

1.0 INTRODUCTION

PURPOSE

This introduction is intended to provide the reader with general information regarding (1) the purpose of an Environmental Impact Report (EIR), (2) standards for EIR adequacy, (3) an introduction to the format and content of this EIR, and (4) the EIR processing requirements for the proposed project. This section is provided to educate the reader regarding the intent, format, and content of this EIR so that it can be more easily understood.

PROJECT OVERVIEW

The proposed project is the development of a new 38,425-square-foot community shopping center in the Civic Center area designed to be anchored by a Whole Foods Market. The proposed project would have a floor area ratio (FAR) of 0.15; including the main market building and four smaller commercial buildings. The buildings would have pitched roofs up to 28 feet in height and surround a central parking area with walkways, landscaping and outdoor amenities that would be integrated throughout. The project is intended to provide a variety of community and visitor-serving goods and services, including up to 4,000 square feet of restaurant use and additional space designed for outdoor dining.

Vehicle access would be provided via a driveway on Civic Center Way and is designed to align with the driveway serving the existing commercial use across from the proposed project site. Secondary access would be provided via a driveway on Cross Creek Road, a private street. The commercial buildings along Cross Creek Road incorporate wood decks designed to tie into the outdoor recreation amenity area that would be located between the buildings and sidewalk. These spaces would also incorporate storm water management features, such as biofiltration. For wastewater disposal, the project proposes to connect to the future Civic Center wastewater treatment facility.

LEGAL AUTHORITY

Subsequent to the passage of the California Environmental Quality Act (CEQA) in 1970, a process was established that would (1) inform governmental decision makers and the public about the potentially significant environmental effects of proposed activities, (2) identify ways that environmental damage can be avoided or significantly reduced, (3) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible, and (4) discloses to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental

effects are involved.¹ This information is the basis of any EIR. The purpose of this EIR is to serve as an informational document for the public and the decision makers of the City of Malibu.

PROJECT APPLICANT AND PROJECT DESIGNERS

Applicant:

The Park at Cross Creek LLC
1101 Montana Avenue, Suite A
Santa Monica, California 90403

Property Ownership:

The Park at Cross Creek LLC owns in entirety the 5.88 acres of the project site.

Project Architect:

Goldman Firth Rossi Architects

Landscape Architect:

ValleyCrest Landscape Companies

EIR ADEQUACY

The principal use of an EIR is to provide input and information for comprehensive planning analysis. The agenda reports prepared by City staff synthesize pertinent environmental and planning information for presentation to the City of Malibu Planning Commission and City Council. Given the important role of the EIR in this planning and decision-making process, it is imperative that the information presented in the EIR be factual, adequate, and complete. The standards for adequacy of an EIR, defined in Section 15151 of the *State CEQA Guidelines*, are as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

¹ State of California, *State CEQA Guidelines*, as amended July 11, 2006, Section 15002(a) of the California Code of Regulations, Title 14, Chapter 3.

This EIR has been prepared by the City of Malibu in accordance with the *State CEQA Guidelines* and City Municipal Code regulations and City Planning Guidelines.

LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

Under CEQA, a public agency, other than a lead agency, that has discretionary approval power over the proposed project is considered a “responsible agency” (*State CEQA Guidelines*, Section 15381). If the City approves this project, subsequent implementation of various project components could require discretionary approval authority from responsible agencies including:

1. California Regional Water Quality Control Board (RWQCB);
2. California Coastal Commission;
3. California Department of Fish and Wildlife (CDFW);
4. South Coast Air Quality Management District (SCAQMD);
5. US Fish and Wildlife Service (USFWS); and
6. US Army Corps of Engineers (USACE).

This section is not intended to provide a complete and final listing of all subsequent discretionary actions or approvals that are needed, or may be needed, to implement the proposed project. This section is intended only to identify the responsible agencies that may have subsequent discretionary approval authority over implementation of various project components in the future.

ENVIRONMENTAL REVIEW PROCESS

The environmental review process, as required under CEQA, is summarized below. The steps are presented in sequential order.

1. **Notice of Preparation (NOP), Distributed.** Immediately after deciding that an EIR is required, the lead agency files an NOP soliciting input on the EIR scope to “responsible,” “trustee,” and involved federal agencies; to the State Clearinghouse, if one or more state agencies is a responsible or trustee agency; and to parties previously requesting notice in writing. The NOP must be posted in the County Clerk’s office for 30 days. A scoping meeting to solicit public input on the issues to be assessed in the EIR is not required, but may be conducted by the lead agency.
2. **Draft Environmental Impact Report (Draft EIR), Prepared.** The Draft EIR must contain a (1) table of contents or index, (2) summary, (3) project description, (4) environmental setting, (5) significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts), (6) alternatives, (7) mitigation measures, and (8) irreversible changes.

3. **Public Notice and Review.** The lead agency must prepare a Notice of Availability of an EIR. The Notice must be placed in the County Clerk's office for 30 days (Public Resources Code Section 21092) and sent to anyone requesting it. Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: (1) publication in a newspaper of general circulation, (2) posting on and off the project site, and (3) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the Draft EIR from responsible and trustee agencies, and adjacent cities and counties. The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days, unless a shorter period is approved by the State Clearinghouse (Public Resources Code 21091). The Draft EIR will be distributed to the State Clearinghouse.
4. **Notice of Completion.** The lead agency must file a Notice of Completion with the State Clearinghouse as soon as it completes a Draft EIR.
5. **Final EIR (Final EIR).** An Final EIR must include (1) the Draft EIR, (2) copies of comments received during public review, (3) list of persons and entities commenting, and (4) responses to comments.
6. **Certification of Final EIR.** The lead agency shall certify that (1) the Final EIR has been completed in compliance with CEQA, (2) the Final EIR was presented to the decision-making body of the lead agency, and (3) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project.
7. **Lead Agency Project Decision.** The lead agency may (1) disapprove a project because of its significant environmental effects; (2) require changes to a project to reduce or avoid significant environmental effects; or (3) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.
8. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either (1) the project has been changed to avoid or substantially reduce the magnitude of the impact; (2) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (3) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic, or other reasons supporting the agency's decision.
9. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
10. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared. A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA challenges.

EIR FORMAT AND CONTENT

Report Format

Among the principal objectives of CEQA is that the environmental review process be a public one, and that the EIR be an informational document for governmental decision makers and the public about potential significant environmental effects of proposed activities.

The environmental impact analysis presented in this EIR is divided into six major sections within **Section 3.0, Environmental Impact Analysis**, which describe the existing conditions present in the area surrounding the project site, predict the potential individual and cumulative impacts attributable to the proposed project, present mitigation measures that are intended to minimize or avoid significant impacts caused by the proposed project, and identify the significant impacts that would occur after implementation of mitigation measures.

Report Content

Notice of Preparation

To determine which environmental topics should be addressed in this EIR, the City of Malibu prepared and circulated an NOP from April 26, 2012, through May 29, 2012. The NOP was circulated in order to receive input from interested public agencies (e.g., responsible and trustee agencies) and private parties on the EIR. Per *State CEQA Guidelines*, an NOP is to be circulated for 30 days, allowing agencies and the public to provide the lead agency with specific detail about the scope and content of the environmental information. A copy of the letters and comments received during the NOP comment period are provided in **Appendix 1.0**.

Scoping Meetings

In compliance with *State CEQA Guidelines*, the City held one scoping meeting on May 22, 2012 at Malibu City Hall to solicit comments and to inform the public of the proposed EIR. Oral comments were recorded and are provided in **Appendix 1.0**.

Topics Addressed in the EIR

This EIR addresses the issues determined to be potentially significant based on the City's General Plan and responses to the Notice of Preparation (NOP) and scoping meetings. This EIR addresses these issues and identifies potentially significant environmental impacts of the project and cumulative development in the City in accordance with provisions set forth in the *California Environmental Quality Act (CEQA)*

Guidelines. The EIR also recommends feasible mitigation measures, where possible, that would reduce or eliminate adverse environmental effects. Through this process, the City has determined that the EIR analysis should focus on the following resource areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use
- Noise
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

In addition to these technical sections, other important information is incorporated as part of this EIR. As required by CEQA, this EIR also includes a (1) description of the existing environmental and regulatory setting; (2) description of the proposed project; (3) a description and analysis of alternatives that can reduce the proposed project's impact potential (included in the **Alternatives** section); and (4) sections that summarize cumulative, long-term, and irreversible effects associated with the proposed project.

Documents referred to, referenced or cited, are incorporated by reference and are available for review at the City of Malibu, Planning Department, 23825 Stuart Ranch Road, Malibu, California 90265.

Incorporation by Reference

Pertinent documents relating to this EIR have been cited in accordance with Section 15148 of the *State CEQA Guidelines*, which encourages "incorporation by reference" as a means of reducing redundancy and length of environmental reports. The following documents, which are available for public review at the City of Malibu Planning Department, located at 23825 Stuart Ranch Road, Malibu, California, are hereby incorporated by reference into this EIR:

- City of Malibu General Plan
- City of Malibu Municipal Code
- City of Malibu Local Coastal Program

Information contained within these documents has been utilized for each section of this EIR. A brief synopsis of the scope and content of these documents is provided in **Section 2.0, Project Description**, and **Section 3.9, Land Use**.

AVAILABILITY OF THE DRAFT EIR

The Draft EIR has been distributed to affected agencies, surrounding cities, and interested parties for a 45-day review period in accordance with Section 15087 of the *State CEQA Guidelines*. During the 45-day review period, which commences on February 5, 2015 and ends on March 23, 2015, the Draft EIR will be available for general public review at the following locations:

- City of Malibu Planning Department at 23825 Stuart Ranch Road; and
- Malibu Library at 23519 West Civic Center Way.

Additionally, the Draft EIR can be downloaded or reviewed via the Internet at:

- www.malibucity.org

Interested parties may provide written comments on the Draft EIR. Written comments on the Draft EIR must be received by 5:30 PM on March 23, 2015. Comments should reference the Whole Foods and the Park EIR (SCH No. 2012041087) and should be addressed to:

Mr. Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road, Malibu, CA 90265
jjanowicz@malibucity.org

Upon completion of the 45-day public review period, written responses to all comments on environmental issues discussed in the Draft EIR will be prepared and incorporated into the Final EIR. These comments, and their responses, will be included in the Final EIR for consideration by the City of Malibu, as well as other public decision makers.