding between City of Malibu and Regional Water Quality Control Board, Los Angeles Region and State Water Resources Control Board Regarding Phased Implementation of Basin Plan Amendment Prohibiting On-site Wastewater Disposal Systems in the Malibu Civic Center Area (revised on December 4, 2014) at 4, available at

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/basin\\_plan/2014/mou/MOU101414\\_clean.pdf](http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2014/mou/MOU101414_clean.pdf) (last visited on March 6, 2015).

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**W24c**

**DATE:** February 19, 2015

**TO:** Commissioners and Interested Persons

**FROM:** John Ainsworth, Senior Deputy Director

**SUBJECT:** **City of Malibu LCP Amendment No. LCP-4-MAL-15-000-1 Time Extension** to be heard at the March 11, 2015 Commission Hearing in San Diego.

On January 15, 2015, the City of Malibu submitted an amendment to the Local Implementation Plan (LIP) portion of the certified LCP to allow for the Civic Center Wastewater Treatment Facility on a property located 24000 Civic Center Way in the City of Malibu currently zoned Visitor Serving Commercial II and to create an overlay district for the proposed treatment facility with associated development standards.

On January 15, 2015, the Executive Director determined that the City's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b). Pursuant to Coastal Act Section 30512 and California Code of Regulations Section 13522, an amendment to the certified LIP portion of the LCP must be scheduled for a public hearing and the Commission must take action within 60 days of a complete submittal. The 60<sup>th</sup> day after filing the complete submittal is March 16, 2015.

Coastal Act Section 30517 and California Code of Regulations Section 13535(c) state that the Commission may extend for good cause the 60-day time limit for a period not to exceed one year. Commission staff is requesting an extension to the 60-day time limit in order to allow adequate time to review and analyze the amendment and to allow greater scheduling flexibility. Therefore, staff recommends that the Commission extend the 60-day time limit to act on the City of Malibu LCP Amendment No. LCP-4-MAL-15-0001-1 for a period not to exceed one year.

Staff is preliminarily planning to schedule LCP-4-MAL-15-0001-1 for the May 2015 Commission hearing. However, such a schedule is dependent upon several workload factors. Thus, although staff believes this matter will be brought to a hearing in the near-term, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the City of Malibu on potential modifications, establishing hearing schedules, and managing competing workload items. Therefore, staff recommends that the Commission extend the 60-day time limit to act upon City of Malibu LCP Amendment No. LCP-4-MAL-15-0001-1 for one year.

**STAFF RECOMMENDATION**

Staff recommends that the Commission vote to extend the deadline for Commission action for one year.

**MOTION:** *I move that the Commission extend the 90-day time limit to act on the City of Malibu LCP Amendment No. LCP-4-MAL-15-0001-1 for one year.*

**RECOMMENDATION:** Staff recommends a **YES** vote. An affirmative vote of a majority of the Commission present is needed to pass the motion.