

## 3.1 AESTHETICS

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### INTRODUCTION

This section addresses the existing visual characteristics of the project site and the surrounding area and evaluates the significance of the changes in visual character that would result from development of the proposed project as viewed from the surrounding streets and other public viewpoints. Potential impacts from light and glare are also evaluated.

This first section identifies the existing visual qualities of the subject site and surrounding area in order to establish an objective basis for assessing potentially significant visual impacts of the proposed project. The subsequent analysis then describes the features that contribute to the aesthetic character of the project site and surrounding area, and evaluates the potential for the proposed project to alter these visual characteristics. This section addresses the visual context of the project site in accordance with the California Environmental Quality Act (CEQA) and applicable Malibu visual resources policies, and guidelines.

Aesthetic impact analysis generally involves the study of contrast, or the degree to which elements of the environment differ visually. Visual impacts may result from the loss of natural features or areas, the removal of features with aesthetic value, or the introduction of contrasting features into natural areas. Natural features include open space, native or ornamental vegetation and landscaping, topographic or geologic features, and natural water sources. The loss of such features or the introduction of contrasting features may result in an impact or contribute to a cumulative impact in visual character.

To provide context for the analysis presented below, a discussion of general definitions is necessary. Terms to be discussed include “viewsheds” and “visual quality,” both key factors in addressing impacts to aesthetics and views.

The aesthetic value of an area is a measure of its visual character and quality, combined with the viewer response to the area. The scenic quality component can best be described as the overall impression that an individual viewer retains after driving through, walking through, or flying over an area. Viewer response is a combination of viewer exposure and viewer sensitivity. Viewer exposure is a function of the number of viewers, the number of views seen, the distance of the viewers, and the viewing duration. Viewer sensitivity relates to the extent of the public’s concern for particular viewsheds. These terms and criteria are described in detail below.

**Viewshed.** A viewshed is a geographic area composed of land, water, biotic and/or cultural elements that may be seen from one or more viewpoints and has inherent scenic qualities and/or aesthetic value as determined by those who view it. The extent of a viewshed can be limited by a number of intervening elements, including trees and other vegetation, built structures, or topography such as hills and mountains.

**Visual Quality.** Visual quality refers to the character of the landscape which generally gives visual value to a setting.

It is useful to think of scenic resources in terms of “typical views” seen throughout an area, because scenic resources are rarely encountered in isolation. A typical view may include several types of scenic resources, including both natural and man-made elements. It is also important to distinguish between public and private views. Private views are views seen from privately owned land and are typically viewed by individual viewers, including views from private residences.

Public views are experienced by the collective public. These include views of significant landscape features, as seen from public viewing spaces, not privately owned properties. CEQA (Pub. Resources Code, § 21000 et seq.) case law has established that in general protection of public views is emphasized. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal. App. 4th 720, 734, the court determined the following:

*we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: “[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.

Therefore, for this analysis, only public views are considered in analyzing the visual impacts of the proposed project.

## ENVIRONMENTAL SETTING

### Project Site

The project site is located along the north side of Civic Center Way, at the intersection of Civic Center Way and Cross Creek Road. The topography of the site is relatively level and slopes generally to the south. A gravel road runs along the west side of the project site and a small paved area is located in the northeast portion along Cross Creek Road. Non-native weedy vegetation occupies the rest of the site. Three groups of California Sycamore trees (a total of eight) are located in the central and northwestern

portions of the site and will be removed to accommodate the development. No streams, wetlands, Ecologically Sensitive Areas (ESAs) or Environmentally Sensitive Habitat Areas (ESHAs) as defined by the Coastal Act and Local Coastal Program (LCP) are located on the project site.<sup>1</sup>

### Surrounding Land Uses

The existing visual character of the surrounding locale is largely defined by the natural and built environment consisting of the developed areas in and around the Civic Center area and the scenic natural characteristics of the Santa Monica Mountains, the Malibu Lagoon, and the Pacific Ocean. The narrow coastal terraces and lowlands of the City, backed by steeply ascending slopes of the Santa Monica Mountains create a highly visible tiered-array of private and public properties. Regulatory policies of maintaining low scale development and low density of the built environment contribute to the City of Malibu's scenic resources which play an important role in maintaining its appeal as a place to live and visit.

As illustrated in **Figure 3.0-1, Malibu Civic Center Area Aerial**, the project site is located within the larger Civic Center area of Malibu, which occupies approximately 185 acres extending from the Pacific Coast Highway (PCH) in the south to the base of the hillsides in the north. Views of and through the project site are generally limited by the diverse topography to the north and the existing vegetation and development patterns within the Civic Center area. As shown in **Figure 3.1-1**, the Civic Center area extends from Malibu Creek in the east to the area of land enclosed by PCH, Malibu Canyon Road, and Civic Center Way in the west. Coastal zone resources in and adjacent to the Civic Center area include a riparian zone located along Malibu Creek, some native coastal sage scrub vegetation on the hillsides, a sensitive tidally influenced wetland located within Malibu Creek State Park and Lagoon, a wetland area located at the base of the Malibu Country Village Condominiums and the Winter Canyon area.

### Existing Viewsheds

Viewsheds refer to the visual qualities of the geographical area that are defined by the horizon, topography, and other natural features that give an area its visual boundary and context, or by artificial developments that have become prominent visual components of the area. In the area of the project site, the existing viewsheds are defined primarily by the existing commercial, residential, and institutional land uses. The Santa Monica Mountains also define some of these existing viewsheds.

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<sup>1</sup> Glenn Lukos Associates, *Jurisdictional Determination, Whole Foods Plaza, Malibu, Los Angeles County, California*. February 21, 2011.

To identify the importance of views of a resource, a viewshed must be broken into distance zones of foreground, middle ground, and background. Generally, the closer a resource is to the viewer, the more dominant it is and the greater its importance to the viewer. Although distance zones in a viewshed may vary between different geographic region or types of terrain, it is commonly accepted that the standard foreground zone is 0.25 to 0.5 mile from the viewer, the middle ground zone is from the foreground zone to 3 to 5 miles from the viewer, and the background zone is from the middle ground to infinity.<sup>2</sup>

### *Views of and Toward the Project Site*

The availability of views of the project site varies from off-site locations due to the development density in the area as well as intervening buildings, trees and landscaping, topography and distance. Views of the project site are generally less obstructed by such features the closer the viewer is to the site, particularly from streets and properties that are adjacent to or above the site. For example, the project site is visible from Civic Center Way as well as from properties along Civic Center Way (See **Figure 3.1-2, Views of the Project Site**). The project site is also partially visible from PCH and Webb Way (across Legacy Park), Cross Creek Road, and from properties along these streets; however, intervening trees, landscaping and structures obstruct some views toward the site from these locations. These views are typically clearer in the absence of certain weather conditions such as fog, haze, rain, and sunshine glare from the ocean. The project site is not visible from the Pacific Ocean and the coastline.

The project site is not identified as a scenic resource or within a scenic area by the City of Malibu.<sup>3</sup> Under the City's General Plan, scenic areas do not include inland areas that are largely developed or built out, such as the existing commercial development within the Civic Center Area.

### **Light and Glare**

Existing nighttime lighting conditions vary substantially throughout the City of Malibu. Nighttime lighting varies from moderately high levels in areas of commercial development, such as along Coast Highway, to areas of low level or a complete absence of night lighting. The differences observed result from both variation in levels of development and the light dampening effects of mountainous terrain where it hugs the curvature of the coastline. The majority of light and glare near the project site comes from illuminated outdoor commercial signage, traffic signals, and streetlights in the immediate area.

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<sup>2</sup> Litton, R. B. 1968. Forest Landscape Description and Inventories – A Basis for Land Planning and 11 Design. Berkeley, CA. Pacific Southwest Forest and Range Experiment Station, United States 12 Department of Agriculture Forest Service Research Paper PSW-49.

<sup>3</sup> City of Malibu General Plan EIR, Section L. Aesthetics, page 228, August 1995.





Whole Foods in the Park  
Goldman Firth Rossi Architects

View from southwest corner of the intersection of Cross Creek Rd. & Civic Center Way. Photo taken March 19, 2012. Project not shown.

1 & 2-Existing



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from west side of Malibu Village Shopping Center on Cross Creek Road. Photo taken March 19, 2012. Project not shown.

3-Existing



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from entry to Legacy Park on Civic Center Way. Photo taken March 19, 2012. Project not shown.

4-Existing



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from Legacy Park walkway looking across the stormwater detention basin. Photo taken March 19, 2012. Project not shown.

5-Existing

SOURCE: Goldman Firth Rossi Architects – May 2012

FIGURE 3.1-2

Views of the Project Site

Light and glare in the project area is also generated by traffic on nearby streets, street lighting, and lighting associated with commercial and residential uses along PCH, Civic Center Way, and Cross Creek Road. New developments have the potential of creating undesired spillover lighting and glare effects, which can be a concern.

## REGULATORY FRAMEWORK

### Federal Regulations

There are no federal regulations that pertain to aesthetic resources.

### State Regulations

#### *California Coastal Act*

The California Coastal Act (Coastal Act), Public Resources Code 3 Section 30000 et seq., established the permanent California Coastal Commission (CCC), whose mandate is to protect and enhance the resources of the coastal zone mapped by the state legislature. The Coastal Act prioritizes the protection of important scenic resources and views from public areas, such as highways, roads, beaches and trails under two provisions relevant to the proposed Project:

Section 30251:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas*

Section 30253:

*New development shall: "(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses." The California Coastal Commission has defined special communities as "areas that add to the visual attractiveness of the coast."*

Implementation of Coastal Act policies designed to achieve the aforementioned goals is accomplished primarily through the preparation of a Local Coastal Program (LCP), reviewed and approved by the CCC. The City's LCP, which was adopted by the CCC in September, 2002, are described further in the Local Regulations section.

## *California Scenic Highways Program*

California's Scenic Highway Program was designed to preserve and protect scenic highway corridors. Jurisdictions nominating a scenic highway for official designation have in place or adopt ordinances to preserve the scenic quality of the corridor, including policies to preserve scenic resources through land use regulations, site planning, control of outdoor advertising (including a ban on billboards), grading, and measures to direct structural design and appearance (California Streets and Highways Code § 260 et seq.). PCH and Malibu Canyon Road in the City are eligible to be nominated as a State Scenic Highway, but have not been officially designated.<sup>4</sup> Nonetheless, the City's Local Coastal Program (LCP) identifies both PCH and Malibu Canyon Road as a "Scenic Road."<sup>5</sup>

## **Local Regulations**

### *City of Malibu General Plan*

The City of Malibu's *General Plan* provides the following goals and policies related to aesthetics.

#### **Land Use Element**

- LU Goal 1:** The natural and environmental resources of Malibu are protected and enhanced.
- LU Policy 1.1.1:** The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.
- LU Policy 1.1.4:** The City shall preserve the City's rural residential character.
- LU Policy 1.1.5:** The City shall require careful site planning that blends development with the natural topography.
- LU Policy 1.4.3:** The City shall minimize the alteration of existing landforms and require design consistent with natural topography and processes of the site (i.e., geological, soils, hydrological, water percolation, and runoff).
- LU Goal 2:** Manage growth to preserve a rural community character.

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<sup>4</sup> California Department of Transportation. 2012 Scenic Highways and Eligible Scenic Highways List, Los Angeles County, CA, website: <http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>

<sup>5</sup> Malibu Local Coastal Program, Land Use Plan, Chapter 6, Scenic and Visual Resources, Section 1.6.3.a.

- LU Policy 2.1.5:** Consistent with the primary objective of protecting RPAs, the City shall protect and preserve public and private ocean and mountain views, by striking an equitable balance between the right to reasonable use of one's property including the maintenance of privacy and the right to protection against unreasonable loss of views.
- LU Goal 4:** Commercial uses and structures in harmony with the rural residential character and natural environment of the community
- LU Policy 4.3.2:** The City shall require buildings within the Civic Center Area 6 to reflect (a) the uniqueness of this location as the City's town center, (b) its close proximity to the beach and ocean, and (c) a "community village" character with small-scale, low-rise buildings. Development in the Civic Center will be guided by those policies and implementation measures in the Plan that are generally applicable to commercial development

### ***City of Malibu Local Coastal Program (LCP)***

The Coastal Act requires that its goals and policies be implemented by local governments through the LCP. The Malibu LCP consists of two subparts, the Land Use Plan (LUP) and the Local Implementation Plan (LIP).

#### **Land Use Plan**

The LUP provides policies related to viewshed protection, visual compatibility, visual prominence, the siting of structures and architectural character in visual resource areas, design/visual elements, and scenic roadways. The most relevant policies are listed below.

- LUP 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.
- LUP Policy 3.64:** New development on sites containing oak, walnut, sycamore, alder, toyon, or other native trees shall include a tree protection plan.

**LUP Policy 3.65:** Where the removal of native trees cannot be avoided through the implementation of project alternatives or where development encroachments into the protected zone of native trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every 1 tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee, based on the type, size and age of the tree(s) removed.

**LUP Policy 3.66:** A fund shall be established to receive the in-lieu fee payments required under Policy 3.65. This fund, administered by the Santa Monica Mountains Conservancy, shall be used for the restoration or creation of native tree woodland or savanna habitat areas within the Santa Monica Mountains Coastal Zone. Fees paid to mitigate impacts of development approved within the City may be used to restore habitat anywhere within this area. Priority shall be given to restoration or creation on properties containing areas designated ESHA, and to properties contiguous with existing parklands containing suitable native tree habitat.

**LUP Policy 6.1:** The Santa Monica Mountains, including the City, contain scenic areas of regional and national importance. The scenic and visual qualities of these areas shall be protected and, where feasible, enhanced.

**LUP Policy 6.2:** Places on and along public roads, trails, parklands, and beaches that offer scenic vistas are considered public viewing areas. Existing public roads where there are views of the ocean and other scenic areas are considered Scenic Roads.

**LUP Policy 6.3:** Roadways traversing or providing views of areas of outstanding scenic quality, containing striking views of natural vegetation, geology, and other unique natural features, including the ocean shall be considered Scenic Roads. The following roads within the City are considered Scenic Roads:

- a. Pacific Coast Highway
- b. Decker Canyon Road;
- c. Encinal Canyon Road;
- d. Kanan Dume Road;

- e. Latigo Canyon Road;
- f. Corral Canyon Road;
- g. Malibu Canyon Road; and
- h. Tuna Canyon Road.

**LUP Policy 6.4:** Places on, along, within, or visible from scenic roads, trails, beaches, parklands, and state waters that offer scenic vistas of the beach and ocean, coastline, mountains, canyons, and other unique natural features are considered Scenic Areas. Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions along the coastal terrace, residential development inland of Birdview Avenue and Cliffside Drive on Point Dume, or existing commercial development within the Civic Center and along Pacific Coast Highway east of Malibu Canyon Road.

**LUP Policy 6.5:** New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.

**LUP Policy 6.6:** Avoidance of impacts on visual resources through site selection and design alternatives is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts, shall not substitute for project alternatives, including re-siting or reducing the height or bulk of structures.

**LUP Policy 6.7:** The height of structures shall be limited to minimize impacts on visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. 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 12 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.

**LUP Policy 6.12:** All new structures shall be sited and designed to minimize impacts to visual resources by: ensuring visual compatibility with the character of surrounding areas; avoiding large cantilevers or understories; and, setting back higher elements of the structure toward the center of uphill portion of the building.

**LUP 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.

**LUP Policy 6.15:** Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.

**LUP Policy 6.20:** New development on properties visible from and inland of Pacific Coast Highway shall be sited and designed to protect public views of the ridgelines and natural features of the Santa Monica Mountains through measures including, but not limited to, restricting the building maximum size, reducing maximum height limits, clustering development, incorporating landscape elements, and, where appropriate, berming.

**LUP Policy 6.21:** New commercial development within the Civic Center shall be sited and designed to minimize obstruction to the maximum feasible extent of public views of the ridgelines and natural features of the Santa Monica Mountains through measures such as clustering development, and restricting height and bulk of structures

**LUP 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.

**LUP 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 3.63.

- LUP Policy 6.30:** Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views.
- LUP Policy 6.31:** Placement of signs other than traffic or public safety signs, utilities, or other accessory equipment that obstruct views to the ocean, beaches, parks, or other scenic areas, from public viewing areas and scenic roads shall be prohibited.
- LUP Policy 6.33:** The Pacific Coast Highway corridor shall be protected as a scenic highway and significant viewshed.
- LUP Policy 6.34:** Landscaping improvements, including median plantings, may be permitted along Pacific Coast Highway east of Malibu Canyon Road. Any proposed landscaping shall be composed primarily of native and drought-tolerant plant species. Landscaping shall be designed and maintained to be subordinate to the character of the area and not block ocean or mountain views at maturity. No such improvements shall be provided west of Malibu Canyon Road in order to maintain the rural character of that area.

### **Local Implementation Plan**

The LIP governs the protection of scenic views under the various chapters and sections listed below.

#### **Chapter 5**

*The Native Tree Protection Chapter of the LIP recognizes the importance of native oak, walnut, sycamore, alder, and toyon trees for preventing erosion, supporting wildlife, and contributing to the scenic quality of the community. Chapter 5 of the LIP outlines procedures and standards for the protection and preservation of these native trees.*

#### **Chapter 6**

*The Scenic, Visual, and Hillside Resource Protection Chapter, is designed to enhance and protect the scenic and visual qualities of coastal and mountain areas within the City of Malibu, which are resources of public importance, in accordance with the policies of the City's LCP and the California Coastal Act. Chapter 6 includes development standards, permit and application requirements, and other measures to ensure that permitted development is sited and designed to achieve the purposes of the ordinance. Various sections of the chapter elaborate on the standards, requirements, and measures of the ordinance.*

## Section 6.5, Development Standards

### A. Development Siting

*New development shall be sited and designed to minimize adverse impacts on scenic areas from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas from scenic highways or public viewing areas through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and, where appropriate, berming.*

### G. Lighting

*Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low-intensity features, shielded, and concealed to the maximum extent feasible 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.*

## City of Malibu Municipal Code - Standard Conditions of Approval

*Projects in the City of Malibu must meet standard conditions of approval, including conditions that govern the use of building materials visible from scenic roads or public viewing areas. Because the project site would be within a public viewing area (the Civic Center area) and partially visible from scenic roads, i.e. PCH, the proposed project would be subject to these conditions, which state:*

- *New development in scenic areas visible from scenic roads or public viewing areas shall incorporate colors and exterior materials that are compatible with the surrounding landscape.*
  - a. *Colors shall be compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones.*
  - b. *The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.*
  - c. *All windows shall be comprised of non-glare glass.*
- *All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. The color shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.*
- *Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color and material of all retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement, and/or building plans.*

### City-wide Lighting Ordinance

Currently, neither the City's General Plan nor the Malibu Municipal Code (MMC) have detailed lighting standards. MMC Title 17 has general standards that require lighting from parking lots to be shielded and arranged so as to not cause a nuisance either to highway traffic or to adjacent properties. The LIP has general lighting standards in Sections 4.6.2 and 6.5(G), which among other things, require all lighting to be minimized and shielded to avoid impacts to Environmentally Significant Habitat Areas (ESHAs), scenic roads, and public viewing areas. Night lighting for sports courts, sports fields, or other private recreational facilities in scenic areas designated for residential use is prohibited and permitted lighting must be the minimum necessary and must utilize bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Planning Director. The aforementioned documents do not contain detailed standards regarding the allowed height of light poles or the minimum amount of light necessary to accommodate the City's varied land uses.

Although the LIP and MMC do not contain detailed lighting standards, in April 2014 the City of Malibu contracted with the International Dark-Sky Association (IDA) to prepare a citywide lighting ordinance (Ordinance) to be based on one of two approaches, the IDA Model Lighting Ordinance (MLO) or the IDA Pattern Lighting Code.

The MLO is an outdoor lighting template designed to help municipalities develop outdoor lighting standards that: (1) reduce glare; (2) restrict light trespass onto adjacent properties; (3) prevent sky glow impacts; and (4) limit the total light in the environment to what is actually needed by lighting zone. In short, the MLO allows light to shine where it is needed, limits it to the minimum amount necessary, and requires it be turned off when not needed.

The Pattern Lighting Code limits the total amount of light generation permitted, and would be determined by the ground area to be developed. The total amount of light generation (lumens-per-acre) would be capped. Lumens are a measure of light output as seen by the human eye. The general lumens-per-acre and lighting zone concepts as applied in the Pattern Lighting Code would be devised with the specific purpose of restoring and protecting dark skies, particularly in and near the zones with tighter lighting restrictions. The Pattern Lighting Code also relies heavily upon strict shielding requirements.

The drafting of the Ordinance would be broken into two phases. Phase I would consist of the preparation of a report on the pros and cons of utilizing each lighting approach or a combination of approaches. The IDA would prepare a report that outlines the potential advantages and disadvantages associated with each approach. The report would be presented to the City Council who would determine which lighting approach would be utilized in the preparation of the Ordinance.

Phase II would consist of the preparation of the Ordinance using the approach chosen by the City Council. It is anticipated that the Ordinance would include the associated activities needed to integrate either a MLO or Pattern Lighting Ordinance citywide. For the MLO, this would include the creation of a Lighting Zone (LZ) Overlay map and Ordinance for adoption. Phase II would also include implementation of the Ordinance, including necessary revisions to existing codes including the General Plan, MMC Title 17, and the LCP/LIP, and an analysis of its functionality with the City's Building Code (MMC Title 15).

The Ordinance is not expected to include standards for: (1) temporary lighting; (2) sign lighting; (3) emergency lighting; (4) water features or underwater lighting; or (5) lighting of public monuments and flags. The Ordinance would include some limits to year-round seasonal lighting and would include a process to allow special permits for exceptional lighting uses including, but not limited to, sports facilities, construction activities, parking structures, urban parks, and safety improvements.

Existing lighting would be addressed through an amortization schedule (within a timeframe and process to be established), as well as any abandonment or change of use, or additions and/or alterations. Upon adoption of the Citywide Lighting Ordinance by the Malibu City Council, all new uses or structures would be subject to the Ordinance.

## ENVIRONMENTAL IMPACTS

### Thresholds of Significance

The following thresholds for determining the significance of impacts related to aesthetics are contained in the environmental checklist form contained in Appendix G of the most recent update of the *CEQA Statutes and Guidelines*. Impacts related to aesthetics are considered significant if the proposed project would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

## Project Characteristics Relevant to Aesthetics

The Whole Foods and the Park project would be constructed on a currently underutilized site within the Civic Center area of the City of Malibu. Development under the proposed project would consist of a new neighborhood shopping center designed to be anchored by a Whole Foods Market with four smaller commercial buildings housing restaurant and retail uses. Portions of each of the proposed structures will exceed the 18-foot height limit, to a maximum of 24 feet above existing grade for flat roof areas and up to 28 feet above existing grade for pitched roof areas. This height increase is due, in part, to the fact that the building finish floors must be raised to meet Federal Emergency Management Administration (FEMA) and MMC Floodplain Management Ordinance requirements (refer to **Section 3.8, Hydrology and Water Quality**, for further information). The buildings surround a central parking area, with walkways, landscaping and outdoor amenities integrated throughout.

The proposed project is intended provide a variety of community and visitor-serving goods and services, including grocery store, retail and restaurant uses, with additional space designed for outdoor dining and recreation. Primary vehicle access would be provided from a driveway on Civic Center Way that would align with the driveway serving the existing commercial office complex across the street. Secondary access would be provided by a driveway on Cross Creek Road, a private street.

Building design would be in keeping with the City's preferred "rustic contemporary" theme; building finishes would include natural wood siding, stone veneer and earth-toned stucco and/or paint. Overhead trellises and canopy structures would provide shade for outdoor walkways and seating areas. Refer to Project Renderings, **Figures 3.1-3 through 3.1-11**. The proposed project would include a 12-foot-tall acoustic screen wall along the property's entire north boundary to minimize noise disturbance to the equestrian center, the residence near its western edge and the residences to the north of the project site. This wall would be shielded from view by most observers by Building 5 (the proposed Whole Foods Market building) and abundant landscaping.

### *Landscaping*

The proposed landscape plan would use a mixture of native and non-native drought tolerant species throughout the project site to harmonize with the building design. Eighty replacement California Sycamores are proposed to be planted on the site to replace the eight Sycamores that are to be removed (i.e., a 10:1 replacement ratio as required under the MMC and LIP). Green walls are proposed on the acoustic screen wall, designated walls of the market and the four smaller buildings. These green walls will add another green/landscape visual element to the project. The project also proposes two play areas for children ("Shane's Park" and the sensory play area), a community garden, an entry courtyard which

would serve as a central gathering area for users, and several outdoor seating areas scattered throughout the project. The overall feel of the project, given the extensive tree canopy to be provided by large-scale Sycamore trees, the green walls, and the on-grade planting, is designed to provide a park-like setting. Refer to **Figure 2.0-10, Landscape Plan**.

### *Lighting*

Project lighting would be wall mounted or ground mounted, directed downward, and shielded away from adjacent uses. Building security lighting would be operated by an energy management system and would be used at all entry/exits; it would remain on from dusk to dawn but would be designed to prevent glare or spillover onto adjacent properties. Lighting for all parking areas would remain lit at a lower level after normal business hours for security purposes. Such lighting would be in conformance with MMC Title 17 outdoor lighting regulations and would not exceed a 60-watt level of illumination.

As previously discussed, it is anticipated that prior to project entitlement and buildout the City will have adopted a citywide lighting ordinance. As a new project, all lighting for the proposed project would be required to meet the standards in the City's General Plan, MMC Title 17, LIP Sections 4.6.2 and 6.5(G) and the adopted citywide lighting ordinance.

## **Impact Analysis**

### **Threshold 3.1.1 Have a substantial adverse effect on a scenic vista.**

The project site does not contain any scenic vistas, as it is entirely comprised of an undeveloped lot, containing a gravel road, a small paved area, non-native weedy vegetation and three groups of California Sycamore trees (a total of eight) located in the central and northwestern portions of the site.

The proposed project would introduce a parking lot, buildings, and landscape elements to a site that is currently vacant. The proposed project site is visible from numerous locations in the Civic Center area, including portions of City streets (including PCH, Webb Way, Civic Center Way, and Cross Creek Road) as well as from various commercial and recreational (i.e., Legacy Park) land uses located along these streets. Visibility of the project site from designated scenic roadways such as PCH and Malibu Canyon Road, scenic resources such as Malibu Lagoon State Beach, and scenic vistas such as the Coastal Slope Trail, the informal scenic view point on Malibu Canyon Road (north of Malibu Hills Road), and views from the Malibu Creek Trail are highly limited and obscured by topography, vegetation, and existing commercial development in the Civic Center area. Changes to the aesthetic character of the project site from these locations would not create a substantial adverse effect on a scenic vista because the immediate project vicinity is developed and the proposed project design would be consistent with the existing commercial development.



SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE 3.1-3

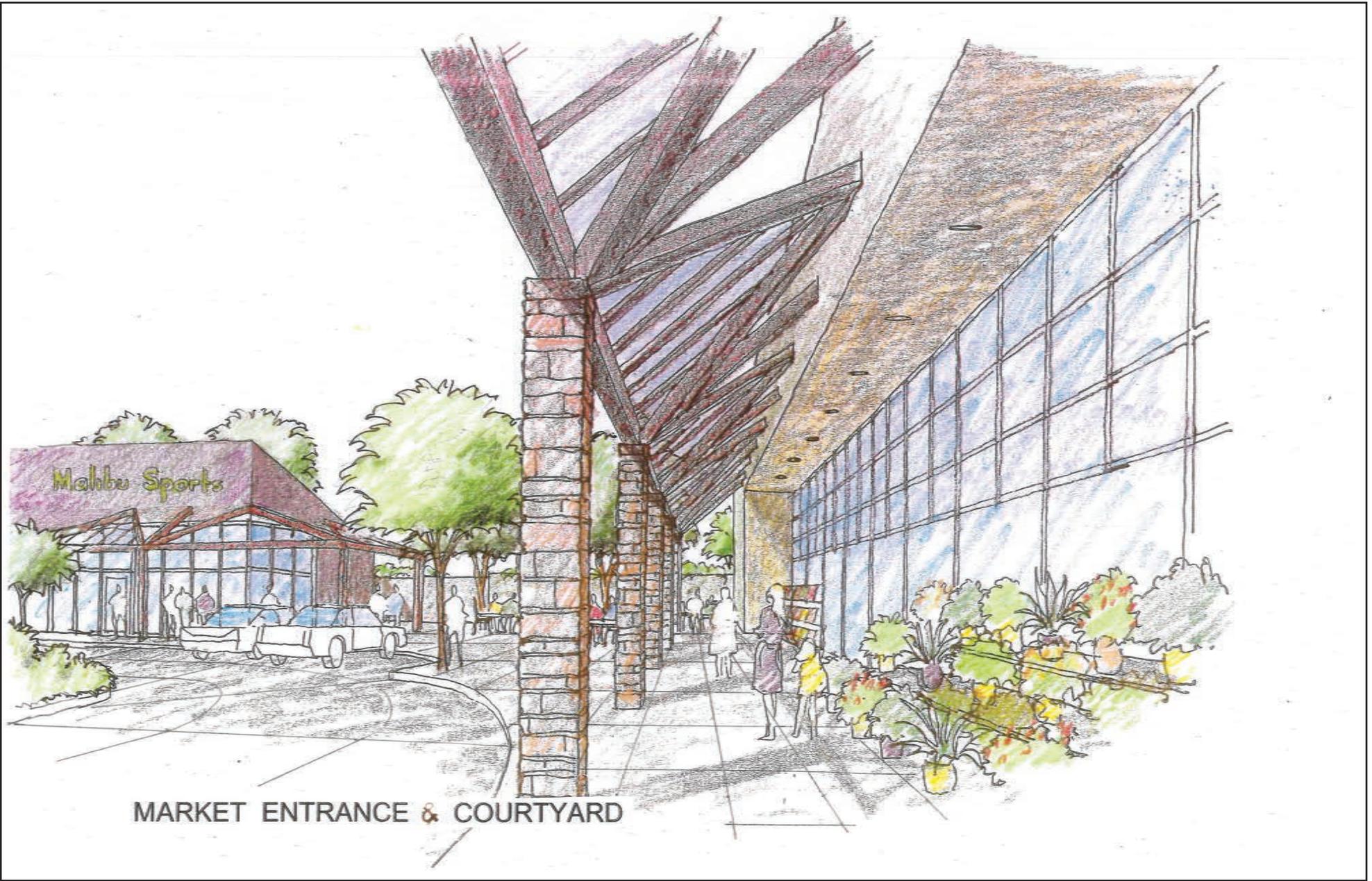
Entry Courtyard



SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE 3.1-4

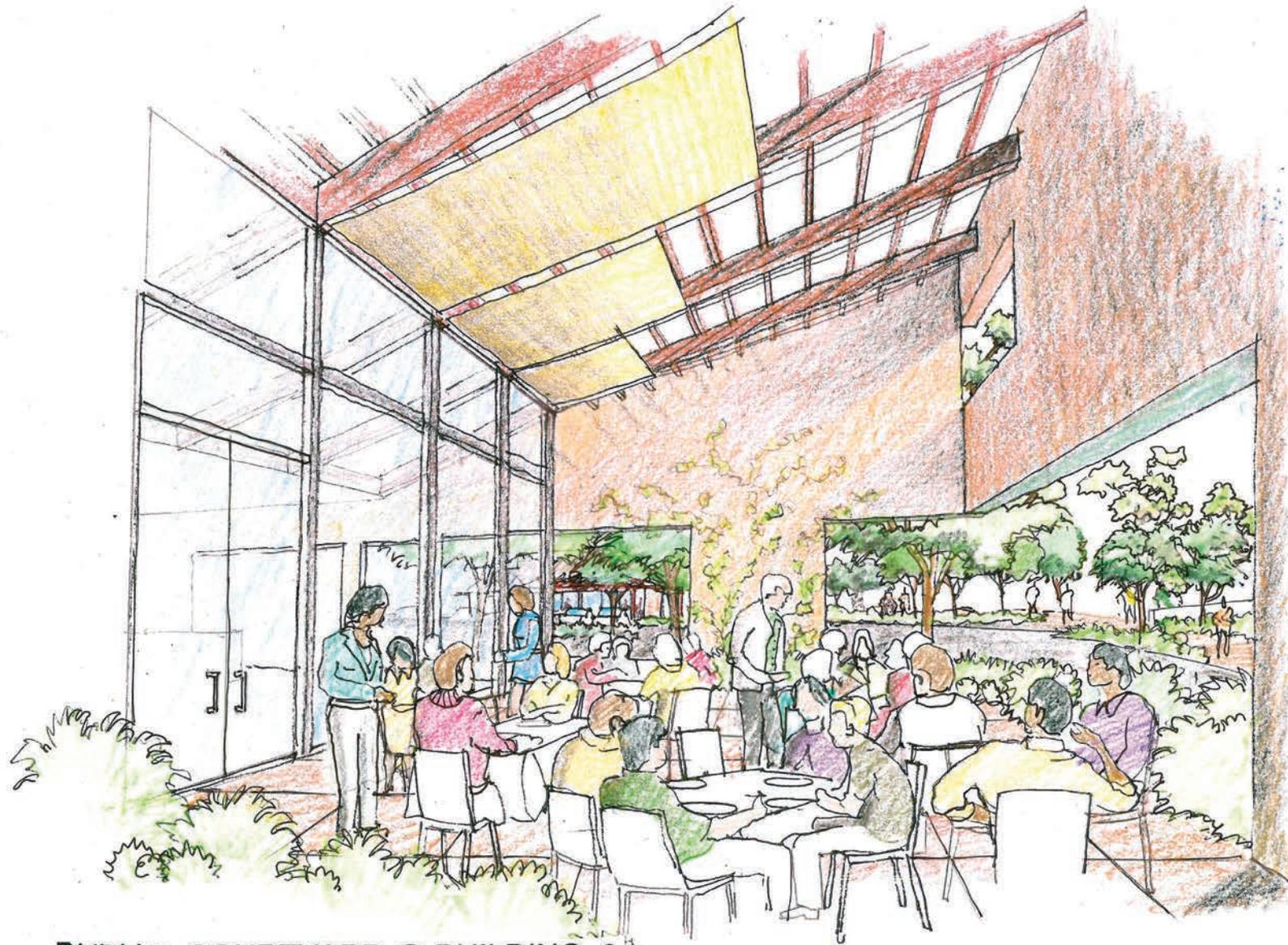
Entry Drive from Civic Center Way



SOURCE: Goldman, Firth, Rossi, May 2012

FIGURE 3.1-5

Whole Foods Market Entrance and Courtyard



PUBLIC COURTYARD @ BUILDING 3

SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE 3.1-6

Public Courtyard at Building 3



PUBLIC COURTYARD @ BUILDINGS 3 & 4

SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE 3.1-7

Public Courtyard at Buildings 3 & 4



SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE 3.1-8

Shane's Park (along Cross Creek Drive)



TRELLISED WALKWAYS

SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE 3.1-9

Trellised Walkways



WALKWAY TO BUILDINGS 3 & 4

SOURCE: Goldman, Firth, Rossi, May 2012

FIGURE 3.1-10

Walkways to Buildings 3 & 4



WHOLE FOODS MARKET

SOURCE: Goldman, Firth, Rossi, May 2012

FIGURE 3.1-11

Whole Foods Market

The proposed project would not result in the obstruction of any public scenic views. Although the Santa Monica Mountains are visible across the project site from several locations, as shown in **Figures 3.1-12** through **3.1-15**, the low scale of the development would not obstruct views of the mountains. Views of the mountains and hillsides would remain the dominant landscape feature after construction of the proposed project. Therefore, impacts relative to public scenic views would be less than significant.

### ***Mitigation Measures***

No mitigation measures are required.

### ***Residual Impacts***

Impacts would be less than significant.

**Threshold 3.1.2                    Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.**

The proposed project site is not within a state scenic highway, and no unique rock outcroppings or historic building exist on the project site. However, the proposed project would remove eight “second growth” California Sycamore trees, a protected species tree under the Malibu LIP and MMC. A number of these trees are in poor health and aesthetic condition; none of these existing trees are of superior or even high aesthetic value.<sup>6</sup> (Refer to **Section 3.3, Biological Resources**, for further discussion regarding these trees.) Further, consistent with the requirements of Section 5.5 of the LIP and the MMC, implementation of the proposed landscaping plan would include the planting of 80 new California Sycamore trees, along with numerous other trees, shrubs, perennials, and groundcover. Therefore the impacts associated with tree removal would be fully mitigated by implementation of the proposed landscaping plan, which is consistent with all of the City’s regulatory requirements. Impacts would be less than significant.

### ***Mitigation Measures***

No mitigation measures are required.

### ***Residual Impacts***

Impacts would be less than significant

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<sup>6</sup> Christopher A. Joseph & Associates. January 2009. *Tree Report* and Tree Life Concern, Inc., December 15, 2011. *Whole Foods in the Park Project (sycamore trunks), Malibu, CA.*

**Threshold 3.1.3            Substantially degrade the existing visual character or quality of the site and its surroundings.**

Change in visual character would occur with implementation of the Proposed Project, which would occur in two parts: (1) exposure of soils during grading/construction, storage of equipment on-site during construction, and similar visual changes, and (2) an overall change from undeveloped/underutilized to a commercial shopping center. These changes are further discussed below.

**Construction**

Construction of the proposed project is anticipated to occur over a period of 16 to 18 months. During that time, it is expected that grading and minimal contouring would occur prior to the construction of building pads and then the five buildings themselves. Due to the amount of grading that would be necessary (70 cubic yards of remedial cut and 5,321 cubic yards of remedial fill, 7612 cubic yards of removal and recompaction, and 4,516 cubic yards of exempt understructure fill) grading would be expected to occur over a short time frame (one to two months) with the remainder of the construction timeframe being associated with building construction and site improvements such as landscaping and drainage improvements.

Evaluation of construction impacts focuses on the short-term visual impacts resulting from construction of the proposed project, the presence of equipment and material storage, as well as the grading and earthmoving activities in the existing landscape. In a visual sense, construction impacts from the proposed project could be obtrusive or out of character with the surrounding landscape. The visual impact is created by the unsightliness of mobile construction equipment, unfinished building pads, and unfinished structures without the final building materials, colors, and landscaping.

During construction, motorists traveling within the Civic Center area and to a minimal extent along PCH could view the project site. Views could include exposed dirt, construction equipment, and construction material laydown areas. While this impact could be adverse, it would be short-term, and is thus determined to be less than significant.

**Operation**

The project site and surrounding areas are characterized by a mix of uses, including residential, recreational, commercial, and institutional. The proposed project would introduce commercial structures to a site that is primarily vacant and which lacks any conspicuous or remarkable scenic features or qualities.



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from southwest corner of the intersection of Cross Creek Rd. & Civic Center Way. 1 & 2-Existing  
Photo taken March 19, 2012. Project not shown.



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from southwest corner of the intersection of Cross Creek Rd. & Civic Center Way with mature trees (12.04.14) Attachment 1

SOURCE: Goldman Firth Rossi Architects – January 2015

FIGURE 3.1-12



View of the Project Site with the Proposed Project



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from west side of Malibu Village Shopping Center on Cross Creek Road.  
Photo taken March 19, 2012. Project not shown.

3-Existing



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from west side of Malibu Village Shopping Center on Cross Creek Rd.  
(12.04.14)

3

SOURCE: Goldman Firth Rossi Architects – January 2015

FIGURE 3.1-13



View of the Project Site with the Proposed Project



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from entry to Legacy Park on Civic Center Way.  
Photo taken March 19, 2012. Project not shown.

4-Existing



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from entry to Legacy Park on Civic Center Way  
(03.04.13)

3

SOURCE: Goldman Firth Rossi Architects – January 2015

FIGURE 3.1-14



View of the Project Site with the Proposed Project



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from Legacy Park walkway looking across the stormwater detention basin.  
Photo taken March 19, 2012. Project not shown

5-Existing



Whole Foods in the Park  
Goldman Firth Rossi Architects

View from Legacy Park walkway looking across the stormwater detention basin  
(03.04.13)

4

SOURCE: Goldman Firth Rossi Architects – January 2015

FIGURE 3.1-15



View of the Project Site with the Proposed Project

The proposed project would alter the visual appearance of the project site, but would not substantially degrade the visual character of the site or introduce any aesthetic elements incompatible with the Civic Center area. The analysis below evaluates the visual change that would occur as a result of the proposed project from four viewpoints.

### **Viewpoint 1**

Viewpoint 1 shows the project site from the southwest corner of Cross Creek Road and Civic Center Way. The prominent features in the foreground include the power/light pole at the intersection, the existing roadways, and the power boxes. Some minimal landscaping is also visible at this intersection. Middle ground views consist of the vacant site and the existing sycamore trees. Background views consist of the hillsides to the north of the site and the homes located on the hillside. As discussed under **Threshold 3.1-1**, above, the Santa Monica Mountains are visible to the north.

**Figure 3.1-12** also shows the view of the project site with the proposed project. As can be seen, implementation of the proposed project would change the visual conditions from the existing vacant site to a developed site with five buildings, walkways, landscaping and similar features. The foreground view would change to include the project landscaping and pedestrian entryway. Middle ground views would consist of the Whole Foods Market, and the ancillary commercial buildings on the project site. Background views would continue to be dominated by the hillsides and the Santa Monica Mountains. As shown in **Figure 3.1-12**, with the landscaping in place, much of the buildings would be obscured from view.

### **Viewpoint 2**

Viewpoint 2 shows the existing views from the west side of the Malibu Village Shopping Center on Cross Creek Road. Foreground views are dominated by the roadway, parking, and the existing commercial buildings. Middle ground views consist of the roadway, sidewalks, and additional commercial structures. Background views are dominated by hillsides and the Santa Monica Mountains.

As shown in **Figure 3.1-13**, views from this viewpoint would not change substantially with the proposed project. Foreground views would continue to be dominated by the roadway, parking, and the existing commercial buildings. Middle ground views would change slightly with the addition of project trees and the proposed commercial buildings. Background views would remain the same and would be dominated by hillsides and the Santa Monica Mountains.

### Viewpoint 3

Viewpoint 3, shown in **Figure 3.1-14**, demonstrates the view from the entrance to Legacy Park. Foreground views are dominated by the roadway, parking, and existing landscaping and similar features at Legacy Park. The vacant project site is visible in the middle ground view; in particular, the trees on the project site are visible. The background view includes the Santa Monica Mountains.

With the proposed project, foreground and background views would not change. The proposed project would be visible in the middle ground. The trees and landscaping would be visible as well as the buildings associated with the proposed project. The existing fencing obscures some of the view of the buildings and the proposed landscaping softens the view of the buildings.

### Viewpoint 4

Viewpoint 4, shown in **Figure 3.1-15**, provides the view from Legacy Park looking across the stormwater detention basin. Foreground and middle ground views are dominated by the existing detention basin while background views include existing commercial development and the Santa Monica Mountains.

With the proposed project, foreground and middle ground views would remain the same and would consist primarily of the stormwater detention basin. Background views would be modified to include the proposed project. The proposed buildings would be visible among the existing commercial development. However, project trees would largely obscure the project from view. The change in view would not be substantial and would be consistent with the surrounding development.

As demonstrated in **Figures 3.1-12 through 3.1-15**, and discussed above, the proposed project would be generally consistent with the neighboring commercial development in regards to size, design and height. The proposed buildings would extend to a maximum height of 28 feet in height with floor areas ranging from 24,549 square feet (sf) for the Whole Foods building to 3,015 sf. for the smallest of the four ancillary commercial buildings. Existing buildings in the project vicinity include the two-story, approximately 35-foot-tall, Malibu Country Mart professional building directly across Civic Center Way from the proposed project site, as well as other nearby two-story commercial buildings further south on Cross Creek Road and to the west along Civic Center Way. While a 12-foot-tall acoustic screen wall along the property's entire north boundary is proposed to minimize the noise levels audible at the equestrian center, the residence at its western edge and the residences to the north of the project site, this wall would be shielded from view by most observers by Building 5 (the proposed Whole Foods Market building) and abundant landscaping.

Therefore the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings and impacts would be less than significant.

### *Mitigation Measures*

No mitigation measures are required.

### *Residual Impacts*

Impacts would be less than significant.

#### **Threshold 3.1.4      Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.**

The development of the project site would add five low-scale structures (maximum height of 28 feet) on a site that is currently vacant. Introduction of the new structures onto a vacant site would introduce new light sources. Such light sources would include interior lighting, exterior way finding and security lighting, and headlights associated with motor vehicles using the main driveway off Civic Center Way and the secondary driveway off Cross Creek Road. Some of the project's building materials (e.g., windows) as well as motor vehicle windshields represent potential sources of daytime glare. These new sources of light and glare may disturb visually sensitive viewers, such as nearby residents and/or recreationists (e.g., bicyclists, runners, persons walking for exercise) along Civic Center Way, Cross Creek Road, or at nearby Legacy Park.

The project site plan and landscaping plan show five buildings surrounding a parking lot and planting areas that would contain a variety of drought tolerant trees, shrubs, perennials, and groundcover. These planting areas would contain 80 California Sycamores, as well as numerous other trees, including arbutus, western and eastern redbuds, strawberry trees, Arizona ash and Catalina ironwoods.

As previously discussed, it is anticipated that prior to project entitlement and buildout the City will have adopted a citywide lighting ordinance. All lighting for the proposed project would be required to meet the standards in the City's General Plan, MMC Title 17, LIP Sections 4.6.2 and 6.5(G) and the newly adopted citywide lighting ordinance.

Further, potential spillover effects of lighting emanating from the project, including building windows, exterior architectural lighting, louvered or shielded pedestrian walkway lighting, and hooded or shielded parking lot lighting would diminish through time as the project landscaping matures. Interior project trees and perimeter trees will variously contain incidental project lighting and glare as they mature. Maturation rates may vary from five to 15 years for the different trees. In the short term, zero to five

years, the visual screening effects of the perimeter boxed landscape trees would not prevent a small amount incidental light from spilling off-site into immediately adjacent properties. As more trees and lower under-story shrubs mature over a span of up to 10 years, the project's interior landscaping (between buildings) and perimeter landscape buffer would combine to effectively confine the majority of project daytime glare and night-lighting to the site.

Therefore, with compliance with standards required in the City's General Plan, MMC Title 17, LIP Sections 4.6.2 and 6.5(G) and the adopted citywide lighting ordinance and implementation of the proposed landscaping plan, the potential impacts from the proposed project introducing sources of daytime glare and nighttime lighting spillover effects is considered less than significant.

### ***Mitigation Measures***

No mitigation measures are required.

### ***Residual Impacts***

Impacts would be less than significant.

### **Cumulative Impacts**

Implementation of the proposed project in combination with the related projects, specifically the immediately adjacent proposed La Paz project, the proposed Rancho Malibu Hotel and the Civic Center Wastewater Treatment Facility, would result in the gradual planned development of presently undeveloped parcels and have the potential to alter the aesthetic character of the Civic Center area of the City of Malibu.

While many of the related projects and the proposed project would be visible from public roads, trails and parks, the combination of the related projects and the proposed project is not anticipated to significantly obstruct existing public scenic views in the immediate project vicinity. Further, views of the proposed project would be limited by the relatively flat topography of the vicinity and the existing intervening buildings. Therefore, the proposed project would only incrementally contribute to changes in the character of the low-lying areas in the Civic Center. With respect to scenic highways, the proposed project would have a less than significant impact to the PCH corridor for the same reason previously cited.

With respect to potential light/glare impacts, development of the related projects is expected to occur in accordance with adopted plans and regulations and each related project would be required to determine whether its development could result in impacts to these areas, and mitigation measures would be adopted where necessary. In terms of the overall visual quality of the surrounding neighborhoods, each of the related projects would be required to submit a landscape plan, lighting plan, and signage plan (if proposed) to the Malibu Department of City Planning for review and approval prior to the issuance of grading permits. Therefore, cumulative impacts with respect to aesthetics would be less than significant.

***Mitigation Measures***

No mitigation measures are required.

***Residual Impacts***

Impacts would be less than significant.