

Development Planning Program Documents
City of Malibu
FY 10-11

Special Provisions IV C. 1

C.1 Development Planning Program (Part 4.D)

Attach examples showing how storm water quality impacts were addressed in environmental documents for projects over the past year.

The Planning Division within the Environmental and Community Development Department (ECD) section of the City's website www.malibucity.org contains planning documents and notices pertaining to "Special Projects" of interest locally, and California Environmental Quality Act (CEQA) notices. The [CEQA Notices](#) page on the City's website (in Public Notices/Press Releases/CEQA) contains information related to all environmental documents being administered or processed by the City Planning Division. In addition, [Special Projects](#) under the Planning Division section makes available documents for a few of the more significant projects proposed or pending in the City. Consistent with CEQA, environmental review is required for all discretionary projects, including City-initiated projects and private development projects. Those projects that are not exempt from CEQA require the preparation of an initial study, and (Mitigated) Negative Declaration or Environmental Impact Report (EIR). Also available on the website are archived environmental documents that have already been analyzed and adopted, as well as those that have not yet been certified through the planning review process.

An example of a project where stormwater quality impacts were addressed in an environmental document is the Rambla Pacifico street project. This project includes the reconstruction and realignment of a private section of the street, which was destroyed by a landslide in 1984. The 1,800 linear foot gated road segment re-established a linkage between the northern and southern sections of Rambla Pacifico Street. Additional components of the proposed road alignment included gates, retaining walls, and drainage devices. Concrete drainage swales and drop-in catch basins were constructed along each side of the roadway to collect and convey surface runoff away from the landslide area. An underground storm drain pipe system was designed for the conveyance of the flows discharging from the catch basins. This is private and not part of the City's MS4- but a good example of how stormwater needs to be addressed during environmental review to protect against issues like land landslides, as well as water quality degradation. This is a roadway drain which discharges to the canyon. A mitigation monitoring and reporting program was required. Additionally, the project included development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), Water Quality Mitigation Plan, and a Wet Weather Erosion Control Plan. The conditions of approval, and mitigation monitoring and reporting program are attached as examples.

Attached are the City's standard conditions of approval applied to all projects including those relevant to water quality, and the Mitigation Monitoring and Reporting Program (MMRP) for the Rambla Pacifico Street Reconstruction project.



City of Malibu

MEMORANDUM

Re: Standard Conditions of Approval

The Public Works Department reviews the plans submitted for a project and determines if sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan and the City's Municipal Code can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

- This project proposes grading on slopes equal to or greater than 25%. This project proposes grading in or adjoining an ESHA. Grading permits shall not be issued between November 1 and March 31 each year. Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1.
- The Ocean between Latigo Point and the West City Limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste including storm water runoff directly to the ASBS. The applicant shall provide a drainage system that accomplishes the following:
 - Prevents all non-storm water runoff to the ASBS; and
 - Maintains the natural water quality within the ASBS by limiting wastes in storm runoff and other activities that would cause a degradation of Ocean water quality in the ASBS.
- Los Angeles County Waterworks District No. 29 has responsibility for the street maintenance for Winding Way and Murphy Way (formerly DeButts Terrace). If a project abuts one of the streets and requires District 29 approval for any excavation within the paved right-of-way, the applicant must place a **prominent** note on the first sheet of plans to this effect.

- This project proposes to construct improvements within the public street right-of-way. The applicant shall obtain encroachment permits from the City Public Works Department prior to the commencement of any work within the Public right-of-way. For projects on Dume Drive, Grayfox Street, Fernhill Drive and Wildlife Road, the City has received a Safe Routes to School Grant for improving pedestrian safety. Any street improvements along these streets shall consider the potential impact on proposed improvements.
- Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
- A Grading and Drainage Plan shall be approved containing the following information prior to the issuance of grading permits for the project:
 - Public Works Department General Notes;
 - Slopes created for development shall not exceed 3 (hor) to 1 (vert);
 - The existing and proposed square footage of impermeable coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
 - The limits of land to be disturbed during project development shall be delineated on the Grading Plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
 - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the Grading Plan;
 - If the property contains trees that are to be protected they shall be highlighted on the Grading Plan;
 - If the property contains rare and endangered species as identified in a site specific Biological Assessment/Inventory prepared for the property, the Grading Plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the Grading Plan if required by the City Biologist;
 - Private storm drain systems shall be shown on the Grading Plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the Grading Plan; and
 - Public Storm drain modifications shown on the Grading Plan shall be approved by the Public Works Department prior to the issuance of the Grading Permit.

- A Wet Weather Erosion and Sediment Control Plan is required for this project (grading or construction activity is anticipated to occur during the rainy season). The following elements shall be included:
 - Locations where concentrated runoff will occur;
 - Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
 - Location and sizing criteria for silt basins, sandbag barriers, and silt fencing; and
 - Stabilized construction entrance and a monitoring program for the sweeping of material tracked off site.

- A Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the issuance of the Grading permits for the project. This plan shall include:
 - Dust Control Plan for the management of fugitive dust during extended periods without rain;
 - Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
 - Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
 - Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.

- A Storm Water Management Plan (SWMP) is required for this project. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site Design and Source Control Best Management Practices (BMPs) that have been implemented in the design of the project.

- Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.

- A Water Quality Mitigation Plan (WQMP) is required for this project. This document is also commonly known as a Standard Urban Stormwater Management Plan (SUSMP). The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The following elements shall be included within the WQMP:
 - Site Design Best Management Practices (BMPs);
 - Source Control BMPs;
 - Treatment Control BMPs;
 - Drainage improvements;

- Methods for on-site percolation, site re-vegetation and an analysis for off-site project impacts;
 - Measures to treat and infiltrate runoff from impervious areas;
 - A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
 - The WQMP (SUSMP) shall be submitted to the Building and Safety Public Counter and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of the building plans for the project.
- A State Construction Activity Permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

(New residential building)

- Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.

(New non-residential building)

- Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A separate certificate is required for floodproofing, if applicable. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify

building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.

(Substantial Improvement to the residential building)

- The proposed improvements are located within the Special Flood Hazard Area (SFHA) and were evaluated as a substantial improvement. Any structure being substantially improved/repared is considered new construction and must meet all the requirements of the City of Malibu Floodplain Management Ordinance. A copy of Elevation Certificate approved in the past for this building or a new Elevation Certificate based on the construction drawings for proposed improvements is required. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines, and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide information for the benchmark utilized, the vertical datum and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided the Public Works Department prior to final approval of the construction.

(Substantial Improvement to non- residential building)

- The proposed improvements are located within the Special Flood Hazard Area (SFHA) and the project is subject to the National Flood Insurance Program (NFIP) regulations. The proposed improvement was evaluated as a substantial improvement. Any structure being substantially improved/repared is considered new construction and must meet all the requirements of the City of Malibu Floodplain Management Ordinance. An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A separate certificate is required for floodproofing, if applicable. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.

(Building outside the SFHA but the portion of the parcel within the SFHA)

- The proposed improvements appear to be located outside the Special Flood Hazard Area (SFHA), and while the portion of the parcel is to found to be within the SFHA the project may be subject to the National Flood Insurance Program (NFIP) regulations. Floodplain determination for the project will be conducted during the review of construction plans for the permit application.

(Non substantial improvement)

- The proposed improvements are located within the Special Flood Hazard Area (SFHA) and the project is subject to the national Flood Insurance Program (NIFIP) regulations. The proposed improvements, at this point of conceptual review, were evaluated as a non substantial improvement. The final floodplain determination for the project will be conducted during the review of construction plans for the permit application. Any reconstruction, rehabilitation, addition or other improvement of a structure located within SFHA must meet all requirements of the City of Malibu Floodplain Management Ordinance.
- Geology and Geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

COMMERCIAL DEVELOPMENT

All commercial developments shall be designed to control the runoff of pollutants from structures, parking and loading docks. The following measures shall be implemented to minimize the impacts of commercial developments on water quality

- Proper design of loading and unloading docks.
 - Cover loading/unloading dock areas or design drainage to minimize run-on and runoff of storm water
 - Direct connections to storm drains from depressed loading/unloading docks are prohibited.
- Properly design repair/maintenance bays
 - Repair/maintenance bays must be indoors or designed to prohibit storm water runoff or contact with storm water runoff.
 - Repair/maintenance bays shall be designed to capture all wash water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain is prohibited. Obtain an Industrial waste discharge permit if required.
- Properly design vehicle/equipment wash areas
 - Self-contained and/or covered wash areas shall be equipped with a clarifier or other pretreatment facility and properly connected to a sanitary sewer.
- Properly design of parking lots (5,000 square feet of impermeable surface or 25 parking spaces)
 - Minimize impermeable surfacing for parking area.
 - Infiltrate runoff before it reaches a storm drain system.

- Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used.
 - Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal and system fouling and plugging prevention control.
- RESTAURANTS – Properly design equipment/accessory wash areas
 - Install self-contained wash area, equipped with grease trap, and properly connected to sanitary sewer.
 - If the wash area is located outdoors, it must be covered, paved, the area must have secondary containment and it shall be connected to the sanitary sewer.
- GASOLINE STATIONS, CAR WASHES AND AUTOMOTIVE REPAIR FACILITIES
 - Properly design fueling areas
 - The fuel dispensing area must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade breaks. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area.
 - The fuel dispensing area must be paved with Portland cement concrete, and the use of asphalt concrete shall be prohibited.
 - The fuel dispensing area must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the maximum extent possible.
 - The concrete fuel dispensing area must extend 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less.
 - Properly design repair/maintenance bays.
 - Repair/maintenance bays must be indoors or designed to prohibit storm water runoff or contact with storm water runoff.
 - Repair/maintenance bays shall be designed to capture all wash water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain is prohibited. Obtain an Industrial waste discharge permit if required.
 - Properly design vehicle/equipment wash areas
 - Self-contained and/or covered wash areas shall be equipped with a clarifier or other pretreatment facility and properly connected to a sanitary sewer.
- OUTDOOR MATERIAL STORAGE

- Materials with the potential to contaminate storm water must be: 1) placed in an enclosure such as a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or 2) protected by secondary containment structures such as berms, dikes or curbs.
- The storage areas must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.
- TRASH STORAGE AREAS
 - Trash container areas must have drainage from adjoining roofs and pavement diverted around the area.
 - Trash container areas must be screened or walled to prevent off-site transport of trash.
- POOLS AND SPAS

The discharge of the water contained in a Pool or spa is an illegal discharge unless it is discharged to a sanitary sewer system. Malibu has limited sewers available so it is likely that your property cannot legally discharge the contents of the proposed pool or spa to the street without violating the Clean Water Act or the Malibu Water Quality Ordinance (LIP Chapter 17). Provide information on the plans regarding the type of sanitation that you propose to use for this installation.

 - Ozonization systems are an acceptable alternative to Chlorine. The release of clear water from this system is permitted to a public sewer.
 - Salt water sanitation is an acceptable alternative, but the discharge of the salt water is prohibited to both sewer systems and streets.
 - Highly chlorinated water from pools or spas shall be discharged to a public sewer or may be trucked to a POTW for discharge.

HYDROMODIFICATION

- Alteration or disturbance of streams or natural drainage courses or human-made or altered drainage courses that have replaced natural streams or drainages and serve the same function, **shall be prohibited**, with the following exceptions:
 - Necessary water supply projects where no feasible alternative exists.
 - Flood protection for existing development where there is no other feasible alternative.
 - The improvement of fish and wildlife habitat.

AGRICULTURE AND CONFINED ANIMAL FACILITIES

- New and/or expanded agricultural development, including vineyards and orchards, and the development of confined animal facilities, shall require a Coastal Development Permit.

- Development shall not result in the placement of compost, fertilizer, or amended soil products in or within 100 feet of streams or other surface waters.
- Development shall not result in the dispersal of animal wastes, wastewater, or any other byproducts of agricultural activities in or within 100 feet of streams or other surface waters.
- Confined animal facility development shall not produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel.

WASTE MANAGEMENT FOR CONSTRUCTION SITES

The City of Malibu is required by AB 939 to reduce the flow of wastes to the landfills of Los Angeles and Ventura Counties by 50%. The following projects shall comply with the following conditions:

1. All new construction (residential and nonresidential)
 2. Demolition (non-residential and apartment houses with 3 or more units)
 3. Addition/Alteration with construction valuation of \$50,000 or more.
- The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to the issuance of a building/demolition permit, the applicant must certify and sign an affidavit that a Waste Reduction and Recycling Plan (WRRP) will be implemented. The WRRP shall indicate means and measures for a minimum of 50% diversion goal.
 - Prior to the issuance of the Certificate of Occupancy, the applicant shall provide the Public Works Department with a Final Waste Reduction Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Public Works Department shall approve the final Summary Report.

Trail Access - The City's Trails Master Plan Map identifies a portion of the Malibu Pacific Trail which runs along the roadway easement on Rambla Pacifico Street. The applicant has agreed to dedicate a trail easement for public pedestrian and equestrian use located along the southern side of the easement which measures five feet in width. This dedication is intended to create a north-south linkage between Pacific Coast Highway, which lies to the south of the proposed project area, and the northern section of Rambla Pacifico Street, which leads to a link to a section of the Malibu Pacific Trail in Carbon Canyon. As a result of the applicant's offer to dedicate a trail easement, no potential project-related or cumulative impacts on access to the Malibu Pacific Trail are anticipated. The offer to dedicate has been incorporated into the project description for this application.

N. Land Division (LIP Chapter 15)

This project does not involve a division of land as defined in LIP Section 15.1; therefore, this section does not apply.

O. Onsite Wastewater Treatment System (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design and performance requirements for the new system. This project does not include a new OWTS or the modification of an existing OWTS. Therefore, this section of the LIP does not apply.

Section 10. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby certifies Environmental Impact Report No. 08-002, adopts the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program, and approves Coastal Development Permit No. 07-098, Variance Nos. 08-004, 08-005, 08-006 and 08-007, and Site Plan Review No. 10-010, subject to the conditions in Section 11 of this Resolution.

Section 11. Conditions of Approval

The following conditions apply to the project:

Standard Conditions

1. The applicants and property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. The scope of work approved includes:
 - a. Demolition of sections of crumbling asphalt from the previously existing road;
 - b. Paving of an 1,800 linear feet long segment of road to re-establish a linkage between the northern and southern sections of Rambla Pacifico Street;
 - c. Installation of two vehicular gates, at the northern and southern sections of the reconstructed road;
 - d. Pedestrian gates to provide access to the road for trail users during daylight hours;
 - e. Approximately 47,000 cubic yards of grading, with approximately 8,200 cubic yards to be exported from the project site;
 - f. Below-grade caissons;
 - g. Drainage improvements including swales and drop-in basins;
 - h. Retaining walls not to exceed six feet in height;
 - i. Landscaping per the approved Revegetation Plan;
 - j. Offer to dedicate trail access along the length of the area of reconstructed road;
 - k. A variance for construction of retaining walls on slopes greater than 2½ to 1;
 - l. A variance for non-exempt grading in excess of 1,000 cubic yards;
 - m. A variance to reduce the 100 foot ESHA setback;
 - n. A variance from the required 1.5 geologic factor of safety; and
 - o. A site plan review for approximately 6,400 cubic yards of remedial grading.
3. Subsequent submittals for this project shall be in substantial compliance with the plans on file with the Planning Division, dated **April 28, 2010**. The project shall comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Division within 10 days of this decision and prior to the issuance of any development permits.
5. This resolution, signed Affidavit and all department review sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet(s) behind the cover sheet of the development plans submitted to the City of Malibu Environmental and Building Safety Division for plan check and the City of Malibu Public Works/Engineering Services Department for an encroachment permit (as applicable).
6. The applicant shall submit three complete sets of plans to the Planning Division for consistency review and approval prior to the issuance of any building or development permit. These plan sets shall include the pages described in Condition No. 5 above.
7. The coastal development permit and associated discretionary requests shall be null and void if the project has not commenced within two years after issuance of the permit. Extension to the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the two-year period and shall set forth the reasons for the request.

8. Questions of intent or interpretation of any condition of approval will be resolved by the Planning Division Manager upon written request of such interpretation.
9. All development shall conform to the requirements of the City of Malibu Environmental and Building Safety Division, and to all City Geologist, City Public Works Department, City Biologist and Los Angeles County Fire Department requirements, as applicable. Notwithstanding this review, all required permits and approvals shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Division Manager, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. and the LCP. An application with all required materials and fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The coastal development permit is not effective until all appeals, including those to the California Coastal Commission, have been exhausted. In the event that the California Coastal Commission denies the permit or issues the permit on appeal, the CDP approved by the City is void.

Cultural Resources

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Manager can review this information. Thereafter, the procedures contained in LIP Chapter 11 shall be followed.
13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.
14. Archaeological monitoring by a qualified archaeologist and Chumash Native American representative shall be required for any earth disturbing activities on the project site to ensure that potentially significant buried cultural resource materials are not inadvertently destroyed during construction. Monitoring shall be required during any permitted action involving physical digging or grading of the area, using mechanical equipment or hand tools, including core sampling, soil borings, work required for placing caissons or footings, planting trees, disking, grubbing, trenching and installation of poles, underground electrical systems, water mains, or other utilities, or geological/geotechnical testing.

15. Prior to the issuance of grading permits, the applicant shall submit the qualifications of the Chumash Cultural Resource Monitor for review by the Planning Manager for compliance with the criteria set forth in LIP Chapter 11.

Site Specific Conditions

16. The applicant shall implement all mitigation measures specified in Environmental Impact Report No. 08-002 pursuant to the final Mitigation Monitoring and Reporting Program dated May 2010 (Exhibit B).
17. The applicant shall obtain an encroachment permit from the City Public Works Department prior to commencement of any work within the public right-of-way.
18. The applicant shall obtain a hauling permit from the California Department of Transportation (Caltrans) prior to commencement of any dirt hauling within the Pacific Coast Highway public right-of-way.
19. The project requires Los Angeles County Fire Department Plan Check and developer fee.
20. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color and material of all retaining walls shall be reviewed and approved by the Planning Manager and clearly indicated on all grading, improvement and/or building plans.
21. No permanently installed lighting shall blink, flash, or be of usually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject properties shall not produce an illumination level greater than one foot candle.
22. Any signs proposed shall be submitted under a separate application and shall be evaluated for conformance to the Malibu Municipal Code Sign Ordinance.
23. The applicant shall include an elevation and specific location of the proposed access gates on the grading plans that are submitted for building plan check. The gates shall comply with the regulations set forth in LIP Section 3.5.
24. The height of the retaining walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed 6 feet in height or 12 feet in height for a combination of two or more walls.

Environmental Review Board

25. The landscape/restoration plans should be limited to low growing shrubs and grasses adjacent to the roadway in order to keep flame lengths down during wildfires.
26. A provision should be added to the Maintenance Agreement requiring the designee of the Lower Rambla Pacifico Road Owners Association to trim the vegetation below the road every two years for fire prevention purposes.

27. Should any laurel sumac be removed during grading activities, the root ball should be saved and re-used for habitat restoration purposes.
28. All seeds included in the hydro-seed mix should be local native species from the Santa Monica Mountains area.

Demolition / Solid Waste

29. Prior to demolition activities, the applicant shall receive Planning Division approval for compliance with conditions of approval.
30. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to the issuance of a building/demolition permit, a Waste reduction and Recycling Plan (WRRP) shall be submitted to the Public Works Department for review and approval. The WRRP shall indicate means and measures for a minimum of 50 percent diversion Goal.
31. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Division.
32. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.

Construction

33. A construction staging plan shall be reviewed and approved by the City Environmental and Community Development Department prior to the issuance of grading permits.
34. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays and City-designated holidays.
35. Flagmen and signs shall be provided to ensure traffic safety.
36. At no time shall any westbound lane along Pacific Coast Highway be closed for construction staging related to this project between the hours of 7:00 a.m. - 9:00 a.m. and 4:30 p.m. - 6:30 p.m.
37. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

38. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
- a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
 - b. Grading activities shall be planned during the southern California dry season (April through October).
 - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
 - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within project sites.

Biology / Landscaping

39. Invasive plant species, as determined by the City of Malibu, are prohibited.
40. All cut and fill slopes associated with road construction shall be revegetated utilizing plant species native to the Santa Monica Mountains area.
41. The revegetation plan is conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the final approved revegetation plan. Failure to comply with the conditions in this review is a violation of the conditions of approval for this project.
42. Prior to the issuance of the grading permit, the applicant shall either delete the landscaping notes on the grading plans or revise the plant list to be consistent with the approved revegetation plan.

Geology

43. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and/or the City Geologist shall be incorporated into all final design and construction. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.
44. Final plans approved by the City Geologist shall be in substantial conformance with the approved coastal development permit relative to grading and drainage. Any substantial changes may require amendment of the approved coastal development permit or a new coastal development permit.
45. Engineered structures such as retaining walls and significant cut and fill grading, will require the preparation of a geotechnical report that provides recommendations for the design of these structures and grading procedures in accordance with the City's Geotechnical Guidelines and Building Codes.

46. The project geotechnical consultants should review the referenced plans. The project engineering geologist and a registered geotechnical engineer or civil engineer practicing in geotechnical engineering in the state of California should be retained to perform geotechnical investigations for the proposed improvements discussed above and prepare a report(s) providing recommendations for the structural improvements and grading, as applicable. City geotechnical staff shall review the report(s) for conformance to the City's geotechnical guidelines and Building/Grading Codes during the grading plan check phase.

Public Works - Grading and Drainage

47. Geology and geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The applicant's consulting engineer shall sign the final plans prior to the issuance of permits.
48. The Total Grading Yardage Verification Certificate (dated December 10, 2009) shall be copied onto the coversheet of the final Grading Plan submitted for the project. No alternative formats or substitutes may be accepted.
49. The non-exempt grading for the project site shall not exceed a total of 8,350 cubic yards (cumulative of cut and fill).
50. Grading permits shall not be issued between November 1 and March 31 each year. Projects approved for a grading permit shall not receive grading permit unless the project can be rough-graded before November 1.
51. Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.
52. Exported soil from the site shall be taken to the County landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3
53. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.
54. A State Construction Activity Permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.
55. The Grading and Drainage Plan shall be approved by the Public Works Department and Environmental and Building Safety Division prior to the issuance of grading permits for the project and shall include the following information:
 - a. Public Works Department general notes;
 - b. The limits of land to be disturbed during project development shall be delineated on the Grading Plan and a total area shown on the plan. Areas disturbed by grading equipment beyond the limits of grading and areas disturbed for the installation of the detention system shall be included within the area delineated; and
 - c. The grading limits shall include the temporary cuts made for retaining walls, buttresses

- and over excavations for fill slopes;
 - d. The locations of trees that are to be protected in accordance with the Native Tree Protection chapter of the LIP;
 - e. A prominent note shall be included which identifies any environmentally sensitive habitat areas in the vicinity of the project site, as identified in the Biological Assessment completed for the project. Fencing of these areas shall be delineated;
 - f. Private storm drain systems shall be identified. Systems greater than 12-inches in diameter shall also have a plan and profile for the system included; and
 - g. Public storm drain modifications shall be identified.
56. Public storm drain modifications shall be approved by the City Public Works Department prior to the issuance of a grading permit.
57. A Wet Weather Erosion and Sediment Control Plan is required for this project (grading or construction activity is anticipated to occur during the rainy season). The following elements shall be included:
- a. Locations where concentrated runoff will occur;
 - b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
 - c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked off site.
58. A Storm Water Pollution Prevention Plan (SWPP) shall be provided prior to the issuance of a grading permit. This plan shall include:
- a. Dust Control Plan for the management of fugitive dust during extended periods without rain;
 - b. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
 - c. Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
 - d. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent discharge of runoff through the waste.
59. A Water Quality Mitigation Plan (WQMP) is required for this project (also known as Standard Urban Stormwater Management Plan or SUSMP). The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs;
 - d. Drainage improvements;
 - e. Methods for site re-vegetation and analysis for off-site project impacts;
 - f. Measures to treat and infiltrate runoff from impervious areas;
 - g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the

expected life of the structure;

- h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
- i. The WQMP shall be submitted to the Building and Safety Public Counter and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department's approval of the building plans for the project.

Deed Restrictions

- 60. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Division staff prior to final planning approval.
- 61. In order to effectuate the property owner's offer to dedicate a public easement for a multi-purpose (hiking, bicycling and equestrian) trail, prior to opening the road for vehicular access, the property owner shall execute and record a document in a form and content acceptable to the City of Malibu and the California Coastal Commission, an irrevocable offer to dedicate free of prior liens and any other encumbrances that may affect the interest being conveyed, an easement to a public agency or private association approved by the City of Malibu and the California Coastal Commission; granting the public the permanent right of public access for the right to pass, repass and passive recreation for pedestrians, bicyclists and equestrians. The easement shall be no less than five feet wide along the side of the street easement and within an approximate alignment of the Malibu Pacific Trail, as depicted on the City's Trails Master Plan Map. The recorded document shall include legal descriptions and a map drawn to scale of both the subject parcel and the easement area. The offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years from the date of recordation. The property owner shall provide a copy of the final document to Planning Division staff upon recordation.

Prior to the Opening the Road for Access

- 62. Prior to opening the road for vehicular access, the applicant shall provide the City Public Works Department with a Final Waste Reduction and Recycling Report. This report shall designate all materials that were land filled and recycled, broken down into material types. The final report shall be approved by the City Public Works Department.
- 63. Prior to final sign off by the Building and Safety Division, the City Biologist shall inspect the project site and determine that all planting conditions to protect natural resources are in

compliance with the plans as approved and conditioned.

64. The applicant shall request a final planning inspection prior to final inspection by the City of Malibu Environmental and Building Safety Division.
65. The applicant shall complete the public easement vacation process to the satisfaction of the Deputy City Engineer prior to opening the road for vehicular access.

Fixed Conditions

66. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.
67. The coastal development permits run with the land and bind all future owners of the properties.

Section 12. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 1st day of June 2010.

JOHN MAZZA, Planning Commission Vice Chair

ATTEST:

JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to LIP Section 13.20.1 (Local Appeals), a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.ci.malibu.ca.us, in person at City Hall, or by calling (310) 456-2489, extension 374.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 10-53 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 1st day of June 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JESSICA BLAIR, Recording Secretary

10.0 Mitigation Monitoring and Reporting Program

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Rambla Pacifico Street Reconstruction project 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 Rambla Pacifico Street Reconstruction project. 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.



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
BIOLOGICAL RESOURCES						
<p>BIO-1(a) Coastal Sage Scrub Restoration. Prior to issuance of a grading permit, the applicant shall identify an area onsite for restoration of coastal sage scrub habitat. Restoration may occur at a City-approved off-site location if it is determined that it is not feasible to fully mitigate impacts onsite or where off-site mitigation is more protective in the context of the Natural Community Conservation Plan for the area. The City shall determine that the proposed restoration site(s) is of equivalent type and acreage to the affected habitat (i.e., a 1:1 restoration ratio). Areas onsite that shall be hydroseeded in accordance with a City approved revegetation plan may count towards the total mitigation acreage but must be included in the restoration plan (see below). All plant and seed material used shall be of locally native, drought-tolerant stock and shall be approved by the City biologist. The habitat restoration shall be carried out prior to or concurrently with construction of the proposed realignment.</p> <p>Prior to issuance of grading permits, the applicant shall submit to the City for review and approval a habitat restoration plan, prepared by a qualified biologist, designed to restore the area in question for habitat function, species diversity, and vegetation cover. A copy of the plan shall be submitted to the City Biologist for review. The restoration plan shall be developed pursuant to Section 4.8 of the LIP and shall include provisions for monitoring the restoration site for a period of no less than five years, including criteria for determining restoration success, and mid-course corrective measures. Monitoring reports shall be</p>	Review and approval of a habitat restoration plan or verification of payment of in-lieu fees	Prior to issuance of grading permit and coastal development permit	Once	City Biologist		
	Review and approval of annual monitoring reports	Annually for 5 years (unless in-lieu fee option selected)	Annually (unless in-lieu fee option selected)	City Biologist		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>provided to the City Biologist annually and at the conclusion of the five-year period to document the success or failure of the program. The restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remediation activities other than exotic species control. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met as determined by the City Biologist. The area of habitat to be restored shall be permanently maintained as open space through recordation of an open space deed restriction.</p> <p>In addition, performance bonds shall be required prior to issuance of the coastal development permit to ensure compliance with this habitat restoration requirement and shall include 1) one equal to the value of the labor and materials and 2) one equal to the value of maintenance and monitoring for a period of 5 years. The bonds may be released upon satisfactory completion of the restoration program. The City may collect on the bonds and complete the restoration program if the applicant fails to either restore or maintain according to approved plans.</p> <p>If onsite restoration is not feasible based on the unavailability of sufficient land space, the applicant may choose to make a payment of in-lieu fees to the Santa Monica Mountains Conservancy. Proof of payment must be provided to the City prior to issuance of grading permits. If this alternative is selected, all bare dirt areas will need to be hydroseeded and hydroseed mixes shall be limited to locally native species.</p>						



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
BIO-1(b) Construction Fencing. Construction fencing shall be placed within 5 feet of the outer limits of grading and indicated on the site plan. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.	Review and approval of grading plan	Prior to issuance of grading permit	Once	Building and Safety Division		
	Field verification	Throughout construction	Periodically	Building and Safety Division		
BIO-1(c) Best Management Practices (BMPs). Grading and construction plans shall include BMPs and identify storage/staging areas to eliminate any dumping, storage or movement of equipment, materials or debris associated with any phase of construction in areas adjacent to or within coastal sage scrub habitat that is not proposed for removal. Movement of graded soil to areas near and/or uphill from coastal sage scrub habitats shall be avoided, as it could result in downgrade movement of dust and soil containing non-native seed. This measure shall be noted on all grading plans and compliance shall be field-verified by Environmental and Building Safety Division staff.	Review and approval of grading and construction plans	Prior to issuance of grading permit	Once	Building and Safety Division		
	Field verification	Throughout construction	Periodically	Building and Safety Division		
BIO-1(d) Monitoring. The applicant shall hire a City-approved biologist to monitor vegetation removal and placement of construction fencing. Additionally, the supervising biologist shall conduct periodic site inspection, at a minimum of once per week, until construction is completed to ensure grading remains within the permitted boundaries. The supervising biologist shall be responsible for reporting any violations and shall submit to the City Biologist monthly monitoring reports and a final compliance report at the completion of construction.	Verification of periodic site inspections by City-approved biologist;	Throughout construction	Weekly	City Biologist		
	Review and approval of monthly monitoring reports and final compliance report	Throughout construction	Monthly	City Biologist		
BIO-2(a) Tree Protection Measures. Prior to initiation of construction activities, bright orange protective fencing shall be installed around all	Review of grading plans to verify compliance with fencing	Prior to issuance of grading permit	Once	City Biologist		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>trees located within 50 feet of the proposed disturbance limits. The fencing shall be placed at the edge of the protected zone of each tree or group of tree. The protected zone shall include the area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Where fill material will encroach within the protected zone of the two western sycamores, the protective fencing shall be placed at the limits of fill. The City shall inspect the fencing after installation and prior to initiation of construction activities to ensure compliance.</p> <p>The fence shall remain in place for the duration of the construction of the project and until the City has approved its removal. Once the fill material has been placed and compacted, the protective fencing shall be moved to fully encompass the protected zone of the trees. No construction equipment or material may be staged, parked, or stored within the protected zone of any tree. All construction activities that occur within a tree's protected zone shall be conducted using hand tools only. A City-approved biologist shall conduct a pre-construction training session for all construction employees to inform them of the Native Tree Protection development standards and shall be present during all activities occurring within a tree's protected zone. The City-approved biologist shall periodically monitor construction throughout the duration of the project to ensure that tree protection measures are implemented. The City-approved biologist shall submit a report to the City Biologist upon completion of construction detailing all activities occurring within the protected zone of the trees.</p>	<p>requirements</p> <p>Verification that pre-construction training session has been completed</p> <p>Review and approval of report(s) submitted by City-approved biologist</p>	<p>Prior to issuance of grading permit</p> <p>Upon completion of construction activity</p>	<p>Once</p> <p>Once</p>	<p>City Biologist</p> <p>City Biologist</p>		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>BIO-2(b) Tree Monitoring and Mitigation. One year following completion of construction, a City-approved biologist shall inspect those trees that were encroached upon and shall submit a written report to the City Biologist detailing their condition. If it is determined that the health of the trees has decreased as a result of the encroachment, a tree replacement plan shall be submitted to the City Biologist for review and approval. The tree replacement plan shall include replacement tree locations, tree sizes, planting specifications, a monitoring program, and performance standards. Mitigation shall include a minimum of 10 replacement trees for each tree negatively impacted by the encroachment. Mitigation shall occur onsite to the greatest extent feasible.</p> <p>If it is determined that planting onsite is not feasible, the City Biologist may approve either off-site replacement planting or payment to an in-lieu fee program, the fee for which will be based upon the type, size, and age of the tree impacted.</p>	Review and approval of tree report and replacement program	One year following completion of construction	Once	City Biologist		
<p>BIO-4(a) Nesting Bird Survey. To avoid take of any migratory bird species or raptors, the proposed project activities shall be conducted between September 1 and February 1, outside of the typical breeding season, as feasible. Should avoidance of the nesting season not be feasible, a qualified biologist/ornithologist shall conduct focused nesting surveys no less than seven days prior to grading or initial construction activities or as otherwise determined by the CDFG. The results of the nest survey shall be submitted to the City within one week of completion 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 in the habitat to be removed or in other habitat within</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 issuance of grading permit</p> <p>Throughout construction</p>	<p>Once</p> <p>Periodically during construction</p>	<p>City Biologist</p> <p>City Biologist</p>		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>300 feet of the construction work areas (500 feet for raptors), the supervising biologist shall demarcate an area to be avoided by construction activity until the active nest(s) is vacated for the season and there is no evidence of further nesting attempts. This demarcated area will incorporate a buffer area surrounding the active nest that is, in the opinion of both the supervising biologist and the City Biologist, suitable in size and habitat type to provide a reasonable expectation of breeding success for the type of nesting bird present. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area by the supervising biologist.</p> <p>Once the pre-construction surveys are conducted by a qualified biologist during the proper seasons, the report results, including survey dates, exact species observed and location of species onsite, shall be submitted to the City Biologist for review and approval.</p>						
<p>BIO-5 Vegetation Removal. Removal of vegetation shall occur using hand tools only. During vegetation removal, a City-approved biologist shall be onsite to recover any individuals that may be excavated/unearthed with native material. Any individuals recovered shall be immediately relocated to the designated release area immediately adjacent to the project site but outside of the limits of disturbance.</p>	Field verification from biologist that removal of vegetation is being completed only by hand	Throughout construction	Periodically during construction	City Biologist		
<p>BIO-6 San Diego Woodrat Survey. Prior to issuance of grading permits, a City-approved biologist shall conduct a pre-activity survey for San Diego desert woodrats within the proposed limits of disturbance and a 100-foot buffer. The survey shall be conducted within 30 days prior to</p>	<p>Review and approval of woodrat survey by City Biologist.</p> <p>Field verification of fencing during breeding</p>	<p>Prior to issuance of grading permit</p> <p>Throughout construction</p>	<p>Once</p> <p>Periodically during</p>	<p>City Biologist</p> <p>City Biologist</p>		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
site disturbance and the results shall be submitted to the City Biologist for review. If no nests are found, no further mitigation is required. If active desert woodrat nests are found, a 50-foot buffer (indicated by bright orange construction fencing) shall be established to protect the nest during the breeding season (October through June). If initial vegetation removal is anticipated to occur outside of the breeding season, nests located onsite may be disassembled by hand at a minimum of 5 days prior to disturbance and place the materials at least 300 feet from the limits of disturbance.	season (if necessary) Verification that nests are disassembled properly	Throughout construction	construction Periodically during construction	City Biologist		
BIO-7 Butterfly Survey and Avoidance. Prior to initiation of ground disturbance, a late fall/early winter butterfly survey shall be conducted by a City approved biologist within the eucalyptus grove at the western end of the realignment. A copy of the survey shall be submitted to the City Biologist upon completion. If the results of the survey do not identify any potential overwintering of the monarch butterfly on-site, not further mitigation is required. If overwintering monarchs are determined to use the site, the applicant shall avoid removal of trees used for overwintering by monarchs to the greatest extent feasible. If trees cannot be avoided, tree removal shall occur outside of the overwintering period, which generally occurs from November through February, or until a qualified biologist has determined that overwintering monarchs are no longer using the site.	Review and approval of butterfly survey results Field verification of tree avoidance	Prior to issuance of grading permit Throughout construction	Once Periodically during construction	City Biologist City Biologist		
BIO-8(a) Silt Fencing. Prior to initiation of ground disturbance, silt fence shall be installed downslope of all construction areas. The bottom edge of all silt fencing shall be entrenched and backfilled. The City shall inspect the fence prior to initiation of construction activities to ensure compliance.	Field inspection of silt fence installation	Prior to initiation of construction activities	Once	Environmental and Building and Safety Divisions		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
BIO-8(b) Grading Timing. Grading shall be scheduled only during the dry season from April 1 to October 31.	Review and approval of grading plan	Prior to issuance of grading permit	As Once	Environmental and Building and Safety Divisions		
BIO-8(c) Hydroseeding Monitoring. The following shall apply to all hydroseeded areas not part of the onsite restoration detailed in BIO-1(a) above: <ul style="list-style-type: none"> • A site visit within 14 days of hydroseeding to verify completion of the work consistent with the revegetation plan. • All hydroseeded materials shall include locally native, drought tolerant species approved by the City biologist. Native plant species shall be selected from a list of recommended native plants produced by the California Native Plant Society, Santa Monica Mountains Chapter. • Invasive species as identified by the California Invasive Plant Council, the City of Malibu, and/or the California Native Plant Society, Santa Monica Mountains Chapter, are prohibited. • All cut and fill slopes shall be hydroseeded upon completion of final grading. • Hydroseeded areas shall provided 90 percent vegetative coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen. <p>Revegetated areas shall be monitored for a minimum of five years following completion of hydroseeding. Annual monitoring reports indicating the successful establishment of hydroseeded vegetation shall be submitted to the</p>	Review and approval of revegetation plan	Prior to issuance of grading permit	Once	City Biologist		
	Field verification of compliance with approved revegetation plan	Within 14 days of hydroseeding	Once	City Biologist		
	Review and approval of annual monitoring reports	Annually, for 5 years	Annually	City Biologist		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
City Biologist for review and approval. A final report shall be submitted to the City Biologist at the end of five years. If the hydroseeded areas have not achieved appropriate coverage as determined by the City Biologist after five years, the applicant shall submit a revised or supplemental landscape plan to the City Biologist for approval prior to implementation. The monitoring period shall be extended beyond five years until the revegetation of disturbed areas has been determined by the City Biologist to be successful. The above mentioned actions are to be completed in accordance to LIP Section 3.10.1.						
GEOLOGY AND SOILS						
GEO-2(a) Removal of Soil. All artificial fill material or unsuitable native soil located below the footprint of proposed roadway shall be removed and hauled off-site or processed into a suitable building material.	Review and approval of grading plan	Prior to issuance of grading permit	Once	Building and Safety Division		
	Field verification of compliance	During construction	Periodically during construction	Building and Safety Division		
GEO-2(b) Fill Material Approval. All fill material used for construction shall be approved by a geotechnical or civil engineer, and all backfill and foundation sub-grade shall be certified by a geotechnical or civil engineer for proper compaction.	Review and approval of grading plan	Prior to issuance of grading permit	Once	Building and Safety Division		
	Field verification of compliance	During construction	Periodically during construction	Building and Safety Division		
GEO-3 Soil Expansion Analysis. Prior to the placement of roadway base or pavement, the contractor shall order the geotechnical engineer to take samples of the final subgrade areas and excavation sidewalls shall be collected and analyzed for their expansion index. The reports from the soil testing shall be submitted to the City upon completion for approval. For areas where the expansion index is found to be	Review and approval of soil testing reports	Prior to issuance of grading permit	Once	Building and Safety Division		
	Field verification of compliance	During construction	Periodically during construction	Building and Safety Division		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
greater than 20, the engineering geologist shall submit recommended remediation measures to the building official for approval. It shall then be required that the contractor implement these measures to the satisfaction of the geotechnical engineer and the building official. The expansion testing may be omitted if the grading and foundations are engineered to withstand the presence of highly expansive soils.						
<p>GEO-4(a) Wet Weather Erosion Control Plan. The applicant shall require the construction contractor to prepare and institute a WVECP during construction. A WVECP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The WVECP must be prepared in accordance with the guidelines adopted by the LARWQCB. The WVECP shall include the following elements:</p> <ul style="list-style-type: none"> • Locations where concentrated runoff will occur; • Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures; • Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and • Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite. 	<p>Review and approval of erosion control plan</p> <p>Field verification of compliance</p>	<p>Prior to issuance of grading permit</p> <p>During construction</p>	<p>Once</p> <p>Periodically during construction</p>	<p>Building and Safety Division</p> <p>Building and Safety Division</p>		
<p>GEO-4(b) Covering and Removal of Stockpiles. All stockpiles of excavated material shall be covered with an impervious material during storage and shall be removed from the site within 3 weeks of being excavated or they shall be used for grading or backfill.</p>	<p>Review and approval of grading plan</p> <p>Field verification of compliance</p>	<p>Prior to issuance of grading permit</p> <p>During construction</p>	<p>Once</p> <p>Periodically during construction</p>	<p>Building and Safety Division</p> <p>Building and Safety Division</p>		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
GEO-5(a) Fire Department Approval. Prior to issuance of permits, final site plans shall be submitted to the Los Angeles County Fire Department (LACFD) for approval. Any additional requirements and/or conditions imposed by LACFD shall be incorporated into project design.	Verification that plans were submitted to and approved by LACFD	Prior to issuance of grading permit	Once	Building and Safety Division		
GEO-5(b) Safety Program. The Lower Rambla Pacifico Road Owners Association (LRPROA) shall retain the services of qualified personnel to develop a safety program for the proposed roadway. The safety program shall be submitted to the City of Malibu Building and Safety Department and geotechnical staff for staff prior to permit issuance, and shall include the following: <ul style="list-style-type: none"> Describe in detail the proposed safety measures that will be followed to notify the City of landslide-induced unsafe conditions of the roadway; Wire extensimeters shall be installed according to the specifications located in GEO-5(c) and reviewed by the City of Malibu Building and Safety Department and City geological staff during grading plan check. Describe how the extensimeter data will be obtained and sent to the City and users of the roadway; Describe the funding mechanism to ensure that the roadway and roadway safety monitoring system is fully funded by the Lower Rambla Pacifico Homeowner's Association; Describe when and how the roadway is to be used, who will open the gates, and how will the entity that opens the gates insures that the roadway is in usable condition; Adopt roadway rules to prevent traffic that would induce a protracted period of 	Review and approval of safety program Field verification of compliance	Prior to issuance of grading permit During construction	Once Periodically during construction	Building and Safety Division Building and Safety Division		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>significant ground vibrations; and</p> <ul style="list-style-type: none"> Initiate a program of landscape slop protection including the planting and hydroseeding as indicated in Figure 2-10 that reduces rainfall infiltration. The plan shall include a maintenance program that locates and fills any fissures that may develop. 						
<p>GEO-5(c) Warning System. The wire extensometer warning system identified in the Project Description shall be described in the applicant's monitoring and maintenance agreements and associated plans to be submitted for review during the grading plan check phase by the City of Malibu Building and Safety Department and City geological staff. The warning system shall utilize three wire extensimeters similar to those identified in Figure 2-8 at locations to be determined by GeoKinetics, Inc. These devices shall include a ground anchor located downslope of the extensimeter connected by a wire. During ground movement sufficient to trigger the device, the roadway gates shall be closed and warning lights shall be activated to warn road users. The precise amount of movement that would trigger the extensimeters shall be submitted to the City for approval during grading plan check. Figure 2-5 shows the preliminary locations of where these devices shall be located.</p>						
<p>GEO-5(d) Roadway Maintenance. The Lower Rambla Pacifico Road Owner's Association (LRPROA) shall retain the services of qualified personnel to inspect and maintain the roadway and adjacent areas throughout the year in accordance with the Road Inspection and Maintenance Manual (Manual) (Appendix E). The Manual shall be submitted to the City of Malibu Building and Safety Departments for review during the grading plan</p>	<p>Verification and approval of Road Maintenance manual;</p> <p>Verification weekly inspections of road are completed.</p>	<p>During grading plan check;</p> <p>After completion of project;</p>	<p>Once, during grading plan check</p> <p>Weekly</p>	<p>City of Malibu Building and Safety Division</p> <p>Applicant</p>		



Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
check phase. The Manual identifies that weekly inspections and recommendations shall be made to the LRPROA Construction Committee for repair along with a list of possible maintenance procedures that may be taken.						
GEO-5(e) Construction. The road shall be built during the dry season, from April 1 to October 31, so as to reduce landslide instability. Construction activities, such as grading, compaction, and slope construction may further destabilize the active landslide. It has been shown that the landslide is less stable following periods of high rainfall.	Field verification of grading timing	During days leading up to and after allowable period	As needed	City of Malibu Building and Safety Division		

