

5.0 OTHER CEQA CONSIDERATIONS

INTRODUCTION

Section 15126.2 of the *California Environmental Quality Act (CEQA) Guidelines* requires that the EIR include a discussion of significant environmental effects of the proposed project; significant environmental effects which cannot be avoided if the proposed project is implemented; significant irreversible changes which would be involved in the proposed project should it be implemented; and growth-inducing impacts of the proposed project. Sections 15126.4 and 15126.6 of the *State CEQA Guidelines* require that mitigation measures be proposed to minimize significant effects and alternatives to the proposed project are considered and discussed. Cumulative impacts are discussed under each environmental issue area in **Section 3.0** pursuant to Section 15130 of the *State CEQA Guidelines*. Alternatives are analyzed in **Section 4.0** of this document.

The following discussion will focus on a summary of significant environmental effects, growth-inducing impacts, and mitigation measures for the proposed project.

SIGNIFICANT, IRREVERSIBLE ENVIRONMENTAL CHANGES

The EIR must examine irreversible changes to the environment. More specifically, *State CEQA Guidelines* require the EIR to consider whether “uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely” (*State CEQA Guidelines* section 15126.2(c)). “Nonrenewable resource” refers to the physical features of the natural environment, such as land, waterways, mineral resources, etc.

The proposed project includes the development of a 38,425-square-foot commercial property consisting of five separate buildings on a 5.88-acre site. The project site plan provides for 220 parking stalls, three stalls more than the 217 required by the Municipal Code. Development would consist of five buildings with outdoor eating areas for visitors, Shane’s Inspiration Playground, a fully accessible playground with facilities for children with special needs, a Sensory Garden,¹ and a Kitchen Community Learning Garden² providing learning opportunities for children and adults interested in growing sustainable organic food, including school classes.

¹ The Sensory Garden would include plants and other design elements selected with the intention to provide experiences for heightened sight, smell, hearing, touch, and taste. The Sensory Garden would be designed to be accessible and enjoyable to visitors, both disabled and non-disabled.

² The Learning Garden would be designed to be a year-round outdoor classroom and play space. The Kitchen Community, a 501c3 non-profit organization founded in 2011, would provide support in developing and maintaining the educational programs associated with this garden. Website: <https://thekitchencommunity.org/>

The shopping center's primary component is a Whole Foods Market. The floor area ratio (FAR) for the project would be 0.15, including the main market building and four smaller outbuildings. The buildings would have pitched roofs up to 28 feet in height and 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 up to 4,000 square feet of restaurant use and additional space designed for outdoor dining.

The project site is vacant. The vacant northwest portions of the project site have never been developed, while the small paved portion of the project site on the east side of the parcel, off Cross Creek Road, was once used as a towing yard and a skateboard park. All impervious surfaces would be removed from the site as part of project development.

Nonrenewable resources used during the construction of the project include construction materials and fossil fuels to power construction equipment. During operation of the project, water and energy resources in the form of natural gas and electricity would be required. Impacts would also result from the increase in vehicular traffic, the associated air pollution, and an increase in solid waste generation. However, as discussed in the analysis within this EIR, impacts associated with increased resource use and consumption would not be significant. Nonetheless, the resources utilized for the proposed project would be permanently committed to the project and therefore considered irreversible.

SIGNIFICANT UNAVOIDABLE IMPACTS

Noise

Construction of the proposed project would result in temporary increases in ambient noise levels in the project area on an intermittent basis. The elevated ambient noise level during the construction phase of the proposed project with could be up to 7 A-weighted decibels (dB(A)) greater than the General Plan Threshold (55 dB(A)) at the residence located at 23704 Harbor Vista Drive (receptor 4), 5 dB(A) greater than the General Plan Threshold (55 dB(A)) at the residence located at 3657 Cross Creek Road (receptor 5), and 1 dB(A) greater than the General Plan Threshold (65 dB(A)) at Legacy Park (receptor 6). Thus a significant and unavoidable temporary noise impact during construction would remain at receptors 4, 5, and 6.

GROWTH INDUCING IMPACTS

Section 15126(d) of *State CEQA Guidelines* requires that this section discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing,

either directly or indirectly, in the surrounding environment. In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- The project removes an impediment to growth (e.g., the establishment of an essential public service or the provision of new access to an area)
- The project results in the urbanization of land in a remote location (i.e., leapfrog development)
- Economic expansion or growth occurs in an area in response to a project (e.g., changes in revenue base, employment expansion, etc.)
- The project establishes a precedent-setting action (e.g., a change in zoning or general plan amendment approval)

Should a project meet any of these criteria, it can be considered growth inducing under CEQA. An evaluation of this project compared against these growth-inducing criteria is provided below.

Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land use plans and policies. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services (e.g., water service), while planning impediments may include restrictive zoning and/or general plan designations.

The project area contains supporting infrastructure for surrounding established land uses including the Malibu Country Mart and several other establishments. While the project site is not developed, the construction of proposed uses would require minimal modification and/or improvements to existing infrastructure located within the vicinity of the project site. Such modifications and improvements to infrastructure are discussed in further detail below. Given the developed surroundings of the site, and the existence of established infrastructure, no growth-inducing impacts would result from project development.

An established transportation network exists in the surrounding area that offers local and regional access to the project site. Primary vehicle access would be provided from a driveway on Civic Center Way that will be designed to align with the driveway serving the Malibu County Mart across the street. Secondary access would be provided via a driveway on Cross Creek Road, a private street. Mitigation measures and transportation network improvements are included in **Section 3.13, Transportation and Traffic**. Implementation of these improvements would mitigate the proposed project's traffic impacts.

The water and energy (electricity and natural gas) infrastructure required to support the proposed project would be available to the project site from surrounding streets. The project site fronts a 12-inch water main along Civic Center Way and a 10-inch water main along Cross Creek Road.³ No new water lines other than those required to connect the proposed uses to the existing water conveyance network would be constructed. However, it should be noted that no water mains, pump station upgrades, or water storage systems are located at or near the site. The proposed project would require the construction of 5,000 feet of a 12-inch water main, pump station upgrades, a regulating station, and an 800,000-gallon water tank. As such, the development of on-site water infrastructure to serve the project could be considered as incrementally growth inducing within the area.

Electricity and natural gas transmission infrastructure presently exists in the vicinity of, the project site. Development of the project would necessitate the construction of an on-site connection system to convey this energy to uses on the site. This system would be designed to accommodate the uses proposed within the project, and would not extend beyond the requirements or boundary of the project. The on-site service lines would be sized to meet the demands of the proposed project. No growth-inducing impacts, due to the extension of electrical or natural gas service lines, would occur with the development of the project.

In summary, the design and construction of roadway, water, and energy infrastructure needed to accommodate the project would not induce growth within undeveloped areas surrounding the project area.

Urbanization of Land in Remote Locations (Leapfrog Development)

Under this criterion, the project would be considered growth inducing if it would result in the urbanization of land in a remote location. This means that the development would not be contiguous to existing urban development and would “leap” over large areas of undeveloped land. The project site is located at the northwest corner of the intersection of Cross Creek Road and Civic Center Way. Adjacent uses include a vacant parcel to the west, commercial uses to the east (Urban Outfitters, commercial office space), an equestrian facility (Sycamore Farm) to the north, and a commercial office and retail center to the south (Malibu Country Mart); a building housing a stormwater treatment system operated by the City of Malibu adjoins the project site along the southern boundary, within a public right-of-way. Because the project is contiguous to existing development, it is not growth inducing under this criterion.

³ Los Angeles County Waterworks Districts, District 29, written communication with Ramy Gindi April 9, 2014

Economic Growth

Under this criterion, the project would be considered growth inducing if it would cause economic expansion or economic growth to occur in the project area. Examples of economic expansion or growth would include changes in revenue base, employment expansion, etc.

Buildout of the project could result in temporary increases in construction-related job opportunities. Potential employees would likely be drawn from the existing labor force in the City of Malibu and the Los Angeles Metropolitan area.

Long-term growth, should it occur, would be primarily in the form of an economic response to the new commercial uses that would occupy the site. It is expected that employees of the establishments would live in the surrounding area and uses associated with the site (open space, food establishments and a supermarket), would not result in any noticeable increase in demand for City goods and services as similar services already exist within the City. Thus, the economic contribution of this project alone would not be considered growth inducing.

PRECEDENT-SETTING ACTION

Changes from a project that could be precedent setting include (among others) approval of zone change that could have implications for other properties, or that could make it easier for other properties to develop.

The project site is designated CV-1 (commercial visitor-serving 1) under the local coastal program (LCP) land use and zoning maps. Under the General Plan and Malibu Municipal Code (MMC) zoning, one of the parcels is designated CV-1 (4458-022-001) but the other (4458-022-022) is currently CG (Commercial General). In 2009, the City of Malibu adopted a housekeeping General Plan and MMC zoning map amendment to fix discrepancies with the LCP for a number of properties in the City, including the project site. However, inadvertently only one of the assessor's parcel numbers (APNs) was included so the other parcel (4458-022-022) still retains the conflicting CG designation under the GP and MMC. Consequently, a General Plan amendment is required to correct the designation of parcel 4458-022-022 from CG to CV-1. In addition, a number of discretionary approvals, discussed in **Section 2.0, Project Description**, are required to develop the project site. None of the approvals would result in precedent which could encourage development in the surrounding area. Consequently, the project is not considered to be growth inducing under this criterion.

CONCLUSION

It must be emphasized that the *State CEQA Guidelines* require an EIR to “discuss the ways” a project could be growth inducing and “discuss the characteristics of some projects that may encourage...activities that could significantly affect the environment.” However, the *State CEQA Guidelines* do not require an EIR to predict or speculate where such growth would occur, in what form it would occur, or when it would occur. Attempting to determine the environmental impacts created by growth that might be induced by the proposed project is speculative because the size, type, and location of specific future projects that may be induced by this project are unknown at the present time. Therefore, such impacts are too speculative to evaluate (see *State CEQA Guidelines* Section 15145). To the extent that specific projects are known (as discussed in **Section 3.0, Environmental Impact Analysis**, of this EIR), those projects have already been or would be subjected to their own environmental analysis. Additionally, due to the variables that must be considered when examining the mechanics of urban growth (e.g., market forces, demographic trends, etc.), it would be speculative to state conclusively that implementation of the project alone would induce growth in the surrounding area. Further analysis of impacts associated with growth in the Malibu area, and corresponding cumulative impact assessment methodology, can be found in the cumulative analyses for each individual topic addressed in **Section 3.0**.