1. *Executive Summary*

1.1 INTRODUCTION

This Draft Environmental Impact Report (EIR) addresses the environmental effects associated with the implementation of the proposed Crummer Site Subdivision project (proposed project). The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An EIR is a public document designed to provide the public, local, and state governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making.

This EIR has been prepared pursuant to the requirements of CEQA (California Public Resources Code, Division 13, Section 21000, et seq.) and the CEQA Guidelines (Title 14 of the California Code of Regulations, Division 6, Chapter 3, Section 15000, et seq.) to determine if approval of the discretionary actions requested could have a significant impact on the environment. The purpose of this EIR is to identify and disclose significant environmental impacts that will or could potentially occur as a result of project approval and implementation. It is intended to inform agencies with discretionary permitting authority over the project and project area, property owners and tenants, and the general public of such impacts and to fulfill the CEQA environmental clearance requirements for the project and all other aspects of project entitlement. The actions and approvals anticipated for this project are listed in Section 3.0, *Project Description*. The purpose of this EIR is also to identify ways to avoid or mitigate the project's significant impacts on the environment and to indicate alternatives to the project.

In accordance with Section 15367 of the CEQA Guidelines, the City of Malibu is the lead agency for the proposed project, since it will serve as "the public agency which has the principal responsibility for carrying out or approving the project." The City of Malibu determined that an EIR was required for the project based on its review of the proposed project application and its consideration of the potential environmental effects of the project identified in the initial study. The City of Malibu has reviewed all submitted drafts, technical studies, and reports. Information for this EIR was obtained from onsite field observations, discussions with affected agencies, analysis of adopted plans and policies, review of available studies, reports, data and similar literature in the public domain, and specialized environmental assessments (e.g., aesthetics, air quality, biological resources, geology, hazards, hydrology and water quality, noise, traffic, and greenhouse gases). Environmental studies conducted specifically for the proposed project are available at the City for review and are included as appendices to this EIR.

1.2 ENVIRONMENTAL PROCEDURES

This Draft EIR has been prepared pursuant to CEQA to assess the environmental effects associated with implementation of the proposed project, as well as anticipated future discretionary actions and approvals. The six main objectives of this document as established by CEQA are listed below:

1) To disclose to decision makers and the public the significant environmental effects of proposed activities.
2) To identify ways to avoid or reduce environmental damage.
3) To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.

4) To disclose to the public reasons for agency approval of projects with significant environmental effects.
5) To foster interagency coordination in the review of projects.
6) To enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines and provides the information needed to assess the environmental consequences of a proposed project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts and alternatives, and adopt a Statement of Overriding Considerations if the proposed project results in significant impacts that cannot be avoided.

1.2.1 EIR Format

This Draft EIR has been formatted as described below.

Section 1. Executive Summary: Summarizes the background and description of the proposed project, the format of this EIR, project alternatives, any critical issues remaining to be resolved, and the potential environmental impacts and mitigation measures identified for the project.

Section 2. Introduction: Describes the purpose of this EIR, background on the project, the Notice of Preparation, the use of incorporation by reference, and Final EIR certification.

Section 3. Project Description: A detailed description of the project, the objectives of the proposed project, the project area and location, approvals anticipated to be included as part of the project, the necessary environmental clearances for the project, and the intended uses of this EIR.

Section 4. Environmental Setting: A description of the physical environmental conditions in the vicinity of the project as they existed at the time the Notice of Preparation was published, from both a local and regional perspective. The environmental setting provides baseline physical conditions from which the lead agency determines the significance of environmental impacts resulting from the proposed project.

Section 5. Environmental Analysis: Provides, for each environmental parameter analyzed, a description of the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the project; the existing environmental setting; the potential adverse and beneficial effects of the project; the level of impact significance before mitigation; the mitigation measures for the proposed project; the level of significance of the adverse impacts of the project after mitigation is incorporated; and the potential cumulative impacts associated with the proposed project and other existing, approved, and proposed development in the area.

Section 6. Significant Unavoidable Adverse Impacts: Describes the significant unavoidable adverse impacts of the proposed project.

Section 7. Alternatives to the Proposed Project: Describes the impacts of the alternatives to the proposed project, including the No Project Alternative.

Section 8. Impacts Found Not to Be Significant: Briefly describes the potential impacts of the project that were determined not to be significant by the Initial Study and were therefore not discussed in detail in this EIR.

Section 9. Significant Irreversible Changes Due to the Proposed Project: Describes the significant irreversible environmental changes associated with the project.

Section 10. Growth-Inducing Impacts of the Project: Describes the ways in which the proposed project would cause increases in employment or population that could result in new physical or environmental impacts.

Section 11. Organizations and Persons Consulted: Lists the people and organizations that were contacted during the preparation of this EIR for the proposed project.

Section 12. Qualifications of Persons Preparing EIR: Lists the people who prepared this EIR for the proposed project.

Section 13. Bibliography: A bibliography of the technical reports and other documentation used in the preparation of this EIR for the proposed project.

Appendices. The appendices for this document contain the following supporting documents:

- Appendix A: 2008 Initial Study and Notice of Preparation
- Appendix B: 2008 Comments Received (Initial Study and Notice of Preparation)
- Appendix C: 2012 Initial Study and Notice of Preparation
- Appendix D: 2012 Comments Received (Initial Study, Notice of Preparation and Scoping)
- Appendix E: View Simulations Report
- Appendix F: Landscape Plans
- Appendix G: Air Quality Modeling Sheets
- Appendix H: Biological Studies
- Appendix I: Cultural Study
- Appendix J: Geotechnical Study
- Appendix K: Greenhouse Gas Modeling Sheets
- Appendix L: Fire Safety Plan and Fuel Modification Plan
- Appendix M: Fire Safety Review Letters, March 2012
- Appendix N: Hydrology Studies
- Appendix O: Residential Conditions of Approval, Local Coastal Program and Zoning Text Amendments
- Appendix P: Noise Modeling Sheets
- Appendix Q: Traffic Study

1.2.2 Type and Purpose of This Draft EIR

This Draft EIR has been prepared as a "Project EIR" as defined by State CEQA Guidelines (Section 15161, California Code of Regulations, Title 14, Division 6, Chapter 3). This type of EIR examines the environmental impacts of a

specific development project and should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.

1.3 PROJECT LOCATION

The project site is a 24-acre parcel at 24120 Pacific Coast Highway (PCH), in the City of Malibu, County of Los Angeles. The Assessor's Parcel Numbers (APN) for the site are 4458-018-019, -018, and -002. The site is atop a bluff, and steep slopes descend to the south and east. Malibu Bluffs Park borders the project site to the west, PCH borders the site to the north, and a privately owned parcel borders the site to the east. Winter Mesa Drive, a small road connecting PCH to Malibu Bluffs Park, provides access to the project site.

1.4 PROJECT SUMMARY

The proposed project entails the subdivision of the project site into seven individual lots. Lots 1 through 5 would be developed with single-family residences and various accessory structures. Lot 6 would be developed with a private gated street, a gatehouse, an onsite wastewater treatment system (OWTS) Package Plant, landscaping, and open space to be owned and maintained by the homeowners association (HOA). Lot 7 would be dedicated to the City of Malibu for active and passive recreational use. The recreational area has yet to be designed and would not be developed as part of this project. Although no recreational improvements would be permitted as part of the applicant's current proposal, the land dedication is intended to expand Bluffs Park. Therefore, active recreation areas, passive recreation areas, and an expanded parking lot are all foreseeable future uses. At this time the City believes that the recreational area may be used as a baseball field or a skate park. Therefore, these uses are evaluated in this Draft EIR.

1.5 SUMMARY OF PROJECT ALTERNATIVES

CEQA states that an EIR must address "a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" (14 Cal. Code of Reg. 15126.6(a)). As noted in Section 8.0, a number of impacts relating to agricultural resources, hazards and hazardous materials, mineral resources, population and housing, public services, and utilities and services systems were determined to have no impact or a less than significant impact without mitigation. All other potentially significant impacts of the project can be mitigated to a less than significant level with the exception of the significant unavoidable impacts described in Section 6.0. The significant unavoidable adverse impact of the project is the following:

- The proposed project with baseball field option would result in a substantial increase in traffic in Opening Year 2017 and Future Year 2030 if the intersection of PCH and Malibu Canyon Road/Winter Mesa Road, which is operated and maintained by Caltrans, is not improved.

As described in Section 7 of this Draft EIR, two alternatives were considered but rejected during the project scoping/planning process:

- Other Development Areas Alternative
- No Project, No Development Alternative

In addition, three project alternatives were identified and analyzed in detail for relative impacts to the proposed project:

- Two-Story Homes with Skate Park Only Alternative

- One-Story Homes with Skate Park or Baseball Field Alternative
- No Project, Foreseeable Development Alternative

The following presents a summary of each of the alternatives analyzed in the Draft EIR. Please refer to Section 7 of this Draft EIR for a complete discussion of how the alternatives were selected and the relative impacts associated with each alternative.

1.5.1 Other Development Areas Alternative

The project applicant owns the AZ Winter Mesa Towing Site immediately east of the project site. An EIR for the subdivision of this site and the construction of four homes on this site has been approved. The adjacent parcel is therefore not available as a development area for the Crummer Site Subdivision project. The project applicant does not own any other sites within the jurisdiction of the City of Malibu that are considered feasible alternatives to the proposed project. Since the project applicant cannot reasonably acquire, control, or otherwise access any other sites, and since the analysis of other sites would be speculative without site-specific data, no other sites were further considered.

1.5.2 No Project, No Development Alternative

This alternative assumes that the existing 24-acre site would remain unchanged. The project site would not be subdivided, no new housing or recreational facilities would be constructed, and no improvements would be made. The site would remain vacant, in its current form and would not be developed for other uses, including the proposed project. The No Project, No Development Alternative would avoid or reduce impacts associated with air quality, biological resources, cultural resources, geology and soils, fire hazards, hydrology and water quality, and traffic and transportation. However, this alternative has been rejected because it would not attain any of the primary objectives of the proposed project. While it would preserve the rural character of site and bluewater views, it is not reasonable to assume that project applicant would never develop this site, a valuable economic resource, and that it would remain in its current physical condition. Consequently, the No Project, No Development Alternative was rejected from further analysis.

1.5.3 Two-Story Homes with Skate Park Only Alternative

This alternative is designed to eliminate the project's only significant and unavoidable impact. The Two-Story Homes with Skate Park Only Alternative assumes that the project would be developed with 5 two-story homes and that Lot 7 would be improved with a skate park and new 94-stall parking lot. Lot 7 would not be developed with a baseball field. As discussed in Section 5.11, *Transportation and Traffic*, the proposed project with baseball field development option would result in a substantial increase in traffic in Opening Year 2017 and Future Year 2030 if the intersection of PCH and Malibu Canyon Road/Winter Mesa Road, which is operated and maintained by Caltrans, is not improved. Any modifications to the operation of a roadway by the project applicant and/or a contractor would require the issuance of an encroachment permit by Caltrans, the responsible agency for the intersection of Malibu Canyon Road/PCH. There is the potential that significant impacts may not be fully mitigated if such improvements are not completed for reasons beyond the City's control (i.e., the City cannot undertake or require improvements within the control of Caltrans).

This alternative would generate 78 Average Daily Trip (ADT), 4 AM and 15 PM weekday peak hour trips and 110 ADT and 25 Saturday peak hour. Weekday and Saturday ADT would be reduced by 54 percent and 89 percent, respectively. Weekday PM peak hour trips would be reduced by 77 percent. Saturday midday peak hour trips would be

reduced by 74 percent. The skate park would generate a parking demand of 10 vehicles, which is based on an assumption that up to 20 people would be using the skate park at any given time and that the average vehicle occupancy would be two-person per car.

The Two-Story Homes with Skate Park Only Alternative assumes that the construction schedule, grading volumes, and development footprints are the same as the proposed project. This alternative would eliminate the significant and unavoidable traffic impact. It would also reduce parking demand impacts and operational noise impacts. This alternative would be environmentally similar to the proposed project in the area of operational air quality, greenhouse gas emissions, fire hazards, hydrology and water quality, land use, construction noise, and recreation.

1.5.4 One-Story Homes with Skate Park or Baseball Field Alternative

This alternative was requested at the public scoping meeting for the project held on June 7, 2012. Although impacts to Aesthetics were found to be less than significant without mitigation, the proposed two-story residential buildings would appear very prominent when viewed from the low-lying portions of the City to the east and when viewed from higher elevation residential areas of Malibu Country Estates to north of the site. As requested by the public, the One-Story Homes Alternative analyzes the impact of developing all one-story homes instead of all two-story homes.

The One-Story Homes Alternative assumes that the project site is developed with five single-family, single-story homes and a skate park or baseball field. This alternative would reduce the maximum building height of the residential structures from 28 feet to 18 feet. The building square footages would remain the approximately the same for each unit, as would the lot sizes. The two-story structures represent a more compact building zone, which would result in less building mass and allow for more open area on each of the five lots. As a result, there would be a reduction of space between the homes when compared to the proposed project. The single-story alternative would almost double the building footprints, as well as the amount of grading and export, for each of the five homes. The length of construction activities would be approximately 39 months, slightly longer than the 38-month estimate for the proposed project. In addition, construction phasing and duration is only an estimate and could exceed the 39-month assumption given current market conditions.

Although not significant, this alternative would reduce aesthetic impacts. It would increase impacts in a variety of environmental categories, including construction air quality, biological impacts, cultural geotechnical, and construction noise. The increased fuel modification zones have the potential to cause a new significant impact. This alternative would be environmentally similar to the proposed project in the area of operational air quality, greenhouse gas emissions, fire hazards, hydrology and water quality, land use, operational noise, recreation, and traffic. While the alternative would meet many of the project objectives, it would not meet the objective of maximizing separation of building areas from significant environmental resources.

1.5.5 No Project, Foreseeable Development Alternative

This alternative is required by CEQA. Pursuant to CEQA Guidelines section 15126.6(e)(2), this alternative describes what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. This alternative assumes the project site will be developed pursuant to the Malibu General Plan, which designates the project site Planned Development (PD) and the City of Malibu Local Coastal Program (LCP). The Malibu Municipal Code Zoning Map and the LCP Land Use Zoning Map designate the project site as PD. The project site is the only property designated PD in the Malibu General Pan and the Malibu LCP. The LCP PD zoning designation "is intended to provide for a mix of residential and recreational development of the Crummer Trust property [proposed project site] located east of Malibu

Bluffs State Park and south of Pacific Coast Highway…. Any planned development in such commercial areas would require an amendment to the Malibu LCP in order to specify the permitted type, density, and intensity of development."

This alternative assumes that the project site would be fully developed based on a site plan previously considered under a development agreement by the City and by the California Coastal Commission at the time of the Malibu LCP was being developed. Therefore, it is a reasonable foreseeable alternative that a subsequent developer may apply for similar development which includes eight homes and recreational facilities. This alternative would consist of eight single-family homes, each on a minimum two-acre lot. The western portion of the project site would be developed with a basketball court, a baseball field, and a 100-space parking lot for the recreational facilities. The length of construction activities would be approximately 44 months, longer than the 38-month estimate for the proposed project. In addition, construction phasing and duration is only an estimate and could exceed the 44-month assumption given current market conditions,

This alternative would not lessen any of the environmental effects of the proposed project. This alternative would increase all impacts compared to the proposed project, with the exception of land use and recreational impacts, which remain equal. This alternative would not lessen any of the environmental effects of the proposed project, and it could potentially lead to new significant traffic impact. During the operational phase, this alternative is forecast to generate 89 more daily trips compared to the proposed project on a weekday and 151 daily trips on a weekend. As a result, air pollutant emissions (criteria and GHG emissions) and traffic generated by this alternative would be greater compared to the proposed project. It would not reduce impacts to noise and would in fact increase operational noise impacts associated with peak weekend noise levels. This alternative would be less compatible with the surrounding neighborhood. This alternative would achieve some of the objectives established for the project, but not to the same extent as the proposed project.

1.6 ISSUES TO BE RESOLVED

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain issues to be resolved including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed project, the major issues to be resolved include decisions by the lead agency as to the following:

1. Whether this DEIR adequately describes the environmental impacts of the project.

2. Whether the benefits of the project override those environmental impacts which cannot be feasibly avoided or mitigated to a level of insignificance.

3. Whether the proposed land use changes are compatible with the character of the existing area.

4. Whether the identified goals, policies, or mitigation measures should be adopted or modified.

5. Whether there are other mitigation measures that should be applied to the project besides the Mitigation Measures identified in the Draft EIR.

6. Whether there are any alternatives to the project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic project objectives.

1.7 AREAS OF CONTROVERSY

Adjacent residents are concerned over the potential of land use and aesthetic incompatibility of the two-story single family homes and recreational uses with the surrounding neighborhood. In particular, residents are concerned over the loss of scenic resources, ocean views, light and glare, landscaping, and building height and mass. Also of concern to the community are traffic, hydrology, water quality, land use compatibility, noise, biological resources, geology and soils, greenhouse gas emissions and air quality, cultural resources, recreation, public access, and duration of construction activities.

1.8 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES, AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Table 1-1 summarizes the conclusions of the environmental analysis contained in this DEIR. Impacts are identified as significant or less than significant, and for all significant impacts mitigation measures are identified. The level of significance after imposition of the mitigation measures is also presented.

1.9 INCORPORATION BY REFERENCE

This document relies upon previously adopted regional and statewide plans and programs in its analysis. The following documents are incorporated by reference into this DEIR.

City of Malibu General Plan: The City of Malibu General Plan is a statement of the goals and programs of the City, and a comprehensive plan setting forth a consistent guide to future development in the City. All development plans, zoning and subdivision ordinances, coastal development permits, and conditional use permits of the City are required to be consistent with the General Plan. The proposed project must comply with the requirements contained in the General Plan.

City of Malibu Local Coastal Program: An LCP is "a local government's land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the California Coastal Act of 1976] at the local level." The LCP has a Land Use Plan (LUP) and a Local Implementation Plan (LIP). The LUP includes goals, objectives, and policies intended to guide future development in the City of Malibu. The LIP contains specific regulations intended to carry out the policies of the LUP. The proposed project must comply with all goals, objectives, policies, and requirements contained in the LUP and the LIP. In cases where the LCP conflicts with the City General Plan or Municipal Code, the LCP takes precedence.

City of Malibu Municipal Code: The City of Malibu Municipal Code contains provisions and requirements that apply throughout the City. Included in the Municipal Code are provisions pertaining to buildings and construction, onsite wastewater treatment systems, subdivisions, public services, traffic, health, and safety, among others. The proposed project must comply with the requirements contained in the City of Malibu Municipal Code.

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.1 AESTHETICS			
Impact 5.1-1: The proposed project would alter scenic resources.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.1-2: The proposed project would alter the visual appearance of the site.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.1-3: The proposed project would not generate substantial light or glare.	Less than significant	No mitigation measures are necessary.	Less than significant
5.2 AIR QUALITY			
Impact 5.2-1: The proposed project is consistent with the applicable Air Quality Management Plan.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.2-2: Construction activities associated with the proposed project would generate short-term emissions in exceedance of SCAQMD's threshold criteria for NOx and would therefore contribute to the ozone (O_3) and particulate matter (PM_{10} and $PM_{2.5}$) nonattainment designations of the SoCAB.	Potentially significant	2-1 The construction contractor shall implement the following measures to reduce construction exhaust emissions during grading and construction activities: ▪ The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions. ▪ The construction contractor shall limit nonessential idling of construction equipment to no more than five consecutive minutes. ▪ Where feasible, use haul trucks with engines that are 2010 or newer for soil import and export activities. ▪ The construction contractor shall limit soil hauling activities associated with the site grading phase to a maximum of 38 trucks per day (76 one-way soil haul trips per day for haul trips). ▪ The construction contractor shall use USEPA-rated Tier 3 construction engines for equipment rated at 50 horsepower or greater for general site grading activities. Tier 3 engines between 90 and 750 horsepower are available for 2006 to 2008 model years. ▪ A list of construction equipment by type and model year shall be maintained by the construction contractor onsite.	Less than significant

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		These requirements shall be noted on all construction management plans and verified by the City of Malibu during site grading activities.	
Impact 5.2-3: Long-term operation of the project would not generate vehicle trips and associated emissions in exceedance of SCAQMD's regional threshold criteria.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.2-4: Construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.2-5: Operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.2-6: Proximity to the Pacific Coast Highway would not expose sensitive receptors to substantial pollutant concentrations.	Less than significant	No mitigation measures are necessary.	Less than significant
5.3 BIOLOGICAL RESOURCES			
Impact 5.3-1: Implementation of the proposed project would result in the loss of special status plant species and an increase in nonnative plants.	Potentially significant	3-1 (a) A focused survey for Braunton's milk-vetch shall occur prior to the issuance of a grading permit. The focused survey shall occur within on-site suitable habitat (i.e., mixed sage scrub and coastal sage chaparral scrub) that may be disturbed as a result of the proposed project implementation, during the typical blooming period (February through July). This survey shall be conducted in accordance with the methodologies used for performing focused plant surveys per the CDFG's 2000 *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Plant Communities (Guidelines),* and the CNPS's 2001 *Botanical Survey Guidelines of the California Native Plant Society*. (b) Certain ornamental plants are known to escape from planted areas and invade into native plant communities. In order to protect established native plant	Less than significant

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		communities located in the vicinity, the plants listed in Table 14 of the Biological Resource Study prepared by Impact Sciences, Inc., in 2008 for the proposed project shall not be planted within the project site. This list shall also be distributed to new homeowners and included within any covenants, conditions, and restrictions. The landscaping plans within common areas of the project shall be reviewed by a qualified botanist who shall recommend appropriate provisions to prevent other invasive plant species from colonizing remaining onsite or adjacent natural areas. These provisions may include the following: (a) review and screening of proposed plant palette and planting plans to identify and avoid the use of invasive species; (b) weed removal during the initial planting of landscaped areas; and (c) monitoring for and removal of weeds and other invasive plant species as part of ongoing landscape maintenance activities. The frequency and method of monitoring for invasive species shall be determined by a qualified botanist. (c) Seeded areas shall be irrigated with temporary overhead irrigation until plants have established as determined by a qualified biologist.	
Impact 5.3-2: Development of the proposed project would not result in the loss of sensitive habitat.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.3-3: The proposed project would not impact jurisdictional waters.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.3-4: The proposed project would not affect wildlife movement.	Less than significant	No mitigation measures are necessary.	Less than significant
Impact 5.3-5: The proposed project would require compliance with the City of Malibu Local Coastal Program and Native Tree Protection Ordinance.	Potentially significant	3-2 The City of Malibu Native Tree Protection Ordinance requires that mitigation and maintenance measures be developed to preserve the six Southern California black walnut trees located on the project site. The Protected Tree Report released in June 2008 by Impact Sciences, Inc., includes suggested mitigation measures. The proposed project shall comply with all mitigation measures contained in the 2008 Protected Tree Report. These measures include the installation of protective fencing around the black walnut trees for the duration of	Less than significant

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures		Level of Significance After Mitigation
			construction and limits on grading activities which can be performed near the protected trees, among others. The mitigation measures included in the Protected Tree Report also require maintenance and monitoring of the trees. The report requires that many of the mitigation measures be approved by a City-approved arborist. After the completion of construction, a monitoring report would be required. Should the monitoring report determine that any protected trees were impacted, counter-measures, including the planting of replacement trees, would be required.	
Impact 5.3-6: The proposed project would not substantially reduce the habitat of a fish or wildlife species, threaten to eliminate a plant or animal community, or cause a fish or wildlife population to drop below self-sustaining levels.	Potentially significant	3-3	(a) To avoid impacts to native nesting birds, the applicant and/or its contractors shall retain a qualified biologist (with selection to be reviewed by the City) to conduct nest surveys in potential nesting habitat within the project site prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code are present in the construction zone or within a distance determined by CDFG or the City of Malibu biologist. Because many birds known to use the project area (including Anna's hummingbird, Cooper's hawk, and loggerhead shrike) nest during the late winter, breeding bird surveys shall be carried out both during the typical nesting/breeding season (mid-March through September) and in January and February. The surveys shall continue on a weekly basis, with the last survey being conducted no more than three days prior to initiation of clearance or construction work. If ground disturbance activities are delayed, additional pre-construction surveys will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. Surveys shall include examination of trees, shrubs, and the ground within grassland for nesting birds, as several bird species known to occur in the area are shrub or ground nesters, including (but not limited to) California horned lark, kill deer, and mourning dove. (b) If active nests are found, clearing and construction activities within a buffer distance determined by CDFG or the City of Malibu biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by	Less than significant

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		the biologist, and there is no evidence of a second attempt at nesting during the same year. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of Malibu within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.	
5.4 CULTURAL RESOURCES			
Impact 5.4-1: Construction activities could disturb previously unidentified archaeological resources.	Potentially significant	4-1 For adequate coverage and the protection of potentially significant buried resources, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738-39) shall be retained by the applicant to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The project archaeologist shall have the authority to halt any activities adversely impacting potentially significant resources. Any significant archaeological resources found shall be preserved as determined necessary by the project archaeologist and offered to the South Central Coastal Information Center at California State University, Fullerton or repository willing to accept the resource. Any resulting reports shall also be forwarded to the South Central Coastal Information Center at California State University, Fullerton. Should paleontological soils be uncovered during grading, a paleontological monitor shall also be retained by the applicant, upon the archaeological monitor's request, to oversee ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant resources. Should fossil-bearing formations be uncovered, the monitor shall professionally collect any specimens without impeding development. Any paleontological artifacts recovered shall be	Less Than Significant

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		preserved, as determined necessary by the project paleontologist, and offered to an accredited and permanent scientific institution for the benefit of current and future generations. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project. 4-2 A Native American Monitor of Chumash descent shall be retained to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. Any artifacts recovered shall be curated at the South Central Coastal Information Center at California State University, Fullerton, the designated repository for Los Angeles, Ventura, and Orange Counties. The extent and duration of the archaeological monitoring program shall be determined in accordance with the proposed grading or demolition plans. If human remains are uncovered, the Los Angeles Coroner, Native American Heritage Commission, local Native American representatives, and archaeological monitor shall determine the nature of further studies, as warranted and in accordance with Public Resources Code 5097.98 and the City's standard conditions of approval. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.	
Impact 5.4-2: Project implementation could disturb previously unidentified fossils.	Potentially significant	Mitigation 4-1 and 4-2 applies.	Less Than Significant
5.5 GEOLOGY AND SOILS			
Impact 5.5-1: Slopes along the southern and eastern boundaries of the project site do not meet the City's requirement for the minimum factor of safety.	Potentially significant	5-1 The proposed project shall be constructed in accordance with the geotechnical engineering recommendations as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site drainage, among other topics.	Less than significant

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		5-2 (a) The planned community's covenants, conditions, and restrictions (CC&Rs) shall include protocols for proper maintenance of the slopes and prompt restoration following heavy precipitation events and/or fires. (b) Excavating and cutting into the slopes or removal of slope failure debris by the tenants or one or more future property owners without prior approval from a geotechnical engineer shall be prohibited by the covenants, conditions and restrictions for the proposed development. This information shall also be recorded against the title of each residential property. The services of such a geotechnical engineer shall become necessary should a slope excavation be a desired, planned activity proposed by one or more property owners, or in response to unforeseen slope failure, such as sloughing in the aftermath of heavy rain.	
Impact 5.5-2: Project development could result in substantial soil erosion or the loss of topsoil.	Potentially significant	Mitigation Measures 5-1 and 5-2 apply.	Less than significant
Impact 5.5-3: The proposed project would place structures on potentially unstable soils.	Potentially significant	Mitigation Measures 5-1 and 5-2 apply.	Less than significant
Impact 5.5-4: Site conditions are inadequate to support the onsite wastewater treatment system.	Potentially significant	5-4 (a) The proposed onsite wastewater treatment system shall be installed in accordance with the geotechnical engineering recommendations as presented in the Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site", 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site drainage, among other topics. (b) The Applicant shall obtain final construction plan approval for the proposed onsite wastewater treatment systems from the City Environmental Health Administrator. The final design must be engineered to meet the effluent limits specified in waste discharge requirements, and requirements of the Regional Water Quality Control Board and the United States Environmental Protection Agency.	Less than significant

Table 1-1
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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		(c) The proposed onsite wastewater treatment system shall not be installed within the structural setback zone as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California.	
5.6 GREENHOUSE GAS EMISSIONS			
Impact 5.6-1: The proposed project would result in a nominal increase in Greenhouse Gas emissions and would not exceed the proposed South Coast Air Quality Management District screening threshold.	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.6-2: The proposed project would not conflict with plans adopted for the purpose of reducing greenhouse gas emissions.	Less than significant	No mitigation measures are necessary.	Less than significant.
5.7 HAZARDS AND HAZARDOUS MATERIALS			
Impact 5.7-1: The project site is within a designated fire hazard zone (VHFHSZ) and could expose structures and/or residences to fire danger.	Potentially significant	7-1 In addition to compliance with existing requirements and standards of the Los Angeles County Fire Department (LACFD), the proposed project must comply with all requirements detailed in letters dated March 16, 2012, from the LACFD, included in Appendix L of the Draft EIR. Where the two letters differ, the more conservative approach shall be taken. The letters include the following requirements, among others: ▪ For Lot 1 and 5 the circular turnaround shall remain clear and unobstructed. No plantings, fountains, or other features shall be allowed; ▪ For Lot 2 the circular turnaround drive aisle shall be maintained at a minimum 20 feet in width with 32 feet on centerline turning radius. If landscaping or other features are to be located in the center, they must not encroach into the drive aisle. ▪ Provide evidence from a certified civil engineer that the "bridge" feature on Lot 5 shall support the minimum weight capacity of 75,000 pounds to accommodate fire apparatus. Once the "bridge" is installed, provide recertification prior to occupancy from a certified civil engineer that the	Less than significant.

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		"bridge" will support a minimum of 75,000 pounds. The width of 15 feet shall be maintained clear and unobstructed for the "bridge" portion of the fire department access. ▪ Emergency access for firefighter pedestrian use shall be extended to all exterior walls of all proposed structures within the subdivision. Additional walking access shall be reviewed and approved by Fire Prevention Engineering prior to building permit issuance. ▪ Department access shall be extended to within 150 feet distance of any exterior portion of all structures. ▪ Access shall comply with Section 503 of the Fire Code, which requires all-weather access. All-weather access may require paving. ▪ Where driveways extend farther than 150 feet and are of single-access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed, and maintained to ensure their integrity for fire department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length. ▪ Private driveways shall be indicated on the final map as "Private Driveway and Fire Lane," with the widths clearly depicted, and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested, and accepted prior to construction. ▪ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction. ▪ Prior to occupancy, provide street signs and building access numbers as approved by the Fire Department or City. ▪ Provide water mains, fire hydrants, and fire flows as required by the County of Los Angeles Fire Department for all land shown on map which shall be recorded. ▪ The required fire flow for public fire hydrants at this location is 1,375 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.	

Table 1-1
Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		▪ Three private fire hydrants shall be installed onsite. The required fire flow for private onsite hydrants is 1,375 gallons per minute at 20 psi. ▪ The required fire hydrants shall be installed, tested, and accepted or bonded for prior to Final Map approval. ▪ Vehicular access must be provided and maintained serviceable throughout construction; ▪ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process. ▪ Per the County of Los Angeles Water Works 29, the Fire Flow Availability form dated March 30, 2012, indicates adequate flow from the existing public fire hydrant on Winter Mesa Drive. All required fire hydrants shall measure 6 inches x 4 inches x 2-1/2 inches, brass or bronze, conforming to current AWWA standard C503 or approved equal and meet the required fire flow requirements (1,375 gallons per minute at 20 psi). 7-2 The proposed project shall comply with all recommendations contained in the fire protection plan and in the fuel modification plan prepared for the proposed project. Compliance with the fire protection plan and fuel modification plan would reduce the vulnerability of the proposed structures and the project site to wildland fires. The recommendations would minimize the likelihood of ember (firebrand) penetration or direct flame impingement, ensure that fire sprinklers and fire alarms are installed in the proposed residences, that the infrastructure of the site and surrounding area allow emergency personnel and vehicles to access the proposed project, and that the project site is landscaped in such a way that the proposed residences are not immediately adjacent to significant amounts of vegetation that could fuel wildfires. 7-3 The covenants, conditions, and restrictions for the proposed residences shall require the regular maintenance of the vegetation on the project site to ensure compliance with the fuel modification plan. 7-4 The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities that are required by residential development in an amount proportional to the demand created by this project. Currently, the developer fee is a set amount per square foot of building space, adjusted	

Table 1-1
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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		annually, and is due and payable at the time a building permit is issued. In the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures may be required.	
5.8 HYDROLOGY AND WATER QUALITY			
Impact 5.8-1: The proposed project would not violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise degrade water quality.	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.8-2: Development of the proposed project would alter the existing drainage pattern of the site and result in erosion or siltation and flooding.	Potentially significant	8-1 The project shall include the construction and proper maintenance of onsite stormwater detention tanks underneath each residential lot and the private street to mitigate potential flooding and erosion impacts to downstream areas. The detention tanks shall be sized according to the City of Malibu's required detention volume for new residential development. In addition, the project shall comply with all site-design, source-control, and treatment-control best management practices outlined in the project's stormwater management plan, including design to reduce potential flooding and to reduce the potential for erosion and siltation.	Less than significant.
Impact 5.8-3: The site would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.	Less than significant	No mitigation measures are necessary.	Less than significant.
5.9 LAND USE AND PLANNING			
Impact 5.9-1: Project Implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.	Less than significant	No mitigation measures are necessary.	Less than significant.

Table 1-1
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5.10 NOISE			
Impact 5.10-1: The proposed project would not result in a substantial permanent increase to the ambient noise environment.	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.10-2: The proposed project would not result in significant exterior noise impacts that would exceed the land use compatibility criteria (for either exterior or interior noise).	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.10-3: Neither construction nor operation of the proposed project would result in significant vibration impacts.	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.10-4: Construction of the proposed project would not result in substantial short-term noise increases at noise-sensitive receptors.	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.10-5: The proposed project would not cause people residing or working in the area to be exposed to excessive noise levels from public airports or private airstrips	Less than significant	No mitigation measures are necessary.	Less than significant.

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5.11 TRANSPORTATION/TRAFFIC			
Impact 5.11-1: The proposed project with baseball field option would result in a substantial, cumulatively considerable, increase in traffic in Opening Year 2017 and Future Year 2030.	Potentially significant	11-1 Prior to the recordation of the final map, the Project Applicant(s) shall construct the following improvements at the intersection of Malibu Canyon Road/PCH: ▪ Re-stripe the existing southbound through plus left-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) to a through plus left- and right-turn lane. ▪ Either modify the existing traffic signal to remove the right-turn overlap phase to a standard right-turn-on-red (RTOR) permissive phase resulting in LOS E at 0.928 V/C OR; ▪ Keep right turn overlap phase for existing #2 (outside) dedicated right-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) resulting in LOS E at 0.902 V/C.	Less than significant. However, since the intersection of PCH and Malibu Canyon Road/Winter Mesa Road is operated and maintained by Caltrans, if Mitigation Measure 11-1 is not implemented, the impact will remain Significant and Unavoidable.
Impact 5.11-3: The proposed project would not result in any traffic hazards.	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.11-2: The proposed project would not exceed a level of service standard established by the county congestion management agency.	Less than significant	No mitigation measures are necessary.	Less than significant.
Impact 5.11-4: The proposed recreational use would increase the need for parking, which, in combination with special events at Malibu Bluffs Park, or times of peak park use, could result in inadequate parking at the site.	Potentially significant	11-2 Prior to obtaining the last Building Permit for the recreational facilities, the City Parks and Recreation Department shall prepare and implement a Parking Management Plan that demonstrates that adequate onsite and/or offsite parking shall be provided during special events and/or other times when it is anticipated that Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. The Parking Management Plan shall preclude the use of the proposed baseball field when Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. In addition, the Parking Management Plan will require the City Parks and Recreation Department to schedule baseball games with at least a half-hour to 45 minute interval between games so that the parking demand of two consecutive games would not overlap. To accommodate this longer interval between games, less than	Less than significant.

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		10 games per day would be permitted	
5.12 RECREATION			
Impact 5.12-1: The proposed project would generate 14 additional residents that would increase the use of existing park and recreational facilities.	Less than significant.	No mitigation measures are necessary.	Less than significant.
Impact 5.12-2: Project implementation would result in environmental impacts to provide new and/or expanded recreational facilities.	Less than significant.	No mitigation measures are necessary.	Less than significant.