

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

SANTA MONICA MOUNTAINS CONSERVANCY

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February 24, 2003

City of Malibu Planning Department
Attn: Scott Albright, Senior Planner
23815 Stuart Ranch Road
Malibu, California 90265

**Comment Letter on Notice of Preparation of an Environmental Impact Report
for La Paz Development Agreement**

Dear Mr. Albright:

The Santa Monica Mountains Conservancy (Conservancy) appreciates the opportunity to comment on the above-referenced Notice of Preparation (NOP) for La Paz Development Agreement (DA). The project would result in the development of the 15.29-acre site with 10 commercial buildings and three buildings for a new city hall. The project includes landscaping, parking, and onsite wastewater treatment. The Conservancy recommends that a portion of the northern end of the project site be left undeveloped primarily to allow for continued unrestricted wildlife movement in this area.

Despite the existing development in the Civic Center area and surrounding area, a considerable amount of open space still exists in the project vicinity, including Malibu Creek State Park. The Malibu Bay Company DA Draft Environmental Impact Report (DEIR) identifies numerous sensitive wildlife species (notably birds, but also mammals) potentially utilizing the Civic Center sites (including Ioki, Smith, and Chili Cook-off sites). The project site is potentially utilized by many of these same species. Any avoidance on the project site will preserve at least some of the habitat for these species.

The DEIR should include an analysis of offsite areas that are likely to remain as open space adjacent to and in the near vicinity of the project site. This information is necessary both to conduct an effective cumulative impact analysis, and to effectively configure open space areas on the project site. In light of the anticipated developments in the Civic Center area, an open space linkage should be permanently protected from Malibu Creek State Park through the project site, and then southwest towards the Smith site (part of the Malibu Bay Company DA). If sufficient area is set aside on the project site, that is contiguous with adjacent open spaces areas, substantial native wildlife (e.g., mammals) will continue to move through these areas.

SMMC
Attachment
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Proposed development footprints that should be included in the above-requested analysis are: office and retail uses on the Yamaguchi site, the senior housing project north of the Yamaguchi site, the Ioki site (part of the Malibu Bay Company DA), the Chili-Cook-off site (part of the Malibu Bay Company DA), and the proposed Malibu Sycamore Grove Office Park and Civic Center Way Retail Park (east of and adjacent to the project site). These proposed footprints (if available) must be shown in the DEIR. (In an October 28, 2002 letter to the City on the Malibu Bay Company DA DEIR, the Conservancy recommended preserving the northern portion of the Ioki site to maintain adequate wildlife movement.)

To most effectively design this open space connection, the DEIR should also provide a map of topography and plant communities on the site and its immediate vicinity. When designing the exact boundaries of the area to be preserved, consideration should be given to preserving open space with topography that is not too steep so as to deter wildlife movement, preserving drainages, and preserving native plant communities (e.g., chaparral and coastal sage scrub) if possible.

The project site is roughly 1,500-foot long, measured from the northern tip to the southern end of the property, based on the figure provided in the NOP. Depending on the results of this analysis, it appears necessary to preserve roughly 250 feet measured from the northern tip of the property southward. This area should not to be disturbed by fuel modification or any other development, and fencing should not be allowed. A conservation easement should be recorded in favor of an appropriate public park agency such as Mountains Recreation and Conservation Authority.

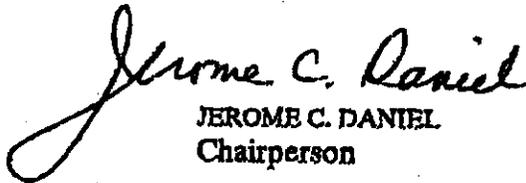
The Malibu Lagoon Task Force has recommended the purchase and preservation of site C3, adjacent to and west of the project site if there were a willing seller. The goal of the Task Force would be to create an interconnected series of small retention ponds and treatment wetlands. Preservation of some portion of the northern portion of the subject project site, along with preservation of site C3, would collectively aid in preserving this open space linkage. Any preservation of open space on the project site, and other project sites in the Civic Center area and vicinity will also reduce cumulative water quality impacts to Malibu Lagoon.

The DEIR must fully disclose whether the sycamore trees onsite will be preserved. The DEIR should also provide a discussion regarding the consistency of the proposed project with the Malibu Local Coastal Program adopted by the California Coastal Commission on September 13, 2002.

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Please direct any questions and all future correspondence to Judi Tamasi of our staff at the above address and by phone at (310) 589-3200, ext. 121.

Sincerely,



JEROME C. DANIEL
Chairperson



February 24, 2003

Scott Albright
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

RE: La Paz Development Agreement; and
Malibu Sycamore Grove Office Park and Civic Center Way Retail Park

Dear Mr. Albright,

Heal the Bay is a non-profit environmental group with over 10,000 members dedicated to making Santa Monica Bay and Southern California coastal waters safe and healthy for people and marine life. We have reviewed the notice of preparations for two Malibu Civic Center developments, La Paz Development Agreement; and the Malibu Sycamore Grove Office Park and Civic Center Way Retail Park, and have the following concerns regarding the projects:

The City of Malibu must develop an Integrated Water Resource Management Plan for the Civic Center Area

Given the historic water quality problems that have plagued Malibu Creek, Malibu Lagoon, and Surfrider Beach, the City of Malibu must develop an integrated water resource management plan (IWRMP) before permitting any further development for the Civic Center area. Such a plan would enable the City to manage wastewater, potable water, and stormwater/nuisance flows for the entire Civic Center area in a cost effective manner, while obtaining greater environmental benefits. By continuing to evaluate and permit projects for the Civic Center area in a piece-meal approach, the City cannot adequately determine the cumulative impacts to the coastal environment, and thereby unable to mitigate them.

The economies of scale for wastewater treatment and stormwater management pollution prevention plan related construction and maintenance costs exist when an IWRMP is developed and implemented. Instead of building countless septic systems or implementing stormwater related best management practices (BMPs) on a project-by-project basis, the City could manage the Civic Center's environmental resources with greater success at a reduced cost through package plants and BMP treatment trains. In doing so, the City would be able to effectively control the individual and cumulative impacts of increased wastewater and stormwater flows generated with each new development.

Environmentally, Malibu Creek, Malibu Lagoon, and Surfrider Beach are currently on the State's 303 (d) list of impaired waterbodies for: nutrients, trash, pathogens, and sediment. Additional constituents of concern include pesticides and excessive flows. The lack of an IWRMP has lead

to problems at Malibu Plaza, Malibu Country Market, and Cross Creek Plaza, which has impacted Malibu Creek and Malibu Lagoon on countless occasions. To date, there is still no long-term solution in place for two of the three developments, and the Civic Center area cannot follow this same fate. Given the numerous developments planned for the Civic Center area, has the City determined the amount of wastewater flow that can safely be treated by septic systems without failing? Has the City studied the cost-benefits of implementing a single or multiple package plants versus the aggregate cost for each septic system created by new development? Has the City determined the amount of storage and treatment space required to handle the Civic Center area's stormwater flows when completely built out? Has the City developed a comprehensive water quality monitoring program for the Civic Center area to insure BMP effectiveness?

Finally, this is a great opportunity for the City to require dual plumbing. Utilizing reclaimed water from Tapia or newly constructed package plants; and/or recycling stormwater/nuisance flows for non-potable uses would be a proactive stance on reducing the area's need for potable water. In addition to reducing reliance on potable water, reusing non-potable water could reduce wastewater and stormwater/nuisance discharge costs, as well as flows to the environment.

Since the City has not developed an IWRMP, it is critical that these two projects have:

- Balanced water budget for all wastewater and stormwater that ensures no additional water flows (via runoff, direct discharge, or groundwater) to Malibu Creek or Malibu Lagoon.
- State-of-the-Art BMPs that will ensure no pollutant loading to Malibu Creek or Malibu Lagoon. In addition, a comprehensive water quality monitoring program needs to be implemented to insure installed BMPs are functioning.
- Adequate storage capacity for recycled water (40days was deemed adequate for the Pepperdine development).

Without such a plan the City of Malibu cannot effectively manage or mitigate the massive increases in wastewater and stormwater volume expected to be generated from individual development projects like the La Paz Development and the Malibu Sycamore Grove Office Park projects in the Civic Center area to already impacted waterbodies like Malibu Creek, Malibu Lagoon, and Surfrider Beach? The City of Malibu has a great chance to develop an integrated water resource management plan for the Civic Center area that will be both environmentally and economically beneficial. If you have any questions about my comment, please feel free to call me at (310) 453-0395 ext.123.

Sincerely,


James Alamillo
Beach Report Card Manager
Heal the Bay

cc sharyl Beebe