

5.9 LAND USE AND PLANNING

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential impacts to land use in the City of Malibu from implementation of the proposed Crummer Site Subdivision.

Land use impacts can be either direct or indirect. Direct impacts result in land use incompatibilities, division of neighborhoods or communities, or interference with other land use plans, including habitat or wildlife conservation plans. This section focuses on direct land use impacts. Indirect impacts are secondary effects resulting from land use policy implementation, such as an increase in demand for public utilities or services or increased traffic on roadways. Indirect impacts are addressed in other sections of this DEIR.

5.9.1 Environmental Setting

Existing Land Use

The 23.87-acre project site is vacant. The site is on the southeast corner of Malibu Canyon Road and PCH, City of Malibu.

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.

Surrounding Land Use

The parcel immediately east of the project site contains a former towing yard and several structures, including a former residence and a vacant building formerly used as an animal hospital. An EIR was prepared by the City of Malibu to evaluate the subdivision and redevelopment of this adjacent parcel with four single-family residences (Towing EIR). The Towing EIR was certified, and coastal development permits for the subdivision and the four single-family residences were approved by the City of Malibu Planning Commission on August 4, 2009. The



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Winter Mesa drainage channel runs from north to south approximately 400 feet to the east, and a large shopping center is approximately 800 feet east at the southwest corner of PCH and Webb Way. The parcel immediately west of the project site is Malibu Bluffs Park, a community park consisting of two baseball fields, a soccer/multipurpose field, a playground, jogging paths, picnic tables, a parking lot with 81 spaces with an additional 40 parallel parking spaces along Winter Mesa Drive, and the Michael Landon Community Center. State park land surrounds Malibu Bluffs Park to the south and west. To the north of the project site are vacant parcels, one of which is a 27.8-acre parcel that is currently under review to be developed with a resort hotel (Rancho Malibu Hotel). Pepperdine University is northwest of the project site across PCH. To the south of the project site are single-family residences and Malibu Road. The Pacific Ocean is approximately 300 feet south of portions of the project site. Surrounding land uses can be seen in Figure 3-5, *Surrounding Land Uses*.

City of Malibu General Plan Land Use Designations

The City of Malibu General Plan Land Use Policy Map designates the Project Site as Planned Development (PD). The project site is the only property designated PD in the Malibu General Plan 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.”

General Plan Land Use Element

The Land Use Element of the City of Malibu General Plan serves as the principal instrument of land use regulation for all properties and proposed development within the City of Malibu. The Final General Plan was adopted November 20, 1995. The City of Malibu General Plan was amended on July 13, 2009, to designate the project site as PD.

City of Malibu General Plan Land Use Goals, Objectives, and Policies

The City of Malibu General Plan Land Use Element identifies six goals, as follows:

- LU Goal 1: The natural and environmental resources of Malibu are protected and enhanced.
- LU Goal 2: Manage growth to preserve a rural community character.
- LU Goal 3: Recreational opportunities consistent with the protection of the natural resources and residential character of Malibu.
- LU Goal 4: Commercial uses and structures in harmony with the rural residential character and natural environment of the community.
- LU Goal 5: Protect agriculture which requires or is enhanced by Malibu’s unique climate.
- LU Goal 6: Private property rights protected.

Existing Land Use Designation

The Malibu Municipal Code Zoning Map and the LCP Land Use Zoning Map designate the project site as PD.

5.9.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- LU-1 Physically divide an established community.
- LU-2 Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- LU-3 Conflict with any applicable habitat conservation plan or natural community conservation plan.

The 2012 Initial Study, included as Appendix C, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold LU-1
- Threshold LU-3

These impacts will not be addressed in the following analysis.

5.9.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the 2012 Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.9-1: Project implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

Impact Analysis:

The proposed project is for the development of five single-family homes and the dedication of land (Lot 7) to the City of Malibu to expand Malibu Bluffs Park by 1.74 acres to the east and northeast. Bluffs Park currently has two baseball fields and an 81-space parking lot. 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. In addition, a portion of Lot 7 may be developed with a parking lot for Bluffs Park open to the general public, a City-owned maintenance structure, and passive recreational uses such as public sitting areas and picnic tables. The new parking lot could contain up to 94 parking spaces.

At the time the LCP was adopted on September 12, 2002, Bluffs Park was owned by the state. In 2002, when the City’s LCP was prepared, the City of Malibu and the Department of State Parks were negotiating the transfer baseball fields from Bluffs Park to the Crummer site. As a result, the CCC adopted a LUP policy that reflected its knowledge of the then-ongoing negotiations. Due to the ongoing negotiations, LUP Policy 2.78 policy stated that the Crummer Trust site is designated CV-2. LUP Policy 2.78 states:



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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).

The CCC designated the property 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 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.”

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 the land from the state. In accordance with the January 2005 authorization, State Parks transferred the entire 93 acres of Malibu Bluffs to the SMMC. In 2006, the City purchased 10 acres from the SMMC and now owns the Michael Landon Center, the maintenance structure, the roads, the walkways, the picnic area/whale watching platform, two ball fields and shares parking with SMMC. The remaining 83 acres were retained by the SMMC. Since it is not the City’s intent to relocate the existing athletic fields from Bluffs Park, LUP Policy 2.78 is now obsolete. Therefore, a Local Coastal Program Amendment (LCPA) No. 12-001 and corollary zoning text amendment (ZTA No. 12-001) are being requested to correct the inconsistency created between the policy and the zoning designation and to language that specifies the type, density, and intensity of development permitted in the PD zoning designation. The proposed LCPA and ZTA are included in Appendix O of this DEIR and will be forwarded to the CCC for certification.

The residential and recreational land uses proposed by this project are consistent with those identified in the PD land use designation. A detailed analysis of the proposed project’s consistency with the applicable goals and policies of the various elements of the General Plan is provided in Table 5.9-1, *General Plan Consistency Analysis*. The analysis concludes that the proposed project would be consistent with the applicable goals and policies of the general plan.

**Table 5.9-1
Malibu General Plan Consistency Analysis**

Land Use Element	Project Consistency/Comments
<p>LU Policy 1.1.4: The City shall preserve the City's rural residential character.</p>	<p>Consistent. The proposed development of five single-family homes will be located on large parcels ranging from 2.61 acres to 5.95 acres without street lights and sidewalks. It is therefore consistent with the rural residential character of the City.</p>
<p>LU Policy 1.3.2: The City shall require proposed development to avoid geologic safety hazards created by development.</p>	<p>Consistent. As discussed in Section 5.5, <i>Geology and Soils</i>, the proposed project is sited to avoid geologic safety hazards and will 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.</p>
<p>LU Policy 1.3.3: The City shall require fire protection measures for development.</p>	<p>Consistent. The proposed project will be developed in compliance with requirements and standards of the Los Angeles County Fire Department (LACFD) as discussed in DEIR Section 5.7, <i>Hazards and Hazardous Materials</i>. LACFD include fire protection measures such as fire department turnarounds, access and fuel modification zones.</p>
<p>LU Policy 1.5.1: The City shall scrutinize proposed development for any potential individual or cumulative adverse environmental impact, in addition to those impacts that are peculiar to development otherwise consistent with the General Plan.</p>	<p>Consistent. The cumulative impacts of the proposed project are discussed for each identified environmental category throughout Chapter 5, <i>Environmental Analysis</i>. The information utilized in an analysis of the cumulative impacts come from one a list of past, present, and probable future projects producing related cumulative impacts and a summary of projections contained in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions. 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.</p>
<p>LU Policy 2.1.2: The City shall seek public input about proposed development and value the democratic participation of all citizens.</p>	<p>Consistent. This DEIR addresses the environmental effects associated with the implementation of the proposed project and provides the public an opportunity to provide input about the proposed development. The EIR process include several opportunities for public input, such as a 30-day review period after a Notice of Preparation (NOP) has been issued, a 45-day review period after the DEIR has been released, in addition to upcoming Planning Commission and City Council meetings.</p>
<p>LU Policy 2.1.4: The City shall require development to be landscaped so that the project blends in with the environment and neighborhood.</p>	<p>Consistent. The proposed project includes landscaping consisting of plant species approved by the City Biologist. The proposed project will include site landscaping so that the project blends in with the surrounding environment. Visual simulations of the proposed project with landscaping is provided in Section 5.1, <i>Aesthetics</i>, while visual simulations of the project's alternatives are provides in Chapter 7, <i>Alternatives</i>.</p>



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**Table 5.9-1
Malibu General Plan Consistency Analysis**

Land Use Element	Project Consistency/Comments
<p>LU Policy 2.2.5: The City shall evaluate effect on road capacity of traffic impacts from all sources when determining the type and intensity of land use.</p>	<p>Consistent. The proposed project's impacts on road capacity of traffic impacts are evaluated in detail in Section 5.11, <i>Transportation and Traffic</i>. Roadway segments were analyzed using the City's Traffic Impact Analysis Guidelines and Highway Capacity Manual (HCM) methodology. The Highway Capacity Software (HCS) Multilane Highways module was used to calculate level of service (LOS) values for each study area roadway segment. HCS calculates the density of the subject roadway segment in terms of passenger cars per lane per mile (pcplpm) and assigns a specific level of service.</p>
<p>LU Policy 2.2.8: The City shall require adequate wastewater management for development.</p>	<p>Section 5.8, <i>Hydrology and Water Quality</i>. The proposed project will minimize impacts related to wastewater discharges and control runoff through OWTS facilities. No stream alteration would occur from the proposed project.</p>
<p>LU Policy 2.4.6: The City shall avoid improvements which create a suburban atmosphere such as sidewalks and street lights.</p>	<p>Consistent. The proposed project will not include sidewalks or streetlight; therefore, avoiding a suburban atmosphere. The proposed project would comply with light and glare requirements set forth in the M.M.C. and the LIP as discussed in detail in Section 5.1. Outdoor lighting would incorporate low-level lighting fixtures and would be designed and installed with directional shields so that the light source would not be seen from adjacent land uses and roadways. In accordance with the LIP, a deed restriction reflecting the lighting restrictions of the LIP would be executed and recorded. Lighting associated with the proposed project would be typical of single-family residences and similar to that of the residential uses immediately south of the project site. Any future recreational use on Lot 7 such as baseball field or skate park would not include nighttime lighting with the exception of the minimum required security lighting for the parking lot.</p>
<p>LU Policy 3.1.1: The City shall ensure visitor serving and recreational uses are compatible with the natural resources and aesthetic values of the area.</p>	<p>Consistent. The project includes dedication of 1.74 acres of land to the City for public active and passive recreational uses. 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 proposed project, the land dedication is intended to expand Bluffs Park, therefore this DEIR analyses the impacts of foreseeable visitor serving and recreational uses to ensure they are compatible with natural resources and aesthetic values of the area. See Section 5.1, <i>Aesthetics</i>, Section 5.11, <i>Transportation and Traffic</i>, and Section 5.12, <i>Recreation</i>.</p>
<p>LU Policy 3.2.3: The City shall require adequate parking for recreational facilities to avoid public parking in residential areas.</p>	<p>Consistent. Adequate parking for recreational facilities would be provided as discussed in detail in Section 5.11 <i>Transportation and Traffic</i>. Parking for the future visitor serving recreational uses (for baseball field or skate park development option) would be provided in a new parking lot that is proposed to be constructed between the new baseball field and Winter Mesa Drive.</p>
<p>LU Policy 3.2.5: The City shall ensure that recreational uses do not exceed the capacity of the area and infrastructure.</p>	<p>Consistent. The proposed project's impact on the area's traffic capacity and parking infrastructure are discussed in detail in Section 5.11, <i>Transportation and Traffic</i>. With implementation of mitigation measures, the proposed project would create a less than significant impact on studied road segments and adequate parking can be</p>

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Land Use Element	Project Consistency/Comments
	<p>provided. Based on the Opening Year 2017 plus Project and Future year 2030 LOS analyses and the City's significance criteria the proposed project would create a significant impact at Malibu Canyon Road/PCH. However, the impact is less than significant based on the County of Los Angeles CMP criteria. Implementation of transportation improvements to Caltrans facilities such as the intersection of Malibu Canyon Road/PCH, is the primary responsibility of Caltrans. 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. If mitigation measure 11-1 is not implemented by the Caltrans, the project's impacts to the intersection of Malibu Canyon Road/PCH, would remain significant and unmitigated based on the City's Traffic Impact Analysis Guidelines.</p>
Open Space Element	
<p>OS Policy 1.1.1: The City shall encourage acquisition and dedication of appropriate land into parks.</p>	<p>Consistent. The proposed project includes dedication of 1.74 acres of land to the City for public active and passive recreation which would result in acquisition of additional public open space to satisfy visitor serving and community serving needs. The parcel proposed to be dedicated to the City is located directly adjacent to Bluffs Park and therefore is an appropriate location for a park.</p>
<p>OS Policy 1.2.1: The City shall encourage dedication and maintenance of private open space to preserve Malibu's natural and rural character.</p>	<p>Consistent. The project may also include a conservation easement in favor of the SMMC along portions of the southern- and eastern-facing bluff; therefore, preserving Malibu's natural and rural character.</p>
Circulation Element	
<p>C Policy 1.3.1: The City shall require sufficient off-street parking.</p>	<p>Consistent. Adequate parking for the proposed project can be provided as discussed in detail in Section 5.11. Parking for the proposed residential units would be provided in the driveways and garages and along the private access road that serves the five residential units. Parking for recreational uses (baseball field or skate park development option) would be provided in a new parking lot that is proposed to be constructed between the new baseball field and Winter Mesa Drive. See Section 5.11, <i>Transportation and Traffic</i>.</p>
<p>C Policy 1.1.2: The City shall utilize sound traffic engineering and enforcement principles to safely regulate traffic and improve traffic flow.</p>	<p>Consistent. The proposed project's impacts on road capacity of traffic impacts are discussed in detail in Section 5.11, <i>Transportation and Traffic</i>. Based on the Opening Year 2017 plus Project LOS analysis and the significance criteria of the City, the proposed project would result in less than significant impact at Malibu Canyon Road/PCH. With implementation of mitigation measures, the proposed project would create a less than significant impact on studied road segments and adequate parking can be provided. Based on the Opening Year 2017 plus Project and Future year 2030 LOS analyses and the City's significance criteria the proposed project would create a significant impact at Malibu Canyon Road/PCH. However, the impact is less than significant based on the County of Los Angeles CMP criteria. Implementation of transportation improvements to Caltrans facilities such as the intersection of Malibu Canyon Road/PCH, is the primary responsibility of Caltrans. Any modifications to the operation of a</p>



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Land Use Element	Project Consistency/Comments
	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. If mitigation measure 11-1 is not implemented by the Caltrans, the project's impacts to the intersection of Malibu Canyon Road/PCH, would remain significant and unmitigated based on the City's Traffic Impact Analysis Guidelines.
Noise	
<p>N Policy 1.1.5: The City shall encourage new construction and remodels which utilize designs and materials that reduce exposure to noise sources.</p>	<p>Consistent. The proposed project utilize designs and material, such as a solid masonry wall that runs parallel to Pacific Coast Highway and a homerun wall (ball field development option) to reduce exposure to noise sources. As discussed in detail in Section 5.10, Noise, the proposed project would not result in exposure to significant construction, stationary-source or mobile-source impacts. In addition, temporary construction activities are subject to the provisions of the City M.M.C. Chapter 8.24.040, Prohibited Noises.</p>

Zoning Consistency Analysis

The LCP has a land use plan (LUP) and a 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 property is zoned PD, but the PD designation currently has no design standards. The LIP provides that “the uses and structures permitted and conditionally permitted in the PD District shall be as indicated in the associated approved Planned Development.” The definition of the PD District further provides that “in addition to the regulations contained in this Chapter, all uses in the PD District shall be subject to the applicable standards located in the Malibu LIP, unless indicated otherwise in the approved Planned Development.” The LCP contemplated that the PD District could deviate from the Malibu Development Standards. Pursuant to Section 1.3.1 of the LCP LIP, 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.

Currently, no development standards exist for the PD zoning designation. The proposed project includes ZTA 12-001 and LCPA 12-001 to incorporate language that specifies the type, density, intensity and development standards permitted in the PD zoning designation. Procurement of all required land use approvals will mitigate any potential land use impacts to a less than significant level. Specific development standards that are not included in the M.M.C. and LCP or deviate from the code have been addressed in the proposed ZTA and LCPA language and are discussed in more detail below. This includes regulations regarding TDSF, height, grading and basements.

Permitted uses. The proposed ZTA and LCPA will specific the type, density and intensity of uses permitted on the Project Site. The following uses and structures are proposed to be permitted:

- A. Lot Nos. 1-5:
 1. One single-family residence per lot.
 2. Accessory uses (second residential units or guest units pursuant to **Government Code** Section 65852.2, garages, swimming pools, spas, pool houses, cabanas, water features, gazebos, storage

sheds, private non-illuminated sports courts, noncommercial greenhouses, gated driveways, workshops, gyms, home studio, home offices, and similar uses as determined by the Planning Director or Planning Commission pursuant to Malibu Municipal Code Section 17.04.050.

- 3. Domestic animals, kept as pets.
- 4. Landscaping.

B. Lot No. 6:

- 1. Uses and structures maintained by either the owners of Lots 1-5 or the Homeowners' Association formed to serve the residential development within the Malibu Coast Estate PD, including a guard house, private access roads, gates (including entry gates), fencing, visitor parking, landscaping, guardhouse parking, community utilities, informational and directional signage, private open space, lighting and an onsite wastewater treatment plant.

C. Lot No. 7:

- 1. Parks and public open space, excluding community centers,
- 2. Active and passive public recreational facilities, such as ball fields, skate parks, picnic areas, playgrounds, walkways, restrooms, scoreboard, sport court fencing, parking lots, and similar uses as determined by the Planning Director or Planning Commission pursuant to Malibu Municipal Code Section 17.04.050.
- 3. Onsite wastewater treatment system.

As such, the proposed uses would conform to the use permitted in the PD zone with the approval of ZTA No. 12-001 and LCPA No. 12-001.



Total Development Square Footage. Pursuant to Malibu LIP Section 3.6 and M.M.C. Section 17.40.040, the total development square footage associated with the construction of a single-family residence on a legal lot shall be determined based on the following formula: for lot areas up to 1/2 acre, total square footage shall be 17.7 percent of lot area plus 1,000 square feet; for lot areas greater than 1/2 acre and up to 1 acre, total development square footage shall be increased by 10 percent of the amount of lot area exceeding 1/2 acre; for lot areas greater than 1 acre and up to 1 1/2 acre, total development square footage shall be increased by 5 percent of the amount of lot area exceeding 1 acre; for lot areas greater than 1 1/2 acres and up to 5 acres, total development square footage shall be increased by 2 percent of the amount of the lot area exceeding 1 1/2 acres. Slopes equal to or greater than 1 to 1 shall be excluded from the lot area calculation. In addition, the square footage of a basement shall be included in the calculation of TDSF, consistent with the following formula: The initial one-thousand (1,000) square feet of a basement shall not count toward TDSF; additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at the rate of one (1) square foot of TDSF for every two (2) square feet of proposed basement square footage.

Table 5.9-2, *Total Development Square Footage Permitted* show the maximum TDSF permitted per lot based on the TDSF formula and the proposed TDSF per lot.

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**Table 5.9-2
Total Development Square Footage Permitted**

Lot #	TDSF Permitted by Current Code	TDSF Permitted if ZTA 12-001 and LCPA 12-001 are approved	TDSF Proposed
1	10,052 sq. ft.	11,172 sq. ft.	11,082 sq. ft.
2	9,642 sq. ft.	11,172 sq. ft.	11,069 sq. ft.
3	8,999 sq. ft.	11,172 sq. ft.	11,009 sq. ft.
4	9,536 sq. ft.	11,172 sq. ft.	11,158 sq. ft.
5	11,172 sq. ft.	11,172 sq. ft.	11,023 sq. ft.
6	9,330 sq. ft.	280 sq. ft.	280 sq. ft.
7	Not Applicable	Dedication of Land Only	Dedication of Land Only

Basement: Pursuant to LIP Section 2.1 and M.M.C. Section 17.02.060, the definition of a basement requires the vertical distance from finished grade to the bottom of the finished floor above is no more than three vertical feet at all points around the perimeter of all exterior walls. The proposed project include basement walls that daylight more than three vertical feet; however, the basement walls will not be visible from any location outside of the Project Site. The proposed ZTA 12-001 and LCPA 12-001 will set the applicable standards. With approval of the proposed ZTA 12-001 and LCPA 12-001, land use impacts related to basement limitations would be brought into conformance and would thus be less than significant. Refer to Section 5.1, *Aesthetics* for a detailed discussion of the visual resources impacts associated with the proposed project.

Height Limitations. Pursuant to Malibu LIP Section 3.6 and M.M.C. Section 17.40.040, the maximum height limitation for the residences on non-beachfront lots is 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna. The maximum height of the proposed project would be approximately 28 feet; therefore, the maximum 18 height limitation would be exceeded. The proposed ZTA 12-001 and LCPA 12-001 will set the applicable standards. With approval of the proposed ZTA 12-001 and LCPA 12-001, land use impacts related to height limitations would be brought into conformance and would thus be less than significant. Refer to Section 5.1, *Aesthetics* for a detailed discussion of the visual resources impacts associated with the proposed project.

Grading Limitations. Pursuant to Malibu LIP Section 8.3, the maximum non-exempt grading within a residential lot is limited to 1,000 cubic yards and the net export is limited to 1,000 cubic yards. Remedial grading, safety grading and understructure grading are exempt from the 1,000 cubic yard limitation. The Proposed Project includes non-exempt grading in excess of the allowed 1,000 cubic yards due to the amount of grading required for ingress and egress and net export in excess of the allowed 1,000 cubic yards. The proposed ZTA 12-001 and LCPA 12-001 will set the applicable standards. With approval of the proposed ZTA 12-001 and LCPA 12-001, land use impacts related to grading would be brought into conformance and would thus be less than significant. Refer to Section 5.2 *Air Quality* and Section 5.6 *Greenhouse Gas Emissions*

for a detailed discussion of the air quality and greenhouses gases resources impacts associated with the proposed project.

As shown in Table 5.9-3, *Local Coastal Program Consistency*, the analysis concludes that the proposed project would be consistent with the major applicable goals and policies of the LCP.

**Table 5.9-3
 Local Coastal Program Consistency**

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 2.25 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.</p>	<p>Consistent. Adequate parking for the proposed project can be provided as discussed in detail in Section 5.11, <i>Transportation and Traffic</i>. Parking for the proposed residential units would be provided in the driveways and garages and along the private access road that serves the five residential units. Parking for the baseball field (or for the skate park alternative) would be provided in a new parking lot that is proposed to be constructed between the new baseball field and Winter Mesa Drive. See Section 5.11, <i>Transportation and Traffic</i>.</p>
<p>Section 30231 The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p>Consistent. The proposed project would not result in any significant impacts to biological resources or any significant water quality impacts. Refer to Section 5.3, <i>Biological Resources</i>. Section 5.8, <i>Hydrology and Water Quality</i>. The proposed project will minimize impacts related to wastewater discharges and control runoff through installation of onsite wastewater treatment system (OWTS) facilities. No stream alteration would occur from the proposed project.</p>
<p>LU Policy 3.36 New development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the Project Site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the Project Site, a detailed biological study shall be required.</p>	<p>Consistent. A complete biological inventory and impact study was prepared for this project. The project's biological study and updates concluded that no federally or state-listed plant species were observed on the project site. As discussed in detail in Section 5.3, <i>Biological Resources</i>, impacts to biological impacts are considered less than significant.</p>
<p>LU Policy 3.59 All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety, as required by Policies 4.45 through 4.54. Development shall utilize fire resistant materials and incorporate alternative fuel modification measures, such as firewalls (except where this would have impacts on visual resources), and landscaping techniques, where feasible, to minimize the total area modified. All development shall be subject to applicable federal, state and county fire protection requirements.</p>	<p>Consistent. Because the project site, along with most of the City of Malibu, is a Very High Fire Hazard Severity Zone, a fire protection plan—including a preliminary fuel modification plan—has been prepared and approved for the proposed project. One of the project's objectives is to "preserve view sheds, maximize open space, and maintain the area's rural character." The project's building pad placement and two-story design is intended to reduce the total area of thinning activities as fuel modification zones are measured from structure. Development of the project site would adhere to all applicable Building and Fire Code regulations and will be developed in a manner consistent with the preliminary fuel modification plan. See Section 5.3, <i>Biological Resources</i> and Section 5.7 <i>Hazards</i>.</p>



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<p>LU Policy 3.60 As required by Policy 4.49, applications for new development shall include a fuel modification plan for the Project Site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.</p>	<p>Consistent. Development of the project site would adhere to all applicable policies provided in the LACFDs Fuel Modification Plan Guidelines and in a manner consistent with the preliminary fuel modification plan. (see Section 5.3, <i>Biological Resources</i> and Section 5.7 <i>Hazards</i>).</p>
<p>LU Policy 3.61 Applications for new development shall include a quantification of the acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the Proposed Project, including building pad and road/driveway areas, as well as required fuel modification on the Project Site and brush clearance on adjacent properties.</p>	<p>Section 5.2, <i>Biological Resources</i> identifies that approximately 23.74 acres of Mixed Sage Scrub, Coastal Sage Chaparral Scrub, Mature Eucalyptus Trees, and Nonnative Grassland (disked area) would be impacted, on a parcel-by-parcel basis. Impacts were found to be less than significant. Development of the project site would adhere to all applicable Building and Fire Code regulations and will be developed in a manner consistent with the preliminary fuel modification plan. See Section 5.3, <i>Biological Resources</i> and Section 5.7 <i>Hazards</i>.</p>
<p>LU Policy 3.63 New development shall be sited and designed to preserve oak, walnut, sycamore, alder, toyon, or other native trees that are not otherwise protected as ESHA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Structures, including roads or driveways, shall be sited to prevent any encroachment into the root zone and to provide an adequate buffer outside of the root zone of individual native trees in order to allow for future growth.</p>	<p>Consistent. Compliance with City of Malibu's Native Tree Protection Ordinance is addressed in Section 5.4, <i>Biological Resources</i>. As discussed, mitigation measure 3-2 would ensure that the proposed project would comply with the City of Malibu's Native Tree Protection Ordinance and that impacts to protected trees would be less than significant.</p>
<p>LU Policy 3.95 New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:</p> <ul style="list-style-type: none"> ▪ Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment susceptible to erosion and sediment loss. ▪ Limiting increases of impervious surfaces. ▪ Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss. ▪ Limiting disturbance of natural drainage features and vegetation. 	<p>Consistent. As discussed in the detail in Section 5.8, <i>Hydrology and Water Quality</i>, neither the construction nor the operation of the proposed project would result in a significant degradation of water quality, or in a violation of any water quality standards. After mitigation, impacts are less than significant.</p>
<p>LU Policy 3.97 Development must be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.</p>	<p>Consistent. Construction and operational BMP's are discussed in the detail in Section 5.8, <i>Hydrology and Water Quality</i>. Neither the construction nor the operation of the proposed project would result in a significant degradation of water quality, or in a violation of any water quality standards. After mitigation, impacts are less than significant.</p>
<p>LU Policy 3.99 Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. Dry weather runoff from new development must not exceed the pre-development baseline flow rate to receiving waterbodies.</p>	<p>Consistent. This issue is addressed in Section 5.8 <i>Hydrology and Water Quality</i>. The implementation of the project's proposed drainage improvements (onsite stormwater detention tanks, bioswales, earthen berms, and catch basins), required by Mitigation Measure 5.8-2(a), would ensure that onsite or offsite flooding would be unlikely to occur. Impacts are less than significant.</p>

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Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.100 New development shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution. All new development shall meet the requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) in the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County (March 2000) (LA SUSMP) or subsequent versions of this plan.</p>	<p>Consistent. This issue is addressed in Section 5.8 <i>Hydrology and Water Quality</i>. Impacts are less than significant.</p>
<p>LU Policy 3.102 Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs. This standard shall be consistent with the most recent Los Angeles Regional Water Quality Control Board municipal stormwater permit for the Malibu region or the most recent California Coastal Commission Plan for Controlling Polluted Runoff, whichever is more stringent.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>.</p>
<p>LU Policy 3.103 Land divisions that would result in building pads, access roads, or driveways located on slopes over 30 percent, or result in grading on slopes over 30 percent shall be prohibited. All land divisions shall be designed such that the location of building pads and access roads minimizes erosion and sedimentation.</p>	<p>Consistent. The proposed project includes a land division; however, the proposed project will not result in grading on slopes greater than 30 percent. Therefore the proposed project would be consistent with this policy.</p>
<p>LU Policy 3.110 New development shall include construction phase erosion control and polluted runoff control plans. These plans shall specify BMPs that will be implemented to minimize erosion and sedimentation, provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials.</p>	<p>Consistent. Pursuant to National Pollutant Discharge Elimination System (NPDES) requirements, the project will be required to implement a water quality management plan during the construction phase. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>. Impacts were found to be less than significant.</p>
<p>LU Policy 3.111 New development shall include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff, and shall include the monitoring and maintenance plans for these BMPs.</p>	<p>Consistent. Post-development phase drainage and polluted runoff control plans will be submitted during the building plan check approval process. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>. Impacts were found to be less than significant.</p>
<p>LU Policy 3.114 Trash storage areas shall be designed using BMPs to prevent stormwater contamination by loose trash and debris.</p>	<p>Consistent. Trash storage areas would be designed and constructed to prevent stormwater contamination. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>. Impacts were found to be less than significant.</p>
<p>LU Policy 3.115 Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility.</p>	<p>Consistent. Proof of NPDES compliance and other associated regulatory permits outlining BMPs and on-going maintenance plans will be submitted to the City for verification during the building plan check approval process.</p>



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Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.116 The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.</p>	<p>Consistent. The project applicant will be responsible for compliance with all requisite BMPs and maintenance contracts associated with water quality measures. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>.</p>
<p>LU Policy 3.117 Public streets and parking lots shall be swept frequently to remove debris and contaminant residue. For private streets and parking lots, the property owner shall be responsible for frequent sweeping to remove debris and contaminant residue.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.119 New development that requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas, consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.</p>	<p>Consistent. For a discussion of impacts to biological resources and post-development landscaping requirements, see Section 5.3 <i>Biological Resources</i>.</p>
<p>LU Policy 3.125 Development involving onsite wastewater discharges shall be consistent with the rules and regulations of the L.A. Regional Water Quality Control Board (LARWQCB), including Waste Discharge Requirements, revised waivers and other regulations that apply.</p>	<p>Consistent. The sewage treatment system will be designed consistent with the rules of the LARWQCB. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.126 Wastewater discharges shall minimize adverse impacts to the biological productivity and quality of coastal streams, wetlands, estuaries, and the ocean. On-site wastewater treatment systems (OWTSs) shall be sited, designed, installed, operated, and maintained to avoid contributing nutrients and pathogens to groundwater and/or surface waters.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.127 OWTSs shall be sited away from areas that have poorly or excessively drained soils, shallow water tables or high seasonal water tables that are within floodplains or where effluent cannot be adequately treated before it reaches streams or the ocean.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.128 New development shall be sited and designed to provide an area for a backup soil absorption field in the event of failure of the first field.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.129 Soils should not be compacted in the soil absorption field areas during construction. No vehicles should be parked over the soil absorption field or driven over the inlet and outlet pipes to the septic tank.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>

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<p>LU Policy 3.130 Subsurface sewage effluent dispersal fields shall be designed, sited, installed, operated, and maintained in soils having acceptable absorption characteristics determined either by percolation testing, or by soils analysis, or by both. No subsurface sewage effluent disposal fields shall be allowed beneath nonporous paving or surface covering.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.134 The construction of private sewage treatment systems shall be permitted only in full compliance with the building and plumbing codes and the requirements of the LARWQCB. A coastal development permit shall not be approved unless the private sewage treatment system for the project is sized and designed to serve the proposed development and will not result in adverse individual or cumulative impacts to water quality for the life of the project.</p>	<p>Consistent. The sewage treatment system will be designed consistent with the rules of the LARWQCB. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.136 In areas with constraints on private sewage treatment and disposal, including, but not limited to, small lots, beachfront parcels, and geologic hazard areas, innovative and alternative methods of wastewater treatment and disposal are permitted. Such systems shall minimize impacts to water quality and coastal resources and be acceptable to the Environmental and Building Safety Department, and the Regional Water Quality Control Board.</p>	<p>Consistent. The proposed project includes a sewage treatment system to treat all project-generated wastewater. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.138 Applications for new development relying on an OWTS shall include a soils analysis and or percolation test report. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a California Registered Geologist, a California registered Geotechnical Engineer, a California Registered Civil Engineer, or a California Registered Environmental Health Specialist. The OWTS shall be designed, sited, installed, operated, and maintained in full compliance with the building and plumbing codes and the requirements of the LARWQCB.</p>	<p>Consistent. The sewage treatment system will be designed consistent with the rules of the LARWQCB. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.141 Applications for a coastal development permit for OWTS installation and expansion, where groundwater, nearby surface drainages and slope stability are likely to be adversely impacted as a result of the projected effluent input to the subsurface, shall include a study prepared by a California Certified Engineering Geologist or Registered Geotechnical Engineer that analyzes the cumulative impact of the proposed OWTS on groundwater level, quality of nearby surface drainages, and slope stability. Where it is shown that the OWTS will negatively impact groundwater, nearby surface waters, or slope stability, the OWTS shall not be allowed.</p>	<p>Consistent. The OWTS will be designed in consultation with a California Certified Engineering Geologist/ Registered Geotechnical Engineer. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>



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<p>LU Policy 3.142 The construction of new privately maintained package wastewater treatment plants shall not be allowed unless it can be demonstrated that a package treatment plant would have fewer adverse impacts to coastal resources, water quality or geologic stability than individual sewage disposal systems. No new discharges shall be permitted from privately maintained package wastewater plants into streams, wetlands or areas of saturated groundwater.</p>	<p>Consistent. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 3.144 Cooperation and coordination with the Los Angeles Regional Water Quality Control Board to ensure septic system conformance with regional water quality standards shall be provided.</p>	<p>Consistent. The sewage treatment system will be designed consistent with the rules of the LARWQCB. This issue is addressed in Section 5.8, <i>Hydrology and Water Quality</i>; Impacts were found to be less than significant.</p>
<p>LU Policy 4.1 The City of Malibu and the Santa Monica Mountains coastal zone contains areas subject to hazards that present substantial risks to life and property. These areas require additional development controls to minimize risks, and include, but shall not be limited to, the following:</p> <ul style="list-style-type: none"> ▪ Low Slope Stability & Landslide/Rockfall Potential: hillside areas that have the potential to slide, fail, or collapse. ▪ Fault Rupture: the Malibu Coast-Santa Monica Fault Zone. ▪ Seismic Ground Shaking: shaking induced by seismic waves traveling through an area as a result of an earthquake on a regional geologic fault. ▪ Floodprone areas most likely to flood during major storms. ▪ Liquefaction: areas where water-saturated materials (including soil, sediment, and certain types of volcanic deposits) can potentially lose strength and fail during strong ground shaking. ▪ Liquefaction/Floodprone areas where saturated sediments lie in flood plains. ▪ Tsunami: shoreline areas subject to inundation by a sea wave generated by local or distant earthquake, submarine landslide, subsidence, or volcanic eruption. ▪ Wave Action: shoreline areas subject to damage from wave activity during storms. ▪ Fire Hazard: areas subject to major wildfires classified in Fire Zone 4 or in the Very High Fire Hazard Severity Zone. 	<p>Consistent. These issues are addressed in Section 5.5, <i>Geology and Soils</i>. Impacts were found to be less than significant.</p>
<p>LU Policy 4.2 All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.</p>	<p>Consistent. This issue is addressed in Sections 5.5 (Geology and Soils) and 5.7, Hazards and Hazardous Materials.</p>
<p>LU Policy 4.3 Information should be provided to the public concerning hazards and appropriate means of minimizing the harmful effects of natural disasters upon persons and property relative to siting, design and construction.</p>	<p>Consistent. These issues are addressed in Section 5.5, <i>Geology and Soils</i>. Impacts were found to be less than significant</p>
<p>LU Policy 4.4 On ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where an adequate factor of safety can be provided, consistent with the applicable provisions of Chapter 9 of the certified Local Implementation Plan.</p>	<p>Consistent. These issues are addressed in Section 5.5, <i>Geology and Soils</i>. Impacts were found to be less than significant</p>

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<p>LU Policy 4.5 Applications for new development, where applicable, shall include a geologic/soils/ geotechnical study that identifies any geologic hazards affecting the Project Site, any necessary mitigation measures, and contains a statement that the Project Site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and subject to review and approval by the City Geologist.</p>	<p>Consistent. The Geotechnical Engineering Reports prepared for the proposed project are included in Appendix J. These issues are addressed in Section 5.5, <i>Geology and Soils</i>. Impacts were found to be less than significant</p>
<p>LU Policy 4.10 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.</p>	<p>Consistent. These issues are addressed in Section 5.5, <i>Geology and Soils</i> and Section 5.8, <i>Hydrology and Water Quality</i>.</p>
<p>LU Policy 4.11 New development involving a structure dependent on a wastewater disposal system shall utilize secondary treatment, at a minimum, and evapotranspiration waste disposal systems or other innovative measures, where feasible.</p>	<p>Consistent. The proposed project includes a sewage treatment system to treat all project-generated wastewater. See Section 5.8 <i>Hydrology and Water Quality</i> for further discussion of this system.</p>
<p>LU Policy 4.45 New development shall minimize risks to life and property from fire hazard through:</p> <ul style="list-style-type: none"> ▪ Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.; ▪ Siting and designing development to avoid hazardous locations; ▪ Incorporation of fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent; ▪ Use of appropriate building materials and design features to insure the minimum amount of required fuel modification; ▪ Use of fire-retardant, native plant species in landscaping. 	<p>Consistent. The proposed project includes an approved preliminary fuel modification plan to address these issues. See Section 5.3, <i>Biological Resources</i> and Section 5.7 <i>Hazards and Hazardous Materials</i>.</p>
<p>LU Policy 4.48 When brush clearance is required for fire safety, brushing techniques that minimize impacts to native vegetation, ESHA and that minimize erosion, runoff, and sedimentation shall be utilized.</p>	<p>Consistent. This issue is addressed in Sections 5.5 <i>Geology and Soils</i> and 5.7 <i>Hazards and Hazardous Materials</i>.</p>
<p>LU Policy 4.49 Applications for new development, which require fuel modification, shall include a fuel modification plan for the project, prepared by a landscape architect or resource specialist that incorporates measures to minimize removal of native vegetation and to minimize impacts to ESHA, while providing for fire safety, consistent with the requirements of the applicable fire safety regulations. Such plans shall be reviewed and approved by the Forestry Division.</p>	<p>Consistent. The proposed project includes an approved preliminary fuel modification plan to address these issues. See Section 5.3, <i>Biological Resources</i> and Section 5.7 <i>Hazards and Hazardous Materials</i>.</p>
<p>LU Policy 4.50 New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.</p>	<p>Consistent. The proposed project provides both emergency vehicle access and adequate fire-flow. See Section 5.7 <i>Hazards and Hazardous Materials</i>.</p>



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<p>LU Policy 4.51 All new development shall demonstrate the availability of an adequate water supply for fire protection, as required by applicable fire safety regulations.</p>	<p>Consistent. The proposed project provides both emergency vehicle access and adequate fire-flow. This issue is addressed in Section 5.7 <i>Hazards and Hazardous Materials</i>.</p>
<p>LU Policy 4.52 Where applicable, property owners shall comply with applicable fire safety regulations for management of combustible vegetative materials (controlled burns) in fire hazardous areas.</p>	<p>Consistent. The proposed project includes an approved preliminary fuel modification plan to address these issues. See Section 5.3, <i>Biological Resources</i> and Section 5.7 <i>Hazards and Hazardous Materials</i>.</p>
<p>LU Policy 5.3 A coastal development permit may only be approved for new development on legally created lots. All applications for new development on a vacant parcel shall include evidence of the date and method by which the subject parcel was created.</p>	<p>Consistent. The proposed lot line adjustment will be conducted in accordance with all applicable laws and regulations.</p>
<p>LU Policy 5.4 Off-street parking shall be provided for all new development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. A modification in the required parking standards through the variance process shall not be approved unless the City makes findings that the provision of fewer parking spaces will not result in adverse impacts to public access.</p>	<p>Consistent. As described under the Consistency with City of Malibu Zoning Ordinance subtitle, above, the proposed project would provide adequate parking in conformance with the Malibu Zoning Ordinance parking requirements. See Section 5.11, <i>Transportation and Traffic</i>,</p>
<p>LU Policy 5.40 Subsequent development on a parcel created through a land division shall conform to all provisions of the approved land division permit, including, but not limited to, the building site location, access road/driveway design, and grading design and volumes.</p>	<p>Consistent. The application for the proposed project will be reviewed by the City to ensure that these issues have been addressed. Section 5.11, <i>Transportation and Traffic</i>.</p>
<p>LU Policy 5.60 New development shall protect and preserve archaeological, historical and paleontological resources from destruction, and shall avoid and minimize impacts to such resources.</p>	<p>Consistent. This issue is addressed in Section 5.4, <i>Cultural Resources</i>. Impacts were found to be less than significant.</p>
<p>LU Policy 6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.</p>	<p>Consistent. As described above, the proposed project would include 28 foot tall single-family residences. With approval of the proposed LCPA and ZTA, the project would be brought into conformance with the zoning code and land use consistency impacts would be less than significant.</p>
<p>LU Policy 6.13 New development in areas visible from scenic roads or public viewing areas, shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly reflective materials shall be prohibited.</p>	<p>Consistent. This issue is addressed in Section 5.1, <i>Aesthetics</i>. Impacts were found to be less than significant.</p>
<p>LU Policy 6.15 Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.</p>	<p>Consistent. This issue is addressed in Section 5.1, <i>Aesthetics</i>. Impacts were found to be less than significant.</p>

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<p>LU Policy 6.23 Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited.</p>	<p>Consistent. Outdoor lighting would incorporate low-level lighting fixtures and would be designed and installed with directional shields so that the light source would not be seen from adjacent land uses and roadways. In accordance with the LIP, a deed restriction reflecting the lighting restrictions of the LIP would be executed and recorded. Lighting associated with the proposed project would be typical of single-family residences and similar to that of the residential uses immediately south of the project site. Any future recreational use on Lot 7 such as baseball field or skate park would not include nighttime lighting with the exception of the minimum required security lighting for the parking lot. This issue is addressed in Section 5.1, <i>Aesthetics</i>. Impacts were found to be less than significant.</p>
<p>LU Policy 6.24 Land divisions, including lot line adjustments, shall be designed to minimize impacts to visual resources by:</p> <ul style="list-style-type: none"> ▪ Clustering the building sites to minimize site disturbance and maximize open space. ▪ Prohibiting building sites on ridgelines. ▪ Minimizing the length of access roads and driveways. ▪ Using shared driveways to access development on adjacent lots, where feasible. ▪ Reducing the maximum allowable density in steeply sloping and visually sensitive areas. ▪ Minimizing grading and alteration of natural landforms, consistent with Policy 6.9. ▪ Landscaping or revegetating all cut and fill slopes, and other disturbed areas at the completion of grading, consistent with Policy 6.29. ▪ Incorporating interim seeding of graded building pad areas, if any, with native plants unless construction of approved structures commences within 30 days of the completion of grading. 	<p>Consistent. Visual simulations of the proposed project with landscaping is provided in Section 5.1, <i>Aesthetics</i>, while visual simulations of the project's alternatives are provided in Chapter 7, <i>Alternatives</i>. This issue is addressed in Section 5.1.</p>
<p>LU Policy 6.27 New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site, consistent with Policy 3.60.</p>	<p>Consistent. This issue is addressed in Section 5.3, <i>Biological Resources</i>.</p>
<p>LU Policy 6.28 All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible. Development shall incorporate alternative fuel modification measures, where feasible, in order to minimize the visual resource impacts of site disturbance, removal, and thinning of natural vegetation.</p>	<p>Consistent. Because the project site, along with most of the City of Malibu, is a Very High Fire Hazard Severity Zone, a fire protection plan—including a preliminary fuel modification plan—has been prepared and approved for the proposed project. One of the project's objectives is to "preserve view sheds, maximize open space, and maintain the area's rural character." The project's building pad placement and two-story design is intended to reduce the total area of thinning activities as fuel modification zones are measured from structure. Development of the project site would adhere to all applicable Building and Fire Code regulations and will be developed in a manner consistent with the preliminary fuel modification plan. See Section 5.7 <i>Hazards and Hazardous Materials</i>.</p>



5. Environmental Analysis

LAND USE

5.9.4 Cumulative Impacts

The proposed project evaluated in this DEIR meets the objectives and goals of the Malibu General Plan, Malibu Municipal Code, and LCP, as amended. The project's mix of residential and recreational uses is consistent with the uses envisioned by the General Plan and LCP. As a result, cumulative impacts to land use and planning are not considered significant.

5.9.5 Existing Regulations and Standard Conditions

- City of Malibu General Plan
- City of Malibu Local Coastal Program Land Use Plan
- City of Malibu LCP Local Implementation Plan
- Malibu Municipal Code, Title 17, Zoning
- Residential Development Conditions of Approval (See DEIR Appendix O)

5.9.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.9-1.

5.9.7 Mitigation Measures

No mitigation measures are necessary.

5.9.8 Level of Significance After Mitigation

No significant unavoidable adverse impacts related to land use have been identified.