

2. Introduction

2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The California Environmental Quality Act (CEQA) requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority prior to taking action on those projects. This Draft Environmental Impact Report (EIR) has been prepared to satisfy CEQA, as set forth in the Public Resources Code Section 21000, et seq., and the CEQA Guidelines, 14 California Code of Regulations, Section 15000, et seq. The Draft EIR is the public document designed to provide decision-makers and the public with an analysis of the environmental effects of the proposed project, including effects that may be significant and adverse, and to evaluate and identify possible mitigation measures and alternatives to the project to reduce or avoid environmental damage. The EIR must also disclose significant environmental impacts that cannot be avoided, growth-inducing impacts, effects found not to be significant, and significant cumulative impacts of all past, present, and reasonably foreseeable future projects.

Pursuant to CEQA Section 21067, the Lead Agency means “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” The City of Malibu has the principal responsibility for approval of the Crummer Site Subdivision project (proposed project). For this reason, the City of Malibu is the CEQA Lead Agency for this project.

The overall purpose of this EIR is to inform the lead agency, responsible agencies, decision makers and the general public of the environmental effects of the development and operation of the proposed project. It is intended to provide sufficient information on the potential environmental impacts of the proposed project to allow the City of Malibu to make an informed decision regarding approval of the project. Specific discretionary actions to be reviewed by the City are described later in Section 3.2, *Intended Uses of the EIR*.

2.2 NOTICE OF PREPARATION AND INITIAL STUDY

The City of Malibu issued a Notice of Preparation (NOP) and Initial Study on September 19, 2008 (see Appendix A). Comments received during the public review period, which extended from September 19, 2008, to October 31, 2008, are contained in Appendix B. A draft EIR was never completed for the project. In view of the length of time that had elapse since the end of the public comment period for the prior NOP, and changes in laws and the project description since that date, the City of Malibu, as lead agency, determined that an updated Initial Study be recirculated. The 2012 Initial Study was circulated between May 10, 2012 and June 11, 2012 (See Appendix C). The public comments received are contained in Appendix D)

The NOP process is used to help determine the scope of the environmental categories to be addressed in the EIR. Based on this process and the 2012 Initial Study for the project, certain environmental categories were identified as having the potential to result in significant impacts. Issues considered potentially significant are addressed in this EIR. Refer to Sections 5.1 through 5.12 of this EIR and the 2012 Initial Study in Appendix C for discussion of how these initial determinations were made.



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2.3 SCOPE OF THIS DRAFT EIR

Based upon the 2012 Initial Study and environmental checklist form, the City of Malibu staff determined that an EIR should be prepared for the proposed project. The scope of the EIR was determined based upon the City's Initial Studies, comments received in response to the NOP review periods, and comments received at the scoping meetings conducted by the City on October 2, 2008 and June 7, 2012. Pursuant to Sections 15126.2 and 15126.4 of the CEQA Guidelines, the EIR should identify any potentially significant adverse impacts and recommend mitigation that would reduce or eliminate these impacts to a less than significant level.

The information contained in Chapter 3, *Project Description*, establishes the basis for the analysis of project-related environmental impacts contained in Chapter 5, *Environmental Analysis*.

2.3.1 Less Than Significant Impact

The 2012 Initial Study and subsequent scoping meeting identified nine environmental impact categories as not being significantly impacted by or impacting the proposed Crummer Site Subdivision project. The rationale for these determinations can be found in Chapter 5.0, *Environmental Analysis*, Chapter 8.0, *Impacts Found Not to Be Significant*, of this EIR, and Appendix A, *Notice of Preparation and Initial Study*. Therefore, the following environmental categories are not addressed in the Draft EIR:

- Agricultural Resources
- Hazards and Hazardous Materials
- Mineral Resources
- Population and Housing
- Public Services
- Utilities and Service Systems

Although some alterations were made to the proposed project after the release of the 2012 Initial Study and NOP, these alterations do not affect the conclusions of the 2012 Initial Study, as discussed in Chapter 5.0, *Environmental Analysis*.

2.3.2 Potentially Significant Adverse Impacts

The 2012 Initial Study and subsequent scoping meeting identified seven environmental categories as having potentially significant impacts if the proposed project is implemented. These environmental categories are listed here and discussed in detail in Sections 5.1 through 5.12 of this Draft EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials (Fire)
- Hydrology and Water Quality

- Land Use
- Noise
- Recreation
- Transportation and Traffic

2.3.3 Unavoidable Significant Adverse Impacts

This Draft EIR identifies one significant and unavoidable adverse impact, as defined by CEQA that would result from implementation of the proposed project. Unavoidable adverse impacts may be considered significant on a project-specific basis, cumulatively significant, and/or potentially significant. If the City of Malibu, as the Lead Agency, determines that unavoidable significant adverse impacts will result from the project, the City of Malibu must prepare a “Statement of Overriding Considerations” before it can approve the project. A Statement of Overriding Considerations states that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and has determined that the benefits of the project outweigh the adverse effects and, therefore, the adverse effects are considered to be acceptable. One impact was found in the Draft EIR to be significant and unavoidable.

- Transportation/Traffic, but only if the mitigation measures under Caltrans jurisdiction are not implemented, as described in this Draft EIR

2.4 FINAL EIR CERTIFICATION

This Draft EIR is being circulated for public review for a period of 45 days. Interested agencies and members of the public are invited to provide written comments on the Draft EIR to the City of Malibu address shown on the title page of this document. Upon completion of the 45-day review period, the City of Malibu will review all written comments received and prepare written responses for each comment. A Final EIR (FEIR) will then be prepared incorporating all of the comments received, responses to the comments and any changes to the Draft EIR that result from the comments received. This FEIR will then be presented to the City of Malibu for potential certification as the environmental document for the project. All persons who commented on the Draft EIR will be notified of the availability of the FEIR and the date of the public hearing before the City.

The Draft EIR is available to the general public for review at the following locations:

- City of Malibu Planning Department, City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265
- The Malibu Library, 23519 West Civic Center Way, Malibu, CA 90265

2.5 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that agencies adopt a monitoring or reporting program for any project for which it has made findings pursuant to Public Resources Code 21081 or adopted a Negative Declaration pursuant to 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration.

The Mitigation Monitoring and Reporting Program for the Crummer Site Subdivision will be completed as part of the Final EIR and prior to consideration of the project by the Planning Commission and City Council.



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