

4. *Environmental Setting*

4.1 INTRODUCTION

The purpose of this section is to provide, pursuant to provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a “description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, from both a local and a regional perspective.” The environmental setting will provide a set of baseline physical conditions that will serve as a tool from which the lead agency will determine the significance of environmental impacts resulting from the proposed project.

4.2 ENVIRONMENTAL SETTING

4.2.1 Regional Characteristics

The proposed project site is located in the western portion of Los Angeles County in the City of Malibu (see previous Figure 3-1, *Regional Location*). Malibu is on the coastal slopes of the Santa Monica Mountains and is bounded by the Pacific Ocean to the south, unincorporated Los Angeles County to the north and east (Topanga Canyon), and by the Santa Monica Mountains National Recreation Area to the north and west. The City is afforded visually impressive views of the Santa Monica Bay and Santa Monica Mountains, which are characterized by an east–west trending geologic grain. The natural setting of the City includes a combination of coastal and foothill areas of the south side of the Santa Monica Mountain range.

The scenic qualities of the Malibu coastal zone contribute to the desirability and overall appeal of the City of Malibu as a place to live and visit. Views available from Pacific Coast Highway (PCH) and other scenic roads range from views of tide pools, bluffs, and beaches to inland views of creeks, canyons, hills, mountains, and ridges covered with native vegetation. The narrow coastal terraces and lowlands of the City, backed by the steeply ascending slopes of the Santa Monica Mountains, create a highly visible tiered array of private and public properties.

The climate in the vicinity of the project site is typified by warm, dry summers and wetter winters. According to measurements at the Topanga Ranger Station, approximately seven miles northeast of the site, precipitation mostly occurs between November and March. Average annual rainfall between 1968 and 2012 was 16.1 inches at the Los Angeles County Rainfall Station 1239 at Big Rock Mesa (Fugro 2012). Malibu is at risk of severe fires due to highly flammable brushlands and variable weather conditions. The entire City is designated a Very High Fire Hazard Severity Zone, and the City has experienced major brush fires in the past 30 years. The most recent fires include those that started on January 8, 2007, in the vicinity of Malibu Bluffs Park; the Malibu Canyon Fire on October 21, 2007; and the Corral Canyon Fire of November 24, 2007. The Canyon Fire reached the proposed project site and severely burned the northern, eastern, southern, and southwestern perimeters of the project site.

The project site lies in the northern portion of the Santa Monica Bay watershed. Surface waters are carried by a variety of streams, the closest of which are Winter Canyon and Malibu creeks to the east, and Marie Canyon and Puerco Canyon Creeks to the west. The Winter Mesa drainage channel runs from north to south, approximately 300 feet east of the project site. The surface waters flow north to south into the Pacific Ocean. Two large ephemeral drainages drain from northwest to southeast, down the slope toward Amarillo Beach.



4. Environmental Setting

4.2.2 Site Characteristics

The proposed residential and recreational uses would be developed on a 24-acre parcel known as the Crummer Trust Parcel (project site). The project site is surrounded by residential, recreational, and open space areas, as follow:

- Immediately south of the project site, approximately 150 feet south at a significantly lower elevation is Malibu Road, and single-family residences. Due to the steep slope and existing structures, no direct access to the project site is provided from Malibu Road. On the south side of Malibu Road are numerous beachfront single-family residences. Amarillo Beach and the Pacific Ocean are approximately 300 feet south of portions of the project site. There is no direct access between the project site and the Pacific Ocean.
- North of the project site is PCH; although PCH is usually considered a north–south road, in the City of Malibu it runs east–west. Farther north is an undeveloped private property (APN 4458-028-019). This property north of PCH is zoned and designated Commercial Visitor Serving 2 (CV-2) by the LCP and is proposed for a resort hotel (Rancho Malibu Hotel). Northwest of the project site is the campus of Pepperdine University.
- East of the site is a parcel containing a former towing yard and several structures, including a residence and a vacant building formerly used as an animal hospital. An EIR for the subdivision and redevelopment of this adjacent parcel with four single-family residences has been certified and coastal development permits have been approved. Approximately 400 feet east of the project site, the Winter Mesa drainage channel runs from north to south. A large shopping center is approximately 800 feet east of the project site, at the southwest corner of PCH and Webb Way.
- Immediately west of the project site is the City-owned portion of Malibu Bluffs Park, consisting of two baseball fields, a multipurpose field, the Michael Landon Center, picnic benches, viewing areas and an 81-space parking lot.. Farther west and southwest are State owned parkland. West of the State owned parkland are bluff-top single-family residences.

The project site consists of a flat or gently sloping bluff with steep downward bluffs to the south and east, and a narrower cut slope to the north. The northern slope is a cut slope associated with construction of PCH and is roughly 2:1 (horizontal:vertical) and is up to approximately 60 feet tall and runs along almost the entire northern property line of the project site. The eastern slope generally has a gradient of 1:1 or shallower and is up to approximately 120 feet tall; however, portions of the slope are steeper due to historical grading activities. The southern slope is a maximum of approximately 120 feet tall and as steep as 0.7:1. Site elevations on the project site vary from approximately 80 to 206 feet above mean sea level (msl) within the property boundaries. The project site affords vista views of the ocean and beaches to the south, east and west and the Santa Monica Mountains to the north.

Two large ephemeral drainages drain from northwest to southeast, down the slope toward Amarillo Beach. One of the drainages enters the project site from the southwest corner, and one enters the project site from the center of the southern site boundary.

The flat portions of the project site are graded and disturbed. Disking has been performed annually on these portions of the project site to prevent overgrowth to comply with the requirements of the Los Angeles County Fire Department. No native growth exists on the flat portions of the site. Vegetation occurs on the southern and eastern slopes of the project site, including the two ephemeral drainages.

The proposed project would also include offsite improvements, which entail the installation of new water lines to extend water service to the site. These new water lines would be installed beneath Malibu Canyon Road, between the project site and Malibu Knolls Road.

4.2.3 History of the Project Site and Surrounding Area

A review of historical aerial photographs of the project site, dating back to 1928, revealed that no permanent structures have existed on the project site in the past. However, a baseball field was created on the project site sometime after 1989. This baseball field appears in an aerial photograph taken in 1994. It was removed prior to 2002.

Roy E. Crummer purchased the project site in the 1950s. After his death in the mid 1980s, Mr. Crummer left his holdings to the Crummer Realty Management Trust (Crummer Trust). The Crummer Trust initially planned to develop the project site as a hotel and a research facility for General Motors. After incorporation of the City in 1991, the project site was designated as RR-2. The Crummer Trust focused on building eight homes on the property and donating a portion of the property to the City to be used for athletic fields and parking. Site plans reflecting these alternatives were prepared, and negotiations between the Crummer Trust and the City ensued on a development agreement reflecting this proposed development (the Development Agreement). On September 13, 2002, prior to the finalization of the Development Agreement, the California Coastal Commission (CCC) adopted a Local Coastal Program (LCP) for the City of Malibu.

The adjacent Malibu Bluffs Park has housed baseball fields since the early 1980s, when baseball fields at Malibu Lagoon Park were removed and relocated to their current location in Malibu Bluffs Park. At the time, Bluffs Park was owned by the State and the fields were intended to be an interim use. The terms of the draft Development Agreement provided that the fields were expected to be relocated to the Crummer site and up to eight houses may be built on the project site. In 2002, when the CCC was drafting the City's LCP, the City of Malibu, Crummer Trust and Department of State Parks were negotiating the transfer of the baseball fields to the Crummer site. As a result, the CCC adopted a policy that reflected its knowledge of the then-ongoing negotiations. LUP Policy 2.78 states:

If an agreement is reached by the State Department of Parks and Recreation to relocate the existing athletic fields at Malibu Bluffs State Park out of the prime view shed of the park onto the 24.9 acre Crummer Family Trust parcel which is adjacent to the State Park on the east and south of Pacific Coast Highway up to 8 residential units shall be permitted on the remainder of the (Crummer Trust) site. Said agreement shall cause the redesignation of the subject site to Residential in the LCP. Said agreement shall not exempt the residential development from compliance with all other provisions of the LCP. If no agreement is reached to relocate the existing athletic fields the permitted use on the Crummer Trust parcel shall remain CV-2 (Commercial Visitor Serving).

LUP Policy 2.78 policy stated that the Crummer Trust site is to remain CV-2 if the athletic fields were not relocated from Bluffs Park to the project site. On September 13, 2002 the CCC also adopted the LCP's Local Implementation Program (LIP) which designated the project site as Planned Development (PD) on all the LIP Land Use and Zoning Maps, as well as in the definitions of PD found in LUP 5.C.2 – New Development, Land Use Policies, Land Use Designations and in LIP 3.3(Q)(1) - Zoning Designations and Permitted Uses. The PD designation was created to allow for a mix of residential and recreational uses contemplated in the Crummer Development Agreement, i.e., up to eight single-family residences on the property together with the relocation of the two athletic fields. Therefore, the LCP as adopted on September 13, 2002 contained an internal inconsistency with respect to the zoning designation of the project site. In January 2005, the Malibu City Council authorized a transaction in which the City of Malibu, California State Parks, and the Santa Monica Mountains Conservancy (SMMC) would work cooperatively on the acquisition of



4. Environmental Setting

Malibu Bluffs Park from the state. In accordance with the January 2005 authorization, State Parks transferred the entire 93 acres of Malibu Bluffs Park to the SMMC. In 2006 the City acquired 10 acres from the SMMC and now owns the Michael Landon Center, the maintenance facility, the roads, the walkways, the picnic area/whale watching platform, and the two ball fields. The remaining 83 acres were retained by the SMMC and parking would be shared between the City and SMMC.

4.3 PLANNING CONSIDERATIONS

The Southern California Association of Governments (SCAG) is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. SCAG is a regional planning agency and serves as a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. Policies and programs adopted by SCAG to achieve regional objectives are expressed in its Regional Comprehensive Plan and Guide (RCPG). Some of these policies are advisory in nature. SCAG also serves as the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. However, the proposed project is not a project of region-wide significance pursuant to SCAG Intergovernmental Review criteria (SCAG 1995) and CEQA Guidelines (Section 15206). The project is not a residential development of more than 500 units, and therefore this EIR need not address the project's consistency with the RCPG.

The proposed project is immediately west of the Malibu Civic Center area. The proposed project is subject to the City of Malibu General Plan, Malibu Municipal Code, and Malibu LCP. Pursuant to Section 1.3.1 of the LCP Local Implementation Plan, if there is a conflict between the LCP and the General Plan or any other City-adopted plan, resolution, or ordinance not included in the LCP, the LCP takes precedence.

The LCP zoning and land use maps designate the project site as PD. The PD designation is specific to the project site. The LUP, as amended November 18, 2008, states that "The PD designation provides for a mix of residential and recreational development on the Crummer Trust property located east of Malibu Bluffs State Park and south of Pacific Coast Highway." The General Plan land use designation, as amended July 13, 2009, and zoning designation, as amended July 27, 2009, for the site are also PD.

On December 8, 2008, the City Malibu Council approved LCPA No. 08-006 with the limited purpose of rectifying the inconsistency of Policy 2.78 and the LCP Land Use Map by removing LUP section 2.78 (and other references to the policy) on the basis that after the City purchased the portion of Bluffs Park containing the athletic fields in 2005, Policy 2.78 was obsolete. The amendment was only intended to correct the inconsistency created between the policy and the zoning designation and did not include any development or development standards which were to be contained in a Planned Development Ordinance. On February 11, 2010, the CCC held a public hearing on the 2008 LCPA, which was approved with suggested modifications. On April 16, 2010, at a revised findings hearing, the CCC certified the 2008 LCPA with suggested modifications, which included development standards that did not have the benefit of City's prior review. No formal action was taken by the City to adopt the 2008 LCPA with the CCC's suggested modifications and as a result the 2008 LCPA expired. A new LCPA (LCPA 12-001) for the proposed project was submitted to correct the inconsistency of Policy 2.78 and the LCP Land Use Map, including corollary changes to the LCP and to incorporate development standards contained in the PD Ordinance and the 2012 LCPA is one of the approvals sought for the proposed project.

Procedurally, a LCPA must be vetted and approved by City of Malibu's Planning Commission and then approved by the Malibu City Council prior to being forwarded to CCC for certification. Pursuant to the California Code of

Regulations (CCR) the CCC has a 90-day statutory time limit to take action on the LCPA unless the CCC extends the time limitation for a period not to exceed one year pursuant Coastal Act Section 30517 and CCR Section 13535(c) to review the proposed amendment. At that time, the CCC may certify the amendment as being consistent with the policies of Chapter 3 of the Coastal Act or suggest modifications to the amendment. In the event the CCC proposes suggested modifications to the LCPA, the Malibu City Council has six months to take formal action, whether to accept the suggested CCC modifications, or request an extension of the time period to accept the modifications for a period up to one year. Changes to the Malibu LCP and the corollary zoning text amendment to the MMC do not take effect until the CCC certifies the amendment. In the event the CCC proposes suggested modifications to an LCPA and these modifications are not accepted by the City within the statutory six-month period (or one year if extended) then the LCPA expires and is of no force or effect. After the expiration of this six-month period the City can re-submit an LCPA addressing the same issues, with proposed modifications to the suggested modifications approved by the CCC to the prior LCPA.

4.4 ASSUMPTIONS REGARDING CUMULATIVE IMPACTS

Section 15130 of the CEQA Guidelines states that “an EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable...”. It further states that this discussion shall reflect the level and severity of the impact and the likelihood of occurrence, but not with as great a level of detail as necessary for the project alone. Section 15355 of the CEQA Guidelines defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Cumulative impacts represent the change caused by the incremental impact of a project when added to other proposed or committed projects in the vicinity. Cumulative impacts are discussed for each identified environmental category in Chapter 5, *Environmental Analysis*.

The CEQA Guidelines (Section 15130 (b)(1)) state that the information utilized in an analysis of cumulative impacts should come from one of two sources:

- A. A list of past, present, and probable future projects producing related cumulative impacts, including, if necessary, those projects outside the control of the agency; or
- B. A summary of projections contained in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions.

The cumulative impact analyses in this Draft EIR use both sources. Commonly, a general plan projections approach is accepted practice. However, due to the number of projects currently being developed or under review in the City, the general plan projections have been augmented by the current list of projects identified in Table 4-1, which was last updated in August 2012. The Initial Study and Notice of Preparation were reissued in 2012 and establish the project’s baseline. A map of the locations of projects listed in Table 4-1 is provided in Figure 4-1, *Cumulative Projects*. This list of projects serves to augment growth projections, both of which are used for the cumulative analyses provided in the individual sections of Chapter 5, *Environmental Analysis*.



4. Environmental Setting

Table 4-1
Cumulative Projects List

No.	Project	Land Uses
1	5905 and 5909 Latigo Canyon Road	Single-Family Detached Housing (2 DUs)
2	AZ Winter Mesa Towing Site	Single-Family Detached Housing (4 DUs)
3	Rancho Malibu Hotel	Hotel (146-room)
4	La Paz Shopping Center	Shopping Center (77.110 TSF); General Office (34.948 TSF); Municipal Use (20.000 TSF)
5	Whole Foods Shopping Center	Grocery Store (24,459 TSF)
6	Santa Monica College	Junior/Community College (200 Students)
7	Malibu Sycamore Village	Shopping Center (30.000 TSF); General Office (30.000 TSF)
8	Pierview Restaurant	Quality Restaurant (7.100 TSF)
9	Windsail Restaurant	Quality Restaurant (5.904 TSF)
10	Hajian Office	General Office (9.685 TSF)
11	22959 PCH Office	Shopping Center (4.517 TSF); General Office (2.630 TSF)
12	22729 PCH Office	General Office (2.499 TSF)
13	Carbon Condominiums	Residential Condominium/Townhouse (8 DUs)
14	22301, 22303, 22305 and 22309 PCH	Single-Family Detached Housing (4 DUs)
15	21997 and 22003 PCH	Single-Family Detached Housing (2 DUs)
16	20624 and 20630 PCH	Single-Family Detached Housing (2 DUs)

Source: City of Malibu Planning Department 2012.

¹ DU = Dwelling Units

² TSF = Thousand Square Feet

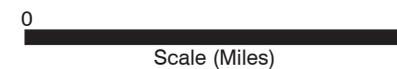
4. Environmental Setting

Map of Cumulative Projects



Source: Arch Beach Consulting 2012

Crummer Site Subdivision Draft EIR



4. Environmental Setting

This page intentionally left blank.