**CALIFORNIA COASTAL COMMISSION**
SOUTH CENTRAL COAST AREA
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# Th18a

## STAFF REPORT: REGULAR CALENDAR

**DATE:** May 21, 2015

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director
Barbara Carey, Supervisor, Planning and Regulation
Megan Hudson, Coastal Program Analyst

**SUBJECT:** **Notice of Impending Development (NOID) MSB-NOID-0005-14** pursuant to the Malibu State Beaches Public Works Plan for repair and maintenance of the existing parking lot, public trails and upper stairway at El Matador State Beach for Public Hearing and Commission Action at the June 11, 2015 Commission Meeting in Newport Beach.

**Motions and Resolutions:** **Page 4.**

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## SUMMARY OF STAFF RECOMMENDATION

The California State Department of Parks and Recreation submitted a Notice of Impending Development (NOID) for repairs and maintenance to the existing parking lot, public trails and upper stairway at El Matador State Beach (Exhibits 1-3). The public trails and upper stairway have eroded significantly as a result of poor drainage in the parking lot and along the trails system (Exhibits 4 and 5).

The parking lot intercept grated drain is currently ineffective due to clogging from parking lot surface material. Runoff from the parking lot overtops the drain and flows are concentrated and accelerated by steep slopes along the existing trail system causing severe erosion and the creation of a gulley that reduces the usable width of the trails (Exhibit 4). Additionally, concentrated flows terminate in an existing drainage pipe which regularly clogs within a short period of time during medium intensity rain events. The clogged drainage pipe results in an overtopping of the pipe inlet and redirection of flows to the upper staircase which has created a stairway erosion gulley (Exhibit 5).

The Parks and Recreation Department propose repairs to the existing parking lot and drainage system to avoid overflows. The applicant is also proposing to remediate approximately 483 feet

of the upper, middle and lower segments of the existing eroded trail system and install drainage devices that will prevent further erosion. This includes rerouting the trail entry point to the originally constructed trail entry point and installing fencing to direct public use along the designated trail route. Additionally, eroded segments of the trail will be repaired through the installation of erosion control frames and placement of fill material to restore the trail grade. The applicants propose to install a storm drain within the existing trail erosion gullies and discharge to the existing trail culvert. The existing trails erosion gulley will then be backfilled and restored to grade. Finally, the applicant proposes to install two buttresses consisting of rock-filled gabion walls keyed into the undisturbed sandstone below grade and backfill the eroded areas below the stairway (Exhibits 6-8).

The proposed project is needed to provide improved, safer public access to El Matador State Beach. The proposed project will not have any significant impact on the visual resources of the site. Further, the proposed project will be completed within the existing, approved footprint of development and **Special Conditions One (1)** and **Two (2)** will ensure that the repairs to and maintenance of the parking lot, trails system and upper stairway will not have any significant impact on the biological resources and water quality of the site. Also, the proposed project will not adversely affect the geologic stability of the site, but rather, will reduce erosion of the site through the installation of proper drainage and the revegetation of the site.

Staff recommends that the Commission determine that the Notice of Impending Development is consistent with the certified Malibu State Beaches Public Works Plan, only as conditioned, to minimize adverse impacts to environmentally sensitive habitat areas, water quality and visual resources to the maximum extent feasible.

The standard of review for the proposed Notice of Impending Development is the policies of the certified Malibu State Beaches Public Works Plan.

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## APPENDICES



## EXHIBITS

# I. PROCEDURAL ISSUES

Sections 30605 and 30606 of the Coastal Act and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified Public Works Plan (PWP). Section 13354 requires the Executive Director or his designee to review the Notice of Impending Development (or development announcement) within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all of the necessary supporting information has been received.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of filing the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified PWP and whether conditions are required to bring the development into conformance with the PWP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified PWP.

# II. MOTION AND RESOLUTION—MSB-NOID-0005-14: APPROVAL WITH CONDITIONS

**Motion:**

> *I move that the Commission determine that the development described in the Notice of Impending Development No. MSB-NOID-0005-14, as conditioned, is consistent with the certified Malibu State Beaches Public Works Plan.*

**Staff recommends a YES vote**. Passage of this motion will result in a determination that the development described in the Notice of Impending Development No. MSB-NOID-0005-14, as conditioned, is consistent with the certified Malibu State Beaches Public Works Plan and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution:**

> *The Commission hereby determines that the development described in the Notice of Impending Development No. MSB-NOID-0005-14, as conditioned, is consistent with the Malibu State Beaches Public Works Plan for the reasons discussed in the findings herein.*

# III. NOTICE OF IMPENDING DEVELOPMENT MSB-NOID-0005-14 SPECIAL CONDITIONS

## 1. Construction Maintenance Responsibilities and Debris Removal

The California Parks and Recreation Department shall comply with the following construction-related requirements:

a. No construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

b. No construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to ESHA, wetlands, or their buffers.

c. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project.

d. Construction debris and sediment shall be removed from work areas each day that construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

e. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

f. The applicant shall provide adequate disposal facilities for solid waste produced during demolition or construction.

g. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located within the coastal zone, a separate Notice of Impending Development shall be required before disposal can take place.

h. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

i. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

j. The discharge of any hazardous materials into any receiving waters shall be prohibited.

k. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related

petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

l. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

m. All BMPs shall be maintained in a functional condition throughout the duration of the project.

**2. Revegetation Plan**

Prior to commencement of construction activities, the California Department of Parks and Recreation shall submit a revegetation plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plan shall incorporate the following criteria:

a. All disturbed areas on the project site shall be planted and maintained for erosion control purposes within (60) days after construction is completed. All plantings shall consist primarily of native plants/shrubs and trees. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.

b. Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable revegetation requirements.

c. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

d. The applicant shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a new notice of impending development unless the Executive Director determines that a new notice of impending development is not legally required.

# IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

## A. PROJECT DESCRIPTION

On March 17, 1982, the Commission certified the California State Department of Parks and Recreation Public Works Plan (PWP) for the development of recreation facilities at El Pescador, La Piedra and El Matador State Beaches. These approved facilities include parking, restrooms, and public access trails and stairways. The approved facilities were constructed pursuant to the PWP and each of the three beach parks are available for public use.

On April 20, 2015, the Department of Parks and Recreation submitted a Notice of Impending Development (NOID) for repairs and maintenance to the existing parking lot, public trails and upper stairway at El Matador State Beach (Exhibit 3).

El Matador State Beach is located in the western area of the City of Malibu, between Pacific Coast Highway and the ocean (Exhibits 1 and 2). The El Matador parcel consists of a wave cut terrace (including bluff top and bluff face areas), and sandy beach. The parcel covers an area of approximately eighteen acres with an ocean frontage of approximately 1,150 feet. The terrace slopes seaward at a ratio of approximately six horizontal to one vertical. The sea cliff descends one hundred feet to beach elevation at a slope ratio of approximately one horizontal to one vertical. Elevation on the parcel ranges from sea level on the beach to 170 feet at the northwest corner of the parcel. The parcel is bound on the east by a canyon that runs southeast to northwest.

The existing public trails and upper stairway have eroded significantly as a result of poor drainage in the parking lot and along the trails system (Exhibits 4 and 5). The gravel parking lot drains to an intercept grated drain that is currently ineffective due to clogging from parking lot surface material and settlement of surface material which changes flow grades throughout the trail system. Runoff from the parking lot overtops the drain and flows become concentrated within the trails system which severely erodes the trails system. Further, the depressed and steep nature of the trail system collects and accelerates flows, creating an erosion gulley along the inland side of the trails (Exhibit 4). This erosion gulley has enlarged over time and reduced the usable width of the trails.

Additionally, concentrated flows terminate in an existing drainage pipe which regularly clogs within a short period of time during medium intensity rain events. The clogged drainage pipe results in an overtopping of the pipe inlet and redirection of flows to the upper staircase which has created a stairway erosion gulley (Exhibit 5).

The Parks and Recreation Department propose repairs to the existing parking lot that will consist of a reconfiguration of existing drainage devices and the stabilization of the surface of the lower turnaround to better direct runoff flows. Specifically, the applicant proposes to replace the existing trench drain in the parking lot with a low cut off curb wall to intercept runoff; a drop inlet will be installed to capture drainage along the curb wall flow line. The drop inlet will be connected to the existing, functioning underground corrugated metal drain pipe which discharges into an existing flat graded and heavily vegetated dissipation zone. An energy dissipater mat will be installed at the outfall of the existing corrugated metal drain pipe discharge point. The

applicant proposes to re-contour approximately 2,400 square feet of the existing parking lot surface to further optimize the capture of runoff, and nearly 1,200 square feet of the re-contoured zone will receive rigid pervious cells, which will allow infiltration of runoff, stabilize the surface, and eliminate vehicle induced lifting and migration of granular material from the parking lot surface into the drainage system. A timber guard post and cable rail fence will be installed along the curb to direct pedestrian traffic to the trail entrance.

The applicant is also proposing to remediate approximately 483 feet of the upper, middle and lower segments of the existing eroded trails system and install drainage devices that will prevent further erosion. The applicant proposes repairs to the upper segment of the existing trails system that consist of closing the existing, pioneered entry point to the trails system and rerouting the entry point to the approved trail entry point that has become disused and overgrown over time. The existing, extremely steep and eroded entry point which has been enlarged by users over time will be closed and the closure delineated with additional wood posts and cable rail. The continued use of this entry point will be discouraged by re-vegetation of the area with native, locally sourced plants. Users will be rerouted to the approved but overgrown trail entry point located in front and west of the existing portable restroom enclosure and pay machine. The upper trail segment will be cleared and stabilized with the installation of erosion control frames. These nearly flat frames will be installed below grade and stabilized on their interior with pervious cells which will be in-filled to approximately six inches in depth with nine cubic yards of Class Two aggregate base (rock) and topped off with two inches (three cubic yards) of native soil material.

Additionally, the applicant proposes repairs to the full length of the middle and lower segments of the existing trails system that consist of the installation of erosion control frames and sixty cubic yards of Class Two aggregate base in-fill and ten cubic yards of native soil topping. The erosion control frames will be sloped toward the outer edge of the bluff face to restore the natural hydrologic process of sheet flow to the adjacent tiered and vegetated slope. The erosion control frames will be keyed into the upslope toe which forms the boundary between the upslope and trail surfaces. Slough from the upslope will fall onto the outer slope edge of the frame and reinforce the boundary to further enhance natural sheet flow across the erosion control frames. The rigid pervious cells confined by the frame will stabilize the walking surface of the trails system. The outer edge of the frame will be depressed within existing undisturbed grade which will aid in retaining the outer edge of the erosion control frame. Further, any surplus material that may be generated by frame recessing will be utilized as fill within the frames.

The applicant also proposes to install a field inlet at the beginning of the middle segment to intercept the majority of on-site runoff generated by the upper trail segment. The intercepted runoff will be conveyed beneath the erosion control frames in storm drain piping. The applicants propose to install a storm drain within the existing trail erosion gullies and discharge to the existing trail culvert. The existing trail erosion gullies will then be backfilled with Class Two aggregate base. The applicant proposes to also install cut off anchors along the erosion control frames alignment that are spaced at approximately twenty foot centers and will serve to anchor the storm drain and impede any potential subsurface flow from piping along the sloped alignment of the proposed storm drain. The drainage manholes will be spaced to support the change of direction of water flows to the storm drain and will also serve to decelerate flows on less frequent, heavier storm events.

The applicant proposes to repair the existing upper stairway which has been exposed to both parking lot and trail runoff resulting in an erosion gulley formation along its alignment (Exhibit 5). The applicant proposes to backfill and compact fifty cubic yards of Class Two aggregate base (rock) into the existing erosion gulley. Further, the applicant proposes to install two buttresses consisting of rock-filled gabion walls keyed into the undisturbed sandstone below final grade to stabilize the ground below the stairway (Exhibits 6 and 7). The fill and compaction work will embed exposed piers to depths equivalent to the original design depth (24-36 inches) and drainage improvements to the parking lot and trails system described above will ensure that sheet flow is no longer directed to the stairway area (Exhibit 8).

The repair and maintenance of the parking lot, trails system and upper stairway will occur within the existing disturbed footprint of the site. There are no known archeological resources within the project area and no special status species were detected during the biological analysis of the site, during previous surveys or during a review of records. The biological survey notes, however, that there is a possibility of the presence of silvery legless lizard (*Anniella pulchra pulchra*; designated as a California Species of Special Concern), coastal whiptail (*Aspidoscelis tigris stegnegeri*; designated as a California Department of Fish and Wildlife Special Animal) and coast horned lizard (*Phrynosoma blainvillii*; designated as a California Species of Special Concern and the International Union for Conservation of Nature, Least Concern) to occur onsite due to the occurrence of potentially suitable habitat. The applicant has proposed preconstruction biological surveys, ongoing biological monitoring and the use of exclusion fencing under the supervision of the Department of Parks and Recreation's Environmental Scientist. These avoidance measures will ensure that the repair and maintenance of the parking lot, trails system and upper stairway have no impacts to local wildlife or native vegetation onsite. Additionally, the applicants propose to revegetate the existing trail entry point with native vegetation collected from genetically appropriate stock. The applicant also proposes to weed bare areas that will not be used as part of the active trails system to facilitate native regrowth. The applicant also proposes to replant areas onsite that are flat to mildly sloping with native vegetation collected from genetically appropriate stock.

Additionally, the proposed repair and maintenance project will require the closure of the parking lot and trails system to protect the public's safety, to provide adequate security of the site during construction and to minimize the duration of construction. The proposed project will be scheduled to occur between Labor Day and Memorial Day to avoid the busiest summer use periods of the beach and the nesting bird season.

**B. PUBLIC ACCESS**

The following Malibu State Beaches Public Works Plan policies, referenced in pertinent part, pertain to the protection and provision of public access and recreation:

> *Maximum coastal access and recreational opportunities shall be provided consistent with safety, public and private property rights, and the protection of natural resources.*

The subject site is located in the western area of the City of Malibu along Pacific Coast Highway and between Leo Carrillo and Point Dume State Beaches. Of the three beaches covered

by the Malibu State Beaches Public Works Plan, namely El Pescador, La Piedra and El Matador State Beaches, El Matador Beach receives the most visitors annually.

Presently, the subject site is developed to facilitate public access to El Matador State Beach. Existing development provides a driveway leading to an eighty car parking lot that includes parking in conformity with the American with Disabilities Act and is located in the center of the parcel, a terrace that includes picnic tables, restroom facilities and trashcans, and two trails that lead to an upper and lower stairwell, the latter of which connects users directly to the beach. Typical recreation activities occurring at El Matador State Beach consist of sunbathing, wading, swimming, sailing, fishing, surfing and scuba and skin diving.

As stated above, the Malibu State Beaches Public Works Plan provides, in part, that "maximum coastal access…shall be provided consistent with safety…and the protection of natural resources." The subject repair and maintenance project is proposed in order to conduct the necessary repairs to existing onsite development to facilitate public access. Public use of the site and the existing poor drainage facilities have greatly eroded the existing parking lot, trail system and upper stairway such that the trail system is partially unusable and the support structure of the upper stairway is exposed. The proposed project will eliminate the erosive damage to the subject site and provide safer public access to El Matador State Beach.

The proposed repair and maintenance project will require the closure of the parking lot and trails system to protect the public's safety, to provide adequate security of the site during construction and to minimize the duration of construction. Thus, the temporary closure of the parking lot and trails system has the potential to impact public access to El Matador State Beach. However, the project, as detailed in the NOID, will be constructed between Labor Day and Memorial Day to avoid the busiest use periods of the beach and the proposed repairs and drainage improvements will provide safer public access to the beach in the long term.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development is consistent with the applicable public access policies of the certified Public Works Plan.

## C. VISUAL RESOURCES

The following Malibu State Beaches Public Works Plan policies pertain to the protection of visual resources:

> *Preserve the scenic quality of the land between the Pacific Coast Highway and the ocean by limiting development to areas where views of the ocean and shoreline will be least affected.*
>
> *Protect the scenic values of the area by placing developments only where they can be screened, are mostly out of sight of nearby residential areas, or are not readily visible from the Pacific Coast Highway, and do not intercept views of the ocean from the highway.*
>
> *Use native plant species if landscaping and screening are needed in development areas. Exotic plant species will be removed from the units.*

The expanse of the Pacific Ocean, the sandy beach, the coastal terrace system and the large outcroppings of native bedrock that protrude from the beach are the main visual resources of El Matador State Beach. Panoramic views of the Pacific Ocean and adjacent land features are available from the terrace, and when viewing northward of the terrace areas, the canyons and foothills of the Santa Monica Mountains are visible. When looking east from the terrace, the Point Dume Headland and all of the shoreline in between come into view. The Point Mugu Headland is the dominant landscape feature in the western background.

As stated above, the Malibu State Beaches Public Works Plan requires all development at El Matador State Beach to be limited to that which will not detract from views of the ocean and shoreline. Further, the Public Works Plan provides that native plant species shall be used when screening is necessary to preserve the visual quality of an area.

The existing development at El Matador State Beach was created to both facilitate public access and preserve the visual resources of the site. The proposed repair and maintenance project will be conducted entirely within the existing developed footprint of the site. Additionally, no native vegetation is proposed to be temporarily displaced or permanently removed. The trailhead will be rerouted to the approved, presently unused trail entry point and native vegetation will be installed on the existing pioneered trailhead to discourage public use and preserve the visual quality of the site. The applicant also proposes to weed bare areas that will not be used as part of the active trails system to facilitate native regrowth. The applicant also proposes to replant areas onsite that are flat to mildly sloping with native vegetation collected from genetically appropriate stock. Accordingly, **Special Condition Two (2)** requires the applicant to develop and implement a plan to revegetate all areas that will be disturbed by the proposed repair and maintenance project.

In order to remediate the erosion gulley that has developed beneath the upper stairway, the applicant is proposing the installation of two buttresses consisting of rock-filled gabion walls keyed into the undisturbed sandstone. The installation will be entirely below final grade and thus will have no visual impact to the project site.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the applicable visual resource policies of the certified Public Works Plan.

### D. BIOLOGICAL RESOURCES & WATER QUALITY

The following Malibu State Beaches Public Works Plan policies pertain to the protection of biological resources and water quality:

> *Protect any rare, endangered, or unique plant or animal species, or their habitats, found in the project area.*
>
> *Manage public use of the units to protect and preserve the intertidal and subtidal marine life found adjacent to the project area.*

> *Environmentally sensitive habitat areas, including marine environments, shall be protected from any significant disruption.*

The project site is located on the edge of a coastal bluff within the western Santa Monica Mountains. The coastal bluff vegetation present is considered sensitive and is dominated by the following: coast sunflower (*Encelia californica*), ashyleaf buckwheat (*Erigonum cinereum*), laurel sumac (*Malosma laurina*), lemonade berry (*Rhus integrifolia*), coast goldenbush (*Isocoma menziesii* var. *sedoides*), and our lord's candle (*Hesperoyucca whipplei*). Secondary species include: California sage (*Artemesia californica*), bladder pod (*Isomeris arborea*), giant wild rye (*Elymus condensatus*), cliff aster (*Malocothrix saxatilis*), California aster (*Corethrogyne filagnifolia*), sawtooth goldenbush (*Hazardia squarrosa* var. *grindelioides*), unidentified brome (*Bromus* sp.), and prickly pear cactus (*Opuntia littoralis*).

The existing trail is primarily bare soil that has been compacted by long-term foot traffic and is highly eroded due to storm runoff from the adjacent upslope parking lot, adjacent bluffs and the upgradient sections of the existing trail. Scattered coastal bluff vegetation is present along the eroded slopes of the existing trail alignment and proposed trail entrance realignment.

The biological survey conducted for areas within five miles of the project site did not identify any special-status animal species, however, the California Natural Diversity Database indicates that the project site contains the appropriate habitat for the silvery legless lizard (*Anniella pulchra pulchra*; designated as a Species of Special Concern), the coastal whiptail (*Aspidoscelis tigris stejnegeri*; designated as a California Department of Fish and Wildlife Special Animal) and the coast horned lizard (*Phrynosoma blainvillii*; designated as a Species of Special Concern and the International Union for Conservation of Nature, Least Concern).

As referenced above, the Malibu State Beaches Public Works Plan provides specific policies for the protection of biological resources and water quality. To ensure that the proposed project has no impacts to the biological resources or water quality at the site, the applicant is proposing to conduct preconstruction biological surveys to detect the presence of any special status species directly before construction commences. Also, the applicant is proposing to conduct biological monitoring during construction and, if necessary, to install temporary construction fencing to ensure that no impacts to local wildlife result from the project.

Further, the applicant proposes to utilize hand tools when feasible, avoid impacts to fragile slopes, avoid construction work during rain events, park and maintain construction related equipment in the parking lot or bare soil areas within the project footprint, use drip pans under parked construction equipment, use wattles, visqueen or other material to cover and control runoff from material stockpiles and use containment methods during any concrete work to ensure spills do not occur. In addition to these measures, **Special Condition One (1)** will require the implementation of additional Best Management Practices and Good Housekeeping Practices to further control erosion and protect water quality at the site.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the applicable biological resource and water quality policies of the certified Public Works Plan.

## E. GEOLOGIC STABILITY

The following Malibu State Beaches Public Works Plan policies pertain to the protection of geologic stability:

> *Protect and enhance all areas that have been disturbed by past development or human use so erosion will not deteriorate the resources.*
>
> *Protect the public from hazardous geologic features such as landslides and active faults.*
>
> *Maintain native drought tolerant vegetation for landscaping and erosion control.*
>
> *Restrict development of trails, roads, and public use areas to the flattest grades possible and design and manage them so human-caused erosion will be minimized.*
>
> *Protect the sea cliffs from excessive erosion. New development should be designed so runoff will not cause erosion. Access down and across the cliff face will be designed to minimize erosion potential and will be located away from ecologically fragile areas.*
>
> *Manage the units so the stability of the land forms present, such as the sea cliffs, is not reduced by public use.*

The project site consists of Miocene rocks and Pleistocene non marine deposits. The primary rock type is sandstone with other rock types of conglomerate and mudstone. The geological survey of the site determined that the bluff faces and slopes consist of a combination of sandstone and sandstone conglomerates and contain a moderate quantity of conglomerates at bluff toes. The middle slope, which is flatter in grade, primarily consists of sandstone with a loose top layer of sedimentary deposits (redeposited from upper bluff erosion and recession) with a transition to earlier epoch formations at its base.

As stated above, the Malibu State Beaches Public Works Plan provides several policies aimed at maintaining the geologic stability of the site through erosion control. The purpose of the proposed project is to reduce flow velocities and erosion of the existing beach trail and upper stairway. The project does not propose to interrupt or inhibit natural coastal erosive or soil loss processes or natural drainage courses. Rather, the project proposes to stabilize and reduce further erosion of access pathways by diverting flows to adjacent established drainage courses and stabilizing the existing trail system by leveling its flow line with a series of stepped frames. The applicant's geologist and engineer provided analyses and recommendations regarding the sizing of all drainage improvements to ensure they will adequately convey runoff from the site in an non-erosive manner.

As a result of years of trails system and parking lot related runoff and erosion, a gulley has formed that conveys runoff along the foundation line of the existing upper stairway. The project proposes to backfill this erosion gulley and install drainage improvements that will eliminate the stairway as a course for runoff and storm water flows. Due to the difficulty of access and placement of backfill, two gabion buttresses will be installed below finished grade to establish confinement for material placement. These devices will not enhance the stability of the stairway itself, but rather, are intended to facilitate backfill and compaction of the existing gulley (to at

minimum the depth of original grade and compaction settlement).. The geologist's report states that new and deeper foundations were not considered as an alternative to backfill operations because the existing gulley would still continue to deepen.

The geologist's report further determines that the proposed drainage modifications will not significantly accelerate the natural erosive processes of the slope. As such, the proposed project will repair damage caused by erosion, minimize future erosion, and add to the stability of the bluff on the project site. The presence of natural vegetation on the bluff also maintains slope stability. As previously described, the applicant proposes to revegetate disturbed areas as part of the project. **Special Condition Two (2)** will ensure that repairs and maintenance to the site do not significantly impact the vegetation of the site.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the applicable geological stability policies of the certified Public Works Plan.

## F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California State Department of Parks and Recreation, in its role as lead agency for the Malibu State Beaches Public Works Plan and the Notice of Impending Development for purposes of the California Environmental Quality Act ("CEQA"),[1] has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15301 ("Existing Facilities") and Section 15303 ("Minor Alterations to Land"). In addition, Section 13096 of the Commission's administrative regulations requires Commission approval of Notices of Impending Development to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LRDPs qualifies for certification under Section 21080.5 of CEQA.

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As proposed, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activities may have on the environment. Therefore, the Commission finds that the Notice of Impending Development is consistent with CEQA Section 21080.5(d)(2)(A), and the applicable provisions of the Public Works Plan.

[1] Cal. Pub. Res. Code ("PRC") §§ 21000 *et seq*. All further references to CEQA sections are to sections of the PRC.

# APPENDIX 1

## Substantive File Documents

Malibu State Beaches Public Works Plan; “Biological Assessment—El Matador Run-Off Repair Project”, prepared by Jamie King (Environmental Scientist for the California State Department of Parks and Recreation) and dated December 16, 2014; “Memorandum—Site Stability Report”, prepared by Robert Robinson (Engineer for the California State Natural Resources Agency) and dated April 8, 2015

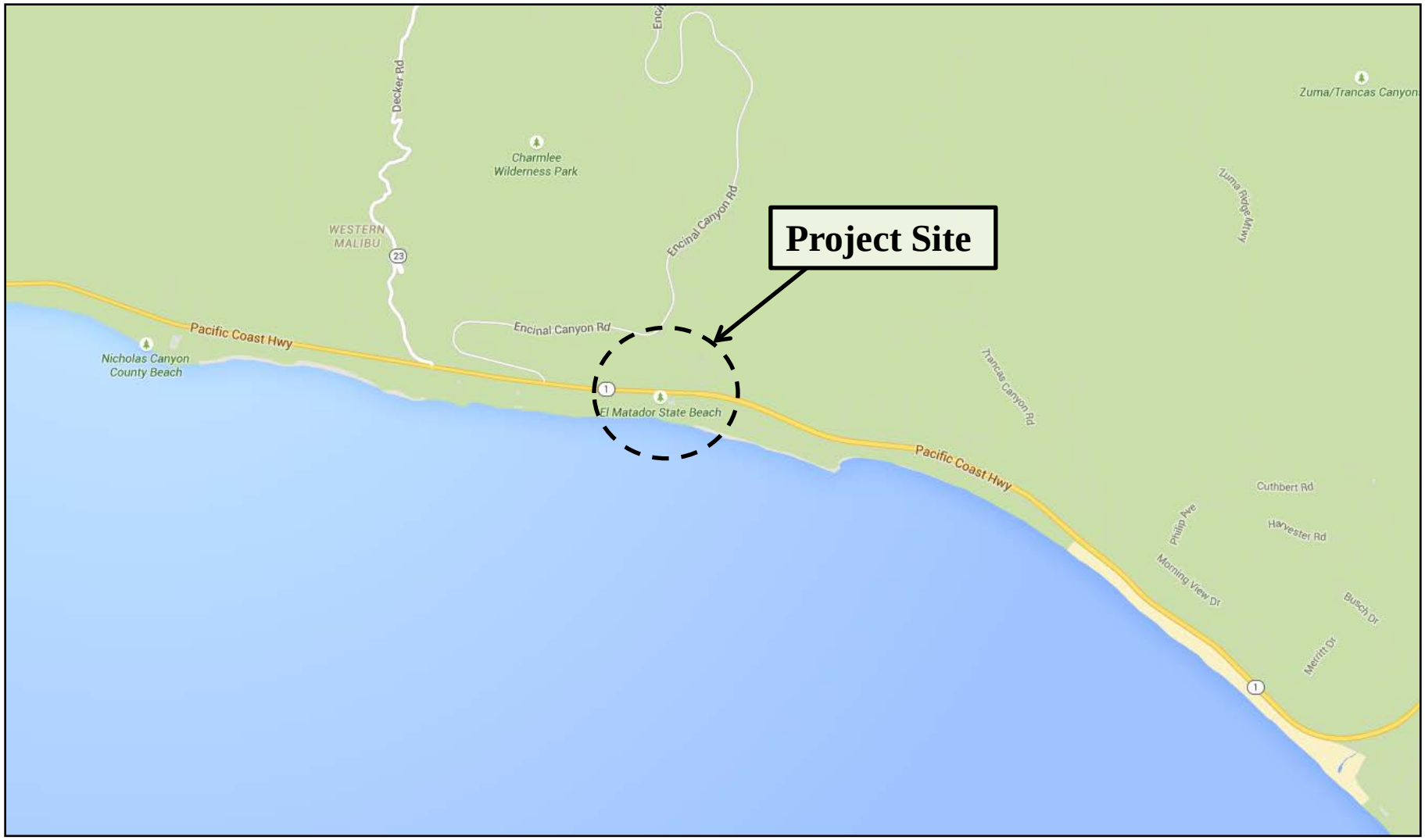


**Exhibit 1**
**Vicinity Map**
**MSB-NOID-0005-14**


**Exhibit 2**
**Project Site Aerial Photo**
**MSB-NOID-0005-14**

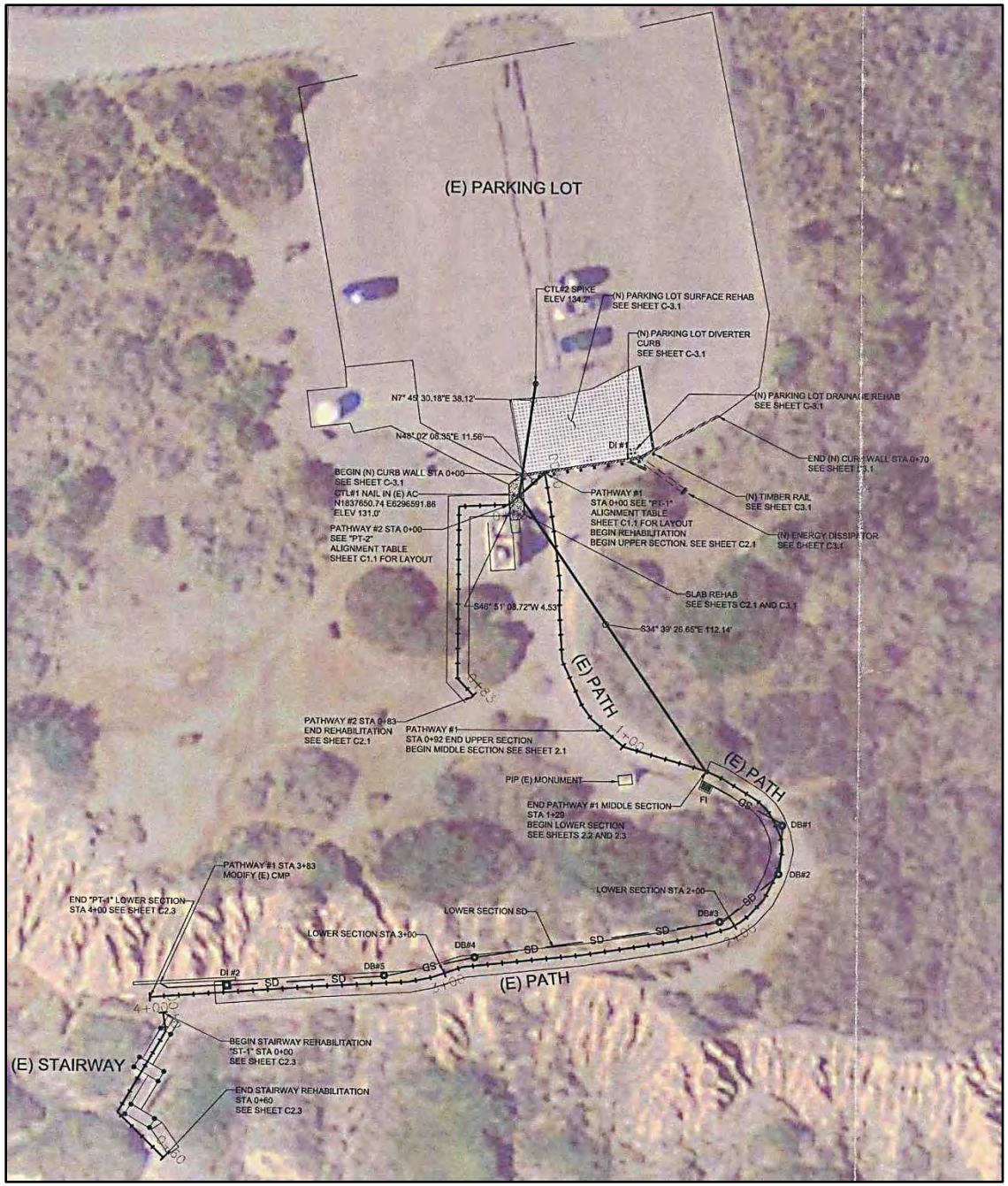


**Exhibit 3**
**Project Site Plan**
**MSB-NOID-0005-14**

**Exhibit 4**
**Trail Erosion Photos**
**MSB-NOID-0005-14**

**Exhibit 5**
**Stairway Erosion Photos**
**MSB-NOID-0005-14**

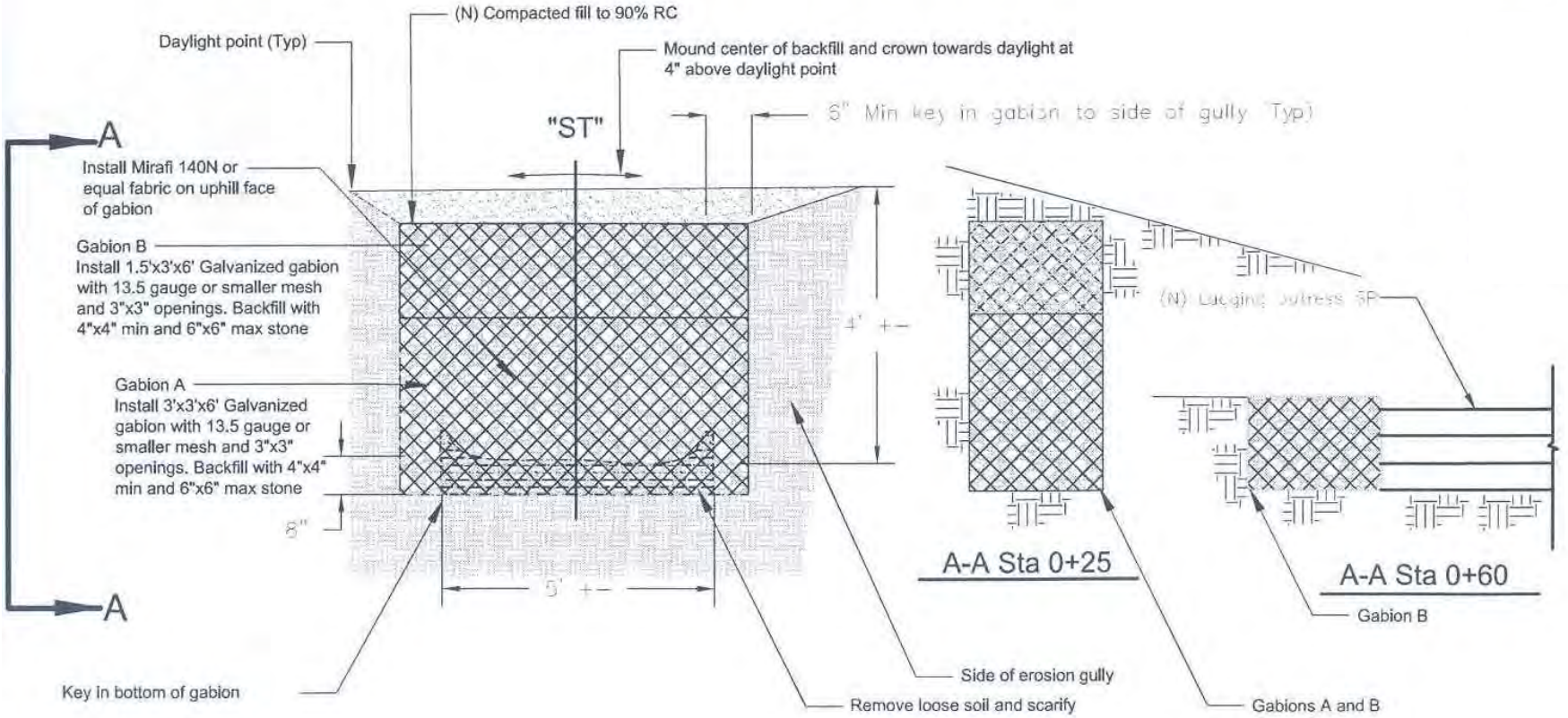


**Exhibit 6**
**Stairway Gabion Detail**
**MSB-NOID-0005-14**

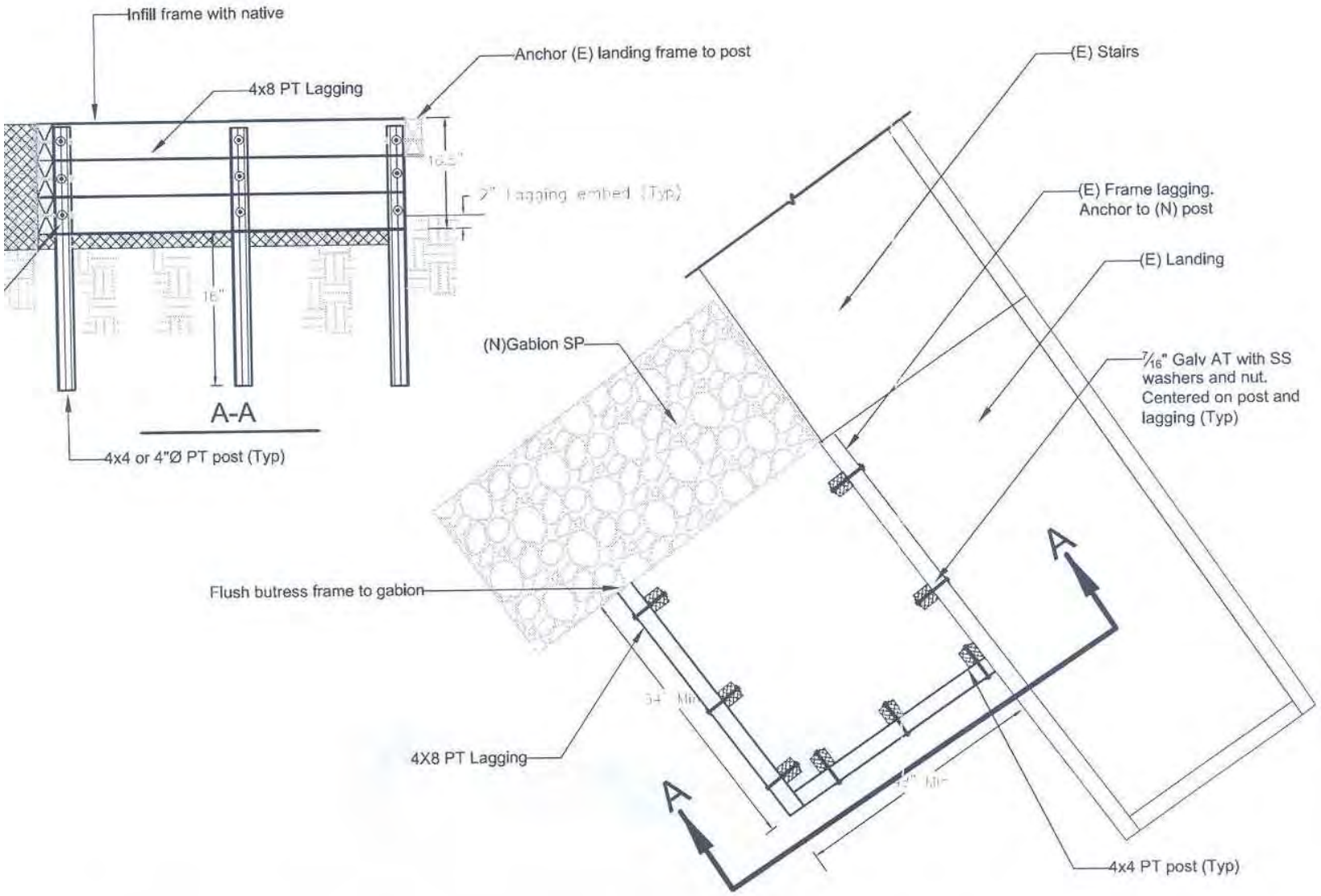


**Exhibit 7**
**Stairway Buttress Frame Detail**
**MSB-NOID-0005-14**

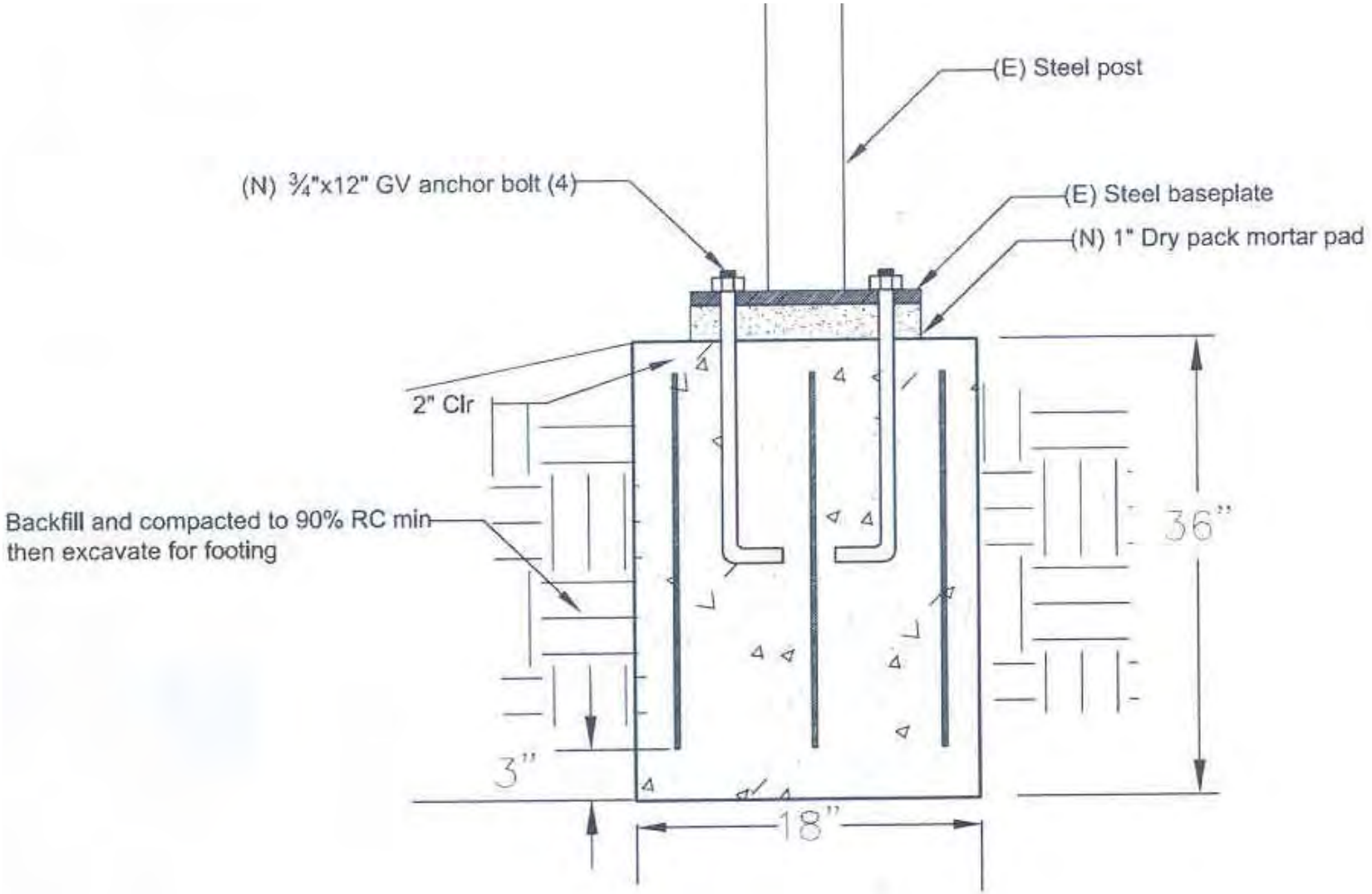


**Exhibit 8**
**Stairway Footing Detail**
**MSB-NOID-0005-14**