City of Malibu

Whole Foods and the Park Shopping Center Draft Environmental Impact Report

Volume I

Prepared For:
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Prepared by:

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February 2015

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EXECUTIVE SUMMARY

INTRODUCTION

The purpose of the executive summary is to provide a clear and simple description of the project and its potential environmental impacts. Section 15123 of the *California Environmental Quality Act (CEQA) Guidelines*[1] requires the executive summary to identify each significant effect with proposed mitigation measure(s) and alternatives that would minimize or avoid that effect. The summary is also required to identify areas of controversy known to the Lead Agency, including issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

PROJECT LOCATION AND SETTING

The project site occupies 5.88 acres of land in the Civic Center area of the City of Malibu, Los Angeles County, California. The project site is situated north of Civic Center Way to the east of the Civic Center government buildings. The project site is also located in the Malibu Civic Center area. **Figure 2.0-1**, **Regional Location** (later in this document), illustrates the location of the Whole Foods and the Park project site within a regional context. **Figure 2.0-2**, **Project Vicinity** (later in this document), shows where the Whole Foods and the Park project site is located within the City of Malibu.

Figure 2.0-3, Project Boundary (later in this document), depicts the boundary of the Whole Foods and the Park project site. The project site is an irregularly shaped, nearly flat parcel of approximately 5.88 acres in the Civic Center area of the City of Malibu. The project site is located at the northwest corner of the intersection of Civic Center Way and Cross Creek Road. 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 along Civic Center Way. 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. No known septic systems exist on the project site.

Additional uses near the project site include a GTE/Verizon Wireless maintenance facility, with a building and a surface parking lot, located immediately adjacent to the northwest corner of the project site (3705 Cross Creek Road). Located further to the north along Cross Creek Road is the neighborhood

1 California Environmental Quality Act, *State CEQA Guidelines*, Section 15123.

known as "Serra Retreat" (also sometimes called "Serra Canyon"); a community of 96 single-family residential properties and the Serra Retreat, a Catholic Retreat and Conference Center. Residents belong to the Serra Canyon Property Owners Association, which was formed to maintain the privately-owned portion of Cross Creek Road which serves the canyon community. Entry to the community is controlled by two guard-gated drives: one off Pacific Coast Highway (PCH) and the other on Cross Creek Road. Immediately to the west is the currently undeveloped parcel for the approved La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Los Angeles County Public Library – Malibu Branch, and the former Los Angeles County Superior Court West District office (which is now closed), is located immediately to the west of the La Paz project site. The Santa Monica Community College District (as the Lead Agency) is currently preparing an EIR for the demolition of the former Los Angeles County Sheriff's Station, also on the complex site, which was decommissioned in the early 1990s, and the construction of a new, two-story, above-grade, approximately 27,500-square-foot educational facility, including an approximately 5,700-square-foot Sheriff's substation and an Emergency Operations and Planning Center on the ground floor to serve the Malibu community. The City's 26-acre Legacy Park, a passive community park, which includes an element of the City's storm water treatment system, is located southwest of the project site, across Civic Center Way.

The Pacific Ocean is located 0.5 mile south of the site, lower Malibu Creek is 0.5 mile to the south and east and the base of the Santa Monica Mountains foothills are located 0.5 mile to the north across Malibu Canyon Road.

PROJECT OBJECTIVES

CEQA requires that an EIR include a statement of the objectives sought by the proposed project *(State CEQA Guidelines*, Section 15124(b)):

> *A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.*

The project objectives include the following:

- Fulfill the City's General Plan and Local Coastal Program objectives for commercial development in the Civic Center area.
- Provide several compatible uses, meeting both local and visitor-serving needs, within one shopping center in a convenient location with shared parking.
- Afford a wider range of organic grocery and produce options to support the Malibu community and reduce reliance on out-of-town markets and vehicle trips.

- Extend the shopping experience that exists on Cross Creek Road into a park-like atmosphere, which will provide a physical and visual link to Legacy Park.
- Situate the project in an area where it is clustered with other similar uses along the eastern portion of Civic Center Way.
- Increase pedestrian interaction among the business and public spaces along Civic center Way and Cross Creek Road.
- Create a visually appealing and inviting project to add to the Civic Center of Malibu.
- Revegetate the site with plantings that incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant community.
- Provide an aesthetic relationship to the Santa Monica Mountains and Malibu Creek.
- Minimize and eliminate negative impacts to the neighborhood.
- Deliver project features that contribute significant benefits to the community.
- Comply with Measure R.

PROJECT DESCRIPTION

The project applicant, The Park at Cross Creek LLC, proposes to develop a 38,425-square-foot commercial property consisting of five separate buildings on a 5.88-acre site. **Table ES-1** provides a project summary. Development would consist of five two-story buildings with outdoor benches and eating areas; [2] Shane's Inspiration Playground, a fully accessible playground with facilities for children with special needs; a Sensory Garden;[3] and a Kitchen Community Learning Garden[4] providing learning opportunities for children and adults interested in growing sustainable organic food, and including school classes. The proposed project would also provide a pedestrian connection to the adjacent (proposed) La Paz site. The proposed project also includes 220 parking spaces (seven handicapped accessible, 175 standard, and 38 compact), 16 bicycle spaces (via four bicycle racks spread out across the site), four golf cart spaces, two electric vehicle charging stations, four loading spaces for the retail uses, and 520 square feet of soft-surface area for horse parking, including four hitching posts, and a watering trough.

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2 Some outdoor eating areas may be dedicated to certain restaurant uses, others will be "open use"; where these occur has not yet been determined.

3 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.

4 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/

Table ES-1
Proposed Project Summary

Building	Area
Building 1	3,015 square feet
Building 2	3,086 square feet
Building 3	3,592 square feet
Building 4	4,183 square feet
Building 5 (Whole Foods)	24,549 square feet
Total	**38,425 square feet**

Source: The Park at Cross Creek LLC, 2015

The design intent is to extend the low-scale village-like shopping experience that exists on Cross Creek Road into a similar low-scaled park-like atmosphere providing a physical and visual link to Legacy Park. The pedestrian entrance would be an extension of the Cross Creek pedestrian walkways. Combined with the market, a group of small-scale buildings surround the central parking area with its trees and landscaped islands, walkways and benches. The small scale of the buildings oriented to outdoor seating and dining areas, walkways, Shane's Inspiration Playground, the Sensory Garden, and the Kitchen Community Learning Garden are all intended to complement the existing form and quality of the shopping experience found at the existing Malibu Country Mart Center.

The project layout and architecture is that of simple, contemporary buildings scattered in the landscape. The proposed building materials are simple and consist of stucco, wood siding, heavy timber and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains. The design incorporates the use of heavy timber trellises and standing seam metal roofs which reference Malibu's ranching history.

Buildings on the project site would range in height between 16 to 28 feet depending on building design and roof configuration. The proposed building sizes also vary, the largest being the Whole Foods Market with the four smaller retail building surrounding the central parking area. The Whole Foods Market would be located at the rear of the property to maximize visual access to the Santa Monica Mountains from Civic Center Way, and to mask the loading and trash areas. **Figure 2.0-4, Site Plan** (later in this document), shows the proposed project layout.

The main building (Building 5) is proposed for use as a Whole Foods Market. The 24,549-square-foot building would be set at the north end of the project site. The building height would range from 24 feet from existing grade at the flat roof portion and 28 feet at the sloped roof portion. This height increase

above the 18-foot allowable height is due in part to the fact that building finished floors must be raised by a minimum of 3 feet to meet Federal Emergency Management Agency (FEMA) requirements, and is also necessary to provide a screen for the rooftop mechanical equipment required for commercial use. A pedestrian entrance to the Whole Foods Market would be provided from a primary entrance at the south end of the building. The trash enclosures and loading docks would be located at the north end or the rear of the building. The front of the building (south elevation) would feature a heavy timber trellis with stone columns along the façade. The height of the roof at the north elevation would be 28 feet; the building height would be 24 feet on the east elevation, 25 feet on the south elevation and 24 feet on the west. Elevations for the Whole Foods Market are shown in **Figure 2.0-5, Building 5 Sections and Elevations** (later in this document).

Building 1 would have a gross floor area of 3,015 square feet and is proposed to serve general commercial uses. The building height would be 19.11 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building 2 would have a gross floor area of 3,086 square feet and is proposed to serve general commercial uses. The building height would be 20.1 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building 3 would have a gross floor area of 3,592 square feet and is proposed to serve general commercial uses. The building height would be 20.6 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building 4 would have a gross floor area of 4,183 square feet and is proposed to serve general commercial uses. The building height would be 19.11 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building elevations and plans for Buildings 1 through 4 are shown in **Figure 2.0-6** through **Figure 2.0-9** (later in this document).

The proposed project would also include a 12-foot-high sound wall along the northern property line. The property immediately north of the project site is used as a horse training facility and the owners of that property have expressed concern about the sensitivity of horses to sudden noise. The purpose of the proposed wall is to respond to that concern.

Access and Parking

Vehicles would access the project site via two proposed driveways: one driveway is planned on Civic Center Way near the west end of the project site opposite the Country Mart Shopping Center driveway and one driveway is planned on Cross Creek Road near the north end of the project site. The site is designed with a clockwise service access routing scheme utilizing a one-way northbound service road along the westerly property line to the loading dock area. In compliance with Fire Department requirements the service road would maintain a minimum 20-foot width. Stop signs, stop lines, and

crosswalks have been added within the parking lot to provide right-of-way control and guidance to motor vehicles and pedestrians.

The one way driveway loop behind Buildings 3 and 4 and the Whole Foods market is designed to keep employee and delivery vehicles at the rear of those buildings to facilitate access and parking in the main parking lot for the project patrons. Large truck deliveries to the supermarket will be at most twice a day and will be at non-peak hours. Restaurant deliveries will also be kept to non-peak operating hours.

The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The Cross Creek Road driveway would serve as the secondary vehicular entrance and exit for the shopping center. The Cross Creek Road driveway would accommodate vehicular access to all on-site parking. However, no three-axle delivery trucks would be permitted to use Cross Creek Road. The project proposes to remove four on-street parallel parking spaces located on the north side of Civic Center Way between the driveway and the Civic Center Way and Cross Creek Road intersection. The spaces are proposed for removal to improve the vehicle sight lines, truck access and to eliminate parallel parking maneuvers that could block the flow of through traffic.

The project has been designed to provide parking pursuant to the Malibu LIP requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces, the project's parking supply of 220 parking spaces will accommodate the estimated parking demand at the shopping center.[5]

Landscaping and Open Space

The Local Coastal Program (LCP) requires that 40 percent of the gross lot area constitute landscaped area, or, in this case, 102,467 square feet. The ground-based planter area included in the landscaped area calculations totals 32,849 square feet; however the project proposes additional landscape features as shown in **Table ES-2, Proposed Landscaping and Plantings**, which are described below and shown in **Figure 2.0-10, Landscape Plan** (later in this document).

5 A parking study/analysis was included in the Traffic Impact Analysis by provided Overland Traffic Consultants and included in this EIR in **Appendix 3.13**.

Table ES-2
Proposed Landscaping and Plantings

Feature	Area
On-grade landscaping	32,849 square feet
Tree canopy	48,492 square feet
Green walls	22,000 square feet
Total	**103,341 square feet**

Note: The City of Malibu only counts on-grade landscaping toward the landscaping total, therefore a variance is required.

The applicant also proposes to install and maintain approximately 4,500 square feet of landscape in the City's right of way contiguous to the property along Civic Center Way. This landscaping within the City's right of way is also not included in the code required landscaping area calculations.

The term "Landscaped Area" is not defined in the LCP. The definition of Landscaped Area in the city's Landscape Water Conservation Ordinance (9.22.020 Definitions) however does include walls and fences which are part of the landscape design features of the project per (Section 9.22.090 (A)(12.). The specific plan prepared for the proposed project further interprets permitted functional landscape elements, such as tree canopies and green walls, which could be included in the calculations. Under this alternative interpretation, the project would provide greater Landscaped Area than required. However, should the decision makers determine that a more traditional interpretation of the landscape requirement is more appropriate for the site, the project applicant has requested a variance from the required Landscaped Area standards.

The provision of underground parking would allow for a greater amount of landscaping on the site, however, due to the high water table under the project site (less than 10 feet below ground surface), underground parking is not feasible.[6]

6 There are special circumstances due to the property elevation in relation to the water table in the area that make it potentially damaging to the aquifer to use underground parking which would allow for more landscaped space at ground level. On this site, historic high groundwater is reported to be 5 feet below grade (Van Beveren & Butelo, January 13, 2009). According to the project geologist, underground parking in an area of high ground water requires constant pumping of the underground parking area and causes disposal issues. Also, because of the narrow distance between grade and the high water table, the use of subterranean parking to achieve more landscaped space at ground level would displace a corresponding amount of water, elevating the water table on adjacent properties, which may be exacerbated when coupled with the subterranean parking garage approved on the adjoining La Paz site. In addition, protection of the water table from potential pollution, especially important for properties closer to Malibu Creek, may not be controllable on a fail-safe basis from an underground garage.

Protection of the water table from pollution in such an instance would be extremely wasteful of energy, since pumps would have to run 24-hours per day to clear water from the garage and that water, once removed, would be considered potentially toxic, and could not be discharged directly into the storm drain system.

Eighty replacement California Sycamores are proposed to be planted on the site to replace the eight second-growth Sycamores that are to be removed (i.e., a 10:1 replacement ratio). Along with the preservation of the existing Eucalyptus row at the rear of the property, the proposed project would, by virtue of the substantial tree canopies provided, increase the actual landscape coverage beyond the percentage calculation provided per Code. Applying a canopy coverage of 50 feet in diameter, the tree canopy, outside the proposed planter areas and open space area, would total 48,492 square feet.

Green walls are proposed on designated walls of the market and the four smaller buildings. The green walls add an additional 22,000 square feet of landscape area. These green walls would create another green visual landscape element to the project, and would increase energy savings due to their potential to reduce "heat island" effects. To date the final materials and methods of construction of the green walls have yet to be determined. However, it is anticipated that the green wall plant materials would largely be composed of succulents, which would require only minimal irrigation. The irrigation would be provided through a drip irrigation system integrated into the wall construction.

The project also proposes two play areas for children, a Kitchen Community Learning Garden, and several outdoor seating areas scattered throughout the project. The overall feel of the project would be a "park-like" setting, given the extensive tree canopy provided by large-scale sycamore trees, the green walls, and the on-grade planting areas.

ALTERNATIVES TO THE PROJECT

CEQA requires that an environmental impact report (EIR) describe a range of reasonable alternatives to a proposed project that could feasibly avoid or lessen any significant environmental impacts, while attaining the basic objectives of the project. Comparative analysis of the impacts of these alternatives is required. In response to the significant impacts associated with the proposed project, the City of Malibu developed and considered several alternatives to the project. These alternatives include:

- Alternative 1: No Project/No Development Alternative
- Alternative 2: Code Complying Alternative
- Alternative 3: Two-story Building Alternative

Alternative 1 – No Project/No Development

Under *State CEQA Guidelines* Section 15126.6(e)(3)(B), the No Project Alternative analysis may involve two separate evaluations. The first involves analysis of a No Project Alternative that compares the proposed project's significant impacts to the existing development on the project site (No Project/No

Development Alternative). The second No Project Alternative analysis evaluates the consequences of foreseeable development if the proposed project is not approved. Under this analysis, if disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "No Project" (i.e., No Project/Foreseeable Development) consequence should be discussed. Although it is foreseeable that another proposal for development of the site would occur in the future if the proposed project were not approved, given the broad array of permitted uses at the project site, the physical characteristics of such a future development cannot be known at this time. Consequently, any discussion of a No Project/Foreseeable Development alternative would be purely conjectural; as previously stated, CEQA does not require speculative analysis. Thus, only the No Project/No Development Alternative is analyzed. Under the No Project/No Development Alternative, the project site would remain in its current state, with no new construction or development occurring within the foreseeable future.

Alternative 2: Code Complying Alternative

As previously discussed, the proposed Whole Foods and the Park Shopping Center Project requires a number of discretionary approvals to comply with the City of Malibu's General Plan, the MMC and the LCP, therefore another alternative is to look at proposed "Code Complying Alternative" which would not require any minor modifications or variances as this alternative would provide the code specified Yard Setbacks, Open Space and Landscaped Area (65 percent). Further, because the building is set more than 250 feet from the adjoining horse training facility the Code Complying Alternative would not require the construction of a 12-foot-high sound wall to reduce potential sudden noise impacts. Development under this alternative would provide parking per the MMC for a supermarket, and the circulation required by the Los Angeles County Fire Department (LACFD).Further, this alternative could avoid or reduce the severity of project-related significant impacts resulting from construction by reducing the amount of development on the project site.

The proposed project site totals approximately 256,168 square feet (sf). Development under the Code Complying Alternative would consist of a supermarket (28,879 sf) and 129 parking spaces. Pursuant to the MMC and the LCP, a total of 166,509 sf of landscape area and open space are required to be provided.[7] The total landscape area and open space provided under the Code Complying Alternative would be 166,719 sf. Therefore, the Code Complying Alternative would meet the requirement.

Under this alternative the 28,879-sf supermarket building would be set as close as possible the south end of the project site, while remaining in compliance with the required 143.4-foot front yard setback.

7 Local Implementation Plan Section 3.8(A)(5)(b)

The building height would range from 24 feet from existing grade at the flat roof portion and 28 feet at the sloped roof portion. As with the proposed project this height increase above the 18-foot allowable height is due in part to the fact that building finished floors must be raised by a minimum of three feet above the existing grade to meet FEMA requirements, and is also necessary to provide a screen for the rooftop mechanical equipment required for commercial use.

Due to the reconfiguration of the site under this alternative, it cannot be assumed that Whole Foods would be the tenant. Therefore it is assumed that the architecture of the proposed grocery store building would be a generic "box" without any stylistic "branding," in order to appeal to the greatest number of potential tenants. Public entrances to the building would be provided on the north side of the building. The trash enclosure and loading dock would also be located on the north side of the building.

Alternative 3: Two-Story Building Alternative

As previously discussed, the proposed Whole Foods supermarket is of a size that is a minimum for a viable market of this type, therefore another alternative is to look at reducing the surface footprint of the ancillary retail/restaurant structures proposed. The intent of this Alternative is to increase the amount of the project site available for landscaping/open space.

Under this alternative, the 13,876 sf of ancillary retail/restaurant structures would be constructed as two, two-story buildings. The parking required under this alternative would be 220 spaces (five spaces for every 1,000 sf of retail space), as with the proposed project, since there would be no reduction in grocery store, or retail/restaurant square footage. The additional space for landscaping/open space provided under this alternative would be approximately 9,335 sf. Therefore, this alternative would provide 61,450 sf of landscaping/open space (including the children's parks, community garden, and public seating areas as proposed under the project), an increase over the proposed project, but still deficient by approximately 41,017 sf.

Under the Two-Story Building Alternative the grocery store building remains as a single story structure at the rear of the site. The four smaller retail buildings have been "stacked" one upon the other with a maximum height of 24 feet, in compliance with the MMC and LUP. This layout would not fulfill the intent of the proposed project design, which is that of a low-rise retail village, with a series of small, intimate courtyards, anchored by the supermarket at the rear.

It should be noted that a two-story structure is programmatically limited in that only the ground floor is appropriate for retail and useable/leasable floor area will be reduced due to the Americans with Disabilities Act (ADA) requirement for an elevator. Useable floor area will be further reduced by required

stairs and second story restrooms. FEMA requires that the first floor finish floor elevation be elevated a minimum of 3 feet above grade due to flood plain restrictions on this property. The City requires that the maximum building height be taken from existing or future grade, whichever is lower. This severely limits the ceiling heights of the first and second story; where a typical retail space would have a ceiling height of 15 to 18 feet (allowing dimension for ducts and utilities), the two retail buildings under the Two-Story Building Alternative would have a maximum interior ceiling height of 11 feet. This not considered a practical height for most retail spaces, and would reduce the appeal of the resulting leasable spaces.

As with the Code Complying Alternative, due to the reconfiguration of the site under this alternative, it cannot be assumed that Whole Foods would be the tenant. Therefore it is assumed that the architecture of the proposed grocery store building would be a generic "box" without any stylistic "branding," in order to appeal to the greatest number of potential tenants.

The FAR under this Alternative would be 0.15, the same as for the proposed project, and therefore in compliance with the MMC and LCP.

AREAS OF KNOWN CONTROVERSY

The *State CEQA Guidelines* require a Draft EIR to identify areas of controversy known to the lead agency, including issues raised by other agencies and the public. Comments were received from public agencies and interested parties in response to the circulated Notice of Preparation (NOP). In compliance with *State CEQA Guidelines*, the City held a scoping meeting on May 22, 2014 at City Hall to solicit comments and to inform the public of the proposed EIR. Comments received in response to the published NOP (provided in **Appendix 1.0**) identified environmental topics that local and regional agencies and City residents recommended for analysis in the Draft EIR.

These topics include:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Traffic, Circulation, and Parking
- Utilities and Service Systems

ISSUES TO BE RESOLVED

The *State CEQA Guidelines* require an EIR to present issues to be resolved by the lead agency. These issues include the choice between alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the City of Malibu, as the Lead Agency for the project include the following:

- Whether the recommended mitigation measures should be adopted or modified;
- Whether additional mitigation measures need to be applied to the project; and
- Whether the project or an alternative should be approved.

SUMMARY OF PROJECT IMPACTS

A summary of the environmental impacts associated with implementation of the proposed project, mitigation measures included to avoid or lessen the severity of potentially significant impacts, and residual impacts, is provided in **Table ES-3, Summary of Project Impacts, Mitigation Measures, and Residual Impacts**, below.

Table ES-3
Summary of Project Impacts, Mitigation Measures, and Residual Impacts

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Aesthetics		
Threshold 3.1.1 Have a substantial adverse effect on a scenic vista.	No mitigation is required	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.	No mitigation is required	Less than significant
Threshold 3.1.3 Substantially degrade the existing visual character or quality of the site and its surroundings.	No mitigation is required	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.	No mitigation is required	Less than significant
Air Quality		
Threshold 3.2.1 Would the project conflict with or obstruct implementation of the applicable air quality plan?	No mitigation is required	Less than significant
Threshold 3.2.2 Would the project generate total criteria pollutant emissions during construction or operation (direct and indirect) in excess of the thresholds given in Table 3.2-4, SCAQMD Regional Emissions Significance Thresholds?	No mitigation is required	Less than significant
Threshold 3.2.3 Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	No mitigation is required	Less than significant
Threshold 3.2.4 Would the project expose sensitive receptors to substantial pollutant concentrations?	No mitigation is required	Less than significant
Threshold 3.2.5 Would the project expose sensitive receptors to objectionable odors affecting a substantial number of people?	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Biological Resources		
Threshold 3.3.1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.	**3.3-1:** If construction would commence during the nesting/breeding season February through August), a pre-construction survey of the project vicinity for nesting birds shall be conducted by a qualified biologist (i.e., experienced with the nesting behavior of bird species of the region) within two weeks of the commencement of construction activities. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present within the construction zone or within 500 feet of the construction zone. The survey area shall include all trees, shrubs, and buildings in the construction zone and a surrounding 500 feet area, including suitable habitat areas outside the project site. If active nests are found in areas that could be directly affected by, or are within 500 feet of, construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them shall be determined by the qualified biologist taking into account factors such as the following: • Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity. • Distance and amount of vegetation or other screening between the construction site and the nest. • Sensitivity of individual nesting species and behaviors of the nesting birds. Limits of construction to avoid an active nest shall be established in the field by a qualified biologist with flagging, fencing, or another appropriate barrier and construction personnel shall be instructed on the sensitivity of nest areas. LUP Policy 6.23 requires exterior lighting to be low intensity and shielded. **As discussed in Section 3.1 Aesthetics,** 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. In addition, uplighting in landscaping or elsewhere on-site shall be prohibited. The combination of low wattage and shielding would reduce potential impacts to nesting birds to less than significant levels.	With implementation of **Mitigation Measure 3.3-1** and compliance with MMC Title 17, LIP Sections 4.5.2 and 6.5 (G)**,** impacts to nesting birds would be less than significant.
Threshold 3.3.2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Biological Resources (continued)		
Threshold 3.3.3 Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	No mitigation is required	Less than significant
Threshold 3.3.4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	No mitigation is required	Less than significant
Threshold 3.3.5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	**3.3-2:** The project applicant shall ensure the requirements of LIP Section 5.6.2 are met through the preparation of a monitoring plan. The applicant (or designee) shall be responsible for preparation of annual monitoring reports on the replacement trees. The monitoring report shall include measurements of replacement trees (i.e., DBH, approximate height and canopy width) and the relative health, including noting any damage from fire, insects, and disease, or other vectors affecting health. If at any time, within the monitoring period the health of a replacement tree begins to decline beyond recovery, that tree shall be replaced in kind with a healthy tree. Monitoring reports shall be provided to the City annually and at the conclusion of the 10-year monitoring period documenting the success or failure of the mitigation. If performance standards are not met by the end of 10 years, at the discretion of the City Planning Department the monitoring period shall be extended until the standards are met.	With implementation of **Mitigation Measures 3.3-2,** impacts would be less than significant.
Threshold 3.3.6 Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	No mitigation is required	Less than significant
Cultural Resources		
Threshold 3.4-1 Cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.6 of the State CEQA Guidelines	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Cultural Resources (continued)		
Threshold 3.4-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines	**3.4.1:** The services of an archaeologist shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or an archaeologist who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists, who shall be present to monitor all ground-disturbing activities associated with the Project. Prior to initiation of ground-disturbing activities, the Project Archaeologist shall conduct a brief awareness training session for the benefit of all construction workers and supervisory personnel. The training, which could be held in conjunction with the Project's initial on-site safety meeting and paleontological resources training, shall explain the importance of and legal basis for the protection of significant archaeological resources. In the event that archaeological resources are exposed during ground-disturbing activities, work in the immediate vicinity of the find shall stop until the Project Archaeologist can evaluate the significance of the find. Construction activities may continue in other areas. If the discovered cultural materials are prehistoric in nature or include Native American remains, the Project Archaeologist shall arrange for a Native American monitor to be retained to assist in the identification of the resources or human remains. The Native American monitor shall be retained from a list of suitable candidates from the Native American Heritage Commission. The Archaeologist shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact. The Archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. The applicant shall comply with the recommendations of the evaluating Archaeologist, as contained in the survey, study, or report. Project development activities may resume once copies of the archaeological survey, study or report are submitted to: South Central Coastal Information Center Department of Anthropology McCarthy Hall 477 CSU Fullerton 800 North State College Boulevard Fullerton, CA 92834 Prior to the issuance of any building permit, the Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered. A covenant and agreement binding the Applicant to this condition shall be recorded prior to issuance of a grading permit.	With implementation of **Mitigation Measure 3.4-1,** impacts would be less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Cultural Resources (continued)		
Threshold 3.4-3 Disturb or indirectly destroy a unique paleontological resource or site or unique geologic feature	**3.4-2:** All excavations and grading activities into the older Quaternary alluvium and/or Sespe Formation, or below a depth of 5 feet, shall be monitored by a qualified paleontologist. The on-site monitor shall be equipped and permitted to salvage fossils and samples of sediments as they are unearthed. If unearthed paleontological resources determined to be significant by the on-site paleontologist are discovered during project construction activities, all work should halt within 50 feet of the find until it can be fully evaluated and excavated by a qualified paleontologist. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage. A report of findings, with an appended itemized inventory of specimens, shall be prepared and submitted to the City. The report and inventory, when submitted to the City, shall signify completion of the program to mitigate impacts on paleontological resources.	With implementation of **Mitigation Measure 3.4-2,** impacts would be less than significant
Threshold 3.4-4 Disturb any human remains, including those interred outside formal cemeteries	**3.4-3:** If human remains are encountered during excavation and grading activities within the project site, the contractor shall stop such activities. In the event of accidental discovery or recognition of any human remains there shall be no further excavation or disturbance of the subject site or any nearby areas reasonably suspected to overlie adjacent human remains and the following steps shall be taken: • The coroner of the City in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required; and, • If the remains are of Native American origin, either of the following steps shall be taken: – The coroner should contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.	With implementation of **Mitigation Measure 3.4-3,** impacts would be less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Cultural Resources (continued)		
	3.4-3: (continued) – Implementing or local agencies or authorized representatives should retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs: – The Native American Heritage Commission is unable to identify a descendent. – The descendant identified fails to make a recommendation. – The implementing agency or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.	
Geology and Soils		
Threshold 3.5-1 Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving: (a) a rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issues by the State Geologist for the area or based on other substantial evidence of a known fault; (b) Strong seismic ground shaking; (c) Seismic-related ground failure, including liquefaction; (d) Landslides.	**3.5-1:** Prior to project approval, the project applicant shall submit for review and approval by the City of Malibu Building Department detailed plans to address potential liquefaction hazards. These plans shall reduce liquefaction hazards through one of the following methods: – The proposed structures may be supported on friction piles extending through the potentially liquefiable sands. The friction piles may be designed in two ways. – Option 1: The minimum friction pile diameter is 24 inches. Friction piles should extend into the nonliquefiable alluvium a minimum of 10 feet, which is found at a depth of 30 feet. The friction piles may be proportioned using skin friction value of 500 pounds per square foot. All friction piles shall be designed to resist a creep force of 1,000 pounds per lineal foot for each foot of shaft exposed to the liquefiable sands above 30 feet. Lateral loads may be resisted by friction at the base of the conventional foundations and by passive resistance within the compacted fill. A coefficient of friction of 0.4 may be used between the foundations and the alluvium. The passive resistance may be assumed to act as a fluid with a density of 500 pounds per cubic foot. A maximum passive earth pressure of 2,000 pounds per square foot may be assumed. For isolated poles, the allowable passive earth pressure may be doubled.	With implementation of **Mitigation Measure 3.5-1,** impacts would be less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Geology and Soils (continued)		
	3.5-1: (continued) Buried utilities and parking areas would still be affected by liquefaction. Appropriate measures such as flexible connections resistant to earthquake damage and shutoff valves should be considered. – Option 2: The minimum continuous footing size is 12 inches wide and 24 inches deep into the compacted fill, measured from the lowest adjacent grade. Continuous footings may be proportioned, using a bearing value of 1,500 pounds per square foot. Column footings placed into the compacted fill may be proportioned, using a bearing value of 2,000 pounds per square foot, and shall be a minimum of 2 feet in width and 24 inches deep, below the lowest adjacent grade. The bearing values given above are net bearing values; the weight of concrete below grade may be neglected. These bearing values may be increased by one-third for temporary loads, such as, wind and seismic forces. All footing excavation depths shall be measured from the lowest adjacent grade of recommended bearing material. Footing depths shall not be measured from any proposed elevations or grades. Any foundation excavations that are not the recommended depth into the recommended bearing materials will not be acceptable. Lateral loads may be resisted by friction at the base of the conventional foundations and by passive resistance within the compacted fill. A coefficient of friction of 0.4 may be used between the foundations and the alluvium. The passive resistance may be assumed to act as a fluid with a density of 300 pounds per cubic foot. A maximum passive earth pressure of 2,000 pounds per square foot may be assumed. For isolated poles, the allowable passive earth pressure may be doubled. • The liquefaction hazard may be mitigated by in place treatment of the liquefiable sands to reduce the liquefaction potential. In place densification of the material may be accomplished with Vibro Compaction or Stone Column densification. Shallow foundations may be utilized provided that the liquefaction potential is reduced to an acceptable level. Additional testing following the treatment shall verify the results of the densification.	
Threshold 3.5-2 Result in substantial soil erosion, or the loss of topsoil.	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Geology and Soils (continued)		
Threshold 3.5.3 Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	Implementation of **Mitigation Measure 3.5-1,** above.	With implementation of **Mitigation Measure 3.5-1,** impacts would be less than significant
Threshold 3.5.4 Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water	No mitigation is required	Less than significant
Greenhouse Gases		
Threshold 3.6.1 Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	No mitigation is required	Less than significant
Threshold 3.6.2 Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No mitigation is required	Less than significant
Hazards and Hazardous Materials		
Threshold 3.7.1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	No mitigation is required	Less than significant
Threshold 3.7.2 Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	No mitigation is required	Less than significant
Threshold 3.7.3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.	No mitigation is required	Less than significant
Threshold 3.7.4 Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment.	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Hazards and Hazardous Materials (continued)		
Threshold 3.7.5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.	No mitigation is required	Less than significant
Threshold 3.7.6 For a project located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.	No mitigation is required	Less than significant
Threshold 3.7.7 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	No mitigation is required	Less than significant
Threshold 3.7.8 Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including whether wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	No mitigation is required	Less than significant
Hydrology and Water Quality		
Threshold 3.8-1 Violate any water quality standards or waste discharge requirements.	**3.8-1:** Prior to issuance of any building or grading permit or Certificate of Occupancy, the project proponent shall submit proof of compliance with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit, including the submittal of an Erosion and Sediment Control Plan (MS4 Permit Section VI.D.8.h.ii) for approval.	With implementation of **Mitigation Measures 3.8-1** and **3.8-2**, impacts would be less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Hydrology and Water Quality (continued)		
	3.8-3: Prior to issuance of any building or grading permits, the project proponent must submit, to the City, and receive final approval of a Water Quality Mitigation Plan (WQMP). The WQMP shall be supported by a final hydrology and hydraulic study that identifies all contributory runoff areas on the property and shall substantially conform to the submitted concept grading and drainage plan. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit Section VI.D.7.c. The following elements shall be included within the WQMP: • Site Design Best Management Practices (BMPs) • Source Control BMPs • Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project shall bio-filtrate 1.5 times the SWQDv that is not retained on-site. The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event. • Drainage Improvements • A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits. The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of any permits. The Public Works Department shall tentatively approve the plan and shall keep a copy on file until the completion of the project. Once the project is completed, the Public Works Department shall verify the installation of the BMPs. If there are proposed revisions to the drainage system or treatment control BMPs, the applicant shall submit the modification to the Public Works Department for review and subsequent approval. Following the Public Works Department final approval of the WQMP, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy. The WQMP shall include a maintenance covenant; a report documenting compliance shall be submitted to the City for review on an annual basis for the life of the project.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Hydrology and Water Quality (continued)		
Threshold 3.8-2 Substantially deplete groundwater supplies, or interfere substantially with groundwater recharge such that there would be net deficit in aquifer volume or a lowering of the local groundwater table.	No mitigation is required	Less than significant
Threshold 3.8-3 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site.	Implementation **Mitigation Measures 3.8-1** and **3.8-2**, above.	With implementation of **Mitigation Measures 3.8-1** and **3.8-2**, impacts would be less than significant
Threshold 3.8-4 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site.	Implementation **Mitigation Measures 3.8-1** and **3.8-2**, above.	With implementation of **Mitigation Measures 3.8-1** and **3.8-2**, impacts would be less than significant
Threshold 3.8-5 Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Implementation **Mitigation Measures 3.8-1** and **3.8-2**, above.	With implementation of **Mitigation Measures 3.8-1** and **3.8-2**, impacts would be less than significant
Threshold 3.8-6 Otherwise substantially degrade water quality.	Implementation **Mitigation Measures 3.8-1** and **3.8-2**, above.	With implementation of **Mitigation Measures 3.8-1** and **3.8-2**, impacts would be less than significant
Threshold 3.8-7 Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	No mitigation is required	Less than significant
Threshold 3.8-8 Place within a 100-year flood hazard area structures that would impede or redirect flood flow.	Implementation **Mitigation Measures 3.8-1** and **3.8-2**, above.	With implementation of **Mitigation Measures 3.8-1** and **3.8-2**, impacts would be less than significant
Threshold 3.8-9 Expose people or structures to a significant risk, loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.	Implementation **Mitigation Measures 3.8-1** and **3.8-2**, above.	With implementation of **Mitigation Measures 3.8-1** and **3.8-2**, impacts would be less than significant
Threshold 3.8-10 Expose people or structures to a significant risk, loss, injury, or death involving inundation by seiche, tsunami, or mudflow.	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Land Use		
Threshold 3.9.1 Physically divide an established community	No mitigation is required	Less than significant
Threshold 3.9-2 Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect	No mitigation is required	Less than significant
Threshold 3.9.3 Conflict with any applicable habitat conservation plan or natural community conservation plan	No mitigation is required	Less than significant
Noise		
Threshold 3.10.1 Would the project expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**3.10-1** All construction machinery and delivery trucks shall be maintained to the highest level of performance, and shall be outfitted with all noise reduction accessories, e.g., mufflers, enclosures, etc. that are offered by the equipment manufacturers. **3.10-2** The contractor and all subcontractors shall be knowledgeable about the details of Chapter 8.24 NOISE of the Malibu Municipal Code, and shall conform to its requirements at all times. **3.10-3** Construction activities shall occur only during the hours permitted by the Malibu Municipal Code – 7:00 AM until 7:00 PM on weekdays, and 8:00 AM until 5:00 PM on Saturdays. Construction activities are not permitted on Sundays and holidays. **3.10-4** The construction site shall be laid out such that materials are stored and staged near the south end of the site to maximize the distance from the equestrian center. **3.10-5** Prior to construction, all residences within 1,000 feet of the site shall be individually notified of the project's construction schedule. **3.10-6** Prior to construction, a sign shall be posted on the site that is legible from at least 50 feet off-site. The sign shall include a telephone number that residents can call to inquire about the construction process and to register complaints. The project developer shall designate a "noise control coordinator" who will reply to all construction noise-related questions and complaints. **3.10-7** Prior to the commencement of general construction, the contractor shall construct a noise wall along the property's entire north boundary to minimize the noise emissions to the equestrian center, the residence at its west edge and the residences to the north. The wall shall be at least 12 feet tall, and can be made of any solid material that weighs at least 5 pounds per square foot, e.g., stucco, wood, masonry, etc. The noise wall shall be reviewed and approved by the City of Malibu Planning Department prior to its construction.	With implementation of **Mitigation Measures 3.10-1** through **3.10-10,** construction noise related impacts would remain significant for 23704 Harbor Vista Drive, 3657 Cross Creek Road, and Legacy Park. However with implementation of **Mitigation Measures 3.10-1** through **3.10-10,** operational noise related impacts would be less than significant.

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Noise (continued)		
	3.10-8 The project shall retain the north boundary's 12-foot-high noise wall to minimize the operational phase noise emissions to the equestrian center, the residence at its west edge and the residences to the north. This will control the noise from such on-grade sources as cars, delivery and garbage trucks, parking lot sweepers, etc. **3.10-9** The project shall install rooftop noise barrier screens that surround all rooftop equipment on Building 5. The locations, weights, and heights of the screens will depend on the specific equipment. At a minimum, the screens shall be made of a solid material that weighs at least 4 pounds per square foot, and they shall completely shield the line-of-sight from each piece of rooftop equipment to the noise-sensitive receptors and shall be as close to the equipment as possible, while allowing for proper operation and maintenance. **3.10-10** All truck deliveries and all maintenance operations shall occur between the hours of 7:00 AM and 7:00 PM.	
Threshold 3.10.2 Would the project expose persons to or generate excessive ground borne vibration or ground borne noise levels?	No mitigation is required	Less than significant
Threshold 3.10.3 Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Implementation of **Mitigation Measures 3.10-8** through **3.10-10,** above.	With implementation of **Mitigation Measures 3.10-8** through **3.10-10,** impacts would be less than significant.
Threshold 3.10.4 Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Implementation of **Mitigation Measures 3.10-1** through **3.10-7,** above.	With implementation of **Mitigation Measures 3.10-1** through **3.10-7,** impacts would be mitigated to less than significant, with the exception of receptors located at 23704 Harbor Vista Drive, 3657 Cross Creek Road, and Legacy Park, which would remain significant and unavoidable.

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Fire Protection		
Threshold 3.11.1-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.	No mitigation is required	Less than significant
Sheriff Protection Services		
Threshold 3.11.2-1 Implementation of the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.	No mitigation is required	Less than significant
Recreation		
Threshold 3.12-1 Implementation of the project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	No mitigation is required	Less than significant
Threshold 3.12-2 Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Transportation and Traffic		
Threshold 3.13-1 Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. A significant impact would occur if the proposed project exceeded adopted thresholds for signalized intersections or unsignalized intersections (refer to Tables 3.13-3 and 3.13-4) or result in V/C ratio on a CMP roadway segment operating at an unacceptable LOS (i.e., LOS D, E, or F) increases by 0.05 or more.	**3.13-1:** The project applicant shall contribute its pro-rata share of the costs associated with the intersection improvements required at Pacific Coast Highway and Cross Creek Road, which are currently underling review by the City of Malibu Planning Department (CDP No. 14-036). These intersection improvements shall consist of the construction of an additional westbound right-turn lane to provide additional right-turn capacity. **Figure 3.13-17, Traffic Mitigation Plan, Cross Creek Road & Pacific Coast Highway,** illustrates the design of the Cross Creek Road/Pacific Coast Highway intersection improvement. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection. **3.13-2:** The project applicant shall contribute its pro-rata share of the costs associated with roadway improvements at the intersection of Malibu Canyon Road and Pacific Coast Highway. The improvements shall consist of restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane. In addition, the project applicant shall fund traffic signal improvements for the intersection consisting of installing a northbound right turn overlap phase to run concurrently with the westbound left turn phase. Prior to construction, all applicable permits shall be obtained from Caltrans. **Figure 3.13-18, Traffic Mitigation Plan, Malibu Canyon Road & Pacific Coast Highway**, illustrates the design of the Malibu Canyon Road and Pacific Coast Highway intersection improvements. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to the issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection. **3.13-3:** The project applicant shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of Pacific Coast Highway and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans. **Figure 3.13-19, Traffic Mitigation Plan, Webb Way & Pacific Coast Highway**, illustrates the design of the Pacific Coast Highway intersection improvements. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection.	With implementation of **Mitigation Measures 3.13-1** through **3.13-3,** impacts would be less than significant.

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Transportation and Traffic (continued)		
Threshold 3.13-2 Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways.	Implementation of **Mitigation Measures 3.13-2**, above.	With implementation of **Mitigation Measures 3.13-2,** impacts would be less than significant.
Threshold 3.13-3 Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	No mitigation is required	Less than significant
Threshold 3.13-4 Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	No mitigation is required	Less than significant
Threshold 3.13-5 Result in inadequate emergency access.	No mitigation is required	Less than significant
Threshold 3.13-6 Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	No mitigation is required	Less than significant
Electricity		
Threshold 3.14.1-1 Result in activities which use large amounts of electricity or which use electricity in a wasteful manner	No mitigation is required	Less than significant
Threshold 3.14.1-2 Result in an increased demand for electricity which exceeds either the existing supply or capacity of the infrastructure (or financially feasible infrastructure that could be developed) required to service additional demand and/or equipment (electric lines and substations, etc.).	No mitigation is required	Less than significant
Threshold 3.14.1-3 Alter the nature of demand for electricity services causing increased costs or service delivery limitations	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Natural Gas		
Threshold 3.14.2-1 Result in activities which use large amounts of natural gas or which use natural gas in a wasteful manner	No mitigation is required	Less than significant
Threshold 3.14.2-2 Result in an increased demand for natural gas which exceeds either the existing supply or capacity of the existing infrastructure (or financially feasible infrastructure that could be developed) required to service additional demand and/or equipment (natural gas lines, etc.)	No mitigation is required	Less than significant
Water Supply		
Threshold 3.14.3-1 Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	No mitigation is required	Less than significant
Threshold 3.14.3-2 Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed	No mitigation is required	Less than significant
Wastewater		
Threshold 3.14.4.1 Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	No mitigation is required	Less than significant
Threshold 3.14.4.2 Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	No mitigation is required	Less than significant
Threshold 3.14.4.3 Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	No mitigation is required	Less than significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Solid Waste		
Threshold 3.14.5-1 Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs	**3.14.5-1:** Pursuant to the City's Construction and Demolition Debris Recycling Program, an affidavit and certification to implement a Waste Reduction and Recycling Plan for the proposed project shall be completed and submitted to the City Environmental Sustainability Department prior to building permit issuance. The Plan shall include plans to recycle at a minimum 50 percent of discarded materials, such as concrete, sheetrock, wood, and metals, from proposed construction. Upon completion of the project, a Summary Report must be submitted to the Environmental Sustainability Director for approval. **3.14.5-2:** Pursuant to the City's Integrated Waste Management Program, the project applicant shall provide a plan for the disposal, storage, and collection of solid waste material for the project. The development of the plan shall be coordinated with City-permitted solid waste collection and disposal firms.	With implementation of **Mitigation Measures 3.14.5-1** and **3.14.5-2,** impacts would be less than significant.
Threshold 3.14.5-2 Comply with federal, state, and local statues and regulations related to solid waste	No mitigation is required	Less than significant

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.*

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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.

2.0 PROJECT DESCRIPTION

INTRODUCTION

This Project Description serves as the basis for the technical analysis contained in this EIR and is provided to describe the project in a way that will be meaningful to the public, reviewing agencies, and decision makers. The *California Environmental Quality Act (CEQA) Guidelines* state that a project description need not be exhaustive but should provide the level of detail needed for the evaluation and review of potential significant environmental impacts. Section 15146 of the *State CEQA Guidelines* states that the degree of specificity required in an environmental impact report (EIR) shall correspond to the degree of specificity involved in the underlying activity described in the EIR. As described in Section 15124 of the *State CEQA Guidelines*, a complete Project Description must contain the following information: (1) a statement of project objectives; (2) the location and boundaries of the proposed project; (3) a general description of the technical, economic, and environmental characteristics of the project; and (4) a statement describing the intended uses of the EIR.

PROJECT OVERVIEW

The project applicant The Park at Cross Creek LLC, is proposing the Whole Foods and the Park project (proposed project) consisting of a new 38,425-square-foot community shopping center in the Civic Center area of the City of Malibu. The shopping center is designed to be anchored by a Whole Foods Market. The floor area ratio (FAR) for the project would be 0.15, including the main market building and four smaller commercial retail 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 integrated throughout. The proposed 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 approximately 4,800 square feet designed for outdoor seating and dining.

Primary vehicle access would be provided from a driveway on Civic Center Way that is 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. The site is designed with a clockwise service access routing scheme utilizing a one-way northbound service road along the westerly property line to the loading dock area. All delivery trucks with three axles or more would be required to enter and exit the project through the primary entrance at Civic Center Way. Stop signs, stop lines, and crosswalks have been added within the parking lot to provide right-of-way control and guidance to motor vehicles and pedestrians. The project site plan provides for 220 parking stalls. The two commercial retail buildings along Cross Creek Road would incorporate wood decks designed to tie into the outdoor recreation

amenity area that would be located between the buildings and the sidewalk. This outdoor area 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 (CCWTF) via points of connection in either Civic Center Way or Cross Creek Road. Therefore, no on-site wastewater treatment system is included as part of the proposed project.

The project provides 64,042 square feet of open space (25 percent of site area). The project is required to provide 40 percent of the site area for landscaping (102,467 square feet). The project provides 32,849 square feet of landscaped area, 48,492 square feet of tree canopy outside the planters and not included in the open space calculation, and 22,000 square feet of green/living walls (also not included in the open space calculation).

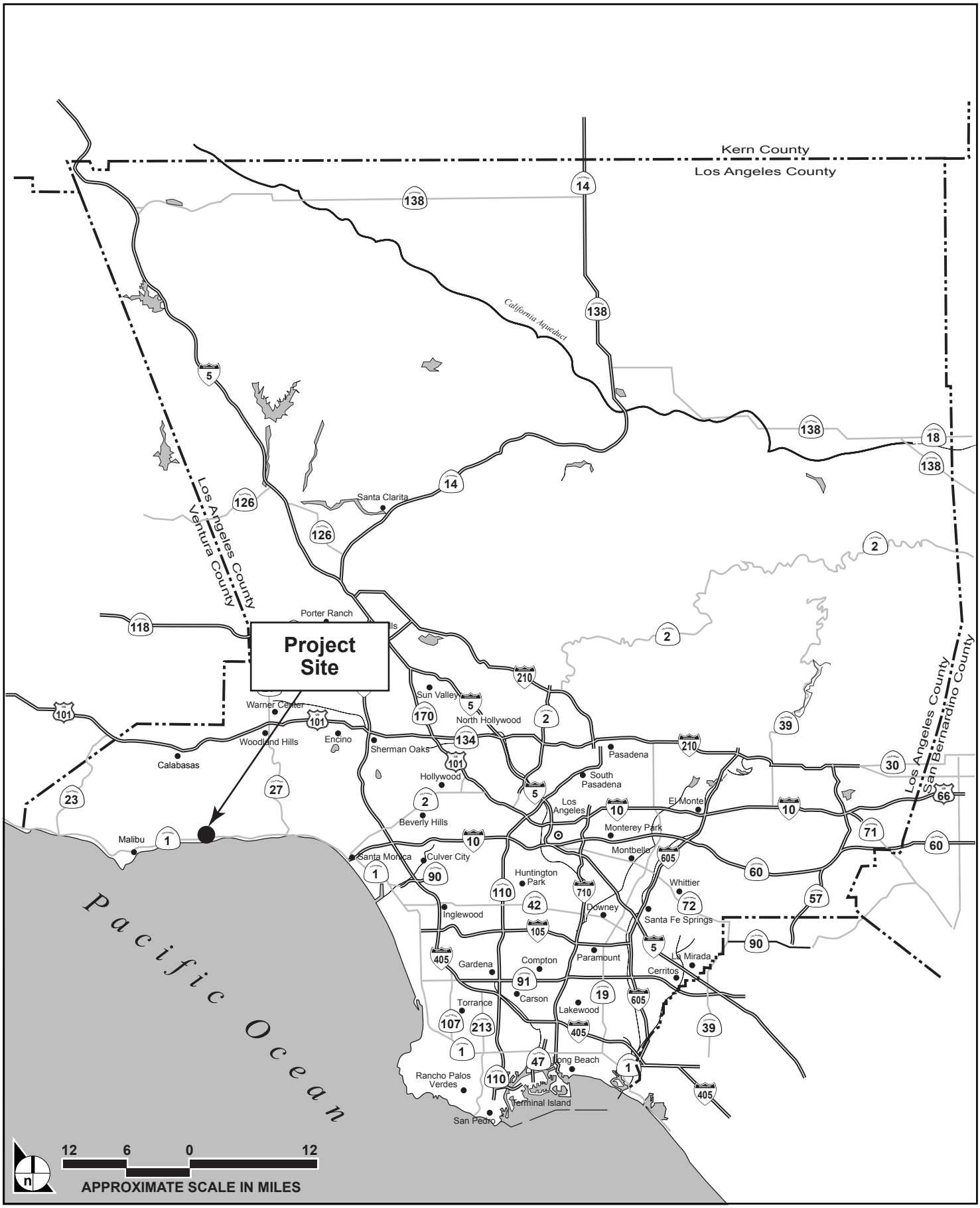
PROJECT LOCATION

The project site occupies 5.88 acres of land in the Civic Center area of the City of Malibu, Los Angeles County, California. The project site is situated north of Civic Center Way to the east of the Civic Center government buildings. The project site is also located in the Malibu Civic Center area. **Figure 2.0-1**, **Regional Location**, illustrates the location of the Whole Foods project site within a regional context. **Figure 2.0-2**, **Project Vicinity**, shows where the Whole Foods project site is located within the City of Malibu.

EXISTING SETTING

Regional and Project Vicinity

Figure 2.0-3, Project Boundary, depicts the boundary of the Whole Foods project site. The project site is an irregularly shaped, nearly flat parcel of approximately 5.88 acres in the Civic Center area of the City of Malibu. The project site is located at the northwest corner of the intersection of Civic Center Way and Cross Creek Road. 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 the Civic Center Way public right-of-way. 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. No known septic systems exist on the project site.



SOURCE: Impact Sciences, Inc. – December 2013

FIGURE **2.0-1**

Regional Location

SOURCE: Impact Sciences, Inc., December 2013

FIGURE **2.0-2**

Project Vicinity

0592.003•03/14

SOURCE: Impact Sciences, Inc., December 2013

FIGURE **2.0-3**

Project Boundary

Consistent with the overall semi-rural environment of the City, the Civic Center area is not highly urbanized. The low-density distribution of the structures, low profile of building heights and design elements, and limited landscaping amongst undisturbed open space maintains a spacious and small-town feel. The Civic Center area is surrounded by rural residential uses on hillsides to north, public open space along Malibu Creek and Lagoon on the east, multi-family and rural residential to the west, and the Pacific Coast Highway (PCH) to the south. Commercial, recreation, open space, and residential uses lie south of PCH.

Office uses in the area include professional office buildings of one to two stories that support professional service and business support uses, such as insurance, dry cleaners, medical, dental and law offices. Public uses in the area include Malibu City Hall, located off of Stuart Ranch Road in the northern section of the Civic Center area. Webster Elementary School, Our Lady of Malibu Church and School, and a Southern California Edison facility are located off of Civic Center Way in the northwest portion of this area. The Malibu Racquet Club, a commercial recreational facility, is located west of City Hall.

Additional uses near the project site include a GTE/Verizon Wireless maintenance facility, with a building and a surface parking lot, located immediately adjacent to the northeast corner of the project site (3705 Cross Creek Road). Located further to the north along Cross Creek Road is the neighborhood known as "Serra Retreat" (also sometimes call "Serra Canyon"). This area includes a community of 96 single-family residential properties and the Serra Retreat, a Catholic Retreat and Conference Center. Residents belong to the Serra Canyon Property Owners Association, which was formed to maintain the privately-owned portion of Cross Creek Road which serves the canyon community. Entry to the community is controlled by two guard-gated drives, one off PCH and the other on Cross Creek Road. Immediately to the west is the currently undeveloped parcel for the approved La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Los Angeles County Public Library – Malibu Branch, and the former Los Angeles County Superior Court West District office (which is now closed), is located immediately to the west of the La Paz project site. The Santa Monica Community College District (as the Lead Agency) is currently preparing an EIR for the demolition of the former Los Angeles County Sheriff's Station, also on the complex site, which was decommissioned in the early 1990s, and the construction of a new, two-story, above-grade, approximately 27,500-square-foot educational facility, including an approximately 5,700-square-foot Sheriff's substation and an Emergency Operations and Planning Center on the ground floor to serve the Malibu community. The City's 26-acre Legacy Park, a passive community park, which includes an element of the City's storm water treatment system, is located southwest of the project site, across Civic Center Way.

The Pacific Ocean is located 0.5 mile south of the site, lower Malibu Creek is 0.5 mile to the south and east and the base of the Santa Monica Mountains foothills are located 0.5 mile to the north across Malibu Canyon Road.

City of Malibu General Plan, Municipal Code and Local Coastal Program

City of Malibu General Plan

The City's General Plan was adopted in 1996 and was last revised in 2004. The General Plan is primarily a policy document that sets goals and policies concerning the community and gives direction to growth and development. The General Plan consists of the seven state mandated elements: Land Use Element (Chapter 1.0), Open Space and Recreation Element (Chapter 2.0), Conservation Element (Chapter 3.0), Circulation and Infrastructure Element (Chapter 4.0), Safety and Health Element (Chapter 5.0), Noise Element (Chapter 6.0) and Housing Element (Chapter 7.0). In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The General Plan policies ensure that new development meets City standards and is consistent with City goals.

Malibu Municipal Code

Malibu Municipal Code (MMC), Title 17 (Zoning Ordinance) regulates land use and development throughout the City. California law requires the City's zoning code to be consistent with the Land Use Element of the City's General Plan and is intended to implement the land use policies in the General Plan. The Zoning Ordinance identifies the uses that are allowed on parcels within the City.

Local Coastal Program

The City lies entirely within with the California Coastal Zone, as defined by the California Coastal Act. The Coastal Act requires that its goals and policies be implemented by local government through the Local Coastal Program (LCP) process. The LCP is composed of two parts: the Land Use Plan (LUP) and the Local implementation Plan (LIP). Both plans were adopted by the California Coastal Commission on September 13, 2002.

Land Use Plan

Policies of the Land Use Plan (LUP) are designed to assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the state and City residents.

Local Implementation Plan

The LIP was adopted to implement the policies outlined in the LUP of the LCP by providing detailed guidance regarding development in the Coastal Zone.

Refer to Section **3.9, Land Use,** for further information and analysis regarding project compliance these plans.

Measure R

On November 4, 2014, City of Malibu voters approved Measure R. This measure requires voter-approval of specific plans for commercial and commercial-residential projects over 20,000 square feet, and (2) allows formula retail businesses[1] in tenant spaces between 1,400 square feet and 5,000 square feet in existing civic center shopping centers but imposes stricter requirements (including a 2,500-square-foot limit per business and a limit of 30 percent of shopper center's tenants) on some such businesses in any new shopping center or existing ones outside the civic center. In conformance with Measure R, a Specific Plan has been prepared for the project. Once built-out, the occupancy of the project also must be in conformance with Measure R formula retail limitations.

Project Site

Currently vacant, the project site is relatively flat with a downward elevation change of approximately five feet from north to south. The northern portion of the site is approximately 20 feet above sea level and the southern end of the site is approximately 15 feet above sea level. A gravel road runs along the west side of the project site and a paved road area is located in the northeast portion along Cross Creek Road.

The project site consists of two vacant parcels identified as Assessor Parcel No. (APNs) 4458-022-001 and 4458-022-022, totaling 2.33 and 3.55 acres respectively. Both parcels are designated CV-1 according to the Local Coastal Plan (LCP) land use and zoning maps. The lot development criteria for CV-1 calls for new lots to be at least 5 acres in size, 300 feet wide and 500 feet deep; as part of the proposed project, the two parcels would be merged into one parcel that would be 5.88 acres with a depth of 717 feet and a width of 422.5 feet. The lot merger must be recorded prior to the issuance of grading permits.

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1 Formula retail is considered any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with 10 or more other existing, operational retail establishments located within the United States, is required to maintain two or more of the following features: Standardized array of merchandise or menu items; Standardized décor; Uniform apparel; Standardized signage, a servicemark, or a trademark; Standardized color scheme; or Standardized façade.

Primary access to the site is provided from Civic Center Way via PCH. Both streets are generally posted with speed limits of, or operating at speeds of, 40 to 55 miles per hour. PCH's travel lanes are bordered by wide paved shoulders. No sidewalks or formal bike paths exist along this segment of PCH or Civic Center Way. Civic Center Way runs along the southern boundary of the project site and is two-lanes in front of the project site. Cross Creek Road is two lanes with a dirt shoulder along the eastern boundary of the project site.

Views of the project site are generally less obstructed by features such as intervening buildings, trees and topography 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 properties along Civic Center Way. The project site is also partially visible from the PCH and Webb Way and from properties along these streets; however, trees, landscaping and structures obstruct some views toward the site from these locations. Such distant 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.

Vegetation on the site is dominated by upland species with most of the site supporting upland non-native grasses and forbs typical of disturbed sites. Herbaceous species include ripgut, dwarf nettle, foxtail barley, red-stem filaree, black mustard, bur clover, Russian thistle, Chinese caps, cheeseweed, and castor bean.[2] Three groups of sycamore trees (a total of eight) are located in the central and northwestern portions of the site and would 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 LCP are located on the project site.[3] Refer to **Section 3.3, Biological Resources,** for more information.

The site is underlain by non-marine sediments of older alluvium primarily consisting of interlayered loose to dense, fine to coarse sands, gravels, and firm to stiff sandy silt.[4] Previous grading has resulted in fill placement (ranging from 2 to 2.5 feet in thickness) for the existing paved area on a small portion of the project site. Groundwater levels at the site range from 7.0 to 9.3 feet below the existing grade.[5] Refer to **Section 3.5, Geology and Soils,** for more information.

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2 Glenn Lukos Associates, *Jurisdictional Determination, Whole Foods Plaza, Malibu, Los Angeles County, California*. February 21, 2012

3 Glenn Lukos Associates, Jurisdictional Determination, Whole Foods Plaza, Malibu, Los Angeles County, California. February 21, 2011.

4 GeoConcepts, Inc. *Limited Geologic and Soils Engineering Investigation Proposed Office Buildings Lot A&B NW Corner of Cross Creek Road and Civic Center Way Malibu, California*, June 21, 1999.

5 Van Beveren & Butelo, Inc. *Report of Geotechnical Investigation Proposed Papa Jack's Town Center.* August 7, 2007.

One 500-gallon gasoline underground storage tank (UST) formerly existed near the northwest corner of the project site. The tank was removed in 1997, no gasoline constituents were detected in soil samples collected during the removal, and the case has been issues regulatory closure with the Los Angeles County Department of Public Works (LADPW).[6] Five wells are also located on the property; laboratory results showed volatile organic compounds (VOCs) below detection limits in a groundwater sample collected from an on-site well in 2008, and metals concentrations, where present, were within normal background ranges.[7] Refer to **Section 3.7, Hazards and Hazardous Materials,** for more information.

PROJECT DESCRIPTION

The project applicant, The Park at Cross Creek LLC, proposes to develop a 38,425-square-foot commercial property consisting of five separate buildings on a 5.88-acre site. **Table 2.0-1** provides a project summary. Development would consist of five buildings with outdoor benches and eating areas,[8] Shane's Inspiration Playground, a fully accessible playground with facilities for children with special needs, a Sensory Garden,[9] and a Kitchen Community Learning Garden[10] providing learning opportunities for children and adults interested in growing sustainable organic food, including school classes. The proposed project would also provide a pedestrian connection to the adjacent (proposed) La Paz project site. The proposed project includes 220 parking spaces (seven handicapped accessible, 175 standard and 38 compact), 16 bicycle spaces (via four bicycle racks spread out across the site), four golf cart spaces, two electric vehicle charging stations, four loading spaces for the retail uses, and 520 square feet of soft-surface area for horse parking, including four hitching posts, and a watering trough.

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6 The Reynolds Group, *Phase I Environmental Site Assessment Northwest Corner of Civic Center Drive and Cross Creek Road, Malibu California.* January 11, 2012.

7 The Reynolds Group, *Phase I Environmental Site Assessment Northwest Corner of Civic Center Drive and Cross Creek Road, Malibu California.* January 11, 2012.

8 Some outdoor eating areas may be dedicated to certain restaurant uses, others will be "open use"; where these may occur has not yet been determined.

9 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.

10 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/

Table 2.0-1
Proposed Project Summary

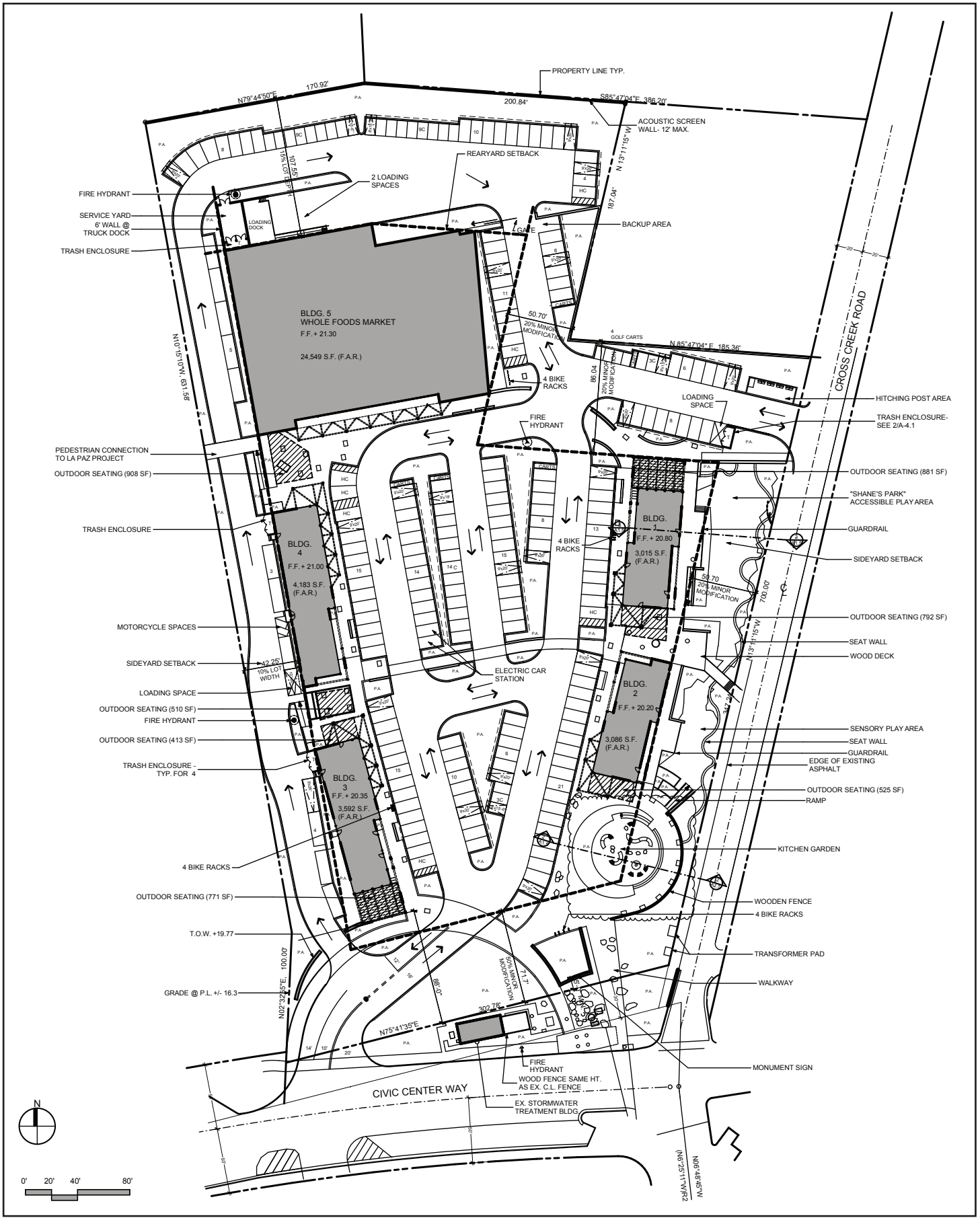
Building	Area
Building 1	3,015 square feet
Building 2	3,086 square feet
Building 3	3,592 square feet
Building 4	4,183 square feet
Building 5 (Whole Foods)	24,549 square feet
Total	**38,425 square feet**

Source: The Park at Cross Creek LLC (December 2014)

The design intent is to extend the low-scale village-like shopping experience that exists on Cross Creek Road into a similar low-scaled park-like atmosphere providing a physical and visual link to Legacy Park. The pedestrian entrance would be an extension of the Cross Creek pedestrian walkways. Combined with the market, a group of small-scale buildings surround the central parking area with its trees and landscaped islands, walkways and benches. The small scale of the buildings oriented to outdoor seating and dining areas, walkways, Shane's Inspiration Playground, the Sensory Garden, and the Kitchen Community Learning Garden are all intended to complement the existing form and quality of the shopping experience found at the existing Malibu Country Mart Center.

The project layout and architecture is that of simple, contemporary buildings scattered in the landscape. The proposed building materials are simple and consist of stucco, wood siding, heavy timber, and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains. The design incorporates the use of heavy timber trellises and standing seam metal roofs which reference Malibu's ranching history.

Buildings on the project site would range in height between 16 to 28 feet depending on building design and roof configuration. The proposed building sizes also vary, the largest being the Whole Foods Market with the four smaller retail building surrounding the central parking area. The Whole Foods Market would be located at the rear of the property to maximize visual access to the Santa Monica Mountains from Civic Center Way, and to mask the loading and trash areas. **Figure 2.0-4, Site Plan,** shows the proposed project layout.



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-4**

Site Plan

The main building (Building 5) is proposed for use as a Whole Foods Market. The 24,549-square-foot building would be set at the north end of the project site. The building height would range from 24 feet from existing grade at the flat roof portion and 28 feet at the sloped roof portion. This height increase above the 18-foot allowable height is due in part to the fact that building finished floors must be raised by a minimum of three feet above the existing grade to meet Federal Emergency Management Agency (FEMA) requirements, and is also necessary to provide a screen for the rooftop mechanical equipment required for commercial use. A pedestrian entrance to the Whole Foods Market would be provided from a primary entrance at the south end of the building. The trash enclosures and loading docks would be located at the north end or the rear of the building. The front of the building (south elevation) would feature a heavy timber trellis with stone columns along the façade. The height of the roof at the north elevation would be 28 feet; the building height would be 24 feet on the east elevation, 25 feet on the south elevation and 24 feet on the west. Elevations for the Whole Foods Market are shown in **Figure 2.0-5, Building 5 Sections and Elevations.**

Building 1 would have a gross floor area of 3,015 square feet and is proposed to serve general commercial uses. The building height would be 19.11 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building 2 would have a gross floor area of 3,086 square feet and is proposed to serve general commercial uses. The building height would be 20.1 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building 3 would have a gross floor area of 3,592 square feet and is proposed to serve general commercial uses. The building height would be 20.6 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building 4 would have a gross floor area of 4,183 square feet and is proposed to serve general commercial uses. The building height would be 19.11 feet from existing grade at the flat portion and 28 feet in the sloped roof portion. Building elevations and plans for Buildings 1 through 4 are shown in **Figure 2.0-6** through **Figure 2.0-9**.

The proposed project would also include a 12-foot sound wall along the northern property line. The property immediately north of the project site is used as a horse training facility and the owners of that property have expressed concern about the sensitivity of horses to sudden noise. The purpose of the proposed wall is to respond to that concern.

Access and Parking

Vehicles would access the project site via two proposed driveways: one driveway is planned on Civic Center Way near the west end of the project site opposite the Country Mart Shopping Center driveway and one driveway is planned on Cross Creek Road near the north end of the project site. The site is designed with a clockwise service access routing scheme utilizing a one-way northbound service road along the westerly property line to the loading dock area. In compliance with Fire Department

requirements the service road would maintain a minimum 20-foot width. Stop signs, stop lines, and crosswalks have been added within the parking lot to provide right-of-way control and guidance to motor vehicles and pedestrians.

The one way driveway loop behind Buildings 3 and 4 and the Whole Foods market is designed to keep employee and delivery vehicles at the rear of those buildings to facilitate access and parking in the main parking lot for the project patrons. Large truck deliveries to the supermarket will be at most twice a day and will be at non-peak hours. Restaurant deliveries will also be kept to non-peak operating hours.

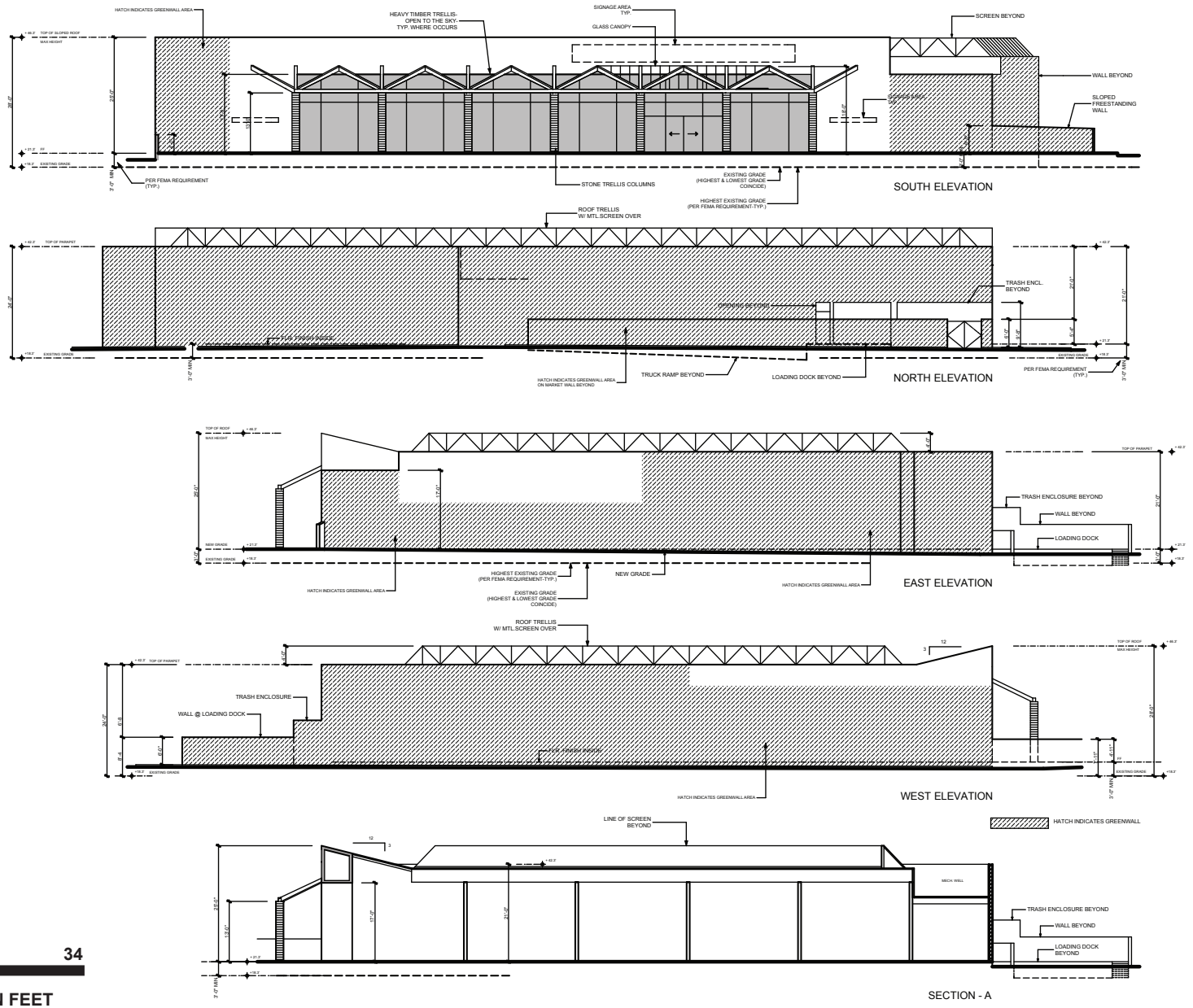
The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The Cross Creek Road driveway would serve as the secondary vehicular entrance and exit for the shopping center. The Cross Creek Road driveway would accommodate vehicular access to all on-site parking. However, no three-axle delivery trucks would be permitted to use Cross Creek Road. The project proposes to remove four on-street parallel parking spaces located on the north side of Civic Center Way between the driveway and the Civic Center Way and Cross Creek Road intersection. The spaces are proposed for removal to improve vehicle sight lines, truck access and to eliminate parallel parking maneuvers that could block the flow of through-traffic.

The project has been designed to provide parking pursuant to the Malibu LIP requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces, the project's parking supply of 220 parking spaces would accommodate the estimated parking demand at the shopping center.[11]

Landscaping and Open Space

The LCP requires that 40 percent of the gross lot area constitute landscaped area, or, in this case, 102,467 square feet. The ground-based planter area included in the landscaped area calculations totals 32,849 square feet; however the project proposes additional landscape features as shown in **Table 2.0-2 Proposed Landscaping and Plantings** which are described below and shown in **Figure 2.0-10 Landscape Plan.**

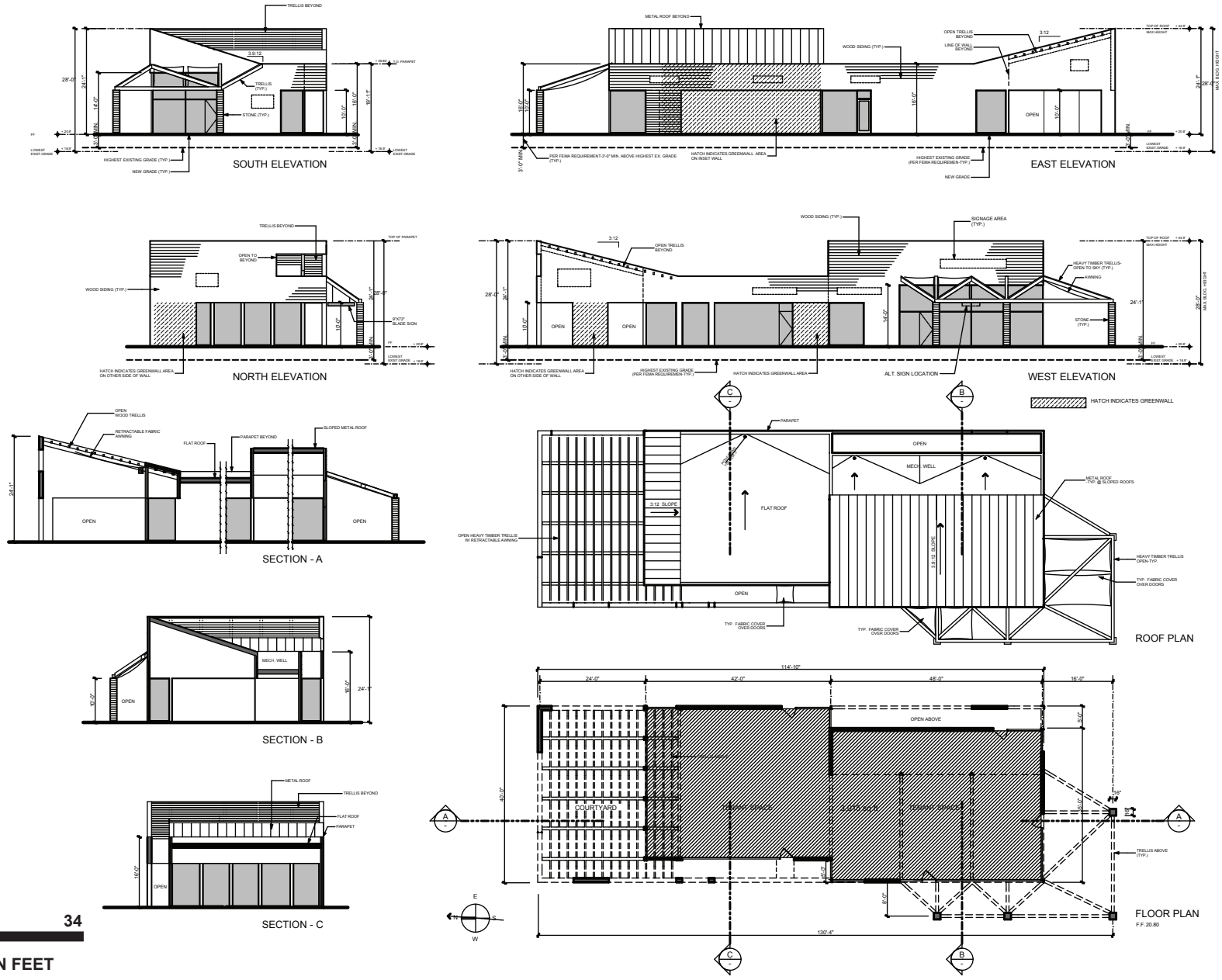
[11] A parking study/analysis was included in the Traffic Impact Analysis by provided Overland Traffic Consultants and included in this EIR in **Appendix 3.13**.



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-5**

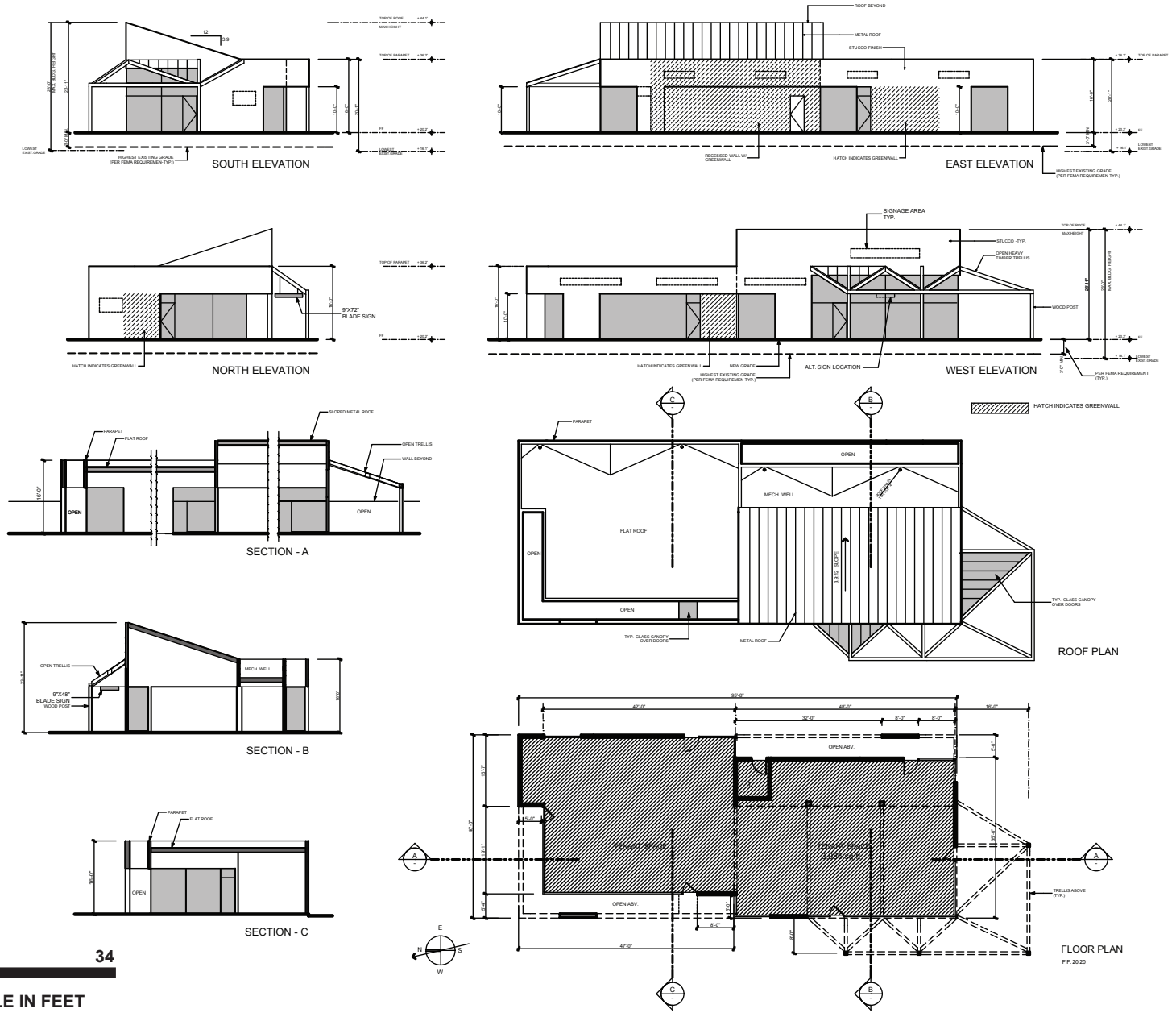
Building 5 Sections and Elevations



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-6**

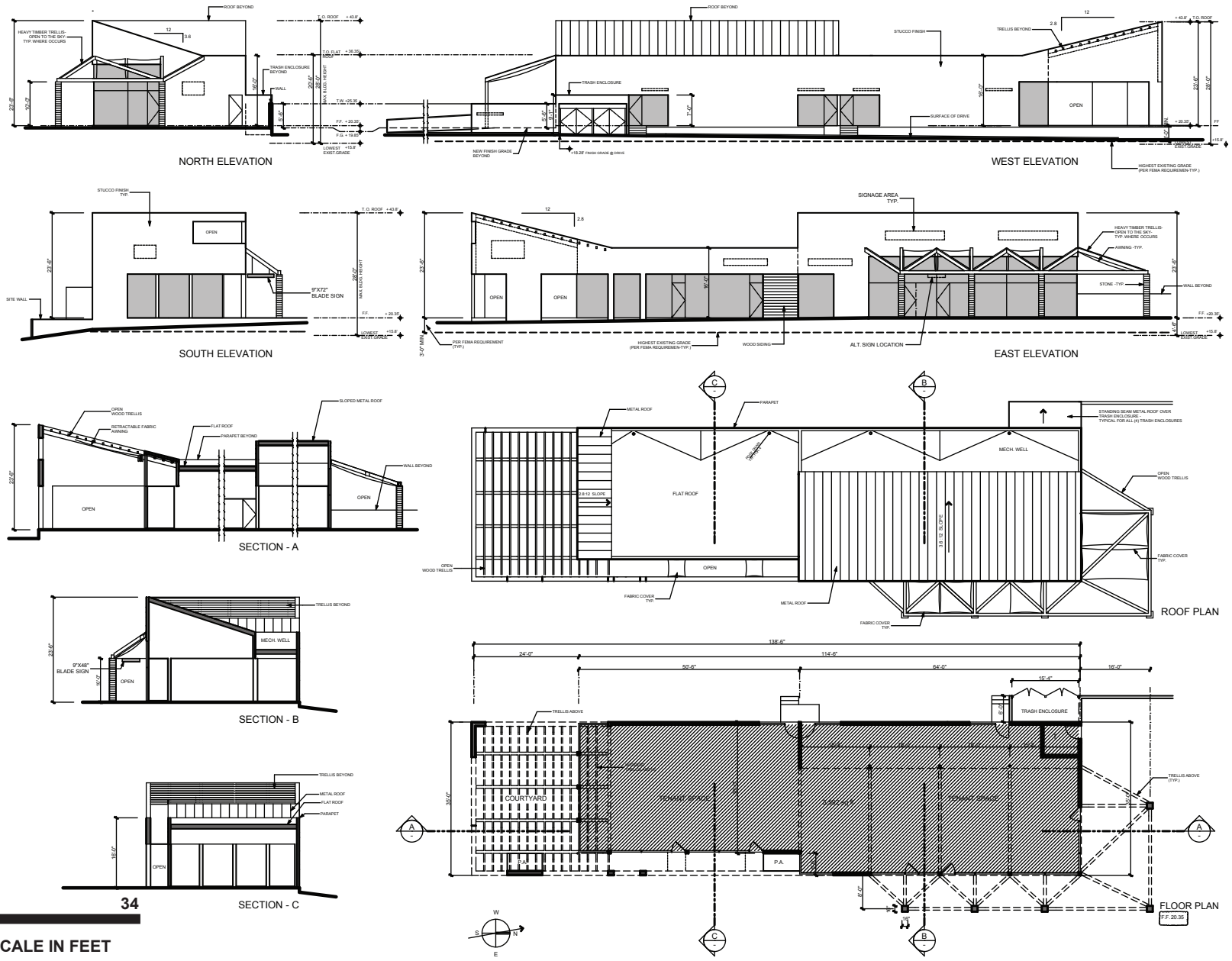
Building 1



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-7**

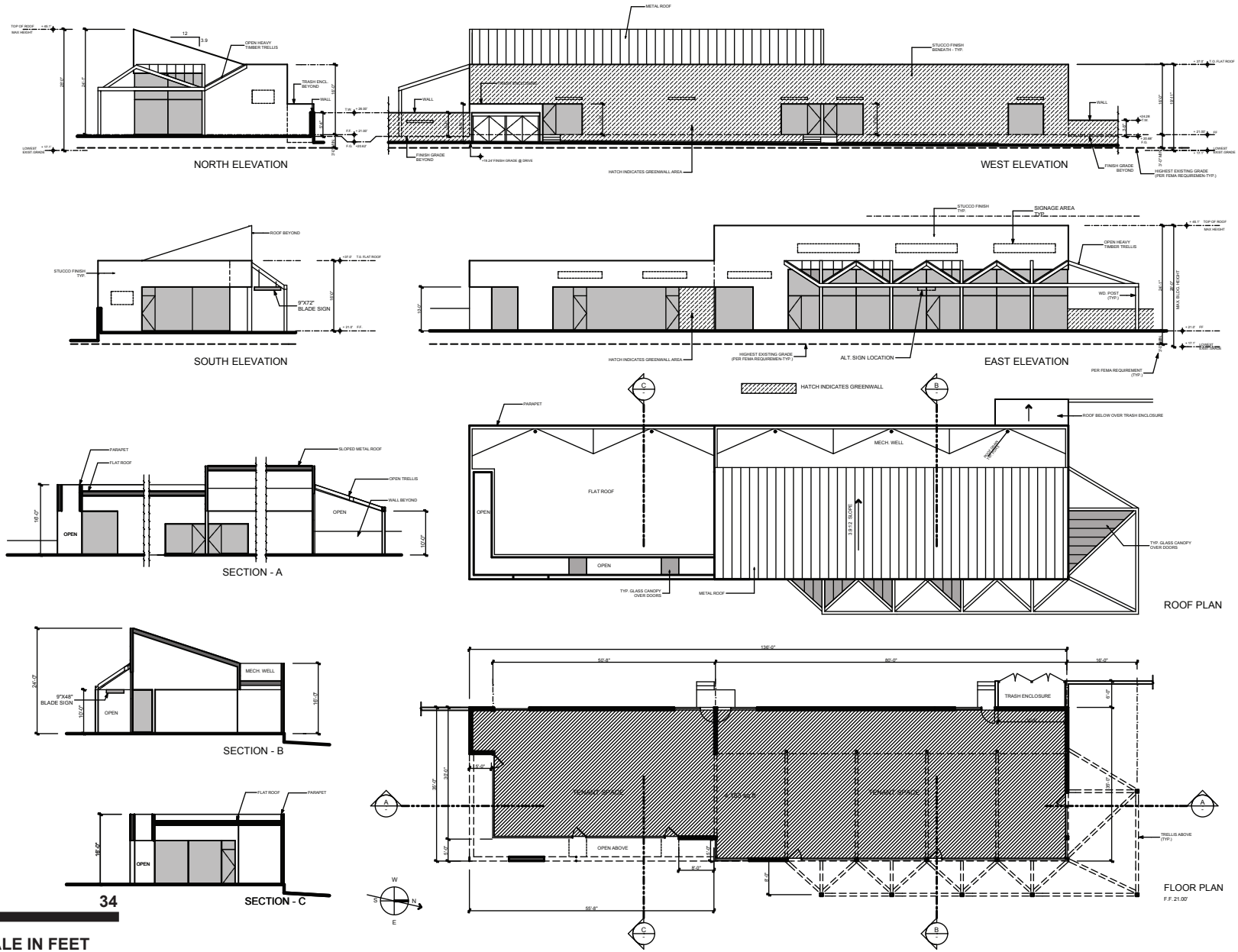
Building 2



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-8**

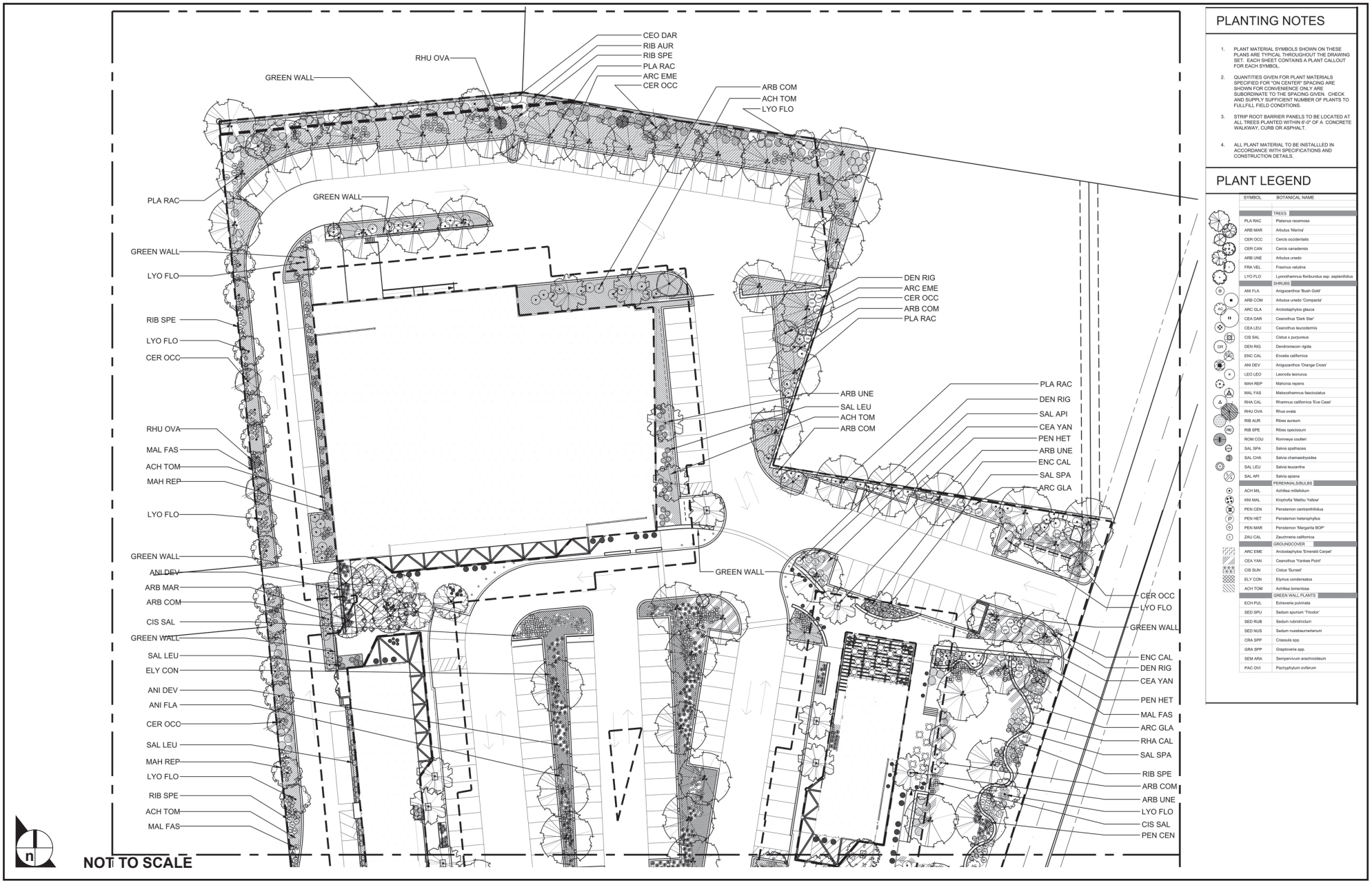
Building 3



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-9**

Building 4



PLANTING NOTES

1. PLANT MATERIAL SYMBOLS SHOWN ON THESE PLANS ARE TYPICAL THROUGHOUT THE DRAWING SET. EACH SHEET CONTAINS A PLANT CALLOUT FOR EACH SYMBOL.
2. QUANTITIES GIVEN FOR PLANT MATERIALS SPECIFIED FOR "ON CENTER" SPACING ARE SHOWN FOR CONVENIENCE ONLY ARE SUBORDINATE TO THE SPACING GIVEN. CHECK AND SUPPLY SUFFICIENT NUMBER OF PLANTS TO FULLFILL FIELD CONDITIONS.
3. STRIP ROOT BARRIER PANELS TO BE LOCATED AT ALL TREES PLANTED WITHIN 6'-0" OF A CONCRETE WALKWAY, CURB OR ASPHALT.
4. ALL PLANT MATERIAL TO BE INSTALLLED IN ACCORDANCE WITH SPECIFICATIONS AND CONSTRUCTION DETAILS.

PLANT LEGEND

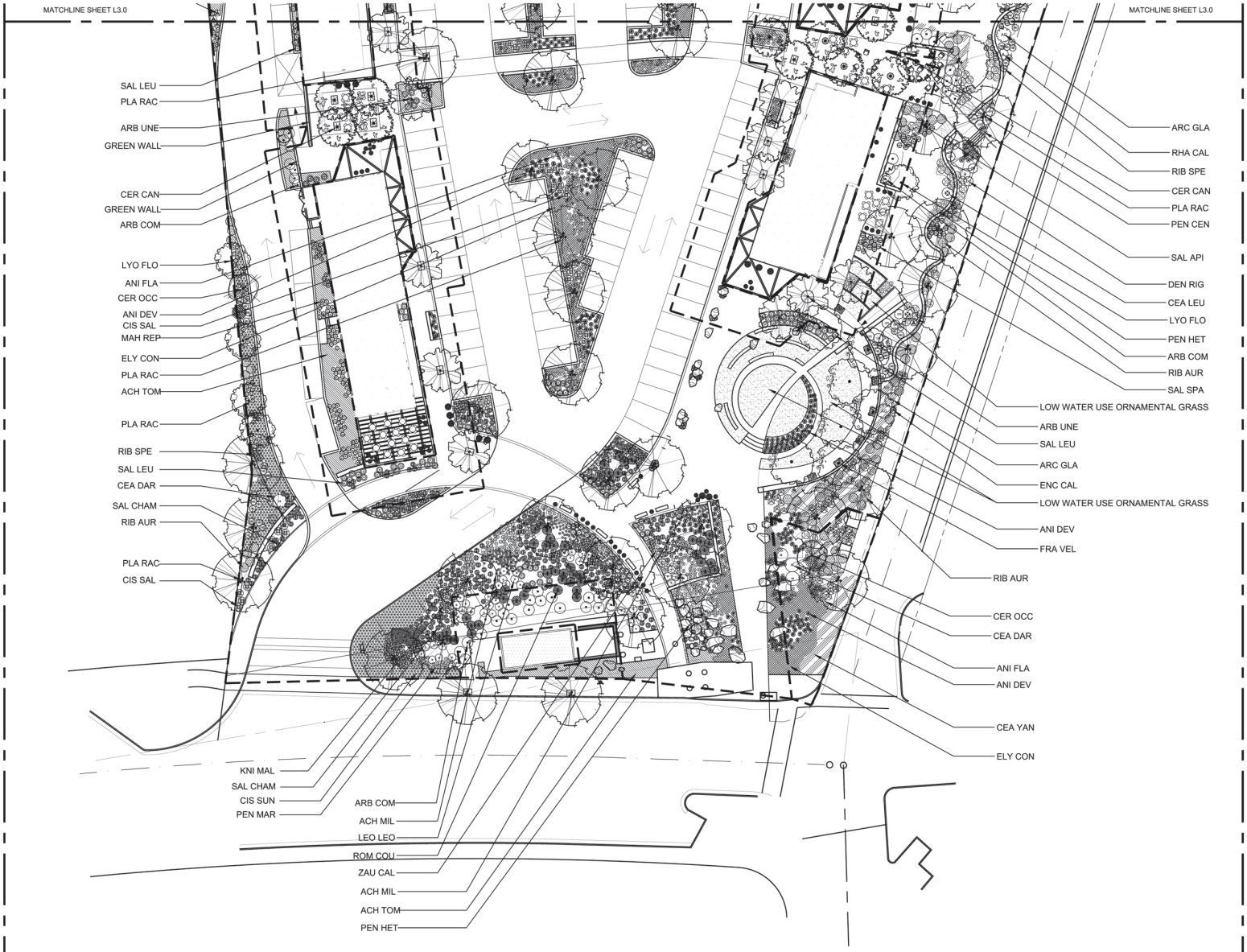
SYMBOL	BOTANICAL NAME
	TREES
PLA RAC	Platanus racemosa
ARB MAR	Arbutus 'Marina'
CER OCC	Cercis occidentalis
CER CAN	Cercis canadensis
ARB UNE	Arbutus unedo
FRA VEL	Fraxinus velutina
LYO FLO	Lyonothamnus floribundus asp. asplenifolius
	SHRUBS
ANI FLA	Anigozanthos 'Bush Gold'
ARB COM	Arbutus unedo 'Compacta'
ARC GLA	Arctostaphylos glauca
CEA DAR	Ceanothus 'Dark Star'
CEA LEU	Ceanothus leucodermis
CIS SAL	Cistus x purpureus
DEN RIG	Dendromecon rigida
ENC CAL	Encelia californica
ANI DEV	Anigozanthos 'Orange Cross'
LEO LEO	Leonotis leonurus
MAH REP	Mahonia repens
MAL FAS	Malocothamnus fasciculatus
RHA CAL	Rhamnus californica 'Eve Case'
RHU OVA	Rhus ovata
RIB AUR	Ribes aureum
RIB SPE	Ribes speciosum
ROM COU	Romneya coulteri
SAL SPA	Salvia spathacea
SAL CHA	Salvia chamaedryoides
SAL LEU	Salvia leucantha
SAL API	Salvia apiana
	PERENNIALS/BULBS
ACH MIL	Achillea millefolium
KNI MAL	Kniphofia 'Malibu Yellow'
PEN CEN	Penstemon centranthifolius
PEN HET	Penstemon heterophyllus
PEN MAR	Penstemon 'Margarita BOP'
ZAU CAL	Zauschneria californica
	GROUNDCOVER
ARC EME	Arctostaphylos 'Emerald Carpet'
CEA YAN	Ceanothus 'Yankee Point'
CIS SUN	Cistus 'Sunset'
ELY CON	Elymus condensatus
ACH TOM	Achillea tomentosa
	GREEN WALL PLANTS
ECH PUL	Echeveria pulvinata
SED SPU	Sedum spurium 'Tricolor'
SED RUB	Sedum rubrotinctum
SED NUS	Sedum nussbaumerianum
CRA SPP	Crassula spp.
GRA SPP	Graptoveria spp.
SEM ARA	Sempervivum arachnoideum
PAC OVI	Pachyphytum oviferum

NOT TO SCALE

SOURCE: Valley Crest Design-Build, March 2013

FIGURE **2.0-10a**

Landscape Plan



PLANTING NOTES

1. PLANT MATERIAL SYMBOLS SHOWN ON THESE PLANS ARE TYPICAL THROUGHOUT THE DRAWING SET. EACH SHEET CONTAINS A PLANT CALLOUT FOR EACH SYMBOL.
2. QUANTITIES GIVEN FOR PLANT MATERIALS SPECIFIED FOR "ON CENTER" SPACING ARE SHOWN FOR CONVENIENCE ONLY ARE SUBORDINATE TO THE SPACING GIVEN. CHECK AND SUPPLY SUFFICIENT NUMBER OF PLANTS TO FULLFILL FIELD CONDITIONS.
3. STRIP ROOT BARRIER PANELS TO BE LOCATED AT ALL TREES PLANTED WITHIN 6'-0" OF A CONCRETE WALKWAY, CURB OR ASPHALT.
4. ALL PLANT MATERIAL TO BE INSTALLLED IN ACCORDANCE WITH SPECIFICATIONS AND CONSTRUCTION DETAILS.

PLANT LEGEND

SYMBOL	BOTANICAL NAME
	TREES
PLA RAC	Platanus racemosa
ARB MAR	Arbutus 'Marina'
CER OCC	Cercis occidentalis
CER CAN	Cercis canadensis
ARB UNE	Arbutus unedo
FRA VEL	Fraxinus velutina
LYO FLO	Lyonothamnus floribundus ssp. aspleniifolius
	SHRUBS
ANI FLA	Arrigocanthos 'Bush Gold'
ARB COM	Arbutus unedo 'Compacta'
ARC GLA	Arctostaphylos glauca
CEA DAR	Ceanothus 'Dark Star'
CEA LEU	Ceanothus leucodermis
CIS SAL	Cistus x purpureus
DEN RIG	Dendromecon rigida
ENC CAL	Encelia californica
ANI DEV	Arrigocanthos 'Orange Cross'
LEO LEO	Leonotis leonurus
MAH REP	Mahonia repens
MAL FAS	Malacothamnus fasciculatus
RHA CAL	Rhamnus californica 'Eve Case'
RHU OVA	Rhus ovata
RIB AUR	Ribes aureum
RIB SPE	Ribes speciosum
ROM COU	Romneya coulteri
SAL SPA	Salvia spathacea
SAL CHA	Salvia chamaedryoides
SAL LEU	Salvia leucantha
SAL API	Salvia apiana
	PERENNIAL S/BULBS
ACH MIL	Achillea millefolium
KNI MAL	Kniphofia 'Malibu Yellow'
PEN CEN	Penstemon centranthifolius
PEN HET	Penstemon heterophyllus
PEN MAR	Penstemon 'Margarita BOP'
ZAU CAL	Zauschneria californica
	GROUNDCOVER
ARC EME	Arctostaphylos 'Emerald Carpet'
CEA YAN	Ceanothus 'Yankee Point'
CIS SUN	Cistus 'Sunset'
ELY CON	Elymus condensatus
ACH TOM	Achillea tomentosa
	GREEN WALL PLANTS
ECH PUL	Echeveria pulvinata
SED SPU	Sedum spurium 'Tricolor'
SED RUB	Sedum rubrotinctum
SED NUS	Sedum nussbaumerianum
CRA SPP	Crassula spp.
GRA SPP	Graptoveria spp.
SEM ARA	Sempervivum arachnoideum
PAC OVI	Pachyphytum oviferum

SHEET NOTES

1. SEE SHEET L3.2 FOR NOTES AND LEGENDS

-NOT TO SCALE-

SOURCE: Valley Crest Design-Build, March 2013

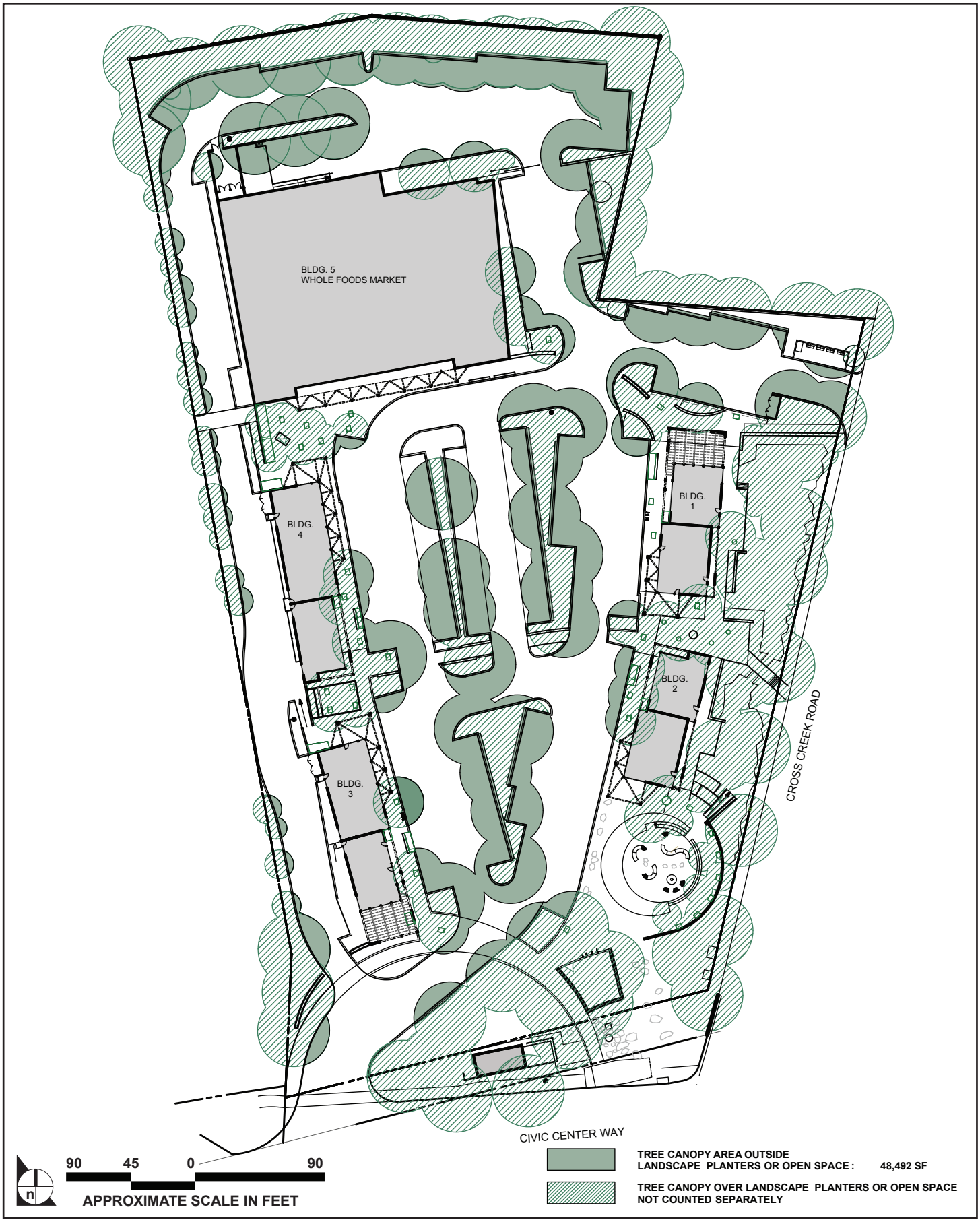
FIGURE **2.0-10b**

Landscape Plan

SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-11**

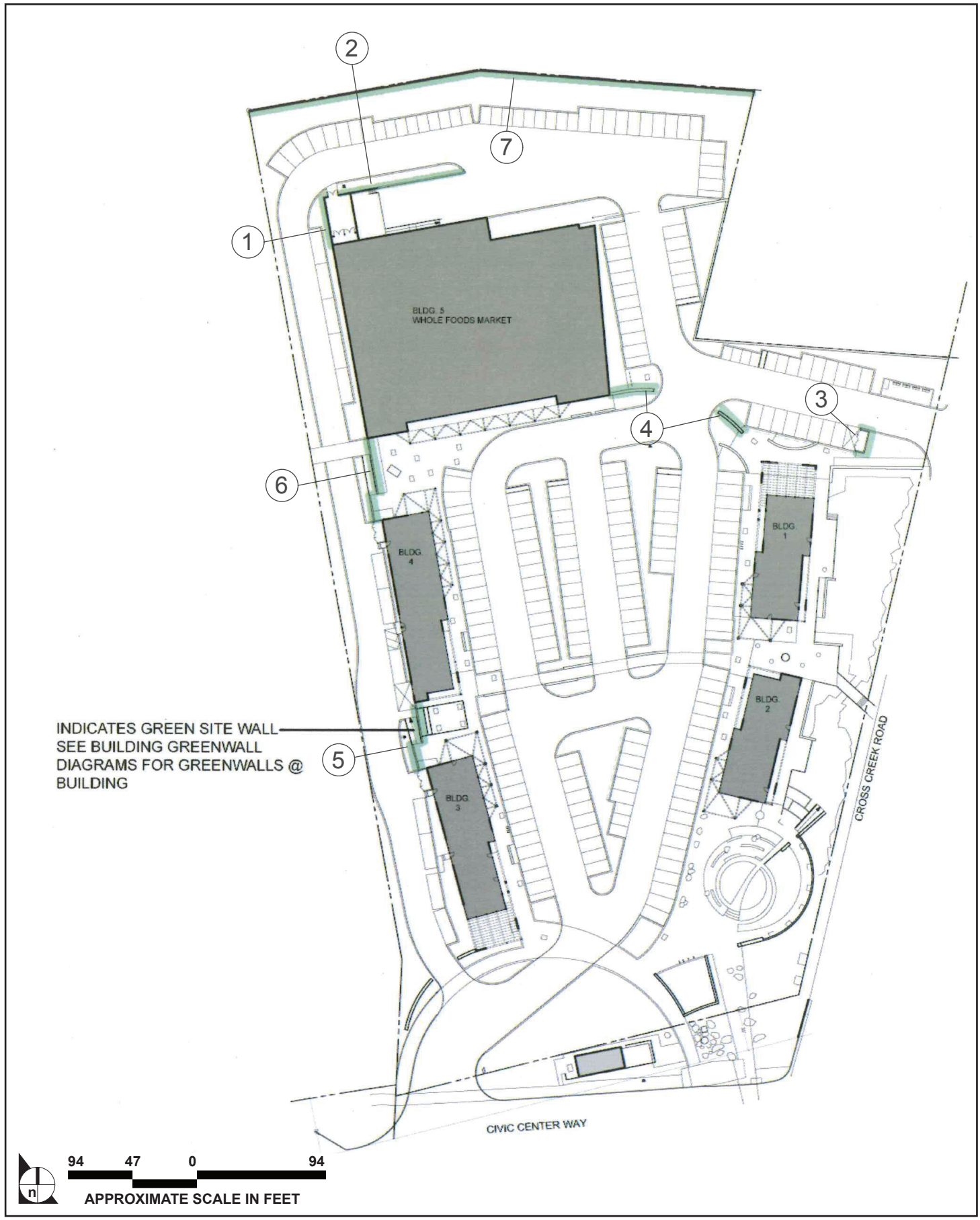
Open Space and Landscape Area Diagram



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-12**

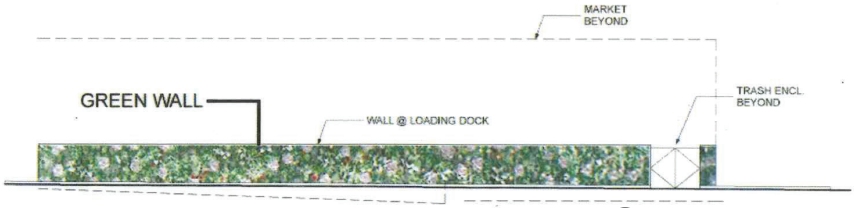
Tree Canopy Diagram



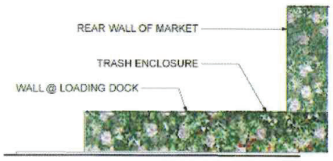
SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-13**

Green Wall Site Plan

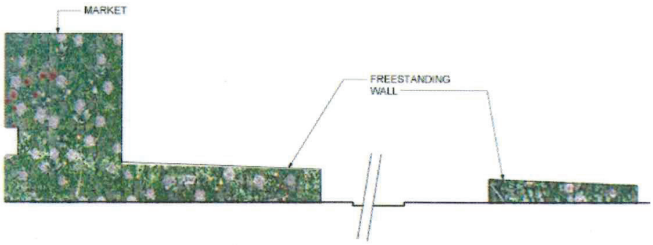


2 NORTH ELEVATION

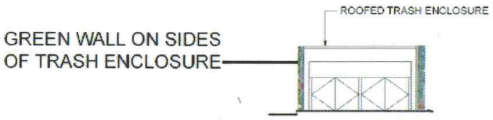


1 WEST ELEVATION

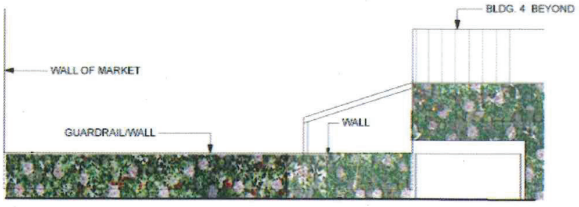
WALL @ MARKET LOADING DOCK



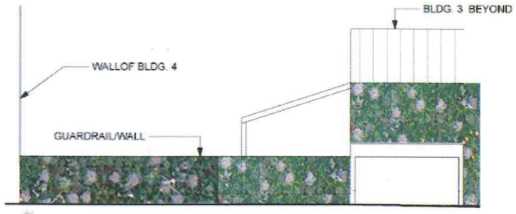
4 WALL @ SOUTH SIDE OF MARKET



3 TRASH ENCLOSURE



6 WALL BETWEEN MARKET + BLDG. 4



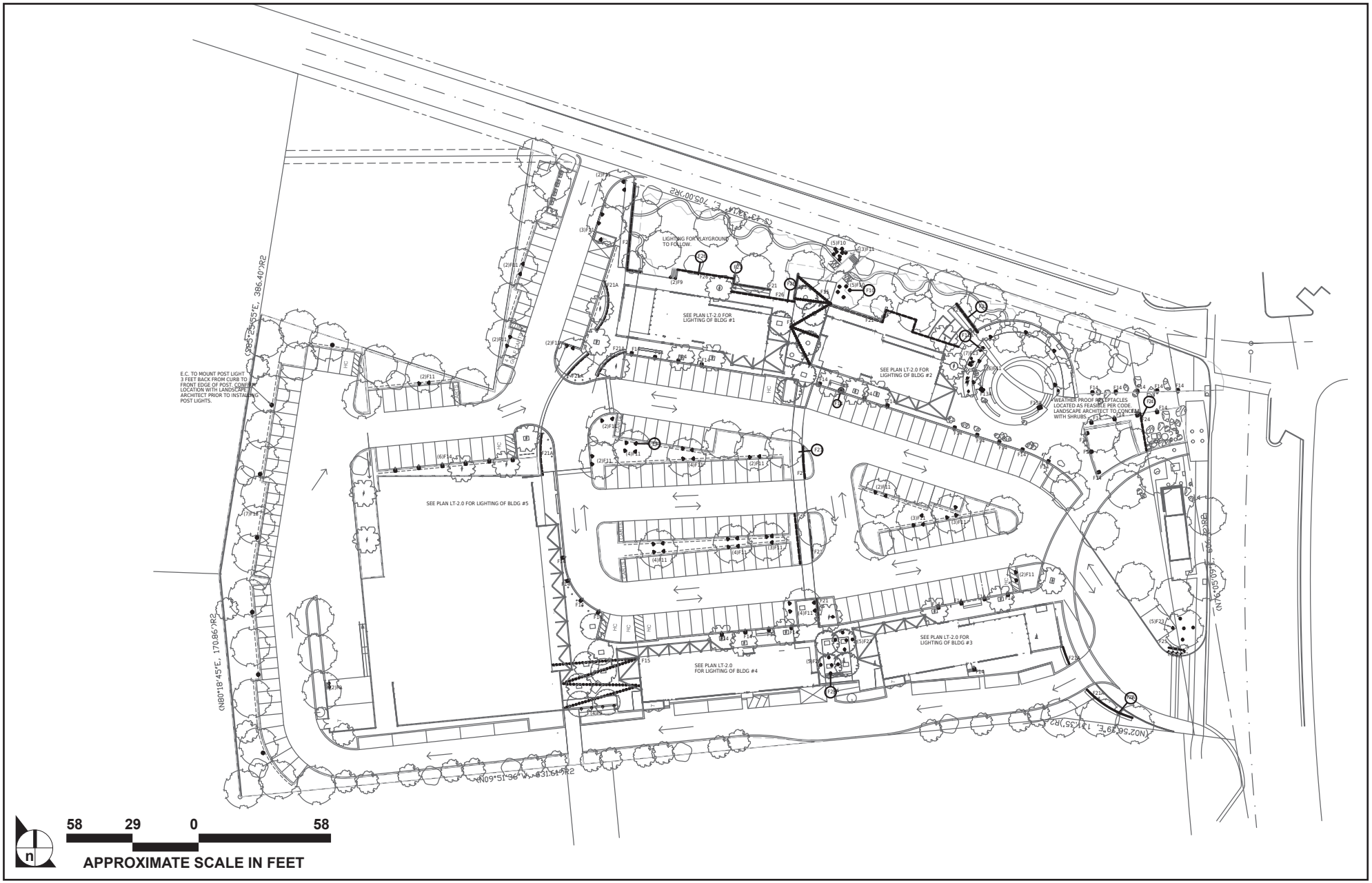
5 WALL BETWEEN BLDGS. 3 + 4

7 ACOUSTIC WALL

SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-14**

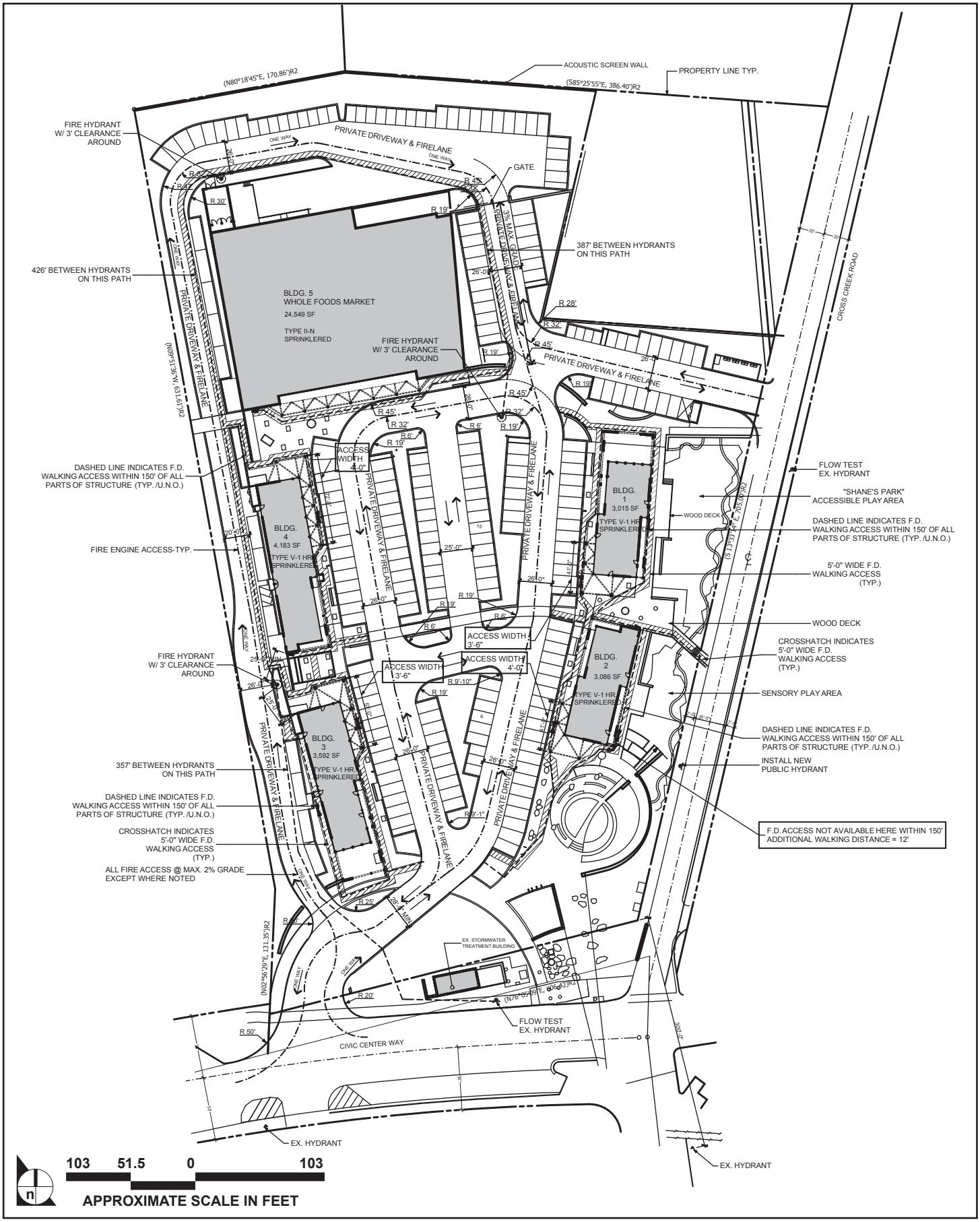
Green Wall Elevations



SOURCE: LIGHTVISON, Architectural Lighting Design, April 2013

FIGURE **2.0-15**

Site Lighting Plan



SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **2.0-16**

Fire Department Access Plan

Table 2.0-2
Proposed Landscaping and Plantings

Feature	Area
On-grade landscaping	32,849 square feet
Tree canopy	48,492 square feet
Green walls	22,000 square feet
Total	**103,341 square feet**

Note: The City of Malibu only counts on-grade landscaping toward the on-site landscaping requirement, therefore a variance is requested.

The applicant also proposes to install and maintain approximately 4,500 square feet of landscape in the City's right of way (ROW) contiguous to the property along Civic Center Way. This landscaping within the City's right of way is also not included in the code required landscaping area calculations.

The term Landscaped Area is not defined in the LCP. The definition of Landscaped Area in the City's Landscape Water Conservation Ordinance (9.22.020 Definitions) however does include walls and fences which are part of the landscape design features of the project per (Section 9.22.090 (A)(12.) The Specific Plan prepared for the proposed project further interprets permitted functional landscape elements, such as tree canopies and green walls, which could be included in the landscaped area calculations. Under this alternative interpretation, the project would provide greater Landscaped Area than required. However, should the decision makers determine that a more traditional interpretation of the landscape requirement is more appropriate for the site, the project applicant has requested a variance from the required Landscaped Area standards.

Eighty replacement California sycamores are proposed to be planted on the site to replace the eight second-growth sycamores that are to be removed (i.e., a 10:1 replacement ratio). Along with the preservation of the existing eucalyptus row at the rear of the property, the proposed project would, by virtue of the substantial tree canopies provided, increase the actual landscape coverage beyond the percentage calculation provided per Code. Applying a canopy coverage of 50 feet in diameter, the tree canopy, outside the proposed planter areas and open space area, would total 48, 492 square feet.

Green walls are proposed on designated walls of the market and the four smaller buildings. The green walls add an additional 22,000 square feet of landscape area. These green walls would create another visual landscape element to the project, and would increase energy savings due to their potential to reduce "heat island" effects. To date the final materials and methods of construction of the green walls have yet to be determined. However, it is anticipated that the green wall plant materials would largely be

composed of succulents, which would require only minimal irrigation. The irrigation would be provided through a drip irrigation system integrated into the wall construction.

The project also proposes two play areas for children, a Kitchen Community Learning Garden, and several outdoor seating areas scattered throughout the project. The overall feel of the project would be a "park-like" setting, given the extensive tree canopy provided by large-scale Sycamore trees, the green walls, and the on-grade planting areas.

CONSTRUCTION PHASING AND GRADING

The project is planned to be constructed in one phase with infrastructure and amenities correlated with site development. Subsequent to project approval and the completion of the first phase of the CCWTF, project construction would commence and is estimated to take approximately 12 to 14 months to complete, with full occupancy targeted for 2018.

As previously discussed, grading volumes in excess of 1,000 cubic yards of soil will be necessary to raise the building floors above the floodplain to meet FEMA requirements. The proposed grading breaks down as follows: 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. Construction of the proposed project would require the import of a total of 5,251 cubic yards of soil.

The proposed project would provide on-site drainage and storm water treatment improvements. Refer to **Section 3.8, Hydrology,** for more information and analysis.

PROJECT OBJECTIVES

CEQA requires that an EIR include a statement of the objectives sought by the proposed project *(State CEQA Guidelines*, Section 15124(b)):

> *A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.*

The project objectives include the following:

- Fulfill the City's General Plan and Local Coastal Program objectives for commercial development in the Civic Center area.
- Provide several compatible uses, meeting both local and visitor-serving needs, within one shopping center in a convenient location with shared parking.

- Afford a wider range of organic grocery and produce options to support the Malibu community and reduce reliance on out-of-town markets and vehicle trips.
- Extend the shopping experience that exists on Cross Creek Road into a park-like atmosphere, which will provide a physical and visual link to Legacy Park.
- Situate the project in an area where it is clustered with other similar uses along the eastern portion of Civic Center Way.
- Increase pedestrian interaction among the business and public spaces along Civic Center Way and Cross Creek Road.
- Create a visually appealing and inviting project to add to the Civic Center of Malibu.
- Revegetate the site with plantings that incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant community.
- Provide an aesthetic relationship with the Santa Monica Mountains and Malibu Creek.
- Minimize and eliminate negative impacts to the neighborhood.
- Deliver project features that contribute significant benefits to the community.
- Comply with Measure R.

Discretionary Land Use Applications

Current Land Use Designations

Both properties are designated CV-1 (Commercial Visitor-Serving 1) under the LCP land use and zoning maps. Under the General Plan (GP) 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 APNs was included so the other parcel (4458-022-022) still retains the conflicting CG designation under the GP and MMC.

Zoning

The project site is zoned CV-1 (Commercial Visitor Serving District). MMC Section 17.26.010 states: "The CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents which respect the rural character and natural environmental setting." Permitted and conditionally permitted uses are governed by MMC Section 17.26.020 and 17.26.030, respectively. Lot development criteria are provided in MMC Section 17.26.040.

In order to develop the project site as proposed a number of discretionary approvals are required as follows:

Coastal Development Permit (CDP) No. 10-022: Local Coastal Program (LCP) development entitlement.

Specific Plan: In conformance with Measure R (Malibu Municipal Code Section 17.02.045), a Specific Plan has been prepared for the project. The Specific Plan also was prepared under the authority of Government Code Sections 65450-65457 and the State of California Guidelines for the preparation of Specific Plans.

General Plan Amendment (GPA) No. 11-001: In 2009 staff did a housekeeping General Plan and MMC zoning map amendment to fix discrepancies with the Local Coastal Plan for a number of properties in the City, including the project site. However, inadvertently only one of the APNs was included so the other parcel (4458-022-022) still retains the conflicting General Commercial (CG) designation under the General Plan and MMC. Consequently a General Plan amendment is required to correct the designation of parcel 4458-022-022 from CG to CV-1.

Zoning Map Amendment (ZMA) No. 11-001: Similar to the General Plan Amendment discussion above, the zoning map concerning parcel 4458-022-022 must be revised from CG to the CV-1 designation.

Lot Merger (LM) No. 10-004: A lot merger of two parcels, resulting in one lot totaling 5.88 acres (Land Use Implementation Section 15.4).

Conditional Use Permit No. 10-013: A conditional use permit is required in the CV-1 District for commercial space greater than 500 square feet; 4,000 square feet of restaurant space and for on-and off-site alcohol sales. Two of the restaurant spaces may have on-site alcohol service and the market will sell alcoholic beverages for off-site consumption (Land Use Implementation Chapter 3, Appendix I, Table B Permitted Uses).

Site Plan Review (SPR) No. 10-042: Grading volumes in excess of 1,000 cubic yards of soil are proposed to raise the building floors above the floodplain to meet Federal Emergency Management Agency (FEMA) requirements. (Land Use Implementation Plan Section 8.3(G)). Proposed grading breaks down as follows: 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.

SPR No. 10-043. Portions of each of the proposed structures would 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 above 18 feet is due, in part, to the fact that the building finish floors must be raised to meet FEMA requirements.

Minor Modification (MM): As shown in the table below, the minor modification request addresses reduced side yard setbacks**.**

Table 2.0-3
Site Plan Review/Minor Modification Review for Reduced Side Yard Setbacks

Code Requirement	LIP Standards	Proposed
West Side Yard (10% of lot width)	42.25 feet	42.25 feet
East Side Yard	63.37 feet	50.70 feet (20% reduction)
Rear Yard	107.55 feet	86.04 feet (20% reduction)
Front Yard	143.40 feet	88.00 feet (39% reduction)

Note: 50 percent reduction allowed under Minor Modification of front yard

Variance (VAR) No. 10-028. The City of Malibu Local Coastal Plan (LCP) requires that 40 percent of the gross lot area constitute Landscaped Area, or, in this case, 102,467 square feet. The ground based planter area included in the Landscaped Area calculations totals 32,849 square feet and therefore a variance application has been submitted. However, with the inclusion of additional functional landscaped areas (tree canopy coverage and green walls) the total landscaping would equal 103,341 square feet, or 40.3 percent of the gross lot area.

Functional Landscaped Area:

On-grade landscape:	32, 849 sf
Tree Canopy (outside on grade planters, open space and inside property lines):	48, 492 sf
Green Walls:	22, 000 sf
Total:	**103, 341 sf**

sf = square feet
Source: Whole Foods and the Park, Variance Findings Reduction in Required Landscaped Area, Marny Randall, December 2014.

Additionally, the project applicant proposes to install and maintain approximately 4,500 sf of landscape in the City's ROW contiguous to the property. This landscaping within the City's ROW has not been included in the code required Landscaped Area calculation.

VAR 10-029: The variance request would allow a wall height in the rear yard setback to exceed 6 feet (Land Use Implementation Section 3.5.3(A)(3)). A 12-foot sound wall is proposed for the rear property line. This is due in part to the irregular shape of the parcel, making the development layout difficult. More importantly, however, the property immediately north of the project site is used as a horse training facility. The owners of that property have expressed concern about the sensitivity of horses to sudden noise, and the purpose of the proposed wall is to respond to that concern.

Master Sign Program No. 10-020: A comprehensive sign program for the project site.

PERMITS AND APPROVALS

Table 2.0-4, Future Agency Actions, identifies other permits and approvals known to be needed, or which may be needed, in order to implement various project components in the future.

Table 2.0-4
Future Agency Actions[1]

Agency	Action Required
Regional Water Quality Control Board	National Pollutant Discharge Elimination System Permit; Section 401 permit under the federal Clean Water Act; and permits related to the reclamation plant and use of recycled water
South Coast Air Quality Management District	Various permits for air emissions regulation found in the Air Quality Management Plan

[1] *This table is not intended to provide the complete and final listing of future actions required to implement the project. This is an attempt to identify those actions that are known at this time to be required in the future.*

3.0 ENVIRONMENTAL IMPACT ANALYSIS

INTRODUCTION

The purpose of this section is to inform decision makers and the public about the type and magnitude of the change to the existing environment that would result from the project, plus proposed and approved cumulative development in the City of Malibu. Environmental topics addressed in this draft environmental impact report (EIR) are identified in the Notice of Preparation prepared by the City of Malibu for the proposed project. The environmental impact analysis sections of this Draft EIR provide a comprehensive discussion of the existing local and regional environmental conditions, evaluate expected project and cumulative impacts that would result from the project, and determine the level of significance of reasonably foreseeable impacts. The environmental impact analysis sections identify mitigation measures intended to reduce potential environmental impacts to the greatest extent feasible.

CUMULATIVE IMPACT ANALYSIS

The technical analysis contained in **Section 3.0, Environmental Impact Analysis,** examines both project-specific impacts and the potential environmental effects associated with cumulative development. The California Environmental Quality Act (CEQA) requires that EIRs discuss cumulative impacts, in addition to project-specific impacts. In accordance with CEQA, the discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. According to Section 15355 of the *State CEQA Guidelines*:

> *"Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*
>
> *(a) The individual effects may be changes resulting from a single project or a number of separate projects.*
>
> *(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

Section 15130(a)(l) of the *State CEQA Guidelines* further states that "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts."

Section 15130(a) of the *State CEQA Guidelines* also requires that EIRs discuss the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable."[1] Where a Lead Agency is examining a project with an incremental effect that is not cumulatively considerable, it need not consider the effect significant but must briefly describe the basis for its conclusion. If the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, Section 15130(a)(2) of the *State CEQA Guidelines* requires a brief discussion in the EIR of why the cumulative impact is not significant and why it is not discussed in further detail. Section 15130(a)(3) of the *State CEQA Guidelines* requires supporting analysis in the EIR if a determination is made that a project's contribution to a significant cumulative impact is rendered less than cumulatively considerable and, therefore, is not significant. CEQA recognizes that the analysis of cumulative impacts need not be as detailed as the analysis of project-related impacts, but instead should "be guided by the standards of practicality and reasonableness" (*State CEQA Guidelines* Section 15130(b)). The discussion of cumulative impacts in this draft EIR focuses on whether the impacts of the proposed project are cumulatively considerable.

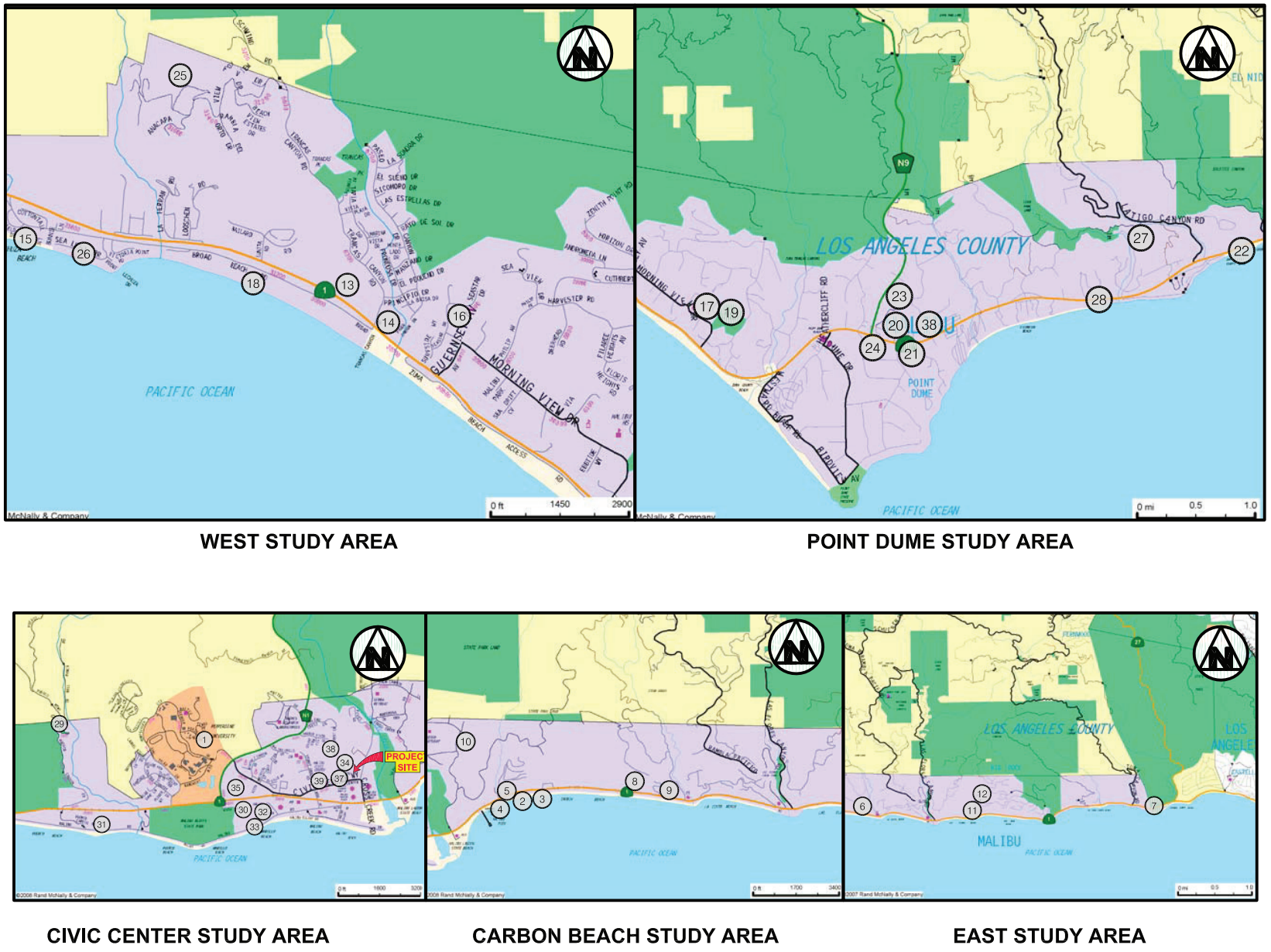
The fact that a cumulative impact is significant does not necessarily mean that the project-related contribution to that impact analysis is significant as well. Instead, under CEQA, a project-related contribution to a significant cumulative impact is only significant if the contribution is "cumulatively considerable." To support each significance conclusion, the draft EIR provides a cumulative impact analysis; and where project-specific impacts have been identified that, together with the effects of other related projects, could result in cumulatively significant impacts, these potential impacts are documented.

Section 15130(b) of the *State CEQA Guidelines* requires the consideration of the following two elements in the EIR analysis sections to provide an adequate discussion of cumulative impacts: "(A) a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including those projects outside the control of the Agency; or (B) a summary of projections regarding anticipated future development contained in an adopted general plan or related planning document, which is designed to evaluate regional or area wide conditions." In this draft EIR, a combination of these two methods is used depending upon the specific environmental issue area being analyzed.

Related projects within the City are presented in **Table 3.0-1, List of Related Projects,** and the locations of these projects are shown in **Figure 3.0-1, Location of Related Projects**. **Table 3.0-1** includes those projects that are (1) completed but not fully occupied; (2) currently under construction or beginning construction; (3) proposed with applications on file at the City of Malibu or the City of Los Angeles; or (4) reasonably foreseeable.

---

1 Under Section 15065(a)(3) of the *State CEQA Guidelines*, "cumulatively considerable" means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."



SOURCE: Overland Traffic Consultants, Inc., December 2012

FIGURE **3.0-1**

Location of Related Projects

Table 3.0-1
List of Related Projects

Map No.	Project Name/Location	Land Use	Size
1	Pepperdine University	Campus Wide upgrades[1]	--
2	22716 Pacific Coast Highway	Restaurant	7,100 sf
3	22706 Pacific Coast Highway	Restaurant	5,904 sf
4	22959 Pacific Coast Highway	Office Retail	2,630 sf 4,517 sf
5	22729 Pacific Coast Highway	Office	2,499 sf
6	22065 Pacific Coast Highway	Condominiums	8 units
7	18805,07,09 Pacific Coast Highway	Single Family	3 du
8	22301,03,05,09 Pacific Coast Highway	Single Family	4 du
9	21997 and 22003 Pacific Coast Highway	Single Family	2 du
10	3314 Serra Road	Single Family	3 du
11	20624 and 20630 Pacific Coast Highway	Single Family	2 du
12	2110 Seaboard	Single Family	4 du
13	6155 Trancas Canyon Road	Townhomes	32 units
14	30745 Pacific Coast Highway	Shopping Center	53,423 sf
15	31720.5 Pacific Coast Highway	Public Access Improvements	--
16	6270,6304,6312,6282,6398 Sea Star Drive	Single Family	5 du
17	30215 Morning View Drive	High School Improvements	35,315 sf
18	Broad Beach Road	Restoration Project	--
19	30215 Morning View Drive	Sports Field Lighting	--
20	28811 Pacific Coast Highway	Single Family	3 du
21	28722 Pacific Coast Highway	Fire Station	6,033 sf
22	26038.5 Pacific Coast Highway	Fish Ladder Project	--
23	6061 Galahad Road	Single Family	4 du
24	6271 and 6277 Zuma Mesa Drive	Single Family	2 du
25	31537 Anacapa View Drive	Trancas Highlands Water Assessment Project	--
26	31864 and 31866 Sea Level Drive	Single Family	2 du
27	5905 and 5909 Latigo Canyon Road	Single Family	2 du
28	27535 Pacific Coast Highway	Single Family	2 du
29	3500 Puerco Canyon road	Single Family	7 du
30	24120 Pacific Coast Highway	Single Family Baseball Field	5 du 1 field
31	24903 Pacific Coast Highway	Office	9,685 sf
32	23915 Malibu Road	Single Family	7 du
33	24038 Malibu Canyon Road	SMMC Beach Access Improvements	--
34	23465 Civic Center Way	Office/Institutional Retail	56,825 sf 77,110 sf
35	Rancho Malibu Hotel	Hotel Retail Hotel Spa Hotel	19,849 sf 20,928 sf 146 rm

Map No.	Project Name/Location	Land Use	Size
36	City of Malibu	Wastewater Treatment Facility	--
37	23525 Civic Center Way	Santa Monica College Satellite Campus (200 Students)	25,000 sf
38	28455 Pacific Coast Highway 28401 Pacific Coast Highway 370 La Paz Lane	102 du (6 du per acre) 20 du (6 du per acre) 14 du (6 du per acre)	5.12 acres 3.25 acres 2.30 acres
39	23575 Civic Center Way	Shopping Center	76,000 sf

du = dwelling units; sf = square feet; rm = rooms.
Source: City of Malibu
[1] *The Pepperdine Campus Life Project proposes to develop and re-develop property within an existing approximately 365-acre area on campus through a two-phase development program that will take 12 years. Six components of proposed development include approximately 394,137 square feet of net new development comprised of the following: Student Housing Rehabilitation, Athletics and Events Center and Parking Structure, Upgraded NCAA Soccer Field and Maintenance Facilities, Town Square and Welcome Center over Subterranean Parking, Enhanced Recreation Center Area, School of Law Parking Structure*

Specific past, present, and reasonably anticipated future projects listed above, as well as applicable Malibu land use planning documents, are considered when evaluating cumulative impacts in **Sections 3.1** through **3.14** of this EIR, as appropriate for each environmental topic addressed in this EIR.

3.1 AESTHETICS

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 though, walking though, 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.[1]

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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1 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.[2]

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.[3] 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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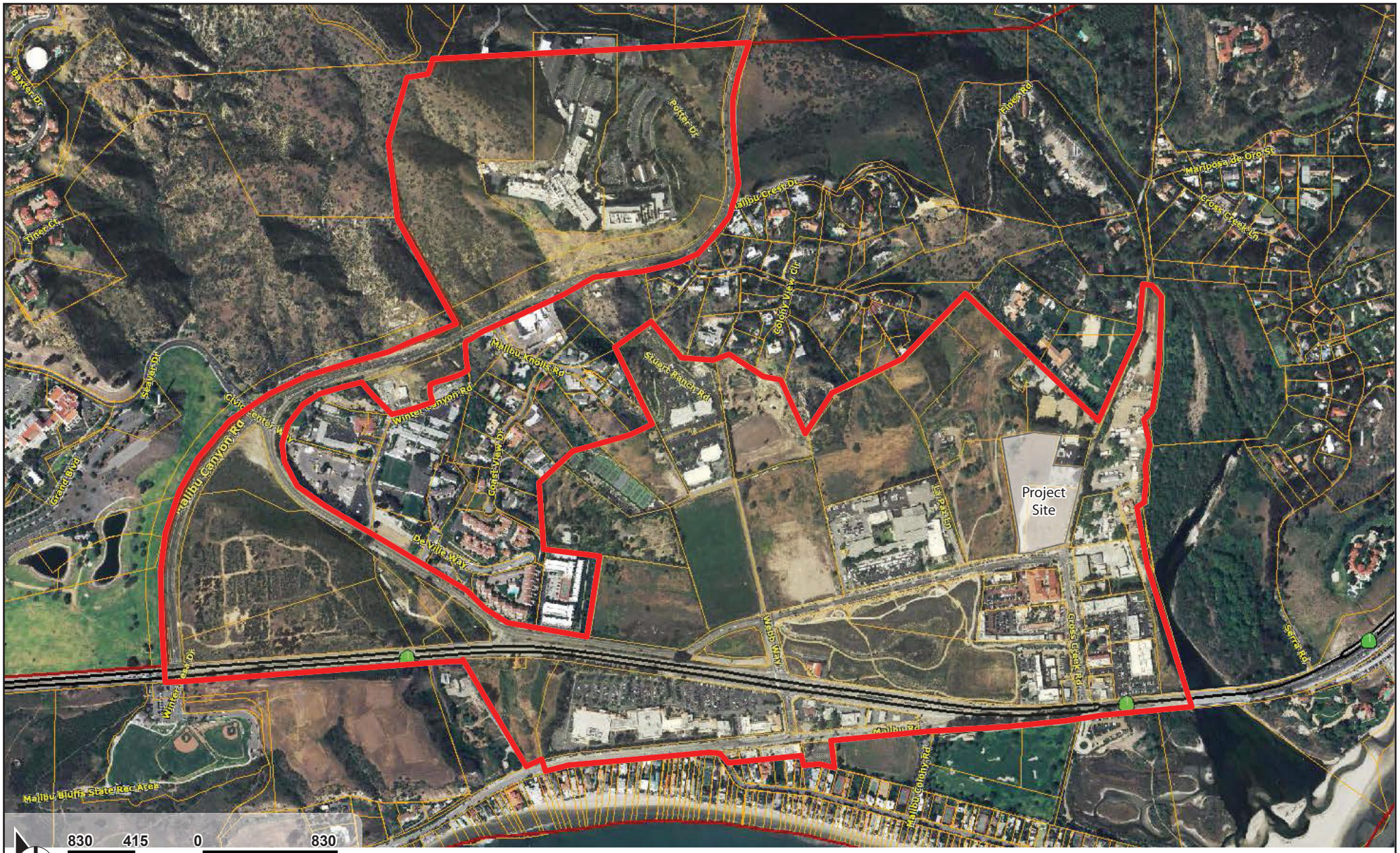
2 Litton, R. B. 1968. Forest Landscape Description and Inventories – A Basis for Land Planning and 11 Design. Berkeley, CA. Pacific Southwest Forest and Range Experiment Station, United States 12 Department of Agriculture Forest Service Research Paper PSW-49.

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



SOURCE: City of Malibu, 2013

FIGURE **3.1-1**

Malibu Civic Center Area Aerial

0592.003•03/14

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.[4] Nonetheless, the City's Local Coastal Program (LCP) identifies both PCH and Malibu Canyon Road as a "Scenic Road."[5]

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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4 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

5 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**

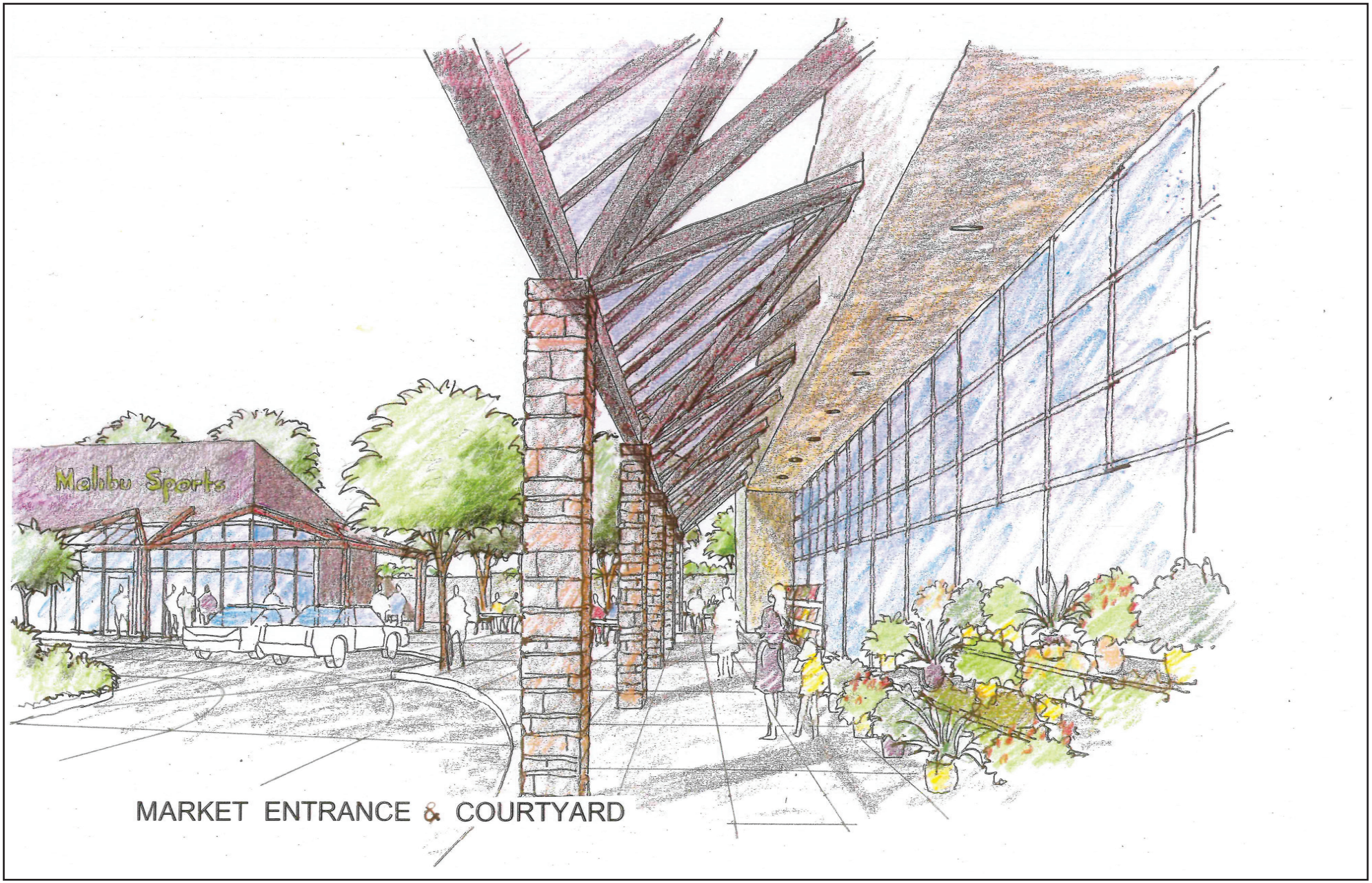
Entry Courtyard

0592.003•01/15

SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE **3.1-4**

Entry Drive from Civic Center Way

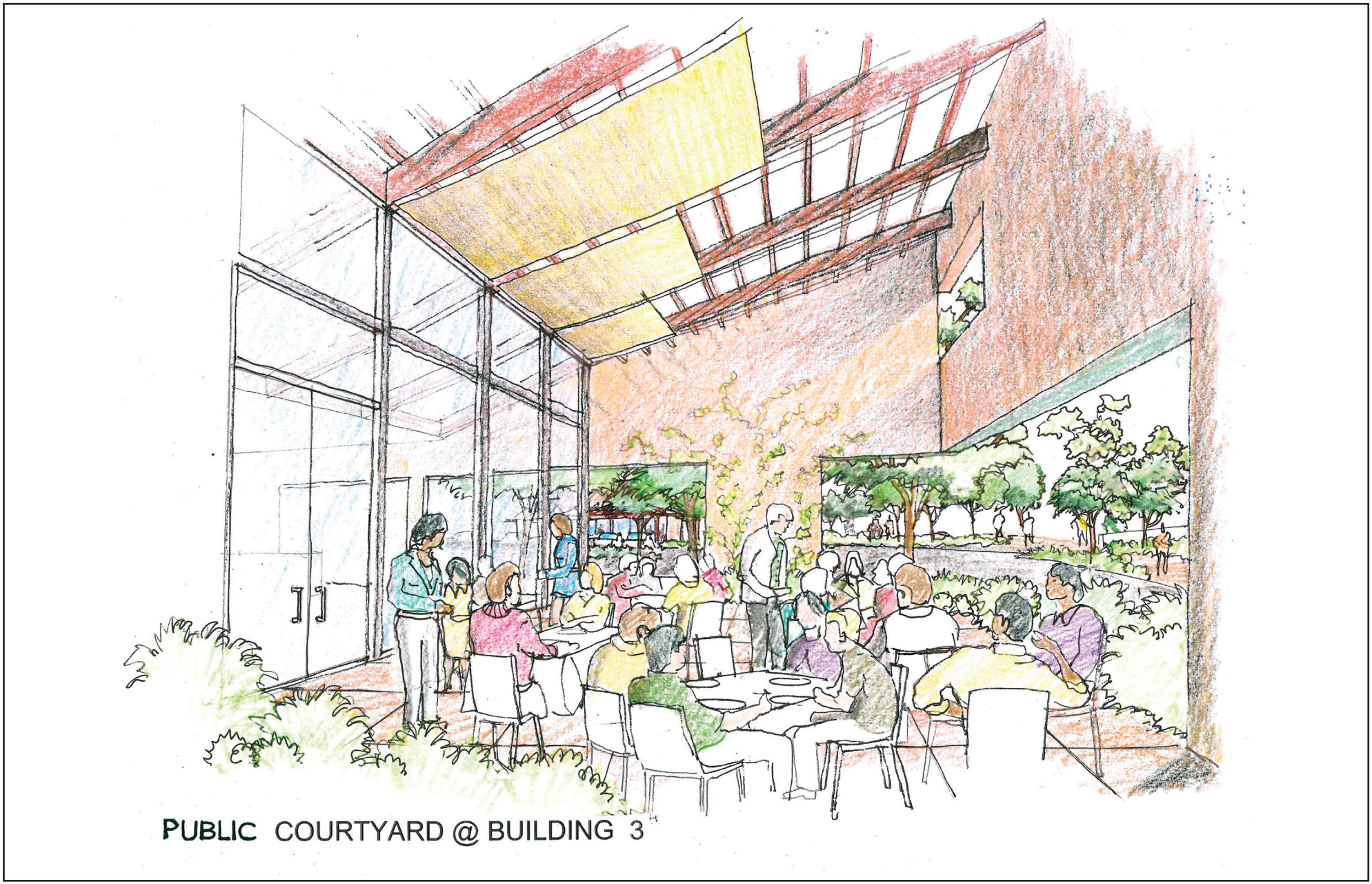


SOURCE: Goldman, Firth, Rossi, May 2012

FIGURE **3.1-5**

Whole Foods Market Entrance and Courtyard

0592.003•03/14



SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE **3.1-6**

Public Courtyard at Building 3

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)

0592.003•01/15

SOURCE: Goldman, Firth, Rossi, January 2015

FIGURE **3.1-9**

Trellised Walkways

0592.003•01/15

SOURCE: Goldman, Firth, Rossi, May 2012

FIGURE **3.1-10**

Walkways to Buildings 3 & 4

SOURCE: Goldman, Firth, Rossi, May 2012

FIGURE **3.1-11**

Whole Foods Market

0592.003•03/14

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.[6] (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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6 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.
Photo taken March 19, 2012. Project not shown.

1 & 2-Existing

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.

3.2 AIR QUALITY

INTRODUCTION

This section provides an assessment of the potential for significant air quality impacts from construction and operation of the proposed project. The ambient air quality of the local and regional area is discussed, including a comparison of existing air quality to applicable federal, state, and local air pollutant standards. Criteria air pollutant levels in the vicinity of the project site are identified and discussed. This section also identifies the plans and policies developed in efforts to improve air quality. The evaluation of potential air quality impacts associated with the proposed project is assessed based on the emissions calculations using methodologies recommended by the local air quality agency. Sources utilized in this assessment include the South Coast Air Quality Management District (SCAQMD) *California Environmental Quality Act (CEQA) Air Quality Handbook* (CEQA Handbook), *Air Quality Analysis Guidance Handbook*, and air quality data from the SCAQMD, and data from the California Air Resources Board (CARB) and the United States Environmental Protection Agency (US EPA). The assessment indicates that construction of the proposed project would generate emissions that would be below the SCAQMD thresholds of significance. Construction emissions would also not exceed the localized significance thresholds at nearby sensitive receptors. Operation of the proposed project would generate emissions that would be less than the SCAQMD thresholds of significance and would also not exceed the localized significance thresholds at nearby sensitive receptors. The proposed project would also not conflict with implementation of the applicable air quality management plan and would not expose sensitive receptors to carbon monoxide hotspots, or substantial odors or toxic air contaminants. The proposed project would have a less than significant impact on air quality. Emission calculations and air quality modeling conducted for the proposed project are provided in **Appendix 3.2**.

ENVIRONMENTAL SETTING

Regional Air Quality

The project site is located north of the Pacific Ocean and the Pacific Coast Highway (PCH), west of the City of Santa Monica, east of the City of Oxnard, and south of the City of Calabasas, in the City of Malibu. The project site is bounded on the north by commercial development, on the south by Civic Center Way, on the east by Cross Creek Road, and on the west by vacant land. The proposed project is located in the South Coast Air Basin (Air Basin). The Air Basin consists of Orange County, Los Angeles County (excluding the Antelope Valley portion), and the western, non-desert portions of San Bernardino and Riverside Counties. Air quality is affected by both the rate and location of pollutant emissions. Meteorological conditions such as wind speed, wind direction, solar radiation, atmospheric stability,

along with local topography heavily influence air quality by affecting the movement and dispersal of pollutants. Predominant meteorological conditions in the Air Basin are light winds and shallow vertical mixing due to low-altitude temperature inversions. These conditions, when coupled with the surrounding mountain ranges, hinder the regional dispersion of air pollutants. The strength and location of a semi-permanent, high-pressure cell over the northern Pacific Ocean is the primary climatological influence on the Air Basin, as is the ocean, which moderates the local climate by acting like a large heat reservoir. As a result of these influences, warm summers, mild winters, infrequent rainfall, and moderate humidity typify climatic conditions through most of the Air Basin. These meteorological conditions, in combination with regional topography, are conducive to the formation and retention of ozone (O_3) and urban smog.

The SCAQMD operates stations in the Air Basin that monitor meteorological conditions and pollutant concentrations. Predominant winds at the project site are from the southwest and northwest up to approximately 8 miles per hour. The average annual maximum temperature in the region is 80 degrees Fahrenheit (° F) and the average annual minimum is 47° F. The average annual rainfall is 24 inches.[1]

The determination of whether a region's air quality is healthful or unhealthful is made by comparing pollutant levels in ambient air samples to national and state standards. The State of California and the US EPA have established health-based air quality standards for the following criteria air pollutants: ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable particulate matter (PM10), fine particulate matter (PM2.5), and lead. These standards were established to protect sensitive receptors with a margin of safety from adverse health impacts due to exposure to air pollution. The California standards are more stringent than the federal standards, and in the case of PM10 and SO_2, much more stringent. California has also established standards for sulfates, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. The state and national ambient air quality standards for each of the monitored pollutants and their effects on health are summarized in **Table 3.2-1, Ambient Air Quality Standards**.

1 Western Regional Climate Center, "Canoga Park Pierce Coll, California (041484)," http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca1484; "Topanga Ranger Stn, California (048967)," http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca8967. 2011.

Table 3.2-1
Ambient Air Quality Standards

Air Pollutant	Concentration/Averaging Time: State Standard (CAAQS)	Concentration/Averaging Time: Federal Primary Standard (NAAQS)	Most Relevant Health Effects
Ozone	0.09 ppm, 1-hr. avg. 0.070 ppm, 8-hr avg.	0.075 ppm, 8-hr avg. (3-year average of annual 4th-highest daily maximum)	(a) Pulmonary function decrements and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e) Vegetation damage; and (f) Property damage
Nitrogen Dioxide	0.18 ppm, 1-hr avg. 0.030 ppm, annual	0.100 ppm, 1-hr avg. (3-year avg. of the 98th percentile of the daily maximum 1-hour avg.) 0.053 ppm, annual	(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extrapulmonary biochemical and cellular changes and pulmonary structural changes; and (c) Contribution to atmospheric discoloration
Carbon Monoxide	20 ppm, 1-hr avg. 9.0 ppm, 8-hr avg.	35 ppm, 1-hr avg. (not to be exceeded more than once per year) 9 ppm, 8-hr avg. (not to be exceeded more than once per year)	(a) Aggravation of angina pectoris and other aspects of coronary heart disease; (b) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease; (c) Impairment of central nervous system functions; and (d) Possible increased risk to fetuses
Sulfur Dioxide	0.25 ppm, 1-hr. avg. 0.04 ppm, 24-hr avg.	0.075 ppm, 1-hr avg. (3-year avg. of the 99th percentile) 0.5 ppm, 3-hr avg. (not to be exceeded more than once per year)	Bronchoconstriction accompanied by symptoms, which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in person with asthma
Respirable Particulate Matter (PM10)	50 μg/m³, 24-hr avg. 20 μg/m³, annual	150 μg/m³, 24-hr avg. (not to be exceeded more than once per year on average over 3 years)	(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; and (c) Increased risk of premature death
Fine Particulate Matter (PM2.5)	12 μg/m³, annual	35 μg/m³, 24-hr avg. (3-year average of 98th percentile) 15 μg/m³, annual (3-year average)	(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; and (c) Increased risk of premature death
Lead (Pb)	1.5 μg/m³, 30-day avg.	0.15 μg/m³, 3-month rolling average	(a) Learning disabilities, and (b) Impairment of blood formation and nerve conduction
Visibility-Reducing Particles	In sufficient amount such that the extinction coefficient is greater than 0.23 inverse kilometers at relative humidity less than 70%, 8-hour avg. (10:00 AM–6:00 PM)	None	Visibility impairment on days when relative humidity is less than 70 percent.

Air Pollutant	Concentration/Averaging Time: State Standard (CAAQS)	Concentration/Averaging Time: Federal Primary Standard (NAAQS)	Most Relevant Health Effects
Sulfates	25 μg/m³, 24-hr avg.	None	(a) Decrease in ventilatory function, (b) Aggravation of asthmatic symptoms, (c) Aggravation of cardio-pulmonary disease, (d) Vegetation damage, (e) Degradation of visibility, and (f) Property damage
Hydrogen Sulfide	0.03 ppm, 1-hr avg.	None	Odor annoyance
Vinyl Chloride[3]	0.01 ppm, 24-hr avg.	None	Known carcinogen

Source: South Coast Air Quality Management District, Final Program Environmental Impact Report for the 2012 Air Quality Management Plan, 2012 Table 2.1, p. 2-3.
US EPA. National Ambient Air Quality Standards. http://www.epa.gov/air/criteria.html. 2014.
μg/m³ = microgram per cubic meter; ppm = parts per million by volume.
CAAQS = California Ambient Air Quality Standards; NAAQS = National Ambient Air Quality Standards

Generally, the sources for hydrogen sulfide emissions include decomposition of human and animal wastes and industrial activities, such as food processing, coke ovens, paper mills, tanneries, and petroleum refineries. The sources for vinyl chloride emissions include manufacturing of plastic products, hazardous waste sites, and landfills. In addition, according to the SCAQMD's *2012 Air Quality Management Plan*,[2] the sulfate and visibility-reducing particle standards have not been exceeded anywhere in the Air Basin. As a result, there is no need for any further evaluation of the hydrogen sulfide, vinyl chloride, sulfate, or visibility-reducing particle emissions for the proposed project. Although the Los Angeles County portion of the Air Basin is designated as nonattainment for lead, the exceedance is the result of lead emissions from an industrial lead-acid battery recycling facility in the City of Commerce.

In 2013 the US EPA designated a portion of Los Angeles County as nonattainment for the NAAQS lead standard. The higher lead concentrations were recorded downwind from stationary sources. The SCAQMD Source Receptor Areas (SRAs) which monitor lead emissions in more populated areas, show concentrations that do not exceed the revised federal lead standard. The proposed project is not located in the same source receptor area as the lead exceedance. Motor vehicles and paints used to be a source of lead; however, unleaded fuel and unleaded paints have virtually eliminated lead emissions from most land use projects. As a result, there is no need for any further evaluation of lead emissions. Accordingly, this air quality analysis focuses primarily on the criteria air pollutants summarized below.

- **Ozone (O3).** Ozone is a gas that is formed when volatile organic compounds (VOCs) and nitrogen oxides (NOX) undergo photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

2 South Coast Air Quality Management District, *2012 Air Quality Management Plan*, 2012.

- **Volatile Organic Compounds (VOCs).** VOCs are compounds comprised primarily of hydrogen and carbon atoms. Internal combustion associated with motor vehicle usage is the major source of hydrocarbons. VOCs themselves are not criteria pollutants; however, they contribute to O_3 formation.

- **Nitrogen Dioxide (NO_2).** NO_2 is a reddish-brown, highly reactive gas that is formed in the ambient air through the oxidation of nitric oxide (NO) and is also a byproduct of fuel combustion. NO_X is primarily emitted in the form of NO, but quickly reacts to form NO_2. NO_X is primarily a mixture of NO and NO_2. NO_2 acts as an acute irritant and, in equal concentrations, is more injurious than NO.

- **Carbon Monoxide (CO).** CO is a colorless, odorless gas produced by the incomplete combustion of fuels. Motor vehicles operating at slow speeds are the primary source of CO. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

- **Sulfur dioxide (SO_2).** SO_2 is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of burning high-sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When sulfur dioxide oxidizes in the atmosphere, it forms sulfates (SO_4).

- **Respirable Particulate Matter (PM10).** PM10 consists of small, suspended particles or droplets 10 microns or smaller in diameter. Some sources of PM10, like pollen and windstorms, are naturally occurring. However, in populated areas, most PM10 is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities.

- **Fine Particulate Matter (PM2.5).** PM2.5 refers to particulate matter that is 2.5 microns or smaller in size. The sources of PM2.5 include fuel combustion from automobiles, power plants, wood burning, industrial processes, and diesel-powered vehicles.

Local Air Quality Setting

The SCAQMD has divided the Air Basin into Source Receptor Areas (SRAs) in which air quality monitoring stations are operated. The project site is located in SRA 2 (Northwest Los Angeles County Coastal). The monitoring station is located at the West Los Angeles Veterans Affairs Medical Center, approximately 13 miles east of the project site. This station monitors emission levels of O_3, NO_2, and CO. The SCAQMD does not monitor SO_2, PM10, or PM2.5 at this station. As is demonstrated later in this section, the proposed project would not emit substantial amounts of SO_2 and would not cause or contribute to exceedances of the SO_2 standards. With respect to PM10 and PM2.5, the emissions associated with the proposed project are assessed with respect to the SCAQMD emissions threshold of significance and localized significance thresholds. **Table 3.2-2, Ambient Pollutant Concentrations,** lists the ambient pollutant concentrations registered and the exceedances of state and federal standards that have occurred at the abovementioned monitoring station from 2011 through 2013, the most recent years in which data are available from the SCAQMD. As shown, the monitoring station has registered values above state and federal standards for O_3.

Table 3.2-2
Ambient Air Pollutant Concentrations

Pollutant	Standards[1]	Year 2011	2012	2013
OZONE (O_3)				
Maximum 1-hour concentration (ppm)		0.098	0.093	0.088
Maximum 8-hour concentration (ppm)		0.068	0.073	0.075
Number of days exceeding state 1-hour standard	0.09 ppm	2	0	0
Number of days exceeding state 8-hour standard	0.070 ppm	0	1	1
Number of days exceeding federal 8-hour standard	0.075 ppm	0	0	0
NITROGEN DIOXIDE (NO_2)				
Maximum 1-hour concentration (ppm)		0.0813	0.0613	0.0512
Annual average concentration (ppm)		0.0139	0.0137	0.0145
Number of days exceeding state 1-hour standard	0.18 ppm	0	0	0
CARBON MONOXIDE (CO)				
Maximum 1-hour concentration (ppm)		-	-	-
Maximum 8-hour concentration (ppm)		1.3	1.4	1.3
Number of days exceeding 1-hour standard	20 ppm	0	0	0
Number of days exceeding 8-hour standard	9.0 ppm	0	0	

Source: South Coast Air Quality Management District, "Historical Data by Year," http://www.aqmd.gov/smog/historicaldata.htm. 2015.
[1] *Parts by volume per million of air (ppm), micrograms per cubic meter of air ($\mu g/m^3$), or annual arithmetic mean (aam).*

Surrounding Land Uses

The project site is located within the larger Civic Center area of Malibu, which occupies approximately 185 acres extending from PCH in the south to the base of the hillsides in the north. The project site is located adjacent to a vacant parcel to the west, commercial space to the east, a horse training facility to the north, and a commercial center to the south. Single-family residential properties are located further to the north, along the ridgeline overlooking the Civic Center area. Additional land uses in the area include Legacy Park, a passive community park, which includes an element of the City's storm water treatment system, located southwest of the project site, across Civic Center Way. Immediately to the west is the approved La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Los Angeles County Sheriff's Department substation, the Malibu Branch Public Library – Malibu Branch, and the vacated Superior Court offices, is located immediately to the west of the La Paz site. The project site is also within 0.25 mile of eastbound and westbound transit stops on the Malibu Express (Metro Line 534), which provides daily public transportation services.

REGULATORY FRAMEWORK

Federal

The US EPA is responsible for enforcing the federal Clean Air Act (CAA) and the National Ambient Air Quality Standards (NAAQS). The US EPA regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain locomotives. The US EPA also maintains jurisdiction over emissions sources outside state waters (outer continental shelf), and establishes national emissions standards for vehicles. The US EPA formally classifies air basins as attainment or nonattainment based on whether the region meets or exceeds the NAAQS. As part of its enforcement responsibilities, the US EPA requires each state with areas that do not meet the NAAQS to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the federal standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution, using a combination of performance standards and market-based programs within the period identified in the SIP. The US EPA makes area designations for seven criteria pollutants: O_3, CO, NO_2, SO_2, PM10, PM2.5, and lead. The status of the Los Angeles County portion of the Air Basin with respect to attainment with the NAAQS is summarized in **Table 3.2-3, Attainment Status – South Coast Air Basin (Los Angeles County).**

Table 3.2-3
Attainment Status – South Coast Air Basin (Los Angeles County)

Pollutant	Federal	State
Ozone (O_3), 8-Hour Average	Nonattainment	Nonattainment
Ozone (O_3), 1-Hour Average	—	Non-Attainment
Nitrogen Dioxide (NO_2)	Attainment (Maintenance)	Attainment
Carbon Monoxide (CO)	Attainment (Maintenance)	Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Respirable Particulates (PM10)	Nonattainment	Nonattainment
Fine Particulates (PM2.5)	Nonattainment	Nonattainment
Lead (Pb)	Nonattainment	Attainment
Sulfates (SO_4)	—	Attainment
Hydrogen Sulfide (H_2S)	—	Unclassified
Vinyl Chloride	—	Unclassified
Visibility-Reducing Particles	—	Unclassified

Sources:
California Air Resources Board, "Area Designations Maps/State and National," http://www.arb.ca.gov/desig/adm/adm.htm. 2015.
US Environmental Protection Agency, "Air Quality Maps," http://www.epa.gov/region9/air/maps/index.html. 2015.

In response to rapid population growth and the associated rise in motor vehicle operations, the 1990 Clean Air Act Amendments addressed tailpipe emissions from automobiles, heavy-duty engines, and diesel fuel engines. The amendments established more stringent standards for hydrocarbons, NO_X, and CO emissions in order to reduce the levels of these pollutants in heavily populated areas. Under the 1990 Clean Air Act Amendments, new fuels were required to be less volatile, contain less sulfur (regarding diesel fuel), and have higher levels of oxygenates (oxygen-containing substances to improve fuel combustion). Due to the lack of a substantial reduction in hazardous emissions under the 1977 Clean Air Act, the 1990 Clean Air Act Amendments include regulations for reducing impacts from 189 listed hazardous air pollutants (HAPs), which are carcinogenic, mutagenic, and/or reproductive toxicants. The 1990 Clean Air Act Amendments also affects major stationary sources and area emissions sources requiring use of Maximum Achievable Control Technology (MACT) to reduce HAP emissions and their associated health impacts.

State

The California Air Resources Board (CARB) oversees air quality planning and control throughout California. It is primarily responsible for ensuring the implementation of the California Clean Air Act (CCAA), responding to federal CAA requirements, and regulating emissions from motor vehicles and consumer products within the state. In addition, CARB also sets health-based air quality standards and control measures for toxic air contaminants (TACs). Automobile emissions are a major focus of CARB's research as they are the largest contributor to air pollution in California. CARB establishes new standards for vehicles sold in California and for various types of equipment available commercially and sets vehicle fuel specifications to reduce vehicular emissions.

The CCAA established a legal mandate for air basins to achieve the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. Health and Safety Code Section 39607(e) requires CARB to establish and periodically review area designation criteria. These designation criteria provide the basis for CARB to designate areas of the state as attainment, nonattainment, or unclassified according to state standards. CARB makes area designations for 10 criteria pollutants: O_3, NO_2, CO, SO_2, PM10,

PM2.5, lead, sulfates, hydrogen sulfide, and visibility-reducing particles.[3] The status of the Air Basin with respect to attainment with the CAAQS is summarized in **Table 3.2-3.**

In addition to the criteria pollutants discussed above, TACs are another group of pollutants of concern. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases of hazardous materials during upset or spill conditions. Health effects of TACs include cancer, birth defects, neurological damage, and premature death. In 1998, CARB identified diesel particulate matter from diesel-fueled engines as a TAC. Mobile sources (including trucks, buses, automobiles, trains, ships, and farm equipment) are by far the largest source of diesel emissions. The exhaust from diesel engines includes hundreds of different gaseous and particulate components, many of which are toxic. Many of these toxic compounds adhere to the particles and, because diesel particles are very small, they penetrate deeply into the lungs.

Before California listed particulate matter from diesel engine exhaust as a TAC, it had already adopted various regulations that would reduce diesel emissions. These regulations include new standards for diesel fuel; exhaust emission standards for new diesel trucks, buses, automobiles, and utility equipment; and inspection and maintenance requirements for heavy-duty vehicles. Since listing diesel exhaust as a TAC, CARB continues to evaluate what additional regulatory action is needed to reduce public exposure. CARB promulgates airborne toxic control measures (ATCMs) for a variety of mobile and stationary sources of air pollutants. Each ATCM is codified in the California Code of Regulations. The following discusses several ATCMs that are relevant to the proposed project.

- **Airborne Toxic Control Measures to Limit Commercial Truck Idling**: In July 2004, CARB adopted an ATCM to limit motor vehicle idling within California.4 The control measure was adopted as part of a program to reduce public exposure to diesel engine particulate matter (DPM). The measure applies to all diesel-fueled vehicles over 10,000 pounds, regardless of the state in which they are registered. Effective 2008, all heavy-duty trucks are prohibited from idling to maintain comfortable sleeper berth conditions. Idling is not permitted in school areas or 100 feet from a restricted area for more than 5 minutes unless the vehicle is engaged in working activities. Consistent with the CARB ATCM, the project applicant shall comply with the measure and shall enforce a maximum idling limit of 5 minutes per truck at the loading dock area on the north side of the building. The loading dock

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3 California Air Resources Board, "Area Designations (Activities and Maps)," http://www.arb.ca.gov/desig/desig.htm. 2010. According to California Health and Safety Code, Section 39608, "state board, in consultation with the districts, shall identify, pursuant to subdivision (e) of Section 39607, and classify each air basin which is in attainment and each air basin which is in nonattainment for any state ambient air quality standard." Section 39607(e) states that the State shall "establish and periodically review criteria for designating an air basin attainment or nonattainment for any state ambient air quality standard set forth in Section 70200 of Title 17 of the California Code of Regulations. California Code of Regulations, Title 17, Section 70200 does not include vinyl chloride; therefore, CARB does not make area designations for vinyl chloride.

4 California Code of Regulations, Title 13, Chapter 10, Division 3, Section 2485, *Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling*, effective February 1, 2005.

area shall have an informational placard or sign indicating a 5-minute idling limit and loading dock personnel shall be properly informed and trained as necessary.

- **Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units and Generator Sets**: The ATCM for in-use diesel-fueled transport refrigeration units (TRUs) and TRU generator sets targets for TRUs.[5] TRUs are trailer-mounted units, powered by small diesel-fueled engines, which provide chilled air to trailers carrying perishable goods (e.g., produce, meats, and prescription drugs). The measure regulates particulate matter emission rates from TRUs powered by diesel internal combustion engines that range from 9 to 36 horsepower. According to the regulation, facilities with over 20 loading dock doors must submit a detailed report specifying the types of models and quantities of TRUs that would operate at the facility. The report is filed by the equipment operator and is submitted electronically to CARB. By July 31, 2009, owners and operators of California-based TRUs are required to submit an application for a CARB identification number as part of the CARB Identification Numbering Requirements. The ATCM also applies to operators and owners of the TRUs on supply trailers whether registered out of state or in California.

The chief control measure is a gradual phase-in of low- and ultra-low-emission standard TRUs. The first phase—performance standards for low-emission TRUs—requires all TRUs that have under 25 horsepower to have an emission rate of 0.3 gram per horsepower-hour (g/hp-hr) of PM10 or less and TRUs 25 horsepower or more to have an emission rate of 0.22 g/hp-hr PM10 or less. This is referred to as the Low Emission TRU (LETRU) emission standard. The compliance schedule for the LETRU standard is as follows:

- December 31, 2008: All TRUs and TRU generator sets model year 2001 and older;
- December 31, 2009/2010/2011: All TRUs and TRU generator sets model year 2002/2003/2004 (e.g., model year 2002 is December 31, 2009; model year 2003 is December 31, 2010; and so forth);
- Model year 2005 and later do not have compliance requirements for the LETRU standard.

The ultra-low performance standard for in-use TRUs (ULETRU) applies to all future models as well as model year 2004 and older TRUs after seven years of compliance with the LETRU standard. Compliance with the ULETRU standard requires engines with 25 horsepower or more to have emission rates of 0.02 g/hp-hr PM10 or less. Compliance with the ULETRU standard for models with 25 horsepower or less must choose another compliance option. The compliance schedule for the ULETRU standard is as follows:

- December 31, 2015/2016/2017/2018: All TRUs and TRU generator sets model year 2001 and older/2002/2003/2004 (e.g., model year 2001 and older is December 31, 2015; model year 2002 is December 31, 2016; and so forth);

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5 California Air Resources Board, "Transportation Refrigeration Unit (Reefer) ATCM," http://www.arb.ca.gov/diesel/tru/tru.htm. 2012.

- December 31, 2012: All TRUs and TRU generator sets model year 2005;
- Model year 2006 and later models shall comply with the ULETRU standard 1 year later than the prior model (e.g., model year 2006 is December 31, 2013; model year 2007 is December 31, 2014; and so forth).

Manufacturers and operators can meet these standards by producing and using engines that have been tested and certified by CARB. TRU operators can also comply by equipping or retrofitting TRU engines with the required level of Verified Diesel Emission Control Strategies.[6] In addition to producing and purchasing cleaner TRU engines, the measure also encourages the use of alternative technologies to diesel-fueled TRUs, such as electric standby power, cryogenic temperature control systems (or a hybrid), alternative-fuel engines, fuel-cell-powered temperature control systems, and more. Whole Foods and any of their vendors using TRUs would comply with these regulations.

Local

South Coast Air Quality Management District

Air Quality Management Plan

The SCAQMD is required to produce air quality management plans (AQMPs) directing how the Air Basin's air quality will be brought into attainment with federal and state standards. The US EPA requires that transportation conformity budgets be established based on the most recent planning assumptions (i.e., within the last five years). Plan updates are necessary to ensure continued progress toward attainment and to avoid a transportation conformity lapse and associated federal funding losses. A multi-level partnership of governmental agencies at the federal, state, regional, and local levels implement the programs contained in these plans. Agencies involved include the US EPA, CARB, the Southern California Association of Governments (SCAG), local governments, and the SCAQMD.

Since 1979, the SCAQMD has prepared a number of AQMPs. The SCAQMD adopted the currently applicable 2012 Air Quality Management Plan (2012 AQMP) on February 1, 2012. CARB approved the 2012 AQMP as the comprehensive SIP component for the Basin on September 27, 2007. The 2012 AQMP for the Basin (and those portions of the Salton Sea Air Basin under the SCAQMD's jurisdiction) sets forth a comprehensive program to lead these areas into compliance with federal and state air quality planning requirements for ozone, PM10, and PM2.5. The 2012 AQMP demonstrates that with implementation of all feasible controls, the 24-hour PM2.5 attainment will be achieved by 2014. In addition, the South Coast Air Basin (SCAB) still exceeds the federal 8-hour ozone standard and is designated as an "extreme"

6 California Air Resources Board, *Regulation for the Verification Procedure for In-use Strategies to Control Emissions from Diesel Engines*, adopted May 16, 2002.

nonattainment area. The rate of ozone reduction has slowed over the last several years. Therefore, a strategy focusing primarily on NOx reductions has been identified as the optimum method to achieve long-term ozone attainment objectives. Additional VOC reductions are still required to achieve ozone reduction.

CEQA Handbook

In 1993, the SCAQMD prepared its *CEQA Air Quality Handbook* (CEQA Handbook) to assist local government agencies and consultants in preparing environmental documents for projects subject to CEQA.[7] The SCAQMD is in the process of developing its *Air Quality Analysis Guidance Handbook* (Guidance Handbook) to replace the CEQA Handbook. The CEQA Handbook and the Guidance Handbook describe the criteria that SCAQMD uses when reviewing and commenting on the adequacy of environmental documents. The Guidance Handbook provides the most up-to-date recommended thresholds of significance in order to determine if a project will have a significant adverse environmental impact. Other important subjects covered in the CEQA Handbook and the Guidance Handbook include methodologies for estimating project emissions and mitigation measures that can be implemented to avoid or reduce air quality impacts. Although the Governing Board of the SCAQMD has adopted the CEQA Handbook, and is in the process of developing the Guidance Handbook, the SCAQMD does not, nor intends to, supersede a local jurisdiction's CEQA procedures.[8]

While the Guidance Handbook is being developed, supplemental information has been adopted by the SCAQMD. These include revisions to the air quality significance thresholds and a procedure referred to as "localized significance thresholds," which has been added as a significance threshold under the *Final Localized Significance Threshold Methodology* (LST Methodology).[9] The LST Methodology provides thresholds of significance for NOx, CO, PM10, and PM2.5 to evaluate localized air quality impacts that could result from the emissions of these pollutants at sensitive receptors in the vicinity of a project. In addition, the SCAQMD has recommended that lead agencies not use the screening tables in the CEQA Handbook's Chapter 6 because the tables were derived using an obsolete version of CARB's mobile source emission factor inventory and are also based on outdated trip generation rates from a prior edition of the Institute of Transportation Engineer's Trip Generation Handbook.[10] The SCAQMD has also

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7 South Coast Air Quality Management District, "Air Quality Analysis Guidance Handbook," http://www.aqmd.gov/CEQA/hdbk.html. 2010.

8 South Coast Air Quality Management District, "Frequently Asked CEQA Questions," http://www.aqmd.gov/ceqa/faq.html. 2010.

9 South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, 2008.

10 South Coast Air Quality Management District, "CEQA Air Quality Handbook," http://www.aqmd.gov/ceqa/oldhdbk.html. 2010.

recommended that lead agencies not use the on-road mobile source emission factors in Table A9-5-J1 through A9-5-L as they are obsolete, and instead recommends using on-road mobile source emission factors approved by CARB.[11] The outdated and obsolete information were not used in this analysis. The applicable portions of the CEQA Handbook, the Guidance Handbook, and other revised methodologies were used in preparing the air quality analysis in this section, as discussed and referenced later in this section.

Rules and Regulations

The SCAQMD primarily regulates emissions from stationary sources such as manufacturing and power generation. Mobile sources such as buses, automotive vehicles, trains, and airplanes are largely not within the SCAQMD's jurisdiction and within the regulatory jurisdiction of CARB and the US EPA. In order to achieve air quality standards, the SCAQMD adopts an AQMP that serves as a guideline to bring pollutant concentrations into attainment with federal and state standards. The SCAQMD determines if certain rules and control measures are appropriate for their specific region according to technical feasibility, cost effectiveness, and the severity of nonattainment. Once the SCAQMD has adopted the proper rules, control measures, and permit programs, it is responsible to implement and enforce compliance with those rules, control measures, and programs. These rules not only regulate the emissions of the federal and state criteria pollutants but also TACs and acutely hazardous materials. The rules are also subject to ongoing refinement by the SCAQMD. The SCAQMD rules that may be applicable to the proposed project include, but are not limited, to the following:

- **Rule 402 (Nuisance):** This rule states that a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

- **Rule 403 (Fugitive Dust):** This rule requires fugitive dust sources to implement Best Available Control Measures for all sources and all forms of visible particulate matter are prohibited from crossing any property line. SCAQMD Rule 403 is intended to reduce PM10 emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust (see also Rule 1186).

- **Rule 1113 (Architectural Coatings):** This rule requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

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11 South Coast Air Quality Management District, "EMFAC 2007 (v2.3) Emission Factors (On-Road)," http://www.aqmd.gov/CEQA/handbook/onroad/onroad.html. 2010.

- **Rule 1146 (Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters):** This rule requires boilers, steam generators, and process heaters of equal to or greater than 5 million Btu per hour rated heat input capacity used in all industrial, institutional, and commercial operations to meet NO_x emissions limits as specified in this rule.

- **Rule 1146.1 (Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters):** This rule requires boilers, steam generators, and process heaters that are greater than 2 million Btu per hour and less than 5 million Btu per hour rated heat input capacity used in any industrial, institutional, or commercial operation to meet NO_x emissions limits as specified in this rule.

- **Rule 1146.2 (Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters):** This rule requires manufacturers, distributors, retailers, refurbishers, installers and operators of new and existing units to reduce NO_x emissions from natural gas-fired water heaters, boilers, and process heaters as defined in this rule.

- **Rule 1186 (PM10 Emissions from Paved and Unpaved Roads, and Livestock Operations):** This rule applies to owners and operators of paved and unpaved roads and livestock operations. The rule is intended to reduce PM10 emissions by requiring the clean-up of material deposited onto paved roads, use of certified street sweeping equipment, and treatment of high-use unpaved roads (see also Rule 403).

Stationary emissions sources are regulated through SCAQMD's permitting process. Through this permitting process, SCAQMD monitors the amount of stationary emissions being generated and uses this information in developing AQMPs.

City of Malibu General Plan

The City of Malibu General Plan identifies goals and policies relating to improving the safety and health of the community. In general, the City's General Plan supports the SCAQMD's mission to protect public health and welfare from the adverse effects of air pollution, but it does not list any specific thresholds for assessing the significance of a project's emissions. As such, this analysis relies on the thresholds put forth by the SCAQMD.

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 air quality are considered significant if the proposed project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

The *State CEQA Guidelines* Section 15064.7 provides that the significance criteria established by the applicable air quality management district or air pollution control district, when available, may be relied upon to make determinations of the significance of a project's emissions. The SCAQMD CEQA Handbook and related guidelines provide thresholds for assessing the significance of criteria air pollutant emissions from construction and operation. An exceedance of the SCAQMD thresholds could result in a potentially significant air quality impact. Therefore, the proposed project would result in a potentially significant impact to air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Generate total criteria pollutant emissions during construction or operation (direct and indirect) in excess of the thresholds given in **Table 3.2-4, SCAQMD Regional Emissions Significance Thresholds**;
- Expose sensitive receptors to substantial pollutant concentrations by:
  - Exceeding the localized significance thresholds (as shown in **Table 3.2-5, SCAQMD Localized Significance Thresholds)**,
  - Causing or contributing to the formation of CO Hotspots, or

- Result in an incremental increase in cancer risk greater than or equal to 10 in 1 million, a cancer burden greater than 0.5 excess cancer cases (in areas where the incremental increase in risk is greater than 1 in 1 million), and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.
- Expose sensitive receptors to objectionable odors affecting a substantial number of people.

Table 3.2-4
SCAQMD Regional Emissions Significance Thresholds

	Pollutant (pounds per day)					
Phase	**VOC**	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
Construction	75	100	550	150	150	55
Operational	55	55	550	150	150	55

Source: South Coast Air Quality Management District, Air Quality Significance Thresholds, 2012.

Table 3.2-5
SCAQMD Localized Significance Thresholds

	Pollutant (pounds per day)[1]			
Localized Significance Threshold	**NOx**	**CO**	**PM10**	**PM2.5**
Construction	250	4,383	84	29
Operational	250	4,383	21	7

Source: South Coast Air Quality Management District, Final Localized Significance Threshold Methodology, 2008, Appendix C.
[1] *The LST thresholds contained in the SCAQMD lookup tables are for a 5-acre project site in SRA 2, at 200 meters.*

If the emissions from the proposed project exceed the regional emissions significance thresholds shown in **Table 3.2-4**, the proposed project would also result in a cumulatively considerable contribution to air quality impacts and would be considered cumulatively significant even if the project in general conforms to the applicable AQMP.

Localized significance thresholds are based on the size and location of the proposed project and the distance from the project site to the nearest sensitive receptors. The project site is in SRA 2 and covers just under 6 acres. The nearest sensitive receptor is a residence approximately 240 meters to the northwest of project site. The applicable localized significance thresholds are shown in **Table 3.2-5**. A significant impact would occur during construction or operation if on-site emissions exceed the thresholds shown below.

Methodology

The SCAQMD provides methodologies for evaluating the significance of impacts from a project's construction and operational emissions. The methodologies are described in the SCAQMD CEQA Handbook and Guidance Handbook. The SCAQMD thresholds of significance apply to all sources of air pollutants, including equipment and businesses not directly regulated by the SCAQMD and motor vehicles. Emissions modeling were conducted using the California Emissions Estimator Model (CalEEMod) and information provided in the CalEEMod *User's Guide*.[12] CalEEMod is a program that calculates air pollutant emissions from land use sources and incorporates the CARB on-road and off-road vehicle emissions models. The model also incorporates factors specific to air basins in California, such as vehicle fleet mixes.

Air quality impacts are estimated based on information and estimated activity levels of project construction and operation. Construction of the proposed project would be completed over a period of 16 to 18 months, with full occupancy targeted for 2018. Default assumptions included in CalEEMod were used for the construction fleet makeup and equipment list. The proposed project would not include substantial stationary sources of emissions. Mobile source emissions from vehicles traveling to and from the project site would generate the bulk of the operational emissions. The mobile source emissions are based on the trip rates provided in the traffic report for the proposed project.

The potential for the proposed project to cause health impacts is assessed in accordance with land use planning recommendations described in CARB's *Air Quality and Land Use Handbook*.[13] The purpose of the *Air Quality and Land Use Handbook* is to provide information that helps keep vulnerable populations out of harm's way with respect to nearby sources of air pollution. Other sources of information relied upon are provided as footnote citations where applicable. Emission calculations conducted for the proposed project are contained in **Appendix 3.2**.

Impact Analysis

Threshold 3.2-1 Conflict with or obstruct implementation of the applicable air quality plan.

The 2012 AQMP, discussed previously, was prepared to accommodate growth, to reduce the levels of pollutants within the areas under the jurisdiction of the SCAQMD, to return clean air to the region, and to minimize the impact on the economy. Projects that are determined to be consistent with the AQMP

12 South Coast Air Quality Management District, *California Emissions Estimator Model User's Guide*, 2014. The model and User's Guide may be downloaded from the following website: http://www.caleemod.com.

13 California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*, 2005. The document may be downloaded from the following website: http://www.arb.ca.gov/ch/landuse.htm.

would not interfere with attainment because the growth associated with the projects is included in the growth projections utilized in the formulation of the AQMP. Therefore, projects, uses, and activities that are consistent with the applicable assumptions used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the SCAQMD's recommended daily emissions thresholds.

Consistency with the assumptions in the 2012 AQMP is established by demonstrating that the proposed project is consistent with the land use plan that was used to generate the growth forecast used in the development of the 2012 AQMP. The 2012 AQMP based its assumptions on growth forecasts contained in the SCAG *2012-2035 Regional Transportation Plan/Sustainable Communities Strategy* (2012 RTP/SCS).[14] The 2012 RTP/SCS is based on growth assumptions through 2035 developed by each of the cities and counties in the SCAG region. According to the SCAG 2012 RTP growth projection data, the City of Malibu is projected to have an employment population of 8,900 in 2020.[15] Existing employment data from the California Employment Development Department indicates that the City of Malibu has an employment population of approximately 7,500 as of February 2014.[16] The proposed project would add approximately 94 full time equivalent jobs at full occupancy in 2018. The proposed project would not increase the employment population levels above those that have been projected for the City in 2020 and would not exceed the growth assumptions in the AQMP. Thus, the proposed project would be considered consistent with the air quality-related regional plans, and would not have a long-term impact on the region's ability to meet state and federal ambient air quality standards. Accordingly, the proposed project complies with the second consistency criterion. The proposed project would have a less than significant impact.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

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14 South Coast Air Quality Management District, *Final 2012 Air Quality Management Plan*, 2012.

15 Southern California Association of Governments, *2012-2035 Regional Transportation Plan/Sustainable Communities Strategy*, 2012.

16 California Employment Development Department, http://www.labormarketinfo.edd.ca.gov/cgi/dataanalysis/labForceReport.asp?menuchoice=LABFORCE, 2014.

Threshold 3.2-2 **Generate total criteria pollutant emissions during construction or operation (direct and indirect) in excess of the thresholds given in Table 3.2-4, SCAQMD Regional Emissions Significance Thresholds.**

Construction Emissions

A project's construction emissions are generated as a result of operation of mobile equipment and motor vehicles, disturbance of soil, and application of architectural coatings and asphalt paving. As indicated in **Table 3.2-4**, the SCAQMD has established construction thresholds of significance for VOC, NO_x, CO, SO_x, PM10, and PM2.5. The project site is approximately 6 acres, and is currently undeveloped. It is anticipated the project construction would commence subsequent to completion of the first phase of the Civic Center Wastewater Treatment Facility (CCWTF) and have a duration of 12 to 14 months, with full occupancy targeted for 2018. Construction activities would include grading, paving, building construction, and architectural coating sub-phases. Grading would require the net import of approximately 5,251 cubic yards of fill material. A total of 38,400 square feet of regional shopping center space would be built, anchored by a Whole Foods grocery store and including paved parking for 220 vehicles. The remaining space would be landscaped as a park-like setting with outdoor seating areas, two children's play areas (an accessible playground and a sensory park), and a community garden.

Based on the above information, **Table 3.2-6, Unmitigated Construction Emissions**, presents the estimated maximum daily emissions associated with the proposed project. Construction emissions include all emissions associated with the construction equipment, grading activities including fill material import, worker trips, and on-road diesel trucks. The estimated emissions are considered to be conservative; that is, the emissions presented below in **Table 3.2-6** likely over-predict the actual emissions that would occur during project construction. This is due to the model's worst-case assumption that all construction equipment is operating simultaneously for the entire day during each day of the construction period. In reality, construction equipment often operates only for a portion of the workday, and is not necessarily used every day so that at any given time only some pieces of the total fleet are operating. As indicated below, emissions would not exceed the SCAQMD's significance thresholds during any year of construction.

Table 3.2-6
Unmitigated Construction Emissions

Construction Year	Maximum Emissions in Pounds per Day					
	VOC	NOx	CO	SOx	PM10	PM2.5
2016	6.32	44.72	35.11	0.06	8.44	5.07
2017	36.92	26.98	23.55	0.04	2.46	1.81
SCAQMD Threshold:	**75**	**100**	**550**	**150**	**150**	**55**
Exceeds Threshold?	NO	NO	NO	NO	NO	NO

*Source: Impact Sciences, Inc., 2015. Emissions calculations are provided in **Appendix 3.2**.*
Note: Totals in the table may not appear to add exactly due to rounding in the computer model calculations.

Operational Emissions

The proposed project would develop a regional shopping center consisting of five separate buildings totaling approximately 38,400 square feet. The center would be anchored by a Whole Foods grocery store, and would also provide a variety and goods and services, including restaurant space. Operational emissions would be generated by both stationary and mobile sources as a result of normal day-to-day activity on the site after occupation. Stationary emissions would be generated by the consumption of natural gas for space and water heating devices, the operation of landscape maintenance equipment, and from the use of consumer products. Mobile emissions would be generated by motor vehicles traveling to and from the project site. Daily operational emissions were calculated using the data and methodologies identified in the SCAQMD's CEQA Handbook and the CalEEMod program.

Trip generation rates used in CalEEMod were obtained from data contained in the traffic study completed for the proposed project, included in **Appendix 3.13**. For the purposes of the CalEEMod model, the proposed project was assumed to consist entirely of a regional shopping center land use type, which includes a variety of uses consistent with those included in the proposed development. The anticipated operational emissions are based on buildout and occupancy of all land uses associated with the proposed project and are reflected in **Table 3.2-7, Estimated Unmitigated Operational Emissions**. As shown in **Table 3.2-7**, the proposed project at buildout and in full occupancy would not generate emissions that would exceed SCAQMD thresholds. Therefore, daily operational emissions generated by the proposed project would result in a less than significant impact.

Table 3.2-7
Unmitigated Operational Emissions

Emissions Source	Emissions in Pounds per Day					
	VOC	NOx	CO	SOx	PM10	PM2.5
Area /Stationary Sources	2.77	0.00	0.03	0.00	0.00	0.00
Mobile Sources	5.51	12.59	52.92	0.13	9.01	2.53
Total pounds per day:	**8.28**	**12.59**	**52.95**	**0.13**	**9.01**	**2.53**
SCAQMD Threshold:	**55**	**55**	**550**	**150**	**150**	**55**
Exceeds Threshold?	NO	NO	NO	NO	NO	NO

Source: Impact Sciences, Inc., 2015. Emissions calculations are provided in ***Appendix 3.2***
Note: Totals in the table are rounded and may be slightly different from the totals in ***Appendix 3.2.***

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.2-3 **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).**

According to the SCAQMD *CEQA Air Quality Handbook*, projects that result in emissions that do not exceed the project-specific SCAQMD thresholds of significance should be considered to have a less than significant impact on a cumulative basis unless there is other pertinent information to the contrary.[17] As noted above, the proposed project would result in construction and operational emissions that are below the applicable thresholds. Therefore, construction and operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.

Mitigation Measures

No mitigation measures are required.

17 SCAQMD, *CEQA Handbook*, 9–12.

Residual Impacts

Impacts would be less than significant.

Threshold 3.2-4 Expose sensitive receptors to substantial pollutant concentrations.

Localized Significance Thresholds (LSTs)

As indicated above, the SCAQMD recommends that the potential localized impacts on ambient air concentrations due to on-site emissions of NO_X, CO, PM10, and PM2.5 be evaluated. The SCAQMD LST Methodology includes screening tables that can be used to determine the maximum allowable daily emissions that would satisfy the LSTs (i.e., not cause an exceedance of the applicable concentration limits). The allowable emission rates depend on (1) the SRA in which the project is located, (2) the size of the project site, and (3) the distance between the project site and the nearest sensitive receptor (e.g., residences, schools, hospitals).

The project-specific on-site construction emissions are compared to LSTs for SRA 2 (Northwest Coastal LA County) in **Table 3.2-8, Localized Significance Thresholds Analysis during Construction**. The thresholds are based on the proximity of the nearest sensitive receptor to the project site, which is approximately 200 meters.

Table 3.2-8
Localized Significance Thresholds Analysis during Construction

Pollutant	Maximum On-Site Emissions (Pounds per day)	LST Thresholds[1] (Pounds per day)	Exceeds LST?
Nitrogen Oxides (NO_X)	29.95	250	NO
Carbon Monoxide (CO)	19.63	4,383	NO
Respirable Particulate Matter (PM_{10})	4.10	84	NO
Fine Particulate Matter ($PM_{2.5}$)	2.83	29	NO

Source: Impact Sciences, Inc., 2015. Emissions calculations are provided in ***Appendix 3.2.***

[1] *South Coast Air Quality Management District,* Final Localized Significance Threshold Methodology, *2008.*

The LSTs applicable to the operational emissions of the proposed project are shown in **Table 3.2-9, Localized Significance Thresholds Analysis during Operation**. The maximum daily on-site operational emissions are compared to the LST thresholds.

Table 3.2-9
Localized Significance Thresholds Analysis during Operation

Pollutant	Total On-Site Emissions (Pounds per day)	LST Thresholds[1] (Pounds per day)	Exceeds LST?
Nitrogen Oxides (NO_x)	0.00	250	NO
Carbon Monoxide (CO)	0.03	4,383	NO
Respirable Particulate Matter (PM_{10})	0.00	21	NO
Fine Particulate Matter ($PM_{2.5}$)	0.00	7	NO

Source: Impact Sciences, Inc., 2015. Emissions calculations are provided in ***Appendix 3.2****.*
[1] *South Coast Air Quality Management District, Final Localized Significance Threshold Methodology, 2008.*

As indicated in **Table 3.2-8** and **Table 3.2-9,** on-site construction and operational emissions of NOx, CO, PM10, and PM2.5 would not exceed the SCAQMD LST thresholds for nearby sensitive receptors. The proposed project would have a less than significant impact with respect to this criterion.

CO Hotspots

Motor vehicles are a primary source of pollutants within the project vicinity. Traffic congested roadways and intersections have the potential to generate localized high levels of CO. Localized areas where ambient concentrations exceed state and/or federal standards are termed CO "hotspots." CO is produced in greatest quantities from vehicle combustion and is usually concentrated at or near ground level because it does not readily disperse into the atmosphere. As a result, potential air quality impacts to sensitive receptors are assessed through an analysis of localized CO concentrations. Areas of vehicle congestion have the potential to create CO hotspots that exceed the state ambient air quality 1-hour standard of 20 ppm or the 8-hour standard of 9.0 ppm. The federal levels are less stringent than the state standards and are based on 1- and 8-hour standards of 35 and 9 ppm, respectively. Thus, an exceedance condition would occur based on the state standards prior to exceedance of the federal standard.

The proposed project was evaluated to determine if it would cause a CO hotspot utilizing a simplified CALINE4 screening model developed by the Bay Area Air Quality Management District (BAAQMD). The simplified model is intended as a screening analysis that identifies a potential CO hotspot. If a hotspot is identified, the complete CALINE4 model is then utilized to determine precisely the CO concentrations predicted at the intersections in question. This methodology assumes worst-case conditions (i.e., wind direction is parallel to the primary roadway and 90 degrees to the secondary road, wind speed of less than 1 meter per second and extreme atmospheric stability) and provides a screening of maximum, worst-case, CO concentrations. This method is acceptable to the SCAQMD as long as it is

used consistently with the *BAAQMD Guidelines*. This model is utilized to predict future CO concentrations 0 and 25 feet from the intersections in the study area based on projected traffic volumes from the intersections contained in the project traffic study.[18] Intersections operating at levels of service (LOS) between A through D are determined to not have the potential to create a CO Hotspot and are therefore not included in the analysis. Intersections operating at an LOS of E or F are considered have to have the potential to create a CO hotspot. Post-project maximum future CO concentrations were calculated for peak-hour traffic volumes for both weekday peak hours and Saturday mid-day periods. Traffic volumes during the weekday PM peak hour and Saturday mid-day peak hour were modeled as those volumes would have the highest potential for impacts at affected intersections. The results of these CO concentration calculations are presented in **Table 3.2-10, Carbon Monoxide Concentrations – With Cumulative (2030) and Project Traffic**, to present the worst-case scenario. The determination of significance is based on representative receptors located 0 feet from the intersection. Receptors 25 feet from an intersection would experience lower concentrations and therefore were not calculated.

Table 3.2-10
Carbon Monoxide Concentrations – With Cumulative (2030) and Project Traffic

	Weekday PM Peak Hour	Saturday Midday	
Intersection[3]	**1-Hour[1]**	**1-Hour[1]**	**8-Hour[2]**
2. Malibu Canyon Road and Pacific Coast Highway	4.6	4.8	3.4
4. Webb Way/Stuart Ranch Road and Civic Center Way	3.0	2.7	2.1
6. Webb Way and Pacific Coast Highway	4.7	4.6	3.3
7. Cross Creek Road and Pacific Coast Highway	5.1	5.1	3.6
Exceeds state 1-hour standard of 20 ppm?	NO	NO	—
Exceeds federal 1-hour standard of 35 ppm?	NO	NO	—
Exceeds state 8-hour standard of 9.0 ppm?	—	—	NO
Exceeds federal 8-hour standard of 9 ppm?	—	—	NO

[1] *State standard is 20 parts per million. Federal standard is 35 parts per million.*
[2] *State standard is 9.0 parts per million. Federal standard is 9 parts per million.*
[3] *The four intersections were chosen based on the intersections in Table 8 from the Traffic study.*
Source: Impact Sciences, Inc., 2015 Emissions calculations are provided in ***Appendix 3.2****.*

As shown, the CALINE4 screening procedure predicts that, under worst-case conditions, future CO concentrations at each intersection would not exceed the state 1-hour and 8-hour standards with the operation of the proposed project. No significant CO hotspot impacts would occur to sensitive receptors

18 Overland Traffic Consultants. *Traffic Impact Analysis Neighborhood Shopping Center Located at Northwest Corner of Civic Center Way and Cross Creek Road in the City of Malibu.* July 2013.

in the vicinity of these intersections. As a result, no significant project-related impacts would occur relative to future carbon monoxide concentrations.

Toxic Air Contaminants

The proposed project does not include any stationary sources of TACs. However, the proposed project would result in increased truck traffic, including transport refrigeration units (TRUs). Diesel-fueled trucks and TRUs are sources of diesel particulate matter (DPM), which is defined as a TAC, and consequently CARB has issued Air Toxic Control Measure (ATCM) bulletins for both diesel-fueled trucks and TRUs. The SCAQMD recommends a detailed health risk assessment be performed for DPM for facilities that are substantial sources of DPM. Examples of such land uses would be truck stops and warehouses, for which CARB assumes a minimum of 100 large truck trips per day. In contrast, the proposed project would have a maximum of two large truck trips per day, with additional small delivery truck trips. As the total number of additional truck trips is very few in comparison to a facility such as a warehouse, the proposed project would not be considered a substantial source of DPM. Additionally, trucks and TRUs operating at the project site would follow the CARB ATCM measures, which include emission limits for engines and caps on idling time that would minimize emissions on- and off-site. There are no other substantial sources of other TACs associated with the proposed project. Therefore, there would be a less than significant impact due to TACs attributed to the proposed project.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.2-5 Expose sensitive receptors to objectionable odors affecting a substantial number of people?

The SCAQMD lists land uses primarily associated with odor complaints as waste transfer and recycling stations, wastewater treatment plants, landfills, composting operations, petroleum operations, food and byproduct processes, factories, and agricultural activities, such as livestock operations. The proposed project would not include the development and operation of any of these land uses. Refuse associated with the operation of the proposed project would be contained and disposed of in accordance with local regulations. Therefore, the proposed project would not result in objectionable odors affecting a substantial number of people and would have a less than significant impact.

No on-site wastewater treatment system is included as part of the proposed project. For wastewater disposal, the proposed project would connect to the proposed Civic Center Wastewater Treatment Facility (CCWTF). Refer to **Section 3.14.4 Wastewater** in this EIR for further discussion and analysis. The proposed CCWTF is currently undergoing separate environmental review, including a review of potential odor impacts, as required by CEQA.[19]

Any unforeseen odors associated with this proposed project would be controlled in accordance with SCAQMD Rule 402 (Nuisance). Rule 402 prohibits the discharge of air contaminants that cause "injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." Failure to comply with SCAQMD requirements pursuant to Rule 402 could subject the offending facility to possible fines and/or operational limitations in an approved odor control or odor abatement plan. Adherence to Rule 402, which is required by law, would reduce unforeseen odors to a less than significant impact.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

According to the SCAQMD CEQA Handbook, projects that result in emissions that do not exceed the project-specific SCAQMD regional thresholds of significance should result in a less than significant impact on a cumulative basis unless there is other pertinent information to the contrary. The mass-based regional significance thresholds published by the SCAQMD are designed to ensure compliance with both NAAQS and CAAQS and are based on an inventory of projected emissions in the Air Basin. Therefore, if a project is estimated to result in emissions that do not exceed the thresholds, the project's contribution to the cumulative impact on air quality in the Air Basin would not be cumulatively considerable. As presented previously in **Table 3.2-6**, construction of the proposed project would not result in daily construction emissions that exceed the thresholds of significance recommended by the SCAQMD. Operation of the proposed project would not exceed the established thresholds of significance as

[19] The City of Malibu Civic Center Wastewater Treatment Facility Project, information website: http://www.malibucity.org/index.aspx?NID=602, June 2014.

presented in **Table 3.2-7**. Therefore, the proposed project would not generate a cumulatively considerable contribution to air pollutant emissions during project construction or operation.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.3 BIOLOGICAL RESOURCES

INTRODUCTION

This section discusses the biological resources present within the Whole Foods in the Park Shopping Center project site, the current status of these resources before project implementation, the potential impacts on these resources, and measures to mitigate identified impacts.

This analysis is based on a field survey conducted by Impact Sciences, Inc., on June 25, 2014; a review of relevant literature;[1] and on several previous studies, including a biological inventory prepared in January 2010,[2] the 2012 staff report on protected native trees,[3] two tree reports in 2009 and 2011,[4] and a wetland analysis conducted in 2011.[5] The reports are provided in **Appendix 3.3**. The City of Malibu Local Coastal Program (LCP) was also reviewed, which includes the Local Implementation Plan (LIP).

ENVIRONMENTAL SETTING

Regional Location

The City of Malibu is located on the Santa Monica Bay within the Mediterranean climate biome. As such, winters are typically cool and wet, while summers are warm and dry. This climate supports a characteristic flora comprised of drought tolerant, summer dormant plant communities such as oak woodland, coastal sage scrub, and chaparral. The City lies between the Pacific Ocean, generally to the south with steep foothills generally to the north. The project site is located within the Malibu Beach US Geological Survey (USGS) 7.5-minute quadrangle.

Surrounding Land Uses

The undeveloped, disturbed project site is located in the commercial/retail Malibu Civic Center area of the City, bounded by Civic Center Way to the south and Cross Creek Road to the east. A vacant, mowed field lies to the west, and an equestrian facility to the north. Across Civic Center Way is the Malibu Mall,

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1 California Natural Diversity Data Base (CNDDB) Query for 7.5-minute USGS quadrangle maps for: Malibu Beach; Topanga; Canoga Park; Calabasas; Thousand Oaks; Point Dume June 2014. Commercial edition updated June 2014.

2 Rachel Tierney Consulting. January 22, 2010. *Whole Foods in the Park, Malibu California – Biological Inventory*. Prepared for Marny Randall.

3 Bonnie Blue, Project Planner. March 22, 2012. *Biological Review: Protected Native Trees.*

4 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*.

5 Glenn Lukos Associates. February 21, 2011. *Jurisdictional Determination, Whole Foods Plaza, Malibu, Los Angeles County, California.*

containing retail stores and restaurants. A hardware store/nursery and other commercial land uses are to the east along Cross Creek Road. The Malibu Creek corridor is generally parallel to Cross Creek Road along the eastern edge of the commercial strip, approximately 390 feet (straight line distance) from the project site at its closest point. Commercial development and Cross Creek Road lie between the project site and the creek.

Land Uses, Plant Communities, and Wildlife Habitat

The project site is highly disturbed, regularly mowed, and vegetated with plant species that colonize disturbed areas (collectively known as ruderal plant species). A gravel area leads from Civic Center Way toward the center of the site, extending into a pad. Litter and debris is scattered throughout the site. With the exception of a few western sycamore trees (*Platanus racemosa*), nearly all other plant species on-site are non-native, invasive exotic species. Annual mustard (*Brassica* spp.) dominates the site along with carnation spurge (*Euphorbia terracina*), crown daisy (*Glebionis coronaria* [*Chrysanthemum coronarium*]), and grasses such as ripgut brome (*Bromus diandrus*) and Bermuda grass (*Cynodon dactylon*). Castor bean (*Ricinus communis*) and perennial pepperweed (*Lepidium latifolium*) are present in small numbers. Eight western sycamore trees (*Platanus racemosa*) are present in the northwestern portion of the site, as are two laurel sumac shrubs (*Malosma laurina*) and a few blue elderberry shrubs (*Sambucus nigra* ssp. *caerulea*). Non-native jacaranda (*Jacaranda mimosifolia*), palm (species unknown), and eucalyptus (*Eucalyptus globulus*) are stump sprouting from previously cut trunks.

Wildlife habitat is of marginal quality due to the disturbed conditions, presence of litter, and the lack of native plants or plant communities. Wildlife encountered include California [Beechey] ground squirrel (*Otospermophilus beecheyi*), with many burrows over the entire area, and bird species typical of urban areas, such as American crow (*Corvus brachyrhynchos*), rock pigeon (*Columba livia*), northern mockingbird (*Mimus polyglottos*) and western scrub jay (*Aphelocoma californica*). One western fence lizard (*Sceloporus occidentalis*) was seen during the June 2014 survey.

Special-Status Resources

Special Status Wildlife Species

Special-status wildlife species are defined herein as those that are state or federally listed as Threatened or Endangered, proposed for listing as Threatened or Endangered, designated as state or federal candidates for listing, a federal Bird of Conservation Concern, a state Species of Special Concern, a state Fully Protected Animal, or that may otherwise be considered "Rare" under Section 15380 of the *State California Environmental Quality Act (CEQA) Guidelines*.

Based on a review of The California Natural Diversity Database (CNDDB) and knowledge of the project area, 37 special status wildlife species (including invertebrates, mammal, amphibian, reptile, and bird species) are known to occur in the project area.[6] These species are identified in **Table 3.3-1, Summary of Special Status Wildlife Species Reported as Occurring in the Vicinity of the Whole Foods in the Park Site**, along with their regulatory status, habitat requirements, and an evaluation of their potential to occur on the campus. As indicated in **Table 3.3-1**, special-status wildlife species reported for the vicinity are not expected to occur on-site due to the absence of suitable habitat and therefore will not be discussed further in this document.

Special Status Plant Species

Special-status plants include those species that are state or federally listed as Rare, Threatened or Endangered; federal candidates for listing; proposed for state or federal listing; or included on Lists 1 or 2, of the California Native Plant Society Inventory of Rare and Endangered Plants of California (CNPS Inventory). Plant species identified as occurring in the project vicinity are listed on **Table 3.3-2, Summary of Special Status Plant Species Reported as Occurring in the Vicinity of the Whole Foods in the Park Site.**

Thirty-three special status plants were identified in the CNDDB as occurring in the project vicinity.[7] However, no special-status plant species have been found nor are expected to occur due to the highly disturbed condition of the site coupled with the absence of habitat types associated with locally occurring special-status plant species (e.g., specific substrates, vernal pools, native plant communities, wetlands, etc.).

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6 California Natural Diversity Data Base (CNDDB) Query for 7.5-minute USGS quadrangle maps for: Malibu Beach; Topanga; Canoga Park; Calabasas; Thousand Oaks; Point Dume, June 2014. Commercial edition updated June 2014.

7 California Natural Diversity Data Base (CNDDB) Query for 7.5-minute USGS quadrangle maps for: Malibu Beach; Topanga; Canoga Park; Calabasas; Thousand Oaks; Point Dume, June 2014. Commercial edition updated June 2014.

Table 3.3-1
Summary of Special Status Wildlife Species Reported as Occurring in the Vicinity of the Whole Foods at the Park Site
June 2014 CNDDB Query for: Malibu Beach; Topanga; Canoga Park; Calabasas; Thousand Oaks; Point Dume USGS Quadrangles

Common Name *Scientific Name*	Status Federal	 State	Habitat Requirements	Potential Occurrence on the Project Site
Santa Monica shieldback katydid *Aglaothorax longipennis*	--	sa	Chaparral	No suitable habitat on-site.
Monarch butterfly (wintering sites) *Danaus plexippus*	--	sa	Winter roost sites located in wind-protected tree groves (gum trees, Monterey pine, and cypress trees), with nectar and water sources nearby.	Trees on-site do not provide the wind-protected grove required by this species; suitable habitat is not present on-site for roosting.
Santa Monica grasshopper *Trimerotropis occidentiloides*	--	sa	Little information is available on this species. It has been found in disturbed areas and along dirt roads and chaparral in the Santa Monica Mountains.	Little is known about this species and because it is not afforded any protection status, impacts to this species, should they occur, would be considered less than significant.
Gertsch's socalchemmis spider *Socalchemmis gertschi*	--	sa	No specific habitat requirements available. Not much is known about this nocturnal hunting spider. Thought to occur in coastal sage scrub habitat.	Known from only two locations in Los Angeles County; Brentwood and Topanga Canyon.
Sandy beach tiger beetle *Cicindela hirticollis gravida*	--	sa	Coastal dunes: Inhabits sand in the upper beach zones that are adjacent to non-brackish water.	No suitable habitat on-site.
Globose dune beetle *Coelus globosus*	--	sa	Coastal dunes.	No suitable habitat on-site.
Arroyo chub *Gila orcutti*	--	SSC	Slow-moving or backwater sections of warm to cool streams with mud or sand substrates.	No suitable aquatic habitat is present on-site.
Tidewater goby *Eucyclogobius newberryi*	FE	SSC	Shallow lagoons and lower coastal stream reaches with salinities from brackish to fresh.	No suitable aquatic habitat is present on-site.
Steelhead rainbow trout (southern California DPS) *Oncorhynchus mykiss irideus*	FE	SSC	Anadromous aquatic fish.	No suitable habitat on-site.
Arroyo toad *Anaxyrus californicus*	FE	SSC	Restricted to rivers with shallow pools and specific substrates.	No suitable habitat on-site.

Common Name ***Scientific Name***	**Status**			
	Federal	**State**	**Habitat Requirements**	**Potential Occurrence on the Project Site**
California red-legged frog *Rana draytonii*	FT	SSC	Permanent water sources such as ponds, lakes, reservoirs, streams, and adjacent riparian woodlands.	No suitable aquatic habitat on-site.
Western pond turtle *Actinemys pallida [Emys marmorata]*	--	SSC	Streams, ponds, freshwater marshes, and lakes with growth of aquatic vegetation.	No suitable aquatic habitat is present on site.
Coast horned lizard *Phrynosoma blainvillii*	--	SSC	Relatively open grasslands, scrublands, and woodlands with fine, loose soil.	The site does not contain fine, loose soil; the soil is compacted. Although native ants were found on-site, it is not suitable habitat for this species.
Coastal whiptail *Aspidoscelis tigris multiscutatus*	--	sa	Open areas in semiarid grasslands, scrublands, and woodlands.	Unlikely to occur on-site due to disturbed conditions and lack of scrub/woodland habitat.
Silvery legless lizard *Anniella pulchra pulchra*	--	SSC	Stabilized dunes, beaches, dry washes, pine, oak, and riparian woodlands, and chaparral; associated with sparse vegetation with sandy or loose, loamy soils.	The compacted soil on-site does not provide the loose, loamy soils needed by this species.
California mountain kingsnake (San Diego population) *Lampropeltis zonata pulchra*	--	SSC	In the coastal ranges, occurs in riparian woodlands, and adjacent chaparral and coastal sage scrub vegetation; associated with rock outcrops.	Suitable habitat is not present on-site.
San Bernardino ringneck snake *Diadophis punctatus modestus*	--	--	Woodlands, grassland, chaparral, and scrub habitats; often found in mesic areas under rocks, logs, and debris.	Suitable habitat is not present on-site.
Two-striped garter snake *Thamnophis hammondii*	--	SSC	Perennial and intermittent streams with dense riparian vegetation.	Suitable aquatic habitat is not present on-site.
Bank swallow (nesting) *Riparia riparia*	--	CT	Requires vertical banks/cliffs with fine-textured/sandy soils near streams along rivers, lakes, ocean for colonial nests,	No suitable cliff/bank habitat is present on-site.
Cooper's hawk (nesting) *Accipiter cooperi*	--	sa	Nesting habitat: dense canopy in oak and riparian woodlands; nesting trees typically medium height > 20ft.	Suitable nesting habitat is not present on the site but is present nearby along Malibu Creek.
Tricolored blackbird (nesting colony) *Agelaius tricolor*	--	SSC	Freshwater marshes and riparian scrub.	No suitable nesting habitat is present on-site.
Swainson's hawk (nesting) *Buteo swainsoni*	--	CT	Nesting range restricted to Central Valley, Mojave Desert and Great Basin.	Does not nest in project region.

Common Name *Scientific Name*	Status		Habitat Requirements	Potential Occurrence on the Project Site
	Federal	State		
Western burrowing owl (burrow sites) *Athene cunicularia hypugea*	--	SSC	Grasslands and areas with low cover or open scrub, level to gently sloping sites.	Vegetative cover on-site is higher than normally preferred. Suitable burrow sites are present; however, this species has not been found on-site.
California gnatcatcher *Polioptila californica*	FT	SSC	Coastal sage scrub in areas of flat or gently sloping terrain.	No suitable nesting habitat is present on-site.
American peregrine falcon (nesting) *Falco peregrinus anatum*	Delisted	CFP	Nests near wetlands, lakes, rivers or other waters on high cliffs.	No suitable nesting habitat is present on-site.
S. California rufous-crowned sparrow *Aimophila ruficeps canescens*	--	sa	Chaparral; coastal sage scrub.	No suitable habitat on-site.
California leaf-nosed bat *Macrotus californicus*	--	SSC	Desert riparian, desert wash, desert scrub, desert succulent scrub, alkali desert scrub, and palm oasis. Roosts in caves and mines.	No suitable roosting habitat is present on-site.
Western small-footed myotis *Myotis ciliolabrum*	--	sa	Arid wooded and brushy uplands near water from sea level to at least 9,000 ft. Prefers open stands in forests, woodlands, and brush. Uses streams, ponds etc. for feeding & drinking. Roosts in caves, mines, occasionally under bridges or bark.	Preferred foraging and roosting habitats are not present on-site.
Yuma myotis *Myotis yumanensis*	--	sa	Found in a variety of habitats; optimal habitats are open forests and woodlands with sources of water over within to feed. Roosts in buildings, caves, old swallow nests, mines, under bridges.	Preferred foraging and roosting habitats are not present on-site.
Hoary bat *Lasiurus cinereus*	--	sa	Thought to prefer trees at the edge of clearings, but have been found in trees in heavy forests, open wooded glades, and shade trees along urban streets and in city parks.	Marginal roosting habitat is present on and adjacent to the project site.
Western red bat *Lasiurus blossevillii*	--	SSC	Closely associated with deciduous trees in riparian areas.	Preferred habitats are not present on the site but may be present in Malibu Creek nearby.
Spotted bat *Euderma maculata*	--	SSC	Deserts, scrublands, chaparral, and coniferous woodlands. Roosts in rock crevices, occasionally caves or buildings.	No suitable roosting habitat is present on-site.
Pallid bat *Antrozous pallidus*	--	SSC	Arid habitats, including grasslands, shrub lands, woodlands, and forests; prefers rocky outcrops, cliffs, and crevices with access to open habitats for foraging.	Locally common species that could forage on-site; no suitable roosting habitat is present.

Common Name *Scientific Name*	Status Federal	 State	Habitat Requirements	Potential Occurrence on the Project Site
Golden eagle (nesting & wintering) *Aquila chrysaetos*	--	CFP	Requires cliffs or rocky ledges for nesting, though will occasionally nest in trees, on the ground or in human-made structures.	Suitable nesting habitat is not present on-site.
Western mastiff bat *Eumops perotis* ssp. *californicus*	--	SSC	Occurs in a wide variety of habitats but is closely associated with roosting sites, which include rocky crevices and cliffs for day-roosts. Requires high cliff faces, or buildings with sufficient vertical drop (at least 20 feet above ground).	Suitable roosting habitat is not present on-site, as this species is not typically associated with roosting in trees.
San Diego desert woodrat *Neotoma lepida intermedia*	--	SSC	Chaparral and coastal sage scrub.	Suitable habitat is not present on-site.
American badger *Taxidea taxus*	--	SSC	Drier open stages of shrub, forest, and herbaceous habitats with friable soils.	Suitable habitat foraging and burrow habitat is present on-site; however this species has not been detected and is unlikely to occur due to surrounding urban land uses.

KEY:

(nesting) = For most taxa the CNDDB is interested in sightings for the presence of resident populations. For some species (primarily birds), the CNDDB only tracks certain parts of the species range or life history (e.g., nesting locations). The area or life stage is indicated in parenthesis after the common name.

Status:

Federal -- US Fish and Wildlife Service

FE: Federally Endangered

FT: Federally Threatened

FPE: Federally Proposed Endangered

FPT: Federally Proposed Threatened

FC: Federal Candidate for listing as threatened or endangered

MNBMC: Migratory Nongame Birds of Management Concern (not shown for federally listed or proposed threatened or endangered species)

--: Federal Species of Concern

Species denoted with this term primarily include those considered C2 species under the old classification system. This term is only to be used as a "term-of-art" and is not to imply any legal protection or inclusion on the Federal ESA list.

State -- California Department of Fish and Game

CE: California Endangered

CT: California Threatened

CCE: California Candidate (Endangered)

CCT: California Candidate (Threatened)

CFP: California Fully Protected

CP: California Protected

SSC: California Species of Special Concern

sa: California Special Animal (species with no official federal or state status, but are included on CDFG's Special Animals list)

Table 3.3-2
Summary of Special Status Plant Species Reported as Occurring in the Vicinity of the Whole Foods at the Park Site
June 2014 CNDDB Query for: Malibu Beach; Topanga; Canoga Park; Calabasas; Thousand Oaks; Point Dume USGS Quadrangles

Common Name *Scientific Name*	Status			Habitat Requirements	Elevation Range, Life Form, and Flowering Period	Potential Occurrence
	Federal	State	CNPS			
Braunton's milk-vetch *Astragalus brauntonii*	FE	--	1B.1	Chaparral, coastal scrub valley and foothill grassland, closed-cone coniferous forest/ recent burns or disturbed areas, usually sandstone with carbonate layers	4–640m PH January–August	LA & Vent Co: occurrences in the Simi Hills and Santa Monica Mountains. Substrate endemic; no suitable habitat on-site; not present.
Ventura marsh milk-vetch *Astragalus pycnostachyus* var. *lanosissimus*	FE	CE	1B.1	Coastal dunes, coastal scrub, marshes and swamps)edges, coastal salt or brackish)	1–35m PH June–October	Vent. Co: Coastal species know only from Oxnard. Low potential to occur.
Coastal dunes milk-vetch *Astragalus tener* var. *titi*	FE	CE	1B.1	Coastal bluff scrub (sandy), coastal dunes, coastal prairie (mesic)/often vernally mesic areas	1–50 ft. AH March–May	Last recorded in Los Angeles Co. in 1903 near Inglewood. Suitable habitat NOT present on-site.
Coulter's saltbush *Atriplex coulteri*	--	--	1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, and valley and foothill grassland/ alkaline or clay	3–460m PH March–October	Last recorded in project vicinity in 1937; historic records for Malibu Beach and Pt. Dume quads. Low potential for on-site occurrence.
Parish's brittlescale *Atriplex parishii*	--	--	1B.1	Chenopod scrub, playas, vernal pools.	25–1900m AH June–October	Suitable habitat is NOT present on-site; no current records in vicinity.
Davidson's saltscale *Atriplex serenana* var. *davidsonii*	--	--	1B.2	Coastal bluff scrub, coastal scrub/alkaline.	10–200m AH April–October	Few records for mainland LA Co; none recent. Low potential for occurrence on-site.
Malibu baccharis *Baccharis malibuensis*	--	--	1B.1	Chaparral, cismontane woodland, coastal scrub, riparian woodland.	150–350m. S (d) August	Suitable CH & CSS habitat not present on-site; low potential for occurrence.
Round-leaved filaree *California macrophylla*	-	-	1B.1	Cismontane woodland/valley & foothill grassland	15–1200m AH March–May	Known from many locations but no recent records near site.

Common Name *Scientific Name*	Status Federal	State	CNPS	Habitat Requirements	Elevation Range, Life Form, and Flowering Period	Potential Occurrence
Slender mariposa lily *Calochortus clavatus* var. *gracilis*	--	--	1B.2	Chaparral, coastal scrub, valley and foothill grassland	320–1000m PH(b) March–June	Low potential for occurrence on-site due to highly disturbed conditions and compacted soils.
Plummer's mariposa lily *Calochortus plummerae*	--	--	4.2	Chaparral, cismontane woodlands, coastal scrub, Lower montane coniferous forests, valley and foothill grassland/ granitic, rocky.	100–1700m PH (b) May–July	Low potential for occurrence on-site due to highly disturbed conditions and compacted soils.
Southern tarplant *Centromadia parryi* spp. *australis*	-	-	1B.1	Marshes and swamps (margins), valley and foothill grassland (vernally mesic), vernal pools.	0–480m AH May–November	Suitable mesic grassland habitat is not present; low potential for occurrence on-site.
Salt marsh bird's-beak *Chloropyron [Cordylanthus] maritimum* ssp. *maritimum*	FE	CE	1B.2	Coastal dunes, marshes and coastal salt marsh.	0 – 30m AH May–October	No suitable habitat on-site.
San Fernando Valley spineflower *Chorizanthe parryi* ssp. *fernandina*	FC	CE	1B.1	Coastal scrub (sandy), valley and foothill grassland.	150–1220m AH April–July	Suitable soils are not present on site; low potential for occurrence.
Parry's spineflower *Chorizanthe parryi* ssp. *parryi*	--	--	1B.1	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland/ sandy or rocky, openings.	275–1220m AH April–June	Suitable soils are not present on site; low potential for occurrence.
Santa Susana tarplant *Deinandra minthornii*	--	Rare	1B.2	Chaparral, coastal scrub/ rocky.	280–760m. S (d) July–November	This species is a substrate endemic; suitable soils are not present on-site.
Beach spectaclepod *Dithyrea maritima*	--	--	1B.2	Chaparral (maritime), coastal dunes.	0 – 200m. PH April–June	Endemic to coastal sand dunes; no suitable habitat on-site.
Blochman's dudleya *Dudleya blochmaniae* ssp. *blochmaniae*	-	-	1B.1	Chaparral, coastal bluff scrub, ultramafic, valley and foothill grassland. Open, rocky slopes, often serpentine or clay-dominated.	7–550m PH April–June	No suitable rocky, serpentine or clay soils/substrates on-site.
Agoura Hills dudleya *Dudleya cymosa* ssp. *agourensis*	T	-	1B.2	Chaparral, cismontane woodland; open rocky volcanic slopes	<460m PH May–June	Endemic to volcanic substrates; no suitable habitat on-site.

Common Name *Scientific Name*	Status Federal	State	CNPS	Habitat Requirements	Elevation Range, Life Form, and Flowering Period	Potential Occurrence
Marcescent dudleya *Dudleya cymosa* ssp. *marcescens*	T	R	1B.1	Shaded, rocky volcanic outcrops and slopes.	150–500m PH April–July	Endemic to volcanic substrates; no suitable habitat on-site.
Santa Monica dudleya *Dudleya cymosa* ssp. *ovatifolia*	--	-	1B.1	Shaded, rocky volcanic outcrops and slopes.	150–500m PH April–July	Endemic to volcanic substrates; no suitable substrate on-site.
Many-stemmed dudleya Dudleya multicaulis	--	--	1B.1	Coastal bluff scrub, chaparral, coastal scrub, valley and foothill grassland/ rocky, often clay or serpentinite.	<600m PH May–June	Heavy, often clay soils, coastal plains, sandstone outcrops. Suitable substrate is not present on-site.
Conejo dudleya *Dudleya parva*	FT	--	1B.2	Shaded, rocky volcanic outcrops and slopes.	210–1580m PH May–July	Endemic to volcanic substrates; no suitable substrate on-site.
Conejo buckwheat *Eriogonum crocatum*	--	CR	1B.2	Chaparral/ volcanic, rocky	150–520m PH April – July	Endemic to volcanic substrates; no suitable substrate on-site.
Decumbent goldenbush *Isocoma menziesii* var. *decumbens*	--	--	1B.2	Sandy soil, chaparral, coastal scrub, landward side of dunes, hillsides, arroyos.	PS <200m April–Nov	Channel Islands; Baja. In LA Co., known only from Catalina Island. [=*Haplopappus venetus* ssp. *furfuraceus*]
California black walnut *Juglans californica*	--	--	4.2	Cismontane woodland/valley & foothill grassland	30–900m DT May–June	Not present.
Coulter's goldfields *Lasthenia glabrata* ssp. *coulteri*	--	--	1B.1	Saline places, vernal pools.	<1000m AH April–May	No suitable habitat on-site.
White-veined monardella *Monardella hypoleuca* ssp. *hypoleuca*	--	--	1B.3	Oak woodland, chaparral.	<1500m PH June–August	No suitable habitat on-site.
Chaparral nolina *Nolina cismontana*	--	--	1B.1	Dry chaparral of coastal mountains.	200–1300m PH April–July	No suitable habitat on-site; not present.

Common Name *Scientific Name*	Status Federal	State	CNPS	Habitat Requirements	Elevation Range, Life Form, and Flowering Period	Potential Occurrence
California Orcutt grass *Orcuttia californica*	--	--	1B.1	Vernal pool endemic.	<700m AG April–August	No suitable habitat on-site.
Lyon's pentachaeta *Pentachaeta lyonii*	FE	CE	1B1	Coastal scrub, grassland, chaparral openings; often on clay.	<400m AH March–August	No suitable habitat on-site.
Salt spring checkerbloom *Sidalcea neomexicana*	--	--	2.2	Alkaline springs, marshes.	<1500m PH March–June	No suitable habitat on-site.
Sonoran maiden fern *Thelypteris puberula* var. *sonorensis*	--	--	2B.2	Meadow & seep/wetland; stream banks.	50–800m PH June–Sept	No suitable habitat on-site.
California screw moss *Tortula californica*	--	--	1B.1	Arid soil; rock.	10–1460m Moss*	No suitable habitat on-site.

STATUS KEY:

Federal
- FE: Federally Endangered
- FT: Federally Threatened
- FPE: Federally Proposed Endangered
- FPT: Federally Proposed Threatened
- FC: Federal Candidate Species
- FSC: Federal Species of Concern

State
- CE: State Endangered
- CT: State Threatened
- CR: State Rare

CNPS
- List 1A: Plants presumed extinct in California.
- List 1B: Plants rare and endangered in California and elsewhere
- List 2: Plants rare and endangered in California, but more common elsewhere
- List 3: Taxa about which more information is needed
- List 4: plants of limited distribution

LIFE FORM KEY:
- AH: Annual Herb
- AG: Annual Grass
- PG: Perennial Grass
- PH: Perennial Herb
- PC: Perennial Cactus
- S: Shrub
- Ss: Subshrub
- T: Tree
- (b): bulb
- (d): deciduous
- (e): evergreen
- (p): parasitic
- (r): rhizomatous
- (s): stoloniferous
- *: No flowering period identified

Sensitive Plant Communities

Sensitive plant communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. These communities may or may not contain special-status species or their habitat. The most current version of the California Department of Fish and Wildlife's (CDFW's)[8] *Vegetation Alliances and Associations, Vegetation Classification and Mapping Program* (2011), indicates the level of rarity and imperilment of vegetation types. For alliances with state ranks of S1 through S3, all associations within them are also considered to be highly imperiled, and therefore, are considered to be sensitive plant communities.

The CNDDB query identified six sensitive plant communities as occurring in the project vicinity: California Walnut Woodland; Southern Coast Live Oak Riparian Forest; Southern Coastal Salt Marsh; Southern Sycamore Alder Riparian Woodland; Valley Needlegrass Grassland; and, Valley Oak Woodland. None of these sensitive plant communities are present on-site due to the highly disturbed conditions.

Wildlife Movement Corridors

Wildlife corridors are described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or manmade obstacles such as urbanization. Fragmentation of natural habitat creates isolated "islands" of habitat that may not provide sufficient area or resources to accommodate sustainable populations for a number of species, adversely affecting both genetic and species diversity. Wildlife corridors partially or largely mitigate the adverse effects of fragmentation by (1) allowing animals to move between remaining habitats to replenish depleted populations and increase the gene pool available, (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) will result in population or species extinction, and (3) serving as travel paths for individual animals moving throughout their home range in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

Jurisdictional Resources

Wetlands, creeks, streams, and permanent and intermittent drainages are subject to the jurisdiction of the US Army Corps of Engineers (USACE) under Section 404 of the federal Clean Water Act (CWA). The CDFW has jurisdiction over resources associated with rivers, streams, and lakes, together with other

8 As of January 1, 2013, the California Department of Fish and Game is now known as the California Department of Fish and Wildlife.

aquatic features that provide an existing fish and wildlife resource (Sections 1600 through 1616 of the California Fish and Game Code). The CDFW asserts jurisdiction from bank-to-bank, or to the outer edge of vegetation associated with a riparian corridor, whichever is greater. Streams and wetlands are also subject to regulation of the Regional Water Quality Control Board (RWQCB) under both the federal CWA and the State of California's Porter-Cologne Water Quality Control Act (California Water Code, Division 7).

REGULATORY FRAMEWORK

Federal Regulations

Federal Endangered Species Act

Under the federal Endangered Species Act (FESA), the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as Threatened or Endangered (16 United States Code [USC] 1533[c]). Pursuant to the requirements of the FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed or proposed species may be present in the project region, and whether the proposed project would result in a "take"[9] of such species. The take provision of the FESA applies to actions that would result in injury, death, or harassment of a single member of a species protected under the FESA. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under the FESA, or result in the destruction or adverse modification of critical habitat for such species (16 USC 1536[3][4]). If it is determined that a project may result in the take of a federally listed species, a permit from the US Fish and Wildlife Service (USFWS) would be required under Section 7 or Section 10 of the FESA. Section 7 applies if there is a federal nexus (e.g., the project is on federal land, the lead agency is a federal entity, a permit is required from a federal agency, or federal funds are being used). Section 10 applies if there is no federal nexus.

Substantial, adverse project-related impacts to FESA-listed species or their habitats would be considered significant in this EIR. Proposed species are granted limited protection under the FESA and must be addressed in Biological Assessments (under Section 7 of the FESA); proposed species otherwise have no protection from take under federal law, unless they are emergency-listed species. Candidate species are

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9 "Take," as applied in Section 9 of the FESA, means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or to attempt to engage in any such conduct." "Harass" is further defined by the USFWS (50 CFR § 17.3) as an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, and sheltering. "Harm" is defined as "an act which actually kills or injures wildlife." This may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

afforded no protection under the FESA. However, the USFWS recommends that candidate species and species proposed for listing also be considered in informal consultation during a project's environmental review.

Clean Water Act

The federal Water Pollution Control Act of 1972, often referred to as the Clean Water Act, is the nation's primary law for regulating discharges of pollutants into waters of the United States. The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The regulations adopted pursuant to the Clean Water Act deal extensively with the permitting of actions in waters of the United States, including wetlands. The Clean Water Act's statutory sections and implementing regulations provide more specific protection for riparian and wetland habitats than any other federal law. The US Environmental Protection Agency (US EPA) has primary authority under the Clean Water Act to set standards for water quality and for effluents, but the USACE has primary responsibility for permitting the discharge of dredge or fill materials into streams, rivers, and wetlands.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (16 USC, Section 703, Supplement I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The Migratory Bird Treaty Act encompasses whole birds, parts of birds, and bird nests and eggs.[10]

State Regulations

California Endangered Species Act

Under the California Endangered Species Act (CESA), the CDFW has the responsibility for maintaining a list of Threatened and Endangered species (California Fish and Game Code Section 2070). The CDFW also maintains a list of "candidate species," which are species formally under review for addition to either the list of endangered species or the list of threatened species. In addition, the CDFW maintains lists of "species of special concern," which serve as watch lists. Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed Endangered or Threatened species could be present on the project site and determine whether the

[10] The Act covers hundreds of bird species, including varieties of loon, grebe, albatross, booby, pelican, cormorant, heron, stork, swan, goose, duck, vulture, eagle, hawk, falcon, fail, plover, avocet, sandpiper, phalarope, gull, tern, murre, puffin, dove, cuckoo, roadrunner, owl, swift, hummingbird, kingfisher, woodpecker, swallow, jay, magpie, crow, wren, thrush, mockingbird, vireo, warbler, cardinal, sparrow, blackbird, finch, and many others.

proposed project could have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may affect a candidate species. Project-related impacts to species on the CESA Endangered or Threatened lists would be considered significant in this EIR. Impacts to "species of concern" would be considered significant if the species met the criteria set forth under *State CEQA Guidelines* Section 15380, or if the species were also protected under any of the other statutes or policies discussed in this section.

California Native Plant Protection Act

State listing of plant species began in 1977 with the passage of the California Native Plant Protection Act (NPPA), which directed the CDFW to carry out the legislature's intent to "preserve, protect, and enhance endangered plants in this state." The NPPA gave the California Fish and Game Commission the power to designate native plants as Endangered or Rare and to require permits for collecting, transporting, or selling such plants. The CESA expanded upon the original NPPA and enhanced legal protection for plants. The CESA established threatened and endangered species categories and grandfathered all rare animals (but not rare plants) into the NPPA as threatened species. Thus, there are three listing categories for plants in California: rare, threatened, and endangered.

California Fish and Game Code

The California Fish and Game Code provides a variety of protections for species that are not federally or state-listed as Threatened, Endangered, or of special concern.

- Section 3503 protects all breeding native bird species in California by prohibiting the take,[11] possession, or needless destruction of nests and eggs of any bird, with the exception of non-native English sparrows and European starlings (Section 3801).
- Section 3503.5 protects all birds of prey (in the orders Falconiformes and Strigiformes) by prohibiting the take, possession, or killing of raptors and owls, their nests, and their eggs.
- Section 3513 of the code prohibits the take or possession of migratory nongame birds as designated in the Migratory Bird Treaty Act or any parts of such birds except in accordance with regulations prescribed by the Secretary of the Interior.
- Section 3800 of the code prohibits the taking of nongame birds, which are defined as birds occurring naturally in California that are not game birds or fully protected species.
- Section 3511 (birds), Section 5050 (reptiles and amphibians), and Section 4700 (mammals) designate certain wildlife species as fully protected in California.

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11 "Take" in this context is defined in Section 86 of the California Fish and Game Code as to "hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill."

Local Regulations

City of Malibu General Plan

The Conservation (CON) Element of the General Plan contains several objectives and policies relative to biological resources, summarized below. The **Environmental Impacts** Section below analyzes project compliance with the pertinent policies.

Objective 1.2: Wildlife and Biota Resources Preserved, Protected, and Reclaimed.

Policy 1.2.1: The City shall preserve wildlife habitats and habitat linkages.

Policy 1.2.2: The City shall protect, preserve, and reclaim very threatened community types that occur in Malibu, as inventoried by the Department of Fish and Wildlife, with special emphasis on these: Southern Coastal Bluff Scrub; Southern Dune Scrub; Valley Needlegrass Grassland; Southern Foredunes (Broad Beach); Venturan Coastal Sage Scrub; Coastal Brackish Marsh (Malibu Creek and Lagoon); Coastal and Valley Freshwater Marsh; Southern Willow Scrub; California Walnut Woodland; and Valley Oak Woodland. CON Policy 1.2.3: The City shall mitigate net loss of very threatened plant communities.

Policy 1.2.3 The City shall mitigate net loss of very threatened plant communities.

Policy 1.2.4: The City shall regulate removal of vegetation in ESHAs.

Policy 1.2.5: The City shall discourage plant species that are invasive in the Santa Monica biogeographic area where such invasive plant species would degrade native plant communities.

Policy 1.2.6: The City shall discourage the use of insecticides, herbicides, or toxic chemical substances (excepting non-regulated home pesticides) within the City or if ESHAs, raptors, and other animals could be adversely affected, except in an emergency that threatens wildlife or the habitat itself.

Policy 1.2.7: The City shall reduce impacts resulting from night lighting so as not to disturb natural habitats.

Policy 1.2.8: The City shall protect streambed gravel conditions in streams supporting steelhead trout.

Policy 1.2.9 The City shall apply setback requirements, determined by site specific analysis, to new septic systems for protection of oak and riparian woodlands, and to prevent lateral seepage into stream or coastal waters.

Objective 1.3: Marine and Beach Resources Preserved, Protected, Enhanced, and Reclaimed.

Policy 1.3.1: The City shall prohibit uses of the marine environment that will have a significant adverse effect on the biological diversity and productivity of coastal waters.

Policy 1.3.2 The City shall protect beaches and sea cliffs in Malibu.

Policy 1.3.4: The City shall protect and support restoration of all kelp beds, wetlands, creeks, and estuaries of Malibu.

Policies 1.3.3 and 1.3.5 through 1.3.13 directly relate to immediate ocean front land uses, and as such are not applicable to the proposed project.

City of Malibu Local Coastal Plan, Land Use Plan, and Local Implementation Plan[12]

The City of Malibu is responsible for processing coastal development permits (CDPs) in accordance with the policies of the Land Use Plan (LUP) and LIP. The Whole Foods in the Park project is not seeking any amendments to the LIP or LUP.

Environmentally Significant Habitat Area – *LIP Chapter 4*

An Environmentally Significant Habitat Area (ESHA) is defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, which could be easily disturbed or degraded by human activities and developments."

Native Tree Protection – *LIP Chapter 5*

Native trees protected under Chapter 5 include native oak (*Quercus* spp.), California black walnut (*Juglans californica*), western sycamore (*Platanus racemosa*), alder (*Alnus rhombifolia*) and toyon (*Heteromeles arbutifolia*) with a diameter at breast height (DBH) (measured at 4.5 feet from ground level) of 6 inches or more for a single trunk of a combination of any two trunks with a total of 8 inches or more DBH. A CDP is required for the removal of native trees. An additional Protected Zone is also required which includes the drip line plus 5 feet, or an area 15 feet outward from the trunk, whichever is greater.

12 Adopted by the California Coastal Commission on September 13, 2002

The removal of protected trees is prohibited except where no other feasible alternative is present. Section 5.5 of the LIP defines required mitigation measures. These measures include applicant submittal of a native tree replacement program describing how replacement trees would be planted, how many and of what size, and specifically where. A monitoring program must also be submitted, with performance standards, monitoring procedures, and corrective measures to assure continued survival of the replacement trees.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

Significance criteria are defined in the *State CEQA Guidelines*. According to Appendix G (Environmental Checklist) of the *State CEQA Guidelines*, a project may be deemed to have a significant impact on the environment if it would:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

Methodology

The analysis below compares identified impacts to the standards of significance stated above and determines the impact's level of significance under CEQA. If the impact is determined to be significant, the analysis identifies feasible mitigation measures to eliminate the impact or reduce it to a less than significant level. If the impact cannot be reduced to a less than significant level after implementation of all

feasible mitigation measures, then the impact is identified as significant and unavoidable. The project's potential contribution to cumulative impacts is also identified.

Impact Analysis

Threshold 3.3.1 **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.**

No special status wildlife was identified as occurring or potentially occurring on the project site. Construction of the proposed project would include the removal of eight native western sycamore trees. There is the potential for migratory birds to nest in these trees. Should an active nest be present at the time of tree removal, a direct loss would occur. Construction noise could also adversely impact nesting birds in close proximity to the project site, such as within the trees just outside the northern property line. Night lighting could interfere with bird nesting activities in the trees along the property line. All migratory birds are protected under the federal Migratory Bird Treaty Act and Section 3503 of the state Fish and Game Code protects bird nest and eggs; as such, removal of a nest, eggs, or abandonment of an active nest caused by the project would result in a significant adverse impact.

Mitigation Measure

3.3-1: If construction would commence during the nesting/breeding season (February through August), a pre-construction survey of the project vicinity for nesting birds shall be conducted by a qualified biologist (i.e., experienced with the nesting behavior of bird species of the region) within two weeks of the commencement of construction activities. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present within the construction zone or within 500 feet of the construction zone. The survey area shall include all trees, shrubs, and buildings in the construction zone and a surrounding 500 feet area, including suitable habitat areas outside the project site.

If active nests are found in areas that could be directly affected by, or are within 500 feet of, construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the

buffer zones and types of construction activities restricted within them shall be determined by the qualified biologist taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity.
- Distance and amount of vegetation or other screening between the construction site and the nest.
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Limits of construction to avoid an active nest shall be established in the field by a qualified biologist with flagging, fencing, or another appropriate barrier and construction personnel shall be instructed on the sensitivity of nest areas.

LUP Policy 6.23 requires exterior lighting to be low intensity and shielded. **As discussed in Section 3.1 Aesthetics,** 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. In addition, uplighting in landscaping or elsewhere on-site shall be prohibited. The combination of low wattage and shielding would reduce potential impacts to nesting birds to less than significant levels.

Residual Impacts

Following implementation of **Mitigation Measure 3.3-1** and compliance with MMC Title 17, LIP Sections 4.5.2 and 6.5 (G) potential impacts to nesting birds would be reduced to a less than significant level.

Threshold 3.3.2 **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.**

As previously discussed, there are no riparian habitats or other sensitive natural communities on the project site. Therefore, there would be no impacts to jurisdictional wetlands and waters from buildout of the proposed project.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.3.3 **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

A jurisdictional delineation conducted in February 2011 determined the site does not support or contain wetlands or other aquatic features (such as streams or ephemeral drainages) or associated riparian habitat that would be regulated by the United States under Section 404 of the Clean Water Act or by the CDFW under Section 1600 of the State Fish & Game Code.[13] The report also found the site does not contain wetlands or a stream as defined by the City of Malibu LCP or the California Coastal Commission. Therefore, no impact would occur.

Mitigation Measures

No mitigation is required.

Residual Impacts

No impacts would occur.

Threshold 3.3.4 **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**

The project site is currently fenced with a 6-foot-tall chain-link fence and surrounded by urban land uses. It is not part of an established wildlife corridor. As such, the site does not provide habitat connectivity between open space areas and is not considered to be part of an established wildlife movement corridor. Impacts would be less than significant.

Mitigation Measures

No mitigation is required.

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13 Glenn Lukos Associates. February 21, 2011. *Jurisdictional Determination, Whole Foods Plaza, Malibu, Los Angeles County, California.*

Residual Impacts

Impacts would be less than significant.

Threshold 3.3.5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

General Plan Policies

Policy 1.2.1: The City shall preserve wildlife habitats and habitat linkages. With the exception of a few native trees, the project site does not contain native wildlife habitats and is within a developed portion of the city. As such, the property does not support habitat linkages.

Policy 1.2.2: The City shall protect, preserve, and reclaim very threatened community types that occur in Malibu. The subject property does not contain, nor would it impact, any very threatened community types.

Policy 1.2.3: The City shall mitigate net loss of very threatened plant communities. The subject property does not contain, nor would it impact, any very threatened plant communities.

Policy 1.2.4: The City shall regulate removal of vegetation in ESHAs. No ESHAs are defined on the site.

Policy 1.2.5: The City shall discourage plant species that are invasive in the Santa Monica biogeographic area where such invasive plant species would degrade native plant communities. The project landscape plan does not propose the use of any invasive plant species and shall be consistent with the City's Landscape Water Conservation Ordinance (Ordinance No. 343). (Refer to **Figures 2.0-10a** and **2.0-10b, Landscape Plan**.)

Policy 1.2.6: The City shall discourage the use of insecticides, herbicides, or toxic chemical substances (excepting non-regulated home pesticides) within the City or if ESHAs, raptors, and other animals could be adversely affected, except in an emergency that threatens wildlife or the habitat itself. Section 3.7, Hazards and Hazardous Materials, of this EIR states that the types of potentially hazardous materials associated with operation of the proposed project include solvents, cleaning products, fertilizers, and pesticides that are packaged and stored for consumer sales. Furthermore, materials would be used for facility upkeep that could be considered hazardous if used inappropriately. Such materials include cleaning solvents used for janitorial purposes, materials used for landscaping, and materials used for maintenance. Examples of such materials could include but are not limited to cleaning solvents, pesticides and herbicides for landscaping, and painting supplies. However, all potentially hazardous materials transported, stored, offered for sale, or used on-site for daily upkeep would be contained,

stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. With compliance with existing local, state, and federal regulations, the transport, storage, and sale of these materials would not pose a significant hazard to the public or the environment.

Policy 1.2.7: The City shall reduce impacts resulting from night lighting so as not to disturb natural habitats. The applicant has provided a lighting plan that demonstrates compliance with the City's Lighting Ordinance. As discussed in **Section 3.1, Aesthetics**, 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. In addition, uplighting in landscaping or elsewhere on-site shall be prohibited. The combination of low wattage and shielding would reduce potential impacts to natural habitats, such as nesting birds, to less than significant levels.

Policy 1.2.8: The City shall protect streambed gravel conditions in streams supporting steelhead trout. The project site would not directly or indirectly impact any streambed.

Policy 1.2.9 The City shall apply setback requirements, determined by site specific analysis, to new septic systems for protection of oak and riparian woodlands, and to prevent lateral seepage into stream or coastal waters. The proposed project would connect to the future (Phase 1) Civic Center wastewater treatment facility via points of connection to pipelines in either Civic Center Way or Cross Creek Road. Therefore, no on-site wastewater treatment system is included as part of the proposed project.

Policy 1.3.4: The City shall protect and support restoration of all kelp beds, wetlands, creeks and estuaries of Malibu. The proposed project would not directly or indirectly impact any of these resources.

Native Tree Protection

Site development would necessitate the removal of eight western sycamore trees, a protected tree species under the City's LCP. The removal of protected trees is prohibited by Section 5.5.1 of the LIP except where no other feasible alternative is present:

> *B. Where the removal of native trees cannot be avoided 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 no less than 10 replacement trees for every 1 tree removed.*

The mitigation plans must be included as a condition of permit approval. Annual monitoring and reporting is also required (LIP Section 5.6) for no less than 10 years, including compliance with performance standards defined as part of the mitigation plan and approved by the City of Malibu. LIP Section 5.6.2 identifies the requirements as follows:

> *5.6.2. Replacement Trees*
>
> *Where the planting of replacement trees is required as mitigation, as required by Section 5.5 of the Malibu LIP above, each replacement tree shall be monitored annually for a period of not less than ten years. An annual monitoring report shall be submitted for the review and approval of the City for each of the ten years. The monitoring report shall identify the size and health of each replacement tree, comparing this information with the criteria provided in the native tree replacement planting program required in Section 5.5.1 (A) of the Malibu LIP for determining that replacement trees are healthy and growing normally. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the ten-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of ten years, the monitoring period shall be extended until the standards are met.*

A planting plan has been prepared indicating the location of the 80 western sycamores that would be included as part of the proposed project's landscaping. These plans indicate the required sycamores would be planted in the following sizes: 15 of the 60-inch-box size; 15 of the 48-inch-box size; 10 of the 36-inch-box size; 10 of the 24-inch-box size; and three of the 15-gallon size. Refer to **Figures 2.0-10a** and **2.0-10b, Landscape Plan**.

Mitigation Measures

Compliance with the requirements of the LIP, which require planting of 10 trees for each tree removed, would reduce potential impacts related to the removal of the sycamore trees to less than significant. As noted above, 80 western sycamores have been incorporated into the landscaping plan. However, a monitoring plan must also be provided, including plans for the required 10-year monitoring and reporting. Therefore, **Mitigation Measure 3.3-2** is required.

3.3-2: The project applicant shall ensure the requirements of LIP Section 5.6.2 are met through the preparation of a monitoring plan. The applicant (or designee) shall be responsible for preparation of annual monitoring reports on the replacement trees. The monitoring report shall include measurements of replacement trees (i.e., DBH, approximate height and canopy width) and the relative health, including noting any damage from fire, insects, and disease, or other vectors affecting health. If at any time, within the monitoring period the health of a replacement tree begins to decline beyond recovery, that tree shall be replaced in kind with a healthy tree.

Monitoring reports shall be provided to the City annually and at the conclusion of the ten-year monitoring period documenting the success or failure of the mitigation. If performance standards are not met by the end of ten years, at the discretion of the City Planning Department the monitoring period shall be extended until the standards are met.

Residual Impacts

Impacts would be less than significant.

Threshold 3.3.6 **Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.**

The proposed project does not conflict with any adopted habitat conservation plans, natural community conservation plans, or other local, regional, or state habitat conservation plans because none have been defined for the location including the project site.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

As described above, the project site provides low/limited habitat value and development of the project site would not result in the loss of any suitable habitat. However, nearby projects within and around the Civic Center area have identified a cumulative loss of habitat within the Civic Center and Malibu in general. These include the project depicted on **Figure 3.0-1** of this report as #14 (a shopping center project at 30745 Pacific Coast Hwy), 17 (a high school improvement project at 30215 Morning View Drive), 31 (an office building project at 24903 Pacific Coast Highway), 34 (the La Paz project at 23465 Civic Center Way), 35 (the Rancho Malibu Hotel project), 37 (the Santa Monica College Satellite Campus project at 23525 Civic Center Way), 38 (multi-family residential development at 28455 Pacific Coast Highway, 28401 Pacific Coast Highway, and 370 La Paz Lane), and 39 (a shopping center project at 23575 Civic Center Way); all projects larger than ~0.25 acre. Other sites proposed for development in Malibu contain a variety of native plant communities and wildlife resources, including connection to wildlife movement corridors and overall support a more diverse flora and fauna than the project site. If these surrounding

sites were to be developed, the loss of these sites which offer varying degrees of habitat suitability could result in a cumulative loss of habitat in the region.

However, as the proposed project would not individually result in the loss of any important habitat or biological resources, this project's contribution to any potential cumulative effect would not be considerable. Therefore, the proposed project would not contribute to a cumulative impact related to biological resources.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.4 CULTURAL RESOURCES

INTRODUCTION

This section analyzes the impacts of the Whole Foods and the Park Shopping Center Project on cultural resources. The analysis in this section was prepared based on the Phase I Archaeological Resources Study prepared for the project site by Historical Environmental Archaeological Research Team (HEART) in 2010 and additional sources cited below.

ENVIRONMENTAL SETTING

Existing Conditions

The project site is located north of the Pacific Ocean and the Pacific Coast Highway (PCH), west of the City of Santa Monica, east of the City of Oxnard, and south of the City of Calabasas, in the City of Malibu. The project site is bounded on the north by commercial development on the south by Civic Center Way, on the east by Cross Creek Road, and on the west by vacant land. The project site and adjacent properties are illustrated in **Figure 2.0-3, Project Boundary**, in **Section 2.0, Project Description**.

The project site is currently vacant and dominated by flat, previously leveled alluvial terrain. The site is currently fenced on all sides with a gated entry on the south from Civic Center Drive. The southern portion of the site has been graded and contains gravel bedding, particularly in the eastern portion fronting Civic Center Drive and Cross Creek Road. The northern portion contains more trees and shrubs with a water tank and several cement pads near the northwest corner.

A record search performed at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton, indicated that no previously recorded prehistoric or historic archaeological resources exist within the boundaries of the project area. The record search identified the following cultural resources within a 0.5-mile radius of the project site:

- One historic archaeological site CA-LAn-387H is recorded to the northeast as the possible site of the Tapia Ranch. The site is described as being in a large, open field containing olive and fruit trees encompassing several acres on the west side of Palm Canyon Drive. Artifacts noted in August 1969 included an 1856-nickel, adobe bricks, charred timbers, a shell button, metal objects, and stone foundations. The ranch was constructed circa 1805 and was in use into the 1830s before being abandoned.

- Nine prehistoric archaeological sites are recorded: CA-LAn-264 (discussed below), CA-LAn-266, CA-LAn-267, CA-LAn-386, CA-LAn-404, CA-LAn-1417, CA-LAn-1715, CA-LAn-1991, and CA-LAn-2247.

- CA-LAn-264, the village of Humaliwu lies to the southeast of the project site, occupied by the Adamson House and Malibu Lagoon State Historic Park. The site is one of the largest, deepest, and best studied archaeological deposits in Southern California. It contains both a prehistoric cemetery, dating back 1,000 years, and a historic-era cemetery that was in use from 1775 to 1825. The Malibu site has been excavated several times in the past. Within the grounds of the Adamson House, archaeological deposits are more than 15 feet thick, consisting primarily of shell midden. Within the parking lot area of Surfrider Beach, and the south shoulder of PCH, a prehistoric cemetery has been found; north of PCH, a proto-historic cemetery was located. More than 200 burials have been removed from the site.[1]

- The Adamson House[2] is listed on the National Register of Historic Places (NRHP) and is located in the Malibu Lagoon State Park. Completed in 1929 by the Rindge's daughter, Rhoda Adamson, the Spanish-Moor revival residence features tile from the renowned Malibu Potteries and sits on a spectacular overlook of the Malibu Pier and Surfrider Beach.

In addition, a *Historical and Archaeological Resources Technical Report for the Malibu Civic Center Wastewater Treatment Facility Project* consulted national, state, and local inventories of archaeological, architectural, and historic resources within the vicinity of the proposed wastewater facility to determine the location of previously document archeological, historic, and architectural resources.[3] (This report is included in **Appendix 3.4**). The proposed wastewater treatment facility is located less than 1 mile from the project site, thus historical, archaeological, and paleontological resources identified in the cultural resources report referenced above are expected to be similar for the project site.

The cultural resources report identified two properties listed on the NRHP: The Adamson House (discussed above) and the Stevens House,[4] located at 23524 Malibu Colony Road, approximately 0.6 mile from the project site. In addition, the Malibu Pier, approximately 0.9 mile from the project site, is listed on the California Register of Historic Resources (CRHR) as a California Point of Historical Interest.

The report cited a large number of previously recorded prehistoric archaeological resources. This finding is not surprising as the coastal Malibu area is a well-known area of high archaeological sensitivity and nine prehistoric archaeological sites within 0.5-mile radius of the project site have been previously recorded at the SCCIC (see discussion above).

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1 ICF International, *Historical and Archaeological Resources Technical Report for the Malibu Civic Center Wastewater Treatment Facility Project,* May 2014.

2 This structure was listed on the NRHP on October 28, 1977 ID # 77000298.

3 ICF International, *Historical and Archaeological Resources Technical Report for the Malibu Civic Center Wastewater Treatment Facility Project,* May 2014

4 This structure was listed on the NRHP on January 9, 2009 ID # 09000802.

In addition to a records search the cultural resources report sent letters to consulting and interested parties who may have knowledge of or concerns regarding historic properties in the area. These include:

- Los Angeles Conservancy
- Historical Society of Southern California
- California Coastal Commission
- Adamson House and Malibu Lagoon Museum

Information regarding historic buildings, districts, sites, objects, or archeological sites of significance in the area was requested. No responses were received from any of the four consulting and interested parties.

A field survey of the architectural resources in the area was conducted and found that five properties appear eligible for the CRHR: the Webster School located at 3602 Winter Canyon Road, the Pepperdine campus located at 24255 PCH, the Malibu Coast Animal Hospital building 23431 PCH, the Malibu Urgent Care Center building located at 53656 PCH (formerly the Malibu Post Office),[5] and the Hunt House located at 24514 Malibu Road.

Geologic and Paleontological Setting

The project site occurs within the Transverse Ranges Geomorphic Province, an east-west trending series of steep mountain ranges and valleys extending from Point Arguello on the west to the Pinto and Eagle Mountains in eastern California. The Santa Monica Mountains are the south-central mountain chain in the Transverse Ranges of Southern California. There has been periodic uplift in the area since the Oligocene collision of the Pacific Plate and the North American Plate. However, the mountain building of the Santa Monica Mountains occurred in the last few million years, due to north south compression from plate movement. Regional uplift due to intense north-south plate movement compression forces has caused many sedimentary rocks of the Santa Monica Mountains to tilt and uplift, exposing formations with extensive fossilized remains. Rock formations found within the Santa Monica Mountains are primarily thick marine sedimentary sequences of sandstone, siltstone, and mudstone, as well as volcanic deposits that range in age from the Jurassic to the Quaternary. The Los Angeles County region is

5 While "53636 PCH" is the mailing address and physical address on the building, it is part of a larger legal parcel that has three total buildings and is listed as "23670 PCH" by the Los Angeles County Assessor.

considered one of the richest areas in the world for both fossil marine vertebrates and land vertebrates from sediments deposited over the last 25 million years.[6]

The project site is situated on surficial deposits of younger Quaternary alluvium, derived from either fan deposits from the mountains to the north or fluvial deposits from Malibu Creek to the east. The uppermost layers of these deposits typically do not contain significant fossil vertebrate remains, and there are no nearby vertebrate fossil localities from such deposits. However, there are some nearby exposures of older Quaternary deposits. These deposits may occur in and around the project site at depths as shallow as 5 feet below the surface. These sediments are known to encompass paleontological resources.[7]

There are at least 2,300 known fossil localities, representing over a dozen fossiliferous geologic formations within the Santa Monica Mountains National Recreation Area which include invertebrate, vertebrate, paleobotanical, protista, and trace fossils. Oligocene to Miocene deposits can be found in Malibu, Malibu Creek State Park, Zuma Canyon, and Trancas Canyon. Additionally, the Sespe Formation can be found in the Red Rock Canyon and Topanga State Park areas, and the Vaqueros Formation is also in Point Mugu State Park.[8]

The closest vertebrate fossil locality with similar older Quaternary deposits is Natural History Museum of Los Angeles County site 1754, which is located southwest of the project site on the east side of Zuma Creek, south of PCH, in the community of Malibu Rivera. This locality produced extensive fossil faunal specimens of late Pleistocene vertebrates.[9]

Prehistoric Setting[10]

The prehistoric occupation of Southern California is divided chronologically into four periods: the Paleoindian, Early, Middle, and Late Periods. The Paleoindian Period, began at the first appearance of people in the region (around 8,000 before present [BP]) and continued until about 6,000 BP. Paleoindian groups during this time likely focused on hunting terrestrial game, as indicated by the discoveries of large, fluted projectile points from this period occurring in a few documented Southern California sites. Plants and smaller animals were undoubtedly part of the Paleoindian diet as well, and when the availability of large game was reduced by climatic shifts near the end of the Pleistocene, the subsistence strategy changed to a greater reliance on these resources. The subsequent Early, Middle, and Late periods

6 City of Malibu General Plan, 1995

7 Malibu Civic Center Wastewater Treatment Facility Project Draft EIR

8 Santa Monica Mountains Paleontological Survey, 2004

9 Malibu Civic Center Wastewater Treatment Facility Project Draft EIR

10 Rancho Malibu Hotel EIR, 2013

are based on a chronological sequence discussed in the Report of Initial Archaeological Study at Bluffs Park, Malibu, California. A report developed for the Santa Monica Mountains region.

The Early Period (6,000 to 800 BP) came out of the Post-Pleistocene, marked by changes in climate and environmental conditions that are reflected in the local archaeological record. This period is characterized by widespread use of groundstones (manos and metates) which is its main diagnostic feature. Groundstones were used to grind hard seeds such as sage for consumption, and expanded the food resource base available to early populations in the area. This period appears to represent a diversification of subsistence activities and a more sedentary settlement pattern. Archaeological evidence suggests that hunting became less important and that reliance on collecting plant resources increased. While archaeological debate still exists about the permanence of Early Period settlements, it is generally accepted that a few large settlements in the region were heavily used year-round with smaller settlements used on a seasonal basis. In addition, the period saw an increase of larger settlements with associated larger scale cemeteries.

The Middle Period (800 BP to 1100 common era [CE]) is characterized in the archaeological record by a shift from the use of milling stones to increased use of mortar and pestle, possibly indicating a greater reliance on acorns as a food source. This may indicate a transition from seed gathering to oak tree acorn gathering and processing, a result of cooler temperatures and more expansive oak woodland habitats. Additionally, materials from Middle Period sites reflect a greater reliance on marine resources and include marine shells, fish remains, and fishhooks. Terrestrial resources continued to be exploited as evidenced by the presence of contracting-stemmed and corner-notched projectile points from Middle Period sites. Toward the end of the Middle Period the plank canoe was developed, making ocean fishing and trade with the Channel Islands safer and more efficient.

The Late Period (1100 to 1840 CE) is characterized by dense populations; diversified hunting and gathering subsistence strategies, including intensive fishing and sea mammal hunting; extensive trade networks; use of the bow and arrow, and a general cultural elaboration. Trade networks, as evidenced by a diversification and increase in shell-bead manufacture, may have expanded and played an important part in local culture for Southern California groups. Shell beads, found throughout the Early and Middle Periods, increased in number and variety during the Late Period, and are thought to be related to status and social value within and between cultural groups. The increased population and change in distribution/trade expanded and played an important role in the reinforcement of craft specialization and status. By the end of the Late Period, the Chumash culture had been dramatically changed by the arrival of a Spanish expedition led by Gaspar de Portola in 1769. This contact paved the way for the establishment of the Missions of Santa Barbara, San Buenaventura, Santa Ynez, and La Purisima.

Ethnohistory

The project site encompasses a border region between lands traditionally occupied by both the Chumash and the Tongva peoples. The Chumash occupied the region from San Luis Obispo to Malibu Canyon on the coast, the four northern Channel Islands, and inland regions as far as the western edge of the San Joaquin Valley. The coastal Chumash are subdivided into subgroups based on six distinct language dialects: Barbareno, Ventureno, Purisimeno, Ynezeno, Obispeno, and Island. The project site is situated within the southernmost territory of the Ventureno, a coastal Chumash group; a name derived from the nearest Spanish mission, San Buenaventura. Evidence of large Chumash village sites occur along the coast from Malibu to San Luis Obispo, with some populations on the Santa Barbara Channel Islands, and others in the interior mainland valleys, such as Santa Ynez, Cuyama, and Santa Clara Valleys.

The Chumash had a high level of social organization, and material object production. The Spanish explorers viewed the Chumash as unique among the California Native Americans due to their knowledge of the sea, canoe building expertise, ceremonial organization, their interest in acquiring and displaying possessions, willingness to work, and their extensive trade networks. They were excellent craftsmen and were known for well-made tools and basketry, as well as the production of plank canoes, called tomols. Of note is the Chumash use of steatite, a type of soapstone, to create bowls and carvings of birds and other forms of sea life. Sometimes artifacts were inlaid with colorful abalone shells. Class differentiation, inherited chieftainship, and inter-village alliances were all components of Chumash society.

There are approximately 120 known archaeological sites in the City. Sites in the Santa Monica Mountains include village sites, burial grounds, camps, or food processing areas, quarries and rock art sites. Within the boundaries of the City, four villages have been identified which were occupied during the period of recruitment to Spanish missions between 1785 and 1810. These villages were (east to west) Lisiqshi, Sumo, Lojostogni, and Humaliwo. Humaliwo village, located approximately 1.2 miles east of the project site, was one of the most important Chumash villages in the region. Extensive cultural remains are present at this site as well as evidence of numerous human burials. Portions of the site may date as far back as 7,000 years BP. The Humaliwo village site, which is listed on the National Register of Historic Places (NRHP), was originally recorded in 1959, and several excavations took place there in the 1960s and 1970s. It consists of five components: an Early/Middle Period deposit, a Middle Period deposit, a Middle Period cemetery, a Late Period deposit, and an historic era cemetery. Numerous artifacts and other cultural materials have been collected from the site, which includes of an extensive shell midden. The site has more than 200 burial plots, some with tomols. Some burials included numerous shell and glass beads, and fish and whale effigies.

The village of Sumo is the second largest Chumash site to have been identified in Los Angeles County. The village may have included the entire Point Dume area, potentially extending as far east as Malibu Canyon.

The Tongva peoples, also referred to as the San Gabriel Band or Gabrielino, are a historic Native American people who have inhabited the area of present-day Los Angeles and Orange counties, as well as Santa Catalina and San Clemente Islands. Tongva populations were smaller than neighboring Chumash, and are estimated at nearly 5,000 people at the time of European contact. 90 percent of the mainland Tongva territory lay in extremely resource rich areas consisting of high desert woodland and chaparral where abundant food resources included acorn, pine nut, small game, deer, and quail. The Tongva, much like their Chumash neighbors, created plank canoes, which they called ti'ats. These plank canoes were caulked and coated with either pine pitch or, more commonly with tar that was available either from the La Brea Tar Pits, or as asphaltum that had washed up on shore from offshore oil seeps.

Other aspects of the Tongva material culture are similar to the Chumash, including the manufacture and use of shell beads. Evidence from the registers at Mission San Gabriel and San Fernando indicate that the Tongva of the Santa Monica Mountains were members of the western Tongva group, and had few marriages between their eastern Tongva neighbors near the Los Angeles River drainage.

Historical Background[11]

The first recorded European activity in the Malibu region occurred in 1542 when Spanish sailor Juan Cabrillo anchored near Malibu Lagoon to obtain fresh water. Sailing northward up the California coast, he claimed this landfall for the King of Spain. He stayed only a few days, filling his water casks and naming this tranquil lagoon and beach in his log the "Pueblo de las Canoas" (Town of the Canoes) because of the many Chumash and Tongva people in canoes that came to visit his ships from the adjacent village. After this, more than 200 years were to pass before further Spanish contact. An expedition led by Spanish explorer Juan Bautista de Anza camped at Malibu Creek in 1776. One member of this expedition, Jose Bartolome Tapia, rode down the canyon to the beach to explore the area. The Tapia family ultimately settled in Northern California where Jose Tapia became mayordomo of the San Luis Obispo Mission rancho. The first Franciscan mission in Chumash territory was built in San Luis Obispo in 1772.

Five additional missions were built in this cultural area: San Buenaventura (1782), Santa Barbara (1786), La Purisima Concepcion (1787), San Fernando (1797), and Santa Ynez (1804). Inhabitants of the Malibu area were recruited into these missions. By 1805, most native inhabitants of the Malibu area had been incorporated into the Mission system, either at Mission San Fernando or Mission San Buenaventura, and

11 Rancho Malibu Hotel EIR, 2013

many traditional Chumash and Tongva villages were abandoned. In 1800, Jose Tapia and his family returned to Southern California and began farming near San Gabriel. Tapia then applied for a grant of the land he had seen in 1776, and due to his previous service in the army, he was awarded an area of about 13,330 acres called Rancho Topanga Malibu Sequit (or Rancho Malibu). The rancho remained intact until the entire property was sold in 1848 to Leon Prudhomme, who acquired the property during the transition period between Mexican rule and United States (US) administration of California. When the US Land Commission began hearings in 1852, Prudhomme put in his claim for Rancho Malibu. No documents could be produced proving the early-day grant to Jose Tapia. A search of the surveyor general's office in San Francisco proved futile, and in 1854, the commissioners turned down Prudhomme's claim that year. Prudhomme eventually sold the property at a discounted price to Irishman Don Matteo Keller in 1857.[12]

After Keller's death in 1881, his son Henry Keller, assumed ownership of the property. He sold it in 1892 to Federick Hasting Rindge, son of a prominent Boston family. Rindge's significance in Southern California was distinguished by his founding of the Conservative Life Insurance Company (Pacific Life Insurance) and his tenure as vice president of Union Oil and director of the Los Angeles Edison Electric Company (Southern California Edison). He purchased Rancho Malibu, in part, to fulfill his desire for a farm near the sea. He would use the vast property of coastal land as a working cattle ranch where he also grew crops such as citrus, barley, and lima beans.[13]

When Rindge died unexpectedly in 1905, his wife, Rhoda "May" Knight Rindge, became the beneficiary of his 22 million dollar estate, which included the Rancho Malibu property. During the time of her ownership, Malibu transitioned from a private enclave to a fashionable beachfront community. In addition, the State of California and local jurisdictions sought to build a road through Rancho Malibu to connect Los Angeles and Ventura Counties. However, Rindge spent considerable time fighting off eminent domain court cases regarding her exclusive ownership of the property. The US Supreme Court eventually sided with the State of California in 1923, and construction began on the Roosevelt Highway (now the Pacific Coast Highway [PCH]) in 1926. Despite the court ruling, Rindge refused to sell the property and instead began to lease lots west of Malibu Lagoon to the burgeoning Hollywood elite. Swedish silent film start Anna Q. Nielson was the first of a string of film stars who would build beachfront retreats along the Malibu coast in the 1920s and 1930s.[14] Rhoda Agatha Rindge Adamson, daughter of May Rindge, commissioned the construction of the now –historic Adamson House in 1929. The house is noted for its decorative tiles, which were produced locally at Malibu Potteries, a ceramic tile

12 Marcus, Ben, and Wanamaker, Marc. 2011. *Malibu*. Charleston, SC: Arcadia Publishing, pp. 7-8

13 Marcus, Ben, and Wanamaker, Marc. 2011. *Malibu*. Charleston, SC: Arcadia Publishing, pp. 8-9

14 Finke, Nikki. 1989. "Malibu Metamorphosis." *Los Angeles Times*. September 3.

manufacturing firm started by May Rindge in 1926 that employed 125 workers at its height.[15] In 1934, the Malibu Pier was opened to the public and became an important attraction for the area.[16]

Even with the increase in land values in Malibu, the onset of the Great Depression almost completely wiped out the fortunes of the Rindge estate. May Rindge's 1935 bankruptcy allowed residents to purchase lots that they previously leased while developers acquired other portions of the former rancho. With May Rindge's death in 1941, the era of Malibu as a vast privately owned rancho had officially come to an end.[17]

As the original Malibu Rancho continued to be subdivided and sold through the 1940s, both homes and commercial buildings began to dot the rural landscape. Commercial enterprises prospered along PCH with the ever-increasing auto traffic. With the completion of Malibu Canyon Road in 1953, the area became more accessible to the numerous visitors from the growing San Fernando Valley. During the 1950s and 1960s, Malibu became synonymous with Sothern California beach culture. This was also an era of population growth as Malibu increased its population from 2,328 residents in 1950 to 7,376 residents by 1960.

Through the 1970s and 1980s, the area between PCH and the beach was developed with large-scale homes and condominiums. Prompted by growth and environmental issues, the City of Malibu incorporated in 1991 to gain more local control over development. The city currently extends 22 miles from the City of Los Angeles, northward to the Ventura county line.

The land remained primarily for ranching until the State of California constructed and opened PCH in 1928. Residential and commercial development began by 1929 in both the Malibu and Topanga areas. May Rindge and her daughter, Rhoda Rindge Adamson, gradually sold off parcels of the property over time. By 1962, the sale of land reduced the family's land holdings to 4,000 acres. The City of Malibu was formally incorporated in 1991, and the Topanga area remains an unincorporated community of Los Angeles County.

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15 Kaufman Koeing, Gloria. 1985. "Malibu's House of Living History." *Los Angeles Times.* August 25.

16 Russel, Ron. 1989. "Malibu Pier May Get the Attention It Needs to Match Surroundings." *Los Angeles Times.* November 26

17 Willman, Minor. 1968. "Indian Paths Become Highways of History." *Los Angeles Times.* August 11.

REGULATORY FRAMEWORK

Federal

National Register of Historic Places

The National Register of Historic Places (National Register) is the country's master inventory of known historic resources and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

Title 36, Part 60 of the Code of Federal Regulations is a series of regulations that cover the National Register. Specifically, Title 36, Part 60.4 of the Code of Federal Regulations specifies the criteria applied to evaluate properties eligible for inclusion in the National Register. There are four criteria under which a structure, site, building, district, or object can be considered eligible for listing on the National Register. These include resources that are one or more of the following:

- **Criterion A:** Are associated with events that have made a significant contribution to the broad patterns of our history; or
- **Criterion B:** Are associated with the lives of persons significant in our past; or
- **Criterion C:** Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- **Criterion D:** Have yielded, or may be likely to yield, information important in prehistory or history.[18]

There is also a general stipulation that the resource (structure, site, building, district, and object) be at least 50 years old, although there are exceptions to that rule (see Title 36, Part 50.4 of the Federal Code of Regulations, Criteria Considerations a through q). Properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included on the National Register. The eligibility of a cultural resource for nomination to the National Register may be based on any of the above four criteria together with their integrity.

Historical period properties are best evaluated and supported by historical research, whereas Criterion D is typically documented by archaeological investigation. A property need not actually be listed on the National Register to be protected by the National Historic Preservation Act, but must be considered

18 Code of Federal Regulations, Title 36, Part 60.4.

eligible for listing on the National Register. Archaeologists assess sites based on all four criteria, but prehistoric sites are primarily considered under Criterion D. If cultural resources do not meet the above criteria, they are not considered historical properties and are not further included in the Section 106 process.

State

California Public Resources Code

The California Public Resources Code defines any unauthorized disturbance or removal of a fossil locality or remains on public land as a misdemeanor,[19] and requires reasonable mitigation of adverse environmental impacts that result from development of public land and affect paleontological resources.[20]

California Senate Bill 297

This bill addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission to resolve disputes regarding the disposition of such remains. It has been incorporated into Section 15064.5(e) of the *California Environmental Quality Act (CEQA) Guidelines*.

California Register of Historical Resources

The California State Historical Resources Commission has designed this program for use by state and local agencies, private groups and citizens to identify, evaluate, register, and protect California's historical resources. The California Register is the authoritative guide to the state's significant historical and archaeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords certain protections under CEQA.

The criteria for inclusion in the California Register of Historical Resources include any object, building, structure, site, area, place, record, or manuscript that is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

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19 California Public Resources Code, Section 5097.5 (Statute 1965, Chapter 1136, Paragraph 2792).

20 California Public Resources Code, Section 30244.

Generally, a resource shall be considered "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources[21] which includes the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

2. Is associated with the lives of persons important in our past;

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

4. Has yielded, or may be likely to yield, information important in prehistory or history.

The California Register automatically includes the following:

- California properties listed or formally determined eligible for listing in the National Register of Historic Places

- California Registered Historical Landmarks from No. 0770 onward

- California Points of Historical Interest that have been evaluated by the Office of Historic Preservation and have been recommended to the State Historical Resources Commission for inclusion in the California Register

Other resources may be nominated for listing in the California Register based on the criteria stated above.

Additionally, a resource must retain historic architectural integrity in terms of location, design, setting, materials, workmanship, feeling, and association. The California Register procedures include language similar to the National Register criteria (discussed above) with regard to integrity.

As with the National Register, the minimum age criterion for the California Register is 50 years. Properties less than 50 years old may be eligible for listing on the California Register "if it can be demonstrated that sufficient time has passed to understand its historical importance."[22]

The California Register may also include properties listed in "local registers" of historic properties. A "local register of historic resources" is broadly defined in Public Resources Code Section 5020.1(k) as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." Local registers of historic properties come in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current; and

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21 Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852

22 California Code of Regulation, Chapter 11, Title 14, Section 4842(d)(2).

(2) landmarks designated under local ordinances or resolutions (Public Resources Code Sections 5024.1, 21804.1, 15064.5).

California Environmental Quality Act

Section 21084.1 of the Public Resources Code provides the framework for determining whether a property is a historic resource for CEQA purposes.

A resource is considered historically significant, and therefore a historical resource under CEQA, if it falls into one of the three following categories as defined by Section 21084.1 of the California Public Resources Code:

- "Mandatory historical resources" are resources "listed in, or determined to be eligible for listing in, the California Register of Historical Resources."
- "Presumptive historical resources" are resources "included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1" of the Public Resources Code, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant.
- "Discretionary historical resources" are those resources that are not listed but determined to be eligible under the criteria for the California Register of Historical Resources.[23]

A lead agency must consider a property a historic resource under CEQA if it is listed in, or determined to be eligible for listing in, the California Register. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of CEQA, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not identified in an historical resources survey meeting the criteria of subdivision (g) of Section 5024.1, shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of CEQA.[24]

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23 California Public Resources Code, Section 21084.1.

24 California Public Resources Code, Section 21084.1.

Local

Local Coastal Plan (LCP)

The purpose of the LCP is to protect coastal resources while accommodating appropriate land use development within the Coastal Zone, including providing a range of policies to ensure adequate avoidance of historic, prehistoric, archaeological, and other classes of cultural sites.

Chapter 11, Archaeological/Cultural Resources, of the LCP's Local Implementation Plan (LIP) contains provisions to avoid damage to or destruction of important cultural resources within the City. LIP Section 14 11.3 provides various steps and stages for evaluation of the cultural resources, provisions to evaluate the resources, and provisions for mitigation programs to reduce impacts on cultural resources. The chapter provides a detail procedure of dealing with cultural resources if encountered during development activities.

The following relevant cultural policies are included in the LCP:

LUP 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.

LUP Policy 5.61: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

LUP Policy 5.62: The City should coordinate with appropriate agencies, such as the UCLA Archaeological Center, to identify archaeologically sensitive areas. Such information should be kept confidential to protect archaeological resources.

LUP Policy 5.63: Coastal Development Permits for new development within archaeologically sensitive areas shall be conditioned upon the implementation of the appropriate mitigation measures.

LUP Policy 5.64: New development on sites identified as archaeologically sensitive shall include on-site monitoring of all grading, excavation and site preparation that involve earth moving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).

LUP Policy 5.65: The establishment of a museum/visitor center to display local archaeological and or paleontological artifacts and to provide public educational information on the cultural and historic value of these resources shall be encouraged.

City of Malibu Municipal Code

Chapter 17.54 of the City's Municipal Code contains provisions to avoid the damage to or destruction of important cultural resources within the City required for all projects prior to the issuance of a planning approval, development permit, geological/geotechnical exploratory excavation permit, sewer permit, building permit, grading permit, or prior to the commencement of government-initiated or funded works except those projects necessary for emergency purposes.

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The Plan's Conservation Element serves as a guide for the conservation, protection, restoration, management, development, and appropriate and responsible utilization of the City's existing natural resources. The element includes goals, policies, and implementation measures pertaining to the protection of archaeological resources such as, the preservation and protection of historic, cultural, paleontological, and/or archeological sites and/or structures, and the review of all development applications to determine whether the project may have an adverse impact on cultural resources. The Conservation Element includes the following goals and policies as well as implementation measures pertaining to the proposed project and cultural resources:

CON Goal 2: Cultural resources preserved and protected.

CON Objective 2.1: Historic, Cultural, and Archeological resources preserved for future generations and scientific study.

CON Policy 2.1.1: The City shall identify, designate, protect, and preserve areas, sites, or structures of historic, cultural, paleontological, and/or archeological significance.

CON Policy 2.1.2: The City shall avoid the destruction or alteration of cultural resources.

CON Policy 2.1.3: The City shall provide incentives to property owners of historical structures to encourage preservation of designated cultural resources.

CON Implementation Measure 76: Work with appropriate agencies, such as the UCLA Archeological Center, to keep current maps of significant archeological areas.

CON Implementation Measure 77: Maintain archives and a database of completed research and studies.

CON Implementation Measure 78: Review all applications for development to determine whether the development may have an adverse impact on cultural resources.

CON Implementation Measure 79: Require site surveys to be performed by qualified technical personnel for projects located in areas identified as archaeologically/paleontologically sensitive. Data derived from such surveys shall be used to formulate mitigation measures for the project, and all such feasible mitigation measures shall be applied to the project.

CON Implementation Measure 80: Adopt standards for replacement expansion, remodel, and restoration of designated historic structures to preserve integrity of design.

CON Implementation Measure 81: Cooperate with volunteer organizations to preserve and restore historic sites and structures.

CON Implementation Measure 82: Encourage proper curation, and prohibit casual collection of significant artifacts.

CON Implementation Measure 83: Support the establishment of a museum/study center in the study area to display archeological/paleontological artifacts and to present continuing programs to acquaint the public with the cultural and historic value of these resources.

CON Implementation Measure 84: Explore all available measures; including purchase, tax relief, and purchase or transfer of development rights to avoid development on historic, prehistoric, archeological, and other classes of cultural sites.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to cultural resources 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 cultural resources are considered significant if the proposed project would:

- Cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.6 of the *State CEQA Guidelines*.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the *State CEQA Guidelines*.
- Disturb or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside formal cemeteries.

Methodology

Significant effects upon cultural resources are evaluated by determining the location of known resources in regards to the proposed project's ground disturbing activities that have the potential to remove, relocate, damage, or destroy any cultural resources. Ground disturbing activities which overlap the known resource area(s) could result in direct impacts, while activities taking place near a known resource could result in indirect impacts.

The referenced *State CEQA Guidelines* section 15064.5 defines the term "historical resources" and provides that "a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment."[25] A "substantial adverse change in the significance of an historical resource" is defined as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."[26]

With respect to archaeological resources and/or sites, *State CEQA Guidelines* Section 15064.5(c) provides in relevant part:

> *(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection*
>
> *(2) If a lead agency determines that the archeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the public Resources Code*
>
> *(3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2*

25 *State CEQA Guidelines*, section 15064.5(a)–(b).

26 *State CEQA Guidelines*, section 15064.5(b)(1).

> *(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment*

Public Resources Code section 21083.2(g) defines a "unique archaeological resource" as follows:

> *(1) As used in this section 'unique archaeological resource' means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:*
>
> *(a) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.*
>
> *(b) Has a special and particular quality such as being the oldest of its type or the best available example of its type.*
>
> *(c) Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

Section 21083.2(h) defines a "nonunique archeological resource" as follows:

> *(1) As used in this section, 'non-unique archeological resource' means an archeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.*

A field survey of the project site was conducted by experienced Historical Environmental Archaeological Research Team staff meeting National Park Service standards for archaeology, architectural history, and historic preservation for performing cultural resource management studies. The project site was surveyed for surface indications of cultural resources. All exposed terrain and existing subsurface exposures such as rodent burrows were thoroughly examined. The site survey yielded no indications of significant prehistoric or historic archaeological resources within the project site.

Impact Analysis

Threshold 3.4-1 Cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.6 of the State CEQA Guidelines

As discussed above, records searches performed for the project site and a site survey did not identify any historical resources within the project site. The site is currently primarily vacant, containing only one structure, a water tank that does not have historical significance. Development of the commercial uses proposed by the project would therefore not affect any historical resources within the project site.

While one historic structure, the Adamson House, is located within 0.5 mile of the project site, the development and operation of the proposed commercial uses would not adversely affect this resource. Therefore, impacts related to historic resources would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.4-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines

The proposed project would develop five commercial structures within the currently vacant project site. Construction of the proposed commercial development would require grading of the project site and excavation for the placement of building foundations. The ground-disturbing activities could potentially disturb subsurface archeological resources. The project site is located within an area that has a history of habitation by the Chumash people, and therefore should be considered to have the potential for undiscovered archaeological resources.

The records search and site survey performed for the project site did not identify any existing archeological resources within the site. However, several archaeological sites have been recorded within a half mile of the project site including, nine prehistoric archaeological sites and one historic archaeological site.[27] During construction, all grading activities and surface modifications would be confined to only those areas of absolute necessity to reduce any form of impact on unrecorded (buried) cultural resources that may exist within the confines of the project site. Nonetheless, ground-disturbing construction activities could potentially uncover previously unknown archaeological resources. Subsurface resources within the project site could include artifacts, shell, bone, foundations, beads, and trash pits. Should such resources be disturbed during project construction, impacts would be potentially significant.

27 *2010 Phase I Archaeological Resources Study*, Historical Environmental Archaeological Research Team (HEART)

Mitigation Measures

The following mitigation measure shall be implemented:

3.4.1: The services of an archaeologist shall be secured by contacting the Center for Public Archaeology – Cal State University Fullerton, or an archaeologist who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists, who shall be present to monitor all ground-disturbing activities associated with the Project.

Prior to initiation of ground-disturbing activities, the Project Archaeologist shall conduct a brief awareness training session for the benefit of all construction workers and supervisory personnel. The training, which could be held in conjunction with the Project's initial on-site safety meeting and paleontological resources training, shall explain the importance of and legal basis for the protection of significant archaeological resources.

In the event that archaeological resources are exposed during ground-disturbing activities, work in the immediate vicinity of the find shall stop until the Project Archaeologist can evaluate the significance of the find. Construction activities may continue in other areas.

If the discovered cultural materials are prehistoric in nature or include Native American remains, the Project Archaeologist shall arrange for a Native American monitor to be retained to assist in the identification of the resources or human remains. The Native American monitor shall be retained from a list of suitable candidates from the Native American Heritage Commission.

The Archaeologist shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact. The Archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. The applicant shall comply with the recommendations of the evaluating Archaeologist, as contained in the survey, study, or report. Project development activities may resume once copies of the archaeological survey, study, or report are submitted to:

South Central Coastal Information Center Department of Anthropology
McCarthy Hall 477
CSU Fullerton
800 North State College Boulevard
Fullerton, CA 92834

Prior to the issuance of any building permit, the Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered. A covenant and agreement binding the Applicant to this condition shall be recorded prior to issuance of a grading permit.

Residual Impacts

With implementation of **Mitigation Measure 3.4-1**, impacts would be less than significant.

Threshold 3.4-3 **Disturb or indirectly destroy a unique paleontological resource or site or unique geologic feature**

As described above, construction of the proposed project would require grading of the project site and excavation for the placement of building foundations. The ground-disturbing activities could potentially disturb subsurface paleontological resources.

The project site is generally level and does not contain any prominent geologic features or known paleontological resources. The records search and site survey performed for the project site did not identify any existing paleontological resources within the site. However, the project site is underlain by older Quaternary alluvium[28], which is considered sensitive for paleontological resources (as is the Sespe Foundation which is known to underlie nearby sites), including significant vertebrate and invertebrate fossils.[29] Therefore, round-disturbing construction activities could potentially uncover previously unknown paleontological resources. Should such resources be disturbed during project construction, impacts would be potentially significant.

Mitigation Measures

3.4-2: All excavations and grading activities into the older Quaternary alluvium and/or Sespe Formation, or below a depth of 5 feet, shall be monitored by a qualified paleontologist. The on-site monitor shall be equipped and permitted to salvage fossils and samples of sediments as they are unearthed. If unearthed paleontological resources determined to be

28 *Limited Geologic and Soils Engineering Investigation*, GeoConcepts, 1999.

29 *Rancho Malibu Hotel EIR*, 2013

significant by the on-site paleontologist are discovered during project construction activities, all work should halt within 50 feet of the find until it can be fully evaluated and excavated by a qualified paleontologist.

Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage.

A report of findings, with an appended itemized inventory of specimens, shall be prepared and submitted to the City. The report and inventory, when submitted to the City, shall signify completion of the program to mitigate impacts on paleontological resources.

Residual Impacts

With implementation of **Mitigation Measure 3.4-2**, impacts would be less than significant.

Threshold 3.4-4 **Disturb any human remains, including those interred outside formal cemeteries**

There are no known cemeteries or burial grounds on the project site. As previously discussed, the site has a history of use by Native Americans; therefore, there is potential for additional archaeological resources, including burial grounds, to exist. Because the potential exists for human remains to be unearthed during earthwork and grading of the project site, impacts would be potentially significant.

Mitigation Measures

The following mitigation measure shall be implemented:

3.4-3: If human remains are encountered during excavation and grading activities within the project site, the contractor shall stop such activities. In the event of accidental discovery or recognition of any human remains there shall be no further excavation or disturbance of the subject site or any nearby areas reasonably suspected to overlie adjacent human remains and the following steps shall be taken:

- The coroner of the City in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required; and,

- If the remains are of Native American origin, either of the following steps shall be taken:

  – The coroner should contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.

  – Implementing or local agencies or authorized representatives should retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:

    - The Native American Heritage Commission is unable to identify a descendent.

    - The descendant identified fails to make a recommendation.

    - The implementing agency or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Residual Impacts

With implementation of the above mitigation measure, impacts would be less than significant.

Cumulative Impacts

Impacts upon cultural resources tend to be site-specific and are assessed on a site-by-site basis. As discussed above, the project site and surrounding area may contain actual or potential cultural resources, although no such resources have been recorded on the project site. Because the number of cultural resources is finite, limited, and non-renewable, any assessment of cumulative impacts must take into consideration the impacts of the proposed project on resources within the project site; the extent to which those impacts degrade the integrity of the regional resource base; and impacts other projects may have on the regional resource base. If these effects, taken together, result in a collective degradation of the resource base, then those impacts are considered cumulatively considerable.

The types of resources found within the vicinity of project site reflect the types of sites expected to be found within the broader area. Trends that have led to degradation of the regional cultural resource base, and are expected to continue in the future, include pending, planned, and proposed commercial and residential development; continuing population growth and the associated demand for new housing and infrastructure; continuing and increasing recreational use of the regional landscape; and ongoing transportation development and improvement.

The pending, planned, and approved development within the Civic Center area has the potential to result in further degradation of regional coastal cultural resources, particularly given the extent of ground disturbance that would occur in previously undeveloped areas. Implementation of CEQA review for individual projects would potentially reduce individual impacts on specific sites; however, the overall disturbance to cultural resources has the potential to significantly degrade the regional resource base. Impacts to individual sites can be mitigated to less than significant through application of the proposed mitigation measures.

However, given that no resources are known to exist on the project site, and the proposed project would not result in the loss of cultural resource, the project's contribution to any potential cumulative impact would be less than significant. Future projects would be required to implement similar mitigation measures, therefore reducing the potential for both site specific and cumulative impacts to cultural resources.

Mitigation Measures

Implementation of **Mitigation Measures 3.4-1, 3.4-2**, and **3.4-3** at the project level.

Residual Impacts

With implementation of the proposed mitigation measures, impacts would be less than significant.

3.5 GEOLOGY AND SOILS

INTRODUCTION

This section analyzes the impacts of the Whole Foods and the Park Shopping Center Project related to geology and soils. The analysis in this section was prepared based on the *Limited Geologic and Soils Engineering Investigation* prepared for the proposed project site by GeoConcepts, Inc., June 21, 1999, *Supplemental Report No. 1* (GeoConcepts, Inc., prepared March 30, 2010 [revised April 22, 2010]), *Supplemental Report No. 2* (GeoConcepts, Inc., prepared September 27, 2010 [revised October 5, 2010]) *Supplemental Report No. 3* (GeoConcepts, Inc., prepared November 5, 2010), *Supplemental Report No. 4* (GeoConcepts, Inc., prepared December 6, 2010), *Update Report* (GeoConcepts, Inc., prepared June 8, 2011), and *Addendum I Limited Geotechnical Response Report, Proposed Whole Foods in the Park Shopping Center* (EPD Consultants, prepared May 25, 2011). These reports are provided in **Appendix 3.5**.

ENVIRONMENTAL SETTING

Existing Conditions

The project site is located north of the Pacific Ocean and the Pacific Coast Highway (PCH), west of the City of Santa Monica, east of the City of Oxnard, and south of the City of Calabasas, in the City of Malibu. The project site is bounded on the north by commercial development on the south by Civic Center Way, on the east by Cross Creek Road, and on the west by vacant land. The project site and adjacent properties are illustrated in **Figure 2.0-3, Project Boundary**, in **Section 2.0, Project Description**.

The project site is currently vacant and dominated by flat, previously leveled alluvial terrain. The site slopes generally to the south with a maximum relief of approximately 5 feet. The site is currently fenced on all sides with a gated entry on the south from Civic Center Drive. The southern portion of the site has been graded and contains gravel bedding, particularly in the eastern portion fronting Civic Center Drive and Cross Creek Road. The northern portion contains more trees and shrubs with a water tank and several cement pads near the northwest corner.

Surface water at the project site consists of direct precipitation onto the site and runoff from adjacent properties to the north. No active groundwater seeps or springs are present. Groundwater within the site is present at depths of 9 to 10 feet, which could fluctuate seasonally depending on rainfall, irrigation, and recharge.

Stratigraphy

The project site is underlain by non-marine sediments of Quaternary time, which are covered by Holocene earth materials. The earth materials encountered on the site are briefly described below.

Fill (Af)

Previous grading has resulted in fill placement for the existing small parking areas on a small portion of the project site. Fill materials were presumably used during pad grading for the cement pad area. Fill was encountered in four of the test pits ranging from 2 to 2.5 feet in thickness. A near horizontal contact between the fill and the underlying alluvium was exposed within the exploratory test pits.

Native Soil (Qs)

Native soil was derived from weathered bedrock materials that have accumulated on natural descending slopes. Soil varies between 1 and 4 feet in thickness.

Older Quaternary Alluvium (Qoal)

Older Alluvial deposits underlie the site. The Older Alluvium is weathered bedrock material that has eroded from natural ascending slopes and accumulated in generally flat lying areas. Regional geologic maps classify these deposits as floodplain and fluvial from the Malibu Creek Watershed. Older Alluvium primarily consists of interlayered loose to dense, fine to coarse sands, gravels, and firm to stiff sandy silt. These deposits were encountered within all of the exploratory test pits and borings ranging over 61 feet in thickness.

Seismicity

The project site is within the Transverse Ranges Geomorphic Province of Southern California. The Transverse Ranges consist of a series of west-trending mountains and intervening valleys, which is contrary to the northwest geomorphic trend that is typical of most of California and reflects the underlying structural (geologic) trend. These ranges are largely the result of north-south compression which has resulted in east-west-trending folds and thrust faults. The project site is not located within a designated Earthquake Fault Zone. No known active faults are mapped on the project site.[1]

There are several active and/or potentially active faults that could possibly affect the site within Los Angeles County. The Southern California region is traversed by the San Andreas Fault, which is a

1 *Limited Geologic and Soils Engineering Investigation, 2010 Supplemental Report No. 2,* prepared by Geo Concepts Inc., September 27, 2010 [revised October 5, 2010].

transform boundary between the Pacific Plate and the North American Plate. The San Andreas Fault is part of the San Andreas system of northwest-striking, right-lateral faults. The faults of this system are generally historically active, as evidenced by the June 28, 1992 Landers (magnitude 7.6) Earthquake.

The Southern California region is seismically active and commonly experiences strong ground shaking resulting from earthquakes along active faults. Earthquakes along these faults are part of a continuous, naturally occurring process which has contributed to the characteristic landscape of the region.

The closest active fault to the project site is a trace of the Malibu Coast Fault, located approximately 2 miles to the west of the site at the southern base of the Santa Monica Mountains, near Latigo Canyon. This trace has exhibited Holocene faulting (i.e., movement in the last 11,000 years) and has consequently been zoned as an Earthquake Fault Rupture Hazard Zone.[2] Since June of 1995 two portions of the Malibu Coast fault zone were reclassified as an active fault. However, while traces have been determined to be active, on August 16, 2007, the fault zone near the east side of Malibu Bluff Park was removed from the State of California Earthquake Fault Zone map by the California Geological Survey.[3]

The main trace of the Malibu Coast high-angle sinistral-oblique reverse fault is mapped along the south and southeastern portions of the property near Cross Creek and along the southern portion of the site near Civic Center Way. As shown in **Figure 3.5-1**, **Location of Malibu Coast Fault,** the location of this fault has been mapped in different locations by the US Geological Survey and the Dibblee Geological Foundation. Through a series of tests including cone penetrometer soundings (CPT) and the collection and dating of floodplain deposits, GeoSoils, Inc., and Leighton and Associates[4] have determined that the Malibu Coast fault is not correctly mapped, or a portion of the fault which underlies the site is pre-Holocene. Evidence of faulting was not observed during the more recently-excavated seismic trenching and in a review of aerial photographs of the site. GeoConcepts, Inc. concurs that the fault is not correctly mapped and/or is pre-Holocene in age.

Three common types of geologic hazards may be produced during a seismic event (earthquake). These include ground rupture, ground motion, and ground failure.

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2 Van Beveren and Butelo, Inc. 2007. *Report of Geologic and Geotechnical Investigation Proposed Rancho Malibu Resort*.

3 *Limited Geologic and Soils Engineering Investigation, 2010 Supplemental Report No. 1,* prepared by Geo Concepts Inc.

4 GeoSoils. 1989. *Response to County of Los Angeles Geologic Review of 18.4 Acre Parcel NW of Cross Creek Road and Civic Center Way*; and Leighton and Associates, Inc. 1994. *Report for Geotechnical Studies for Planning Purposes in the Civic Center Area*, City of Malibu, California. Volumes I and II.

Ground Rupture

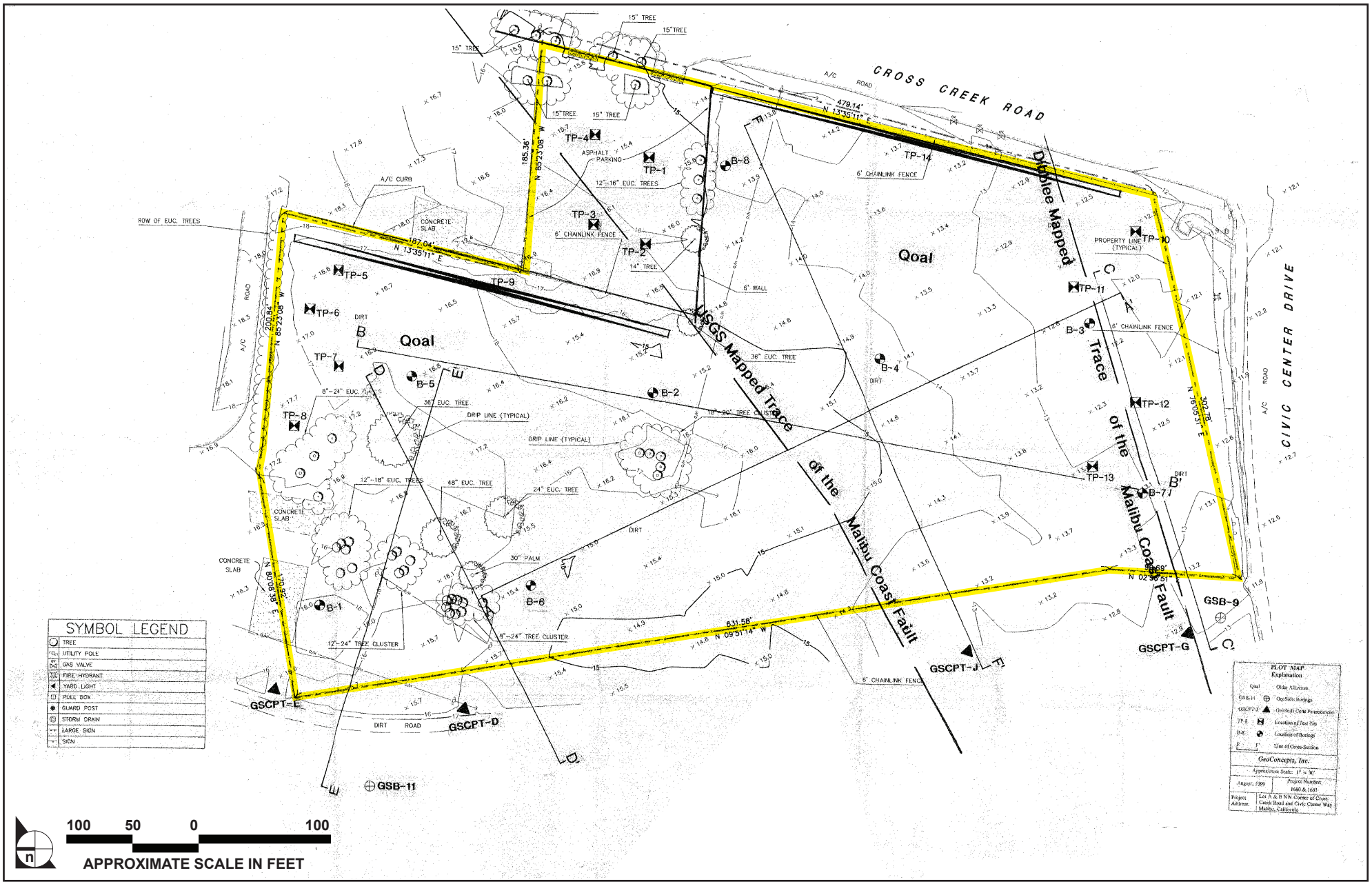
Ground rupture is the result of movement along an active fault. No evidence of faulting was exhibited within the seismic trenches on the subject site, or in the investigations by Leighton and Associates and GeoSoils. No active faults are known to traverse the site.

Although new faults may develop during a seismic event, significant ground rupture is generally expected to occur along pre-existing faults. Ground rupture cannot be prevented; therefore, mitigation of the ground rupture hazard involves identifying major faults which exhibit evidence for potential ground rupture in the near future and avoiding construction over their surface traces. Recognition and mapping of these pre-existing, active fault breaks is accomplished by review of published literature, field mapping, evaluation of aerial photo-lineaments, and by excavating appropriate trenches and CPTs.

Ground Motion

Ground motion is generated during an earthquake as two blocks of the earth's crust slip past each other. The intensity of ground motion at a specific site is controlled primarily by the magnitude of the earthquake and the distance from the epicenter or ground rupture area. Ground motion generally increases with increasing magnitude and is generally greatest near the epicenter or rupture area, and decreases (attenuates) with increasing distance. However, the ground motion measured at a given site is modified by a number of factors including focal depth, proximity to projected or actual fault rupture, fault mechanism, duration of shaking, local geologic structure, source direction of earthquake, underlying earth material characteristics, and topography. All of these factors make it difficult to accurately predict potential ground motions at a given site in the geologically and topographically complex Southern California area.

Earthquake magnitude is a quantitative measure of the strength of an earthquake or the strain energy released by it, as determined by seismographic or geologic observations. It does not vary with distance or the underlying earth material. This differs from intensity, which is a qualitative measure of the effects a given earthquake has on people, structures, loose objects, and the ground at a specific location. Intensity generally increases with increasing magnitude and in areas underlain by unconsolidated materials, and decreases with distance from the epicenter.



SOURCE: Goldman Firth Rossi Architects, August 1999

FIGURE **3.5-1**

Location of Malibu Coast Fault

In the past, potential ground motions were evaluated using the maximum credible earthquake magnitude for critical facilities and the maximum probable earthquake magnitude for standard developments based on California Department of Mines and Geology (CDMG) Note 43 (now the California Geological Survey, [CGS]). However, current CGS guidelines and Building Code requirements now use revised terminology. CGS guidelines suggest that a maximum magnitude be estimated for each significant fault based on a maximum rupture size-to-magnitude relationship for use in deterministic analyses.

A deterministic seismic hazard analysis has been completed for the site utilizing the computer program EQFAULT (Version 2.20) by Thomas F. Blake. The Santa Monica thrust fault and Malibu Coast fault have the potential to produce the largest Maximum Credible Peak and Repeatable Acceleration on the subject property. The duration of the Malibu Coast fault is estimated at 11 seconds.

The project site is located in Southern California, which is in a geologically and seismically active region where large magnitude, potentially destructive earthquakes are common. Therefore, it is reasonable to assume that moderate or large magnitude earthquakes will affect the site during the life of a given structure. The current standards for construction provided in the CBC are designed to safeguard against major failures and loss of life, but are not intended to limit damage, maintain functions, or provide for easy repair. Conformance to these recommendations does not guarantee that significant structural damage will not occur in the event of a maximum level of earthquake ground motion. However, it is reasonable to expect that a well-planned and -constructed structure will not collapse in a major earthquake and that protection of life is reasonably provided.

Ground Failure

Ground failure is a general term describing seismically induced secondary permanent ground deformation caused by strong ground motion. This includes liquefaction, lateral spreading, seismic settlement of poorly consolidated materials (dynamic densification), differential materials response, slope failures, sympathetic movement on weak bedding planes or non-causative faults, shattered ridge effects and ground lurching.

Differential materials response refers to the different responses various materials display when subjected to seismic waves. Where materials with different densities or strengths are in contact, differential response to the seismic energy may cause distress along the contact. The combination of dynamic compaction and differential settlement along with differential materials response is a source of future potential hazard along cut/fill and bedrock/alluvium contacts.

Based upon the subsurface exploration and laboratory testing, the loose alluvial sands located on the project site are potentially liquefiable. The potentially liquefiable sands were identified at depths ranging

from 8 to 30 feet. The project site is located in an area subject to identified geotechnical hazards related to liquefaction. **Figure 3.5-2, Liquefaction Hazard in the Project Vicinity**, illustrates the project's location on the California Geological Survey's Seismic Hazard Zones map for the Malibu Beach Quadrangle, in which the site is located.

REGULATORY FRAMEWORK

Federal

Clean Water Act Section 402 (National Pollutant Discharge Elimination System Program).

This act mandates that certain types of construction activity comply with the requirements of the United States Environmental Protection Agency (US EPA) National Pollutant Discharge Elimination System Program (NPDES). Under State Water Resources Control Board (SWRCB) enforcement, the Los Angeles Regional Water Quality Control Board (RWQCB) implements the NPDES program in the City. The program requires a General Construction Activities Permit, including implementation of established Best Management Practices (BMPs) for management of stormwater, erosion control, and/or siltation. More information regarding this regulation is provided in **Section 3.8, Hydrology and Water Quality.**

State

California Geological Survey

The California Geological Survey (CGS) is responsible for enforcing the Alquist-Priolo Earthquake Fault Zoning Act and enforcing the Seismic Hazards Mapping Act. Both are described below.

Alquist-Priolo Earthquake Fault Zoning Act

The purpose of the Alquist-Priolo Earthquake Fault Zoning Act (formerly called the Alquist-Priolo Special Studies Zones Act)[5] is to prohibit the location of most structures for human occupancy across the traces of active faults, which are faults that have ruptured the ground surface in the past 11,000 years, and to mitigate the hazard of fault rupture. The act addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards. Under the act, the State Geologist (Chief of the CGS), is required to delineate "earthquake fault zones" (EFZs) along known active faults in California.

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5 California Public Resources Code, Sec. 2621 et seq. The Alquist-Priolo Special Studies Zones Act was signed into law in 1972. In 1994, it was renamed the Alquist-Priolo Earthquake Fault Zoning Act. The act has been amended 10 times.

SOURCE: California Department of Conservation, October 2001

FIGURE **3.5-2**

Liquefaction Hazard in the Project Vicinity

The boundary of an EFZ is generally approximately 500 feet from major active faults, and 200 to 300 feet from well-defined minor faults. Cities and counties affected by the EFZs must withhold development permits for certain construction projects proposed within the zones until geologic investigations demonstrate that the sites are not significantly threatened by surface displacement from future faulting. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault. Setbacks from the fault are usually provided by the geotechnical consultant who performed the fault investigation.

Seismic Hazards Mapping Act

Under the CGS's Seismic Hazards Mapping Act,[6] which was passed in 1990, seismic hazard zones are to be identified and mapped to assist local governments for planning and development purposes. The Seismic Hazards Mapping Act differs from the Alquist-Priolo Earthquake Fault Zoning Act in that it addresses non-surface fault rupture earthquake hazards, including strong ground shaking, liquefaction, landslides, other types of ground failure, and other hazards caused by earthquakes. The CGS provides guidance for evaluation and mitigation of earthquake-related hazards for projects within designated zones of required investigations.[7]

California Building Code

The State of California provides a minimum standard for building design through the California Building Code (CBC). The City of Malibu has adopted the 2013 California Building Codes as amended by County of Los Angeles as amended by the City. The 2013 edition of the CBC is based on the 2012 International Building Code (IBC) as published by the International Code Council, together with other amendments provided in local/municipal codes, and is adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Construction activities are subject to occupational safety standards for excavation, shoring, and trenching as specified in the California Occupational Safety and Health Administration (Cal-OSHA) regulations[8] and in Section A33 of the CBC.

Standard residential, commercial, and light industrial construction is governed by the CBC, to which cities and counties add amendments. The 2013 CBC[9] includes additions to the previous building code that make it more stringent, in particular with regard to seismic and earthquake conditions for critical

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6 California Public Resources Code, Sec. 2690 et seq.

7 California Geological Survey, *Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California*, 1997.

8 California Code of Regulations, Title 24, Part 8, "California Historical Building Code."

9 California Code of Regulations, Title 24, Part 2, "California Building Code."

structures such as essential facilities, public schools, and hospitals. The CBC, which is included in Title 24 of the California Administrative Code, is a compilation of three types of building standards from three different origins:

- Those adopted by state agencies without change from building standards contained in national model codes (e.g., the IBC)
- Those adopted and adapted from the national model code standards to meet California conditions (e.g., most of California is in Seismic Design Categories D and E)
- Those authorized by the California legislature that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns (e.g., the specification of Certified Engineering Geologist rather than engineering geologist)

In addition, the CBC regulates excavation, foundations, and retaining walls; contains specific requirements pertaining to site demolition, excavation, and construction to protect people and property from hazards associated with excavation cave-ins and falling debris or construction materials; and regulates grading activities, including drainage and erosion control. Construction activities are subject to occupational safety standards for excavation, shoring, and trenching as specified in the Cal-OSHA regulations.

California Coastal Act

This act states in part that new development shall be sited in such a way that it will not be subject to or contribute to erosion or stability hazard over the course of its design life. The act does not specify a particular value for design life, through many Local Coastal Programs (the implementation of the California Coastal Act at the local government level) do.

California Environmental Quality Act

The 1970 California Environmental Quality Act (CEQA) ensures that local agencies consider and review the environmental impacts of development projects within their jurisdictions. CEQA requires that an environmental document (e.g., Environmental Impact Report [EIR], Mitigated Negative Declaration [MND]) be prepared for projects that are judged in an Initial Study (IS) to have potentially significant effects on the environment. Environmental documents (IS, MND, EIR) must consider, and analyze as deemed appropriate, geologic, soils, and seismic hazards. If impacts are considered potentially significant, recommendations of mitigation measures to reduce geologic and seismic hazards to less than significant are made. This allows early public review of proposed development projects and provides lead agencies the authority to regulate development projects in the early stages of planning.

Local

City of Malibu Municipal Code

The City of Malibu has adopted by reference Title 26 of the Los Angeles County Code, which incorporates the 2013 CBC. Standard residential, commercial, and light industrial construction is governed by the CBC. Due to the type, quality, and age of some of the City buildings, the 2013 State Historical Building Code[10] (SHBC) applies to the strengthening of unreinforced historic structures, while the 1986 Unreinforced Masonry Law[11] applies to the identification, reporting, and retrofit of non-historic unreinforced masonry buildings. The 2013 CBC[12] includes additions to the previous building code that make it more stringent, in particular with regard to seismic and earthquake conditions for critical structures such as essential facilities, public schools and hospitals. The CBC, which is included in Title 24 of the California Administrative Code, is a compilation of three types of building standards from three different origins:

- Those adopted by state agencies without change from building standards contained in national model codes (e.g., the IBC)
- Those adopted and adapted from the national model code standards to meet California conditions (e.g., most of California is Seismic Design Categories D and E)
- Those authorized by the California legislature, which constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns (e.g., the specification of Certified Engineering Geologist rather than engineering geologist)

International and national model code standards adopted into Title 24 apply to all occupancies in California except for modifications adopted by state agencies and local governing bodies. Facilities and structures such as power plants, freeways, emergency management centers (traffic, 911), and dams are regulated under criteria developed by various California and federal agencies.

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. California Government Code Section 65302(g)(1)

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10 The State Historical Building Code is defined in Part 8 of Title 24 http://ohp.parks.ca.gov/pages/1074/files/2013%20CHBC.pdf.

11 This law can be found in Section 8875 *et seq.*, of California's Government Code (CA 1986) http://www.seismic.ca.gov/COG/Gov%20Code%208875.pdf.

12 The California Building Code is defined in Part 2 of Title 24, http://www.documents.dgs.ca.gov/bsc/prpsd_chngs/documents/2012/DSA-SS-02-12-FET-Pt2.pdf.

requires that each local government prepare and adopt a Safety Element as a component of its general plan. This involves identifying and mapping natural hazards and the administration of zoning and subdivision regulations that account for the safety hazards. The policies and implementation measures contained in this element provide direction and a course of possible future action for the various City departments. Below is a list of goals, objectives, and policies related to geologic hazards in the City as set forth in the Safety and Conservation elements:

S Goal 1: A community that is free from all avoidable risks to safety, health, and welfare from natural and man-made hazards.

S Policy 1.1.1: The City shall protect people and property from environmental hazards.

S Policy 1.1.7: The City shall minimize the risks from landslides and debris flows.

S Policy 1.2.1: The City shall require development to provide for analyses of site safety related to potential hazards of fault rupture, earthquake ground shaking, liquefaction, and rockfalls.

S Policy 1.2.2: The City shall require development to provide site safety analyses related to landsliding, debris flows, expansive soils, collapsible soils, erosion/sedimentation, and groundwater effects.

City of Malibu Local Coastal Program

The California Coastal Act requires that its goals and policies be implemented by local government through the City's Local Coastal Program (LCP). The Malibu LCP consists of two subparts, the Land Use Plan (LUP) and the Local Implementation Plan (LIP). LCP policies are contained within the LUP, while the purpose of the LIP is to implement and carry out the policies of the LUP.

The policies pertaining to geology and soils identified in the LUP and relevant to the proposed project include:

LUP Policy 3.79 Grading and landform alteration shall be limited to minimize impacts from erosion and sedimentation on marine resources.

LUP 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.

LUP Policy 4.1: The City 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:

- Low Slope Stability and Landslide/Rockfall Potential: Hillside areas that have the potential to slide, fail, or collapse.
- Fault Rupture: 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.
- 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.

LUP 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.

LUP 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.

LUP 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 LIP.

LUP Policy 4.5: Applications for new development, where applicable, shall include geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and 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.

LUP Policy 4.11: New development involving a structure dependent on a six wastewater disposal system shall utilize secondary treatment, at a minimum, and evapotranspiration waste disposal systems or other innovative measures, where feasible.

LUP Policy 4.14: New development shall be prohibited on property or in areas where such development would present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.

The Chapters of the LIP pertaining to geology and soils and relevant to the Project are listed below. For specific development standards within these chapters, please refer to the LIP:

LIP Chapter 3, Part 3.10 – Landscaping and Fuel Modification: All new development shall minimize the removal of natural vegetation including native trees and plants in order to minimize erosion and sediment, impacts to scenic and visual resources, and impacts to sensitive recourses.

LIP Chapter 8, Grading: Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum. Grading is also subject to compliance with maximum dimensions put forth in the LIP.

Chapter 9 – Hazards: All proposed new development located in or near an area subject to geologic hazards shall be required to submit a geologic/soils/geotechnical study report. Additionally, all recommendation of the consulting CEG or GE and/or the City geotechnical staff shall be incorporated into all final designs.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

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

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

  - rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of known fault,
  - strong seismic groundshaking,
  - seismic-related ground failure, including liquefaction, and
  - landslides.
- Result in substantial soil erosion, or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Impact Analysis

Threshold 3.5-1 **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving: (a) a rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issues by the State Geologist for the area or based on other substantial evidence of a known fault; (b) Strong seismic ground shaking; (c) Seismic-related ground failure, including liquefaction; (d) Landslides.**

The project site is located within the Malibu Beach 7.5-minute quadrangle, for which there are no identified Alquist-Priolo Earthquake Fault Zones. There are no active or potentially active faults known to exist on the site. As discussed above, the Malibu Coast fault has been mapped near the southern portion of the project site parallel to Civic Center Way. While this fault trace was previously identified by the State as potentially active, having exhibited seismic activity in the last 1.6 million years, additional studies and information gathered by Leighton and Associates, GeoSoils, and GeoConcepts , have determined that surface rupture or displacement has not occurred in over 100,000 years and that the fault is not active. Therefore, expert review has concluded that there is no significant risk associated with fault rupture.

The proposed project would be required to follow design provisions through the Uniform Building Code (UBC) and California Building Code (CBC) (as adopted by the City of Malibu in codified in Section

15.04.010 of the Malibu Municipal Code) to employ design standards that consider seismically active areas in order to safeguard against major structural failures or loss of life. Therefore, while the project site would be subject to ground shaking during future seismic events, (as most structures within Southern California) through the incorporation of proper engineering measures in accordance with existing regulations, building codes, and the application of the engineering recommendations provided in the approved geotechnical investigation, risks to life and property would be minimized.

Loose alluvial sands located on the project site are potentially liquefiable. Liquefaction on the project site can be mitigated by reinforcing the buildings' foundations and deriving support from the alluvial soils below the potentially liquefiable soils. Alternatively, removal or treatment of the liquefiable material could lead to denser sands which would reduce the project site's liquefaction potential.[13]

The project site and surrounding areas are topographically flat. The project site is not located in an area subject to landslides. The nearest such area is located approximately 750 feet northwest of the project site.[14] Therefore as a result of required compliance with applicable regulations, the proposed project would not substantially expose people or structures to seismic hazards. However, as seismic risk remains, impacts from liquefaction would be potentially significant. Mitigation is required.

Mitigation Measures

The following mitigation measure shall be implemented:

3.5-1: Prior to project approval, the project applicant shall submit for review and approval by the City of Malibu Building Department detailed plans to address potential liquefaction hazards. These plans shall reduce liquefaction hazards through one of the following methods:

- The proposed structures may be supported on friction piles extending through the potentially liquefiable sands. The friction piles may be designed in two ways.
  - Option 1:

    The minimum friction pile diameter is 24 inches. Friction piles should extend into the non-liquefiable alluvium a minimum of 10 feet, which is found at a depth of 30 feet. The friction piles may be proportioned using skin friction value of 500 pounds per square foot. All friction piles shall be designed to resist a creep force of 1,000 pounds per lineal foot for each foot of shaft exposed to the liquefiable sands above 30 feet.

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13 Limited Geologic and Soils Engineering Investigation, prepared by GeoConcepts, Inc. p.5

14 California Department of Conservation, Malibu Beach 7.5-minute quadrangle

Lateral loads may be resisted by friction at the base of the conventional foundations and by passive resistance within the compacted fill. A coefficient of friction of 0.4 may be used between the foundations and the alluvium. The passive resistance may be assumed to act as a fluid with a density of 500 pounds per cubic foot. A maximum passive earth pressure of 2,000 pounds per square foot may be assumed. For isolated poles, the allowable passive earth pressure may be doubled.

Buried utilities and parking areas would still be affected by liquefaction. Appropriate measures such as flexible connections resistant to earthquake damage and shutoff valves should be considered.

– Option 2:

The minimum continuous footing size is 12 inches wide and 24 inches deep into the compacted fill, measured from the lowest adjacent grade. Continuous footings may be proportioned, using a bearing value of 1,500 pounds per square foot. Column footings placed into the compacted fill may be proportioned, using a bearing value of 2,000 pounds per square foot, and shall be a minimum of 2 feet in width and 24 inches deep, below the lowest adjacent grade.

The bearing values given above are net bearing values; the weight of concrete below grade may be neglected. These bearing values may be increased by one-third for temporary loads, such as, wind and seismic forces.

All footing excavation depths shall be measured from the lowest adjacent grade of recommended bearing material. Footing depths shall not be measured from any proposed elevations or grades. Any foundation excavations that are not the recommended depth into the recommended bearing materials will not be acceptable.

Lateral loads may be resisted by friction at the base of the conventional foundations and by passive resistance within the compacted fill. A coefficient of friction of 0.4 may be used between the foundations and the alluvium. The passive resistance may be assumed to act as a fluid with a density of 300 pounds per cubic foot. A maximum passive earth pressure of 2,000 pounds per square foot may be assumed. For isolated poles, the allowable passive earth pressure may be doubled.

- The liquefaction hazard may be mitigated by in place treatment of the liquefiable sands to reduce the liquefaction potential. In place densification of the material may be accomplished with Vibro Compaction or Stone Column densification. Shallow foundations may be utilized provided that the liquefaction potential is reduced to an acceptable level. Additional testing following the treatment shall verify the results of the densification.

Residual Impacts

With incorporation of the geotechnical recommendations as required by implementation of **Mitigation Measure 3.5-1**, impacts related to liquefaction would be less than significant.

Threshold 3.5-2 Result in substantial soil erosion, or the loss of topsoil.

Construction activity associated with large-scale grading can result in wind, gravity, and water driven erosion of soils. The proposed project would require 17,519 cubic yards of cut and fill material which could result in a substantial loss of topsoil on the project site.[15]

The proposed project would be subject to compliance with a National Pollutant Discharge Elimination System (NPDES) permit, including the implementation of Best Management Practices (BMPs), some of which are specifically implemented to reduce soil erosion or loss of topsoil. Further, the City is a co-permittee under the *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach* MS4 (Order No. R4-2014-0024, NPDES Permit No. CAS004003).

Pursuant to Section 17.4.1 of the LCP, prior to the issuance of a grading or building permit, the applicant shall be required to prepare and submit an Erosion and Sediment Control Plan for approval (MS4 Permit Section VI.D.8.h.ii) that identifies BMPs during the construction phases of development to minimize or prevent construction-related soil erosion or loss of topsoil. BMPs include practices such as installing sandbag barriers, temporary desilting basins near inlets, gravel driveways, dust controls, employee training, and other general good housekeeping practices that help prevent erosion and water quality contamination. The Erosion and Sediment Control Plan BMPs would ensure that erosion and sediment transport are minimized to ensure that potential off-site impacts during construction would be reduced to less than significant.

The project site is relatively flat with a minimal slope to the south. Once constructed, the project site would be landscaped with native vegetation, hardscape areas, and exclude any constructed slopes or exposed loose soil. Thus impacts from soil erosion or the loss of topsoil during the operation of the proposed project would be less than significant.

Mitigation Measures

No mitigation measures are required.

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15 Total Grading Yardage Verification Certificate

Residual Impacts

Impacts would be less than significant.

Threshold 3.5-3 **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property**

No active surface groundwater seeps or springs were observed on the project site. The reported groundwater levels were a minimum of 7 feet deep, with the reported historic high groundwater level of 5 feet below grade. The proposed pad elevation is proposed to be approximately 3 feet higher than the existing grade. Further, the geotechnical analysis of the site recommended that the upper 2 feet of the natural soils be removed and recompacted.

Sandy soils were found at depths ranging from eight to 30 feet. The loose alluvial sands collected at the project site indicate that liquefaction could occur. However, as discussed above with **Mitigation Measure 3.5-1** impacts from liquefaction would be less than significant.

Based on field observations, analysis, and laboratory testing, the alluvium found in the borings 30 feet and below are expected to possess sufficient strength to support the structures. As discussed above, the City has adopted the CBC standards. While the groundwater is relatively high, the proposed project would be constructed in accordance with the latest CBC's construction requirements and include features to reduce the potential for liquefaction (as described above). As the project site is relatively flat, it is not susceptible to landslides. Thus, no impacts related to landslides, subsidence, high groundwater levels, or liquefaction are expected to occur. Impacts would be less than significant.

Mitigation Measures

Implementation of **Mitigation Measure 3.5-1**, above.

Residual Impacts

Impacts would be less than significant.

Threshold 3.5-4 **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water**

As discussed in **Section 2.0, Project Description**, the project would connect to the future Civic Center Wastewater Treatment Facility for wastewater disposal. Therefore, no on-site wastewater treatment system is included as part of the proposed project. No impact would occur.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

Cumulative projects would be subject to varying risks associated with geotechnical hazards. The cumulative projects are located in Southern California, a seismically active region, and would therefore be subject to hazards during seismic events, including ground shaking, rupture, liquefaction, and subsidence. Development within nearby properties in Malibu, including Pepperdine University and the Civic Center Area, particularly at the Crummer property (24120 PCH) and the Towing property (23915 Malibu Road) and the Rancho Malibu Hotel (which requires substantial slope grading) could lead to cumulative effects of potential erosion and sedimentation. While grading in this area would be substantial, standard erosion control measures (i.e., compliance with NPDES) would avoid or minimize the potential for significant erosion impacts. Further, the proposed project would not result in substantial grading that could contribute to a cumulative impact.

The California Building Code, as codified in the Malibu Municipal Code would require that structures be constructed to meet minimum seismic safety standards. However, depending on the location of each specific cumulative project, potential hazards could remain with implementation of CBC requirements.

Geotechnical impacts typically affect a specific project, and the potential impacts of each cumulative project would be evaluated and mitigated on a project-by-project basis. It is expected that mitigation measures similar to those provided for the proposed project would be required of cumulative projects, and would in most cases reduce impacts to less than significant levels. The proposed project would not cause a significant cumulative impact in combination with some or all of the identified cumulative projects. Cumulative impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.6 GREENHOUSE GAS EMISSIONS

INTRODUCTION

This section provides an assessment of the potential for greenhouse gas (GHG) impacts from construction and operation of the proposed project. It describes the existing global, national, and statewide conditions for GHGs and global climate change and provides a discussion of the applicable federal, state, regional, and local agencies that regulate, monitor, and control GHG emissions. The impacts associated with the proposed project are compared with the proposed draft thresholds of significance put forth by the South Coast Air Quality Management District (SCAQMD). The assessment indicates that construction and operation of the proposed project would generate emissions that would be below the SCAQMD draft thresholds of significance. The proposed project would also not conflict with implementation of plans adopted for the purpose of reducing GHG emissions. The proposed project would have a less than significant impact on global climate. Emission calculations for the proposed project are provided in **Appendix 3.2**.

ENVIRONMENTAL SETTING

Background

The natural process through which heat is retained in the troposphere[1] is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a three-fold process: (1) short-wave radiation in the form of visible light emitted by the Sun is absorbed by the Earth as heat; (2) long-wave radiation re-emitted by the Earth; and (3) greenhouse gases (GHGs) in the atmosphere absorbing or trapping the long-wave radiation and re-emitting it back towards the Earth and into space. Human activities that affect this third process is the focus of current climate change actions.

While water vapor and carbon dioxide (CO_2) are the most abundant GHGs, other trace GHGs have a greater ability to absorb and re-radiate long-wave radiation. Scientists have established a Global Warming Potential (GWP) to gauge the potency of each GHG's ability to absorb and re-emit long-wave radiation. The GWP of a gas is determined using CO_2 as the reference gas with a GWP of 1 over 100 years. For example, a gas with a GWP of 10 is 10 times more potent than CO_2 over 100 years. The sum of each

1 The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth's surface to 10 to 12 kilometers.

GHG multiplied by its associated GWP is referred to as carbon dioxide equivalents (CO_2e). State law defines GHGs to include the following compounds:[2]

- **Carbon Dioxide (CO_2).** CO_2 is primarily generated from fossil fuel combustion from stationary and mobile sources. CO_2 is the reference gas (GWP of 1) for determining the GWPs of other GHGs.
- **Methane (CH_4).** CH_4 is emitted from biogenic sources (i.e., resulting from the activity of living organisms), incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. The GWP of methane is 21.
- **Nitrous Oxide (N_2O).** N_2O produced by human-related sources including agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 310.
- **Hydrofluorocarbons (HFCs).** HFCs are typically used as refrigerants in both stationary refrigeration and mobile air conditioning. The GWPs of HFCs ranges from 140 for HFC-152a to 11,700 for HFC-23.
- **Perfluorocarbons (PFCs).** PFCs are compounds consisting of carbon and fluorine. They are primarily created as a byproduct of aluminum production and semiconductor manufacturing. The GWPs of PFCs range from 5,700 to 11,900.
- **Sulfur Hexafluoride (SF_6)**. SF_6 is a colorless, odorless, nontoxic, nonflammable gas. It is most commonly used as an electrical insulator in high voltage equipment that transmits and distributes electricity. Sulfur hexafluoride has a GWP of 23,900. It is not prevalent in the atmosphere (4 parts per trillion [ppt] in 1990 versus 365 parts per million [ppm] of CO_2).[3]

The primary GHGs of concern relative to the proposed project are CO_2, CH_4, and N_2O. These three GHGs are generally emitted from combustion activities. HFCs are associated with refrigeration and air conditioning and are accounted for in this analysis with respect to motor vehicle air conditioning system leakage. The other GHGs listed above are related to specific industrial uses and are not anticipated to be emitted in measurable or substantial quantities by the proposed project.

State of California Greenhouse Gas Emissions Inventory

The California Air Resources Board (CARB) compiles GHG inventories for the State of California. Based on the 20012 GHG inventory data (i.e., the latest year for which data are available), California emitted 459 million metric tons of CO_2e ($MMTCO_2e$) including emissions resulting from imported electrical power in 2012.[4] Based on the CARB inventory data, California's total statewide GHG emissions rank

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2 All Global Warming Potentials are given as 100-year values. Unless noted otherwise, all Global Warming Potentials were obtained from the Intergovernmental Panel on Climate Change. *Climate Change 1995: The Science of Climate Change – Contribution of Working Group I to the Second Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge (UK): Cambridge University Press, 1996.

3 US Environmental Protection Agency, "High GWP Gases and Climate Change," http://www.epa.gov/highgwp/scientific.html#sf6. n.d.

4 California Air Resources Board, "California Greenhouse Gas 2000-2012 Inventory by Scoping Plan Category - Summary," http://www.arb.ca.gov/cc/inventory/data/data.htm. 2014.

second in the United States (Texas is number one) with emissions of 439 $MMTCO_2e$ excluding emissions related to imported power.[5]

The primary contributors to GHG emissions in California are transportation, electric power production from both in-state and out-of-state sources, manufacturing, agriculture and forestry, and other sources, which include commercial and residential activities. **Table 3.6-1, GHG Emissions in California**, provides a summary of GHG emissions reported in California in 1990 and 2012 separated by categories defined by the United Nations Intergovernmental Panel on Climate Change (IPCC).

Table 3.6-1
GHG Emissions in California

Source Category	1990 ($MMTCO_2e$)	Percent of Total	2012 ($MMTCO_2e$)	Percent of Total
ENERGY	**386.41**	**89.2%**	**381.68**	**83.2%**
Energy Industries	157.33	36.3%	144.72	31.6%
Manufacturing Industries and Construction	24.24	5.6%	19.89	4.3%
Transport	150.02	34.6%	166.56	36.3%
Other (Residential/Commercial/Institutional)	48.19	11.1%	45.25	9.9%
Fugitive Emissions from Fuels	2.31	0.5%	5.26	1.1%
INDUSTRIAL PROCESSES AND PRODUCT USE	**18.34**	**4.2%**	**31.95**	**7.0%**
Mineral Industry	4.85	1.1%	4.69	1.0%
Chemical Industry	2.34	0.5%	0.05	0.0%
Non-Energy Products from Fuels & Solvent Use	2.29	0.5%	1.64	0.4%
Electronics Industry	0.59	0.1%	0.45	0.1%
Substitutes for Ozone Depleting Substances	0.04	0.0%	17.73	3.9%
Other Product Manufacture and Use	3.18	0.7%	0.85	0.2%
Other	5.05	1.2%	6.54	1.4%
AGRICULTURE, FORESTRY, AND OTHER LAND USE	**19.11**	**4.2%**	**34.14**	**7.4%**
Livestock	11.67	2.7%	16.28	3.5%
Aggregate Sources and Non-CO_2 Sources on Land	7.26	1.7%	7.95	1.7%
WASTE	**9.42**	**2.2%**	**9.41**	**2.1%**
Solid Waste Disposal	6.26	1.4%	6.71	1.5%
Wastewater Treatment and Discharge	3.17	0.7%	2.70	0.6%
TOTAL CALIFORNIA EMISSIONS	**433.29**		**458.68**	

Sources:
[1] *California Air Resources Board, "California Greenhouse Gas 1990-2004 Inventory by IPCC Category - Summary," http://www.arb.ca.gov/cc/inventory/archive/archive.htm. 2014.*
[2] *California Air Resources Board, "California Greenhouse Gas 2000-2012 Inventory by IPCC Category - Summary," http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_by_ipcc_00-12_sum_2014-03-24.pdf. 2014.*

5 California Air Resources Board, "California Greenhouse Gas 2000-2012 Inventory by Scoping Plan Category - Summary," http://www.arb.ca.gov/cc/inventory/data/data.htm. 2014.

Between 1990 and 2010, the population of California grew by approximately 7.5 million (from 29.8 to 37.3 million).[6] This represents an increase of approximately 25 percent from 1990 population levels. In addition, the California economy, measured as gross state product, grew from $773 billion in 1990 to $1.85 trillion in 2009 representing an increase of approximately 139 percent (over twice the 1990 gross state product).[7] Despite the population and economic growth, California's net GHG emissions only grew by approximately 6 percent.

Effects of Global Climate Change

The overall effect of global climate change has been a rise in the average global (land and ocean surface combined) temperature of 0.85 degree Celsius (°C) between 1880 and 2012.[8] Climate change modeling shows that further warming is likely to occur, which would induce further changes in the global climate system during the current century.[9] Changes to the global climate system and ecosystems and to California could include:

- Declining sea ice and mountain snowpack levels, thereby increasing sea levels and sea surface evaporation rates with a corresponding increase in tropospheric water vapor due to the atmosphere's ability to hold more water vapor at higher temperatures;[10]

- Rising average global sea levels primarily due to thermal expansion and the melting of glaciers, ice caps, and the Greenland and Antarctic ice sheets (model-based projections of global average sea level rise at the end of the 21st century (2090–2099) range from 0.26 meter to 0.98 meter or 0.85 foot to 3.21 feet);[11]

- Changing weather patterns, including changes to precipitation, ocean salinity, and wind patterns; and more energetic aspects of extreme weather including droughts, heavy precipitation, heat waves, extreme cold, and the intensity of tropical cyclones;[12]

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6 US Census Bureau, http://www.census.gov/prod/www/decennial.html /. 2009; California Department of Finance, "E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2010, with 2000 Benchmark," http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2001-10/. 2010.

7 California Department of Finance, "Financial & Economic Data: Gross Domestic Product, California," http://www.dof.ca.gov/HTML/FS_DATA/LatestEconData/FS_Misc.htm. 2012. Amounts are based on current dollars as of the data of the report (July 2011).

8 Intergovernmental Panel on Climate Change, "Climate Change 2013: The Physical Science Basis, Summary for Policymakers,"

9 IPCC, "Climate Change 2013: The Physical Science Basis, Summary for Policymakers," 2013.

10 IPCC, "Climate Change 2007: The Physical Science Basis, Summary for Policymakers," (2007).

11 IPCC, "Climate Change 2013: The Physical Science Basis, Summary for Policymakers," (2013).

12 IPCC, "Climate Change 2007: The Physical Science Basis, Summary for Policymakers," (2007).

- Sierra snowpack levels declining a further 25 to 40 percent from their mid-20th century average by 2050;[13]
- Increasing the number of days conducive to ozone formation by 25 to 85 percent (depending on the future temperature scenario) in high ozone areas located in the Southern California area and the San Joaquin Valley by the end of the 21st century;[14]
- Increasing the potential for erosion of California's coastlines and sea water intrusion into the Sacramento and San Joaquin Delta and associated levee systems due to the rise in sea level;[15]
- Increasing pest infestation making California more susceptible to forest fires;[16]
- Increasing the demand for electricity due to rising temperatures, coupled with an accompanying loss of transmission efficiency and hydropower generation capacity;[17] and
- Warming projections of 2 to 5 °F by 2050 and 4 to 9 °F by 2100.

In 2009, the California Natural Resources Agency (CNRA) published the *California Climate Adaptation Strategy*[18] as a response to the Governor's Executive Order S-13-2008. The CNRA report lists specific recommendations for state and local agencies to best adapt to the anticipated risks posed by a changing climate. In accordance with the *California Climate Adaptation Strategy*, the California Energy Commission (CEC) was directed to develop a website on climate change scenarios and impacts that would beneficial for local decision makers.[19] The website, known as Cal-Adapt, became operational in 2011.[20] According to the Cal-Adapt website, the project region could result in an average increase in temperature of approximately 5 to 10 percent (about 3.5 to 6.1 degrees Fahrenheit [°F]) by 2070–2090, compared to the baseline 1961-1990 period. According to the Cal-Adapt website, these numbers represent a projection of potential future climate scenarios. The data are comprised of the average values from a variety of scenarios and models and is meant to illustrate how the climate may change based on a variety of different potential social and economic factors.

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13 California Environmental Protection Agency, Climate Action Team, *Climate Action Team Report to Governor Schwarzenegger and the Legislature*, (2006).

14 California EPA, Climate Action Team, *Climate Action Team Report to Governor Schwarzenegger*, (2006).

15 California EPA, Climate Action Team, *Climate Action Team Report to Governor Schwarzenegger*, (2006).

16 California EPA, Climate Action Team, *Climate Action Team Report to Governor Schwarzenegger*, (2006).

17 California EPA, Climate Action Team, *Climate Action Team Report to Governor Schwarzenegger*, (2006).

18 California Natural Resources Agency, Climate Action Team, *2009 California Climate Adaptation Strategy: A Report to the Governor of the State of California in Response to Executive Order S-13-2008*, (2009).

19 California Natural Resources Agency, *2009 California Climate Adaptation Strategy*, (2009). 9

20 The Cal-Adapt website address is: http://cal-adapt.org.

REGULATORY FRAMEWORK

Federal

The US Environmental Protection Agency (EPA) adopted a mandatory GHG reporting rule in September 2009. The rule would require suppliers of fossil fuels or entities that emit industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions to submit annual reports to the US EPA beginning in 2011 (covering the 2010 calendar year emission). Vehicle and engine manufacturers began reporting GHG emissions for model year 2011.

On September 15, 2009, the US EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA) issued a joint proposal to establish a national program consisting of new standards for model year 2012 through 2016 light-duty vehicles that will reduce GHG emissions and improve fuel economy. The proposed standards would be phased in and would require passenger cars and light-duty trucks to comply with a declining emissions standard. In 2012, passenger cars and light-duty trucks would have to meet an average emissions standard of 295 grams of CO_2 per mile and 30.1 miles per gallon.[21] By 2016, the vehicles would have to meet an average standard of 250 grams of CO_2 per mile and 35.5 miles per gallon.[22] The final standards were adopted by the US EPA and DOT on April 1, 2010.

On December 7, 2009, the US EPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the Clean Air Act:

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

While these findings do not impose additional requirements on industry or other entities, this action is a prerequisite to finalizing the US EPA's proposed GHG emissions standards for light-duty vehicles, which were jointly proposed by the US EPA and the NHTSA. On April 1, 2010, the US EPA and NHTSA issued final rules requiring that by the 2016 model-year, manufacturers must achieve a combined average

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21 US Environmental Protection Agency, "EPA and NHTSA Propose Historic National Program to Reduce Greenhouse Gases and Improve Fuel Economy for Cars and Trucks," http://epa.gov/otaq/climate /regulations/420f09047a.htm. 2009.

22 US EPA, "EPA and NHTSA Propose Historic Nation Program," 2009.

vehicle emission level of 250 grams CO_2 per mile, which is equivalent to 35.5 miles per gallon as measured by US EPA standards. These agencies are currently in the process of developing more stringent vehicle emissions standards for the 2017-2025 model years. The proposed standard would reduce emissions from all passenger cars, light-duty trucks, and medium-duty passenger vehicles (including SUVs) to an average of 163 grams CO_2 per mile for model year 2025, which is equivalent to 54.5 miles per gallon if the standard were met solely through fuel economy improvements.[23]

State

Title 24

The CEC first adopted the Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce GHG emissions; increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The latest revisions were adopted in 2013 and became effective on July 1, 2014.

Part 11 of the Title 24 Building Standards Code is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to:

> *improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: 1) Planning and design; 2) Energy efficiency; 3) Water efficiency and conservation; 4) Material conservation and resource efficiency; and 5) Environmental air quality.*[24]

The CALGreen Code is not intended to substitute for or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). The CBSC has released the *2013 Green Building Standards Code* on its website.[25] The update to Part 11 of the Title 24 Building Standards Code became effective on January 1, 2014. The updates include clarifications and improvements to the CALGreen Code

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23 US Environmental Protection Agency, "EPA and NHTSA Propose to Extend the National Program to Reduce Greenhouse Gases and Improve Fuel Economy for Cars and Trucks," http://www.epa.gov/oms/climate/regulations.htm. 2011.

24 California Building Standards Commission, 2008 California Green Building Standards Code, (2009) 3.

25 California Building Standards Commission, "CALGreen," http://www.bsc.ca.gov/CALGreen/default.htm. 2010.

requirements. Unless otherwise noted in the regulation, all newly constructed buildings in California are subject to the requirements of the CALGreen Code.

Assembly Bill 1493

In response to the transportation sector's contribution of more than half of California's CO_2 emissions, Assembly Bill 1493 (AB 1493, Pavley) was enacted on July 22, 2002. AB 1493 requires CARB to set GHG emission standards for passenger vehicles, light-duty trucks, and other vehicles whose primary use is noncommercial personal transportation. CARB adopted the standards in September 2004. The new standards would phase in during the 2009 through 2016 model years. When fully phased in, the near-term (2009–2012) standards will result in a reduction of about 22 percent in greenhouse gas emissions compared to the emissions from the 2002 fleet, while the mid-term (2013–2016) standards will result in a reduction of about 30 percent.

Before these regulations could go into effect, the US EPA had to grant California a waiver under the federal Clean Air Act (CAA), which ordinarily preempts state regulation of motor vehicle emission standards. On June 30, 2009, the US EPA formally approved California's waiver request. As previously discussed, in the September 2009, the US EPA and the NHTSA issued a joint proposal to establish a national program consisting of new standards for model year 2012 through 2016 light-duty vehicles that will reduce GHG emissions and improve fuel economy. These standards were formally adopted by the US EPA and DOT on April 1, 2010. In light of the federal US EPA and NHTSA standards, California—and states adopting California emissions standards—agreed to defer to the national standard through model year 2016. The 2016 endpoint of the two standards is similar, although the national standard ramps up slightly more slowly than what was required under the California standard. The Pavley standards require additional reductions in CO_2 emissions beyond 2016 (referred to as Phase II standards). The Phase II standards are currently in development for the 2017-2025 model years. As was done with the Phase I standards, the US EPA and NHTSA have proposed a national standard that all passenger cars, light-duty trucks, and medium-duty passenger vehicles (including SUVs) achieve an average of 163 grams CO_2 per mile for model year 2025, which is equivalent to 54.5 miles per gallon if the standard were met solely through fuel economy improvements.[26]

[26] US Environmental Protection Agency, "EPA and NHTSA Propose to Extend the National Program to Reduce Greenhouse Gases and Improve Fuel Economy for Cars and Trucks," http://www.epa.gov/oms/climate/regulations.htm. 2011.

Executive Order S-3-05 and the Climate Action Team

In June 2005, Governor Schwarzenegger established California's GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals: GHG emissions should be reduced to 2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050. The Secretary of California Environmental Protection Agency (CalEPA) is required to coordinate efforts of various agencies in order to collectively and efficiently reduce GHGs. Some of the agency representatives involved in the GHG reduction plan include the Secretary of the Business, Transportation and Housing Agency, the Secretary of the Department of Food and Agriculture, the Secretary of the Resources Agency, the Chairperson of CARB, the Chairperson of the CEC, and the President of the Public Utilities Commission. Representatives from these agencies comprise the Climate Action Team.

Renewables Portfolio Standard

In 2002, Senate Bill 1078 (SB 1078, Sher) established California's Renewables Portfolio Standard (RPS) which requires investor-owned utilities, such as Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric, to increase energy production from renewable sources 1 percent per year up to a minimum of 20 percent of total energy generation by 2017. SB 107 (Simitian), signed by the Governor on September 26, 2008, accelerated the Renewable Portfolio Standard by requiring investor-owned utilities to meet the 20 percent target by 2010.

On September 15, 2009, the Governor issued Executive Order S-21-0911 requiring CARB, under its AB 32 authority, to adopt regulations to meet a 33 percent RPS target by 2020. The CARB regulations would use a phased-in or tiered requirement to increase the amount of electricity from eligible renewable sources over an eight-year period beginning in 2012. CARB adopted the regulation in September 2010.

In March 2011, the Legislature passed SB X1-2, which was signed into law by the Governor. SB X1-2 requires utilities to procure renewable energy products equal to 33 percent of retail sales by December 31, 2020 and also established interim targets: 20 percent by December 31, 2013 and 25 percent by December 31, 2016. SB X1-2 also includes publicly owned utilities in California. According to the California Public Utilities Commission (CPUC), California's three large investor-owned utilities (IOUs) collectively served 19.6 percent of their 2012 retail electricity sales with renewable power, with Southern California Edison achieving 19.9 percent.[27]

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27 California Public Utilities Commission, "California Renewables Portfolio Standard (RPS)," http://www.cpuc.ca.gov/PUC/energy/Renewables/index.htm. 2014.

Assembly Bill 32

In furtherance of the goals established in Executive Order S-3-05, the Legislature enacted Assembly Bill 32 (AB 32, Nuñez and Pavley), the California Global Warming Solutions Act of 2006, which Governor Schwarzenegger signed on September 27, 2006. AB 32 represents the first enforceable statewide program to limit GHG emissions from all major industries with penalties for noncompliance. AB 32 requires the State to undertake several actions – the major requirements are discussed below:

State of California 1990 Greenhouse Gas Inventory and 2020 Limit

As required under AB 32, on December 6, 2007, CARB approved the 1990 greenhouse gas emissions inventory, thereby establishing the emissions limit for 2020. The 2020 emissions limit was set at 427 $MMTCO_2e$. The inventory revealed that in 1990 transportation, with 35 percent of the state's total emissions, was the largest single sector generating carbon dioxide, followed by industrial emissions, 24 percent; imported electricity, 14 percent; in-state electricity generation, 11 percent; residential use, 7 percent; agriculture, 5 percent; commercial uses, 3 percent; and forestry emissions (excluding sinks) less than 1 percent. These figures represent the 1990 values. AB 32 does not require individual sectors to meet their individual 1990 GHG emissions inventory; the total statewide emissions are required to meet the 1990 threshold by 2020.

AB 32 Climate Change Scoping Plan

As indicated above, AB 32 requires CARB to adopt a scoping plan indicating how reductions in significant GHG sources will be achieved through regulations, market mechanisms, and other actions. CARB released the *Climate Change Scoping Plan* in October 2008, which contained an outline of the proposed State strategies to achieve the 2020 GHG emission limits. The CARB Governing Board approved the *Climate Change Scoping Plan* on December 11, 2008, and a supplement was approved in 2011. The *Climate Change Scoping Plan* indicates how emissions reductions will be achieved from significant sources of GHGs via regulations, market mechanism, and other actions. The *Climate Change Scoping Plan* identifies 18 recommended strategies the state should implement to achieve AB 32. CARB has identified a number of ongoing programs and has adopted regulations for individual measures to reduce GHG emissions in accordance with the *Climate Change Scoping Plan* strategies. Key elements of the *Climate Change Scoping Plan* include the following:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;

- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related greenhouse gas emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing state laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the state's long-term commitment to AB 32 implementation.

Under the *Climate Change Scoping Plan*, approximately 85 percent of the state's emissions are subject to a cap-and-trade program where covered sectors are placed under a declining emissions cap. The emissions cap incorporates a margin of safety whereby the 2020 emissions limit will still be achieved even in the event that uncapped sectors do not fully meet their anticipated emission reductions. Emissions reductions will be achieved through regulatory requirements and the option to reduce emissions further or purchase allowances to cover compliance obligations.

An update to the Scoping Plan is currently under way, with a Draft First Proposed Update released February 10, 2014. The update contains information on progress towards goals to date, defines goals for the next five years, and provides recommendations for meeting both the short-term goals of AB 32 and the long-term goals of S-3-05. New strategies are also proposed, including a recommendation for an intermediate reduction target to be adopted for 2035. The update indicates that California is on track to achieve the reduction target set for 2020, due largely to programs and regulations recently adopted. However, the Cap and Trade program provides a hard cap on emissions that can be adjusted based on projected emissions in order to assure reaching the emissions limit for 2020.

Executive Order S-1-07 (Low Carbon Fuel Standard)

On January 18, 2007, California set a new Low Carbon Fuel Standard (LCFS) for transportation fuels sold within the state. Executive Order S-1-07 sets a declining standard for GHG emissions measured in CO_2-equivalent grams per unit of fuel energy sold in California. The target of the LCFS is to reduce the carbon intensity of California passenger vehicle fuels by at least 10 percent by 2020. The LCFS will apply to refiners, blenders, producers, and importers of transportation fuels and will use market-based mechanisms to allow these providers to choose how they reduce emissions during the "fuel cycle" using the most economically feasible methods. CARB identified the LCSF as an early action item under AB 32 and the final rule became effective January 12, 2010.

Senate Bill 375

SB 375 requires CARB, working in consultation with the metropolitan planning organizations (MPOs), to set regional greenhouse gas reduction targets for the automobile and light truck sector for 2020 and 2035. The target must then be incorporated within that region's Regional Transportation Plan (RTP), which is used for long-term transportation planning, in a Sustainable Communities Strategy (SCS). Certain transportation planning and programming activities would then need to be consistent with the SCS; however, SB 375 expressly provides that the SCS does not regulate the use of land, and further provides that local land use plans and policies (e.g., general plan) are not required to be consistent with either the RTP or SCS.

CARB staff proposed draft per capita reduction targets for the four largest MPOs (Bay Area, Sacramento, Southern California, and San Diego) of 7 to 8 percent for 2020 and reduction targets between 13 to 16 percent for 2035. For the Southern California Association of Governments (SCAG), which is the metropolitan planning organization (MPO) for the region in which the proposed project is located, CARB established a draft target of 8 percent for 2020 and 13 percent for 2035.[28] Of note, the proposed reduction targets explicitly exclude emission reductions expected from the AB 1493 and the low carbon fuel standard regulations. CARB adopted the final targets (the same targets as the proposed draft targets) on September 23, 2010.

In April 2012, SCAG adopted the 2012-2035 RTP/SCS. The RTP/SCS demonstrates GHG reductions that exceed the targets set by CARB by achieving a 9 percent reduction by 2020 and 16 percent reduction by 2035 compared to the 2005 level on a per capita basis. This RTP/SCS also meets criteria pollutant emission budgets set by the US EPA. The reduction in emissions are largely achieved by more sustainable planning, integrating transportation and land use decisions to allow Southern Californians to live closer to where they work and play, and to high-quality transit service.

Local

South Coast Air Quality Management District

In April 2008, the SCAQMD, in order to provide guidance to local lead agencies on determining the significance of GHG emissions identified in California Environmental Quality Act (CEQA) documents, convened a GHG CEQA Significance Threshold Working Group.[29] The goal of the working group is to

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28 California Air Resources Board (CARB), *Staff Report: Proposed Regional Greenhouse Gas Emission Reduction Targets For Automobiles And Light Trucks Pursuant To Senate Bill 375*, (2010).

29 For more information see: http://www.aqmd.gov/ceqa/handbook/GHG/GHG.html.

develop and reach consensus on an acceptable CEQA significance thresholds for GHG emissions that may be utilized on an interim basis until CARB (or some other state agency) develops guidance on assessing the significance of GHG emissions under CEQA.

Initially, SCAQMD staff presented the working group with a significance threshold that could be applied to various types of projects – residential, non-residential, industrial, etc.; however, the threshold is still under development. In December 2008, staff presented the SCAQMD Governing Board with a Draft Guidance Document that included a significance threshold for stationary source projects where it is the lead agency, which the SCAQMD adopted. This threshold uses a tiered approach to determine a project's significance, with 10,000 metric tons of carbon dioxide equivalent ($MTCO_2e$) as a screening numerical threshold. The guidance document also includes a proposal for a single threshold for residential and commercial projects of 3,000 $MTCO_2e$, which was not adopted at the time.

At present time, the SCAQMD has still not adopted thresholds for residential or commercial projects such as the one analyzed in this study. As proposed in 2008, the SCAQMD is considering a tiered approach to determine the significance of residential and commercial projects. However, the most recent draft approach (provided in materials used for a presentation to the Working Group in 2010) is as follows:

- Tier 1: Is the project exempt from further analysis under existing statutory or categorical exemptions? If yes, there is a presumption of less than significant impacts with respect to climate change.
- Tier 2: Is the project's GHG emissions within the GHG budgets in an approved regional plan? (The plan must be consistent with *State CEQA Guidelines* §§15064(h)(3), 15125(d), or 15152(s).) If yes, there is a presumption of less than significant impacts with respect to climate change.
- Tier 3: Is the project's incremental increase in GHG emissions below or mitigated to less than the significance screening level? If yes, there is a presumption of less than significant impacts with respect to climate change.
- Tier 4: Does the project meet one of the following performance standards? If yes, there is a presumption of less than significant impacts with respect to climate change.
  - Option #1: Achieve some percentage reduction in GHG emissions from a base case scenario, including land use sector reductions from AB 32 (e.g., 29 percent reduction as recommended by the San Joaquin Valley Air Pollution Control District).
  - Option #2: For individual projects, achieve a project-level efficiency target of 4.8 $MTCO_2e$ per service population by 2020 or a target of 3.0 $MTCO_2e$ per service population by 2035. For plans, achieve a plan-level efficiency target of 6.6 MTCO2e per service population by 2020 or a target of 4.1 $MTCO_2e$ per service population by 2035.
- Tier 5: Projects should obtain GHG emission offsets to reduce significant impacts. Offsets in combination with any mitigation measures should achieve the target thresholds for any of the above Tiers. Otherwise, project impacts would remain significant.

For Tier 3, above, the SCAQMD proposes that lead agencies choose between two options: Option #1 provides screening levels of 3,500 $MTCO_2e$ for residential projects, 1,400 $MTCO_2e$ for commercial projects and 3,000 $MTCO_2e$ for mixed-use; whereas Option #2 is a single threshold of 3,000 $MTCO_2e$ for all land use types. The SCAQMD has not announced when staff is expecting to present a finalized version of these thresholds to the Governing Board. The SCAQMD has also adopted Rules 2700, 2701, and 2702 that establishes a GHG reduction program within the SCAQMD; however, GHG emission reduction protocols pursuant to these rules have only been established for boilers and process heaters, forestry, and manure management reduction projects.

City of Malibu

The City of Malibu General Plan identifies goals and policies relating to the improving the safety and health of the community. The current General Plan does not specifically address emissions of GHGs; however, the City supports the SCAQMD's mission to protect public health and welfare from the adverse effects of air pollution. The City has also adopted a number of ordinances and programs to reduce energy consumption and reduce water usage and waste generation. These are summarized as follows:

- Chapter 15.24 of the Malibu Municipal Code incorporates by reference the CALGreen Code. The Municipal Code also amends the CALGreen code to require that irrigation controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plant needs as weather conditions change, and that weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

- Chapter 15.18 of the Malibu Municipal Code provides local energy efficiency standards for residential and non-residential new construction and substantial remodels. The Code requires that non-residential construction exceed the current energy standards using the Title 24 performance approach by 15.0 percent.

- Chapter 9.22 of the Malibu Municipal Code adopts Landscape Water Conservation Standards, which contains design standards for landscaping and irrigation systems.

- The City has implemented a Construction and Demolition (C&D) debris-recycling program that requires that projects recycle or reuse 50 percent of the waste generated. Its purpose is to increase the diversion of C&D debris from disposal facilities (landfills) and will assist the City in meeting the state's 50 percent waste reduction mandate (AB 939).

Project Design Features

Several sustainable design features are included in the proposed project's design to decrease the project's energy consumption. Landscape features include green walls and mature trees to provide shade and reduce the heat island effect and the need for air conditioning. Bicycle parking, electrical vehicle charging stations, and walkways would reduce energy usage and air pollution from vehicle trips. High efficiency systems including filtration, air conditioning would be installed, and ENERGY STAR windows and appliances. Lighting features would include LED lighting where applicable, daylight sensor controls, lighting occupancy sensors, and bi-level[30] lighting controls in parking areas.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to greenhouse gas emissions 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 greenhouse gas emissions are considered significant if the proposed project would:

- generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The *State CEQA Guidelines* Section 15064.7 provides the significance criteria established by the applicable air quality management district or air pollution control district, when available, may be relied upon to make determinations of significance. The SCAQMD Working Group has released draft recommendations for screening levels of GHG emissions. If a project exceeds these screening thresholds, the Working Group's draft documents recommend that projects reduce their emissions via project design features and mitigation measures. Projects may optionally demonstrate GHG reductions from a base case scenario, which includes any applicable land use sector reductions from AB 32. While SCAQMD has not formally adopted these thresholds, the Working Group draft recommendations represent the best available information with which to evaluate the significance of the proposed project's GHG emissions.

30 Bi-level control allows for switch lighting between a high and low setting rather than simply on or off.

Methodology

The proposed project is evaluated in this EIR for potential impacts related to GHG emissions and climate change, utilizing approved emissions models and guidelines as tools to create the analytical basis for the assessment. The Office of Planning and Research (OPR), in its Climate Change Technical Advisory recommended that GHG emissions from project-related traffic, energy consumption, water usage, and construction activities, should be identified and estimated, to the extent that data is available to calculate such emissions. In addition, CARB believes that indirect energy usage provides a more complete picture of the emissions footprint of a facility. According to CARB:

> *As facilities consider changes that would affect their emissions – addition of a cogeneration unit to boost overall efficiency even as it increases direct emissions, for example – the relative impact on total (direct plus indirect) emissions by the facility should be monitored. Annually reported indirect energy usage also aids the conservation awareness of the facility.*

For these reasons, CARB has proposed requiring the calculation of direct and indirect GHG emissions as part of the AB 32 reporting requirements, and this analysis does so.

Emissions modeling were conducted using the California Emissions Estimator Model (CalEEMod) and information provided in the CalEEMod *User's Guide*.[31] CalEEMod is a program that calculates air pollutant emissions from land use sources and incorporates the CARB on-road and off-road vehicle emissions models. Site-specific or project-specific data were used in the CalEEMod model where available. Construction of the proposed project would be completed over a period of 16 to 18 months, with full occupancy targeted for 2018. Default assumptions included in CalEEMod were used for the construction fleet makeup and equipment list. The proposed project would not include substantial stationary sources of GHG emissions. Mobile source GHG emissions from vehicles traveling to and from the proposed project would generate the bulk of the operational emissions. The mobile source emissions are based on the trip rates provided in the traffic report for the proposed project. Additional sources were consulted for this analysis as referenced. Emission calculations conducted for the proposed project are contained in **Appendix 3.2**.

[31] South Coast Air Quality Management District, *California Emissions Estimator Model User's Guide*, (2013). The model and User's Guide may be downloaded from the following website: http://www.caleemod.com.

Impact Analysis

Threshold 3.6-1 **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

The proposed project would develop a regional shopping center consisting of five separate buildings totaling approximately 38,400 square feet. The center would be anchored by a Whole Foods market, and would also provide a variety and goods and services including restaurant space.

Construction Emissions

The proposed project would result in short-term emissions of GHGs during construction—that is, the emissions would occur only during active construction and would cease after the proposed project was built.

The construction activities associated with the buildout of the proposed project would include the use of heavy-duty construction equipment. The vast majority of construction equipment (e.g., backhoes, cranes, rubber-tired loaders, scrapers, and haul trucks) rely on fossil fuels, primarily diesel, as an energy source. The combustion of fossil fuels in construction equipment results in GHG emissions of CO_2 and much smaller amounts of CH_4 and N_2O. Emissions of GHG would also result from the combustion of fossil fuels from haul trucks and vendor trucks delivering materials, and construction worker vehicles commuting, to and from the project site. Typically, light-duty and medium-duty automobiles and trucks would be used for worker trips and heavy-duty trucks would be used from vendor trips. The vast majority of motor vehicles used for worker trips rely on gasoline as an energy source while motor vehicles used for vendor trips rely on diesel as an energy source. The combustion of gasoline and diesel in motor vehicles results in GHG emissions of CO_2 and smaller amounts of CH_4 and N_2O. The other primary GHGs (hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) are typically associated with specific industrial sources and would not be emitted by the proposed project. The emissions of CO_2 were estimated using the CalEEMod model.

Construction activity was modeled based on the construction schedule provided by the project applicant, and equipment types and activity levels provided as default values in CalEEMod. **Table 3.6-2, Estimated Construction Greenhouse Gas Emissions**, lists the estimated GHG emissions associated with construction of the proposed project. The SCAQMD recommends annualizing construction-related GHG emissions over a project's lifetime, defined as a 30-year period, in order to include these emissions as part of the annual total operational emissions. Therefore, construction-related GHG emissions have been annualized over this period and included in the annual operational emissions discussed below.

Table 3.6-2
Estimated Construction Greenhouse Gas Emissions

GHG Emissions Source	Emissions (Metric Tons CO_2e/year)
One-Time Emissions:	
Construction Year 2016	117
Construction Year 2017	368
One-Time Total GHG Emissions	**484**
Annualized over Project Lifetime	**16**

Source: Impact Sciences, Inc. (2015). Emission calculations are provided in ***Appendix 3.2****.*
Totals in table may not appear to add exactly due to rounding.

Operational Emissions

It is anticipated the proposed project would be operational by 2018. Once operational, the proposed project would result in GHG emissions, primarily CO_2, CH_4, and N_2O, as a result of fuel combustion from building heating systems and motor vehicles. Building and motor vehicle air conditioning systems may use HFCs (and hydrochlorofluorocarbons [HCFCs] and CFCs to the extent that they have not been completely phased out at later dates); however, these emissions are not quantified since they would only occur through accidental leaks. It is not possible to estimate the frequency or volume of accidental leaks without speculation, and accidental leaks are generally not considered a part of operation of a proposed project. Additionally the SCAQMD does not include refrigerant leaks in sources to be assessed with regards to CEQA significance thresholds. Energy use associated with refrigeration is accounted for within the total energy use of the project. It should also be noted that CARB has drafted a proposed "Regulation for Management of High Global Warming Potential Refrigerants" that would reduce emissions of these refrigerants from stationary refrigeration and air conditioning systems by requiring persons subject to the rule to reclaim, recover, or recycle refrigerant and to properly repair or replace faulty refrigeration and air conditioning equipment.[32] Lastly, one of the project design features is the inclusion of CFC- and HCFC-free air conditioning systems, which would reduce potential leaks.

Direct emissions of CO_2 emitted from operation of the proposed project include area source emissions (from natural gas consumption) and mobile source emissions. Area source emissions were calculated using CalEEMod using default assumptions for a regional shopping center, which includes the types of land uses proposed for the project. Mobile source emissions were calculated using CalEEMod, based on

32 California Air Resources Board, "Stationary Equipment Refrigerant Management Program," http://www.arb.ca.gov/cc/reftrack/reftrack.htm. 2009. This regulation is an early action measure under AB 32.

the traffic study prepared for the project and the Institute of Transportation and Engineering 8th Edition trip generation rates.[33]

The proposed project would also result in indirect GHG emissions due to the electricity demand. The emission factor for CO_2 due to electrical demand from Southern California Edison, the electrical utility serving the proposed project, was selected in the CalEEMod model. The emission factor takes into account the current mix of energy sources used to generate electricity and the relative carbon intensities of these sources. Electricity consumption was based on default data found in CalEEMod.

In addition to electrical demand, the proposed project would also result in indirect GHG emissions due to water consumption, wastewater treatment, and solid waste generation. GHG emissions from water consumption are due to the electricity needed to convey, treat, and distribute water. The default CalEEMod assumptions were used for GHG emissions from water consumption, wastewater production, and solid waste generation.

A summary of the operational emissions of the proposed project is provided below in **Table 3.6-3, Estimated Operational GHG Emissions**. Detailed emission calculations are provided in **Appendix 3.2**. The estimates represent emissions under "business as usual" conditions – that is, GHG emissions that would occur as a result of development of the proposed project without the reductions from policies, strategies, and mitigation measures from AB 32, other GHG reduction plans or regulations, or the requirements of the Los Angeles County Green Building Program and the Malibu Municipal Code with which the proposed project would comply.

As shown in **Table 3.6-3**, the estimated emissions from the proposed project would not exceed the applicable threshold. Therefore, the proposed project's impact would be considered less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

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33 Institute of Transportation and Engineering, *ITE Trip Generation Rates – 8th Edition*, 2008. Note that the ITE rates are built into CalEEMod.

Table 3.6-3
Estimated Operational GHG Emissions

Source	GHG Emissions (Metric Tons CO_2e/year)
Energy	168
Mobile Sources	1,455
Area	0
Waste	18
Water	19
Amortized Construction	16
Total GHG Emissions	**1,677**
SCAQMD Threshold	**3,000**
Exceeds Threshold?	**NO**

*Source: Impact Sciences, Inc. (2015). Emission calculations are provided in **Appendix 3.2**.*
Note: Totals in table may not appear to add exactly due to rounding.

Threshold 3.6-2 **Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.**

Neither the County of Los Angeles nor the City of Malibu has adopted plans, policies, or regulations that contain more specific requirements with respect to GHG emissions. Therefore, the applicable plan for reducing GHG emissions is AB 32. The draft significance thresholds proposed by the SCAQMD are specifically designed to allow attainment of AB 32 goals within the jurisdiction of the SCAQMD. Therefore if emissions from a proposed project are below these thresholds, the project would not conflict with the requirements of AB 32. As shown in **Table 3.6-3**, the proposed project's GHG emissions would be below the SCAQMD significance threshold. The proposed project would also comply with the requirements of the Los Angeles County Green Building Program, which include energy efficiency above the requirements of Title 24, recycling or reuse of construction materials, drought tolerant landscaping, smart irrigation, and tree planting. Similarly, the proposed project would meet the requirements of the Malibu Municipal Code described above. Therefore the project would be less than significant with respect to this criterion.

In addition, the proposed project includes a large number of sustainable design features that exceed the requirements of both County and Municipal requirements which would further reduce the carbon footprint of the proposed development. These features include:

Site

- Planting: Low water use and Santa Monica Mountains native plants comprise a majority of the plants in the landscape plan. Native plants would increase the habitat area and biodiversity of the site.
- Irrigation: The irrigation system would utilize subsurface equipment and weather based sensors to determine the amount of watering needed to support the plantings and provide the water in the most efficient manner available.
- Use of Local Materials: to the extent possible materials including plants, soil amendments, natural stone, and irrigation equipment would be locally fabricated and sourced.
- Heat Island Reduction: The shade provided by trees in paved areas would reduce ambient temperatures and the need for air conditioning in adjacent buildings.
- Provide areas for the depositing, storage, and collection of materials for recycling.
- Reduce heat island effect with roof solar reflectance.
- Storm Water Quality/Quantity: Where feasible, storm water runoff would be filtered and cleansed through bio swales. Rainwater taken up by plants would be naturally transpired back into the atmosphere reducing the need for drainage infrastructure.
- Vehicle Trip Reduction: The creation of comfortable and interesting walkways would encourage walking in the Civic Center area and reduce energy use and air pollution from vehicle trips.
- Provide bike racks for minimum 5 percent of motorized parking capacity.
- Provide electric vehicle charging stations. Eight percent of total spaces would be designated for low emitting, fuel efficient, and carpool/van pool vehicles.

Energy efficiency and indoor environmental quality

- High efficiency AC equipment.
- High efficiency HVAC systems such as variable refrigerant flow.
- CFC and HCFC free AC equipment.
- Economizer on AC equipment.
- Energy recovery/enthalpy wheel.
- High efficiency electric motor.
- Effective ventilation system and proper air circulation.
- Hot water solar heating, where possible.

- Use exposed concrete as finished floor where possible.
- Install demonstrated long-term durability.
- ENERGY STAR appliances.
- ENERGY STAR windows.
- Efficient insulation for envelope, ducts, and piping.
- High efficiency filtration.
- Provide for future installation of renewable energy systems.
- Passive solar design.
- Use building materials with recycled content to extent possible.
- Use rapidly renewable materials.
- Provide narrow floor plates to enable natural ventilation.
- Introduce daylight to indoor spaces and reduce artificial lighting.
- Provide shading on south and west facing windows.
- Provide ceiling fans.

Electrical/Lighting

- Metering of loads
- LED signs/lighting where possible
- Occupancy sensors for lighting, where appropriate
- Daylight/photo sensor controls
- Parking lot –bi-level lighting controls

Water Efficiency

- Ultra low flow dual flush water closets.
- Waterless or low-flow urinals.
- Lavatories/sinks with metering faucets.
- Use tankless water heaters

- Pre-plumb and provide conduit for solar water heating

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

Global climate change is by definition a cumulative impact as GHG emissions do not have a localized impact; they impact the global climate as a whole. The analysis presented in the section provides an adequate analysis of the proposed project's cumulative impact related to GHG emissions. No further analysis is required.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.7 HAZARDS AND HAZARDOUS MATERIALS

INTRODUCTION

This section addresses hazards associated with the proposed project that may potentially affect public health and safety or degrade the environment. This section summarizes the findings of a Phase I Environmental Site Assessment (ESA) prepared by The Reynolds Group in January 2012. This report is incorporated herein by this reference, and contained within **Appendix 3.7** of this Draft EIR.

ENVIRONMENTAL SETTING

Hazardous Materials Definition

This Draft EIR uses the definition given in Section 25501(o) of the California Health and Safety Code, which defines a "hazardous material" as:

> *Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous Materials" include, but are not limited to, hazardous substances, hazardous wastes, and any materials which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.*

"Hazardous waste" is any hazardous material that is abandoned, discarded, or recycled, as defined by Sections 25117 and 25124 of the California Health and Safety Code. In addition, hazardous waste may occasionally be generated by actions that change the composition of previously nonhazardous materials. The criteria used to characterize a material as hazardous include ignitability, toxicity, corrosivity, reactivity, radioactivity, or bioactivity.

Project Site and Existing Uses

The project site is an irregularly shaped, nearly flat parcel of approximately 5.88 acres in the Civic Center Area of the City of Malibu. The project site is located at the northwest corner of the intersection of Civic Center Way and Cross Creek Road. 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. According to historic research undertaken and documented in the Phase I ESA, 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. No known septic systems exist on the project site.

Additional uses near the project site include a GTE/Verizon Wireless maintenance facility, with a building and a surface parking lot, located immediately adjacent to the northeast corner of the project site (3705 Cross Creek Road). Located further to the north along Cross Creek Road is the neighborhood known as "Serra Retreat" (also sometimes called "Serra Canyon"). This area includes a community of 96 single-family residential properties and the Serra Retreat, a Catholic Retreat and Conference Center. Residents belong to the Serra Canyon Property Owners Association, which was formed to maintain the privately-owned portion of Cross Creek Road which serves the canyon community. Entry to the community is controlled by two guard-gated drives, one off PCH and the other on Cross Creek Road. Immediately to the west is the currently undeveloped parcel for the approved La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Los Angeles County Public Library – Malibu Branch, and the Los Angeles County Superior Court West District office (which is now closed), is located immediately to the west of the La Paz project site. The Santa Monica Community College District (as the Lead Agency) is currently preparing an EIR for the demolition of the former Los Angeles County Sheriff's Station, also on the complex site, which was decommissioned in the early 1990s, and the construction of a new, two-story, above-grade, approximately 27,500-square-foot educational facility, including an approximately 5,700-square-foot Sheriff's substation and an Emergency Operations and Planning Center on the ground floor to serve the Malibu community. The City's 26-acre Legacy Park, a passive community park, which includes an element of the City's storm water treatment system, is located southwest of the project site, across Civic Center Way.

The Pacific Ocean is located 0.5 mile south of the site, lower Malibu Creek is 0.5 mile to the south and east and the base of the Santa Monica Mountains foothills are located 0.5 mile to the north across Malibu Canyon Road. Refer to **Figures 2.0-1, Project Vicinity, 2.0-2, Project Boundary,** and **2.0-3, Project Site**.

Primary access to the project site is provided from Civic Center Way via Pacific Coast Highway (PCH). Both streets are generally posted with speed limits of or operating at speeds of 40 to 55 miles per hour. PCH's travel lanes are bordered by wide paved shoulders. No sidewalks or formal bike paths exist along this segment of PCH. Civic Center Way runs along the southern boundary of the project site and is two-lanes in front of the project site. Cross Creek Road is two lanes with a dirt shoulder along the eastern boundary of the project site.

Following construction of the proposed project, vehicles would access the project site via two driveways: one driveway is planned on Civic Center Way near the west end of the project site opposite the Country Mart Shopping Center driveway and one driveway is planned on Cross Creek Road near the north end of

the project site. According to the City of Malibu's SEMS/NIMS Emergency Operations Plan 2012 (EOP) the project site is not located along any of the City's designated emergency evacuation routes.[1]

Sensitive receptors are identified as those individuals with fragile or immature immune systems who may have a special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the chronically ill, and children. While the location of all sensitive receptors cannot be determined, typically those buildings and facilities, i.e., schools, daycare centers, hospitals, and nursing homes that house these individuals, are used to define their potential location. Surrounding uses that would be considered sensitive receptors with respect to hazardous material exposure include the single-family residential uses located immediately to the north along Cross Creek Road, Webster Elementary School located approximately 0.8 mile northwest of the project site, the Gan Malibu Preschool located approximately 0.8 mile east of the project site and Malibu Presbyterian Church Preschool located approximately 1.2 miles northwest of the project site. There are some medical offices located in the commercial buildings to the south of the project site, however, they are not hospital or long term care facilities and as such are not considered sensitive receptors. It should be noted that Colin McEwen High School, formerly located in these buildings, is no longer in operation.[2]

Environmental Site Assessment

Site visits to perform a Phase I Environmental Site Assessment (Phase I ESA) were conducted on October 20, 2011 and December 8, 2011 by the Reynolds Group. The purpose of the Phase I ESA was to determine evidence of issues of environmental concern, consistent with the American Society for Testing Materials (ASTM) Standard E1527-05 (the current standard is E1527-13) and the US Environmental Protection Agency (US EPA) Region 9 Standard 40 CFR Part 312 for All Appropriate Inquiries (AAIs).[3]

At the time of the site visits, the project site consisted of areas of asphalt paving, bare soil, gravel, and vegetation mainly comprised of highly disturbed, non-native grassland; a cluster of mature trees is in the northwest corner of the site. A silo-type container formerly used to store grain was observed atop a small concrete pad near the existing trees; no odors or staining on or around the container were noted during the inspection. The area of the project site formerly used as the skateboard park along the east side, off Cross Creek Road, is paved with asphalt (approximately 6,000 square feet). A dirt and gravel road

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1 City of Malibu SEMS/NIMS Emergency Operations Plan 2012, website: https://www.malibucity.org/DocumentCenter/View/68, accessed March 17, 2014.

2 A search for the California Secretary of State, Business Entity Detail indicates that their status as a California Corporation has been suspended. Website: http://kepler.sos.ca.gov/, accessed March 18, 2014.

3 The new standard (E1527-13) does not change any thresholds; rather it simplifies definitions and mandates agency file review of vapor migration. This information was provided by The Reynolds Group on January 7, 2015.

running north-south along the west side of the project site is accessed from a gateway on Civic Center Way and extends north to the former skateboard park area. Chain-link fencing surrounds the majority of the project site. Refer to **Figure 3.7-1, Property Plot Plan.**

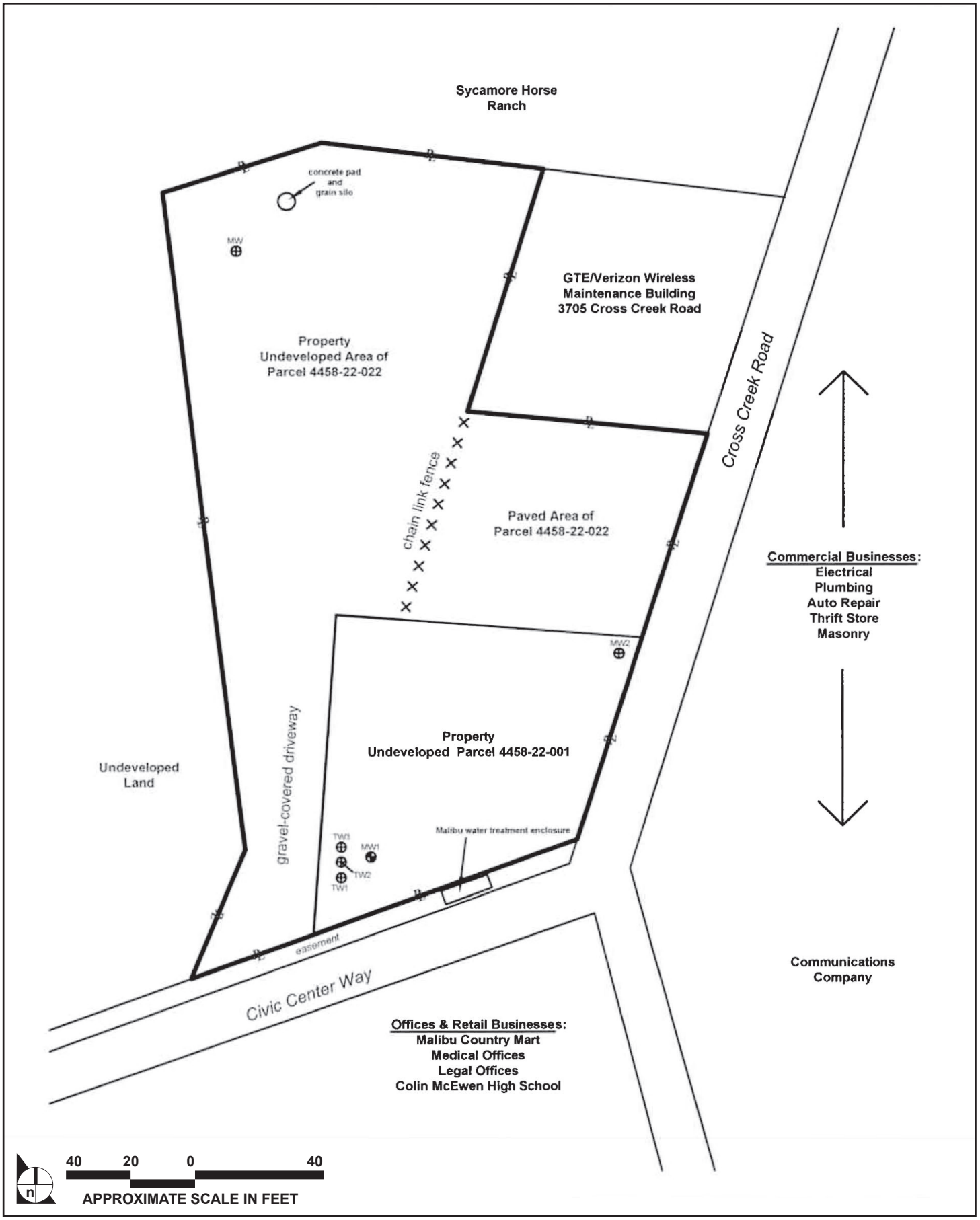
No evidence of underground storage tanks (USTs) was detected during the inspection. According to historic records, one 500-gallon gasoline underground storage tank (UST) formerly existed near the northwest comer of the project site. The tank was removed in 1997, no gasoline constituents were detected in soil samples collected during the removal, and the case has been issued regulatory closure with the Los Angeles County Department of Public Works (LADPW). As such, the former 500-gallon UST is not an issue of environmental concern.

As shown on **Figure 3.7-1, Property Plot Plan**, six former groundwater monitoring wells are scattered across the site. Well numbers MW1, MW2, and MW3 were the result of borings originally performed by Van Beveren & Butelo as part of their subsurface investigations in August 2007; their report states that following their investigations, boring sites 1, 2, and 4 were converted into groundwater monitoring wells.[4] An additional report, prepared by Van Beveren & Butelo calls out the locations of well numbers TW1, TW2, and TW3.[5] Laboratory tests conducted showed volatile organic compounds (VOCs) below laboratory detection limits in a groundwater samples collected from the wells on April 25, 2008, and metals concentrations, where present, were within normal background ranges. While the wells identified on the project site are considered a recognized environmental condition (REC) as defined by ASTM Standard E1527-05 and ASTM Standard E1527-13, no other research performed during the Phase I ESA suggested that groundwater beneath the project site is impacted. As such, the existing wells on the project site are not considered issues of environmental concern.

- No evidence of environmentally hazardous leaks, spills, or dumping was observed on the project site during the inspection.
- No electrical transformers were observed on the project site.
- No pungent or noxious air emissions were noted during the inspection.
- No ponds, other standing water, or wetlands were observed on the project site during the inspection.
- Other than the groundwater monitoring wells, no RECs were observed on the project site during the inspection.

4 Van Beveren & Butelo, Inc., *Report of Geotechnical Investigation, Proposed Papa Jack's Town Center*, August 7, 2007.

5 Van Beveren & Butelo, Inc., *Report of Hydrogeologic Investigation, Proposed Papa Jack's Town Center*, June 4, 2008.



SOURCE: The Reynolds Group, 2011

FIGURE **3.7-1**

Property Plot Plan

The inspection also included a visual assessment of the adjacent properties; no issues of environmental concern were noted as viewed from public right-of-ways.

Database Searches

The project site lies between a mixed commercial and residential area of the City of Malibu. An historical environmental database search in compliance with ASTM Standard EI527-00 and ASTM Standard is E1527-13 was conducted encompassing the project site and up to a 1 mile radius from the project site. The project site does not appear in any of the databases. A few cases of potential environmental concern were identified in the area within various databases. However, none of these cases are issues of actual environmental concern to the project site for reasons detailed in the Phase 1 ESA, including distance from the project site, regulatory closure, and down-gradient or cross-gradient locations.

Wildland Fire Hazard Potential

The Santa Monica Mountains are considered particularly susceptible to wildfires due to several factors including; climate patterns and weather conditions, fire adaptation of vegetation types, slope steepness, and frequency of fires caused by human activity. The Los Angeles County Fire Department (LACFD) and the California Department of Forestry and Fire Protection (CAL FIRE) both classify the entire City of Malibu as being in a critical fire hazard area, i.e., a Very High Fire Hazard Severity Zone (VHFHSZ). County Fire Code states that no building within a designated VHFHSZ shall be located more than 1,000 feet from a fire hydrant with the distance being measured along a route providing reasonable access.

The LACFD also requires a 300-foot fuel modification buffer around all habitable developments within high fire hazard areas. Fuel modification reduces the radiant and convective heat generated by wildfire, and provides valuable defensible space for firefighters to take an effective stand against an approaching fire front and firebrands (i.e., ember showers). When a wildfire occurs, the primary protection for life, property, and the environment comes from passive protection measures such as defensible space, fire resistive landscaping, and fire-resistive construction. The sum effect of passive protection measures substantially increases the effectiveness of fire suppression activities. Fire suppression generally includes a combined resource attack, which is a coordinated suppression effort including ground assets, aviation assets, passive fire protection measures, and command elements.

The project site lies between a mixed commercial and residential area of the City, i.e., commercial properties are adjacent to the project site to the east, west, and south, while the adjoining property to the north is residential. Residential areas are affected by wildland fire more than any other areas in the City. Houses that are nestled among the heavily vegetated canyons surrounded by a great deal of underbrush are especially vulnerable to fires.

Fire Services

The City is served by the LACFD, as well as CAL FIRE, if needed. There are four LACFD stations that could serve the project site. Their staffing and equipment are detailed in **Table 3.11.1-1, Fire Stations Serving the Project Site,** in **Section 3.11.1, Public Services - Fire Protection.**

Fire protection services for the project site would primarily be provided by Fire Station 88, but if necessary, the project site could be served by any or all of the fire stations listed in **Table 3.11.1-1**. In addition to these stations, in the event of major fires, the County has mutual aid agreements with CAL FIRE and nearby cities and counties throughout the state so that additional personnel and firefighting equipment can augment the LACFD. In the event of a large wildland fire these resources are almost always called upon, since local resources would not be sufficient to battle the blaze.

The City of Malibu's water supply is provided by the Metropolitan Water District of Southern California (MWD). Water infrastructure serving the vicinity of the project site is maintained by the Los Angeles County Department of Public Works, Waterworks District 29. Currently the City receives water through a 30-inch water main running along PCH and smaller water mains beneath Civic Center Way and Cross Creek Road. These mains range in size from 6 inches to 12 inches.

The required water supply for fire suppression varies with the type of development, life hazard, type and level of occupancy, and degree of fire hazard, based on such factors as building age or type of construction. This required water supply is termed the "fire flow" and measures the performance capacity of water lines to supply water with adequate pressure during emergencies. The LACFD fire flow requirements are based on the type of land use, size of structures, number of floors, building materials used, location and the presence of fire sprinklers, among other factors to meet the projected fire flow requirements, the LACFD is requiring that the proposed project install one public fire hydrant and three private fire hydrants on the project site. The required fire flow for the project hydrants is 2,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for up to a 2-hour duration, over and above the maximum daily domestic demand, for the public fire hydrant and 2,500 gpm at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source, for the private fire hydrants.[6]

6 Los Angeles County Fire Department, Water System Requirements, correspondence dated September 14, 2010.

REGULATORY FRAMEWORK

Federal Regulations

A variety of laws and regulations governing the management and control of hazardous substances has been established at the federal level to protect the environment. These regulations fall under the jurisdiction of the US EPA and include the following principal laws:

The Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund") creates national policy and procedures to identify and cleanup sites where hazardous substances have been released into the environment and provides the mechanisms by which these remedial actions are financed. Additionally, the Superfund Amendment and Reauthorization Act (SARA), which extended and amended CERCLA, required that due diligence be exercised in the investigation of past and current handling of hazardous substances prior to property sale.

The Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) was enacted in 1974 as the first step in regulating the potential health and environmental problems associated with solid hazardous and non-hazardous waste disposal.

The Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) enacted in 1976, regulates and controls harmful chemicals and toxic substances in commercial use, in particular PCBs.

The Federal Insecticide, Fungicide, and Rodenticide Act

The Act (as amended) controls the manufacture, use, and disposal of pesticides and herbicides.

The Hazardous and Solid Waste Act

The Hazardous and Solid Waste Act (HSWA) includes the 1984 amendments to RCRA to address gaps in the area of highly toxic wastes.

Title 29 Code of Federal Regulations (CFR), Park 1910

Title 29 contains the Occupational Safety and Health Administration (OSHA) requirements for workers at hazardous waste sites including emergency response, hazard communication, and personal protective equipment.

State Regulations

At the state level, California has developed hazardous waste regulations that are similar to the federal laws, but that are much more stringent in their application. The basic law established in California, similar to RCRA, is the Hazardous Waste Control Law (HWCL). More detailed information concerning the implementation of these requirements is given in Title 22 of California Code of Regulations (CCR), Chapter 230. The HWCL empowers the Department of Toxic Substances Control (DTSC), a division of the California Environmental Protection Agency (CAL EPA - formerly part of the Department of Health Services), to administer the state's hazardous waste program and implement the federal program in California. This law includes UST regulation to prevent groundwater contamination.

Fire and Resource Assessment Program

Government Code 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of very high fire hazard severity zones in local responsibility areas (LRA). Mapping of the areas, referred to as VHFHSZ, is based on data and models of potential fuels over a 30- to 50-year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to buildings.

Other relevant state laws include the following:

- Proposition 65 focuses on carcinogenic or teratogenic contaminants and implements the state's community-right-to-know program.

Local Regulations

Los Angeles County Code

The Los Angeles County Fire Code establishes guidelines and requirements for fuel modification and clearance of brush and vegetative growth. Specifically, Fire Code Section 1117.2.1 requires the submittal of a fuel modification plan, a landscape plan, and an irrigation plan for the area within a proposed project's boundaries designated a VHFHSZ. The plan must be prepared by a registered landscape

architect, landscape designer, landscape contractor, or an individual with expertise acceptable to the forestry division of the fire department prior to any new construction.

The Weed Abatement Division of the Los Angeles County Department of Agricultural Commissioner has been given authority to create defensible space for unimproved properties. In accordance with Los Angeles County Fire Code (Section 317 et seq.), the Agricultural Commissioner may notify all owners of property affected that they must clear all flammable vegetation and other combustible growth or reduce the amount of fuel content for a distance greater than 30 feet, but not to exceed 200 feet.

City of Malibu Fire Code

The City of Malibu has adopted the Los Angeles County Fire Code, contained in Title 32 of the Los Angeles County Code. The City of Malibu Fire Code includes regulations that require the identification of Fire Hazard Severity Zones and regulations for vegetation management and fuel modification. Fire Code Section 1117.2.1 requires that a fuel modification plan, a landscape plan, and an irrigation plan be prepared prior to any subdivision of land or new construction in a VHFHSZ. As described previously in this section, all land in the City is designated a VHFHSZ.

Ordinance No. 299 of the City of Malibu

Ordinance No. 299 of the City of Malibu required the Los Angeles County Fire Chief to designate all land in the City as VHFHSZ, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. Properties in VHFHSZ are subject to more stringent Building Code requirements. In summary, these code provisions address roofing and siding materials, window glazing, exterior doors, the protection of openings and unenclosed underfloor areas, and accessory structures.

City of Malibu General Plan

The safety and health element of the City of Malibu General Plan includes goals and policies intended to minimize risks due to fire hazards. Safety Implementation Measure 4 is intended to "establish programs and guidelines for fire-safe landscaping including buffers comprised of fire resistant vegetation between residential areas and open space areas and encourage use of fire-safe landscaping principles which emphasize plant species with low fuel volumes." Other implementation measures include coordination between the City and LACFD and measures regarding emergency response.

City of Malibu Local Coastal Program Land Use Plan

General policies 4.45 through 4.54 of the City of Malibu Local Coastal Program (LCP) Land Use Plan are intended to minimize risks due to fire hazards. They include siting and design guidelines and requirements for developments adjacent to parkland. This also requires adequate access and water supply for fire protection personnel and specific brush clearance methods. The LCP Land Use Plan also requires submittal of a fuel modification plan prior to approval for any project that requires fuel modification.

City of Malibu LCP Local Implementation Plan

Chapter 9 of the City of Malibu LCP Local Implementation Plan contains provisions intended to ensure that new development minimizes risks to life and property in areas of high geologic, flood, and fire hazard. Development standards, permit and application requirements, and other measures are provided to implement the LCP Local Implementation Plan.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to hazards and hazardous materials are contained in the environmental checklist form contained in Appendix G of the most recent update of the *California Environmental Quality Act (CEQA) Statutes and Guidelines*. Impacts related to hazards and hazardous materials are considered significant if the proposed project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.

- For a project located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including whether wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Impact Analysis

Threshold 3.7.1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Construction

Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of commercial development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, state, and federal regulations governing such activities. For example, the proposed project would be required to implement standard best management practices (BMPs) set forth by the City and the Regional Water Quality Control Board (RWQCB) which would ensure that wastes generated during the construction process are disposed of properly. Refer to **Section 3.8, Hydrology and Water Quality**, for further discussion of BMPs related to potential construction impacts. Therefore, the proposed project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction and impacts would be less than significant.

Operation

The proposed project consists of the development of commercial retail uses (a grocery store, restaurants, and shops) and a related surface parking lot with landscaping. Due to the retail nature of the proposed project, a variety of products would be transported to and exist on-site to be used and offered for sale. Such products would only be considered hazardous if used inappropriately or if exposed to unfavorable conditions. The types of potentially hazardous materials associated with operation of the proposed project include solvents, cleaning products, fertilizers, and pesticides that are packaged and stored for consumer sales. Furthermore, materials would be used for facility upkeep that could be considered

hazardous if used inappropriately. Such materials include cleaning solvents used for janitorial purposes, materials used for landscaping, and materials used for maintenance. Examples of such materials could include but are not limited to cleaning solvents, pesticides and herbicides for landscaping, and painting supplies. However, all potentially hazardous materials transported, stored, offered for sale, or used on-site for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. With compliance with existing local, state, and federal regulations, the transport, storage, and sale of these materials would not pose a significant hazard to the public or the environment. Therefore, project impacts related to this issue would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant

Threshold 3.7.2 **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

As discussed under **Threshold 3.7.1**, compliance with federal, state, and local laws and regulations relating to transport, storage, disposal and sale of hazardous materials would minimize any potential for accidental release or upset of hazardous materials, and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant

Threshold 3.7.3 **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.**

The proposed project is a commercial retail development which will comply with all local, state and federal standards, regulations, and good housekeeping practices; it is not anticipated to emit any hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste during

construction or operation. Further, as previously discussed, there are no existing or proposed schools within 0.25 mile of the project site. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.7.4 **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment.**

As previously discussed, as part of the Phase I ESA, an historical environmental database search in compliance with ASTM Standard EI527-00 and ASTM Standard E1527-13 was conducted encompassing the project site and up to a 1-mile radius from the project site. The project site does not appear in any of the databases. A few cases were identified in the area within various databases. However, none of these cases are issues of environmental concern to the project site for reasons detailed in the Phase I ESA, including distance from the project site, regulatory closure, and down-gradient or cross-gradient locations. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.7.5 **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.**

The nearest airport to the project site is Santa Monica Municipal Airport located approximately 16.2 miles to the southeast. Other airports in the general area include Los Angeles International Airport, located approximately 19.9 miles to the southeast and Bob Hope (Burbank) Airport, located approximately 34.2 miles to the northeast. The project site is not located within 2 miles of a public airport or within the

boundaries of an airport land use plan and would not result in a safety hazard for people residing or working in the project area. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures are required.

Residual Impact

No impact would occur.

Threshold 3.7.6 **For a project located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.**

As discussed above (**Threshold 3.7-5**) the project site is not located within 2 miles of a public airport or within the boundaries of an airport land use plan, nor are there any private airstrips in the vicinity of the project site. Implementations of the proposed project would not result in a safety hazard for people residing or working in the project area due to the proximity of a private airstrip. Therefore, no impact would occur.

Mitigation Measures

No mitigation measures are required.

Residual Impact

No impact would occur.

Threshold 3.7.7 **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

According to the EOP, in the project vicinity Malibu Canyon Road and PCH are the designated disaster routes.[7] Disaster routes function as primary thoroughfares for the movement of emergency response traffic and access to critical facilities. Although the project site is situated in the vicinity of these streets, neither the construction nor the operation of the project would require or result in modifications to any of these roadways that would impact emergency traffic. Construction of the project could temporarily interfere with local and on-site emergency response. Local streets adjacent to the project site would be

7 City of Malibu SEMS/NIMS Emergency Operations Plan 2012, website: https://www.malibucity.org/DocumentCenter/View/68, accessed March 17, 2014.

used for construction traffic; however, construction traffic would conform to all local access standards to allow adequate emergency access. The majority of construction activities for the project would be confined to the site, except for infrastructure improvements, which may require some work in adjacent street rights-of-way. The required use of flag personnel during these periods would minimize traffic obstruction and delays. While the proposed project is anticipated to affect vehicle/capacity ratios and the level of service of roadways in the project vicinity, with proposed mitigation, the proposed project would have less than significant impacts to area traffic both on a project and cumulative level (refer to **Section 3.13, Transportation and Traffic**). Further, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. This impact is not considered significant since emergency response times would not be substantially affected, and given the availability of alternative routes within the street pattern in the area surrounding the project site.

Therefore, construction and operation of the project is not anticipated to significantly impair implementation of, or physically interfere with, any adopted or on-site emergency response or evacuation plans or a local, state, or federal agency's emergency evacuation plan, and the project would have a less than significant impact with respect to these issues.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.7.8 **Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including whether wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.**

As previously acknowledged, the City, and therefore the project site, is located within a VHFHSZ. All project construction would be in compliance with the goals, policies, and implementation measures and codes of the LACFD; the City's General Plan Safety Element; the LCP; the Department of Public Works, Building and Safety Division; and VHFHSZ building codes and requirements. Examples of protective building construction measures include Fuel Modification Zones; development with specific building materials, such as fire-retardant roofing; and the installation of fire sprinkler systems in all five buildings, and the provision of fire-safe landscaping, including the provision of a "living wall" along the northern

property line.[8] The proposed project would comply with all applicable code and regulatory measures, as well as implement **Mitigation Measures 3.11-1-1** through **3.11-1-7** set forth in **Section 3.11.1, Public Services – Fire Protection**. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant following compliance with all applicable measures.

Cumulative Impacts

Development of the proposed project in combination with the related projects has the potential to increase, to some degree, the risks associated with the use and potential accidental release of hazardous materials in the project area, as well as the intensification of use in a VHFHSZ. However, as discussed above, impacts related to hazards, hazardous materials and the intensification of use in a VHFHSZ as a result of the proposed project would be less than significant.

With respect to other sites in the area, the potential presence of hazards or hazardous substances would require evaluation on a case-by-case basis, in conjunction with the development proposals for each of these properties. Further, compliance with all applicable local, state, and federal codes and regulations regarding the transport and/or use of hazardous materials would further reduce impacts associated with the development of the related projects. The proposed project would not contribute to a cumulatively significant impact with respect to hazards, hazardous materials. As a result, cumulative impacts with respect to hazards, hazardous materials would be less than significant.

Increased vehicle traffic generated at buildout of the proposed project and the related projects could adversely affect the operating condition of the local roadway network. Increased cumulative traffic could slow fire response times in a VHFHSZ. Mitigation measures for cumulative traffic impacts are provided in **Section 3.13 Traffic, Circulation, and Parking**, of this EIR. Upon implementation of these measures, no significant impacts on fire protection services would occur when compared with accepted response time criteria. Further, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to

[8] In Germany, fire insurance premiums are lower on buildings with green (living) roofs and walls, which lower fire risk. Horticulture Week, *'Living Walls and Green Roofs - Turning Clients Green'* Gavin McEwan, May 7, 2010, website: http://www.hortweek.com/news/1001319/Living-walls-green-roofs---turning-clients-green/, accessed March 26, 2014.

clear a path of travel or driving in the lanes of opposing traffic. This impact is not considered cumulatively significant since emergency response times would not be substantially affected, and given the availability of alternative routes for emergency vehicles within the street pattern in the Civic Center Area.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.8 HYDROLOGY AND WATER QUALITY

INTRODUCTION

This section describes existing hydrologic conditions on the project site and in its vicinity and analyzes the potential for development of the proposed project to affect water quality, groundwater supplies, groundwater recharge, site drainage, and flooding. All technical studies related to the discussion and analysis in this section are incorporated herein by this reference, and included in **Appendix 3.8.**

ENVIRONMENTAL SETTING

Regional Hydrology

The project site is situated within the Malibu Creek Watershed (a sub-watershed of the larger Malibu Hydrologic Unit), which encompasses approximately 110 square miles. The tributary area to Malibu Creek is approximately 75,000 acres (115 square miles) and drains portions of the Simi Hills and Santa Monica Mountains. Malibu Creek discharges runoff directly into the Pacific Ocean.

Malibu Lagoon lies at the terminus of the Malibu Creek watershed. Malibu Lagoon is a small, brackish estuary of approximately 13 acres (exclusive of adjacent associated land), it is one of only two remaining coastal marshes in Los Angeles County. The estuary provides migratory bird habitat, fish migration, and spawning habitat, and it affects adjoining water-based recreation at Surfrider Beach. The Lagoon typically remains "closed" to ocean influences much of the year by a natural sandbar, except for winter when ocean influences breach the sandbar and Creek flows help maintain the opening. This episodic breech, which occurs as a result of stream flows exceeding ocean influences, has led to greatly fluctuating salinity levels and has disturbed efforts to restore the Lagoon. Surfing and swimming are popular off the beaches in the immediate area and there is considerable concern over contaminated Lagoon water affecting recreational users.[1]

Due to the steep and impervious nature of the Malibu Creek headlands, as well as the very rapid runoff of variable amounts of annual rainfall, there are no dependable local surface water supplies and very limited groundwater supplies within the watershed.[2]

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1 City of Malibu, *Malibu Legacy Park Project, Final Environmental Impact Report, Section 3H, Hydrology and Water Quality*, January 2009.

2 City of Malibu, *Malibu Legacy Park Project, Final Environmental Impact Report, Section 3H, Hydrology and Water Quality*, January 2009.

Local Hydrology

Drainage and Flooding

Drainage on the project site occurs through topographically controlled sheetflow runoff from the north towards the south-southeast portions of the site. No indications of concentrated flows, such as gullies or excessive erosion, have been observed on, or adjacent to, the project site. Cross Creek Road conveys storm flows from the residential development north of the project site. These storm flows enter into existing catch basins at the intersection of Cross Creek Road and Civic Center Way.

The City has been historically susceptible to major storm activity, as are most California coastal communities. Localized flooding occurs along the coast, Malibu Lagoon, and Malibu Creek, as well as within low-lying areas upstream, during peak storm events. One former underlying problem associated with area-wide drainage was that many outfalls into the Malibu Creek were underwater during the course of major storm events. Localized flooding continued until a given storm passed, Creek and Lagoon water levels receded, and consequently the flooded areas were then able to drain to their appropriate outfall. Replacement of the Pacific Coast Highway Bridge over Malibu Lagoon in 1995 raised the bridge profile to allow for an increased volume of stormwater flows to pass under the bridge unimpeded. No upstream flooding has occurred since the bridge was replaced.

As depicted in **Figure 3.8-1**, the project site is located within the Federal Emergency Management Agency's (FEMA) flood designation Zone AO (Depth 2 feet). The FEMA definition for Zone AO is as follows:

> ***Zone AO:*** *Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet: average depths of inundation are shown, but no flood hazard factors are determined.*

Development within the City must comply with the City's Floodplain Management Ordinance, which requires that all structures in Zone AO be elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FEMA Flood Insurance Rate Map (FIRM) by at least 1 foot, or elevated at least 3 feet above the highest adjacent grade if no depth number is specified.[3]

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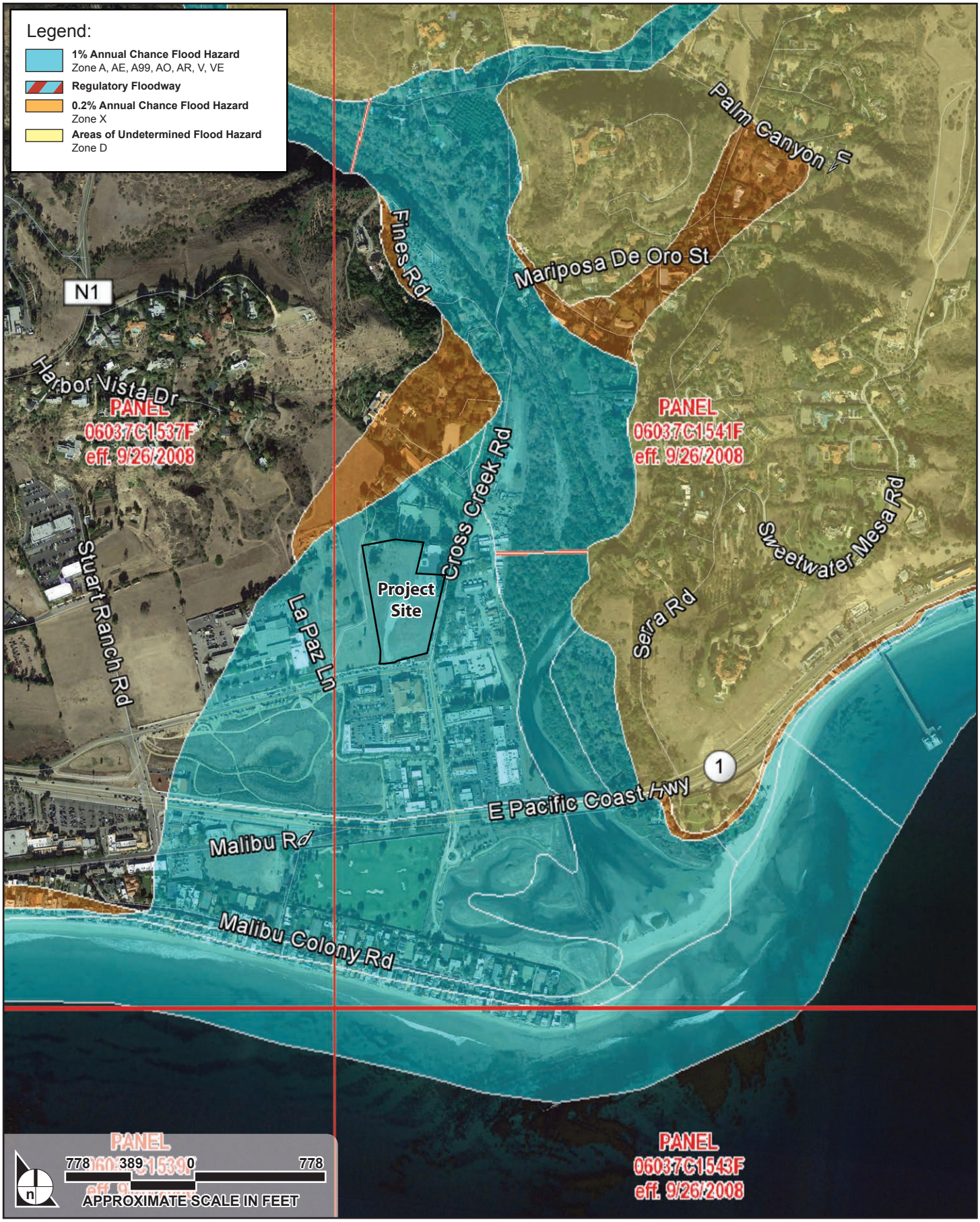
3 City of Malibu Municipal Code, Section 15.20.100, *Floodplain Management Ordinance, Standards of Construction*, website: http://qcode.us/codes/malibu/?cite=15, accessed March 17, 2014.



SOURCE: Federal Emergency Management Agency, 2008

FIGURE **3.8-1**

FEMA Flood Zones

The City contains a varied system of storm drainage facilities that convey stormwater flows from three main storm drain arteries along Malibu Road, Civic Center Way, and Cross Creek Road. The storm drain system that conveys stormwater flows from the project area is composed of two main storm drain arteries along Civic Center Way, and Cross Creek Road. The storm drain system for Cross Creek and Civic Center drains storm water into Legacy Park for pre-treatment and then on to the Civic Center Stormwater Treatment Facility to be screened and treated by ozone. The treated storm water is then returned back to Legacy Park for irrigation water. Numerous smaller pipe laterals tie into this larger drainage system at intermittent locations throughout the vicinity of the project site.

Earlier studies estimated that dry-weather runoff from the project area watershed is approximately 7,000 gallons per day (gpd) based on regional flow measurements and project area land use data.[4] Dry-weather and stormwater runoff is currently treated in the City's existing stormwater treatment plant, known as the Civic Center Stormwater Treatment Facility (SWTF), which adjoins the project site along the southern boundary, within a public right-of-way. The SWTF, which began operation in February 2007, is able to process up to 1,400 gallons per minute (gpm) of stormwater runoff from the Civic Center Area. The runoff is first screened to remove gross pollutants at the three catchment drains, Malibu Road, Cross Creek Road, and Civic Center Way, and then pumped to the SWTF where it is filtered and disinfected through ozone treatment. These processes target the removal of trash, suspended solids, metals, and indicator bacteria (i.e., total coliform, fecal coliform, E. coli, and enterococcus). The treated runoff is then pumped to Legacy Park and used as irrigation for the park and the landscaping along Civic Center Way (also known as the "Linear Park").[5]

Hydrology calculations were performed by PCCE, Inc.[6] to determine the volume of water flow and debris from a 50-year storm. The analysis also evaluated the proposed project's capability of managing flooding, drainage, debris, and runoff during a worst-case scenario 50-year storm. The analysis sectioned the project site into six on-site drainage areas. Each drainage area was evaluated separately, as each have different water flow rates and would drain to different places on the project site.

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4 Malibu Civic Center Wastewater Treatment Facility Project Final EIR (November 2014), Section 4.7, *Hydrology and Water Quality*, http://www.malibucity.org/documentcenter/view/10304, December 2014.

5 City of Malibu, *Summary of Stormwater Management and Water Quality Improvements for Lower Malibu Creek and Lagoon Malibu Legacy Park Project*, May 14, 2008.

6 PCCE Inc., Civil Engineering and Design, *Drainage Study for 23401 Civic Center Way, Whole Foods at the Park*, April 6, 2011.

Groundwater

The project area is located within the Malibu Valley Groundwater Basin, a small groundwater basin in the Malibu Creek watershed.[7] No active surface groundwater seeps or springs were observed on the project site. Groundwater is present at a depth of 9 to 10 feet.[8]

Earlier studies developed groundwater models, including estimated average annual rates for groundwater sources and sinks in the watershed. The studies estimated that the total average annual inflow to the alluvial aquifer is approximately 1.93 cubic feet per second (cfs) or 1.25 million gpd. The sources of recharge to the system are infiltration from Malibu Creek, infiltration from onsite wastewater treatment systems (OWTS), more commonly known as septic systems), irrigation return, upland runoff, and infiltration of precipitation.[9]

Directions of groundwater flow in the alluvial aquifer are generally to the south and southeast toward the Pacific Ocean and Malibu Lagoon. Average groundwater travel times to Malibu Creek and Lagoon are generally faster than to the ocean because of the high hydraulic conductivity of subsurface materials near the Creek and Lagoon. Earlier studies estimated that groundwater discharges to the Lagoon at a rate of roughly 0.90 cfs under flooded (closed) Lagoon conditions and 1.47 cfs under breached (open) Lagoon conditions. Analysis under both conditions revealed a very-slow-moving groundwater flow system, with as great as a 50-year travel time from the upstream OWTS to the Lagoon and/or ocean.

The earlier studies concluded that the shallow depth to the groundwater table in the project area indicates that a large portion of the groundwater is essentially under the influence of surface water. Approximately 42 percent of the groundwater flowing into the nearby Legacy Park project area is from percolation of OWTS discharges. Nitrate loading to the Lagoon was substantially higher in breached Lagoon conditions than in flooded Lagoon conditions.[10]

Water Quality

The Regional Water Quality Control Board's (RWQCB) Los Angeles Region Basin Plan identifies Malibu Creek as a threatened water body and Malibu Lagoon as an impaired water body. Malibu Creek, Malibu

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7 Op Cit. City of Malibu, *Malibu Legacy Park Project Final EIR.*

8 GeoConcepts, Inc., *Limited Geologic and Soils Engineering Investigation, Lot A & B NW Corner of Cross Creek Road and Civic Center Way*, June 21, 1999.

9 City of Malibu, *Malibu Legacy Park Project, Final Environmental Impact Report, Section 3H, Hydrology and Water Quality*, January 2009.

10 City of Malibu, *Malibu Legacy Park Project, Final Environmental Impact Report, Section 3H, Hydrology and Water Quality*, January 2009.

Beach, and Surfrider Beach also appear on the United States Environmental Protection Agency (US EPA) list of impaired water bodies for 2010.[11] Water quality in the Malibu Creek watershed and Malibu Lagoon is potentially impacted by non-point source pollution from natural and wildlife sources, malfunctioning OWTSs and runoff from horse corrals. Nutrient inputs are contributed by urban runoff and from the Tapia Wastewater Treatment Plant, which discharges tertiary-treated effluent into Malibu Creek.[12] Under the existing conditions, surface water runoff from the project site is not considered a major contributor to the water quality problems of Malibu Creek. Since the project site consists of an undeveloped lot generally covered with asphalt paving, gravel, bare soil, and highly disturbed, non-native grassland, it's most probable pollutants would be trash (potentially including food-borne bacteria), debris, and sedimentation that might be washed off the site during storms.

REGULATORY SETTING

Federal Regulations

Clean Water Act

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the Clean Water Act (CWA), prohibit the discharge of any pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a National Pollution Discharge Elimination System (NPDES) permit. In 1990, the US EPA promulgated final regulations that established Phase 1 requirements for the NPDES program to address, among other discharges, nonpoint source discharges from large construction activities of 5 acres or more of land. Under Phase I of the NPDES storm water program, storm water discharges have been primarily regulated for (1) specific industrial categories, (2) construction sites greater than 5 acres, and (3) municipal separate storm sewer systems (MS4s) serving populations greater than 100,000. NPDES Phase II regulations expand the existing NPDES storm water program (Phase I) to address storm water discharges from small MS4s (those serving less than 100,000 persons) and construction sites that disturb one to five acres.

Under the CWA, the State of California is required to issue a list of all impaired water bodies in the state. An impaired water body, by definition provided in CWA Section 303(d) is a body that does not meet water quality regulations and therefore have imposed Total Maximum Daily Loads (TMDLs). A TMDL is the maximum amount of wastewater allowed to be discharged into a given water body each day. The

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11 US EPA *2010 Waterbody Report for Malibu Lagoon*, website: http://iaspub.epa.gov/tmdl_waters10/attains_waterbody.control?p_au_id=CAE4042100019990201160355&p_cycle=2010&p_state=CA&p_report_type=, accessed March 12, 2014.

12 Los Angeles Regional Water Quality Control Board. 2011. State of the Watershed, Report on Water Quality, the Santa Monica Bay Watershed Management Area. Second edition. November.

State Water Resources Control Board (SWRCB), Division of Water Quality issues the listings of impaired water bodies, and the 2010 list included Malibu Creek, Malibu Lagoon, Malibu Beach, and Surfrider Beach as impaired water bodies with imposed TMDLs.[13]

State Regulations

California Coastal Act

The California 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 goals of the Coastal Act are:

- Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources;
- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state;
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners;
- Assure priority for coastal-dependent and coastal-related development over other development on the coast; and
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

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.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act ("Porter-Cologne" or "the Act") established the State Water Resources Control Board (State Water Board) and divided the state into nine regional basins, each

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13 US EPA *2010 Waterbody Report for Malibu Lagoon*, website: http://iaspub.epa.gov/tmdl_waters10/attains_waterbody.control?p_au_id=CAE4042100019990201160355&p_cycle=2010&p_state=CA&p_report_type=, accessed March 12, 2014.

with an RWQCB. The State Water Board is the primary state agency responsible for protecting the quality of the state's surface and groundwater supplies.

The Act authorizes the State Water Board to draft state policies regarding water quality in accordance with CWA Section 303. In addition, the Porter-Cologne Act authorizes the State Water Board to issue WDRs for projects that would discharge to state waters. Porter-Cologne requires that the State Water Board or the RWQCB adopt water quality control plans, otherwise referred to as basin plans, for the protection of water quality. A basin plan must:

- Identify beneficial uses of water to be protected;
- Establish water quality objectives for the reasonable protection of the beneficial uses; and
- Establish a program of implementation for achieving the water quality objectives.

Basin plans also provide the technical basis for determining WDRs, taking enforcement actions, and evaluating clean water grant proposals. Basin plans are updated and reviewed every three years in accordance with Article 3 of Porter-Cologne and CWA Section 303(c).

City of Malibu Local Coastal Program

The project lies entirely within with the California Coastal Zone as defined by the California Coastal Act. Section 30231 of the Coastal Act requires the use of means to maintain and enhance water quality, including managing wastewater discharges, controlling runoff, protecting groundwater and surface water, encouraging wastewater recycling, and protecting streams. The Coastal Act requires that its goals and policies be implemented by local government through the Local Coastal Program (LCP) process. The Malibu LCP is composed of two parts: the Land Use Plan (LUP) and the Local Implementation Plan (LIP); both were certified by the California Coastal Commission on September 13, 2002.

Coastal Zone Act Reauthorization Amendments

The 1990 Coastal Zone Act Reauthorization Amendments (CZARA) identified polluted runoff as a significant factor in coastal water degradation for shore-side municipalities. To better address polluted water in the coastal zone, Congress added CZARA Section 6217, which required, among other things, the preparation of a State coastal non-point source pollution control program. The purpose of the program is to implement polluted runoff management measures and enforceable policies to restore and protect coastal waters. California's specific response to Section 6217 (the state's Coastal Non-point Pollution Control Program or CNPCP) continues to be developed by the SWRCB and the Coastal Commission in consultation with the National Oceanographic and Atmospheric Administration (NOAA) and the

US EPA. It is clear that it will be incumbent upon local governments in coastal zone areas to implement more stringent water quality protection measures to address polluted runoff. The primary objectives of the CZARA program are reflected in the revised NPDES permitting requirements discussed above.

Local Regulations

Municipal NPDES Permit

The City is a co-permittee under the *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach* MS4 (Order No. R4-2012-0175, NPDES Permit No. CAS004001). The permit covers an area of approximately 3,100 square miles and serves a population of about 10 million. The MS4 Permit was created for the purpose of protecting the beneficial uses of receiving waters in the Los Angeles region by ensuring that MS4s in the County of Los Angeles are not causing or contributing to exceedances of applicable water quality objectives. Currently the City, in collaboration with the County and Flood Control, are working together to develop an Enhanced Watershed Management Program (EWMP). A final EWMP is scheduled to be submitted to the RWQCB in June 2015.

City of Malibu Local Coastal Program

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

LCP Land Use Plan

The LUP includes policies related to hydrology and water quality pollution control from new developments, erosion and sedimentation, and grading and landform modifications. Specific techniques are required by the LUP, including limiting increases in the extent of impervious surfaces, and limiting land disturbance activities, such as clearing or grading. The LUP also requires BMPs to reduce the effects of storm water runoff, construction erosion or runoff, and storm water contamination, among others. LUP policies related to hydrology and water quality are listed below.

LUP Policy 3.78 New development shall prevent or reduce nonpoint-source pollution in the near-shore environment through implementation of the nonpoint-source pollution and private sewage disposal system policies.

LUP Policy 3.79 Grading and landform alteration shall be limited to minimize impacts from erosion and sedimentation on marine resources.

LUP Policy 3.95 New development shall be sited and designed to protect water quality and minimize impacts on coastal waters by incorporating measures designed to ensure the following:

- Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and/or areas that are 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; and
- Limiting disturbance of natural drainage features and vegetation.

LUP Policy 3.96 New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters, including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely affect groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Water Quality Control Board's municipal stormwater permit and the California Ocean Plan.

LUP 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 on runoff from impervious areas. To meet the requirement to minimize "pollutants of concern,"[14] new development shall incorporate a BMP or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.

LUP 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 water bodies.

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14 Pollutants of concern are defined in the Standard Urban Stormwater Mitigation Plan for Los Angeles County and Cities in Los Angeles County as consisting of "any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or the detectable inputs of the pollutant are at a concentrations or loads considered potentially toxic to humans and/or flora or fauna."

LUP Policy 3.100 New development shall be sited and designed to minimize impacts on water quality from increased runoff volumes and non-point-source pollution. All new development shall meet the requirements of the Los Angeles Regional Water Quality Control Board in its Standard Urban Stormwater Mitigation Plan for Los Angeles County and Cities in Los Angeles County (March 2000) or subsequent versions of this plan.[15]

LUP 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,[16] 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.

LUP Policy 3.106 Commercial development shall use BMPs to control the runoff of pollutants from structures, parking and loading areas.

LUP Policy 3.107 Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system.

LUP 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.

LUP 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

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15 All new development projects equal to one (1) acre or greater of disturbed area and adding more than 10,000 square feet of impervious surface area must retain on site the Storm Water Quality Design Volume (SWQDv). The SWQDv is defined as the greater of the 0.75-inch, 24 hour storm event or the 85th percentile, 24-hour storm event. For instances where it is technically infeasible to retain the volume of runoff on site, the applicant may use on-site biofiltration. However, the new project must bio-filtrate 1.5 times the portion of the SWQDv that is not retained on-site.

16 Generally speaking, on a long-term basis, spanning many years, 85 percent of rain events are smaller than the 85th percentile event, while 15 percent of events are larger.

treatment control BMPs that will be implemented to minimize post-construction polluted runoff, and shall include the monitoring and maintenance plans for these BMPs.

LUP Policy 3.112 Storm drain stenciling and signage shall be provided for new storm drain construction in order to discourage dumping into drains. Signs shall be provided at creek public access points to similarly discourage creek dumping.

LUP Policy 3.113 Outdoor material storage areas shall be designed using BMPs to prevent stormwater contamination from stored materials.

LUP Policy 3.114 Trash storage areas shall be designed using BMPs to prevent stormwater contamination by loose trash and debris.

LUP 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.

LUP 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.

LUP 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.

LUP 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 noninvasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.

LUP Policy 3.120 New development shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems shall be restored, where feasible, except where there are geologic or public safety concerns.

LUP 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.

LUP Policy 4.9 Buildings within flood prone areas subject to inundation or erosion shall be prohibited unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard.

LUP 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.

LUP Policy 5.49 All new development shall comply with the City's water conservation and wastewater regulations.

LCP Local Implementation Plan (LIP)

The LIP implements the policies of the California Coastal Act and the LUP to protect, maintain, and enhance the overall quality of the environment. The LIP chapters pertaining to hydrology and water quality and applicable to the project are as follows:

LIP Chapter 8, *Grading*, includes provisions to keep the amount of grading to an absolute minimum, with limits on the maximum amount of grading, the maximum height of cuts and fills, maximum grade, and seasonal restrictions on grading.

LIP Chapter 9, *Hazards*, includes measures to ensure that new development minimizes risks to life and property from hazards, including floods and tsunamis.

LIP Chapter 17, *Water Quality Protection,* provides application submittal requirements, development standards, and other measures to ensure that new development is sited and designed to conserve natural drainage features and vegetation, to prevent the introduction of pollutants into coastal waters, and to protect the overall quality of coastal waters and resources. LIP Chapter 17 states that all development should consider site-design, source-control, and treatment control BMPs to prevent polluted runoff and water quality impacts resulting from development. In addition, projects should be designed to control post development peak runoff rates and volumes to maintain or reduce predevelopment downstream erosion rates.

City of Malibu Municipal Code

The City's Municipal Code (MMC) includes the laws of the City. Title 17 of the MMC specifically discusses the zoning regulations pertaining to new development. The following MMC sections pertain to hydrology and water quality:

Section 13.04.100 **Storm water management plan for new development**. Prior to issuance of a building permit for any new development (on undeveloped land) or final map approval for any subdivision of property the applicant shall be required to have approval of a storm water management plan from the department of public works and the department of environmental and building safety.

Section 13.04.110 **Standard Urban Storm Water Mitigation Plan (SUSMP) requirements for new development and redevelopment projects.** Projects for new development and redevelopment, if subject to discretionary project approval in the zoning ordinance of the city, shall require a storm water mitigation plan that complies with the current MS4 permit.

City of Malibu Floodplain Management Ordinance

Title 15.20 of the MMC is the Floodplain Management Ordinance. The purpose of the ordinance is to minimize public and private losses due to flooding within flood hazard areas. The MMC dictates certain construction standards that are required to be used in flood hazard areas. The MMC includes the following methods and provisions:

- Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or result in damaging increases in erosion or flood heights or velocities;

- Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

- Control filling, grading, dredging, and other development that may increase flood damage; and
- Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

City of Malibu Ordinance 377 – Uniform Plumbing Code

The City of Malibu has adopted the California Plumbing Code, 2013 Edition (Part 5 of Title 24 of the California Code of Regulations), which constitutes the City of Malibu Uniform Plumbing Code (UPC). UPC Appendix H (Private Sewage Disposal Systems), Subsection H 1.11 states, "Commercial building and multiple family dwellings to be constructed, or remodeled, after the effective date of this section shall have an on-site wastewater treatment system which provides tertiary sewage effluent treatment as defined by the Building Official, prior to final sewage effluent disposal, unless otherwise approved by the Building Official." However, as the proposed project will be connecting to the new Civic Center Wastewater Treatment Facility, no OWTS is included as part of the proposed project. As a result, it will not be subject to this Ordinance. Refer to **Section 3.14.4, Wastewater,** for further discussion and analysis.

The City of Malibu's SEMS/NIMS Emergency Operations Plan 2012

The City of Malibu's *SEMS/NIMS Emergency Operations Plan 2012* (EOP) is a preparedness document designed to be read, understood, and exercised prior to an emergency. It is designed to include the City of Malibu as part of the Los Angeles Operational Area, California *Standardized Emergency Management System* (SEMS) and *National Incident Management System* (NIMS). It provides the groundwork for planning and training to facilitate optimum performance in response to a major emergency or disaster situation in the City. Following prescribed SEMS methodology also assures the City of receiving federal and state reimbursement for emergency response and recovery costs.[17]

Each City department is responsible for assuring the maintenance of appropriate and current standard operating procedures and checklists that detail how assigned responsibilities are performed during a major disaster.

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17 City of Malibu SEMS/NIMS Emergency Operations Plan 2012, website: https://www.malibucity.org/DocumentCenter/View/68, accessed March 17, 2014.

The City's Tsunami Response Plan is included in the EOP. The Tsunami Response Plan summarizes emergency response in the event of a tsunami, including alerts and warnings, evacuation procedures and routes, and damage assessment following the event.

PROPOSED PROJECT IMPROVEMENTS

The Whole Foods and the Park Shopping Center project (proposed project) would be constructed on a currently underutilized site within the Civic Center Area of the City of Malibu totaling approximately 256,168 square feet (sf). Development under the proposed project would consist of a new 38,425 square foot (sf) neighborhood shopping center designed to be anchored by a Whole Foods Market (24,549 sf) and four smaller commercial buildings (3,015 sf, 3,086 sf, 3,592 sf, and 4,183 sf, respectively). Portions of each of the proposed structures would 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 above 18 feet is due, in part, to the fact that the building finish floors must be raised to meet FEMA and MMC Floodplain Management Ordinance requirements. 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 retail and restaurant uses, with additional space designed for outdoor dining. Primary vehicle access would be provided from a driveway on Civic Center Way that would be designed to 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.

For wastewater disposal, the project proposes to connect to the future Civic Center Water Treatment Facility (CCWTF) system via points of connection to the projected Phase 1 pipelines in either Civic Center Way or Cross Creek Road. An OWTS is not included as part of the proposed project design. Refer to **Section 3.14.4, Wastewater,** for further discussion and analysis.

Currently, approximately 10 percent of the project site is considered impermeable as it is covered with asphalt paving. Post-development impermeable area would increase to approximately 73 percent of the project site, resulting in a proportional increase in runoff generated and a potential decrease in stormwater infiltration into groundwater. As required by the NPDES MS4 Permit, the Malibu LCP, and the MMC, a Draft Water Quality Mitigation Plan (WQMP) has been prepared for the proposed project (included in **Appendix 3.8**). The final WQMP will be supported by a final hydrology and hydraulic study that identifies all areas of contributory runoff on the property. The Draft WQMP has incorporated drainage control measures to avoid routing rooftop or parking lot runoff directly to the roadway or into the City's nearby storm drain system. Stormwater runoff would instead be directed through media

filtration, vegetated swales, and biofilters. Refer to **Figure 3.8-2, Proposed Water Quality Mitigation Plan**.

To maximize stormwater interception and infiltration, permeable outdoor areas would incorporate a storm water management feature known as biofiltration. Biofiltration is a technique that typically uses, plants in channels, or strips to capture and biologically degrade pollutants carried by stormwater runoff. As an additional benefit, biofiltration can also reduce the velocity and volume of stormwater runoff. Biofiltration is provided by both biofiltration strips and biofiltration swales. Biofiltration strips, also known as vegetated buffer strips, are vegetated sections of land over which stormwater flows as sheet flow. Biofiltration swales (bio-swales) are vegetated channels that receive and direct the concentrated flow of stormwater. Suitable vegetation for biofiltration applications includes herbaceous plants, grasses, and ground cover.

The proposed project would include Site Design Best Management Practices (BMPs), Source Control BMPs, and Treatment Control BMPs that retain on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project would bio-filtrate 1.5 times the SWQDv that is not retained on-site. The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event. In addition, stormwater overflows requiring detention from the project site have been provided in the design of the biofilters. The proposed biofilters capture and treat the storm water runoff through an engineered soil media. The storm water that has passed through the engineered soil media is then captured and discharged into the City's storm drain system. The filtering process with the biofilters causes the storm water runoff to collect within the biofilters and restricts the amount of storm water runoff discharged from the project site.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project will have a significant effect on the environment, the *California Environmental Quality Act (CEQA) Guidelines* identify criteria for conditions that may be deemed to constitute a substantial or potentially substantial adverse change in physical conditions. Specifically, Appendix G of the *State CEQA Guidelines* (Environmental Checklist Form) lists the following items to be considered when determining whether a project may be deemed to have a significant impact related to hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements;
- Substantially deplete groundwater supplies, or interfere substantially with groundwater recharge such that there would be net deficit in aquifer volume or a lowering of the local groundwater table;

C) 18x18 CATCH BASIN W/ ABTECH 1414H
F) GRASSY SWALE
H) TRENCH DRAIN(FG-TDOF12)
K) 4" DOWNSPOUT W/FG-DS-4)
L) 6" DOWNSPOUT W/FG-DS-6)
S) EPIC STORMWATER TREATMENT

116 58 0 116

APPROXIMATE SCALE IN FEET

SOURCE: PCCE, Inc., 2011

FIGURE **3.8-2**

Proposed Water Quality Mitigation Plan

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site;
- Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems to provide substantial additional sources of polluted runoff;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place within a 100-year flood hazard area structures that would impede or redirect flood flow;
- Expose people or structures to a significant risk, loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam;
- Result in inundation by seiche, tsunami, or mudflow.

Impact Analysis

Threshold 3.8-1 Violate any water quality standards or waste discharge requirements.

Portions of the proposed project site would be paved for the building foundations and parking lots which would alter drainage patterns on the site. The NPDES requires that a Notice of Intent (NOI) be filed with the SWRCB for construction activities greater than 1 acre. By filing an NOI, the developer agrees to conditions outlined in the NPDES General Permit for Discharge from Construction Activities (General Permit). The General Permit requires all owners of land where construction activity occurs to:

- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation,
- Develop and implement a storm water pollution prevention plan (SWPPP), and
- Perform inspections of storm water pollution prevention measures (control practices).

Recent updates to the General Permit (FRL–9640–8; EPA–HQ–OW–2010–0782, adopted February 2012) requires permittees to implement specific sampling and analytical procedures to determine whether Best Management Practices (BMPs) implemented on a construction site are:

- Preventing further impairment by sediment in storm waters discharged directly into waters listed as impaired for sediment, silt or turbidity; and

- Preventing other pollutants that are known or should be known by permittees to occur on construction sites and that cannot be visually observed or detected in storm water discharges, from causing or contributing to exceedances of water quality objectives.

Pursuant to Section 17.4.1 of the LCP, prior to the issuance of a grading or building permit, the applicant shall be required to prepare and submit an Erosion and Sediment Control Plan for approval (MS4 Permit Section VI.D.8.h.ii) that identifies BMPs during the construction phases of development to minimize or prevent construction-related polluted runoff. BMPs include practices such as installing sandbag barriers, temporary desilting basins near inlets, gravel driveways, dust controls, employee training, and other general good housekeeping practices that help prevent water quality contamination. With the implementation of the BMPs, short-term water quality impacts would be reduced to less than significant levels. In the remote event that there is any stormwater runoff from the project site during construction, it would be directed to the catchment drain in Civic Center Way where the runoff would be screened to remove gross pollutants, and then pumped to the SWTF where it is filtered and disinfected through ozone treatment. These processes target the removal of trash, suspended solids, metals, and indicator bacteria (i.e., total coliform, fecal coliform, E. coli, and enterococcus). The treated runoff would then be pumped to Legacy Park and used as irrigation for the park and the landscaping along Civic Center Way (also known as the "Linear Park").

Post-development storm water runoff has the potential to contribute pollutants to the storm water conveyance system and ultimately to the ocean. The quality of storm water is generally affected by the length of time since the last rainfall, the rainfall intensity, the urban uses of the area, and the quantity of transported sediment. The EPA considers street and parking lot surfaces to be the primary source of storm water pollution in urban areas. Post-construction phase water quality requirements are required as stated in Section 17.4.2 of the LCP. Section 17.4.2 of the LCP requires post construction plans detailing how stormwater and polluted runoff will be managed or mitigated during the life of the project. A WQMP is required for all development that requires a Coastal Development Permit and shall require the implementation of appropriate site design and source control BMPs from Section 17.6 of the LIP and Appendix A to minimize or prevent post-construction polluted runoff. With the preparation, approval and successful implementation of a WQMP, impacts to water quality would be mitigated less than significant levels.

As previously discussed, compliance with the requirements NPDES MS4 Permit (Section VI.D.7.c), and the Malibu LCP and the MMC would be provided through the implementation of the WQMP which shall include Site Design Best Management Practices (BMPs), Source Control BMPs, and Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project shall bio-filtrate 1.5 times the SWQDv that is not retained on-site.

The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event.

For wastewater disposal, the project proposes to connect to the future CCWTF system via points of connection to the projected Phase 1 pipelines in either Civic Center Way or Cross Creek Road. An OWTS is not included as part of the proposed project design. Therefore there would be no project impacts related a violation of wastewater discharge requirements. Refer to **Section 3.14.4, Wastewater,** for further discussion and analysis.

Mitigation Measures

In order to ensure that the proposed project does not violate any water quality standards or waste discharge requirements during construction or operation, the following Mitigation Measures are recommended:

3.8-1: Prior to issuance of any building or grading permit or Certificate of Occupancy, the project proponent shall submit proof of compliance with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit, including the submittal of an Erosion and Sediment Control Plan (MS4 Permit Section VI.D.8.h.ii) for approval.

3.8-2: Prior to issuance of any building or grading permits, the project proponent must submit, to the City, and receive final approval of a Water Quality Mitigation Plan (WQMP). The WQMP shall be supported by a final hydrology and hydraulic study that identifies all contributory runoff areas on the property and shall substantially conform to the submitted concept grading and drainage plan. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit Section VI.D.7.c. The following elements shall be included within the WQMP:

- Site Design Best Management Practices (BMPs)
- Source Control BMPs
- Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project shall bio-filtrate 1.5 times the SWQDv that is not retained on-site. The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event.
- Drainage Improvements

- A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure.

A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.

The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of any permits. The Public Works Department shall tentatively approve the plan and shall keep a copy on file until the completion of the project. Once the project is completed, the Public Works Department shall verify the installation of the BMPs. If there are proposed revisions to the drainage system or treatment control BMPs, the applicant shall submit the modification to the Public Works Department for review and subsequent approval. Following the Public Works Department final approval of the WQMP, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy.

The WQMP shall include a maintenance covenant; a report documenting compliance shall be submitted to the City for review on an annual basis for the life of the project.

Residual Impacts

With implementation of the mitigation measures listed above, the proposed project would not violate any water quality standards or waste discharge requirements during either construction or operation, and impacts would be less than significant.

Threshold 3.8-2 **Substantially deplete groundwater supplies, or interfere substantially with groundwater recharge such that there would be net deficit in aquifer volume or a lowering of the local groundwater table.**

The proposed project includes the construction of a shopping center. Currently approximately 10 percent of the project site is impermeable; post-development impermeable area would increase to approximately 73 percent of the project site, resulting in a proportional increase in runoff generated and a potential decrease in stormwater infiltration into groundwater. The project would not include the withdrawal or use of groundwater supplies, however the project would introduce irrigation water that could percolate

into the groundwater supply. Due to concerns of excess irrigation water causing "groundwater mounding"[18] in the regional area, a Limited Hydrologic Analysis was performed by EPD Consultants in July 2010. According to this analysis, there is no potential for groundwater mounding as a result of the proposed development.[19]

Although only about 5 percent of the irrigation water would re-enter the groundwater basin, normal precipitation events would be collected and directed towards landscaping or drainage improvement areas on-site. As discussed above (**Threshold 3.8-1**) the proposed project would implement a WQMP to contain and treat as much stormwater on-site as feasible (via site design, source control, and treatment control BMPs) prior to discharge into the municipal drainage system. In addition, nearly all stormwater is anticipated to remain and be recharged on-site. Therefore the proposed project would not substantially deplete groundwater supplies, or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant after implementation of proposed project improvements.

Threshold 3.8-3 **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site.**

The proposed project involves the development of a shopping center on an undeveloped site in the Civic Center Area of the City of Malibu. As discussed above (**Threshold 3.8-1**), the proposed project would implement a WQMP which shall include Site Design Best Management Practices (BMPs), Source Control BMPs, and Treatment Control BMPs that retain on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project shall bio-filtrate 1.5 times the SWQDv that

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18 Groundwater mounding is a phenomenon that can alter groundwater flow rates and direction; however, the effects are usually localized and may be temporary, depending upon the frequency and duration of the surface recharge events.

19 EPD Consultants, *Limited Hydrologic Analysis, Proposed Whole Foods in the Park Shopping Center, 23401 Civic Center Way, Malibu, California*, July 6, 2010.

is not retained on-site. The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event.

As previously discussed, the WQMP would be designed to handle runoff from the project site from a SWQDv storm event and further, would ensure that all stormwater discharged into the municipal drainage system is within water quality standards and will not increase erosion or sedimentation on- or off-site. Impacts would be less than significant.

Mitigation Measures

Implementation of **Mitigation Measures 3.8-1** and **3.8-2**, above.

Residual Impacts

Impacts would be less than significant after implementation of proposed project improvements and implementation of **Mitigation Measures 3.8-1** and **3.8-2**.

Threshold 3.8-4 **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site.**

Threshold 3.8-5 **Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**

Threshold 3.8-6 **Otherwise substantially degrade water quality.**

As discussed above (**Threshold 3.8-1**) the proposed project would implement a WQMP, which shall include Site Design Best Management Practices (BMPs), Source Control BMPs, and Treatment Control BMPs that retain on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project shall bio-filtrate 1.5 times the SWQDv that is not retained on-site. The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event.

Therefore implementation of the proposed project and the proposed use of biofiltration would not exceed the capacity of existing or planned storm drain facilities, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. Impacts would be less than significant.

Mitigation Measures

Implementation of **Mitigation Measures 3.8-1** and **3.8-2**, above.

Residual Impacts

Impacts would be less than significant after implementation of proposed project improvements and implementation of **Mitigation Measures 3.8-1** and **3.8-2**.

Threshold 3.8-7 **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.**

The project site is located within FEMA's flood designation Zone AO (depth 2 feet). Zone AO is defined as areas of 100-year shallow flooding where depths are between 1 and 3 feet. The proposed project includes the construction of a shopping center with the proposed building pads raised to meet FEMA and MMC Floodplain Management Ordinance requirements. No housing is being proposed. Therefore no impacts will occur.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

No impacts would occur.

Threshold 3.8-8 **Place within a 100-year flood hazard area structures that would impede or redirect flood flow.**

The proposed project includes the construction of a commercial shopping center. This will include the construction of buildings and building pads that would be raised to meet FEMA and MMC Floodplain Management Ordinance requirements, which could impede or redirect flood flow. As discussed above (**Threshold 3.8-1**) the proposed project would implement a WQMP to contain as much stormwater on-site (via site design, source control, and treatment control BMPs) prior to its discharge into the municipal drainage system. As previously discussed, the stormwater treatment BMPs would be adequate to handle runoff from the project site during a SWQDv storm event. In the event stormwater flows exceed the capacity for on-site retention and treatment (e.g. during a 100-year storm event), the proposed project

would direct the excess to the detention basin in Legacy Park for processing at the City's SWTF. Implementation of the WQMP would ensure that impacts are less than significant.

Mitigation Measures

Implementation of **Mitigation Measures 3.8-1** and **3.8-2**, above.

Residual Impacts

Impacts would be less than significant after implementation of project improvements and implementation of Mitigation **Measures 3.8-1** and **3.8-2**.

Threshold 3.8-9 **Expose people or structures to a significant risk, loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.**

The proposed project site is not within the projected inundation area as a result of the failure of a levee or dam. The proposed project includes the construction of a shopping center. This will include the construction of buildings and building pads that would be raised to meet FEMA and MMC Floodplain Management Ordinance requirements to protect employees and patrons from the risk of loss, injury, or death involving flooding. As discussed above (**Threshold 3.8-1**) the proposed project would implement a WQMP which shall include Site Design Best Management Practices (BMPs), Source Control BMPs, and Treatment Control BMPs that retain on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project shall bio-filtrate 1.5 times the SWQDv that is not retained on-site. The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event. In the event stormwater flows exceed the capacity for on-site retention and treatment (e.g. during a 100-year storm event), the proposed project would direct the excess to the detention basin in Legacy Park for processing at the City's SWTF. Implementation of the WQMP would ensure that impacts are less than significant.

Mitigation Measures

Implementation of **Mitigation Measures 3.8-1** and **3.8-2**, above.

Residual Impacts

Impacts would be less than significant after implementation of proposed project improvements and implementation of **Mitigation Measures 3.8-1** and **3.8-2**.

Threshold 3.8-10 Expose people or structures to a significant risk, loss, injury, or death involving inundation by seiche, tsunami, or mudflow.

A significant impact may occur if a project site is sufficiently close to the ocean or other water body to be potentially at risk of the effects of seismically induced tidal phenomena (i.e., seiche and tsunami), or if the project site is located adjacent to a hillside area with soil characteristics that would indicate potential susceptibility to mudslides or mudflows.

The California Emergency Management Agency (CalEMA), the University of Southern California (USC), and the California Geological Survey (CGS) have prepared a series of tsunami inundation maps to assist cities and counties in identifying their tsunami hazard. The map for the Malibu Beach Quadrangle, dated March 1, 2009, shows that the proposed project site is outside of the projected tsunami inundation area. Furthermore, as previously discussed, the City of Malibu has prepared a Tsunami Response Plan, which is included in the City's EOP. The Tsunami Response Plan summarizes emergency response in the event of a tsunami, including alerts and warnings, and evacuation stratagems, mitigating the potential risk to employees and patrons at the project site from tsunamis. The topography of the project site and surrounding area is relatively flat. Therefore, the potential for mudflows to impact the project site would be highly unlikely. As such, impacts related to risk of loss, injury, or death by seiche, tsunami, or mudflow would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

Development of the proposed project in conjunction with the related projects identified in **Section 3.0 Environmental Impact Analysis, Table 3.0-1, List of Related Projects**, would result in the further development of uses in an area that contains a mix of developed and undeveloped land. None of the related projects are immediately adjacent to the project site, and they would not be utilizing the same storm drain inlets as the proposed project. Similar to the proposed project, in accordance with the City's LCP-LIP, all related projects would be required to develop a WQMP to reduce impacts upon water quality.

In addition, because the City currently does not maintain a publicly owned and operated sewer system, the properties within the Civic Center area are now served by private OWTSs. Previous studies conducted in the Civic Center Area have indicated that pathogens and nitrogen in wastewater released from OWTS, which represent a category of potential non-point source pollution, may have impaired underlying groundwater within the Malibu Creek Watershed and the Malibu Valley Groundwater Basin.

In response to the findings of these studies, an amendment to the RWQCB's "Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties," also known as the Basin Plan,[20] went into effect on December 23, 2010, for the Malibu Civic Center Area. The amendment (Resolution No. R4-2009-007) was adopted by the RWQCB and ratified by the SWRCB (Resolution No. 2010-0045) to institute a prohibition on new and existing discharges from OWTS in the Malibu Civic Center Area (Prohibition). The Prohibition applies to the "Malibu Civic Center Area," defined as portions of the lower Winter Canyon watershed, Malibu Valley watershed and adjacent coastal strips between and including Amarillo Beach and Surfrider Beach, and also known as the Prohibition Zone (**refer to Figure 3.14.4-1, City of Malibu Prohibition Zone and Phasing Map**). The Prohibition calls for discharges from OWTS in the commercial core of the Civic Center Area (Area) to cease by November 2015, and for residential properties in the Area to cease discharge by November 2019.

To address the Prohibition, the City entered into a memorandum of understanding (MOU) with the RWQCB and SWRCB to develop a wastewater treatment plant to handle existing and potential future wastewater treatment needs in the Prohibition Zone. The MOU directs the City to design and construct a centralized wastewater treatment facility and to fund it by way of an assessment district. The MOU states that the facility may utilize deep well injection without the use of reverse osmosis, and sets forth a specific schedule and phasing map for properties to cease discharge (i.e., stop the use of OWTSs) and to connect to the new Civic Center Water Treatment Facility (CCWTF) as follows: Phase 1, for the Civic Center Area commercial-core, by November 2015; and Phase 2, the remaining commercial, institutional, residential and multi-family properties in the Area, by November 2019.[21] A third phase of properties may have to cease discharge at a later date, depending on the water quality monitoring results from instituting the first two phases as prescribed in the MOU. As with the proposed project, it is anticipated that all new development within the Prohibition Zone would be required to connect to the CCWTF. Therefore cumulative impacts related to groundwater quality would be less than significant.

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20 Los Angeles Regional Water Quality Control Board, *Water Quality Control Plan*, 1994.

21 Phase 1 of the wastewater treatment facility infrastructure associated with raw wastewater collection and recycled water distribution would be constructed beginning around October 2015 with completion anticipated in April 2017. The MOU was amended in December 2014 to allow properties in Phase 1 of the Prohibition Area (primarily the commercial core of the Civic Center) to connect by June 2017 and Phase 2 (primarily residential properties) to connect by November 2022.

As with the proposed project the related projects would be required to identify potential impacts related to hazards related to flooding, seiche, tsunami, and mudflows and provide mitigation measures to reduce such impacts to the extent feasible. As these conditions are typically site-specific, the proposed project would not contribute to impacts resulting from related projects.

Based on the foregoing, the proposed project's contribution to hydrology and water quality impacts would not be cumulatively considerable, and impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.9 LAND USE AND PLANNING

INTRODUCTION

This section analyzes the impacts of the Whole Foods and the Park Shopping Center Project related to Land Use and Planning. The analysis in this section was prepared based on the City of Malibu General Plan, Zoning Ordinance, and Local Coastal Program (LCP).

ENVIRONMENTAL SETTING

Regional Setting

The City encompasses a 27-mile-long narrow strip of land along the coast of the Pacific Ocean extending from the shoreline into the lower foothills of the Santa Monica Mountains to the north. The City is bordered to the north by unincorporated land within Los Angeles County and parklands under federal and state ownership within the Santa Monica Mountains National Recreation Area (SMMNRA). Commercial development is generally limited to frontages along Pacific Coast Highway (PCH), particularly in the east end of the City and within the Civic Center area. Much of the shoreline in the City is developed with residential uses, and such uses extend into the lower foothills, often as distinct canyon or ridgeline neighborhoods, separated by undeveloped foothill parkland or open space.

Local Setting

The project site is located within the City's Civic Center area, a generally level area within Malibu Creek Valley that supports areas of both commercial and institutional uses. The project site is located on a relatively flat parcel located on the eastern edge of the Civic Center. The Civic Center is the primary commercial district of the City, and it includes commercial retail, service industry spaces, small- to mid-sized office buildings, and recreational uses. Developed areas are distributed amongst substantial undeveloped areas. The Civic Center also includes many public facilities, including City Hall and a County government center.

The Civic Center area, including the project site, is designated for Community Commercial (CC), Commercial General (CG), Visitor-Serving Commercial (CV-1 and CV-2), and Institutional (I) uses under the City's adopted LCP (see **Figure 3.9-1, Existing Local Coastal Program Land Use Designations**). However, consistent with the overall semi-rural environment of the City, this commercially developed area is not highly urbanized. The low-density distribution of the structures, low profile of building heights and design elements, and limited landscaping amongst undisturbed open space maintains a spacious and small-town feel. The Civic Center area is surrounded by rural residential uses on hillsides to

north, public open space along Malibu Creek and Lagoon on the east, multi-family and rural residential to the west, and PCH to the south. Commercial, recreation, open space, and residential uses lie south of PCH.

Office uses include professional office buildings of one to two stories that support professional service and business support uses, such as insurance, dry cleaners, medical, dental and law offices. Public uses in the area include Malibu City Hall, located off of Stuart Ranch Road in the northern section of the Civic Center area, and a Los Angeles County government center with a vacated Los Angeles County Sheriff's Department (LASD) substation, the former Los Angeles County Superior Court West District office and courthouse[1] and the Los Angeles County Public Library – Malibu Branch. Webster Elementary School, Our Lady of Malibu Church and School, and a Southern California Edison facility are located off of Civic Center Way in the northwest portion of this area. The City's newly constructed 26-acre Legacy Park is located between Civic Center Way and PCH. The Malibu Racquet Club, a commercial recreational facility, is located west of City Hall.

Project Site

The project site is located in the northwest corner of the intersection of Civic Center Way and Cross Creek Road. The project site is located adjacent to a vacant parcel to the west, commercial to the east, a horse training facility to the north, and a commercial center to the south. Single-family residential properties are located further to the north, along the ridgeline overlooking the Civic Center area. Additional land uses in the area include the Legacy Park, located to the south, across Civic Center Way. Immediately to the west is the site for the approved, but as yet unbuilt, La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Malibu Branch Public Library, the vacated LASD substation, and the vacated Superior Court offices, is located immediately to the west of the La Paz site.

The project site is currently vacant; a gravel road runs along the west side of the project site and a 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 native western 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.

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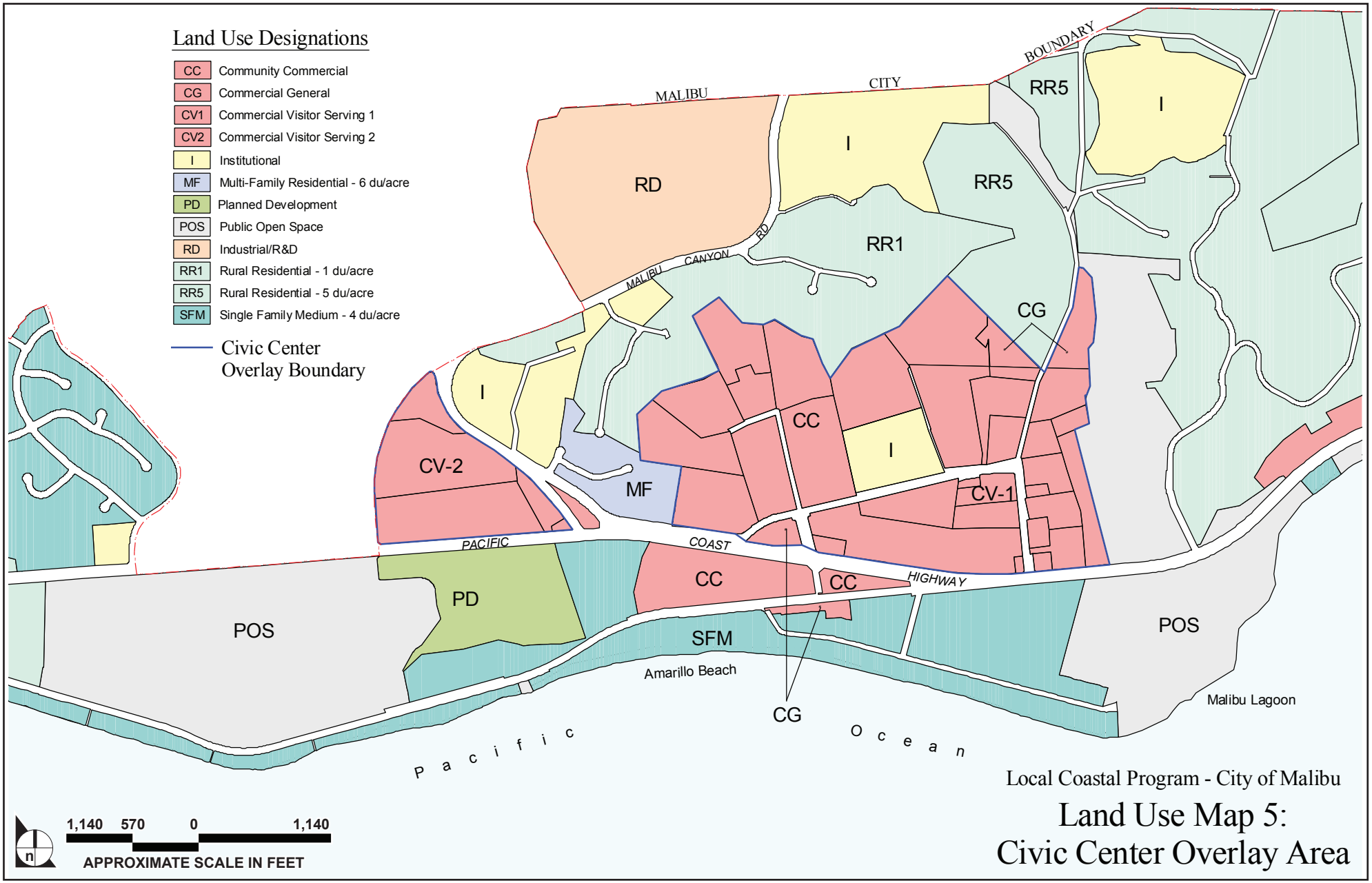
1 Following the implementation of a County-wide Court Consolidation Plan, the Malibu Courthouse was closed in May 2013, http://www.lasuperiorcourt.org/consolidation/ui/pdf/NTAMALIBUREASSIGNMENT4-10-13.pdf, accessed April 7, 2014.



SOURCE: City of Malibu, Local Coastal Program, August 2002

FIGURE **3.9-1**

Existing Local Coastal Program Land Use Designations

The project site is identified as Assessor Parcel No. (APNs) 4458-022-001 and 4458-022-022 and consist of 2.33 and 3.55 acres respectively. The project site is designated Community Commercial (CC) by the General Plan land use element (see **Figure 3.9-2, Malibu General Plan Land Use Map).** Both parcels are designated CV-1 according to the Local Coastal Plan (LCP) land use and zoning map (see **Figure 3.9-3, Civic Center Area Zoning Map**). 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. 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 APNs was included so the other parcel (4458-022-022) still retains the conflicting CG designation under the GP and MMC.

The lot development criteria for CV-1 calls for new lots to be at least 5 acres in size, 300 feet wide and 500 feet deep; as part of the proposed project, the two parcels would be merged into one parcel that would be 5.88 acres with a depth of 717 feet and a width of 422.5 feet. This lot merger would bring the project site into conformance with the criteria. The lot merger must be recorded prior to issuance of grading permits. The CV-1 zoning district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents and respect the rural character and natural environmental setting.[2] Food stores and restaurants are permitted uses by both the CV-1 and CG zoning designations.

Proposed Project Improvements

The Whole Foods and the Park Shopping Center project (proposed project) would construct a new 38,425-square-foot (sf) neighborhood shopping center in the Civic Center Area designed to be anchored by a Whole Foods Market (24,549 sf) and four smaller commercial buildings (3,015 sf, 3,086 sf, 3,592 sf, and 4,183 sf, respectively). 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 restaurant uses and additional space designed for outdoor dining. Primary vehicle access would be provided from a driveway on Civic Center Way that would be designed to 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.

Outdoor areas would incorporate storm water management features such as biofiltration. For further discussion regarding stormwater discharge and water quality, refer to **Section 3.8, Hydrology and Water**

2 Malibu Municipal Code Section 17.26.010

Quality. For wastewater disposal, the project proposes to connect to the future Civic Center Water Treatment Facility (CCWTF) system via points of connection to the projected Phase I pipelines in either Civic Center Way or Cross Creek Road, refer to **Section 3.14.4, Wastewater**.

REGULATORY FRAMEWORK

Federal

The proposed project is not located within any federal property, and therefore is not subject to federal land use regulations.

State

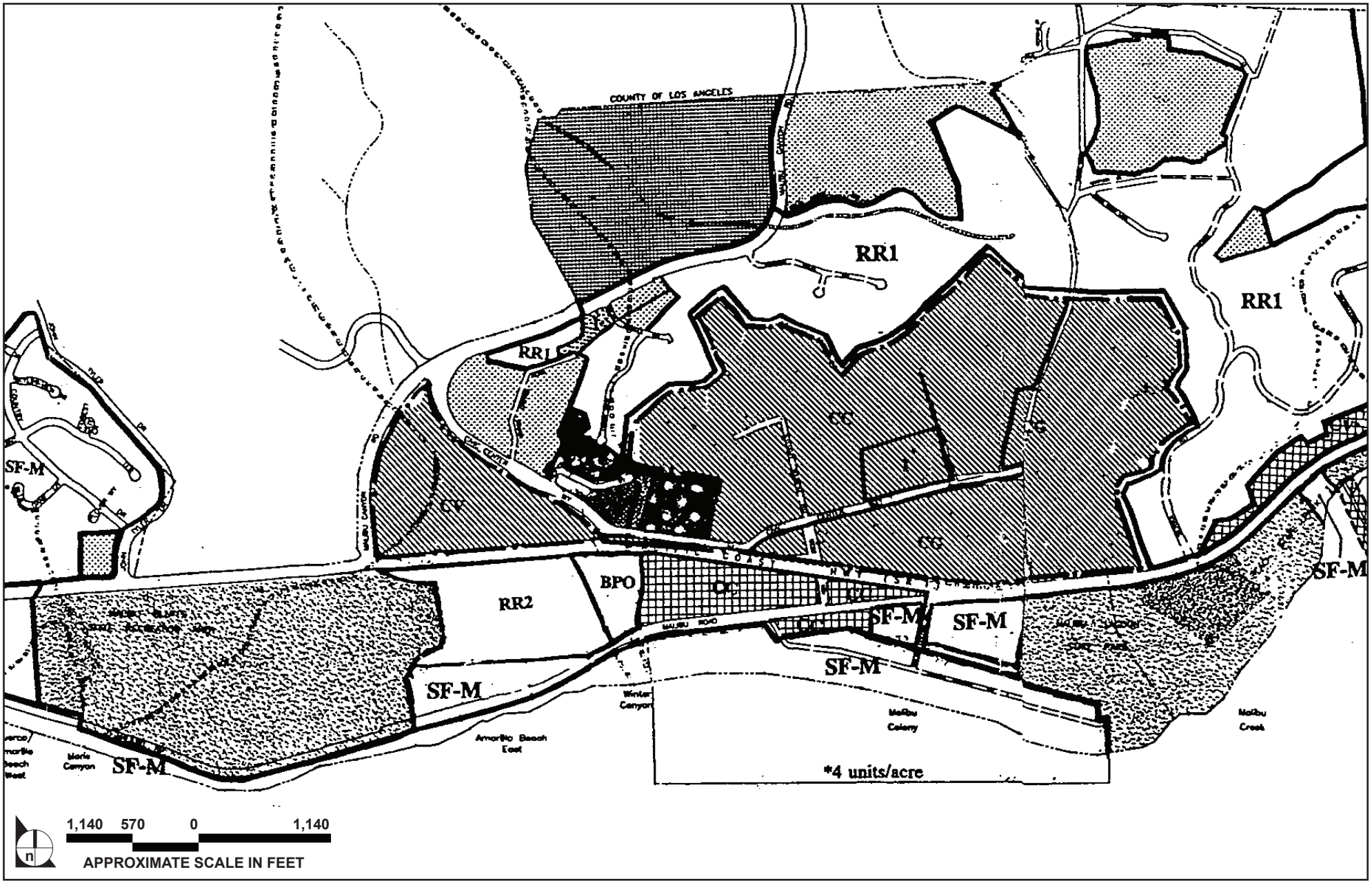
California Government Code

Pursuant to state law, the general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals that shall include the following elements: (1) land use, (2) circulation, (3) housing, (4) conservation, (5) open space, (6) noise, and (7) safety.[3]

The land use element shall include the following:

> *(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.*

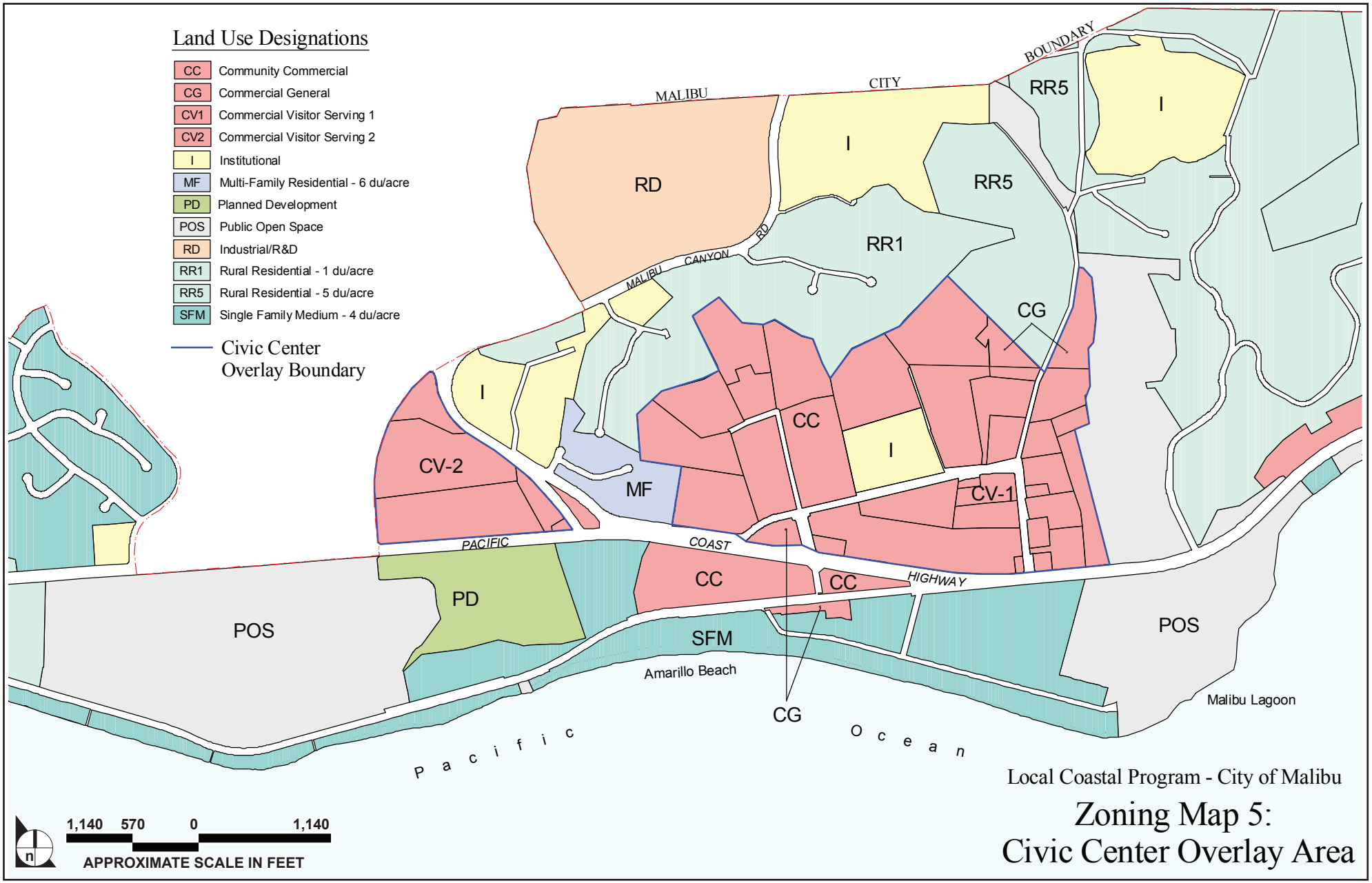
3 California Government Code, Section 65302.



SOURCE: City of Malibu, General Plan Land Use Element, November 1995

FIGURE **3.9-2**

Malibu General Plan Land Use Map



SOURCE: City of Malibu, Local Coastal Program, August 2002

FIGURE **3.9-3**

Civic Center Area Zoning Map

0592.003•04/14

California Coastal Act

The project site is located within the California Coastal Zone, which was established pursuant to the California Coastal Act of 1976. This act requires that planning and development within the Coastal Zone be consistent and compatible with the unique characteristics of coastal resources. The Coastal Act requires that its goals and policies be implemented by local government through the LCP process. Malibu's LCP was adopted by the California Coastal Commission on September 13, 2002, and in December 2004, the City gained regulatory authority for development in the City's Coastal Zone.

Regional and Local Policies

Regional Comprehensive Plan

The Southern California Association of Governments (SCAG) developed the 2008 Regional Comprehensive Plan (RCP) to address important regional land use planning issues, including housing, employment, traffic/transportation, water, and air quality. The RCP identifies voluntary best practices to approach growth and infrastructure challenges in a regionally integrated and comprehensive way. It also includes goals and outcomes to measure progress toward a more sustainable region.

Regional Transportation Plan/Sustainable Communities Strategy

The Regional Transportation Plan (RTP) is a long-range transportation plan that is developed and updated by SCAG every four years. The RTP provides a goals and policies for transportation investments throughout the region. Using growth forecasts and economic trends projected over a 20-year period, the RTP considers the role of transportation in the broader context of economic, environmental, and quality-of-life goals for the future, identifying regional transportation strategies to address mobility needs. The Sustainable Communities Strategy (SCS) includes the growth forecast for the region and integrates land use and transportation planning strategies to reduce transportation demand and achieve emissions reduction targets set by the California Air Resources Board (CARB).

City of Malibu General Plan

The City's General Plan was adopted in 1996 and last revised in 2004. The General Plan is primarily a policy document that sets goals and policies concerning the community and gives direction to growth and development. The General Plan consists of the seven state mandated elements: Land Use Element (Chapter 1.0), Open Space and Recreation Element (Chapter 2.0), Conservation Element (Chapter 3.0), Circulation and Infrastructure Element (Chapter 4.0), Safety and Health Element (Chapter 5.0), Noise Element (Chapter 6.0) and Housing Element (Chapter 7.0). In addition, it outlines the programs that were

developed to accomplish the goals and policies of the General Plan. The General Plan policies ensure that new development meets City standards and is consistent with City goals. Specific General Plan policies that would be applicable to the proposed project are catalogued and analyzed for consistency in **Table 3.9-1, General Plan Consistency Analysis,** below.

Malibu Municipal Code

Malibu Municipal Code (MMC), Title 17 (Zoning Ordinance) regulates land use and development throughout the City. California law requires the City's zoning code to be consistent with the Land Use Element of the City's General Plan and is intended to implement the land use policies in the General Plan. The Zoning Ordinance identifies the uses that are allowed on parcels within the City. As previously discussed, the proposed project site is zoned CV-1 and CG, both of which allow food stores and restaurants.

City of Malibu Local Coastal Program

The City lies entirely within with the California Coastal Zone, as defined by the California Coastal Act. The Coastal Act requires that its goals and policies be implemented by local government through the LCP process. The LCP is composed of two parts: the Land Use Plan (LUP) and the Local implementation Plan (LIP). Both plans were adopted by the California Coastal Commission on September 13, 2002.

Land Use Plan

Policies of the LUP are designed to assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the state's and City's residents (refer to **Table 3.9-3, Local Coastal Program Consistency Analysis**, below).

Local Implementation Plan

The LIP was adopted to implement the policies outlined in the LUP of the LCP by providing detailed guidance regarding development in the Coastal Zone. The Chapters of the LIP that are most relevant to the proposed project include:

- **Chapter 3, Zoning Designations and Permitted Uses**: Contains zoning boundaries and maps, general regulations and development standards, and other measures for ensuring compliance with the LCP, including guidelines for signs, landscaping, fuel modification, and placement of communication facilities.
- **Chapter 5, Native Tree Protection**: Provides for the protection and preservation of native trees.

- **Chapter 6, Scenic, Visual, and Hillside Resource Protection Ordinance**: Enhances and protects the scenic and visual qualities of 18 coastal and mountain areas within the City as a resource of public importance.

- **Chapter 8, Grading**: Ensures that new development minimizes the visual and resource impacts of grading and landform alteration.

- **Chapter 9, Hazards**: Ensures that new development shall minimize 23 risks to life and property in areas of high geologic, flood, and fire hazard.

- **Chapter 11, Archeological/Cultural Resources**: Avoids damage to or destruction of important cultural resources within the City of Malibu.

- **Chapter 13, Coastal Development Permits**: Establishes the process for the review of all development within the coastal zone of the City of Malibu to ensure that it will be consistent with the provisions of the LCP.

- **Chapter 15, Requirements for Land Divisions**: Provides guidance for land divisions and mergers.

- **Chapter 17, Water Quality Protection Ordinance**: Protects and enhances coastal waters within the City in accordance with the policies of the LCP.

City of Malibu - Measure R

On November 4, 2014, City of Malibu voters approved Measure R. This measure requires (1) voter-approval of specific plans for commercial and commercial-residential projects over 20,000 square feet, and (2) allows formula retail businesses[4] in tenant spaces between 1,400 square feet and 5,000 square feet in existing civic center shopping centers but imposes stricter requirements (including a 2,500-square-foot limit per business and a limit of 30 percent of shopper center's tenants) on some such businesses in any new shopping center or existing ones outside the civic center.

In conformance with Measure R, a Specific Plan has been prepared for the project. Once built-out, the occupancy of the project also must be in conformance with Measure R formula retail limitations; no tenants other than anchor tenant Whole Foods Market are proposed for the project site at this time.

4 Formula retail is considered any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with 10 or more other existing, operational retail establishments located within the United States, is required to maintain two or more of the following features: Standardized array of merchandise or menu items; Standardized décor; Uniform apparel; Standardized signage, a servicemark, or a trademark; Standardized color scheme; Standardized layout; or Standardized façade.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

In order to assist in determining whether a project will have a significant effect on the environment, the *California Environmental Quality Act (CEQA) Guidelines* identify criteria for conditions that may be deemed to constitute a substantial or potentially substantial adverse change in physical conditions. Specifically, Appendix G of the *State CEQA Guidelines* (Environmental Checklist Form) lists the following items to be considered when determining whether a project may be deemed to have a significant impact related to land use and planning:

- Physically divide an established community
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan

Methodology

The following section includes an assessment of the City's land use policies that are most applicable to the proposed project, as laid out in the General Plan, Zoning Code, and LCP, and the project's level of compliance with these stated policies. Project elements that may be potentially inconsistent with an adopted goal, policy, or program are summarized in this section, along with related physical environmental consequences.

Impacts Analysis

Threshold 3.9.1 Physically divide an established community.

The project site is located adjacent to a vacant parcel to the west, a commercial complex to the east, a horse training facility to the north, and a commercial center to the south. The proposed project is an infill project as it is surrounded by development on three sides. The proposed project does not include any barriers to the existing development surrounding the project site such as new roadways or infrastructure. Further, no residential uses are located immediately surrounding the project site that could be disrupted by the proposed project. Therefore, the proposed project would not physically divide an established community. This impact is less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.9-2 **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.**

To determine if the proposed project will conflict with any applicable land use plan, policy, or regulation, the consistency of the proposed project with applicable land use plans is discussed below.

City of Malibu General Plan

The project site is designated Community Commercial (CC) by the General Plan land use element. Under the General Plan and MMC zoning, one of the parcels is designated CV-1 (4458-022-001) but the other (4458-022-022) is currently CG. An amendment to the General Plan is proposed as part of the project entitlement approvals to re-designate the CG designated parcel as CV-1. With this amendment, the proposed project would be consistent with the CV-1 designation for the project site.

The City of Malibu General Plan contains numerous policies for land development. A detailed analysis of the proposed project's consistency with the applicable policies of the various elements of the general plan is provided in **Table 3.9-1, 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 3.9-1
General Plan Consistency Analysis

Policies	Consistency Finding and Discussion
Land Use Element	
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.	**Consistent**. The proposed project would conform to the natural topography of the project site. The landscape design will include native trees, shrubs, and plants, in addition to ornamental flowering trees.
LU Policy 1.1.2: The City shall ensure that land uses avoid or minimize adverse impacts on water quality and other natural resources, such as undisturbed watershed and riparian areas.	**Consistent**. Surface run-off during construction and operation of the proposed project could result in potentially significant impacts to water quality and downstream riparian habitats. Mitigation measures and bet management practices (BMPs) designed to protect downstream riparian areas and improve water quality are included in **Section 3.3, Biological Resources**, and **Section 3.8, Hydrology and Water Quality**.

Policies	Consistency Finding and Discussion
LU Policy 1.1.3: The City shall control surface runoff into coastal waters, wetlands, and riparian areas.	**Consistent**. The proposed project could increase the amount of surface run-off exiting the project site. Mitigation measures and BMPs designed to control the release of run-off on the project site are included in **Section 3.8, Hydrology and Water Quality**.
LU Policy 1.1.5: The City shall require careful site planning which blends development with the natural topography.	**Consistent**. The proposed project would not substantially alter the topography of the project site as construction of the proposed project would only involve approximately 3,900 cubic yards of cut and about 13,800 cubic yards of fill.
LU Policy 1.3.1: The City shall regulate development in floodways.	**Consistent**. While the project site is located in a flood zone, no significant impacts would occur due to implementation of the proposed project. See **Section 3.8, Hydrology and Water Quality**.
LU Policy 1.3.2: The City shall require proposed development to avoid geologic safety hazards created by development.	**Consistent**. The main trace of the Malibu Coast fault is mapped along the south and southeastern portions of the property near Cross Creek and along the southern portion of the site near Civic Center Way. The geotechnical analysis prepared for the proposed project indicates that the fault is not active and that no significant geologic safety hazards would result from the project. See **Section 3.5, Geology and Soils**.
LU Policy 1.3.3: The City shall require fire protection measures for development.	**Consistent**. A Fuel Modification Plan has been developed and approved by to the Los Angeles County Fire Department (LACFD) to mitigate potential wildfire impacts.
LU Policy 1.4.3: The City shall minimize the alteration of existing land forms and require design consistent with natural topography and processes of the site (i.e. geological, soils, hydrological, water percolation and runoff).	**Consistent**. No unique landforms would be altered as a result of the proposed project. The proposed project has been designed and would be constructed to blend in with the existing landscape and topography.
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.	**Consistent**. The individual and cumulative effects of the proposed project are analyzed for each environmental topic addressed within the scope of this EIR.
LU Policy 2.1.1: The City shall promote an aesthetically pleasing and visually stimulating environment whose architecture, common and open spaces inspire and uplift the human spirit.	**Consistent**. 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**.
LU Policy 2.1.4: The City shall require development to be landscaped so that the project blends in with the environment and neighborhood.	**Consistent**. The proposed project includes a landscaping plan that is consistent with the character of the surrounding area.
LU Policy 2.1.5: 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.	**Consistent**. The proposed project is designed to maximize views of the hillside behind the project site by locating the main market at the rear of the property.
LU Policy 2.1.6: The City shall encourage pedestrian friendly design in concentrated commercial areas.	**Consistent**. The pedestrian entrance to the proposed project is an extension of the Cross Creek pedestrian walkways. The proposed project would also include internal walkways and a pedestrian connection to the adjacent La Paz site.

Policies	Consistency Finding and Discussion
LU Policy 2.2.1: The City shall require adequate infrastructure, including but not limited to roads, water, and wastewater disposal capacity, as a condition of proposed development.	**Consistent**. The project site is adequately served by the existing roadway system. Adequate water supply infrastructure would be extended to the project site from existing water mains located beneath Civic Center Way and Cross Creek Road. No on-site wastewater discharge would occur. All wastewater generated by the proposed project would be treated by the new CCWTF. See **Section 3.14.4, Wastewater**.
LU Policy 2.2.4: The City shall manage development in accordance with the efficient operation of the traffic system and service infrastructure.	**Consistent**. The impacts of the proposed project on traffic and service infrastructure have been evaluated in **Section 3.11, Public Services**, **Section 3.13, Transportation and Traffic,** and **Section 3.14, Utilities and Service Systems.**
LU Policy 2.2.5: The City shall evaluate the effect on road capacity of traffic impacts from all sources when determining the type and intensity of land use.	**Consistent**. The impacts of the proposed project on road capacity have been evaluated in **Section 3.13, Transportation and Traffic**.
LU Policy 2.2.8: The City shall require adequate wastewater management for development.	**Consistent**. The proposed project would connect to the new CCWTF for wastewater disposal. See **Section 3.14.4, Wastewater**.
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.	**Consistent**. Building design would be in keeping with the City's preferred "rustic contemporary" theme and site development includes amenities such as a children's park, and outdoor seating areas landscaped to harmonize with the buildings. Refer to Project Renderings, **Figures 3.1-3** through **3.1-11**.
LU Policy 4.1.6: The City shall promote extensive landscaping in new projects while emphasizing low volume irrigation and the use of native, fire-resistant and drought-tolerant plant materials.	**Consistent**. The proposed project would utilize low volume irrigation and include the use of native fire-resistant and drought-tolerant plant materials.
LU Policy 4.1.7: The City shall require visually aesthetic screening of service areas and well landscaped parking lots.	**Consistent**. All service areas associated with the proposed structures would be screened by landscaping. Parking for the proposed project would be located in the interior of the project site and would be screened by the proposed structures and extensive landscaping along the project's Civic Center Way and Cross Creek Road frontages. Project deliveries would occur through the rear of the site.
LU Policy 4.3.2: The City shall require buildings within the Civic Center Area 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.	**Consistent**. 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. Site development includes amenities such as a children's park, and outdoor seating areas landscaped to harmonize with the buildings. Refer to Project Renderings, **Figures 3.1-3** through **3.1-11**.
LU Policy 4.3.5: The City shall develop the Civic Center Area so that it is pedestrian oriented.	**Consistent**. The proposed project includes walkways and plazas with public seating areas designed to encourage pedestrian activity.
LU Policy 4.3.8: The City shall encourage architectural design features such as towers, cupolas, roof parapets, kiosks, changes in roof elevations and roof monuments which do not add square footage, floor area or stories to the building.	**Consistent**. The proposed project would be constructed in a "rustic contemporary" style; building finishes would include natural wood siding, stone veneer and earth-toned stucco and/or paint. Buildings would include trellises and green walls. See **Chapter 2.0, Project Description** and Project Renderings, **Figures 3.1-3** through **3.1-11**.
Conservation Element	
CON Policy 1.1.1: The City shall minimize disruption of natural systems and areas rich in biodiversity and avoid consumption of ecologically sensitive lands including ESHAs, significant watersheds, wildlife habitat linkages, disturbed sensitive resource areas, blueline streams and significant oak woodlands.	**Consistent.** The project site supports upland non-native grasses and forbs, as well as eight native western sycamore trees. No ecologically sensitive lands such as environmentally sensitive habitat areas (ESHAs), blueline streams, wetlands, and oak woodlands are located on the project site. See **Section 3.3, Biological Resources**.

Policies	Consistency Finding and Discussion
CON Policy 1.2.7: The City shall reduce impacts resulting from night lighting so as not to disturb natural habitats.	**Consistent**. The proposed project would result in increased night lighting that may affect wildlife. However, project design features including shielded pedestrian walkway and parking lot lighting, dense landscaping, and mitigation proposed in **Section 3.1, Aesthetics** and **Section 3.3, Biological Resources** would reduce this impact to a less than significant level.
CON Policy 2.1.2: The City shall avoid the destruction or alteration of cultural resources.	**Consistent**. While no known archaeological resources are located on the project site, there is the potential that unknown archaeological resources may be unearthed during grading. However, mitigation proposed in **Section 3.4, Cultural Resources** would reduce this impact to a less than significant level.
Circulation and Infrastructure Element	
C Policy 1.1.1: Where level of service at signalized intersections and roadways is below LOS C, the City shall ensure that proposed development maintains the then current LOS. Where LOS at signalized intersections and roadways is at LOS C or above, the City shall ensure that proposed development (1) does not cause a degradation of LOS greater than or equal to two percent in the circumstances set forth in Land Use Implementation Measure 70 and (2) does not degrade LOS below LOS C.	**Consistent**. The proposed project would increase area traffic. The applicant-prepared traffic study, which was peer reviewed and approved by an independent transportation consultant, found that project-related impacts to area intersections can be successfully mitigated. Final plans would be reviewed and approved by the City. See **Section 3.13, Traffic and Transportation**.
C Policy 1.3.1: The City shall require sufficient off-street parking.	**Consistent**. According to the Malibu Municipal Code, the proposed project would be required to provide 217 parking spaces. The proposed project would provide 220 parking spaces, which is three more than is required. See **Section 3.13, Traffic and Transportation**.
Safety and Health Element	
S Policy 1.2.1: The City shall require development to provide for analyses of site safety related to potential hazards of fault rupture, earthquake ground shaking, liquefaction, and rockfalls.	**Consistent**. The main trace of the Malibu Coast fault is mapped along the south and southeastern portions of the property near Cross Creek and along the southern portion of the site near Civic Center Way. The geotechnical analysis prepared for the proposed project indicates that the fault is not active and that no significant geologic safety hazards would result from the project. See **Section 3.5, Geology and Soils**.
S Policy 1.2.2: The City shall require development to provide site safety analyses related to landsliding, debris flows, expansive soils, collapsible soils, erosion/sedimentation, and groundwater effects.	**Consistent**. Soils on the project site are subject to liquefaction. However, mitigation proposed in **Section 3.5, Geology and Soils** would reduce this impact to a less than significant level.
Noise Element	
N Policy 1.1.2: The City shall protect noise sensitive land uses from negative impacts of proximity to noise generating uses.	**Partially Consistent**. The proposed project would increase area noise. The applicant-prepared noise study found that project-related impacts with regard to temporary construction noise would be mitigated to less than significant, with the exception of receptors located at 23704 Harbor Vista Drive, 3657 Cross Creek Road, and Legacy Park, which would remain significant and unavoidable. Project-related impacts with regard to operational noise would be fully mitigated and less than significant. See **Section 3.10, Noise**.

City of Malibu Zoning Ordinance

The project site is zoned Commercial Visitor-Serving (CV-1) and Community Commercial (CC). An amendment to the zoning map is proposed as part of the proposed project to re-designate the CC designated parcel as CV-1. With this amendment, the proposed project would be consistent with the CV-1 designation for the project site. As discussed in **Section 2.0 Project Description** and below, various discretionary land use and entitlement actions will be necessary for the project to be constructed as proposed. Procurement of all required land use approvals will mitigate any potential land use impacts to a less than significant level. Specific development standards that apply to the project site are discussed in more detail below:

Permitted Uses

The proposed project includes the development of a retail center that would include a market and restaurant space. Food markets are permitted uses within the CV-1 zone while restaurants are conditionally permitted uses within the CV-1 zone. As such, the proposed uses would conform to the uses permitted in the CV-1 zone.

Height Limitations

According to Section 17.40.080 of the Malibu Municipal Code, the maximum height of commercial development in the City is 18 feet. As the maximum height of each of the proposed structures is 28 feet, the proposed project would exceed the City's height limitation for commercial uses. This height increase above the 18-foot allowable height is due in part to the fact that building finished floors must be raised by a minimum of 3 feet above the existing grade to meet Federal Emergency Management Agency (FEMA) requirements and MMC Floodplain Management Ordinance requirements (refer to **Section 3.8, Hydrology and Water Quality**, and is also necessary to provide a screen for the rooftop mechanical equipment required for commercial use. 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. Therefore the proposed project is within keeping of the existing visual character or quality of the project vicinity. Site plan review (SPR) is required to allow heights in excess of the maximum allowed height in the zone. With the site plan review process (**SPR No. 10-043)**, height limitations would be brought into conformance. Refer to **Section 3.1, Aesthetics**, for more information.

Setback Requirements

According to Section 17.40.080 of the Malibu Municipal Code, front yard setbacks shall be at least 20 percent of the total depth of the lot, side yard setbacks shall be cumulatively at least 25 percent of the total width of the lot but, in no event, shall a single side yard setback be less than 10 percent of the width of the lot or 5 feet, whichever is greater, and rear yard setbacks shall be at least 15 percent of the lot depth or 15 feet whichever is greater. Based on these standards, with a lot depth of 717 feet, the proposed project would require a front yard setback of 143.4 feet and a year yard setback of 107.55 feet. In addition, with a lot width of 422.46 feet, the proposed project would require one side yard setback to be at least 42.25 feet and the other side yard setback to be a maximum of 63.37 feet. However, as the proposed project would provide a front yard setback of 88 feet, a side yard setback (east) of 50.7 feet, a side yard setback (west) of 42.25 feet, and a rear yard setback of 86.04 feet, it would not conform to the yard setback requirements contained in the Malibu Municipal Code. A Minor Modification (MM) is being requested to permit the reduced front, side (east) and rear setbacks.

Landscaping and Open Space

Consistent with the MMC the project provides 64,042 square feet of open space (25 percent of site area). Section 17.40.080 of the MMC and the LCP also require that 40 percent of the gross lot area constitute landscaped area, or, in this case, 102,467 square feet. The ground-based planter area included in the landscaped area calculations totals 32,849 square feet; however the project proposes additional landscape features as shown in **Table 3.9-2 Proposed Landscaping and Plantings** which are described below and shown in **Figure 2.0-10 Landscape Plan.**

Table 3.9-2
Proposed Landscaping and Plantings

Feature	Area
On-grade landscaping	32,849 square feet
Tree canopy	48,492 square feet
Green walls	22,000 square feet
Total	**103,341 square feet**

Source: The Park at Cross Creek LLC, December 2014

The applicant also proposes to install and maintain approximately 4,500 square feet of landscape in the City's right of way contiguous to the property along Civic Center Way. This landscaping within the City's right of way is also not included in the code required landscaping area calculations.

For clarification, because the MMC does not define "Landscaped Area," the Specific Plan prepared for the proposed project further interprets the permitted functional landscape elements, such as tree canopies and green walls, which could be included in the calculations. Under alternative interpretation, the project would provide greater Landscaped Area than required. However, should the decision makers determine that a more traditional interpretation of the landscape requirement is more appropriate for the site, a variance has been requested (Variance No. 10-028) for the reduced Landscaped Area.

While the provision of underground parking would potentially allow for a greater amount of landscaping on the site, due to the high water table under the project site (less than 10 feet below ground surface), underground parking is not feasible.[5]

City of Malibu Local Coastal Program

The LUP for the Local Coastal Program contains numerous policies for land development. A detailed analysis of the proposed project's consistency with the applicable policies of the various chapters of the LUP is provided in **Table 3.9-3, Local Coastal Program Consistency Analysis**. The analysis concludes that the proposed project would be consistent with the applicable policies of the LUP.

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5 There are special circumstances due to the property elevation in relation to the water table in the area that make it potentially damaging to the aquifer to use underground parking which would allow for more landscaped space at ground level. On this site, historic high groundwater is reported to be 5 feet below grade (Van Beveren & Butelo, January 13, 2009). According to the project geologist, underground parking in an area of high ground water requires constant pumping of the underground parking area and causes disposal issues. Also, because of the narrow distance between grade and the high water table, the use of subterranean parking to achieve more landscaped space at ground level would displace a corresponding amount of water, elevating the water table on adjacent properties, which may be exacerbated when coupled with the subterranean parking garage approved on the adjoining La Paz site. In addition, protection of the water table from potential pollution, especially important for properties closer to Malibu Creek, may not be controllable on a fail-safe basis from an underground garage.

Protection of the water table from pollution in such an instance would be extremely wasteful of energy, since pumps would have to run 24-hours per day to clear water from the garage and that water, once removed, would be considered potentially toxic, and could not be discharged directly into the storm drain system.

Table 3.9-3
Local Coastal Program Consistency Analysis

Policies	Consistency Finding and Discussion
Chapter 2 (Public Access and Recreation)	
LUP 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.	**Consistent**. See discussion for **C Policy 1.3.1,** above. The project has been designed to provide parking pursuant to Malibu Local Implementation Plan (LIP) requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces, the Project parking supply of 220 parking spaces would accommodate the estimated parking demand on site. The plan includes 220 parking spaces (182 standard and 38 compact), 16 bicycle spaces, four golf cart spaces, two loading spaces for the retail structures. The Project also includes two electric vehicle charging stations and four equestrian hitching post areas.
LUP Policy 2.27 The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.	**Consistent**. The proposed project would not eliminate public parking.
LUP Policy 2.33 Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor-serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.	**Consistent**. The proposed project includes visitor-serving uses and with the proposed General Plan and Zoning amendments would be properly designated for the visitor-serving commercial uses. As the project site is presently vacant, no existing low-cost visitor-serving uses would be displaced.
LUP Policy 2.37 Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.	**Consistent**. The proposed project would be visible from Legacy Park. However, landscaping in the City's right-of-way, along the frontage of Civic Center Way would screen the project from park users. See **Section 3.1, Aesthetics**.
LUP Policy 2.44 Proposals to install bike racks, lockers, or other devices for securing bicycles in convenient locations at beach and mountain parks, parking lots throughout the City, trailheads and other staging areas shall be permitted. Funding shall be supported and provided where available.	**Consistent**. Access to and from the project via bicycle has been made a priority and is suitable due to the relatively flat topography. Bicycle parking is located conveniently throughout the project site with the placement of four bike racks for a total 16 bike spaces equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement.

Policies	Consistency Finding and Discussion
Chapter 3 (Marine and Land Resources)	
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 waste water discharges and entrainment, 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.	**Consistent**. See discussion for **LU Policy 1.1.3,** above. Mitigation measures and BMPs designed to control the release of run-off on the project site are included in **Section 3.8, Hydrology and Water Quality**.
LUP 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.	**Consistent**. A biological inventory was prepared for the property by Rachel Tierney on January 22, 2010. The inventory concluded no rare or sensitive plants were found or expected to be on site and that no rare or sensitive animals were found on site though raptors may use the on-site trees for nesting. Pre-construction surveys are required prior to any construction during the nesting season. No resources meeting the definition of ESHA were identified on site. Because the site is located within the Civic Center Overlay per the LCP, per LIP 3.8.5(A)(5)(e)(5), the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams, or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Wildlife. Similarly, no wetlands or streams as defined by the Malibu LCP were found on site. **Refer to Section 3.3 Biological Resources**
LUP Policy 3.45 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.	**Consistent**. Grading will be necessary to raise the building floors above the floodplain to meet FEMA requirements. The proposed grading breaks down as follows: 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. Construction of the proposed project would require the import of a total of 5,251 cubic yards of soil. As discussed in **Section 3.8, Hydrology and Water Quality**, mitigation measures and BMPs are provided to ensure that impact related to water quality are reduced to less than significant levels.

Policies	Consistency Finding and Discussion
LUP Policy 3.46 Grading or earthmoving exceeding 50 cubic yards shall require a grading permit. Grading plans shall meet the requirements of the local implementation plan with respect to maximum quantities, maximum cuts and fills, remedial grading, grading for safety purposes, and maximum heights of cut or fill. Grading proposed in or adjacent to an ESHA shall be minimized to the maximum extent feasible.	**Consistent**. The Project site is relatively level; however, grading is needed to prepare the site for construction and elevate building floors out of the flood plain. As part of the Project application, a Site Plan Review request for grading volumes in excess of 1,000 cubic yards is necessary in order to raise building floors above the required elevation to meet FEMA requirements. The grading plan is required to meet all LIP regulations. As previously discussed, the project site is not in or adjacent to an ESHA.
LUP Policy 3.47 Earthmoving during the rainy season (extending from November 1 to March 1) shall be prohibited for development that is 1) located within or adjacent to ESHA, or 2) that includes grading on slopes greater than 4:1. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 1, unless the City determines that completion of grading would be more protective of resources.	**Consistent**. Grading would not be conducted during the rainy season. The Project site is not located within or adjacent to an ESHA and does not include slopes greater than 4:1.
LUP 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 5.54, Development shall utilize fire resistant materials and incorporate alternative fuel modification measures, such as fire walls (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.	**Consistent**. Existing natural vegetation on the project site is limited to a mix of native and non-native trees, and non-native grassland. Development on the project site would adhere to all applicable Building and Fire Code regulations as well as the LACFD's Fuel Modification Plan Guidelines.
LUP 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.	**Consistent.** A Fuel Modification Plan has been prepared for the project and received Preliminary Approval by the Los Angeles County Fire Department Prevention Services Bureau (on March 14, 2013). Brush clearance beyond the project property boundary is not required. Final approval of the Fuel Modification Plan would require review and approval by the LACFD prior to issuance of building permits for the project. This process involves adding the irrigation plans to the Fuel Modification Plan submittal, and providing the property owner's signature on the plans and on a covenant to be recorded agreeing to maintain the property in conformance with the approved plan for the life of the project.

Policies	Consistency Finding and Discussion
LUP Policy 3.63 New developments 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.	**Consistent**. The proposed project would result in the removal of eight native western sycamore trees. The removal of these trees shall be mitigated by planting 80 new western sycamore trees as part of the landscaping for the proposed project. See **Section 3.3, Biological Resources**.
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.	**Consistent.** The proposed project would result in the removal of eight native western sycamore trees. The removal of these trees shall be mitigated by planting 80 new western sycamore trees as part of the landscaping for the proposed project. Mitigation Measures are included that require the monitoring of the trees and the provision of a report to the City documenting the tree's growth, including a health assessment and the replacement of trees which decline beyond recovery, for no less than 10-years. See **Section 3.3, Biological Resources**.
LUP 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: a. 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 loss. b. Limiting increases of impervious surfaces. c. Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss. d. Limiting disturbance of natural drainage features and vegetation. (Resolution No. 07-04 (LCPA No. 05-001))	**Consistent**: The project site does not currently contain any riparian habitat or water bodies. The project would include approximately 201,123 square feet of impermeable surface area. With the incorporation of erosion mitigation measures and BMPs identified in **Section 3.8, Hydrology and Water Quality,** hydrology impacts would be less than significant.
LUP Policy 3.96 New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.	**Consistent**. Project impacts to surface waters would generally be short-term during construction or until establishment of landscaping, and would be addressed through adherence with National Pollutant Discharge Elimination System (NPDES) and City MS4 requirements. See **Section 3.8, Hydrology and Water Quality**. See also discussion for **LU Policy 1.1.3,** above.
LUP 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) or subsequent versions of this plan.	**Consistent**. See also discussion for **LUP Policy 3.96** and General Plan **LU Policy 1.1.3,** above.

Policies	Consistency Finding and Discussion
LUP Policy 3.125 Development involving on-site wastewater discharges shall be consistent with the rules and regulations of the L.A. Regional Water Quality Control Board, including Waste Discharge Requirements, revised waivers and other regulations that apply.	**Consistent**. No on-site wastewater discharge would occur. All wastewater generated by the proposed project would be treated by the new CCWTF. See **Section 3.14.4, Wastewater**.
Chapter 4 (Hazards and Shoreline/Bluff Development)	
LUP 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: a) Low Slope Stability & Landslide/Rockfall Potential: hillside areas that have the potential to slide, fail, or collapse. b) Fault Rupture: the Malibu Coast-Santa Monica Fault Zone. c) Seismic Ground Shaking: shaking induced by seismic waves traveling through an area as a result of an earthquake on a regional geologic fault. d) Floodprone areas most likely to flood during major storms. e) 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. f) Liquefaction/Floodprone areas where saturated sediments lie in flood plains. g) Tsunami: shoreline areas subject to inundation by a sea wave generated by local or distant earthquake, submarine landslide, subsidence, or volcanic eruption. h) Wave action: shoreline areas subject to damage from wave activity during storms. i) Fire Hazard: areas subject to major wildfires classified in Fire Zone 4 or in the Very High Fire Hazard Severity Zone. (Resolution No. 07-04)	**Consistent**. FEMA designates the project site within Zone AO for potential flood hazard purposes (Flood Insurance Rate Map No. 0637C1541F, dated September 26, 2008). Zone AO is defined by FEMA as "flood depths of 1 to 3 feet (usually sheet flow on sloping terrain)" and requires finished floor elevations of new structures to be at least 3 feet above existing grade. Site grading has been designed to meet FEMA requirements and raise building floors out of the floodplain. Regarding potential fire hazards, a Fire Prevention Plan has been prepared for the project and received preliminary approval from the Los Angeles Fire Department as further described above in **Policy 3.60**. Regarding seismic safety, geotechnical analyses have been conducted for the site and, as described under Policy 4.5, with implementation of geotechnical report recommendations will be required for the project. Refer to **Section 3.5, Geology and Soils**.
LUP 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.	**Consistent**. As discussed under Policy 4.1, the project has been designed to minimize risks to life and property from geologic, flood, and fire hazard.
LUP Policy 4.9 Buildings within floodprone areas subject to inundation or erosion shall be prohibited unless no alternative building site exits on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard	**Consistent**. As discussed under Policy 4.1, the project has been designed to minimize risks to life and property from flood hazard.
LUP Policy 4.50 New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.	**Consistent**. The Project has been reviewed by the LACFD Land Development Unit – Fire Prevention Division for site access and fire flow requirements. Site access and circulation has been designed to meet LACFD requirements (e.g., minimum 20 foot drive aisle widths clear to sky and unobstructed to within 150 feet of all portions of exterior walls). On November 22, 2011, the Project was approved subject to conditions for providing three on-site hydrants and one new off-site public hydrant and meeting specified fire flow standards. Additionally, preliminary approval of the fuel modification plan was received on February 15, 2012 from the Fire Prevention Bureau - Fuel Modification Unit. The project will be required to obtain final LACFD approvals prior to building and/or grading permit issuance.
LUP 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.	**Consistent**. Water service for the Project would be provided by Los Angeles County Waterworks District No. 29. Refer to **Section 3.14.3 Water Supply**. The Project is required to comply with applicable fire safety regulations and is in conformance as discussed above under Policy 4.50.

Policies	Consistency Finding and Discussion
Chapter 5 (New Development)	
COMMERCIAL VISITOR SERVING (CV): The CV designation provides for visitor-serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses. Uses allowed in the other commercial categories may be permitted as part of projects approved on parcels designated CV, so long as at least 50% of the overall floor area of any individual project is devoted to visitor-serving uses. The maximum Floor to Area Ratio (FAR.) is 0.15. The FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of the project. CV designations are divided into two levels of density. Hotels are only permitted in CV-2 designations, the highest density designation.	**Consistent**. The proposed project is a retail center located in a portion of the Civic Center area that is designated CV-1 by the LCP, which permits commercial visitor-serving land uses, including food stores and restaurants. The proposed project would be constructed to a maximum floor to area ratio (FAR) of 0.15 or 15 percent of the lot area.
LUP Policy 5.1 All development that requires a coastal development permit is subject to written findings by the City's decision making body for coastal development permits (Planning Manager, Planning Commission, or City Council, as appropriate) that it is consistent with all Land Use Plan (LUP) policies and Local Implementation Plan (LIP) provisions of the City's certified Local Coastal Program. (Resolution No. 07-04)	**Consistent.** A Coastal Development Permit is proposed as part of the entitlement request to address Project development components, including the merger of two lots into one lot totaling 5.88 acres. CDP findings pursuant to LCP policies are required to be met.
LUP 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.	**Consistent.** The Project has been designed to provide parking pursuant to Malibu Local Implementation Plan (LIP) requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces required, the Project parking supply of 220 parking spaces will accommodate on site the estimated parking demand. No parking variances are requested as part of the Project.
LUP Policy 5.8 Pedestrian and bicycle circulation shall be required as part of all new commercial development.	**Consistent**. . The project is designed to emphasize pedestrian mobility. This is accomplished by provision of clear pedestrian crossings at Civic Center Way and a strong system of walkways and pedestrian spaces within the project area itself and a pedestrian connection to the adjacent La Paz site. Regarding bicycle circulation, access to and from the project via bicycle has been made a priority. In addition, bicycle parking is located conveniently on site. There are a total of four bike racks with 16 bike spaces equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement.
LUP Policy 5.12 Visitor serving retail uses shall be permitted in all commercial zones in the City. Visitor serving retail uses shall fit the character and scale of the surrounding community.	**Consistent**. Project uses are governed by Commercial Visitor Serving-1 (CV-1) zoning regulations and provide a Whole Foods Market with other community and visitor-oriented businesses. The center would serve and benefit not only local residents, but also visitors to the area's beaches and parks. The design intent is to provide a park-like atmosphere that provides a physical and visual link to Legacy Park. The small scale of the building enhances the village and park-like character as further described in **Section 2.0, Project Description**.

Policies	Consistency Finding and Discussion
LUP Policy 5.14 All new commercial and higher density residential development must be located and designed to facilitate provision or extension of transit service to the development and must provide non-automobile circulation within the development to the extent feasible.	**Consistent.** As described in **Section 3.13, Traffic and Transportation**, local public transit is provided by Los Angeles Metro 534 Express bus service. The closest stop to the project area is located at the intersection of Malibu Canyon Road and Civic Center Way. Regarding bicycle circulation, access to and from the project via bicycle has been made a priority. In addition, bicycle parking is located conveniently on site. There are a total of four bike racks with 16 bike spaces equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement. In addition, the project would provide "horse parking" by including and 520 square feet of soft-surface area, including four hitching posts, and a watering trough.
LUP Policy 5.15 No development shall be approved on any parcel located within the Civic Center Overlay Area (LIP Zoning Map 5), other than improvements to existing uses, for a period of two (2) years commencing City of Malibu LCP Land Use Plan September 15, 2002, or until a Specific Plan, or other comprehensive plan encompassing all parcels located within the Civic Center Overlay Area is adopted by the City and certified by the Coastal Commission as an LCP amendment.	**Consistent.** The Project is located within the Civic Center Overlay Area as shown in LIP Zoning Map 5. However, to date no specific plan has been adopted or certified for this area. Further, consistent with the requirements of Measure R, a Specific Plan for the proposed project has been prepared.
LUP Policy 5.18 Other than as provided in 5.15 through 5.17 above, subsequent to September 15, 2004, if no Specific Plan, Development Agreement or other comprehensive plan has been approved by the Coastal Commission as an LCP amendment, Visitor-Serving Commercial, General Commercial, and Community Commercial uses shall be allowed on individual parcels located in the Civic Center Overlay area, as designated by the Land Use Map, consistent with all policies of the LCP. A maximum FAR of 0.15 is permitted, except that the project FAR may be increased to no greater than a maximum of 0.20 FAR if public benefits and amenities, including public open space and habitat restoration or enhancement, are provided and the project site is included as part of a planned development or development agreement for multiple parcels, approved under a LCP amendment certified by the California Coastal Commission. Any LCP amendment to provide for a planned development or development agreement shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval.	**Consistent**. The Project is located within the Civic Center Overlay Area, however, to date no specific plan has been adopted or certified for this area. The Project is governed by Visitor-Serving Commercial (CV- 1) regulations and complies with the maximum FAR of 0.15. In addition, because the site is located within the Civic Center Overlay, the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams, or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Wildlife. Similarly, no wetlands or streams as defined by the Malibu LCP were found on site.
LUP Policy 5.19 Subsequent to September 15, 2004, if no Specific Plan or comprehensive plan is approved by the Coastal Commission as an LCP amendment, applications for new development, other than improvements to existing uses, on individual parcels located in the Civic Center Overlay area shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval of any new development on the site.	**Consistent**. The Project is located within the Civic Center Overlay Area, however, to date no specific plan has been adopted or certified for this area. As noted above, the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams, or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Wildlife. Similarly, no wetlands or streams as defined by the Malibu LCP were found on site.
LUP Policy 5.33 Land divisions include subdivisions (through parcel map, tract map, grant deed, or any other method), lot line adjustments, redivisions, mergers, and certificates of compliance (except as provided in Policy 5.41). Land divisions are only permitted if they are approved in a Coastal Development Permit.	**Consistent**. A component of the Project entails a lot merger to combine two lots into one lot totaling 5.88 acres. A Coastal Development Permit is proposed as part of the entitlement request.

Policies	Consistency Finding and Discussion
LUP Policy 5.39 Any Coastal Development Permit for a land division resulting in the creation of additional lots shall be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot created.	**Consistent**. As part of the proposed project, the underlying parcels constituting the project site will be merged. There would not be a net increase in the number of lots on the project site.
LUP Policy 5.46 All new development shall demonstrate that an adequate potable water supply is available to each parcel. An on-site water well shall provide water of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements for the life of the development.	**Consistent**. On February 26, 2012, Los Angeles County Waterworks District No. 29 approved a conditional will-serve letter for the Project. The District agrees to serve the project with public water, subject to the applicant constructing required on-site water facilities and paying its pro-rata share toward design and construction of off-site facilities, including a +/- 800,000 gallon storage tank, water mains and associated facilities.
LUP Policy 5.49 All new development shall comply with the City's water conservation and wastewater regulations	**Consistent**. The proposed project would be required to meet the Los Angeles County Green Building Ordinance (as adopted by the City of Malibu Municipal Code, Section 15.24.010), which includes the County's Drought-Tolerant Landscaping Ordinance. In addition, as part of the project, the following features will be incorporated to reduce overall water demand: *The proposed project shall incorporate into the building plans water conservation measures as outlined in the following items:* • *Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;* • *Title 24, California Administrative Code, which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation, which can reduce water used before hot water reaches equipment or fixtures; and* • *Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.* With the above "low-impact" design measures, overall water usage would be reduced. Guidelines concerning drought-tolerant and native landscaping included in the County's Green Building Ordinance and the Drought-Tolerant Landscaping Ordinance will also reduce the proposed project's water demands. Regulations such as, at least 75 percent of the project's total landscaped area must be comprised of specified drought tolerant plants, will reduce the site's water usage and runoff. A supplementary measure to the ordinances referenced above, Government Code Section 7800, will further ensure limited personal excess use of water by installing self-regulated public faucets. No on-site wastewater discharge will occur. All wastewater generated by the proposed project would be treated by the new CCWTF. See **Section 3.14.4, Wastewater**.

Policies	Consistency Finding and Discussion
LUP 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.	**Consistent**. No historical resources are located on the project site as the site is vacant. A Phase I Archaeological Study prepared by Robert J. Wlodarski in February 2010 concluded, "Any proposed improvements or modifications to the project property will have no adverse impacts to known cultural resources." Therefore, while no known archaeological or paleontological resources are located on the project site, there is the potential that unknown archaeological and/or paleontological resources may be unearthed during grading. However, mitigation is proposed in **Section 3.4, Cultural Resources** that would reduce this impact to a less than significant level.
Chapter 6 (Scenic and Visual Resources)	
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.	**Consistent**. The proposed site is only partial visible from the PCH, a City-designated scenic road, due to existing commercial development south of the project site and its set back from the roadway (1,000 feet). In addition, landscaping along the Civic Center Way and Cross Creek Road frontages would screen the site from the PCH and local roadways. The Whole Foods and the Park project has been designed as a village of simple, contemporary buildings scattered in the landscape. Straightforward design, heavy timber trellises and standing seam metal roofs reference Malibu's ranching history. Splitting the building area into five structures and the simple contemporary character of the buildings allow them to fit in to the site. Views of the Santa Monica Mountains are preserved from surrounding public vantage points. Building materials are simple and unpretentious – stucco, wood siding, heavy timber and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains. As a result, the visual change to the project site associated with the proposed project is not considered substantial. See **Section 3.1 Aesthetics**.
LUP 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.	**Consistent**. The market, which is the core of the development, is located at the rear of the property to maximize the views of the Malibu hillside behind the project, as well the landscaping proposed on site, from the street and sidewalk on Civic Center Way, to reduce the scale of the building as viewed from Civic Center Way, and to mask views of the loading and trash areas. Combined with the market, a group of four small-scale buildings create a village around a central parking area with its trees and landscaped islands, walkways and benches. Taller structures are located to the rear of the site to enhance views. Consistent with LIP regulations and procedures, a Site Plan Review for building heights over 18 feet is requested as component of the Project development application. Portions of each of the proposed structures will be up to 24 feet above existing grade for flat roof areas, and up to 28 feet above existing grade for pitched roof areas. This height increase above 18 feet is due, in part, to the fact that the building finish floors must be raised to meet FEMA requirements, and also is necessary to screen rooftop equipment required for commercial uses to provide for greater compatibility with surrounding uses.

Policies	Consistency Finding and Discussion
LUP Policy 6.9 All new development shall be sited and designed to minimize alteration of natural landforms by: a) Conforming to the natural topography. b) Preventing substantial grading or reconfiguration of the project site. c) Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs. d) Requiring that man-made contours mimic the natural contours. e) Ensuring that graded slopes blend with the existing terrain of the site and surrounding area. f) Minimizing grading permitted outside of the building footprint. g) Clustering structures to minimize site disturbance and to minimize development area. h) Minimizing height and length of cut and fill slopes. i) Minimizing the height and length of retaining walls. j) Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.	**Consistent**. No unique landforms would be altered as a result of the proposed project. The proposed project has been designed and would be constructed to blend in with the existing landscape and topography. Grading volumes in excess of 1,000 cubic yards of soil will be necessary to raise the building floors above the floodplain to meet FEMA requirements. (Land Use Implementation Plan Section 8.3(G)). Proposed grading breaks down as follows: 70 cubic yards of remedial cut and 5,321 cubic yards of remedial fill, 7,612 cubic yards of removal and recompaction, and 4,516 cubic yards of exempt understructure fill. Site plan review and approval would be required.
LUP Policy 6.12 All new structures shall be sited and designed to minimize impacts to visual resources by: a) Ensuring visual compatibility with the character of the surrounding areas. b) Avoiding large cantilevers or understories. c) Setting back higher elements of the structure toward the center or uphill portion of the building. (Resolution No. 07-04)	**Consistent**. As described under Policies 6.5 and 6.7, the Project has been designed to minimize impacts to visual resources by locating taller structures to the rear of the property, retaining public views of the Santa Monica Mountains, scaling structures to be compatible with surrounding development, and integrating building materials, plantings, and a color palette that is inspired by nature. Cantilevers or understories are not proposed.
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.	**Consistent**. As described under Policy 6.5, the Project has been designed as a collection of simple, contemporary buildings scattered in the landscape. Straightforward design, heavy timber trellises and standing seam metal roofs reference Malibu's ranching history. Splitting the building area into five structures and the simple sculptural character of the buildings allow them to fit in to the site. Views of the Santa Monica Mountains are preserved from surrounding public vantage points. Building materials are simple and include stucco, wood siding, heavy timber and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains. The use of highly reflective materials is not proposed.
LUP Policy 6.14 The height of permitted retaining walls shall not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief. Where feasible, retaining walls supporting a structure should be incorporated into the foundation system in a stepped or split level design. Retaining walls visible from scenic highways, trails, parks, and beaches should incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.	**Consistent**. The project site is generally flat, no retaining walls will be necessary for project construction. However, the proposed project includes a 12-foot sound wall at the rear of the property to reduce potential impacts on the horse training facility to the north of the site. With the proposed variance the project would be consistent with this policy. Further, because the proposed wall is at the rear of the project site, behind the proposed market building, it would not be generally visible to the vast majority of viewers.
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.	**Consistent**. Project frontages along Civic Center Way and Cross Creek Road provide an open design with views into the site and of the Santa Monica Mountains to the north. Fences, walls, and landscaping will not block scenic views.

Policies	Consistency Finding and Discussion
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 ridge lines and natural features of the Santa Monica Mountains through measures such as clustering development, and restricting height and bulk of structures.	**Consistent**. Portions of each of the proposed structures would 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 above 18 feet is due, in part, to the fact that the building finish floors must be raised to meet FEMA requirements. The project design locates taller structures to the rear of the site to optimize views of the Santa Monica Mountains from public rights-of-way. As such, the proposed structures would only obstruct views of the lower ridgelines of the Santa Monica Mountains to the north from the PCH. All other views of the mountains across the project site would remain unobstructed. See **Section 3.1, Aesthetics**. The project would undergo a Site Plan Review (SPR No. 10-043) to further ensure consistency.
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.	**Consistent**. Project lighting is proposed to be hooded, shielded, and directed downward to minimize light spill over, and landscaping along the Civic Center Way and Cross Creek Road frontages would also minimize the visibility of the lighting. However, careful review of the final design would be required to ensure that the fixtures are properly located and designed. See **Section 3.1, Aesthetics**.
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 3.60.	**Consistent**. The project site is flat, with a gravel road running along the west side and a paved area located in the northeast portion along Cross Creek Road. Non-native weedy vegetation occupies the rest of the site. Three groups of native sycamore trees are located in the central and northwestern portions of the site and would be removed to accommodate the development. No streams, wetlands or ESHA are present on the property. Removal of native trees will be mitigated in compliance with LCP Policy 3.65 discussed above.
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.	**Consistent**. A sign program has been prepared for the project that conforms to all City requirements and uses materials and theming compatible with proposed buildings and landscape elements. The signs are compatible with the character of surrounding areas and do not interfere with scenic views.
Chapter 7 (Public Works)	
LUP Policy 7.4 Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP.	**Consistent**. A traffic impact analysis for the Project has been prepared, and the Project would comply with adopted mitigation measures for improvements to the following intersections: Malibu Canyon Road/Pacific Coast Highway, Pacific Coast Highway/Webb Way, and Pacific Coast Highway/Cross Creek Road. In addition, the Project will participate in applicable fair share traffic mitigation programs. Refer to **Section 3.13, Traffic and Transportation**.
LUP Policy 7.9 Road improvements to provide legal access to or facilitate development of a legal parcel may be permitted provided such improvements are consistent with all policies of the LCP. Existing legal roads shall be utilized for access where feasible.	**Consistent**. Primary vehicular access would come from a driveway on Civic Center Way that is designed to align with the driveway serving the existing commercial office complex across the street. Secondary access is provided by a driveway on Cross Creek Road, a private street. Both access points connect to existing legal roads.

Policies	Consistency Finding and Discussion
LUP Policy 7.21 Any assessment district formed to finance construction of a public sewer system shall be considered a public works project pursuant to PRC Section 30114 and must be found consistent with all applicable policies of the LCP including the ultimate level of growth allowed by the LCP and shall not be effective until and unless the Coastal Commission has approved the proposed system as an LCP amendment.	**Consistent**. The project would connect to the Malibu CCWTF for wastewater treatment. The project applicant would participate in the funding of the CCWTF and the upgrading of the Sweetwater Mesa Waterworks District 29 tank on a pro-rata basis.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.9.3 Conflict with any applicable habitat conservation plan or natural community conservation plan.

No adopted habitat conservation plan or natural community conservation plan exists for the project site or immediate area. Consequently, implementation of the project would not conflict with the provisions of any adopted conservation plan. There would be no impact with regard to this criterion.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

The development of the related projects listed in **Chapter 3.0, Environmental Impact Analysis**, is expected to occur in accordance with adopted plans and regulations. All future development in the City would be reviewed for consistency with adopted land use plans and policies by the City, including Measure R. For this reason, pending and approved projects are anticipated to be consistent with the General Plan, zoning, and LCP requirements, or be subject to an allowable exception, and further, would be subject to review under CEQA, mitigation requirements, and design review.

As the Specific Plan prepared for the proposed project demonstrates, following the granting of the requested discretional approvals (Coastal Development Permit No. 10-022, General Plan Amendment No. 11-001, Zoning Map Amendment No. 11-001, Lot Merger No. 10-004, Conditional Use Permit No. 10-013, Site Plan Review No. 10-042, Site Plan Review No. 10-043, the Minor Modification request, Variance No. 10-028, and Variance No. 10-029) the proposed project would be consistent with applicable land use plans and zoning for the project site, the cumulative impact of the proposed project along with pending and approved projects would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.10 NOISE

INTRODUCTION

This section addresses the potential noise impacts that could result from construction and operation of the proposed project. A Noise Impact Analysis prepared by Menlo Scientific Acoustics, Inc., dated July 3, 2013, assessed the potential for construction and operational noise impacts at noise-sensitive receptors located in the vicinity of the project site. The Noise Impact Analysis utilized data from the project's traffic study, prepared by Overland Traffic Consultants. According to the analysis prepared by Menlo Scientific Acoustics, construction-related noise levels could potentially exceed the thresholds of significance on a temporary basis. Mitigation measures are recommended to reduce construction-related noise; however, impacts would remain significant and unavoidable. Noise modeling indicated that the project would result in operational-related noise levels that would exceed the thresholds of significance due to stationary non-transportation related sources and combined transportation and non-transportation sources. Mitigation measures are recommended to reduce operational-related noise. The project would result in vibration impacts that are less than significant for construction and operation. The Noise Impact Analysis is provided in **Appendix 3.10**.

ENVIRONMENTAL SETTING

Noise Fundamentals

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise can be defined as unwanted sound. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the entire spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called "A-weighting," written "dB(A)." The A-weighted sound level is measured on a logarithmic scale such that a doubling of sound energy results in a 3 dB(A) increase in sound level.[1] In general, changes in a community sound level of less than 3 dB(A) are not typically noticed by the human ear.[2] Changes from 3 to 5 dB(A) may be

1 US Department of Transportation, Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, (2006) 2-3.

2 US Department of Transportation, Federal Highway Administration, *Highway Noise Fundamentals*, (1980) 81.

noticed by some individuals who are extremely sensitive to changes in noise.[3] A greater than 5 dB(A) increase is readily noticeable, while the human ear perceives a 10 dB(A) change in sound level to be a doubling or halving sound.[4] Common noise levels associated with certain activities are shown on **Figure 3.10-1, Common Noise Levels**.

When assessing community reaction to noise, there is an obvious need for a scale that averages sound pressure levels over time and quantifies the result in terms of a single numerical descriptor. Different types of scales are used to characterize the time-varying nature of sound. Scales that are applicable to this analysis are the Maximum Noise Level (Lmax), Equivalent Noise Level (Leq), and the Community Noise Equivalent Level (CNEL). The Lmax is the maximum noise level measured during a specified period. The Leq is the average A-weighted sound level measured over a given time interval. Leq can be measured over any period, but is typically measured for 1-minute, 15-minute, 1-hour, or 24-hour periods. CNEL is an average A-weighted sound level measured over a 24-hour period. However, this noise scale is adjusted to account for some individuals' increased sensitivity to noise levels during the evening and nighttime hours. A CNEL noise measurement is obtained by adding 5 dB to sound levels occurring during the evening from 7:00 PM to 10:00 PM, and 10 dB to sound levels occurring during the nighttime from 10:00 PM to 7:00 AM. The 5 dB and 10 dB "penalties" are applied to account for increased noise sensitivity during the evening and nighttime hours. The logarithmic effect of adding these penalties to the 1-hour Leq measurements typically results in a CNEL measurement that is within approximately 3 dB(A) of the peak-hour Leq.[5] Below are brief definitions of these metrics and other terminology used in this analysis:

- **Decibel (dB):** A unitless measure of sound on a logarithmic scale, which indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude. The reference pressure is 20 micro-pascals.
- **A-Weighted Decibel (dB(A))**: An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Equivalent Sound Level (Leq)**: The equivalent steady state sound level that in a stated period of time would contain the same acoustical energy.
- **Maximum Sound Level (Lmax)**: The maximum sound level measured during the measurement period.

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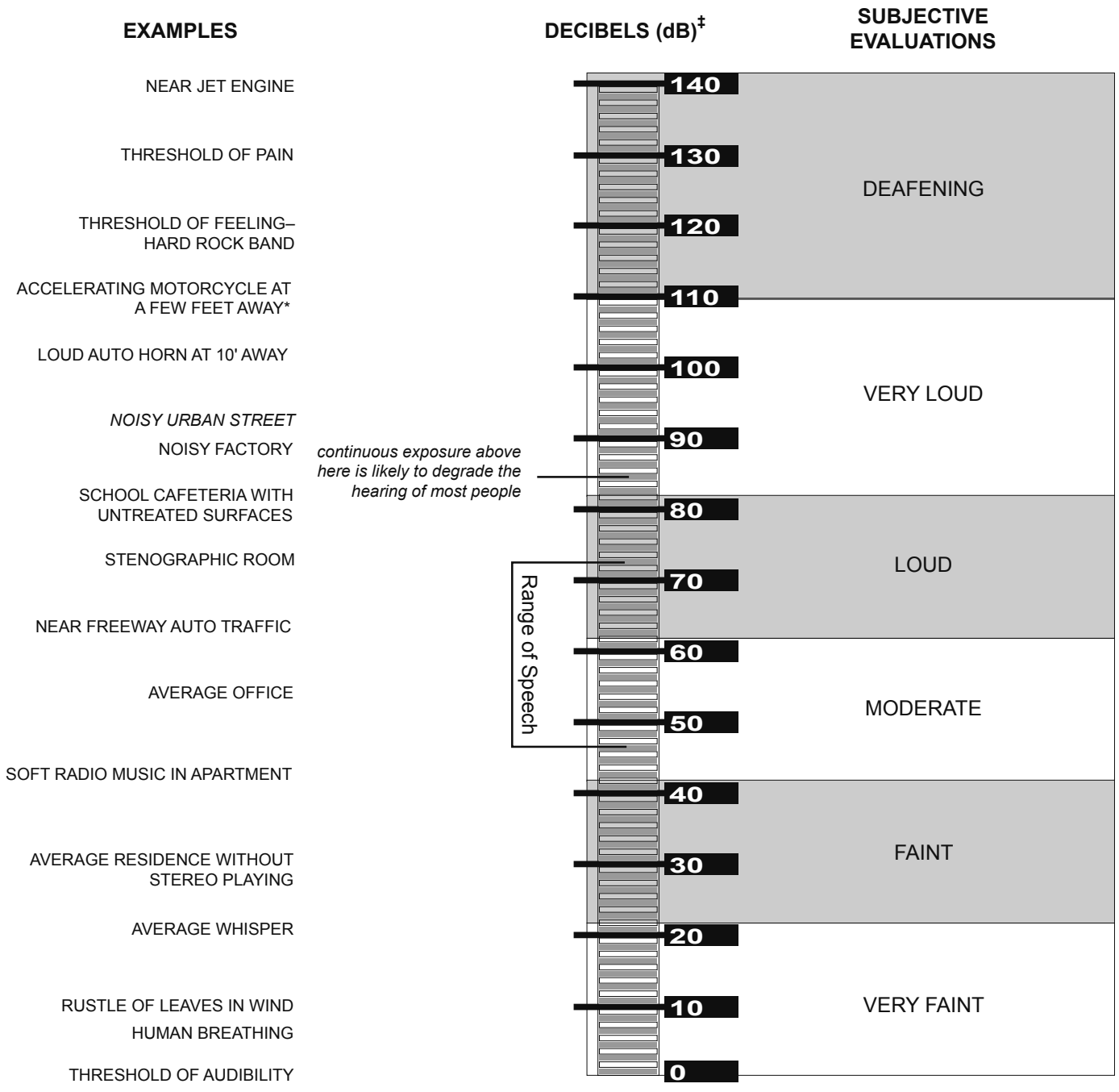
3 US Department of Transportation, Federal Highway Administration, *Highway Noise Fundamentals*, (1980) 81.

4 US Department of Transportation, Federal Highway Administration, *Highway Noise Fundamentals*, (1980) 81.

5 California Department of Transportation, *Technical Noise Supplement; A Technical Supplement to the Traffic Noise Analysis Protocol*, (1998) N51-N54.



** NOTE: 50' from motorcycle equals noise at about 2000' from a four-engine jet aircraft.*

‡*NOTE: dB are "average" values as measured on the A–scale of a sound–level meter.*

FIGURE **3.10-1**

Common Noise Levels

- **Minimum Sound Level (Lmin)**: The minimum sound level measured during the measurement period.

- **n-Percent Exceeded Level (Ln)**: The sound level exceeded for n percent of the time. For instance, L50 is the noise level that was exceeded for a cumulative 50 percent of the time during a measurement period (e.g., 30 minutes during a 1-hour measurement period).

- **Community Noise Equivalent Level (CNEL)**: The energy average of the A-weighted sound levels occurring during a 24-hour period with 5 dB added to the A-weighted sound levels occurring during the period from 7:00 PM to 10:00 PM and 10 dB added to the A-weighted sound levels occurring during the period from 10:00 PM to 7:00 AM.

- **Day-Night Level (Ldn)**: The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring during the period from 10:00 PM to 7:00 AM.

CNEL and Ldn values differ by less than 1 dB. As a matter of practice, Ldn and CNEL values are considered to be equivalent and are treated as such in this assessment.

Vibration Fundamentals

Vibration consists of waves transmitted through solid material. Ground-borne vibration propagates from the source through the ground to adjacent buildings by surface waves. The frequency of a vibrating object describes how rapidly it is oscillating, measured in Hertz (Hz). Most environmental vibrations consist of a composite, or "spectrum," of many frequencies, and are generally classified as broadband or random vibrations. The normal frequency range of most ground-borne vibration that can be felt generally starts from a low frequency of less than 1 Hz to a high of about 200 Hz. Vibration is often measured in terms of the peak particle velocity (PPV) in inches per second (in/sec), because it is related to the stresses that are experienced by buildings. Vibration is also measured in vibration decibels (VdB). The human threshold of perception is around 65 VdB; the dividing line between barely perceptible and distinctly perceptible is around 75 VdB; and vibration levels are acceptable at 85 VdB if there are an infrequent number of events per day.[6]

Ground-borne vibration is generally limited to areas within a few hundred feet of certain types of construction activities, especially pile driving. Road vehicles rarely create enough ground-borne vibration to be perceptible to humans unless the road surface is poorly maintained and there are potholes or bumps.[7] If traffic, typically heavy trucks, induces perceptible vibration in buildings, such as window

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6 US Department of Transportation, Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, (2006), 7–8.

7 US Department of Transportation, Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, (2006), 7–9.

rattling or shaking of small loose items, then it is most likely an effect of low-frequency airborne noise or ground characteristics. Human annoyance by vibration is related to the vibration energy and the number and duration of events, as well as the setting in which the person experiences the vibration.

Surrounding Land Uses

The project site is located within the larger Civic Center area of Malibu, which occupies approximately 185 acres extending from Pacific Coast Highway (PCH) in the south to the base of the hillsides in the north. The project site is located adjacent to a vacant parcel to the west, commercial to the east, horse training facility to the north, and a commercial center to the south. Single-family residential properties are located further to the north, along the ridgeline overlooking the Civic Center area. Additional land uses in the area include Legacy Park, a passive community park, which includes an element of the City's storm water treatment system, located southwest of the project site, across Civic Center Way. Immediately to the west is the approved, but unbuilt, La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Los Angeles County Sheriff's Department (LASD) substation, the Malibu Branch Public Library – Malibu Branch, and the vacated Superior Court offices, is located immediately to the west of the La Paz site. The project site is also within 0.25 mile of eastbound and westbound transit stops on the Malibu Express (Metro Line 534), which provides daily public transportation services. The project site is located approximately 920 feet (280 meters) north of PCH.

Ambient Sound Levels

Measured Sound Levels

Sound generated by vehicular traffic traveling on the local roadway network represents the predominant and most consistent noise source in the project area. Vehicles traveling in the project area generally include automobiles, trucks, buses, and motorcycles. Existing sound levels were measured at noise-sensitive receptors closest to the proposed project by Menlo Scientific Acoustics, Inc. Since the proposed project would typically operate during the daytime and evening hours, noise measurements were taken during peak afternoon traffic period and at nighttime. These two periods represent the extremes of the existing noise environment when the project would be in operation. Additional monitoring at two locations was done to reflect weekend mid-day ambient noise levels. The measured sound levels, shown as Leq and L90, are provided in **Table 3.10-1, Existing Environmental Noise Exposures**. Detailed information on measurement times and locations are provided in **Appendix 3.10**.

Table 3.10-1
Existing Environmental Noise Exposures

ID	Sensitive Receptor Location	Distance from Nearest Project Boundary (feet)	Afternoon Peak-Hour Ambient Sound Level, 15-minute (dB(A)A)		Nighttime Ambient Sound Level, 15-minute (dB(A))		Afternoon (Saturday) Mid-Day Ambient Sound Level, 15-minute (dB(A))	
			Leq	L90	Leq	L90	Leq	L90
1	Equestrian Center	30	46	43	45	42	-	-
2	Residence at 3661 Cross Creek Dr.	250	45	42	45	43	-	-
3	Malibu Public Library	430	52	49	48	39	-	-
4	Residence at 23704 Harbor Vista Dr.	760	52	49	44	39	52	48
5	Residence at 3657 Cross Creek Rd	700	43	40	42	38	46	37
6	Legacy Park	365	59	50	-	-	-	-

Source: Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 3, 2013). The Noise Impact Analysis is provided in ***Appendix 3.10****.*

REGULATORY FRAMEWORK

Federal

There are no federal noise regulations that bear directly on local actions of the City of Malibu. However, various federal agencies have provided guidance documents on assessing and mitigating noise impacts from construction and vehicle traffic. These guidance documents are discussed later under the project impacts section.

State

California Department of Health Services

The State of California Department of Health Services, Environmental Health Division, has published recommended guidelines for noise and land use compatibility, referred to as the *State Land Use Compatibility Guidelines for Noise* (State Noise Guidelines). The State Noise Guidelines, illustrated in **Figure 3.10-2, State Land Use Compatibility Guidelines for Noise**, indicate that residential land uses and other noise-sensitive receptors generally should locate in areas where outdoor ambient sound levels do not exceed 65 to 70 dB(A) (CNEL or Ldn). The Department of Health Services does not mandate application of this compatibility matrix to development projects; however, each jurisdiction is required to consider the State Noise Guidelines when developing its General Plan Noise Element or determining acceptable sound levels within its community.

According to the State Noise Guidelines, an exterior sound level of 60 dB(A) CNEL is considered to be "normally acceptable" for single-family, duplex, and mobile homes involving normal, conventional construction, without any special noise insulation requirements. Exterior sound levels up to 65 dB(A) CNEL are typically considered "normally acceptable" for multi-family units and transient lodging without any special noise insulation requirements. Between these values and 70 dB(A) CNEL, exterior sound levels are typically considered "conditionally acceptable," and residential construction should only occur after a detailed analysis of the noise reduction requirements and needed noise attenuation features have been included in the project design. Exterior noise attenuation features include, but are not limited to, setbacks to place structures outside the conditionally acceptable noise contour, orienting structures so no windows open to the noise source, and/or installing noise barriers such as berms and/or solid walls. Within a 65 dB(A) CNEL exterior noise environment, interior sound levels will typically be reduced to acceptable levels (to at least 45 dB(A) CNEL) with closed windows through conventional construction, but include fresh air supply systems or air conditioning in order to maintain a comfortable living environment. The minimum attenuation of exterior to interior noise provided by typical structures in California is shown in **Table 3.10-2, Outside to Inside Noise Attenuation (dB(A))**.

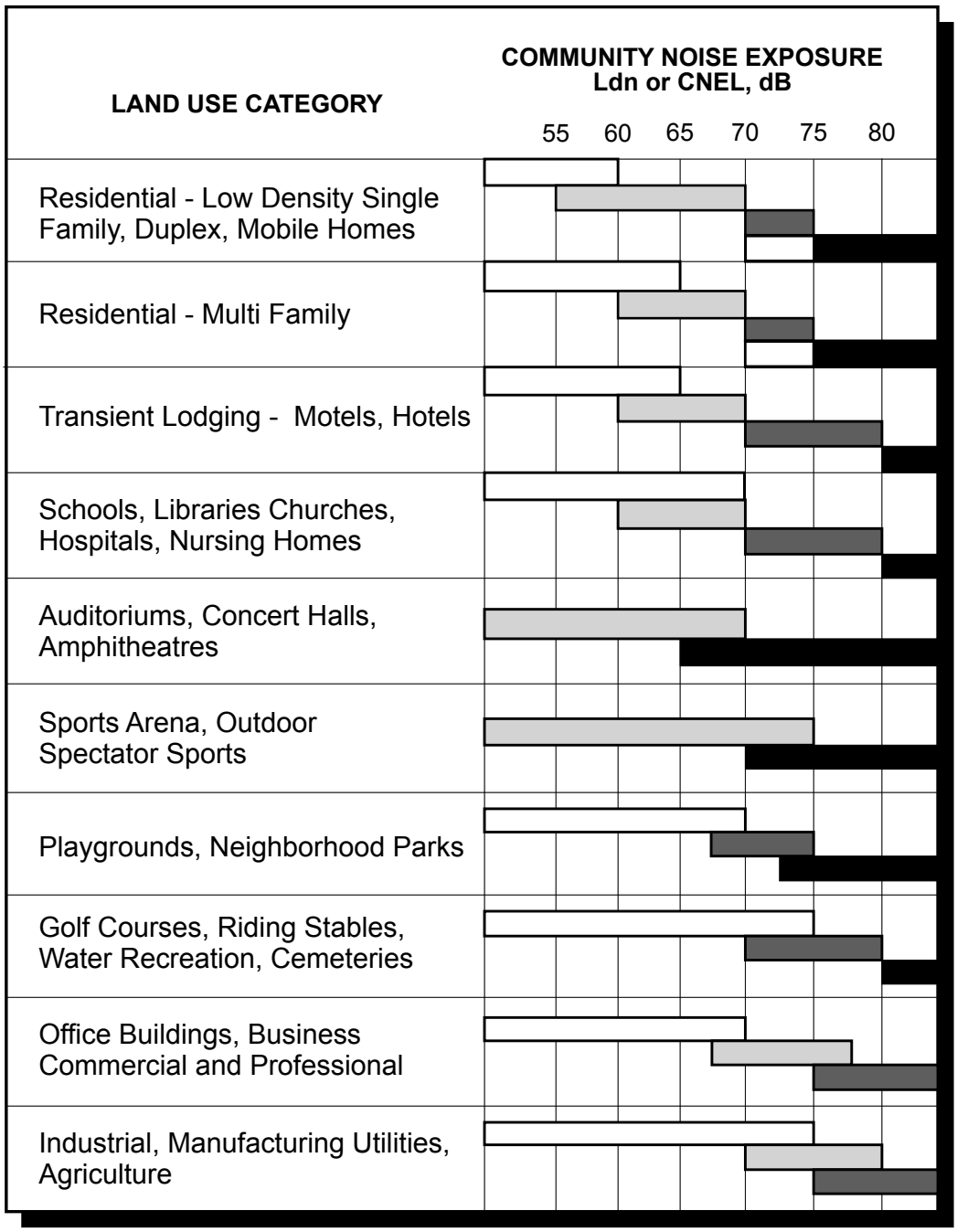
Table 3.10-2
Outside to Inside Noise Attenuation (dB(A))

Building Type	Open Windows	Closed Windows[1]
Residences	17	25
Schools	17	25
Churches	20	30
Hospitals/Convalescent Homes	17	25
Offices	17	25
Theaters	20	30
Hotels/Motels	17	25

Source: Transportation Research Board, National Research Council, Highway Noise: A Design Guide for Highway Engineers, National Cooperative Highway Research Program Report 117.

[1] *As shown, structures with closed windows can attenuate exterior noise by a minimum of 25 to 30 dB(A).*

Under the State Noise Guidelines, an exterior sound level of 70 dB(A) CNEL is typically the dividing line between an acceptable and unacceptable exterior noise environment for all noise-sensitive uses, including schools, libraries, churches, hospitals, day care centers, and nursing homes of conventional construction. Sound levels below 75 dB(A) CNEL are typically acceptable for office and commercial buildings, while levels up to 75 dB(A) CNEL are typically acceptable for industrial uses.



NORMALLY ACCEPTABLE
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

CONDITIONALLY ACCEPTABLE
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

NORMALLY UNACCEPTABLE
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise reduction features included in the design.

CLEARLY UNACCEPTABLE
New construction or development should generally not be undertaken.

SOURCE: California Governor's Office of Planning and Research, State of California General Plan Guidelines, Appendix C: Guidelines for the Preparation and Content of Noise Elements of the General Plan, October 2003.

FIGURE **3.10-2**

State Land Use Compatibility Guidelines for Noise

California Noise Insulation Standards

The California Noise Insulation Standards (Cal. Code of Reg., Title 24, Sec. 3501 et seq.) require that interior sound levels from exterior sources be 45 dB(A) or less in any habitable room of a multi-residential use facility (e.g., hotels, motels, dormitories, long-term care facilities, and apartment houses and other dwellings, except detached single-family dwellings) with doors and windows closed. Measurements are based on CNEL or Ldn, whichever is consistent with the noise element of the local general plan. Where exterior sound levels exceed 60 dB(A) CNEL/Ldn, an acoustical analysis for new development is required to show that the proposed construction will reduce interior sound levels to 45 dB(A) CNEL/Ldn. If the interior 45 dB(A) CNEL/Ldn limit can be achieved only with the windows closed, the residence design must include mechanical ventilation that meets applicable Uniform Building Code (UBC) requirements.

California Division of Occupational Health and Safety

The California Division of Occupational Health and Safety provides guidelines to ensure people employed in the State of California are not exposed to sound levels greater than 85 dB(A). An employer would be required to administer a continuing effective hearing conservation program whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 dB(A) (referred to as the "action level"), or equivalently, a dose of 50 percent. The following procedures shall be implemented as part of the hearing conservation program when the action level is exceeded: personal or area noise monitoring, implementation of an audiometric testing program, an evaluation of an audiogram, audiometric test requirements, and audiometric calibration.[8] Furthermore, if the action level is exceeded, the employer shall institute a training program for all employees who are exposed to noise at or above an 8-hour time-weighted average of 85 dB(A), and shall ensure employee participation in the program. The training program shall be repeated annually for each employee included in the hearing conservation program, and information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.[9]

Local

City of Malibu Municipal Code

The City of Malibu Municipal Code specifies noise restrictions, exemptions, and variances for noise sources. Several of these are applicable to the proposed project as summarized below.

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8 California Code of Regulations, Title 8, Section 5097, Hearing Conservation Program.

9 California Code of Regulations, Title 8, Section 5099, Training Program.

Section 8.24.040 states that:

> *No person shall make, or cause or suffer, or permit to be made upon any premises owned, occupied or controlled by such person, any unnecessary noises, sounds or vibrations which are physically annoying to reasonable persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their use, time, or place as to occasion unnecessary discomfort to any persons within the neighborhood from which the noises emanate or which interfere with the peace and comfort of the residents or their guests, or the operators or customers in places of business in the vicinity, or which may detrimentally or adversely affect such residences or places of business.*

Section 8.24.050 lists prohibited acts that would generate noise in violation of the Municipal Code. These acts include:

- The sustained operation or use between the hours of 10:00 PM and 7:00 AM of any electric or gasoline powered motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, machine or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible at a distance of 50 feet from such structure, or within 10 feet of any residence;

- Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 PM and 7:00 AM in such a manner as to cause noise disturbance;

- The use of combustion or gasoline powered leaf blowers.

Section 8.24.050(G) of the Municipal Code prohibits the use of construction tools, equipment, impact devices, derricks or hoists on weekdays between the hours of 7:00 PM and 7:00 AM, before 8:00 AM or after 5:00 PM on Saturday, or at any time on Sundays or holidays, unless the City Manager grants expressed written permission pursuant to Section 8.24.060(D). In addition, Section 8.24.060(D) states that the "provisions of Section 8.24.050 do not apply to the construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property, when such necessity arises during such hours as the offices of the city are closed, or where such necessity requires immediate action prior to the time at which it would be possible to obtain a permit pursuant to this section."

City of Malibu General Plan

The City of Malibu General Plan Noise Element provides guidance on improving the safety and health of the community and abatement of excessive noise. The Noise Element provides information on the existing and projected noise environment and includes goals, objectives, policies, and implementation programs to ensure an acceptable noise environment. The predominant noise source in Malibu is vehicular traffic from PCH, major canyon roads, and the local arterials. The Noise Element recommends

that community decision makers use available community noise information to ensure that a minimum number of people are exposed to potentially harmful noise sources and recommends the use of established federal and state agency noise/land use compatibility guidelines, which are based upon single-event and cumulative noise criteria, such as Lmax, Leq, and CNEL.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

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

- Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Expose persons to or generate excessive ground borne vibration or ground borne noise levels;
- Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would expose people residing or working in the project area to excessive noise levels.

Construction noise is governed by Municipal Code Section 8.24.050(G), which prohibits the use of construction tools, equipment, impact devices, derricks or hoists on weekdays between the hours of 7:00 PM and 7:00 AM, before 8:00 AM or after 5:00 PM on Saturday, or at any time on Sundays or holidays, unless the City Manager grants expressed written permission pursuant to Section 8.24.060(D). Construction noise is also governed by policies in the General Plan.

Maximum noise levels for non-transportation sources are provided in the Noise Element. These limits fulfill the CEQA requirement for establishing threshold limits of significance throughout the City by specifying "significant" noise levels on properties as a function of their zoning designation and the time of day. These limits are used to help judge the significance of noise impacts from both construction and

operational impacts at the project site. The exterior noise limits for non-transportation sources are provided in **Table 3.10-3, Maximum Exterior Noise Limits for Non-Transportation Sources**.

Table 3.10-3
Maximum Exterior Noise Limits for Non-Transportation Sources

Receiving Land Use Category	General Plan Land Use Districts	Time Period	Noise Level (dB(A))	
			Leq	Lmax
Rural	All RR Zones and PRF, CR, AH, OS	7:00 AM to 7:00 PM	55	75
		7:00 PM to 10:00 PM	50	65
		10:00 PM to 7:00 AM	40	55
Other Residential	All SFR, MFR, and MFBF Zones	7:00 AM to 7:00 PM	55	75
		7:00 PM to 10:00 PM	50	65
		10:00 PM to 7:00 AM	45	60
Commercial, Institutional	CN, CC, CV, CG, and I Zones	7:00 AM to 7:00 PM	65	85
		7:00 PM to 7:00 AM	60	70

Source: City of Malibu, General Plan, Noise Element, Table 6-4.

The Noise Element provides exterior and interior noise limits for transportation sources. The noise limits for transportation sources are provided in **Table 3.10-4, Noise Limits for Transportation Sources**. According to the Noise Element, where it is not possible to reduce noise in outdoor activity areas to 50 dB Ldn/CNEL or less using practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with the values shown in **Table 3.10-4**.

The project would not include any stationary sources of vibrations during operation. Construction equipment may produce temporary and infrequent ground-borne vibration. For purposes of evaluating the significance of the vibration impacts, the following numeric thresholds were used:

- Vibration levels that exceed approximately 85 VdB at sensitive land uses, which is the vibration level that is considered by the Federal Transit Administration (FTA) to be the threshold for human annoyance for infrequent ground-borne vibration; or
- Vibration levels that exceed approximately 100 VdB for fragile buildings and approximately 95 VdB for extremely fragile historic buildings.

Table 3.10-4
Noise Limits for Transportation Sources

Land Use	Outdoor Activity Areas[1] (dB Ldn/CNEL)	Interior Spaces	
		dB Ldn/CNEL	dB Peak Hour Leq[2]
Residential	50 [3]	45	—
Transient Housing	60 [3]	45	—
Hospitals, long-term in-patient medical treatment and care facilities	60 [3]	45	—
Theaters, auditoria, music halls	60 [3]	—	35
Churches and meeting halls	60 [3]	—	40
Office buildings	60 [3]	—	45
Schools, libraries and museums, child care	60 [3]	—	45
Playgrounds and neighborhood parks	70	—	—

Source: City of Malibu, General Plan, Noise Element, Table 6-5.

[1] Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.

[2] As determined for a typical worst-case hour during periods of use.

[3] Where it is not possible to reduce noise in outdoor activity areas to 50 dB Ldn/CNEL or less using practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

Methodology

Construction of the project would require site preparation, grading, building construction, asphalt paving, and architectural coating. These activities typically involve the use of heavy equipment, such as tractors, dozers, and cranes. While construction would be temporary, the use of these types of equipment could generate noise that would be heard both on and off the project site. Once the project becomes operational, the permanently installed equipment and project motor vehicles would generate long-term noise. The level of operational noise would depend on the equipment design specifications and any noise reduction or shielding features.

The construction noise impacts were assessed by Menlo Scientific Acoustics, Inc., using data from the US Environmental Protection Agency (EPA). The US EPA has compiled data on the noise-generating characteristics of specific types of construction equipment. Noise levels generated by heavy equipment can range from approximately 70 dB(A) to noise levels in excess of 90 dB(A) when measured at a distance of 50 feet from the noise source. The noise levels diminish rapidly with distance at a rate of approximately 6 to up to 9 dB(A) per doubling of distance for acoustically hard and soft sites, respectively. An example of an acoustically hard site would be a parking lot while an acoustically soft site would be a park. Assuming an acoustically hard site, a noise level of 75 dB(A) measured at 50 feet from the noise source would be reduced to 69 dB(A) at 100 feet and to 63 dB(A) at 200 feet. Construction noise

levels at receptors would tend to vary based on the location of construction activity and the number of equipment in operation. The project would involve the use of multiple pieces of construction equipment. However, the equipment would not all be in use at the same location because of physical space and safety considerations. For the purposes of this analysis, the maximum and average construction noise levels were estimated and compared to the City of Malibu thresholds for non-transportation noise sources. Construction would not take place during the evening and nighttime hours, in accordance with the City of Malibu Municipal Code.

The operational noise impacts would primarily result from the incremental increase in motor vehicles traveling on roadways and noise generated from stationary rooftop heating, ventilation, and air conditioning (HVAC) equipment, and the loading dock at the proposed Whole Foods Market. Traffic volumes utilized as data inputs for roadway noise were based on information provided by Overland Traffic Consultants, as part of the traffic study conducted for the project.[10]

Impact Analysis

Threshold 3.10.1 **Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

The proposed project would result in short-term construction and long-term operational noise. An analysis of the project impacts along with noise compatibility issues with the surrounding noise environmental, are provided below.

Short-Term Construction

Construction of the project would require site clearing, grading, building construction, paving, and architectural coating. These activities typically involve the use of heavy equipment, such as graders, backhoes, and trucks. While construction would be temporary, the use of these types of equipment would generate periodic noise that may be heard on and off the project site. Noise levels generated by heavy equipment can range from approximately 70 dB(A) to noise levels in excess of 90 dB(A) when measured at a distance of 50 feet from the noise source, depending on the equipment. The noise levels diminish rapidly with distance at a rate of approximately 6 to up to 9 dB(A) per doubling of distance for acoustically hard and soft sites, respectively. Typical individual equipment noise levels are provided in **Table 3.10-5, Typical Sound Levels of Construction Equipment at 50 Feet**.

10 Overland Traffic Consultants, *Traffic Impact Analysis*, (January 2015).

Table 3.10-5
Typical Sound Levels of Construction Equipment at 50 Feet

Construction Equipment	Range of Sound Levels at 50 Feet (dB(A))
Graders	80 to 93
Backhoes	72 to 92
Rollers	73 to 75
Trucks	83 to 94
Concrete Mixers	75 to 87
Air Compressors	74 to 86
Saws	72 to 82

Source: US Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, (1971).

Construction noise levels at receptors would tend to vary based on the location of construction activity and the number of equipment simultaneously in use. The construction process requires the simultaneous use of several pieces of equipment, many of which move around the site and change their operating conditions on a day-by-day and hour-by-hour basis. The typical site-wide sound levels for the construction sub-phases are provided in **Table 3.10-6, Typical Sound Levels at Construction Sites**.

Table 3.10-6
Typical Sound Levels at Construction Sites

Construction Phase	Sound Level at 50 Feet (dB(A))
Ground Clearing	84
Grading/Excavation	89
Foundations	78
Building Construction	87
Finishing	89

Source: US Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, (1971).

As shown in **Table 3.10-6**, the loudest construction sub-phases are grading/excavation and finishing, which can generate noise levels of 89 dB(A) at a distance of 50 feet. In order to estimate the construction-related noise levels at the sensitive receptors located in the vicinity of the project site, a noise level of 89 dB(A) at 50 feet was used as a baseline with which to perform the calculations. As stated above, noise levels diminish rapidly with distance at a rate of approximately 6 to up to 9 dB(A) per doubling of

distance for acoustically hard and soft sites, respectively. An attenuation rate of 6 dB(A) per doubling of distance was used in this analysis, which would provide conservative results in areas where there is grass or ground foliage between the noise sources and the receptors. For the purposes of determining the maximum construction noise levels, the distance is based on the location of the noise-sensitive receptor and the nearest project boundary. The maximum construction noise levels at the nearby noise sensitive receptors are provided in **Table 3.10-7, Estimated Maximum Construction Sound Levels and Their Impacts**.

Table 3.10-7
Estimated Maximum Construction Sound Levels and Their Impacts

Receptor ID	Receptor Description	Distance from Site Boundary (feet)	Estimated Maximum Sound Level (dB(A), Lmax)	Significance Threshold per General Plan (dB(A), Lmax)	Excess over Threshold without Mitigation (dB(A))	Significant Impact without Mitigation?
1	Equestrian Center	30	93	85	8	YES
2	Residence at 3661 Cross Creek Dr.	250	75	85	—	NO
3	Malibu Public Library	430	70	85	—	NO
4	Residence at 23704 Harbor Vista Dr.	760	65	75	—	NO
5	Residence at 3657 Cross Creek Rd	700	66	75	—	NO
6	Legacy Park	250	75	85	—	NO

*Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013). The Noise Impact Analysis is provided in **Appendix 3.10**.*

For the purposes of determining the average construction noise levels, the distance is based on the location of the noise-sensitive receptor and the approximate center of the project site. The center of the project is used as a reference point because it represents the average location of construction equipment. The average construction noise levels at the nearby noise sensitive receptors are provided in **Table 3.10-8, Estimated Average Construction Sound Levels and Their Impacts**.

Table 3.10-8
Estimated Average Construction Sound Levels and Their Impacts

Recept or ID	Receptor Description	Distance from Center of Site (feet)	Estimated Average Sound Level (dB(A), Leq)	Significance Threshold per General Plan (dB(A), Leq)	Excess over Threshold without Mitigation (dB(A))	Significant Impact without Mitigation?
1	Equestrian Center	390	71	65	6	YES
2	Residence at 3661 Cross Creek Dr.	610	67	65	2	YES
3	Malibu Public Library	710	66	65	1	YES
4	Residence at 23704 Harbor Vista Dr.	1,130	62	55	7	YES
5	Residence at 3657 Cross Creek Rd	1,030	63	55	8	YES
6	Legacy Park	680	66	65	1	YES

Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013). The Noise Impact Analysis is provided in ***Appendix 3.10****.*

* *The impact at Receptor #4 is not considered a significant impact because the building's east façade brick wall and south façade glass wall would reduce exterior to interior transmission of noise by at least 25 dB(A), which would reduce interior noise levels to about 42 dB(A), which is less than the 45 dB(A) interior noise limit.*

As shown in **Table 3.10-7** and **Table 3.10-8**, construction would have a potentially significant impact at nearby noise sensitive receptors. Mitigation measures are recommended to require the use of feasible noise controls and to schedule construction activities consistent with Section 8.24.050 of the City's Municipal Code. Compliance with the recommended mitigation measures discussed later would reduce short-term construction noise levels.

Long-Term Operational

The operational noise impacts from the proposed project would primarily result from the incremental increase in project-related motor vehicles traveling on local roadways, delivery trucks at the Whole Foods' loading dock, and mechanical equipment on the roofs of the project buildings.

Roadway Noise Levels

Traffic volumes provided in the project's traffic study, prepared by Overland Traffic Consultants, was used to determine the potential noise impacts from roadways.[11] The traffic study indicates that from 2012

11 Overland Traffic Consultants, *Traffic Impact Analysis*, (July 2013).

to 2015, vehicular traffic in the vicinity of the proposed project due to ambient traffic plus the traffic from reasonably foreseeable new developments, without the proposed project, will increase by approximately 10 to 15 percent. The net acoustical impact of these traffic increases is a sound level increase of 2.8 dB(A) above 2012 sound levels measured at the noise-sensitive receptors at all study receptors in the afternoon and 1.9 dB(A) in the morning.[12]

The traffic study indicates that vehicular traffic from the proposed project would add up to 113 more vehicle trips onto local roads during peak travel periods. The net acoustical impact of these traffic increases is a sound level increase of less than 3.2 dB(A) above the current sound levels measured at the noise-sensitive receptors in the morning peak and less than 2.3 dB(A) in the afternoon.[13]

Based on the above calculations, the increase in roadway sound levels from project-only traffic would be approximately 0.4 dB(A) above the projected sound levels measured at the noise-sensitive receptors. An increase of 0.4 dB(A) is below the level of human perception and would not result in an audible increase in noise levels above the current sound levels measured at the noise-sensitive receptors. Additionally, an increase of 0.4 dB(A) would not result in an audible increase in interior noise levels at the noise-sensitive receptors. As a result, roadway noise level from the project would have a less than significant impact.

Whole Foods' Loading Dock Trucks

The loading dock at the proposed project would be located on the north façade of the Whole Foods Market building. The noise-sensitive use nearest to the dock would be the equestrian center's west riding ring and residence, which are approximately 150 feet and 300 feet from the dock, respectively. The Whole Foods Market would have no more than two daily truck deliveries, which both occurring during the daytime hours. The trucks may have transportation refrigeration units (TRUs). Delivery trucks are turned off while parked at loading docks; however, the TRU would remain in operation in order to provide refrigeration. An idling TRU can generate sound levels up to 66 dB(A) measured at a distance of 50 feet.[14] The estimated unmitigated sound level at the riding ring and the residence from an idling TRU would be 57 dB(A) and 51 dB(A), respectively. The loading dock would not cause an increase in sound levels that would exceed the daytime 65 dB(A) significance threshold for non-transportation noise sources at these locations; however, it may increase noise levels from existing conditions by approximately 10 to 11 dB(A), and would be audible at both locations. However, compliance with the recommended operational mitigation measures discussed later would reduce the long-term operational noise from this source to general ambient levels.

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12 Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013).

13 Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013).

14 Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013).

Rooftop Mechanical Equipment

The proposed project would include rooftop mechanical equipment on all five of the project buildings. The Whole Foods Market building (Building 5) would have the most rooftop equipment. Based on the equipment compliment used at a similarly sized Whole Foods Market, as many as 30 pieces of HVAC equipment may be required.[15] The project's other four buildings would have fewer pieces of rooftop equipment. Preliminary data from the project's mechanical engineer was used to estimate the amount of HVAC equipment that would be required on the rooftops of Buildings 1 through 4. Based on those estimates, the sound levels from the project's rooftop equipment, include the rooftop equipment on the Whole Foods Market building, was calculated at the nearby noise-sensitive receptors, assuming that all of the rooftop equipment is operating at its maximum capacity simultaneously. The results are provided in **Table 3.10-9, Estimated Sound Levels due to HVAC Equipment Noise**. As shown, noise levels could potentially exceed the Noise Element limits during the evening hours. This is a potentially significant impact at nearby noise sensitive receptors. Mitigation measures are recommended to require the use of feasible noise controls. Compliance with the recommended mitigation measures discussed later would reduce long-term operational noise impacts.

Table 3.10-9
Estimated Sound Levels due to HVAC Equipment Noise

Receptor ID	Receptor Description	HVAC Equipment Sound Levels (dB(A))							
		From Bldg 1	From Bldg 2	From Bldg 3	From Bldg 4	From Bldg 5	Total	Noise Element Limits	
								Day	Evening
1	Equestrian Center	39	35	32	35	58	58	65	60
2	Residence at 3661 Cross Creek Rd.	33	30	31	32	54	54	55	50
3	Malibu Public Library	29	30	34	34	48	48	65	60
4	Residence at 23704 Harbor Vista Dr.	25	25	26	27	45	45	55	50
5	Residence at 3657 Cross Creek Rd.	26	25	25	27	46	46	55	50
6	Legacy Park	29	30	34	34	47	47	85	65

Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013). The Noise Impact Analysis is provided in ***Appendix 3.10****.*

When the HVAC equipment noise is combined with the daytime noise levels from the idling TRU at the Whole Foods' loading dock, the daytime noise levels at the equestrian center and residence at the equestrian center would increase to approximately 58 dB(A) and 54 dB(A), respectively. The loading

15 Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013).

docks and HVAC units would not cause an increase in sound levels that would exceed the daytime 65 dB(A) significance threshold for non-transportation noise sources at these locations; however, it may increase noise levels from existing conditions by greater than 10 dB(A), and would be audible at both locations. However, compliance with the recommended operational mitigation measures discussed below would reduce the long-term operational noise from these sources to general ambient levels.

Potential Late Restaurant Closing Times

The project may include two small restaurants that could close as late as 11:00 PM, thereby necessitating compliance with the lower General Plan Noise Element sound limits of 40 dB(A) at the three residential receptors (Receptors #3, #4, and #5) and 60 dB(A) at the other three receptors. This analysis assumes worst-case conditions that the restaurants are located in Building 1 and 2, and that the HVAC equipment in the other three buildings are shut down at 10:00 PM. The estimated HVAC equipment sound levels at the noise-sensitive receptors are provided in **Table 3.10-10, Estimated Sound Levels due to HVAC Equipment Noise Operating at Buildings 1 and 2 between 10:00 PM and 11:00 PM**. Based on the result shown, the operation of two possible restaurants until 11:00 PM would not result in noise impacts from the non-transportation rooftop equipment and impacts would be less than significant. It should be noted that the loading docks associated with the proposed Whole Foods Market would be used during the daytime and would not be used during the 10:00 PM to 11:00 PM hour.

Table 3.10-10
Estimated Sound Levels due to HVAC Equipment Noise
Operating at Buildings 1 and 2 between 10:00 PM and 11:00 PM

Receptor ID	Receptor Description	HVAC Equipment Sound Levels (dB(A)) From Building 1	From Building 2	Total	Noise Element Limits 10:00 PM to 11:00 PM
1	Equestrian Center	39	35	41	60
2	Residence at 3661 Cross Creek Rd.	33	30	35	40
3	Malibu Public Library	29	30	33	60
4	Residence at 23704 Harbor Vista Dr.	25	25	28	40
5	Residence at 3657 Cross Creek Rd.	26	25	29	40
6	Legacy Park	29	30	33	60

Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013). The Noise Impact Analysis is provided in ***Appendix 3.10****.*

Mitigation Measures

The proposed project shall implement the following construction mitigation measures.

3.10-1: All construction machinery and delivery trucks shall be maintained to the highest level of performance, and shall be outfitted with all noise reduction accessories, e.g., mufflers, enclosures, etc. that are offered by the equipment manufacturers.

3.10-2: The contractor and all subcontractors shall be knowledgeable about the details of Chapter 8.24 NOISE of the Malibu Municipal Code, and shall conform to its requirements at all times.

3.10-3: Construction activities shall occur only during the hours permitted by the Malibu Municipal Code – 7:00 AM until 7:00 PM on weekdays, and 8:00 AM until 5:00 PM on Saturdays. Construction activities are not permitted on Sundays and holidays.

3.10-4: The construction site shall be laid out such that materials are stored and staged near the south end of the site to maximize the distance from the equestrian center.

3.10-5: Prior to construction, all residences within 1,000 feet of the site shall be individually notified of the project's construction schedule.

3.10-6: Prior to construction, a sign shall be posted on the site that is legible from at least 50 feet off-site. The sign shall include a telephone number that residents can call to inquire about the construction process and to register complaints. The project developer shall designate a "noise control coordinator" who will reply to all construction noise-related questions and complaints.

3.10-7: Prior to the commencement of general construction, the contractor shall construct a noise wall along the property's entire north boundary to minimize the noise emissions to the equestrian center, the residence at its west edge and the residences to the north. The wall shall be at least 12 feet tall, and can be made of any solid material that weighs at least 5 pounds per square foot, e.g., stucco, wood, masonry, etc. The noise wall shall be reviewed and approved by the City of Malibu Planning Department prior to its construction.

The proposed project shall implement the following operational mitigation measures.

3.10-8: The project shall retain the north boundary's 12-foot-high noise wall to minimize the operational phase noise emissions to the equestrian center, the residence at its west edge and the residences to the north. This will control the noise from such on-grade sources as cars, delivery and garbage trucks, parking lot sweepers, etc.

3.10-9: The project shall install rooftop noise barrier screens that surround all rooftop equipment on Building 5. The locations, weights, and heights of the screens will depend on the specific equipment. At a minimum, the screens shall be made of a solid material that weighs at least 4 pounds per square foot, and they shall completely shield the line-of-sight from each piece of rooftop equipment to the noise-sensitive receptors and shall be as close to the equipment as possible, while allowing for proper operation and maintenance.

3.10-10: All truck deliveries and all maintenance operations shall occur between the hours of 7:00 AM and 7:00 PM.

Residual Impacts

The construction mitigation measures would reduce both the maximum construction noise and average construction noise at the noise-sensitive receptors. The mitigated noise levels are shown in **Table 3.10-11, Estimated Maximum Mitigated Construction Sound Levels and Their Impacts**, and in **Table 3.10-12, Estimated Average Mitigated Construction Sound Levels and Their Impacts**.

Table 3.10-11
Estimated Maximum Mitigated Construction Sound Levels and Their Impacts

Receptor ID	Receptor Description	Unmitigated Maximum Sound Level (dB(A), Lmax)	Significance Threshold per General Plan (dB(A), Lmax)	Excess over Threshold without Mitigation (dB(A))	Excess over Threshold with Mitigation (dB(A))	Significant Impact with Mitigation?
1	Equestrian Center	93	85	8	—	NO
2	Residence at 3661 Cross Creek Rd.	75	85	—	—	NO
3	Malibu Public Library	70	85	—	—	NO
4	Residence at 23704 Harbor Vista Dr.	65	75	—	—	NO
5	Residence at 3657 Cross Creek Rd.	66	75	—	—	NO
6	Legacy Park	75	85	—	—	NO

Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013). The Noise Impact Analysis is provided in ***Appendix 3.10****.*

Table 3.10-12
Estimated Average Mitigated Construction Sound Levels and Their Impacts

Receptor ID	Receptor Description	Unmitigated Average Sound Level (dB(A), Leq)	Significance Threshold per General Plan (dB(A), Leq)	Excess over Threshold without Mitigation (dB(A))	Excess over Threshold with Mitigation (dB(A))	Significant Impact with Mitigation?
1	Equestrian Center	71	65	6	—	NO
2	Residence at 3661 Cross Creek Rd.	67	65	2	—	NO
3	Malibu Public Library	66	65	1	1	YES
4	Residence at 23704 Harbor Vista Dr.	62	55	7	7	YES
5	Residence at 3657 Cross Creek Rd.	63	55	8	5	YES
6	Legacy Park	66	65	1	1	YES

Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013). The Noise Impact Analysis is provided in ***Appendix 3.10****.*

The residual 1 dB(A) increase for the library proper is not considered significant because the construction of the library façade provides more outdoor-to-indoor noise reduction (OINR) than is assumed by most municipal acoustical criteria. Most municipal acoustical criteria assume that a building façade provides approximately 20 dB(A) of OINR, such that a 65 dB(A) outdoor sound environment becomes about 45 dB(A) indoors after passing through the building's façade. The library's east façade wall, which faces the proposed project, is brick, which provides approximately 35 dB(A) of OINR. We estimate that the combination of the east façade brick wall and the south façade glass wall yields a combined OINR of at least 25 dB(A). Accordingly, a 66 dB(A) outdoor noise environment will be only about 41 dB(A) inside the library, and would be less than the assumed 45 dB(A) indoor limit.

The noise wall along the property's north boundary would not reduce the sound levels at Receptor #4, the residence at 23704 Harbor Vista Drive, due to the elevation of the receptor (about 150 feet above sea level), which would require an unreasonably tall noise wall to reduce the average construction phase sound levels to less than significance. In addition, noise levels at Receptor #5, the residence at 3657 Cross Creek Road, would remain above the General Plan's threshold of significance, as would noise levels at Legacy Park. Therefore, construction impacts would be mitigated to less than significant with the exception of the receptors located at 23704 Harbor Vista Drive, 3657 Cross Creek Road, and Legacy Park, which would remain significant and unavoidable.

Retaining the project site 12-foot-high construction noise wall along the northern boundary and installing rooftop barrier screens around the rooftop equipment would reduce operational noise levels by at least 6 dB(A), which would reduce the identified significant impacts during the evening hours. Operational impacts would be mitigated to less than significant.

Threshold 3.10.2 Expose persons to or generate excessive ground borne vibration or ground borne noise levels.

Persons in the area surrounding the project could be exposed to ground-borne vibration or ground-borne noise levels related to construction activities. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Site ground vibrations from construction activities very rarely reach the levels that can damage structures, but they can achieve the audible range and be felt in buildings very close to the site. The FTA developed a methodology and significance criteria to evaluate vibration impacts from surface transportation modes (i.e., passenger cars, trucks, buses, and rail) in Transit Noise Impact and Vibration Assessment (FTA Guidelines) (May 2006). **Table 3.10-13, Groundborne Vibration Impact Criteria for General Assessment**, shows the FTA General Assessment criteria for groundborne vibration.

Table 3.10-13
Groundborne Vibration Impact Criteria for General Assessment

Land Use Category	Impact Levels (VdB)		
	Frequent Events	Occasional Eveners	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime uses	75	78	83

a. Frequent Events are defined as more than 70 vibration events of the same source per day.
b. Occasional Events are defined as between 30 and 70 vibration events of the same source per day.
c. Infrequent Events are defined as fewer than 30 vibration events of the same source per day.
d. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define the acceptable vibration levels

SOURCE: Harris Miller Miller & Hanson Inc., Transit Noise and Vibration Impact Assessment, Final Report, Federal Transit Administration (May 2006).

The primary and most intensive vibration source associated with development of the project would be the use of bulldozers and loaded trucks hauling debris and materials. **Table 3.10-14, Typical Vibration Levels for Construction Equipment**, lists vibration source levels for typical construction equipment.

Table 3.10-14
Typical Vibration Levels for Construction Equipment

Equipment	Approximate VdB			
	25 Feet	50 Feet	75 Feet	100 Feet
Compressor	81	75	71	69
Loaded trucks	86	80	76	74
Jackhammer	79	73	69	67
Small Bulldozer	58	52	48	46
Backhoe	80	74	70	68
Paver	84	78	74	72

Source: Federal Railroad Administration, (2005).

Loaded trucks are capable of producing approximately 80 VdB at 50 feet. Construction associated with would require the demolition of the existing hardscape and the import of a total of 5,251 cubic yards of soil. It is anticipated that hauling would be limited to the weekday 6-hour period of 9:00 AM to 3:00 PM, and that during peak hauling operations, there would be up to 20 truckloads per day of demolished materials and/or fill soil being transported on and off-site. This would amount to 3.3 inbound and 3.3 outbound haul truck trips per hour. Therefore, the project would result in far fewer than 70 truck trips (vibration events)[16] per day. Further, given that loaded trucks would be used in excess of 50 feet from the nearest sensitive land uses and the infrequent number of vibration events per day, construction activities would not exceed the ground-borne vibration threshold for sensitive land uses and impacts would be considered less than significant.

The proposed project would not include any stationary equipment that would generate ground-borne vibration that would cause an annoyance to humans or any structural damage to buildings. During operation, the project would be served by delivery trucks and trash trucks that would collect municipal solid waste. However, the number of truck trips per day would be infrequent and would be routed in excess of 50 feet from the nearest sensitive land uses. Therefore, operational vibration events would be less than significant.

Mitigation Measures

No mitigation measures are required.

16 A vibration event refers to the number of times the piece of vibratory equipment would be operated per day.

Residual Impacts

Impacts would be less than significant.

Threshold 3.10.3 Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

As previously discussed, operation of the project would result in an incremental increase in area traffic volumes above those that would occur without the project. Noise generated by vehicular traffic traveling on the local roadway network represents the predominant and most consistent noise source for the project. The increase in traffic would result in a permanent increase in ambient noise levels in the project vicinity above existing levels. However, as previously discussed, the increase in roadway sound levels from project-only traffic would be approximately 0.4 dB(A) above the current existing sound levels measured at the noise-sensitive receptors. An increase of 0.4 dB(A) is below the level of human perception and would not result in an audible increase in noise levels above the current sound levels measured at the noise-sensitive receptors. Additionally, an increase of 0.4 dB(A) would not result in an audible increase in interior noise levels at the noise-sensitive receptors. As a result, roadway noise level from the project would have a less than significant impact.

The project's non-transportation noise sources would result in a permanent increase in ambient noise levels that would be considered potentially significant. The loading dock at the proposed project would be located on the north façade of the Whole Foods Market building. While the loading dock would not cause an increase in sound levels that would exceed the daytime 65 dB(A) significance threshold for non-transportation noise sources at the nearest noise-sensitive receptors, it may increase noise levels from existing conditions by approximately 10 to 11 dB(A), and would be audible at both locations. The proposed project would also include rooftop mechanical equipment on all five of the project buildings. The Whole Foods Market building (Building 5) would have the most rooftop equipment. As shown previously in **Table 3.10-9**, noise levels could potentially exceed the Noise Element limits during the evening hours. This is a potentially significant impact at nearby noise sensitive receptors. When the HVAC equipment noise is combined with the daytime noise levels from the idling TRU at the Whole Foods' loading dock, the daytime noise levels at the equestrian center and residence at the equestrian center would increase to approximately 58 dB(A) and 54 dB(A), respectively. The loading docks and HVAC units would not cause an increase in sound levels that would exceed the daytime 65 dB(A) significance threshold for non-transportation noise sources at these locations; however, it may increase noise levels from existing conditions by greater than 10 dB(A), and would be audible at both locations.

The project may include two small restaurants that could close as late as 11:00 PM, thereby necessitating compliance with the lower General Plan Noise Element sound limits of 40 dB(A) at the three residential receptors (Receptors #2, #4, and #5), 60 dB(A) at the three other receptors. However, as shown in **Table 3.10-10**, the operation of two possible restaurants until 11:00 PM would not result in noise impacts from the non-transportation rooftop equipment and impacts would be less than significant.

Mitigation Measures

Mitigation measures **3.10-8** through **3.10-10**, as previously discussed, would reduce operational noise levels.

Residual Impacts

Impacts would be mitigated to less than significant.

Threshold 3.10.4 **Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.**

Construction of the project would generate an increase in short-term and temporary noise levels in the vicinity of the project site. Construction noise levels at receptors would tend to vary based on the location of construction activity and the number of equipment simultaneously in use. As shown previously in **Table 3.10-7**, the maximum construction noise levels at the nearby noise sensitive receptors would potentially exceed the significance threshold at the equestrian center (Receptor #1). As shown previously in **Table 3.10-8**, the average construction noise levels at the nearby noise-sensitive receptors would potentially exceed the significance thresholds at the multiple nearby noise-sensitive receptors (i.e., Receptor #s 1 through 6, described above). Therefore, construction would result in a substantial temporary or periodic increase in ambient noise levels and impacts would be potentially significant.

Mitigation Measures

Mitigation measures **3.10-1** through **3.10-7**, as previously discussed, would reduce construction noise levels.

Residual Impacts

Impacts would be mitigated to less than significant, with the exception of receptors located at 23704 Harbor Vista Drive, 3657 Cross Creek Road, and Legacy Park, which would remain significant and unavoidable.

Cumulative Impacts

Cumulative noise impacts would primarily occur as the result of increased traffic on local roadways due to ambient growth and other development in the vicinity of the project site. As previously discussed, the traffic study indicates that from 2012 to 2015, vehicular traffic generated by the proposed project in the vicinity of the project site will result in a net increase in sound level of 0.4 dB(A) above the projected 2015 sound levels measured at the noise-sensitive receptors.[17]

The cumulative impacts of the operational phase noise sources are summarized in **Table 3.10-15, Cumulative Operational Worst-Case Average Sound Levels at Noise-Sensitive Receptors**. The traffic noise contribution is based on information in the traffic study for the project, which includes traffic contributions from 13 other potential projects that could affect the overall traffic noise exposure in and around the proposed project.

Mitigation Measures

Mitigation measures **3.10-8** through **3.10-10**, as previously discussed, would reduce operational noise levels.

Residual Impacts

Impacts would be mitigated to less than significant.

Table 3.10-15
Cumulative Operational Worst-Case Average Sound Levels at Noise-Sensitive Receptors

Receptor	Without Project (dB(A))		With Project, Without Mitigation (dB(A))		With Project, With Mitigation (dB(A))		General Plan Noise Element Limits (dB(A))		Significant Impact with Mitigation?	
ID	Day	Evening	Day	Evening	Day	Evening	Day	Evening	Day	Evening
1	49	45	59	58	49	45	65	60	NO	NO
2	48	45	55	55	48	45	65	60	NO	NO
3	55	48	56	51	55	48	65	60	NO	NO
4	55	44	55	48	55	44	55	50	NO	NO
5	49	42	51	48	49	42	55	50	NO	NO
6	56	48	57	51	56	48	65	60	NO	NO

Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013). The Noise Impact Analysis and Addendum are provided in ***Appendix 3.10****.*

17 Menlo Scientific Acoustics, Inc. Whole Foods in the Park, City of Malibu, Noise Impact Analysis, (July 2013).

3.11 PUBLIC SERVICES

INTRODUCTION

This section analyzes the impacts of the Whole Foods and the Park Shopping Center Project on the City's public services that would serve the project site. Specifically, this section includes an examination of fire protection services, emergency medical services, and Sheriff services. Each subsection includes descriptions of existing facilities, service standards, and potential environmental impacts resulting from construction and operation of the proposed project. The analysis in this section was prepared based on information from the Los Angeles County Fire Department, the Los Angeles County's Sheriff Department, and the Los Angeles County Department of Public Works, Waterworks District 29.

3.11.1 Fire Protection

ENVIRONMENTAL SETTING

Existing Conditions

The County of Los Angeles Fire Department (LACFD) provides fire protection and emergency medical services for the City of Malibu. The LACFD currently operates 171 stations and employs approximately 3,000 firefighters and about 1,700 support personnel. The Department's operations are divided into nine operational Divisions, which are composed of 22 Battalions serving unincorporated areas of Los Angeles County and 57 contract cities (including the City of Malibu). In 2012, the LACFD responded to approximately 314,500 incidents, including about 7,650 fire incidents.

The project site is located within the service area of Battalion 5. There are four LACFD fire stations that are located within the City of Malibu. **Table 3.11.1-1, Fire Stations Serving the Project Area**, identifies these fire stations, and provides service information including the distances from each station to the project site, addresses, staffing, and average response time. In 2013, these stations responded to 2,538 incidents within the City of Malibu, including 47 fire incidents.[1] According to the LACFD, Fire Station 88, approximately 0.5 mile east of the project site is the primary station that would serve the proposed project. **Figure 3.11-1-1, Fire Stations Serving the City of Malibu,** shows the location of each station and the project site.[2]

Table 3.11.1-1
Fire Stations Serving the Project Area

Station No.	Address	Equipment	Staff	Distance to Project Site (miles)	Average Response Time (minutes)
70	3970 Carbon Canyon Road	1 Engine	4	2.3	6:04
71	28722 W. Pacific Coast Highway	1 Engine 1 Paramedic Squad	5	6.5	5:46
88	23720 W. Malibu Road, Malibu	1 Engine 1 Paramedic Squad	5	0.5	4:46
99	32550 Pacific Coast Highway	1 Engine	3	11.3	6:17

Source: Los Angeles County Fire Department, 2014

1 Loretta Bagwell, County of Los Angeles Fire Department Planning Analyst, personal communication with Paul Stephenson, January 8, 2014.

2 Loretta Bagwell, County of Los Angeles Fire Department Planning Analyst, personal communication with Sara Kopp, June 7, 2012.

Water Supply

The City of Malibu's water supply is provided by Los Angeles County Department of Public Works, Waterworks District 29 (WWD) which imports water from the Metropolitan water District. WWD 29 is responsible for maintaining the water infrastructure serving the project site. Currently, the City of Malibu receives water through a 30-inch water main running along Pacific Coast Highway and several distribution pipelines running north.[3] These mains range in size from 6 inches to 12 inches. Smaller mains branching off of these mains are sized from 2 inches and above. There are no water mains, groundwater pumping wells, or water storage systems at or near the project site. The applicant has agreed to fund the design and construction of approximately 5,000 feet of a 12-inch water main, pump station upgrades, a regulating station, and an approximately 800,000 gallon water tank.[4] These infrastructure improvements would be dedicated to WWD 29 after construction is complete and would be used to supply water to the project site. A complete discussion of water supply is in **Section 3.14.3, Water Supply.**

The required water supply for fire suppression varies with the type of development, life hazard, type, and level of occupancy, and degree of fire hazard (based on such factors as building age or type of construction). This required water supply is termed the "fire flow," and measures the performance capacity of water lines to supply water with adequate pressure during emergencies. The LACFD fire flow requirements are based on the type of land use, size of structures, number of floors, building materials used, location and presence of sprinklers and hydrants among other factors. According to the LACFD, the required fire flow in the vicinity of the project site is 2,000 gallons per minute (gpm) at 20 pounds per square-inch (psi) residual pressure for 2 consecutive hours for public fire hydrants and 1,250 gpm at 20 psi for private fire hydrants. The LACFD has required that one public fire hydrant and three private fire hydrants be installed on the project site.[5]

Local Wildfire Hazards

The Santa Monica Mountains are susceptible to wildfires due to several factors including: climate patterns and weather conditions; fire adaptation of vegetation types; slope steepness; and frequency of fires caused by human activity. The California Department of Forestry and Fire Protection (CAL FIRE) has determined that the project site is located in a Local Responsibility Area (LRA).[6]

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3 Los Angeles County Waterworks District 29, District 29 Malibu Water System Master Plan

4 Los Angeles County Waterworks District 29 Participation Agreement Letter

5 Los Angeles County Fire Department, Water System Requirements, 2011

6 CAL FIRE, State Responsibility Areas, http://www.firepreventionfee.org/sraviewer_launch.php

SOURCE: Google, Inc., March, 2014

FIGURE **3.11.1-1**

Fire Stations Serving the City of Malibu

0592.003•03/14

According to CAL FIRE, LRA's "include incorporated cities, cultivated agriculture lands, and portions of the desert. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government."[7] As stated above the LACFD provides fire protection for the City. The LACFD County Forester[8] ranks the Malibu area of the Santa Monica Mountains, including the project site, as Very High Fire Hazard Severity Zone (VHFHSZ), the highest fire hazard category in Los Angeles County.[9] The Fire Code states that no building within a designated VHFHSZ shall be located more than 1,000 feet from a fire hydrant with the distance being measured along a route providing reasonable access. In addition, the Chief Engineer of the LACFD needs to report that adequate fire protection exists or is in the process of being provided in VHFHSZs. See **Section 3.7, Hazards and Hazardous Materials,** for a discussion of wildfire risk.

REGULATORY FRAMEWORK

Federal

There are no federal statutes related to fire services that would apply to the proposed project.

State

There are no federal statutes related to fire services that would apply to the proposed project.

Local

Los Angeles County Fire Department Fire Code

The Los Angeles County Department's Fire Code establishes standards for the distribution, design, construction, and location of fire protection facilities, including systems incorporated into private development projects. These standards specify fire-flow criteria, minimum distances to fire stations, public and private specifications, and the location criteria and access provisions for fire-fighting vehicles and personnel.

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7 CAL FIRE, Frequently Asked Questions, http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_faqs.php#desig01

8 The Los Angeles County Fire Department County Forester is involved in the conservation and protection of natural resources through its forestry programs.

9 CAL FIRE has also categorized the project site as VHFHSZ.

Local Coastal Plan (LCP)

The California Coastal Act requires that its goals and policies be implemented by local government through the LCP. The Malibu LCP consists of two subparts, the Land Use Plan (LUP) and the Local Implementation Plan (LIP). Malibu LCP policies are contained within the LUP, while the purpose of the LIP is to implement and carry out the policies of the LUP. The policies pertaining to medical services and fire protection identified in the LUP and relevant to the proposed project are listed below:

LUP Policy 3.27: Buffers shall be provided from coastal sage scrub and chaparral Environmentally Sensitive Habitat Area (ESHA) that are of sufficient width to ensure that no required fuel modification (Zones A, B, or C, if required) will extend into the ESHA and that no structures will be within 100 feet of the outer edge of the plants that comprise the habitat.

LUP Policy 4.1: The City of Malibu and the Santa Monica Mountains Coastal Zone contain 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:

- Fire Hazard: Areas subject to major wildfires classified in Fire Zone 4 or in the VHFHSZ.

LUP Policy 4.14: New development shall be prohibited on property or in areas where such development would present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.

LUP Policy 4.45: New development shall minimize risks to life and property from fire hazard through:

- Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns, etc.;
- Siting and designing development to avoid hazardous locations;
- Incorporating fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner that reduce impacts on environmentally sensitive habitat to the maximum feasible extent;
- Use of appropriate building materials and design features to ensure the minimum amount of required fuel modification; and

- Use of fire-retardant, native plant species in landscaping.

LUP Policy 4.47: Development adjacent to parkland shall be sited and designed to allow all required fire-preventive brush clearance to be located outside park boundaries, unless no alternative, feasible building site exists on the project site. A natural vegetation buffer of sufficient size should be maintained between the necessary fuel modification area and the public parkland, where feasible.

LUP Policy 4.48: When brush clearance is required for fire safety, brushing techniques that minimize impacts to native vegetation and ESHA and minimize erosion, runoff, and sedimentation shall be utilized.

LUP Policy 4.49: Applications for new development, that 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 minimizes impacts on ESHA while providing fire safety consistent with the requirements of applicable fire safety regulations. Such plans shall be reviewed and approved by the Forestry Division.

LUP Policy 4.50: New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The Plan's Land Use Element includes policies that are applicable to fire and medical services such as, requiring fire protection measures for all development within the City, creating a comprehensive plan for response to all levels of emergency situations, and coordination of emergency services provided by neighboring communities and county agencies under mutual-aid response. The Safety Element includes the following goals and policies as well as implementation measures pertaining to the proposed project and fire and medical resources:

5.3.1 S Goal 1: A community that is free from all avoidable risks to safety, health, and welfare from natural and manmade hazards

S Objective 1.1: Losses to life and property from natural and man-made hazards greatly reduced from historic levels.

S policy 1.1.1: The City shall protect people and property from environmental hazards.

S Policy 1.1.2: The City shall minimize the risk of loss from fire.

S Implementation Measure 1: Develop a master plan of fire prevention and control identifying hazards, assessing acceptable levels of cost and risk and determining protection programs.

S Implementation Measure 2: Work with other agencies to ensure effective and efficient fire suppression, prevention and rescue services.

S Implementation Measure 4: Establish programs and guidelines for fire-safe landscaping including buffers comprised of fire resistant vegetation between residential areas and open space areas and encourage use of fire-safe landscaping principles which emphasize plant species with low fuel volumes.

S Implementation Measure 5: Work with the Los Angeles County Fire Department to adopt a program for controlled burning of combustible vegetation, based on the recommendations of the responsible forestry and fire-protection official.

S Implementation Measure 6: Work with the Los Angeles County Fire Department to enforce code requirements for flammable brush clearance, and reduction of flammable vegetation, including both native plants and ornamental landscaping.

S Implementation Measure 7: Work with appropriate agencies to assure sufficient stored water and provide non-monetary incentives for on-site or area-wide shared storage water suitable for fire-fighting equal to one gallon for each square foot of structural floor area for all new development.

S Implementation Measure 10: Require all new and remodel structures to have Class A fire-retardant roofing.

S Implementation Measure 11: Develop guidelines and standards for all new and remodel structures to utilize fire-resistant building materials and designs, and, if feasible, to be sited to minimize fire hazards.

S Implementation Measure 18: Provide guidelines and incentives for use of non-toxic building materials in new and remodel construction.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to fire protection services are contained in the environmental checklist form contained in Appendix G of the most recent update of the *California Environmental Quality Act (CEQA) Statutes and Guidelines*. Impacts related to fire and medical services are considered significant if the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.

Impact Analysis

Threshold 3.11.1-1 **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.**

Construction of the proposed project could result in a variety of operations that have the potential to increase the risk of fire, such as the use of mechanical equipment in vegetated areas, cutting and grinding metal, welding, and the storage of flammable materials such as fuel, wood and other building materials. Although rare, fires do occur at construction sites. Installation of the electrical, plumbing, and communication infrastructure would be subject to City codes and inspection by City personnel prior to dry walling. In addition, construction sites would also be subject to City requirements relative to water availability and accessibility to fire-fighting equipment. Compliance with City Code requirements would assist in mitigating potential fire-related impacts from construction activities.

The proposed project would increase the demand for fire and emergency services. Increased demand for non-emergency services could include services such as fire safety inspections (e.g., vegetation clearance), building inspections, fire code investigations and code compliance. Emergency responses could include medical and fire protection services.

In addition to the incremental increase in routine emergency and non-emergency response, the project site is located in a VHFHSZ and would be subject to wildfire risk. The proposed project includes multiple

measures to address wildfire hazards, including use of fire resistant building materials, vegetation clearing, and management, a 26-foot-wide rear driveway off of Cross Creek Road that would provide secondary access in the event of an emergency and the use of native plant landscaping. The green/living wall proposed for the project would also be composed of plants that are not highly flammable. The project site is not currently served by water infrastructure such as water mains or fire hydrants. The proposed project would be required to install one public fire hydrant and three private on-site fire hydrants. The water pressure needed to supply the required fire flow of 2,000 gpm at 20 psi residual pressure for 2 consecutive hours for public fire hydrants and 1250 gpm at 20 psi for private fire hydrants would be provided by connecting the proposed on-site water infrastructure to the existing mainline in Civic Center Way. According to Los Angeles County Department of Public Works, Waterworks District 29, adequate water flow capacity exists to serve the project site.

This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, VHFHSZ. All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met. Development within the VHFHSZ has the potential to increase the need for fire protection services.

The proposed project would be required to comply with all applicable state and City Building Code and Fire Code requirements for items such as types of roofing materials, building construction, brush clearance, water mains, fire hydrant flows, hydrant spacing, access, and design, and other hazard reduction programs, for VHFHSZ, as set forth by the County Forester and Fire Warden.

Vehicles would access the project site via two proposed driveways: one driveway is planned on Civic Center Way near the west end of the project site opposite the Country Mart shopping Center driveway and one driveway is planned on Cross Creek Road near the north end of the project site. The site is designed with a clockwise service access routing scheme utilizing a one-way northbound service road along the westerly property line to the loading dock area. Emergency Vehicles entering the site from Civic Center Way would proceed to the one-way northbound service road located along the westerly property line. All roadways would be constructed in conformance with the requirements of City standards. Additionally, all access roads would be constructed consistent with Fire Department access requirements. Consequently, roadways would be adequate to provide Fire Department access to the project site. The Fire Department has indicated the following features would be required for the proposed project:

- Access to the project site shall comply with Section 503 of the Fire Code, which requires all weather access.
- Fire Department Access shall be extended to within 150 feet distance of any exterior.

- Private driveways shall be indicated on the final map as "Private Driveway and Fire Lane" with the widths clearly depicted and shall be maintained in accordance with the Fire Code.

- The applicant shall prepare a Fuel Modification Plan, as required for projects located within a Very High Fire Hazard Severity Zone. The Plan shall be submitted and approved by the Los Angeles County Fire Department prior to building construction.

- The applicant shall provide the Los Angeles County Fire Department with approved street signs and building access numbers prior to occupancy of the project site.

- The Proposed Project shall provide water mains, fire hydrants, and fire flows, as required by the Los Angeles County Fire Department, for all land shown on the recorded vesting final tract map.

- All required fire hydrants shall be installed, tested and accepted or bonded prior to construction. Vehicular access shall be provided and maintained throughout construction to all required fire hydrants. All hydrants shall measure 6 inches by 4 inches by 2.5 inches brass or bronze, conforming to current American Water Works Association standard C503 or approved equal. Additionally, the following fire hydrant standards shall be met:

  – All public fire hydrants shall maintain a fire flow of 2,250 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.

  – The applicant shall install one public fire hydrant and three private on-site fire hydrants in addition to the two existing public fire hydrants

The proposed project would increase the intensity of development on the site by adding commercial and recreational uses. With the construction of the proposed project, emergency calls would be expected to incrementally increase. However, the types of uses associated with the proposed project would not be expected to generate a large number of service calls (commercial, retail, recreation), in addition the project would be required to comply with all City Codes and regulations regarding access requirements for commercial areas and design standards for fire prevention (e.g., emergency plans and evacuation routes). With inclusion of all required City design standards, the proposed project would not increase calls such that new or expanded facilities would be required. Based on the above information, implementation of the proposed project would not create capacity or service level problems or result in substantial adverse physical or economic impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Less than significant.

Cumulative Impacts

As discussed above, the project features listed above as required by the fire department, would reduce cumulative impacts on fire and emergency services to less than significant. As such, the project's contribution is not cumulatively considerable in regard to adverse physical impacts. However, it is anticipated that demands for fire services in the project area would increase above current levels upon buildout of the proposed project and other related projects. Cumulative projects ongoing and planned in the City could increase the demand for services from the Los Angeles County Fire Stations listed in **Table 3.11.1-1**.

Table 3.11.1-2, Cumulative Development Summary, shows the types and amounts of growth expected to occur as a result of related projects.

Table 3.11.1-2
Cumulative Development Summary

Land Use	Size/Units
Residential	97 du
Restaurant	13,004 sf
Hotel	274,936 sf
Commercial/Office	68,639 sf
Commercial/Retail	211,050 sf
Educational Facilities	60,315 sf
Fire Station	6,033 sf

Source: Overland Traffic Consultants, Inc. *Traffic Impact Analysis for Proposed Neighboring Shopping Center, (2013) Appendix H.*
du = dwelling units; sf= square feet.

Increased revenues from property tax and special tax revenue from the related projects can be used to fund increases in staffing and equipment. Furthermore, all proposed projects are required to comply with City codes related to project site designs during the planning and building plan-check process. In conformance with normal procedures, these plans shall be reviewed by the County Fire Department with respect to access and building design. Incorporation of such reviews would avoid any significant cumulative impacts to governmental facilities. Therefore, cumulative impacts concerning Fire Department staffing and equipment would not be significant.

Increased vehicle traffic generated at buildout of proposed project and the related projects could adversely affect the operating condition of the local roadway network. Increased cumulative traffic could slow fire response times. Mitigation measures for cumulative traffic impacts are provided in **Section 3.13, Transportation and Traffic**, of this EIR. Upon implementation of these measures, no significant impacts on fire protection services would occur when compared with accepted response time criteria. If implementation of these measures is delayed or does not occur, there could be a cumulative impact on fire protection services under the response time criteria. However, fire protection and emergency personnel have priority on local streets and can use lights and sirens in the event of traffic. For these reasons, it is not anticipated that response times would be substantially delayed.

Based on the above information, implementation of proposed project and other related projects would not result in cumulatively considerable adverse physical impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.11.2 Sheriff Protection Services

ENVIRONMENTAL SETTING

Existing Conditions

Police protection, enforcement, and emergency services in the City of Malibu are provided by the Los Angeles County Sheriff's Department (LASD) on a contract basis with the City.

Los Angeles County Sheriff's Department

The LASD is the principal law enforcement agency for 40 contract cities, including the City of Malibu, and the unincorporated areas of Los Angeles County. The LASD's Malibu/Lost Hills Station, located at 27050 Agoura Road in Agoura Hills, serves the City of Malibu and is approximately 10.3 miles north of the project site. This station also serves the cities of Agoura Hills, Calabasas, Westlake Village, and Hidden Hills, as well as the surrounding unincorporated areas of the County. A total of 139 sworn deputies and 38 professional staff are assigned to the Malibu/Lost Hills station.[1]

A total of 26 deputies are assigned to the City of Malibu and are spread over three shifts: three patrol cars monitor the area during the early morning shift, six patrol cars and two motorcycle units patrol the area during the day shift, and six patrol cars make-up the night shift.[2] Beginning in June and continuing until Labor Day additional sworn officers patrol the coastal region of the City. Eight sheriff deputies, one sergeant, and one lieutenant police the beaches and respond to service calls when needed.[3] In 2012, personnel assigned to the City of Malibu responded to approximately 6,500 incidents.[4]

The County Sheriff's Department is also party to a mutual aid agreement with the police departments of nearby cities, and the California Highway Patrol. Pursuant to these agreements, in the event of a significant event, police responders from the other jurisdictions may be called upon to respond to emergencies within the County Sheriff Department service area. Similarly, County Sheriff Department units may be called upon to assist police personnel in other cities.

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1 Malibu/Lost Hills Sheriff Facility, Lieutenant Jim Arroyo, verbal communication March 26, 2013

2 The night shift may include a motorcycle unit depending on the number of contract minutes available

3 The additional sworn deputies patrol the beaches located in the City of Malibu during the weekends in the month of June. Starting on July 4th and continuing until Labor Day the additional deputies are present everyday (weekdays and weekends) due to the influx in population during the summer months.

4 Malibu/Lost Hills Sheriff Facility, Lieutenant Jim Arroyo, verbal communication March 26, 2013

Unlike fire protection services, police units are often in a mobile state; hence, the actual distance between a headquarters facility and the project site is often of little relevance in responding to emergencies. Instead, the number of officers out on the street is more directly related to the realized response time. Response time is defined as the total time from when a call is dispatched until the time that a police unit arrives to the scene. Calls for police assistance are prioritized based on the nature of the call. As shown in **Table 3.11.2-1, LASD Average Response Times within the City of Malibu**, actual response times are faster the Department's goals of all categories of service calls.

Table 3.11.2-1
LASD Average Response Times within the City of Malibu

Type of Call for Service	Response Time (minutes)	
	Actual	Goal
Emergency	6.9	10
Priority	11.2	20
Routine	28.6	60

Source: Rancho Malibu Hotel Project EIR
Lieutenant Jim Arroyo, Malibu/Lost Hills Sheriff Facility

The crime rate, which represents the number of crimes reported, affects the anticipated projected needs for staff and equipment for the LASD within the City of Malibu. It is logical to anticipate that an area's crime rate will increase as the population, degree of activity, and opportunity for crime increases. However, because a number of other factors also contribute to the resultant crime rate such as police presence, crime prevention measures, and ongoing legislation and funding, the potential for increased crime rates is not necessarily directly proportional to increases in land use activity. **Table 3.11.2-1, Reported Crimes by Occurrence 2012 (per 100,000)**, provides City of Malibu reported crimes by occurrence for the 2012 calendar year.

California Highway Patrol

The primary responsibility of the California Highway Patrol (CHP) is to patrol State Highways and County roadways in the previously identified service area, enforce traffic regulations, respond to traffic accidents, and provide service and assistance for disabled vehicles. The CHP also provides assistance to all law enforcement agencies under emergency conditions. The CHP Southern Division maintains jurisdiction of area highways surrounding the City. The Southern Division maintains 10 area offices including the West Valley Office located at 5825 De Soto Avenue in Woodland Hills, 1,123 uniformed

Officers, and 359 non-uniformed personnel.[5] The nearest CHP office is located in Woodland Hills approximately 18.1 miles north of the project site.

Table 3.11.2-2
Reported Crimes by Occurrence 2012 (per 100,000)

Type of Crime	Number of Crimes
Murders	0
Forcible Rape	4
Robbery	5
Assault	6
Burglary	78
Theft	232
Auto Theft	19
Arson	0
Total Part 1 Crimes in the City of Malibu	344

Source: City-data.com, http://www.city-data.com/crime/crime-Malibu-California.html, March 26,2014

REGULATORY FRAMEWORK

Federal

There are no federal statutes related to police services that would apply to the proposed project.

State

There are no federal statutes related to police services that would apply to the proposed project.

Local

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The Plan's Health and Safety Elements include policies that are applicable to sheriff and emergency services including cooperation between local agencies to achieve efficient and prompt responses to emergencies which require no outside help and coordinate efficient utilization of emergency assistance provided by neighboring communities and

5 California Highway Patrol, Southern Division, Quick Facts

county agencies under mutual-aid response. The Safety Element includes the following goals and policies as well as implementation measures pertaining to the proposed project and sheriff resources:

S Objective 2.1: A comprehensive plan for response to all levels of emergency situations.

S Policy 2.1.1: The City shall cooperate to achieve efficient and prompt response by local agencies to those emergencies, which require no outside help.

S Policy 2.1.2: The City shall coordinate efficient utilization of emergency assistance provided by neighboring communities and county agencies under mutual-aid response.

S Policy 2.1.3: The City shall develop a plan to ensure that in situations of extreme emergency the community is prepared to survive until outside assistance arrives.

S Objective 3.1: Actively promote health and safety so that residents are exceptionally safe and healthy by national standards.

S Policy 3.1.1: The City shall facilitate programs so that people feel safe, and crime and violence are minimized.

S Policy 3.1.3: The City shall assess risks to the health and safety of citizens and visitors, and inform the public about those risks and ways to avoid them.

S Policy 3.1.4: The City shall encourage efforts by private organizations to enhance community health and safety.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to Sheriff services are contained in the environmental checklist form contained in Appendix G of the most recent update of the *California Environmental Quality Act (CEQA) Statutes and Guidelines*. Impacts related to police services are considered significant if the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.

Project Impacts

Threshold 3.11.2-1 **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.**

Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Such activities at a construction site do not typically place undue demands on law enforcement services. Construction activity would increase traffic both on and adjacent to the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would increase traffic volumes during the AM peak hour. Slow moving construction-related traffic along local roadways may reduce optimal traffic flows and conceivably could incrementally increase response times and increase vehicle accident potential. During construction, the County Sheriff's Department would require ample access for emergency vehicles and access for Sheriff's vehicles conducting routine patrol. With adequate access, response times would not be extended and the ability of deputies to provide proactive policing and efficient crime suppression would not be diminished. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact. Potential construction impacts related to Sheriff's emergency access and adequacy of Sheriff's response times is considered less than significant.

Increased vehicle traffic generated at buildout of the proposed project could adversely affect the operating condition of the local roadway network. Increased traffic could slow emergency response vehicles including reduced response times based upon heavier traffic and denser transient population in the area. However, mitigation measures are provided in **Section 3.13, Transportation and Traffic**, of this EIR that would maintain operation of the local roadway network at levels that are consistent with City standards. Because measures are provided to maintain adequate traffic flow and access, impacts are not considered significant.

During project operation, the County Sheriff's Department would have the responsibility to provide sheriff protection services for the project site. It is anticipated that demands for Sheriff's services would increase above current levels upon buildout of the project due to the public's and patron's increased utilization of the site. The County Sheriff's Department anticipates reduced response times and an increase in calls for service based upon heavier traffic. The Malibu/Lost Hills station presently assigns six deputy patrol cars and two motorcycle deputies in Malibu for the daytime shift, six deputy patrol cars for

the night shift, and three deputy patrol cards for the early morning shift. The County Sheriff's Department does not anticipate the increase in calls for service to be so great as to require the permanent assignment of additional patrol cars to the City.

Potential significant impacts to Sheriff's Department protective services could be reduced with the incorporation of security features into the project design, such as the use of appropriate landscape materials and building orientation. As proposed, the Whole Foods and the Park Shopping Center Project would incorporate security features into the project design that would potentially reduce the number of calls for police protection services. Project design features such as parking area lighting would contribute to the overall safety of the project site. Implementation of project design features is ensured by project conditions of approval.

The County Sheriff's Department would also review the site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Incorporation of the Department's recommendations would further reduce the potential law enforcement and protection impacts. With the incorporation of safety design techniques into the project design, potentially significant security impacts to persons and property and calls for service to the County Sheriff's Department would be reduced to a less than significant level.

Based on the above information, implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times or other performance objectives.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts will be less than significant.

Cumulative Impacts

As discussed above, project implementation would not result in the need for new or physically altered Sheriff services. As such, the proposed project's contribution is not cumulatively considerable in regard to adverse physical impacts. However, it is anticipated that demands for Sheriff's services in the project area would increase above current levels upon buildout of other related projects. Cumulative projects ongoing

and planned in the City would increase the demand for services from the Malibu/Lost Hills Sheriff's station. These projects may require the permanent assignment of additional patrol cars to Malibu and may necessitate additional deputy staffing. **Table 3.11.2-3, Cumulative Development Summary**, shows the types and amounts of growth expected to occur as a result of related projects.

Table 3.11.2-3
Cumulative Development Summary

Land Use	Size/Units
Residential	97 du
Restaurant	13,004 sf
Hotel	274,936 sf
Commercial/Office	68,639 sf
Commercial/Retail	211,050 sf
Educational Facilities	60,315 sf
Fire Station	6,033 sf

Source: Overland Traffic Consultants, Inc. *Traffic Impact Analysis for Proposed Neighboring Shopping Center, (2013) Appendix H.*

As shown in T**able 3.11.2-3, Cumulative Development Summary**, related projects would add 97 new residential units in the City of Malibu. Based on the average household size for Malibu of 2.42 residents[6] per dwelling unit, this would result in an increase of approximately 235 residents.

Based on the related projects information, including commercial office/retail, educational, and restaurant uses, a significant impact on the current level of Sheriff's Department protection services throughout the City of Malibu could occur unless the staff and equipment at the County Sheriff's Department are increased proportionately. Increased revenues from property tax and special tax revenue from the related projects can be used to fund increases in staffing and equipment. Furthermore, all proposed projects are required to submit to the County Sheriff's Department project site designs during the planning and building plan-check process. In conformance with normal County procedures, these plans shall be reviewed by the County Sheriff's Department with respect to lighting, landscaping, building access, and visibility, street circulation, building design and defensible space. Incorporation of such reviews would avoid any significant cumulative impacts to governmental facilities. Therefore, there would be no significant impacts on Sheriff's Department staffing or equipment.

6 US Census Bureau State and County Quick Facts, City of Malibu, Persons per household 2008-2010

Increased vehicle traffic generated at buildout of proposed project and the related projects could adversely affect the operating condition of the local roadway network. Increased cumulative traffic could slow sheriff response times. Mitigation measures for cumulative traffic impacts are provided in **Section 3.13**, **Transportation and Traffic**, of this Draft EIR. Upon implementation of these measures, no significant impacts on Sheriff's Department services would occur when compared with accepted response time criteria.

Based on the above information, implementation of proposed project and other related projects would not result in cumulatively considerable adverse physical impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Mitigation Measures

No mitigation is required.

Residual Impacts

Impacts would not be cumulatively considerable.

3.12 RECREATION

INTRODUCTION

This section analyzes the impacts of the Whole Foods and the Park Shopping Center Project on park and recreation resources. The analysis in this section was based on the City of Malibu's General Plan EIR, prepared by Harland Bartholomew and Associates, the Malibu Creek State Park, General Plan and Final Environmental Impact Report, the California Department of Parks and Recreation, and the City of Malibu Department of Parks and Recreation. These sources are incorporated by reference.

ENVIRONMENTAL SETTING

Existing Conditions

The project site is currently vacant. Past uses on the site include a private skate park. The skate park was closed on October 31, 2011, several months before the proposed project's notice of preparation (NOP) was released on April 26, 2012.

City of Malibu

Recreational opportunities within the City of Malibu consist of parks, athletic fields, open space, trails, and coastal amenities, including coastal parks, beaches, campgrounds, volleyball courts and the Malibu Pier. The City of Malibu's park system is comprised of six parks including neighborhood, community, and wilderness parks.[1] The City of Malibu maintains and owns over 500 acres of parkland, including the Charmlee Wilderness Park (532 acres).[2] **Table 3.12-1, City of Malibu Parks,** list the parks which are owned and/or operated by the City, the acreage of each park, and the amenities which are offered at each site.

In addition, the Santa Monica/Malibu Unified School District operates several schools within the City. The facilities at each school site are available for use by local residents.

The City also maintains several recreation facilities including the civic theater, multi-purpose room, and Zuma room, all of which are located at City Hall. The Malibu Community Pool is located on the Malibu High School Campus and operated by the Parks and Recreation Department during non-school hours. The Michael Landon Community Center, located at the Malibu Bluffs Park is available to rent for private

1 City of Malibu Parks and Recreation Department, Recreation Manager, Amy Crittenden, March 17, 2014 (written communication included in Appendix 3.12)

2 Charmlee Wilderness Park is owned by the City, however the City has agreed to a land lease swap agreement with the Santa Monica Mountains Conservancy, who will be operating the park under a five year lease.

parties and company events, while the Malibu Senior Center offers monthly exercise and craft classes, luncheons, and social gatherings.[3]

Table 3.12-1
City of Malibu Parks

Park Facility	City Owned/Operated	Acreage	Amenities
Malibu Bluffs Park	City owned/operated	6	Baseball/softball fields, ADA accessible, parking, picnic tables and areas, restrooms, a playground, and a soccer field
Trancas Canyon Park	City owned/operated	13	Ball field, dog park, ADA accessible, and a playground
Las Flores Creek Park	City owned/operated	4	Walking paths, picnic tables, ADA accessible, a playground, and parking
Legacy Park	City owned/operated	23	Walking paths and an outdoor living learning center
Charmlee Wilderness Park	City owned/operated	532	Bike trail, nature center, parking, picnic areas and tables, restrooms, and walking trails
Equestrian Park	SMMUSD owned/City operated	22	Hiking trails, two riding areas, picnic areas, and restrooms

Source: City of Malibu Parks and Recreation Department, Recreation Manager, Amy Crittenden March 17, 2014.
Notes: SMMUSD=Santa Monica/Malibu Unified School District.

County of Los Angeles

Los Angeles County Department of Parks and Recreation (LACDPR) operates approximately 1,541 acres of parkland located within the City.[4] Los Angeles County Beaches and Harbors, as well as the California Department of Highways operate the following facilities: Corral State Beach, Dan Blocker Memorial State Beach, Las Tunas State Beach, Malibu Lagoon State Beach (in conjunction with the California Department of Parks and Recreation [CDPR]), Nicholas Canyon Beach, Westward State Beach (also in conjunction with CDPR), and Zuma County Beach. A brief description of the facilities operated by the LACDPR is below.[5]

Coral State Beach: Corral State Beach is a narrow stretch of sandy and rocky beach located at the 26000 block of Pacific Coast Highway. The beach is used for sunbathing, swimming, and scuba diving classes.

3 City of Malibu, Department of Parks and Recreation

4 Malibu Middle and High School Campus Improvement Project EIR, 2011

5 City of Malibu General Plan EIR, 1995

Facilities on-site include a public bus stop, portable rest rooms, drinking water, one lifeguard tower, and street parking.

Dan Blocker Memorial State Beach: This beach also known as Corral Beach, is a long, sandy beach located at the mouth of Corral Canyon. It is operated by Los Angeles County for the state and has lifeguard towers.

Las Tunas State Beach: This state facility is operated by Los Angeles County. It is located at the mouth of Tuna Canyon, and has no developed facilities.

Malibu Lagoon State Beach: This 36.5 acre sandy beach includes the Adamson House Historical site and museum, Surfrider Beach, Malibu Lagoon Park, and a gift shop. The Malibu Lagoon Park sits on a 3.5-acre site. Facilities on the site include fee and street parking, rest rooms, drinking water, and disabled access. Surfrider Beach is a widely recognized surfing area.

Nicholas Canyon Beach: This beach has a rocky point break located just north of Decker Canyon Road with scenic bluffs planned for park development. Facilities on-site include fee and street parking, disabled access, rest rooms, showers, drinking water, and lifeguard stations. Point Zero located at this beach is also a favorite surfing location.

Westward Beach: Westward Beach is a part of Point Dume State Beach. On-site facilities include trailheads to bluffs above, fee parking, rest rooms, drinking water, lifeguard towers, and public bus stop.

Zuma County Beach: This beach is the County's largest sandy beach located just west of Point Dume, along Pacific Coast Highway. Facilities on-site include fee and street parking, showers and restrooms, disabled access, drinking water, lifeguard towers, playgrounds with volleyball courts, catamaran beach storage, a children's play area, and two food concessions (one at each end of beach). Zuma Beach is the headquarters for the Northern Section Department of Beaches and Harbors Lifeguards.

California Department of Parks and Recreation

The California Department of Parks and Recreation is responsible for the Malibu Pier (in conjunction with a private contract), Surfrider Beach (in conjunction with the L.A. County Department of Beaches and Harbors), Point Dume State Beach, Malibu Lagoon State Beach, Malibu Creek State Park, Leo Carrillo State Beach, El Pescador State Beach, La Piedra State Beach, El Matador State Beach, and Robert H. Meyer Memorial State Beach. Below is a brief description of each facility:[6]

6 City of Malibu General Plan EIR, 1995

Malibu Pier: This pier is a 720-foot-long Historical landmark with twin blue towers including restaurants, bait and tackle shops, a snack bar, rest rooms, fee and street parking, and public bus stop. The Malibu Pier is a portion of Malibu Lagoon State J Beach.

Point Dume State Beach: This 30-acre site includes the Point Dume Natural Preserve and is designated as an area of special biological significance. Sandy bluffs, various flora, tidepools, and offshore reefs and kelp beds which form habitats for seals and marine fowl can be found at this beach. Facilities on-site include stair access to the beach, fee parking from Westward Beach Road, and whale watching sites.

Robert H. Meyer Memorial State Beach: This state beach is comprised of the El Pescador, La Piedra, and EI Matador beaches located along Pacific Coast Highway on the west end of the City. These beaches have stairway access, fee and street parking, portable rest rooms, drinking water and occasional lifeguard service. This site contains some tidepools, flora and fauna, scenic rock formations, and tall bluffs.

Malibu Creek State Park: The state park includes nature preserve areas, several creeks, Malibu Lake, a campground, and several trails. The 100-foot tall Rindge Dam, the Sepulveda Adobe built in 1863, and the Visitor Center which includes the colonial revival-style Hunt House, the popular Rock Pool and Century Lake.[7]

Malibu Lagoon State Beach: This state beach hosts a variety of waterfowl, both resident and migratory. The beach is located southeast of the Adamson House. The beach is rock cobble on the ocean side of the lagoon while the landward side is comprised of the alluvial fill flatland deposited by Malibu Creek.[8]

Leo Carrillo State Beach: This beach is located just north of the Mulholland Highway, 1 mile south of the Ventura County line. Tide pools, sea caves, and reefs are located along this 1.5-mile stretch of beach along with two campground sites with 127 spaces for tents and vehicles.

Santa Monica Mountains Conservancy

The Santa Monica Mountains Conservancy, a state agency, manages two parks in the City of Malibu, Corral Canyon Park and Solstice Canyon Park Corral Canyon Park is approximately 16.1 acres and is located on the Pacific Coast Highway between Puerco Canyon and Corral Canyon. The park provides hiking, equestrian trails, and parking. Solstice Canyon Park is located at Pacific Coast Highway and Corral Canyon Road. The site is approximately 556 acres and provides hiking and equestrian trails,

7 Malibu Creek State Park, General Plan and Final Environmental Impact Report, Volume I

8 California Department of Parks and Recreation, Malibu Lagoon State Beach

mountain biking, picnicking, grills, camping, swimming, disabled access, parking, drinking water, rest rooms, and access to the Backbone Trail.[9]

National Park Service

The City of Malibu is located on the coastal edge of the Santa Monica Mountains, and is completely contained within the Santa Monica Mountains National Recreation Area (SMMNRA), which is administrated by the United States National Park Service (NPS). The NPS is responsible for the management, preservation, and enhancement of the scenic, natural, and cultural resources found in the SMMNRA.

The SMMNRA offers the City of Malibu numerous passive recreation opportunities, and an extensive system of trails. The largest contiguous land holding in the SMMNRA is the combined watersheds of Zuma and Trancas Canyons, with the lower canyons falling within the city limits of Malibu.[10]

Trails

The City of Malibu's Trails Master Plan, adopted by Malibu City Council in May of 2002 and revised in 2004, addresses the need for a Malibu trails system that would link the community through trails. A primary objective of the Malibu trails system would include an east-west trail spanning the entire length of the City of Malibu with north-south connectors to the main trail and connectors to trailheads and to the backbone trail segments in the Santa Monica Mountains. The Trails Master Plan identifies five distinct trail categories. These categories include the Malibu Pacific Trail (MPT), established connector trails, neighborhood trails, trails offered by property owners, and Safe Routes to Schools. The various types of trails in the City include hiking trails, pedestrian pathways, Safe Routes to School, equestrian, bike paths, and bike lanes on major streets. The NPS also maintains an inventory of trails in the City of Malibu.[11]

The Malibu Creek Trail runs north and south and is located just east of the project site, as well as the Malibu Pacific Trail which runs east and west for the length of the City and is located just south of the project site.

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9 City of Malibu General Plan EIR, 1995

10 Malibu Middle and High School Campus Improvement Project EIR, 2011

11 Malibu Middle and High School Campus Improvement Project EIR, 2011

REGULATORY FRAMEWORK

Federal

National Recreation and Parks Association

The National Recreation and Parks Association (NRPA) is a non-profit organization dedicated to the advancement of public parks, recreation, and conservation. NRPA was formed on August 14, 1965, when five organizations, and in the National Recreation Association (NRA), American Institute of Park Executives (AIPE), American Recreation Society (ARS), the National Conference on State Parks (NCSP), and the American Association of Zoological Parks and Aquariums (an affiliate of AIPE) each involved in the support of park and recreation services in the public sector, merged to form a single entity. The organization has established parkland acreage requirements. For every 1,000 residents the NRPA recommends 1-2 acres of neighborhood parks and 5-8 acres of community parks. According to the Malibu's Parks and Recreation Department the City refers to the NRPA's parkland acreage standard and the Quimby Act standard (discussed below).[12]

State

Quimby Act

The Quimby Act of 1975 was enacted to help mitigate the impacts of development on the availability and quality of park facilities and open spaces. Under the Quimby Act, local governments are granted authority to reserve land for recreational uses. The Act also requires new developments to contribute in-lieu fees to local governments or devote land for recreational uses. Under the Quimby Act, requirements for parkland dedications are not to exceed 3 acres of parkland per 1,000 persons residing within a subdivision, and in-lieu fee payments shall not exceed the proportionate amount necessary to provide 3 acres of parkland, unless the amount of existing neighborhood and community parkland exceeds that limit. The City of Malibu adopted the requirements of the Quimby Act in Chapter 16.36 (Park and Recreational Dedication and Fees) of the Malibu Municipal Code.

California Coastal Act of 1976

The California Coastal Act of 1976 (CCA) is the permanent enacting law approved by the state legislature. The CCA established a set of policies, coastal boundary lines, and permitting procedures regulating coastal development. Further, it provides for the transfer of permitting authority, with certain limitations

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12 City of Malibu Parks and Recreation Department, Recreation Manager Amy Crittenden, March 17, 2014, written correspondence.

reserved for the state, to local governments through adoption and certification of Local Coastal Programs (LCP) by the Coastal Commission (CCC). Section 30211 of the CCA is intended to insure that new development does not interfere with the public's right of access to the sea where acquired through use or legislative authorization.

California Department of Parks and Recreation

The California Department of Parks and Recreation (CDPR) manages and provides sites for a variety of recreational and outdoor activities. The CDPR is a trustee agency that owns and operates all state parks and participates in land use planning that affects state parkland.

Local

Local Coastal Plan

Policies of the Local Coastal Plan (LCP) Land Use Plan (LUP) are designed to assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the state's and City's residents. The Local Implementation Plan (LIP) was adopted to implement the policies outlined in the LUP of the LCP by providing detailed guidance regarding development in the Coastal Zone.

The following parks and recreation policy is included in the LCP:

LUP Policy 2.49: A trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment or where there is substantial evidence that prescriptive rights exist. An existing trail, which has historically been used by the public, may be relocated as long as the new trail alignment offers equivalent public use. Both new development and the trail alignment shall be sited and designed to provide maximum privacy for residents and maximum safety for trail users.

The following park and recreation policies are included in the LCP and relevant to the proposed project:

LUP Policy 2.1: The shoreline, parklands, beaches, and trails located within the City provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state, and national importance.

LUP Policy 2.2: New development shall minimize impacts to public access to and along the shoreline and inland trails. The City shall assure that the recreational needs resulting from proposed development will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and/or development plans with the provision of on-site recreational facilities to serve new development.

LUP Policy 2.8: Public recreational facilities throughout the City, including parking areas or facilities, shall be distributed, as feasible, to prevent overcrowding and to protect environmentally sensitive habitat areas.

LUP Policy 2.16: Entrance roads, parking facilities, and other necessary support facilities for parks, beaches and other shoreline recreation areas shall be sited and designed to minimize adverse impacts to environmentally sensitive habitat areas and other sensitive environmental and visual resources.

LUP Policy 2.26: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

LUP Policy 2.37: Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

City of Malibu General Plan

The General Plan Open Space and Recreation Element identifies goals, objectives, policies, and implementation measures that deal with open space and recreation issues including outdoor recreation facilities and trails. This Element is used as a guide for the maintenance of existing parkland and the acquisition and development of additional parks, recreational facilities, and vacant open land. The element includes goals, objectives and policies related to the City's Park and Recreation facilities including the creation of a safe, properly maintained trail system throughout Malibu's mountains and seashore that links recreation facilities and surrounding jurisdictions trail systems. The following park and recreation policies are relevant to the proposed project:

OS Goal 1: An abundance of open space contributing to a rural, natural environment consistent with this open space management plan.

OS Objective 1: Ample and diverse public parkland and open space, integrated by circulatory and visual links, to create a rural, open feeling.

OS Policy 1.1.1: The City shall encourage acquisition and dedication of appropriate land into parks.

OS Policy 1.1.2 The City shall pursue all appropriate site acquisition, maintenance and program funding opportunities.

OS Policy 1.1.3 The City shall preserve, protect, and enhance the character and visual quality of natural open space as a scenic resource of great value and importance to the quality of life of residents and to the enhancement of the scenic experience of visitors

OS Policy 1.2.3 The City shall require development to link and integrate open space visually and link open space to activity centers, other open spaces, and scenic routes through a system of trails.

City of Malibu Parks and Recreation Master Plan

The City of Malibu's Parks and Recreation Master Plan was revised in 2012 and includes recommendations intended to serve as a framework for the acquisition of land and the development of recreation facilities for the City of Malibu. The goal of Parks and Recreation Master Plan is to balance open space resources with the need for active recreation.

City of Malibu Trails Master Plan

The City of Malibu's Trails Master Plan, adopted in May 2002 and revised in 2004, addresses the requirements and standards for trails and pathways throughout the City of Malibu as part of the City of Malibu's Parks and Recreation Master Plan, and addresses the need for a Malibu trails system that would link the community through trails. The Malibu Trails Master Plan Ad Hoc Committee oversees the implementation of the Trails Master Plan. The stated objective of the Trails Master Plan would be the development of a Malibu trails system that would include an east-west trail spanning the entire length of the City of Malibu with north/south connectors to the main trail and connectors to trailheads and to the backbone trail segments in the Santa Monica Mountains. The Committee meets on the third Wednesday

of each month, for the purpose of maintaining a trails inventory and implementing the Trails Master Plan.

The Malibu Trails System Maps were adopted by the Malibu City Council as part of the approval of the Trails Master Plan and used as a planning tool for development of the Malibu trails system. These maps do not identify any trails located on the Santa Monica/Malibu Unified School District (SMMUSD) property, but do identify nearby trails including the Morning View Pathway (Trail 7), Morning View Connector to Equestrian Center (Trail 8), and the Busch Pathway (Trail 9). Appendix A of the Trails Master Plan (Trails Ledger) identifies existing and proposed trails within the City of Malibu. The Malibu Equestrian Trail located on the Proposed Project site is included in this inventory.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

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

- increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

Impact Analysis

Threshold 3.12-1 **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

The proposed project includes a Whole Foods market and commercial retail spaces and would not result in direct population growth. The proposed project could generate some minimal population growth if employees of the Whole Foods or other uses were to move to Malibu from another area. However, employment associated with the project is not expected to result in a large increase in population (1) due to the limited availability of housing in the Malibu area and (2) due to the high cost of living within the City. For these reasons it is expected that employees would either be existing Malibu residents, or would live outside the City. Therefore the proposed project is not expected to substantially increase the use of existing neighborhood and regional parks. Further, the project proposes landscape features such as on-

grade landscaping, a tree canopy, green/living walls, and 4,500 square feet of landscape in the City's right of way contiguous to the property. Eighty replacement California Sycamores are proposed to be planted on the site to replace the 8 second growth Sycamores that are to be removed (i.e., a 10:1 replacement ratio) as well as 22, 000 square feet of green walls which are proposed on designated walls of the market and four smaller buildings.

The project also proposes two playgrounds for children (Shane's Inspiration Playground, and the Sensory Garden), a Kitchen Community Learning Garden, a gathering area for users, and several outdoor seating areas scattered throughout the project. The overall feel of the project, given the extensive tree canopy provided by large-scale Sycamore trees, the green walls, and the on-grade planting, will be that of a park-like setting. Patrons may decide to use nearby parks (such as Legacy Park) while visiting the project site, however, such usage would likely be minimal. Therefore, as uses associated with proposed project would not account for an increase in population and the proposed project includes recreation areas for patrons, project implementation would not result in the increased use or substantial physical deterioration of existing neighborhood and regional parks or recreational facilities. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.12-2 Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

The proposed project includes two playgrounds for children (Shane's Inspiration Playground, and the Sensory Garden), a Kitchen Community Learning Garden, a gathering area for patrons, and several seating areas, as well as several landscaping features. As discussed above, the proposed project would require the removal of eight second-growth Sycamore trees which would be replaced with California Sycamores at a 10:1 ratio. The construction effects of the play areas, community garden, and green amenities would not result in an adverse effect on the environment as the overall impact of these features (such as trip generation, water usage, etc.) would be minimal in comparison to the proposed project. Further, the addition of the play areas, community garden, and related landscaping features would provide a benefit to the community by providing additional recreational space. Impacts would be less than significant. No mitigation is required.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

As discussed above, project implementation would not result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur. However, it is anticipated that demands on park and recreation resources in the project area would increase above current levels upon buildout of the proposed project and other related projects. This could lead to accelerated use of the City's recreation facilities and over time could cause these facilities to become rundown. With the construction of new residential developments, additional parkland would be needed to satisfy the Quimby Act requirements of 3 acres of parkland per 1,000 persons and/or the NRPA requirements of 1 to 2 acres of neighborhood parkland and 5-8 acres of community parkland for every 1,000 residents. Future development projects would be subject to the Quimby Act requirements, which would mitigate the demand associated with each future project through dedication of parkland or payment of fees. Therefore, the proposed project would not contribute to a cumulatively considerable increase in park usage and no cumulative impacts on City parks and recreation facilities would occur.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.13 TRANSPORTATION AND TRAFFIC

INTRODUCTION

This section of the Draft EIR describes the transportation and traffic based on the Transportation Impact Analysis (TIA) prepared by Overland Traffic Consultants, Inc., (OTC) for the proposed project. OTC's analysis was subject to several rounds of peer review by both the City Public Works Department staff and the City of Malibu's consulting traffic engineer. This section also addresses impacts to pedestrian, transit, and bicycle facilities and users anticipated to result from construction and operation of the proposed project. All technical analyses related to the study are included in **Appendix 3.13**.

ENVIRONMENTAL SETTING

Vehicle Access and On-Site Circulation

Vehicles will access the project site via two proposed driveways: the primary driveway is planned on Civic Center Way near the west end of the project site opposite the Country Mart shopping Center driveway, a secondary driveway is planned on Cross Creek Road near the north end of the project site.

Internal vehicle circulation for the main parking area is provided with two-way driving aisles serving a 90 degree parking stall layout. The site is designed with a clockwise service access routing scheme utilizing a one-way northbound service road along the westerly property line to the loading dock area. Stop signs, stop lines, and crosswalks have been added within the parking lot to provide right-of-way control and guidance to motor vehicles and pedestrians.

Civic Center Way Access

The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress).

The Civic Center Way driveway is proposed to be 44 feet wide consisting of two outbound lanes and one inbound lane. The Civic Center Way driveway is located approximately 270 feet west of the intersection of Civic Center Way and Cross Creek Road opposite the existing Country Mart commercial driveway. A center left-turn median lane is provided on Civic Center Way for left-turn access to and from the site.

Off-Site Street Improvements

The project proposes to remove four on-street parallel parking spaces located on the north side of Civic Center Way between the driveway and the Civic Center Way & Cross Creek Road as it improves the vehicle sight lines, truck access and eliminates parallel parking maneuvers that could block through traffic.

Cross Creek Road Access

The Cross Creek Road driveway would serve as the secondary vehicular entrance and exit for the shopping center. The Cross Creek Road driveway would accommodate vehicular access to all on-site parking. However, no 3-axle delivery trucks are permitted to use Cross Creek Road.

Full access would be provided at the Cross Creek Road driveway (i.e., left-turn and right-turn ingress and egress). The driveway is approximately 26 feet in width and located approximately 515 feet north of the intersection centerline of Civic Center Way and Cross Creek Road. The driveway would be signed for stop control at its intersection with Cross Creek Road.

Truck Access

Trucks entering the site from Civic Center Way would proceed to the one-way northbound service road located along the westerly property line to access the loading dock area behind the supermarket. The site has been designed to allow trucks leaving the loading dock area to exit through the parking lot to Civic Center Way. It is estimated that up to two semi-trailer delivery trucks would serve the site during off-peak hours. Other smaller vendor delivery trucks would arrive throughout the day and utilize the two loading spaces designated at each side of the site. (Refer to **Section 3.10, Noise**, for a discussion of potential operational noise impacts.)

Existing Roadway Network

The project site is located on the northwest corner of Civic Center Way and Cross Creek Road in the City of Malibu. Located to the north, northeast, and northwest of the site are single-family residential detached estate lots, and other notable land uses in the vicinity of the site include: Legacy Park, the Civic Center, and Malibu Country Mart.

The City has four roadway classifications that apply to the local road network including, Major Arterials, Minor Arterial, Collectors, and Locals.[1]

- Major arterial roadways provide access from rural to urban areas and access to freeways. A typical major arterial consists of a 100-foot right-of-way with six lanes and controlled access, divided by a raised or striped median. Major arterials, serving as an intercity or community facility carry the majority of traffic between the City, adjacent communities, and the freeway system.

- Minor arterial streets provide through service to commercial areas and between cities and may also provide access to highways and freeways. A minor arterial typically consists of an 80-foot right-of-way with four lanes, typically with a raised or painted median.

- Collector streets collect traffic from local streets within residential areas. "Collectors" are typically characterized by both two-lane and four-lane undivided roadways with 64-foot rights-of-way. Collectors within this classification move moderate volumes of traffic through the community and serve as routes for locally generated traffic to connect to major and minor arterials.

- Local streets provide access to individual properties. "Locals" are two-lane, undivided roadways with frequent driveway access and 48- to 58-foot rights-of-way, although many of the City's canyon access roads have less right-of-way. These roads are intended to provide access to adjacent residential land uses and to feed traffic to collectors and arterials.

The primary roadways in the project vicinity are described below and shown in **Figure 3.13-1, Study Area Intersections**:

Pacific Coast Highway (PCH, SR-1) is a state route that travels east and west through the study area. To the east in the City of Santa Monica, PCH turns into the Santa Monica Freeway (I-10) providing access to the greater Los Angeles basin. Project access to PCH is provided via the signalized intersections at Cross Creek Road and Webb Way. PCH provides four travel lanes (two in each direction) with a third eastbound lane provided on its eastbound approach to Webb Way. PCH would typically be designated a major arterial. However, given its topographical and safety constraints, PCH in the City is limited to four lanes and is designated as a modified major arterial. PCH is posted with a speed limit of 50 mph west of Malibu Canyon Road and 45 mph east of Malibu Canyon Road.

Traffic volumes on PCH, as recorded by Caltrans, range from approximately 58,000 vehicles per day east of Topanga Canyon Boulevard to approximately 30,000 vehicles per day east of Kanan Dume Road. In the vicinity of the project site, PCH carries approximately 46,000 vehicles per day east of Cross Creek Road. PCH is designated as a route in the Los Angeles County Congestion Management Plan (CMP).

1 City of Malibu, 1995

Civic Center Way is designated an east-west minor arterial road in the City's General Plan. Civic Center Way is a two-lane roadway (one lane in each direction) that connects Malibu Canyon Road on the west to Cross Creek Road on the east. Civic Center Way borders the south side of the project site.

Cross Creek Road is a north-south local street with one lane in each direction. South of Civic Center Way, Cross Creek Road is a public road that provides access to the abutting commercial development and connects to Pacific Coast Highway. North of Civic Center Way, Cross Creek Road borders the east side of the site, is a private road, and provides access to the residential area of Serra Retreat.

Webb Way is a north-south two-lane minor arterial roadway connecting Civic Center Way and Pacific Coast Highway.

Malibu Canyon Road (County Highway N1) is a north-south major arterial roadway that extends from PCH across the Santa Monica Mountains to the Ventura Freeway (Interstate 101). Malibu Canyon Road generally has one lane in each direction; two lanes are provided between Civic Center Way and Pacific Coast Highway. Near Mulholland Highway, Malibu Canyon Road becomes Las Virgenes Road. A significant volume of vehicle trips from western portions of Los Angeles County use various canyon roads like Malibu Canyon Road.

Traffic Safety and Operations on PCH

Traffic safety is an important concern to residents and public agencies along the 21-mile reach of PCH in the City. PCH serves as a major commuter route, providing access to local residential neighborhoods and business as well as to tens of thousands of beachgoers daily during the spring, summer, and fall months. In addition to serving as a major traffic arterial, PCH also supports high pedestrian and bicycle use, particularly along certain segments. The 2011 Pacific Coast Highway Traffic Safety Evaluation prepared by the Los Angeles County Sheriff's Department (LASD) found that segments of PCH currently have inadequate capacity to carry existing commuter traffic volumes and are subject to gridlock on peak summer days.[2] These conditions result in a more dangerous accident-prone roadway environment with the most common accident involving low-speed vehicle rear-end collisions. Additional concerns exist at particular intersections for the safety of pedestrian crossings and with bicycle traffic sharing travel lanes with traffic moving at 45 to 50 mph.

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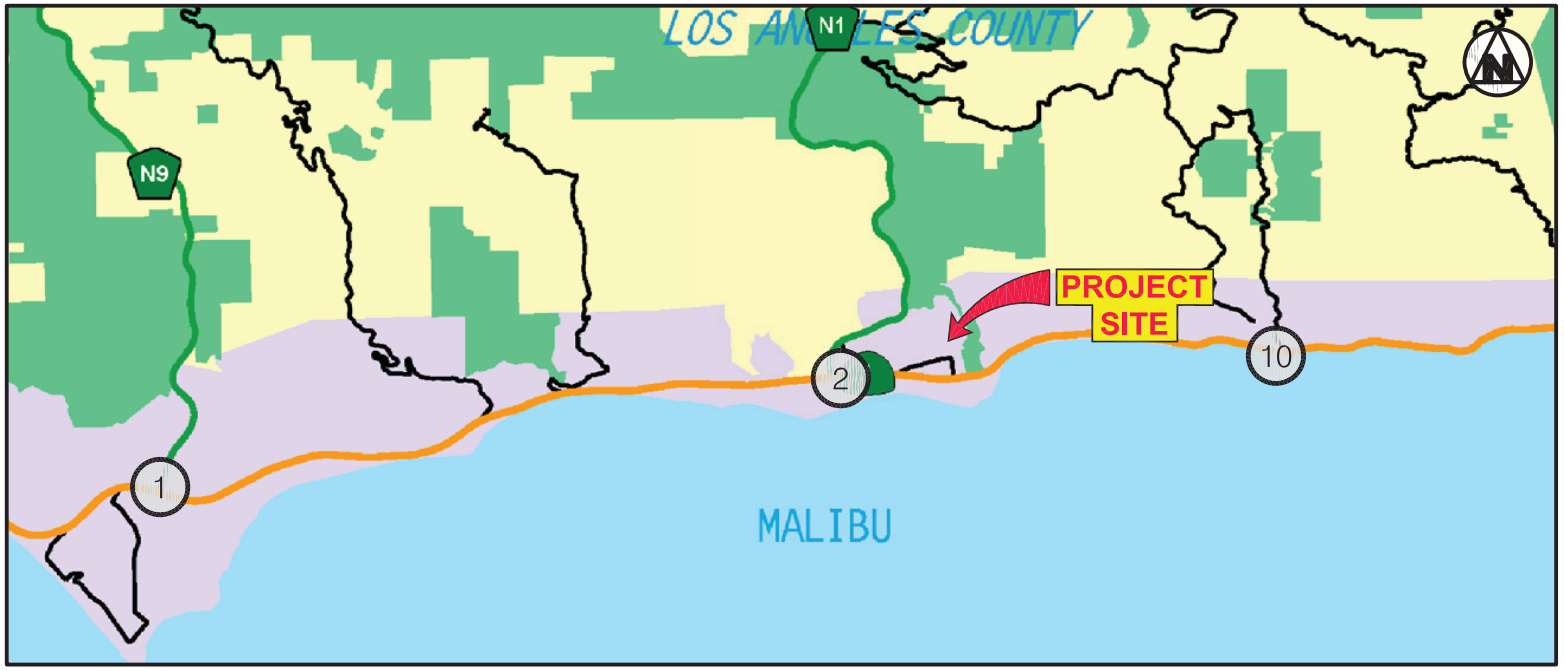
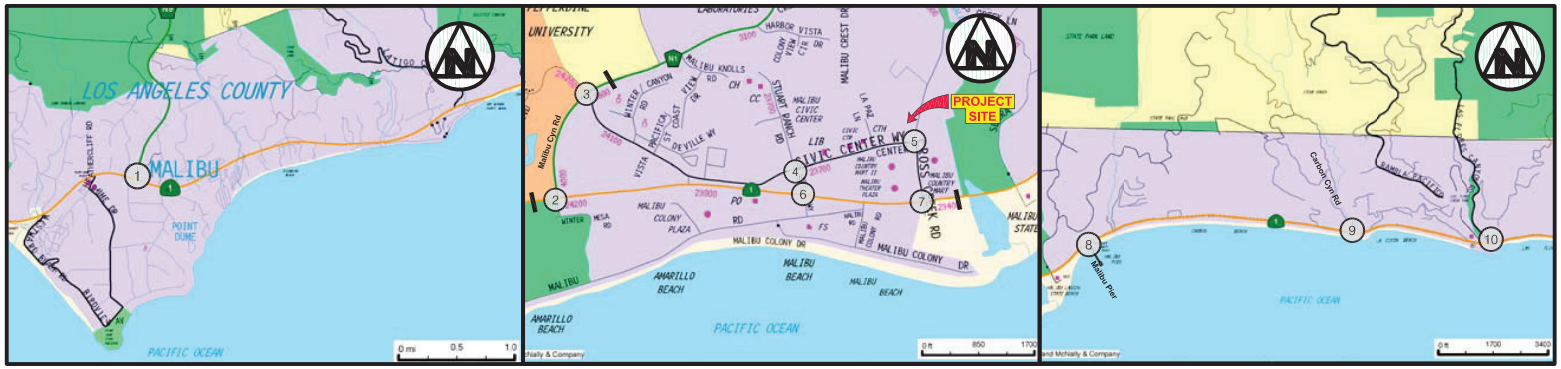
2 Los Angeles Sheriff's Department PCH Traffic Safety Evaluation, 2011 https://www.malibucity.org/DocumentCenter/View/86, accessed March 2014.



OVERALL STUDY AREA
KANAN DUME ROAD TO LAS FLORES CANYON ROAD



Location of street segment analyzed

Location of study intersections

WEST STUDY AREA | **CIVIC CENTER STUDY AREA** | **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-1**

Study Area Intersections

In the immediate Project vicinity, the PCH Traffic Safety Evaluation notes that the collision rate at the intersection of Malibu Canyon Road with PCH is the second highest in the City. Malibu Canyon Road carries the highest volume of traffic of any surface street in the City and regularly experiences southbound left turn vehicle queues of 0.5 mile in length, which reach from the intersection at PCH to (and sometimes beyond) the intersection with Civic Center Way. These queues exacerbate cut-through traffic past the schools and neighborhoods on Civic Center Way as motorists attempt to avoid delays associated with this queue.[3]

The PCH Traffic Safety Evaluation also identifies an existing lack of storage capacity on Webb Way and the PCH left turn lanes, as well as poor signal timing and a lack of sidewalks on the north side of PCH. Additionally, at the intersection of Cross Creek Road and PCH, the report identifies westbound congestion, poor signal timing, and lack of a sidewalk on the south side of PCH as key concerns.

Transit Service

Public transportation in the study area is provided by the Metropolitan Transportation Authority (Metro). Metro route 534 operates along Civic Center Way adjacent to the project site. Metro weekday service on this route is provided by three eastbound and seven westbound buses during the morning peak hours, five eastbound and three westbound buses during the afternoon peak hours, with three buses in each direction during the Saturday mid-day peak hours.

Traffic Study Intersections

To ensure updated, consistent traffic counts to be used for each pending project, traffic volume data was collected in the summer of 2012 by National Data & Surveying Services, an independent third party data collection company hired by the City of Malibu for use in this study. Weekday traffic counts were conducted on Thursday, July 12th from 7:00 to 9:00 AM and 4:00 to 6:00 PM. Weekend traffic counts were conducted on Saturday, July 14th from 11:00 AM to 1:00 PM.

The intersections analyzed in this study are listed below. **Figure 3.13-1, Study Area Intersections**, illustrates the location of the study intersections. An asterisk (*) identifies a CMP monitoring intersection.

1. Kanan Dume Road and Pacific Coast Highway *
2. Malibu Canyon Road and Pacific Coast Highway *

[3] Left turns (southbound) from Malibu Canyon Road onto Civic Center Way are prohibited between 6:00 AM and 9:00 AM on weekdays (AM Peak hour). This measure was aimed at preventing cut through traffic, although exactly how effective the measure is has yet to be determined.

3. Malibu Canyon Road and Civic Center Way
4. Webb Way/Stuart Ranch Road and Civic Center Way
5. Cross Creek Road and Civic Center Way
6. Webb Way and Pacific Coast Highway
7. Cross Creek Road and Pacific Coast Highway
8. Malibu Pier Signal and Pacific Coast Highway
9. Carbon Canyon Road and Pacific Coast Highway
10. Las Flores Canyon Road and Pacific Coast Highway *

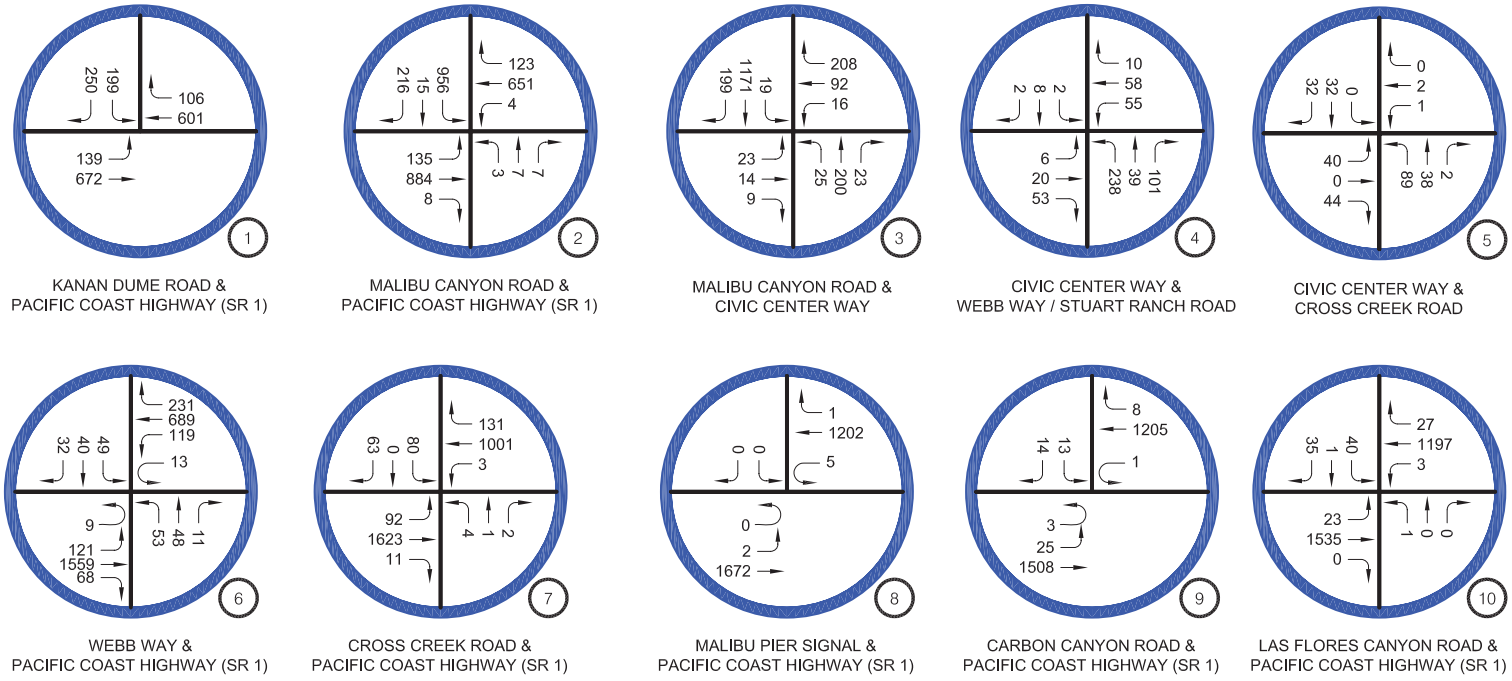
The street segments analyzed in this study are: (using July 2012, City of Malibu counts)

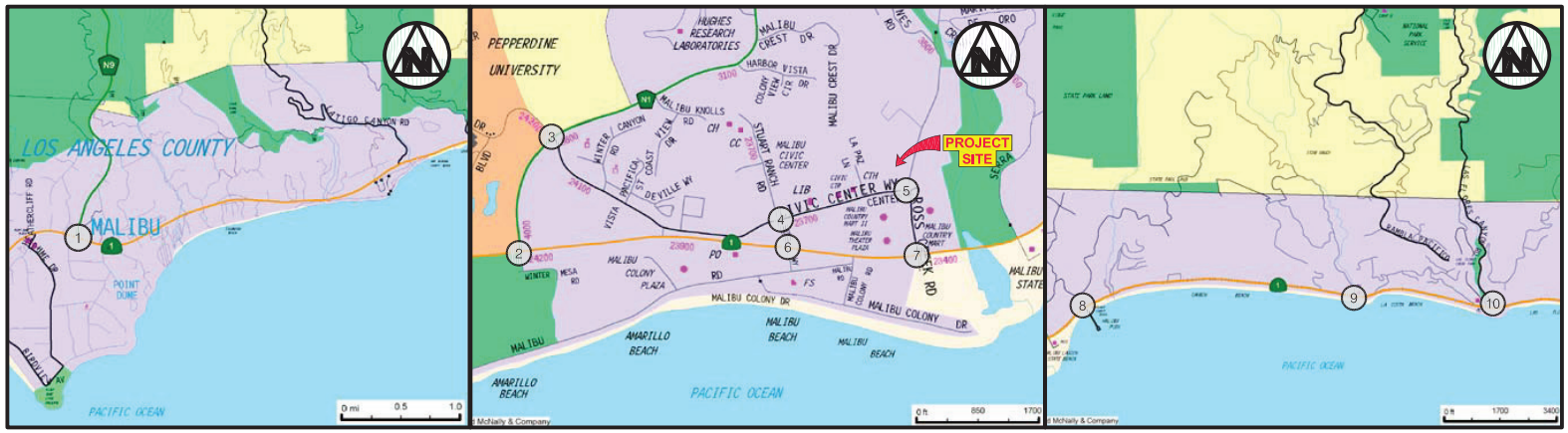
1. Pacific Coast Highway east of Cross Creek Road
2. Pacific Coast Highway west of Malibu Canyon Road
3. Malibu Canyon Road north of Civic Center Way

The existing 2012 peak hour traffic volumes at each study intersection are illustrated in **Figure 3.13-2, Existing 2012 Peak Hour Traffic Volumes – Weekday AM Peak Hour,** for the weekday morning peak hour, **Figure 3.13-3, Existing 2012 Peak Hour Traffic Volumes – Weekday PM Peak Hou**r, for the weekday afternoon peak hour and **Figure 3.13-4, Existing 2012 Saturday – Mid-Day Peak Hour,** for the Saturday mid-day peak hour.

The July 2012 counts were conducted when Pepperdine was in summer session, which has a lower student population than during their regular sessions (i.e., the fall, winter, and spring sessions). Consequently, while PCH is typically busiest during the summer, it is likely that more Pepperdine or student-associated vehicles may be expected during the regular sessions. However, even when Pepperdine is in regular session, the traffic volumes on PCH are greatest during the summer season. In accordance with the City's Traffic Impact Analysis Guidelines, the TIA did not include pedestrian or bicyclist counts.

The traffic conditions analysis was conducted using the Intersection Capacity Utilization (ICU) method. The ICU method uses a ratio of the traffic volume over intersection capacity to establish the level of traffic congestions. This volume-to-capacity (V/C) ratio defines the proportion of an hour necessary to accommodate all the traffic moving through the intersection assuming all approaches were operating at full capacity.

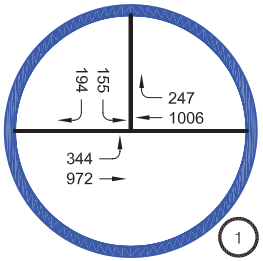




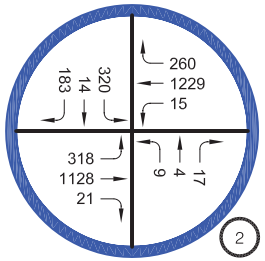
SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-2**

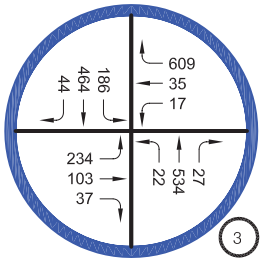
Existing 2012 Peak Hour Traffic Volumes – Weekday AM Peak Hour



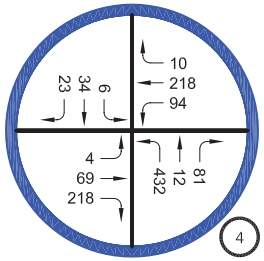
KANAN DUME ROAD &
PACIFIC COAST HIGHWAY (SR 1)



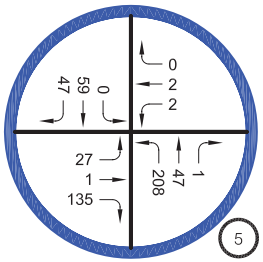
MALIBU CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



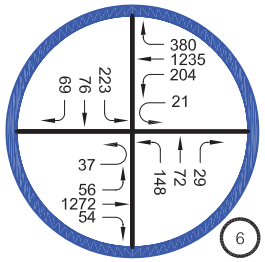
MALIBU CANYON ROAD &
CIVIC CENTER WAY



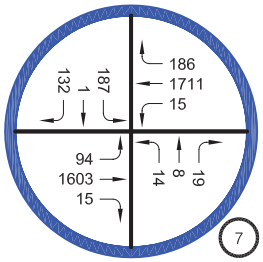
CIVIC CENTER WAY &
WEBB WAY / STUART RANCH ROAD



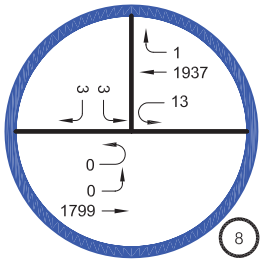
CIVIC CENTER WAY &
CROSS CREEK ROAD



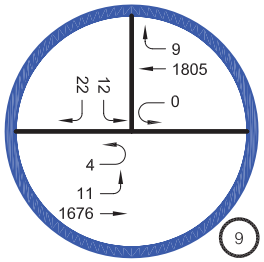
WEBB WAY &
PACIFIC COAST HIGHWAY (SR 1)



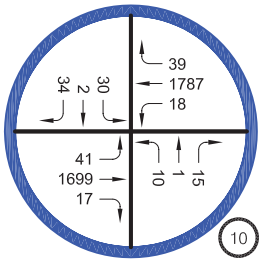
CROSS CREEK ROAD &
PACIFIC COAST HIGHWAY (SR 1)



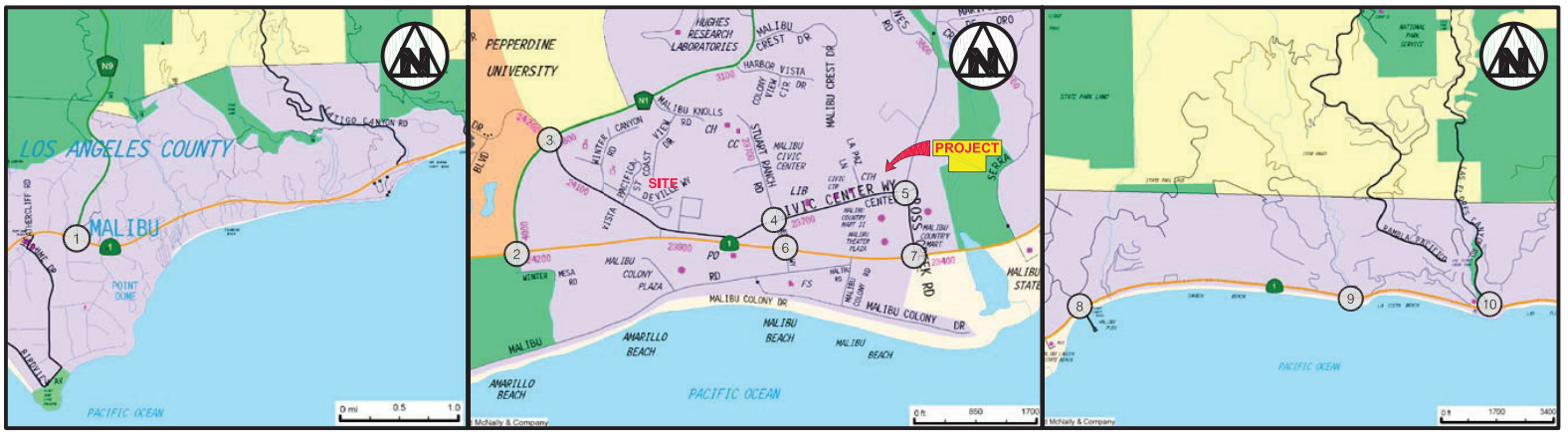
MALIBU PIER SIGNAL &
PACIFIC COAST HIGHWAY (SR 1)



CARBON CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



LAS FLORES CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)

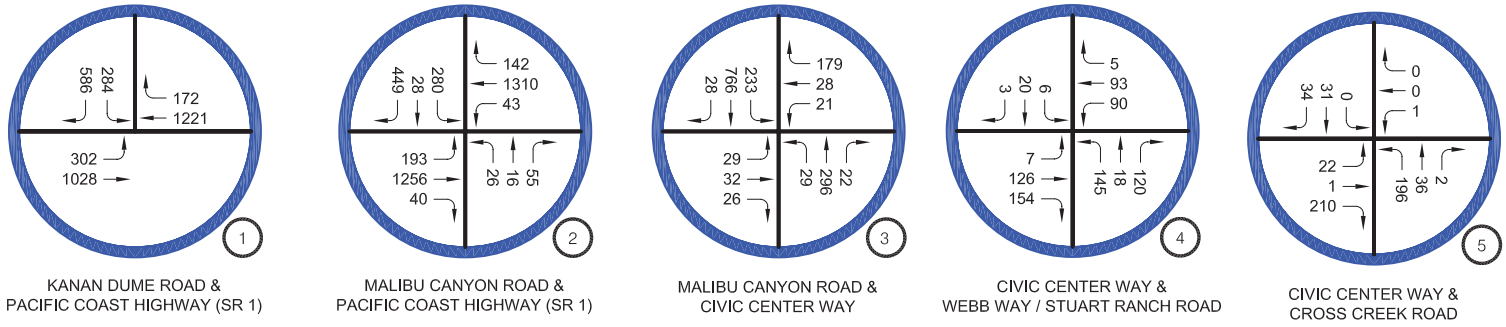


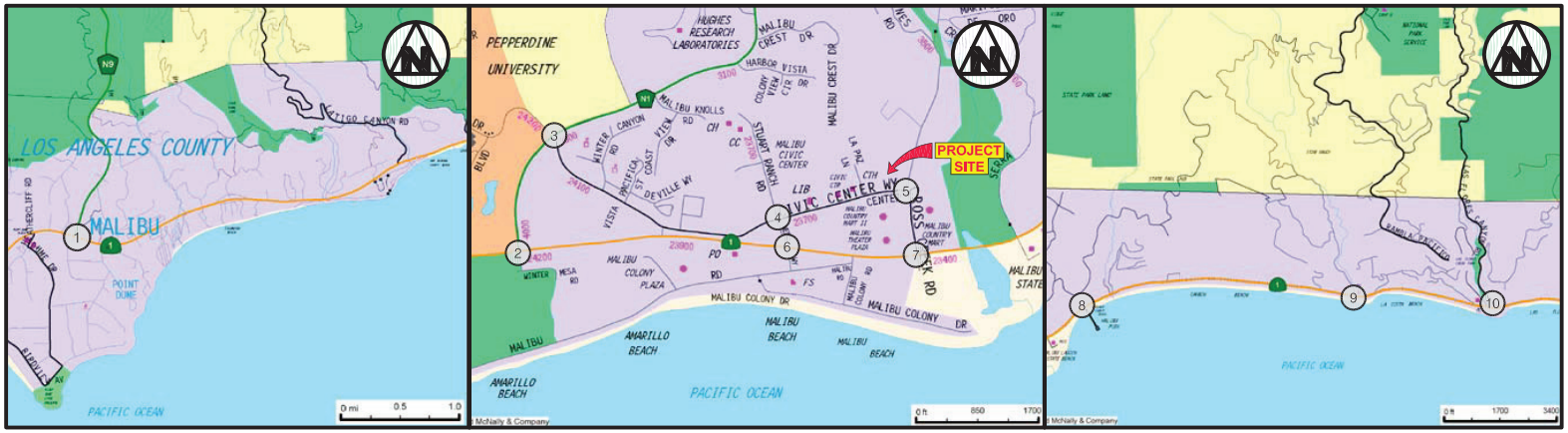
WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-3**

Existing 2012 Peak Hour Traffic Volumes – Weekday PM Peak Hour





WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-4**

Existing 2012 Saturday – Mid-Day Peak Hour

Intersection Operations

Because traffic flow on arterials is most constrained at intersections, detailed traffic flow analyses focus on operating conditions of critical intersections during peak travel periods. The quality of service offered by any roadway can be described by measuring its level of service (LOS), a qualitative method for describing operational conditions within a traffic stream or at an intersection, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. In rating intersection operations, LOS A through F are used, where LOS A indicates free flow operations and LOS F indicates congested operations. The City, through its Traffic Impact Analysis Guidelines, considers LOS C as the minimum acceptable operating standard for intersections for signalized and unsignalized intersections in the City during peak hour traffic.

The Transportation Research Board's (TRB) 2000 Highway Capacity Manual (HCM) is the standard used for evaluating all types of LOS (e.g., signalized, unsignalized, freeway intersections). The V/C ratio and the average control delay are used to determine intersection the LOS for signalized and unsignalized (e.g., stop sign controlled) intersections respectively.

The LOS criteria for unsignalized intersections have different threshold values than those for signalized intersections primarily because drivers expect different levels of performance from different types of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an unsignalized intersection. Thus, a higher level of control-related delay is acceptable at a signalized intersection for the same LOS. The LOS criteria are summarized in **Table 3.13-1, LOS Criteria for Signalized and Unsignalized Intersections**.

LOS was calculated for the area intersections using the ICU and HCM procedures to calculate the V/C ratios and delay values for existing traffic conditions at each TIA intersection. Existing signalized intersections in the project area generally operate at acceptable stable conditions of LOS C or better (refer to **Table 3.13-2 Existing Traffic Conditions Summary**; see **Figure 3.13-2** through **Figure 3.13-4**). Two intersections currently operate at LOS C during the weekday PM peak hours, while all other signalized intersections operating at LOS A or B. During the weekend peak hour four intersections operate at LOS C, while all other signalized intersections operate at LOS A or B.

Table 3.13-1
LOS Criteria for Signalized and Unsignalized Intersections

LOS	Description	Signalized (V/C Ratio)	Unsignalized Average Control Delay (seconds)
A	Free flow conditions with low traffic density	0.000–0.600	<10
B	A stable flow of traffic	0.601–0.700	>10–15
C	Light congestion but stable, occasional backups behind left-turning vehicles	0.701–0.800	>15–25
D	Approaching instability, drivers are restricted, vehicles may be required to wait through more than one signal cycle	0.801–0.900	>25–35
E	At or near capacity with long queuing for left-turning vehicles. Blockage of intersection may occur if traffic signal does not provide for protected turning movements.	0.901–1.000	>35–50
F	Jammed conditions with stoppages of long distances.	>1.000	>50

Source: Overland Traffic Consultants, 2015

Table 3.13-2
Existing Traffic Conditions Summary

		Weekday				Weekend Mid-Day	
		AM Peak Hour		PM Peak Hour			
No.	Intersection	V/C (Delay)	LOS	V/C (Delay)	LOS	V/C (Delay)	LOS
1.	Kanan Dume Rd. & Pacific Coast Hwy.	0.394	A	0.633	B	0.715	C
2.	Malibu Canyon Rd. & Pacific Coast Hwy.	0.674	B	0.669	B	0.777	C
3.	Malibu Canyon Rd. & Civic Center Way	0.503	A	0.472	A	0.346	A
4.	Webb Way & Civic Center Way	10.14 sec.	B	22.15 sec.	C	9.73 sec	A
5.	Cross Creek Rd. & Civic Center Way	7.80 sec.	A	8.99 sec.	A	9.10 sec	A
6.	Webb Way & Pacific Coast Hwy.	0.526	A	0.661	B	0.703	C
7.	Cross Creek Rd. & Pacific Coast Hwy.	0.594	A	0.781	C	0.800	C
8.	Malibu Pier Signal & Pacific Coast Hwy.	0.576	A	0.655	B	0.638	B
9.	Carbon Canyon Rd. & Pacific Coast Hwy.	0.538	A	0.644	B	0.648	B
10.	Las Flores Canyon Rd. & Pacific Coast Hwy.	0.581	A	0.691	B	0.679	B

Source: Overland Traffic Consultants, 2015

REGULATORY FRAMEWORK

Federal Regulations

Americans with Disabilities Act of 1990: Titles I, II, III, and V of the Americans with Disabilities Act (ADA) have been codified in Title 42 of the United States Code, beginning at Section 12101. Title III prohibits discrimination on the basis of disability in places of public accommodation (i.e., businesses and non-profit agencies that serve the public) and commercial facilities (i.e., other businesses). This regulation includes Appendix A to Part 36, Standards for Accessible Design, which establishes minimum standards for ensuring accessibility when designing and constructing a new facility or altering an existing facility. Examples of key guidelines include detectable warning for pedestrians entering traffic where there is no curb, a clear zone of 48 inches for the pedestrian travelway, and a vibration-free zone for pedestrians.

State Regulations

Traffic analysis in the State of California is guided by policies and standards set at the state level by the California Department of Transportation (Caltrans) and the local jurisdictions. The proposed project is within the City's jurisdiction and, therefore, subject to adopted City transportation policies and guidelines, which are consistent with Caltrans policies and standards. Furthermore, Caltrans retains jurisdiction over PCH in Malibu and would be responsible for any permitting related to the highway. In addition, seven of the intersections analyzed are located on PCH, which is part of the Los Angeles County CMP.

Local Regulations

City of Malibu General Plan

The City of Malibu's General Plan provides the following goals and policies related to transportation:

Land Use Element

LU Policy 2.4.6 The City shall avoid improvements which create a suburban atmosphere such as sidewalks and street lights.

Conservation Element

C Goal 1: Safe, environmentally sensitive and efficient transportation for the City.

C Policy 1.1.1 Where level of service at signalized intersections and roadways is below LOS C, the City shall ensure that proposed development maintains the then –current

LOS. Where LOS at signalized intersections and roadways is at LOS C or above, the City shall ensure that proposed development: (1) does not cause a degradation of LOS greater than or equal to 2 percent in the circumstances set forth in Land Use Implementation Measure 70; and (2) does not degrade LOS below LOS C.

C Policy 1.1.2 The City shall utilize sound traffic engineering and enforcement principles to safely regulate traffic and improve traffic flow.

C Policy 1.1.3 The City shall improve traffic flow through procedural improvements.

C Policy 1.1.4 The City shall reduce peak-time traffic.

C Policy 1.2.1 The City shall promote a balanced and integrated transportation system and reduce dependence on the automobile.

C Policy 1.2.2 The City shall encourage the use of alternative modes of transportation.

C Policy 1.2.3 The City shall develop year round local and regional public transportation.

C Policy 1.2.4 The City shall develop bikeways, pedestrian walkways, and equestrian paths in areas that can safely accommodate them.

C Policy 1.3.1 The City shall require sufficient off-street parking.

City of Malibu Local Coastal Program

The City lies entirely within with the California Coastal Zone, as defined by the California Coastal Act. The Coastal Act requires that its goals and policies be implemented by local government through the Local Coastal Program (LCP) process. The LCP is composed of two plans: the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LCP was adopted by the California Coastal Commission on September 13, 2002.

Land Use Plan

The LUP has several policies regarding circulation and traffic. The policies relevant to the proposed project include:

LUP Policy 7.3: Improvements to existing public roads shall be permitted as necessary for public safety and to improve access to recreation areas where such improvements are consistent with all policies of the LCP.

LUP Policy 7.4: Improvements to major road intersections for public safety or increase vehicle capacity shall be permitted, as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP.

LUP Policy 7.12: Restrictions on or elimination of existing on-street public parking on PCH and adjacent side-streets shall not be permitted unless a comparable number of replacement parking spaces are provided in the immediate vicinity and it is demonstrated that such restrictions or elimination will not adversely impact public access to the shoreline.

Local Implementation Plan

The LIP implements the policies of the LUP of the LCP. The implementation measures governing traffic and circulation under various sections of the LIP are as follows:

Section 3.12 The purpose of the Parking Regulations section of the LIP is to ensure adequate off-street parking facilities in conjunction with any residential, commercial, or other use or development. These standards provided in the section should be considered the minimum required for preserving the public health, safety, and welfare. LIP Section 3.12.3, related to specific parking requirements, details parking requirements in accordance with the list of uses. LIP Section 3.12.5 provides development standards for parking facilities.

Apart from these parking regulations, there are no other implementation actions in the LIP pertaining to traffic and circulation.

City of Malibu Municipal Code

The Malibu Municipal Code (MMC) contains the laws of the City. Title 17 of the MMC specifically discusses the zoning regulations pertaining to new development. Chapter 17.48 pertains to off-street parking and loading requirements, including the following, which apply to all parking areas with six or more spaces:

17.48.050(C)(3) **Screening.** Parking areas shall be screened from view from all designated highways.

17.48.050(E) **Landscaping.**

1. A landscaped planter bed of at least 5 feet in width with a 6-inch-high cement concrete berm shall be installed along the entire perimeter except for those areas devoted to perpendicular access ways;

2. A minimum of 5 percent of the paved parking area shall be devoted to interior planting areas. Extensive use of trees is encouraged. All planting areas shall be at least 3-feet-wide. Perimeter planting shall not be considered part of this required interior planting; and

3. Where topography and gradient allow, parking lots should be depressed and/or screened from view by landscaped berms and hedges.

17.48.050(F) **Lighting.** Lighting, where provided to illuminate a parking area, shall be hooded and so arranged and controlled so as not to cause nuisance either to highway traffic or to adjacent properties.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

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

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

The following significance thresholds for determining transportation and traffic impacts were identified by the City. The City considers a traffic impact to be potentially significant if the related increases in the V/C ratio value equals or exceeds adopted thresholds for signalized intersections or unsignalized intersections (refer to **Tables 3.13-3** and **3.15-4**). Additionally, a significant traffic impact for an arterial street would occur if the V/C ratio on a CMP roadway segment operating at an unacceptable LOS (i.e., LOS D, E, or F) increases by 0.05 or more.

Table 3.13-3
Significant Impact Criteria (Signalized Intersections)

LOS	Final V/C Value	Increase in V/C Value
C	> 0.710 – 0.800	+0.040 or more
D	> 0.810 – 0.900	+0.020 or more
E, F	0.91 or more	+0.010 or more

Source: Overland Traffic Consultants, 2015

Table 3.13-4
Significant Traffic Impact Criteria (Un-signalized Intersections)

1	Degrades the Level of Service (LOS) at an un-signalized intersection to an unacceptable level of Service (LOS D or worse); or
2	Increases delay at an un-signalized intersection operating at an unacceptable level by five or more seconds; or
3.	Results in satisfying the most recent California Manual on Uniform Traffic Control Devices (CAMUTCD) peak hour volume warrant or other warrants for traffic signal installation at the intersection.

Source: Overland Traffic Consultants, 2015

- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways?
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Methodology

The traffic impacts of the proposed project were evaluated in the TIA using trip generation, trip distribution, and trip assignment for four scenarios including a No Project Scenario and a Plus Project Scenario for Existing Year (2012) and Future Years (2017 and 2030) scenarios. Estimates of project-generated traffic were calculated using the industry standard 2012 traffic generation rates developed by the Institute of Transportation Engineers (ITE). The estimated project directional trip distribution was based on the project area roadway network, traffic flow patterns in and out of the project area, and other

traffic studies recently prepared for the general area. Using the traffic assignment at each intersection and the estimated project traffic generation, peak hour traffic volumes at each study location were calculated for each peak hour and for each scenario. This estimated assignment of the project traffic flow provided the information necessary to analyze the potential project traffic impacts.

Future traffic volume projections have been developed to analyze the traffic conditions after completion of other planned land developments including the proposed project for two scenarios: future study years 2017 and 2030. In addition to the traffic generated by the related project list, other projects outside the study area or projects unknown at this time may contribute to the traffic volume in the area. To account for this outside influence, an ambient annual growth factor (1.5 percent) has been applied to the existing 2012 traffic counts to establish the 2017 study year. This growth factor is based on the growth rates in the City TIA Guidelines for the 2017 study year. The use of both the related project traffic volume growth and the ambient growth factor provides a conservative estimate of future traffic growth in the study area for 2017.

Los Angeles Congestion Management Program Analysis

The adopted Los Angeles Congestion Management Program (CMP) traffic growth forecasts for 2030 have been applied to develop the future traffic volumes for 2030. In addition to the CMP growth, the same current cumulative projects list has been included. Therefore, the total growth for the 2030 project impact analysis consists of the CMP growth rate (9 percent) plus the current related projects per the City of Malibu's cumulative projects list.

Adding the project traffic to the two future "without project" conditions provides the information necessary to calculate the future cumulative project traffic impacts at the study intersections for each future scenario.

Impact Analysis

Threshold 3.13-1 **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. A significant impact would occur if the proposed project exceeded adopted thresholds for signalized intersections or unsignalized intersections (refer to Tables 3.13-3 and 3.13-4) or result in V/C ratio on a CMP roadway segment operating at an unacceptable LOS (i.e., LOS D, E, or F) increases by 0.05 or more.**

Existing (2012) Conditions

As shown in **Table 3.13-5, Existing Plus Project Traffic Conditions**, during the Existing Year (2012) all of the study intersections operate at an acceptable LOS. The traffic estimates show that the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimate 2,528 weekend trips with 226 weekend mid-day trips. Project traffic volumes are shown in **Figure 3.13-5, Project Traffic Volume – Weekday AM Peak Hour**, **Figure 3.13-6, Project Traffic Volume – Weekday PM Peak Hour,** and **Figure 3.13-7, Project Traffic Volume – Saturday Mid-Day Peak Hour**

Table 3.13-5
Existing Plus Project Traffic Conditions

			Existing		With Project		
No.	**Intersection**	**Peak Hour**	**V/C (Delay)**	**LOS**	**V/C (Delay)**	**LOS**	**Impact**
1.	Kanan Dume Rd. &	Weekday AM	0.394	A	0.397	A	+ 0.003
	Pacific Coast Hwy.	Weekday PM	0.633	B	0.639	B	+ 0.006
		Saturday Mid-day	0.715	C	0.721	C	+ 0.006
2.	Malibu Canyon Rd. &	Weekday AM	0.674	B	0.684	B	+ 0.010
	Pacific Coast Hwy.	Weekday PM	0.669	B	0.677	B	+ 0.008
		Saturday Mid-day	0.777	C	0.789	C	+ 0.012
3.	Malibu Canyon Rd. &	Weekday AM	0.503	A	0.506	A	+ 0.003
	Civic Center Way	Weekday PM	0.472	A	0.480	A	+ 0.008
		Saturday Mid-day	0.346	A	0.346	A	+ 0.000
4.	Webb Way / Stuart Ranch	Weekday AM	10.14 sec.	B	10.20 sec.	B	+0.06 sec.
	Road & Civic Center Way	Weekday PM	22.15 sec.	C	23.08 sec.	C	+0.93 sec.
		Saturday Mid-day	9.73 sec.	A	10.28 sec.	B	+0.55 sec.
5.	Cross Creek Rd. &	Weekday AM	7.80 sec.	A	8.00 sec.	A	+ 0.20 sec.
	Civic Center Way	Weekday PM	8.99 sec.	A	9.54 sec.	A	+ 0.55 sec.
		Saturday Mid-day	9.10 sec.	A	10.00 sec.	A	+ 0.90 sec.
6.	Webb Way &	Weekday AM	0.526	A	0.527	A	+ 0.001
	Pacific Coast Hwy.	Weekday PM	0.661	B	0.679	B	+ 0.018
		Saturday Mid-day	0.703	C	0.728	C	+ 0.025
7.	Cross Creek Rd. &	Weekday AM	0.594	A	0.601	B	+ 0.007
	Pacific Coast Hwy.	Weekday PM	0.781	C	0.806	D	+ 0.025 *
		Saturday Mid-day	0.800	C	0.837	D	+ 0.037 *
8.	Malibu Pier Signal &	Weekday AM	0.576	A	0.582	A	+ 0.006
	Pacific Coast Hwy.	Weekday PM	0.655	B	0.667	B	+ 0.012
		Saturday Mid-day	0.638	B	0.654	B	+ 0.016
9.	Carbon Canyon Rd. &	Weekday AM	0.538	A	0.543	A	+ 0.005
	Pacific Coast Hwy.	Weekday PM	0.644	B	0.653	B	+ 0.009
		Saturday Mid-day	0.648	B	0.662	B	+ 0.014
10	Las Flores Canyon Rd. &	Weekday AM	0.581	A	0.584	A	+ 0.003
	Pacific Coast Hwy.	Weekday PM	0.691	B	0.700	B	+ 0.009
		Saturday Mid-day	0.679	B	0.690	B	+ 0.011

*Note: All-Way Stop Control Delay in Seconds Per Vehicle; * Denotes significant traffic impact.*
Source: Overland Traffic Consultants, 2015

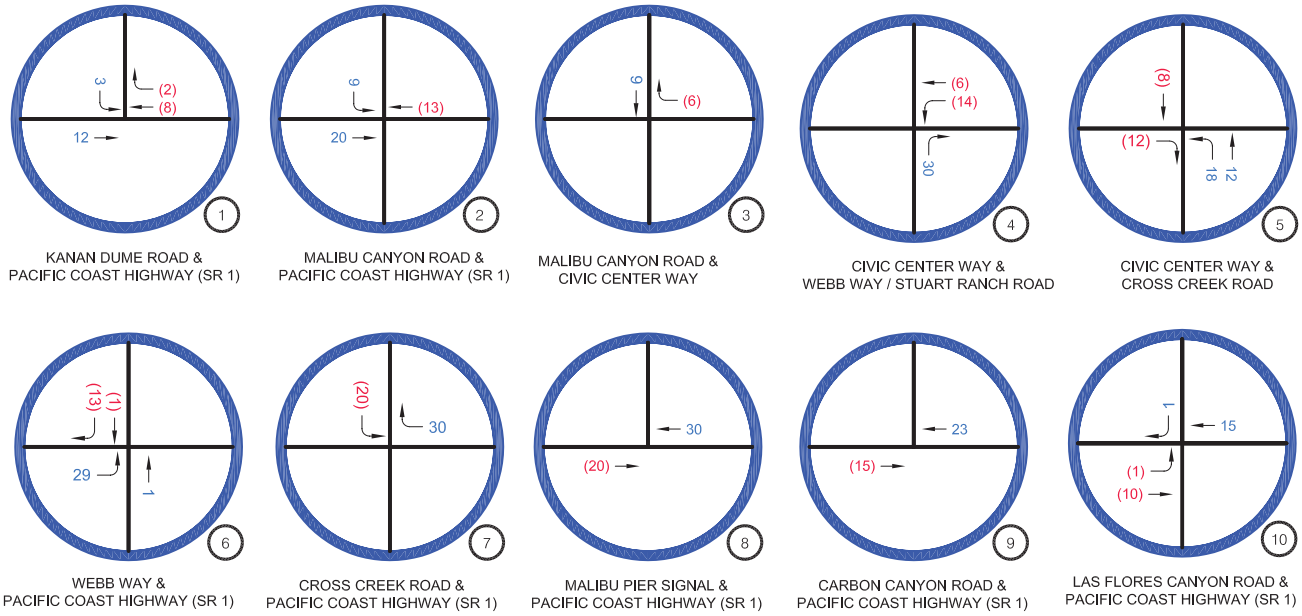
As shown in **Table 3.13-5**, one study intersection would impacted by the proposed project traffic volume. Using the criteria in the City's TIA Guidelines, it has been determined that the change in traffic flow generated by the proposed project would significantly impact the intersection of Cross Creek Road and Pacific Coast Highway (study intersection #7) during the weekday afternoon and Saturday mid-day peak prior to the implementation of traffic mitigation measures. Existing plus project traffic volumes are shown in **Figure 3.13-8, Existing (2012) + Project Traffic Volume – Weekday AM Peak Hour**, **Figure 3.13-9, Existing (2012) + Project Traffic Volume – Weekday PM Peak Hour**, and **Figure 3.13-10, Existing (2012) + Project Traffic Volume – Saturday Mid-Day Peak Hour**

Future Year (2017 and 2030) Conditions

Future traffic volume projections were developed to analyze the traffic conditions after completion of other planned land developments including the proposed project for two scenarios: future study years 2017 and 2030.

In addition to the traffic generated by the related project list, other projects outside the study area or projects unknown at this time may contribute to the traffic volume in the area. To account for this outside influence, an ambient annual growth factor (1.5 percent) has been applied to the existing 2012 traffic counts to establish the 2017 study year. This growth factor is based on the growth rates in the City TIA Guidelines for the 2017 study year. The use of both the related project traffic volume growth and the ambient growth factor provides a conservative estimate of future traffic growth in the study area for 2017. 2017 Traffic Volumes are shown in **Figure 3.13-11, Future (2017) Traffic Volume Without Project – Weekday AM Peak Hour**, **Figure 3.13-12, Future (2017) Traffic Volume Without Project – Weekday PM Peak Hour,** and **Figure 3.13-13, Future (2017) Traffic Volume Without Project – Saturday Mid-Day Peak Hour**.

Adding the project traffic to the two future "without project" conditions provides the information necessary to calculate the future cumulative project traffic impacts at the study intersections for each future scenario. **Table 3.13-6, Future (2017) + Project Traffic Conditions** shows the estimated project traffic impacts for the 2017 study year. Future cumulative 2017 peak hour traffic volumes with the proposed project are shown in **Figure 3.13-14, Future (2017) Traffic Volume + Project - Weekday AM Peak Hour, Figure 3.13-15, Future (2017) Traffic Volume +Project - Weekday PM Peak Hour,** and **Figure 3.13-16, Future (2017) Traffic Volume + Project - Saturday Mid-Day Peak Hour.**

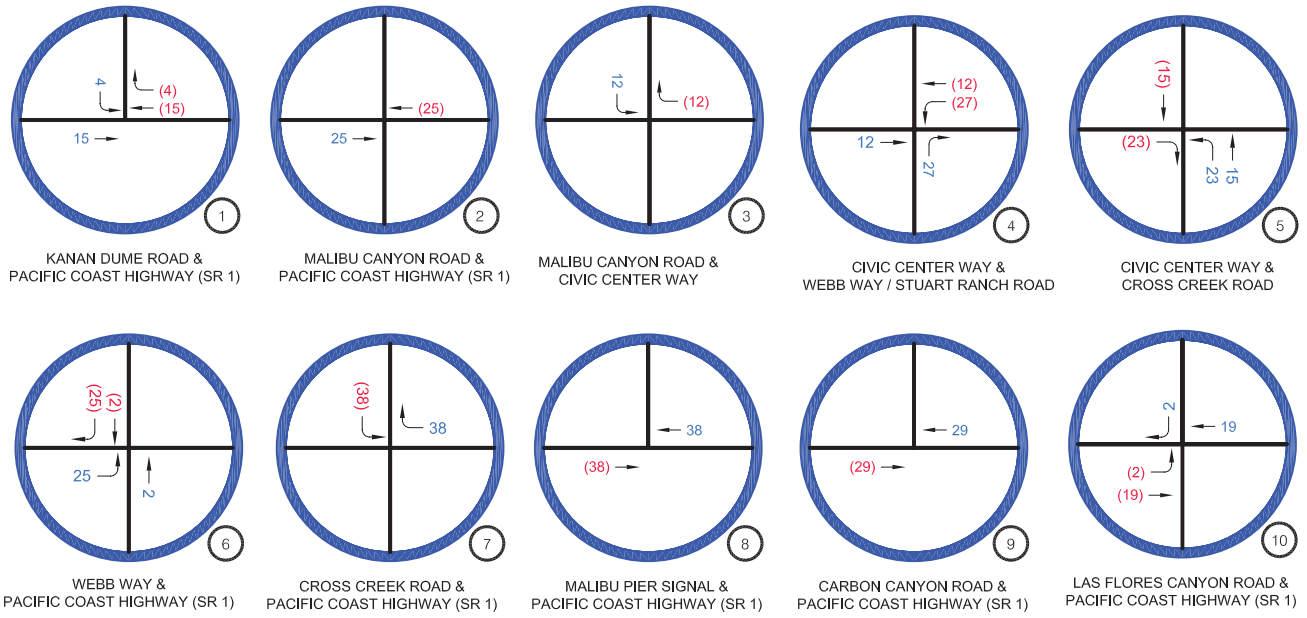


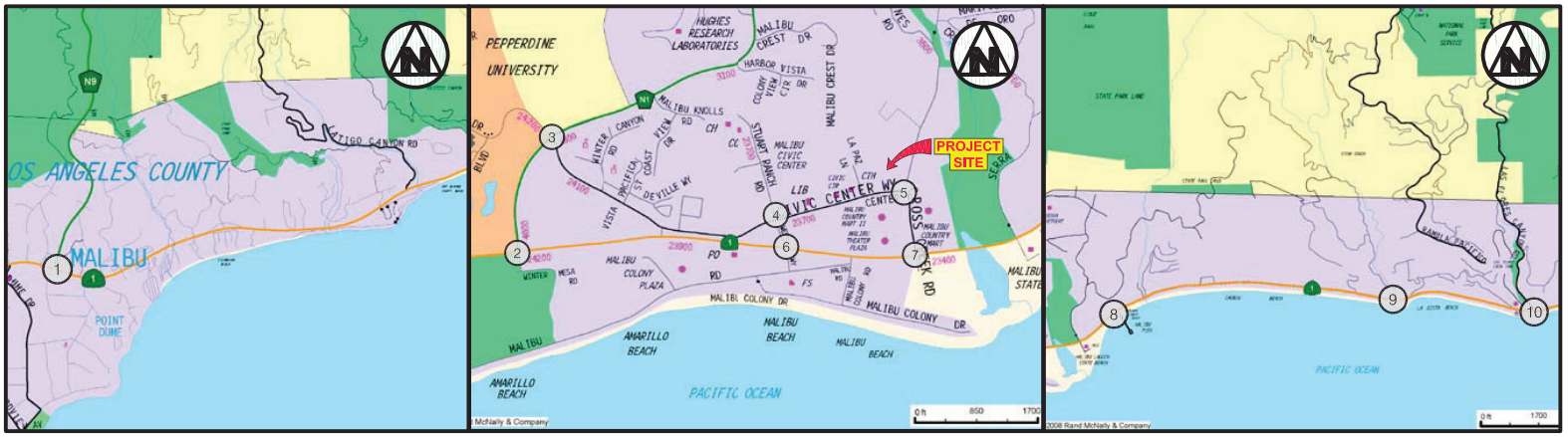
WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-5**

Project Traffic Volume – Weekday AM Peak Hour



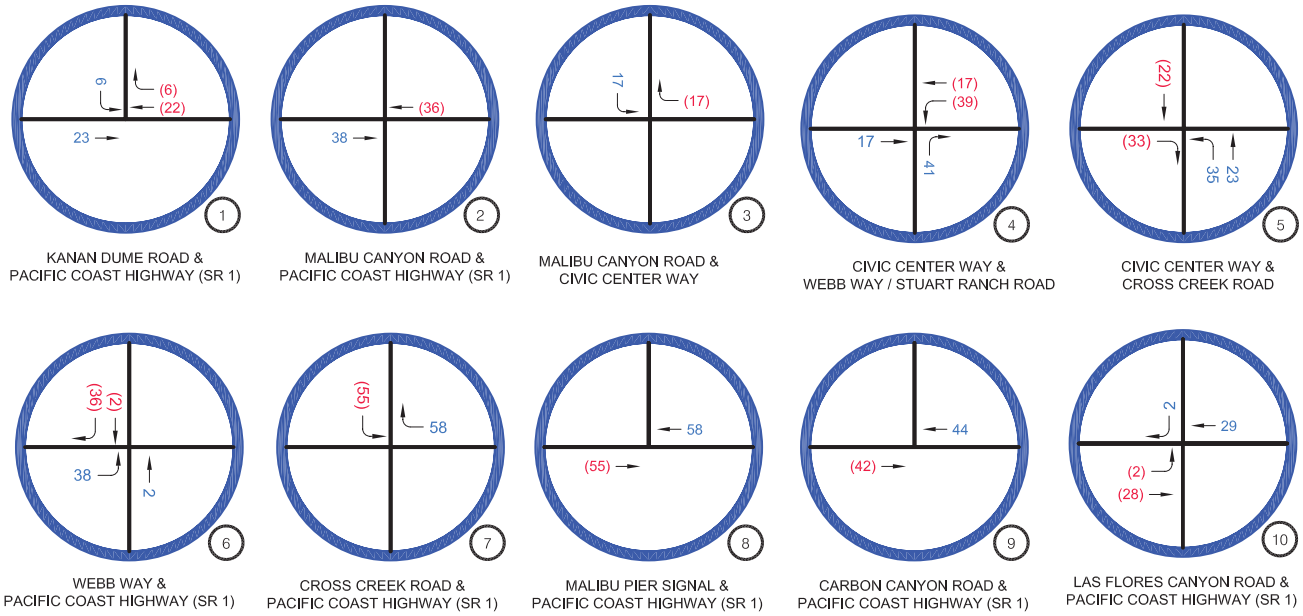


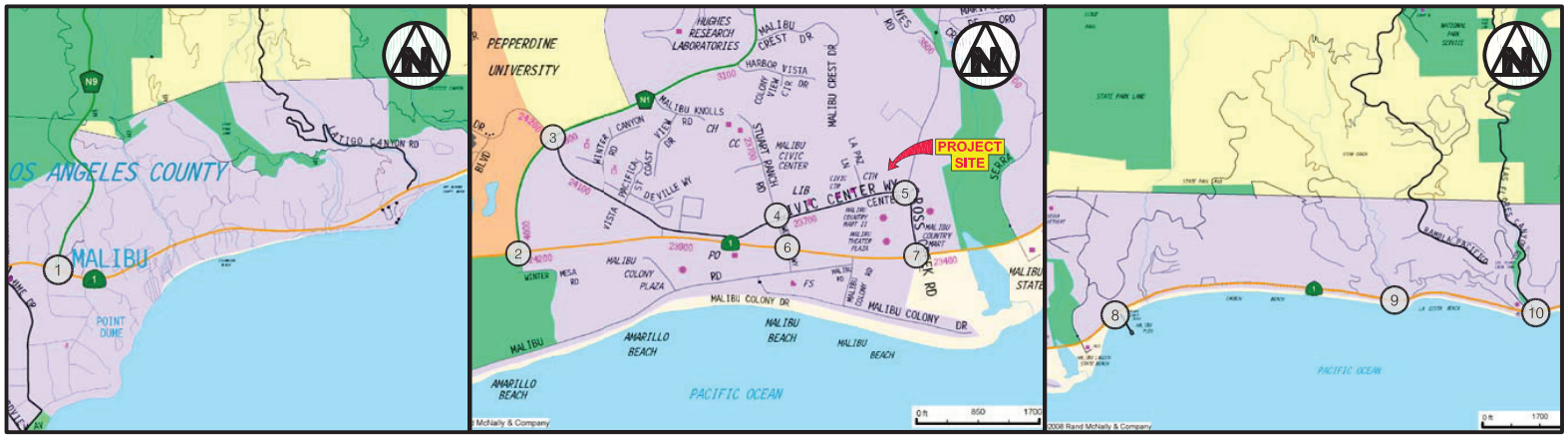
WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-6**

Project Traffic Volume – Weekday PM Peak Hour



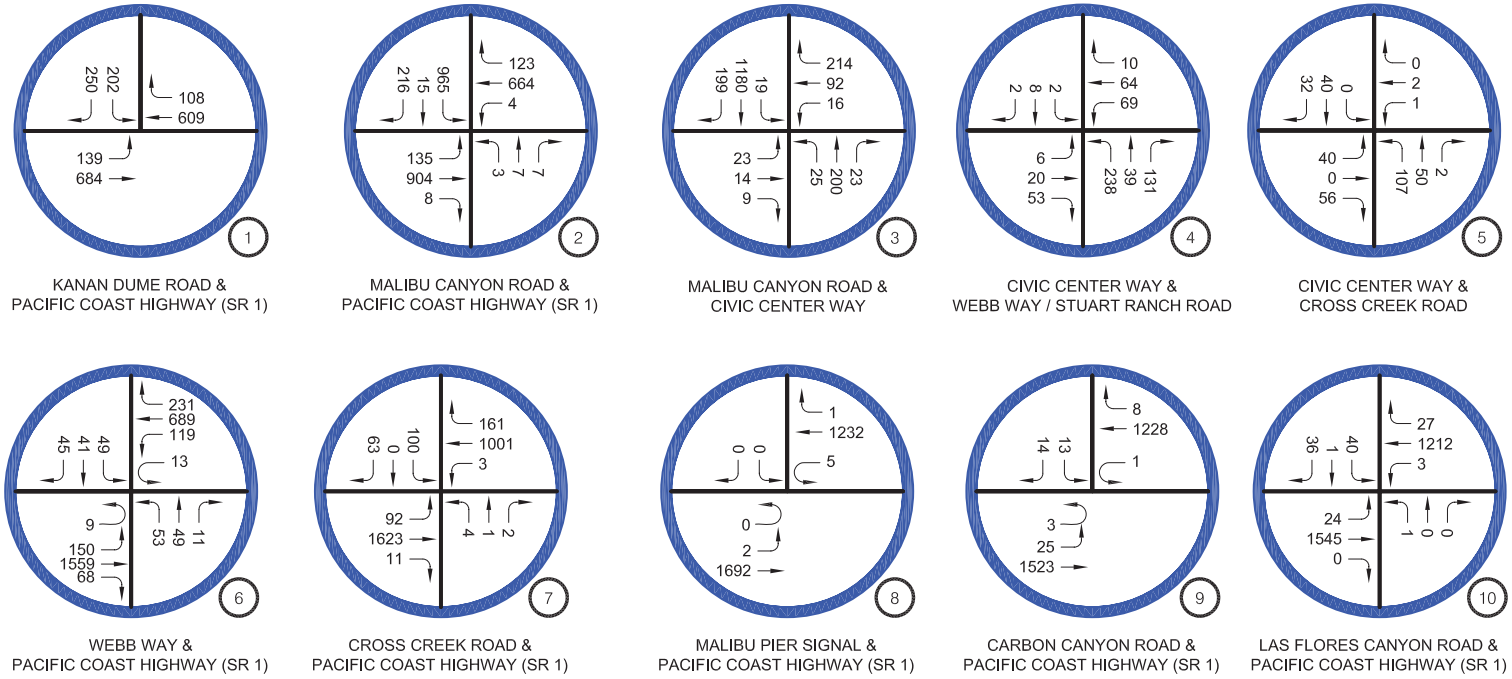


WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-7**

Project Traffic Volume – Saturday Mid-Day Peak Hour



KANAN DUME ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU CANYON ROAD & CIVIC CENTER WAY

CIVIC CENTER WAY & WEBB WAY / STUART RANCH ROAD

CIVIC CENTER WAY & CROSS CREEK ROAD

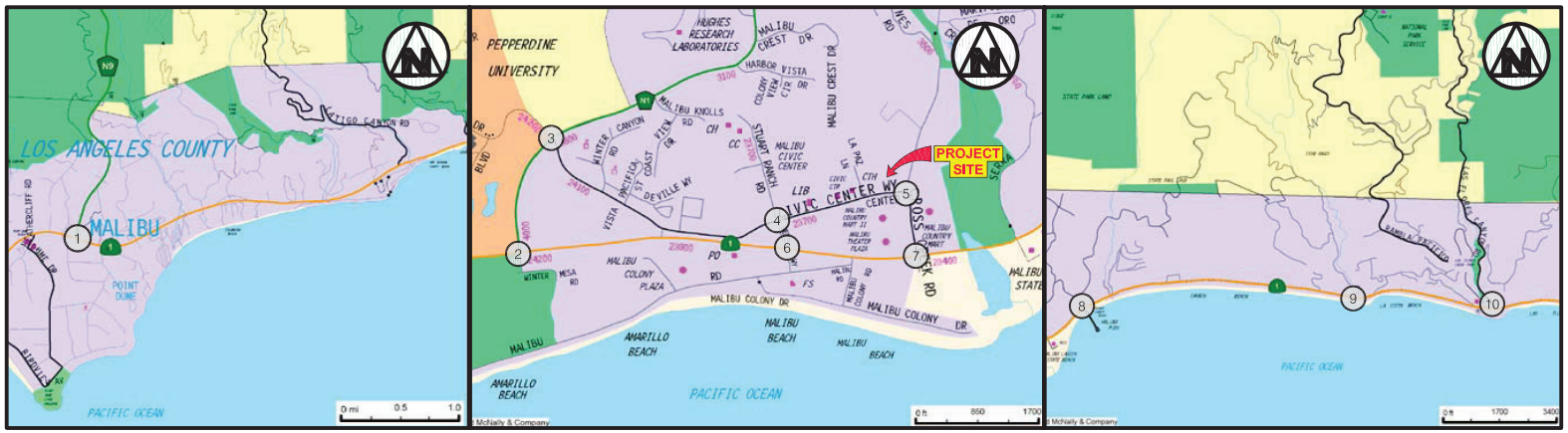
WEBB WAY & PACIFIC COAST HIGHWAY (SR 1)

CROSS CREEK ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU PIER SIGNAL & PACIFIC COAST HIGHWAY (SR 1)

CARBON CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

LAS FLORES CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

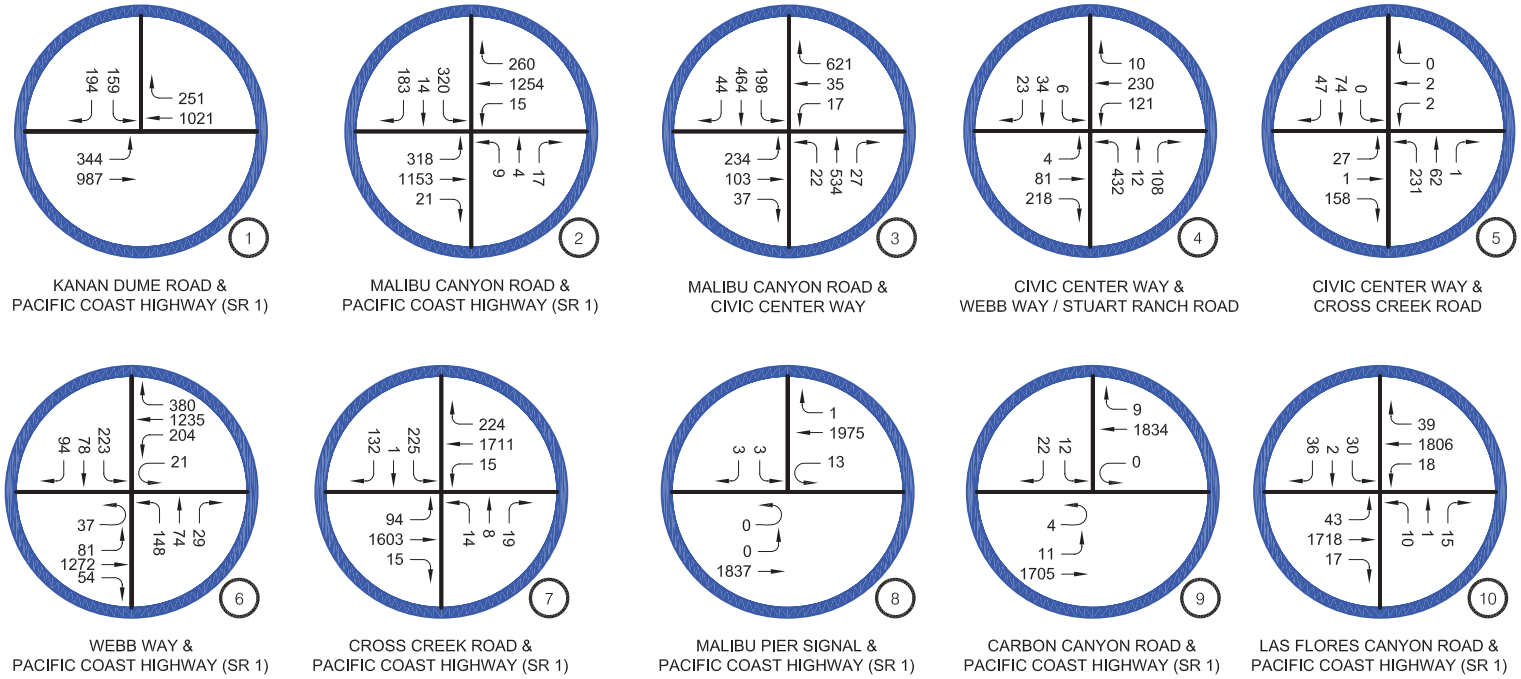


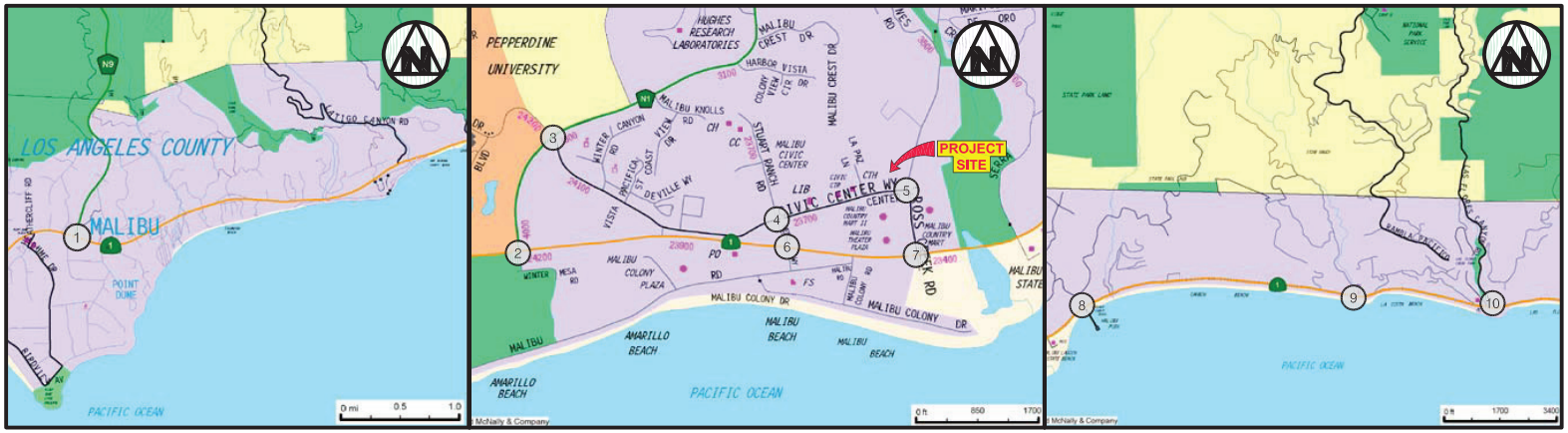
WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-8**

Existing (2012) + Project Traffic Volume – Weekday AM Peak Hour



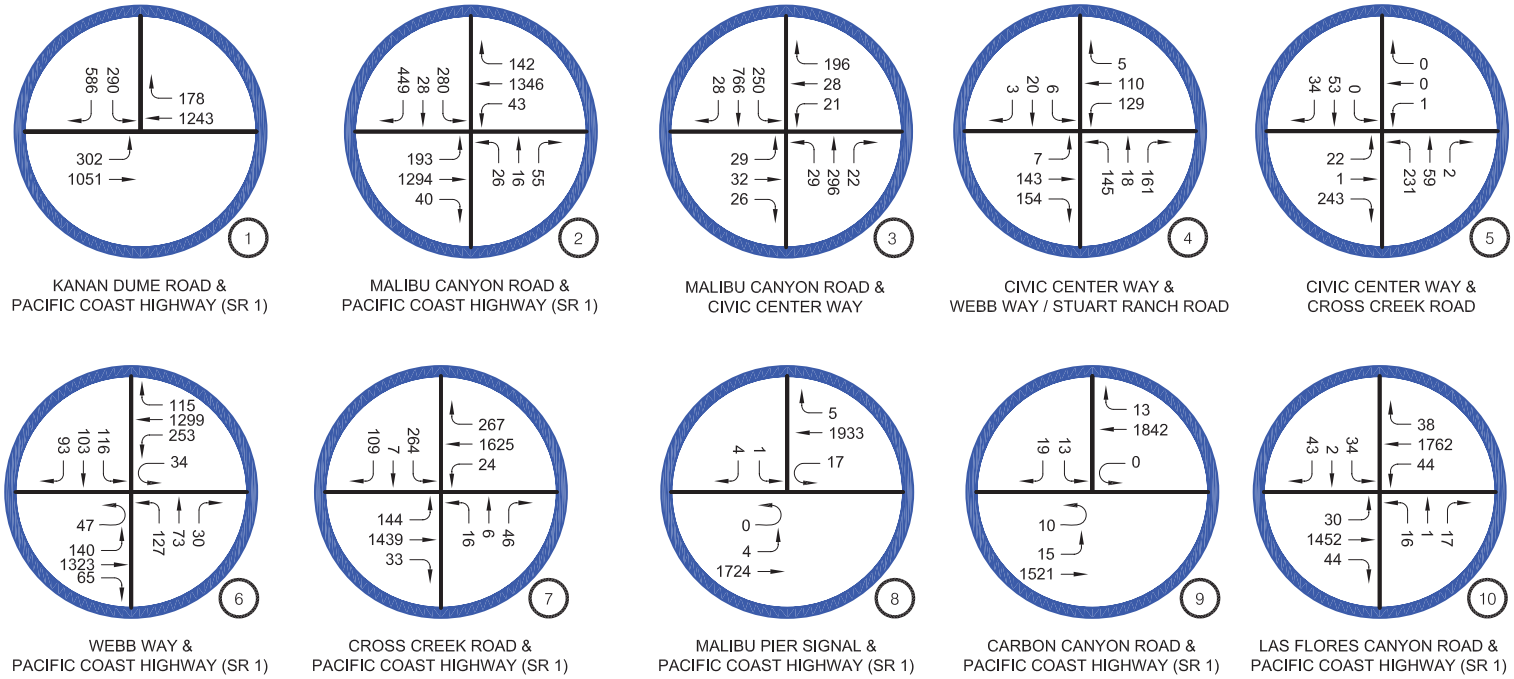


WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-9**

Existing (2012) + Project Traffic Volume – Weekday PM Peak Hour



KANAN DUME ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU CANYON ROAD & CIVIC CENTER WAY

CIVIC CENTER WAY & WEBB WAY / STUART RANCH ROAD

CIVIC CENTER WAY & CROSS CREEK ROAD

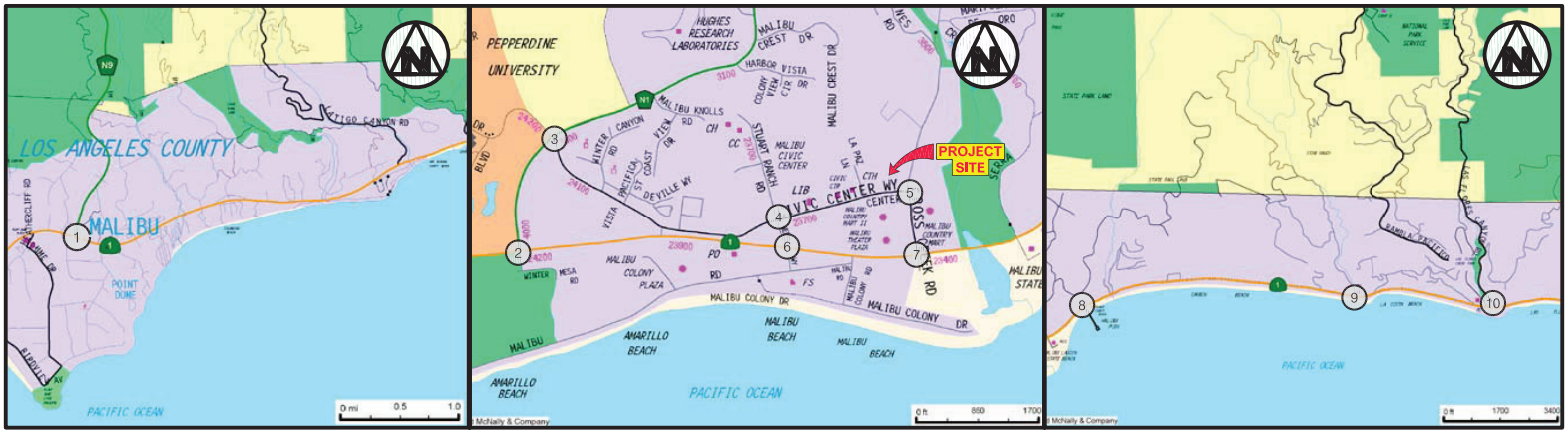
WEBB WAY & PACIFIC COAST HIGHWAY (SR 1)

CROSS CREEK ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU PIER SIGNAL & PACIFIC COAST HIGHWAY (SR 1)

CARBON CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

LAS FLORES CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

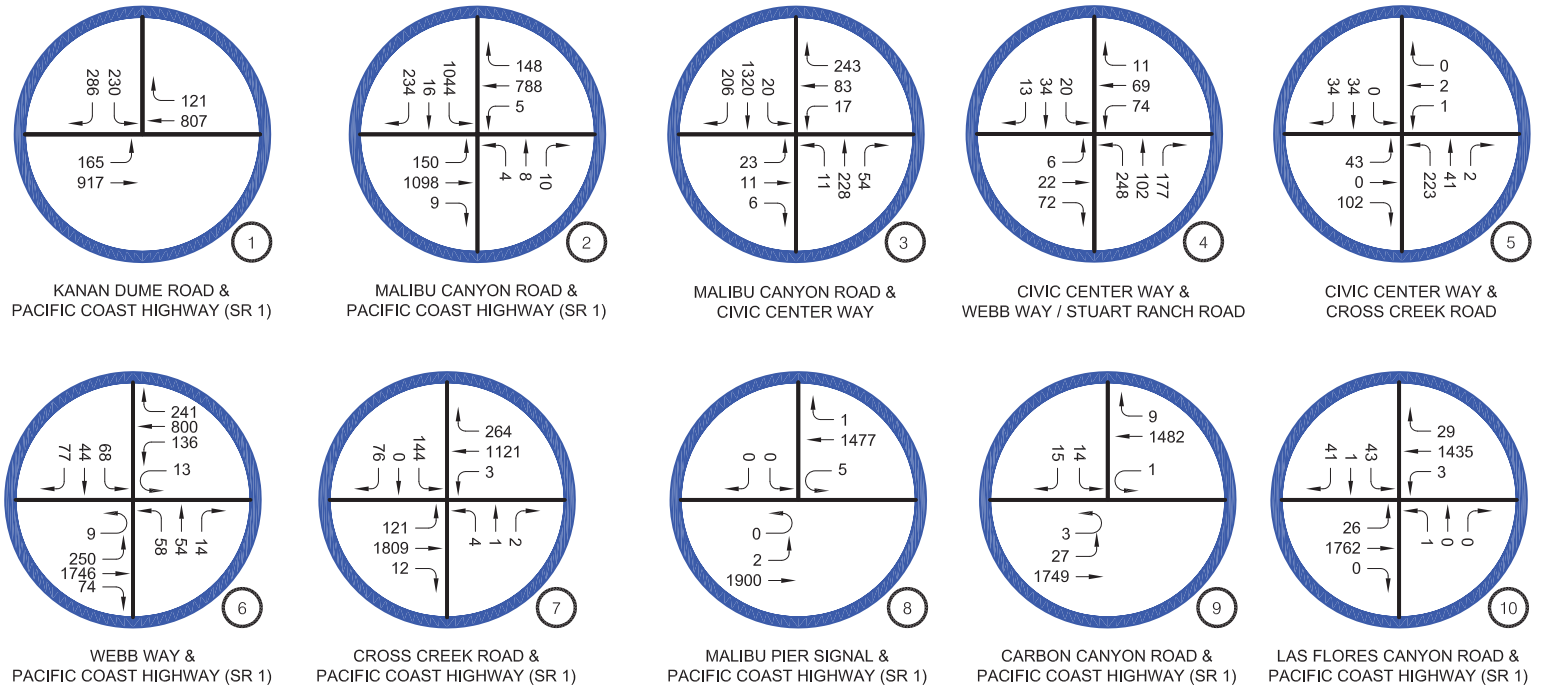


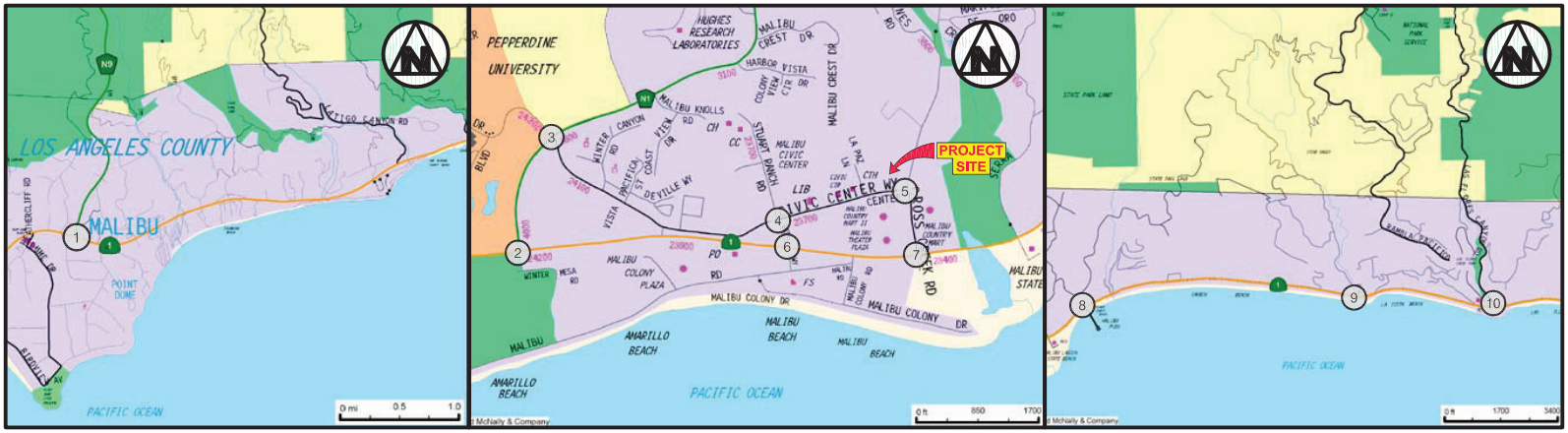
WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-10**

Existing (2012) + Project Traffic Volume – Saturday Mid-Day Peak Hour



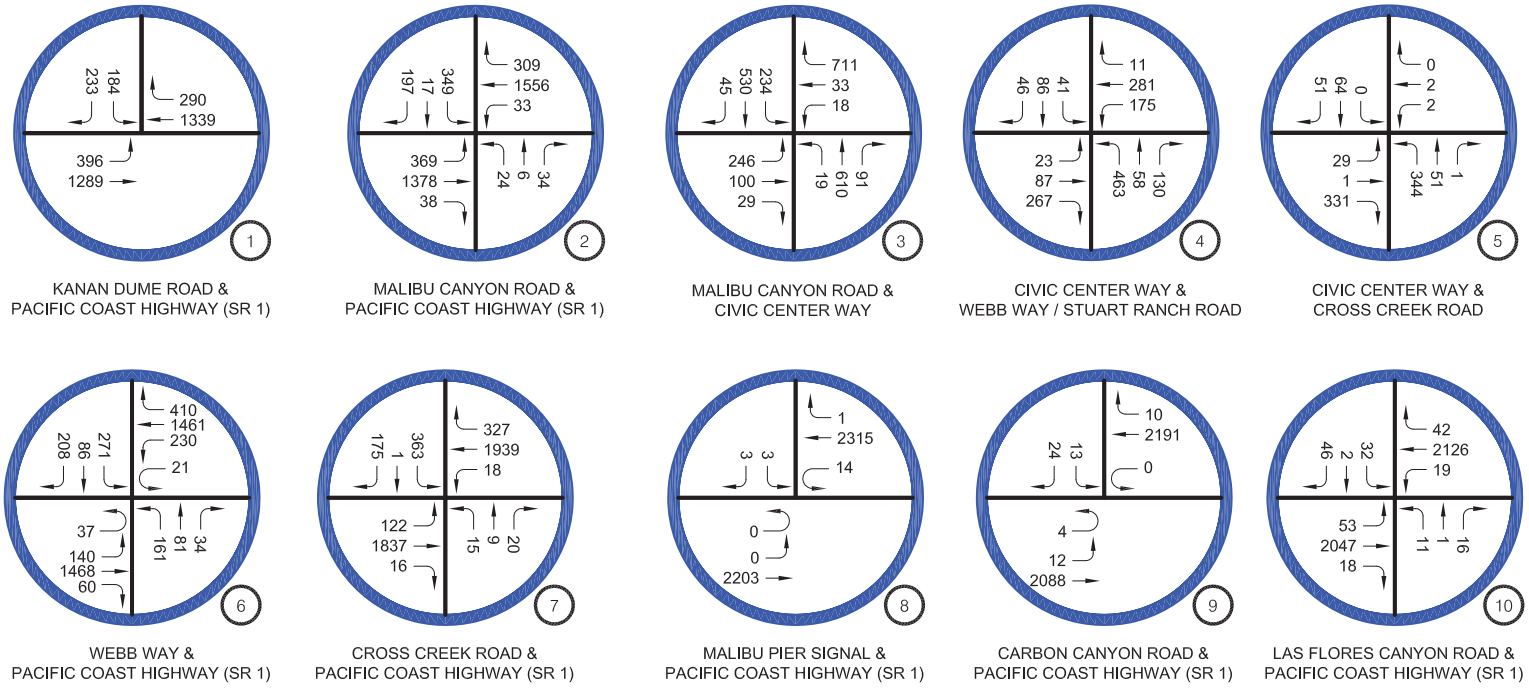


WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., January 2015

FIGURE **3.13-11**

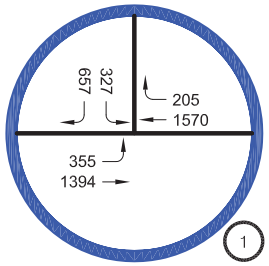
Future (2017) Traffic Volume Without Project – Weekday AM Peak Hour



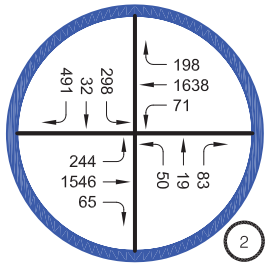
SOURCE: Overland Traffic Consultants, Inc., January 2015

FIGURE **3.13-12**

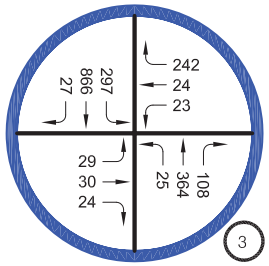
Future (2017) Traffic Volume Without Project – Weekday PM Peak Hour



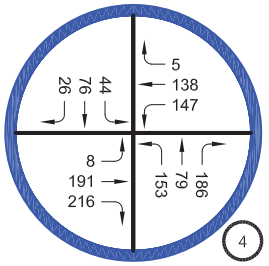
KANAN DUME ROAD &
PACIFIC COAST HIGHWAY (SR 1)



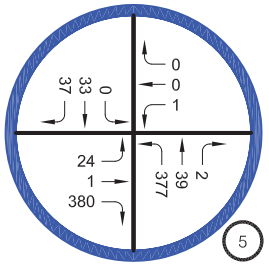
MALIBU CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



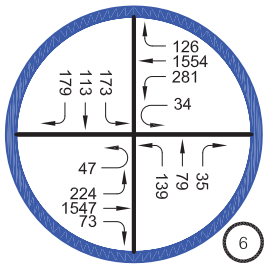
MALIBU CANYON ROAD &
CIVIC CENTER WAY



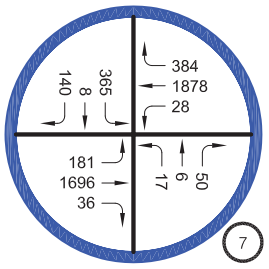
CIVIC CENTER WAY &
WEBB WAY / STUART RANCH ROAD



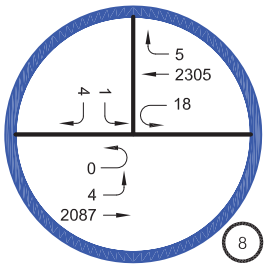
CIVIC CENTER WAY &
CROSS CREEK ROAD



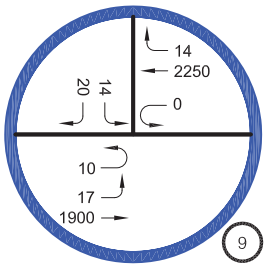
WEBB WAY &
PACIFIC COAST HIGHWAY (SR 1)



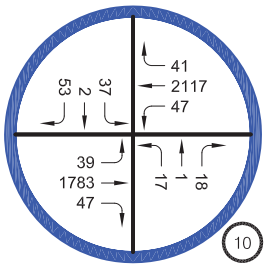
CROSS CREEK ROAD &
PACIFIC COAST HIGHWAY (SR 1)



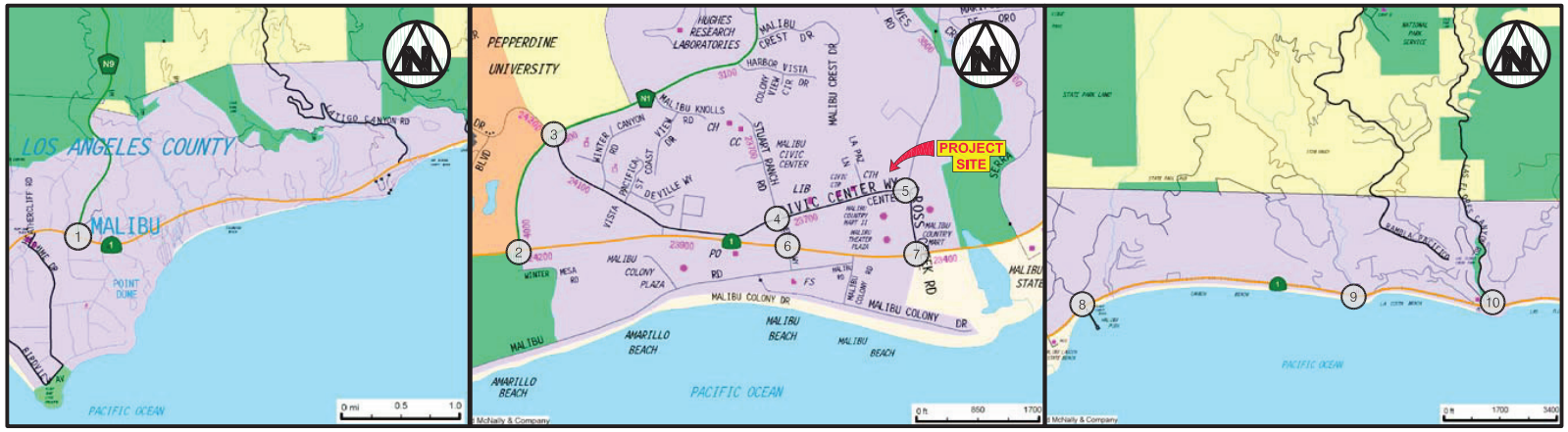
MALIBU PIER SIGNAL &
PACIFIC COAST HIGHWAY (SR 1)



CARBON CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



LAS FLORES CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)

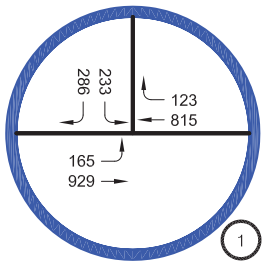


WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

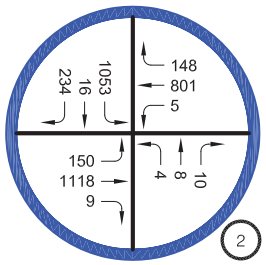
SOURCE: Overland Traffic Consultants, Inc., January 2015

FIGURE **3.13-13**

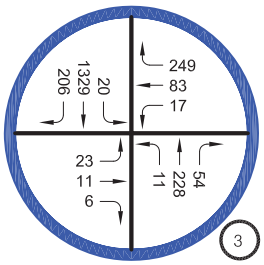
Future (2017) Traffic Volume Without Project – Saturday Mid-Day Peak Hour



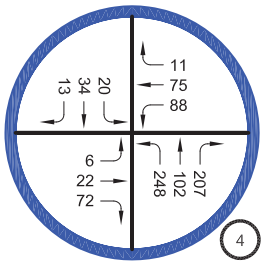
KANAN DUME ROAD &
PACIFIC COAST HIGHWAY (SR 1)



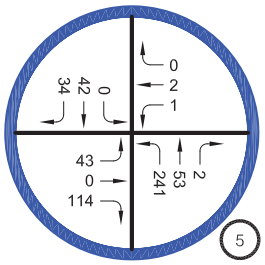
MALIBU CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



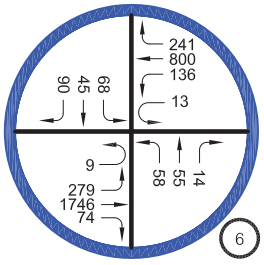
MALIBU CANYON ROAD &
CIVIC CENTER WAY



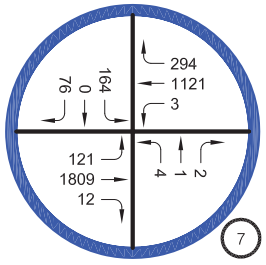
CIVIC CENTER WAY &
WEBB WAY / STUART RANCH ROAD



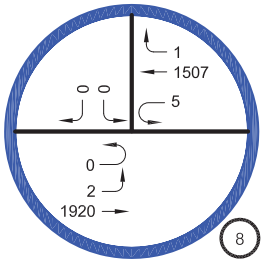
CIVIC CENTER WAY &
CROSS CREEK ROAD



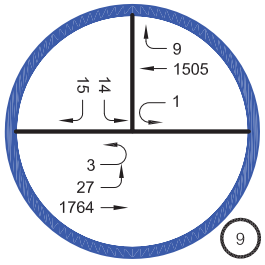
WEBB WAY &
PACIFIC COAST HIGHWAY (SR 1)



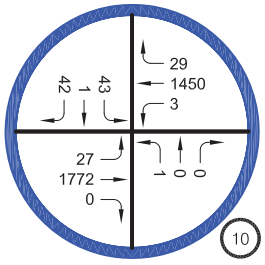
CROSS CREEK ROAD &
PACIFIC COAST HIGHWAY (SR 1)



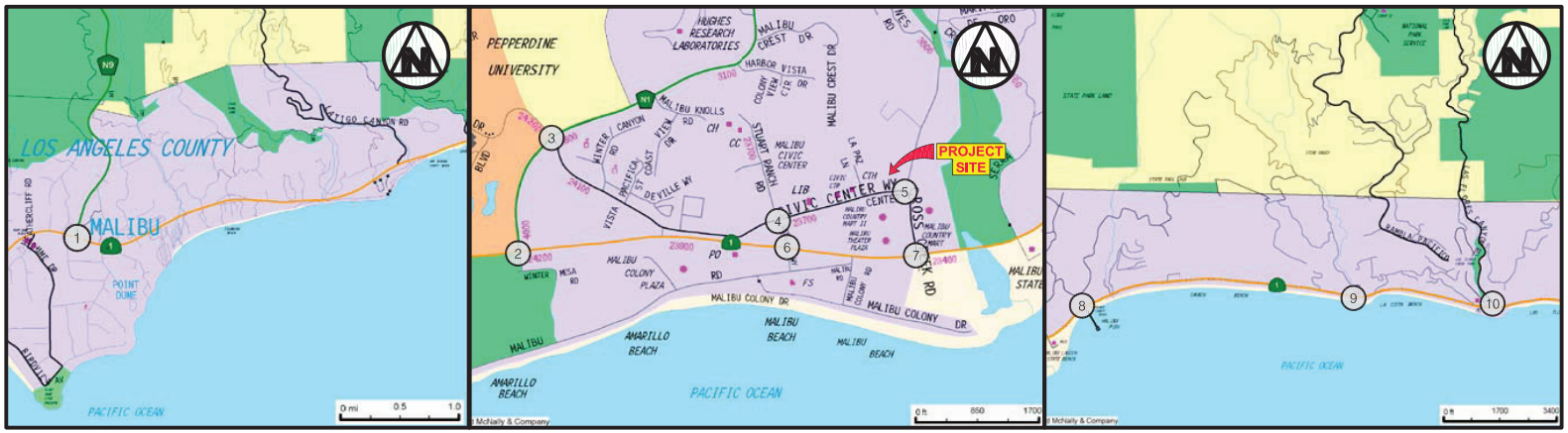
MALIBU PIER SIGNAL &
PACIFIC COAST HIGHWAY (SR 1)



CARBON CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



LAS FLORES CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)

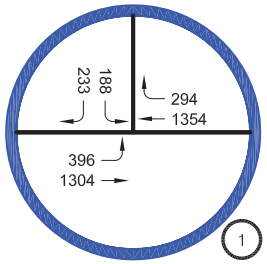


WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

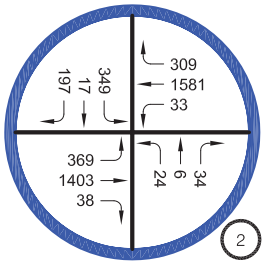
SOURCE: Overland Traffic Consultants, Inc., January 2015

FIGURE **3.13-14**

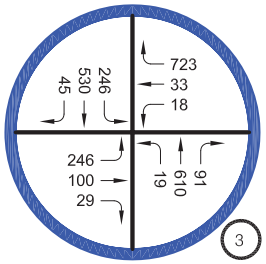
Future (2017) Traffic Volume + Project – Weekday AM Peak Hour



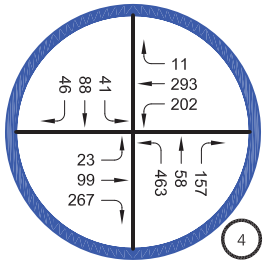
KANAN DUME ROAD &
PACIFIC COAST HIGHWAY (SR 1)



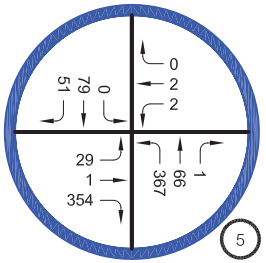
MALIBU CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



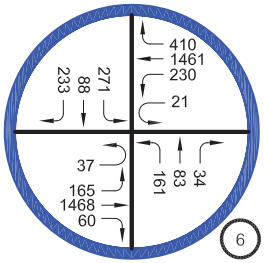
MALIBU CANYON ROAD &
CIVIC CENTER WAY



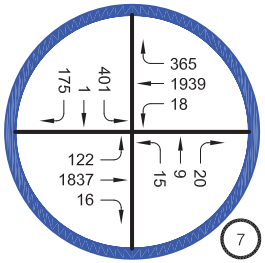
CIVIC CENTER WAY &
WEBB WAY / STUART RANCH ROAD



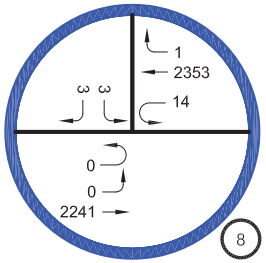
CIVIC CENTER WAY &
CROSS CREEK ROAD



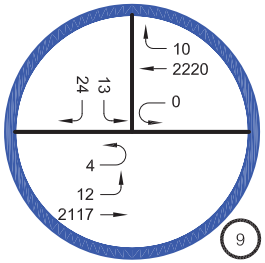
WEBB WAY &
PACIFIC COAST HIGHWAY (SR 1)



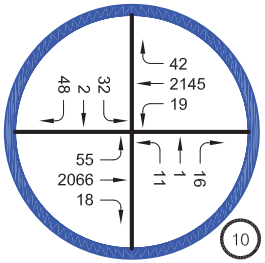
CROSS CREEK ROAD &
PACIFIC COAST HIGHWAY (SR 1)



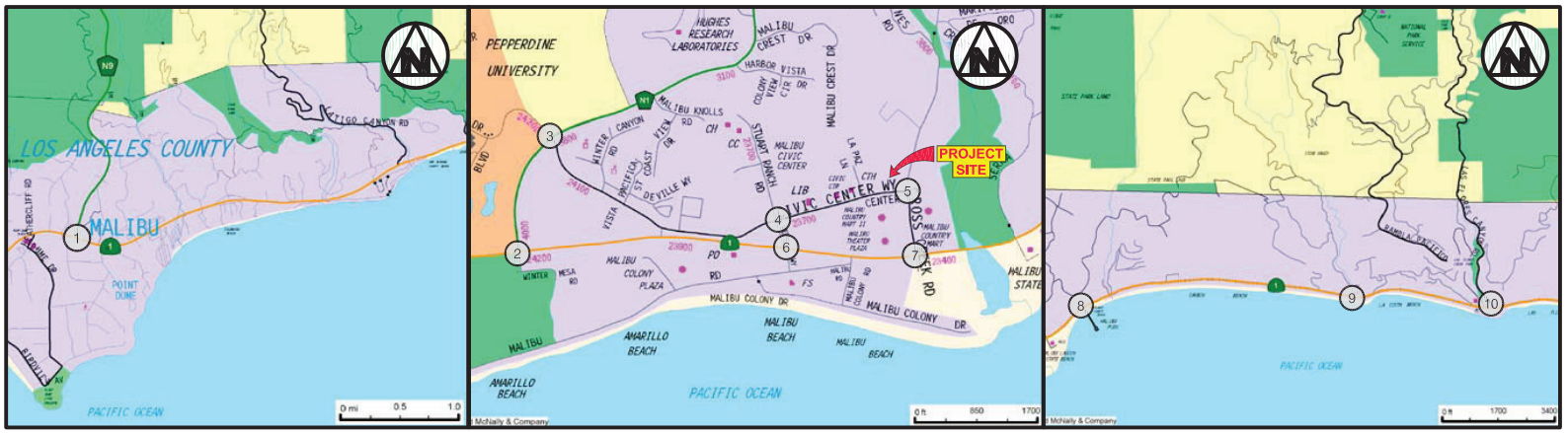
MALIBU PIER SIGNAL &
PACIFIC COAST HIGHWAY (SR 1)



CARBON CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)



LAS FLORES CANYON ROAD &
PACIFIC COAST HIGHWAY (SR 1)

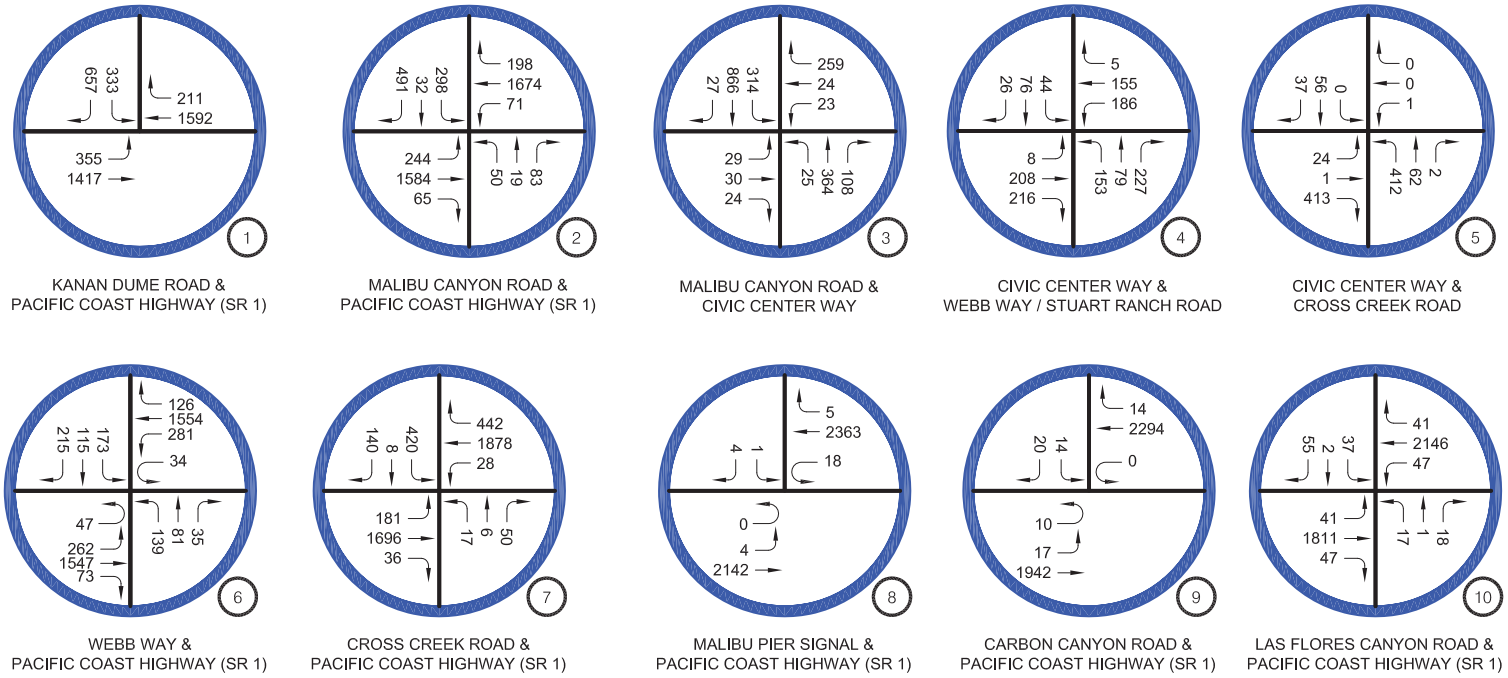


WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., January 2015

FIGURE **3.13-15**

Future (2017) Traffic Volume +Project – Weekday PM Peak Hour



SOURCE: Overland Traffic Consultants, Inc., January 2015

FIGURE **3.13-16**

Future (2017) Traffic Volume + Project – Saturday Mid-Day Peak Hour

Based on the 2017 analysis, three intersections are significantly impacted. The intersections are: Malibu Canyon Road and Pacific Coast Highway during the Saturday mid-day peak hour; Pacific Coast Highway and Webb Way during the Saturday mid-day peak hour; and Pacific Coast Highway and Cross Creek Road during the weekday afternoon peak hour and the Saturday mid-day peak hour.

Table 3.13-6
Future (2017) + Project Traffic Conditions

			Without Project		With Project		
No.	**Intersection**	**Peak Hour**	**V/C (Delay)**	**LOS**	**V/C (Delay)**	**LOS**	**Impact**
1.	Kanan Dume Rd. &	Weekday AM	0.485	A	0.489	A	+ 0.004
	Pacific Coast Hwy.	Weekday PM	0.778	C	0.786	C	+ 0.008
		Saturday Mid-day	0.778	C	0.787	C	+ 0.009
2.	Malibu Canyon Rd. &	Weekday AM	0.773	C	0.782	C	+ 0.009
	Pacific Coast Hwy.	Weekday PM	0.810	D	0.818	D	+ 0.008
		Saturday Mid-day	0.937	E	0.948	E	+ 0.011 *
3.	Malibu Canyon Rd. &	Weekday AM	0.532	A	0.535	A	+ 0.003
	Civic Center Way	Weekday PM	0.528	A	0.534	A	+ 0.006
		Saturday Mid-day	0.372	A	0.372	A	+ 0.000
4.	Webb Way/Stuart Ranch	Weekday AM	11.68 sec.	B	11.85 sec.	B	+ 0.17 sec.
	Road & Civic Center Way	Weekday PM	53.17 sec.	E	55.04 sec.	E	+ 1.87 sec.
		Saturday Mid-day	13.27 sec.	B	14.46 sec.	B	+ 1.07 sec.
5.	Cross Creek Rd. &	Weekday AM	8.98 sec.	A	9.34 sec.	B	+ 0.36 sec.
	Civic Center Way	Weekday PM	13.04 sec.	B	14.73 sec.	B	+ 1.69 sec.
		Saturday Mid-day	14.34 sec.	B	17.85 sec.	C	+ 3.51 sec.
6.	Webb Way &	Weekday AM	0.589	A	0.590	A	+ 0.001
	Pacific Coast Hwy.	Weekday PM	0.843	C	0.860	D	+ 0.017
		Saturday Mid-day	0.891	D	0.915	D	+ 0.024 *
7.	Cross Creek Rd. &	Weekday AM	0.675	B	0.682	B	+ 0.007
	Pacific Coast Hwy.	Weekday PM	0.976	E	1.000	E	+ 0.024 *
		Saturday Mid-day	1.011	F	1.049	F	+ 0.038 *
8.	Malibu Pier Signal &	Weekday AM	0.647	B	0.653	B	+ 0.006
	Pacific Coast Hwy.	Weekday PM	0.773	C	0.785	C	+ 0.012
		Saturday Mid-day	0.774	C	0.791	C	+ 0.017
9.	Carbon Canyon Rd. &	Weekday AM	0.616	A	0.619	B	+ 0.003
	Pacific Coast Hwy.	Weekday PM	0.768	C	0.777	C	+ 0.009
		Saturday Mid-day	0.790	C	0.805	D	+ 0.015
10	Las Flores Canyon Rd.	Weekday AM	0.656	B	0.660	B	+ 0.004
	Pacific Coast Hwy.	Weekday PM	0.815	D	0.825	D	+ 0.010
		Saturday Mid-day	0.815	D	0.827	D	+ 0.012

*Note: All-Way Stop Control Delay in Seconds Per Vehicle; * Denotes significant traffic impact.*
Source: Overland Traffic Consultants, January 2015

Mitigation Measures

The proposed project shall implement the following mitigation measures for project related traffic impacts.

Existing Plus Project

3.13-1: The project applicant shall contribute its pro-rata share of the costs associated with the intersection improvements required at Pacific Coast Highway and Cross Creek Road, which are currently underling review by the City of Malibu Planning Department (CDP No. 14-036). These intersection improvements shall consist of the construction of an additional westbound right-turn lane along Pacific Coast Highway and incremental roadway widening west and east of the Pacific Coast Highway/Cross Creek Road to provide additional right-turn capacity. **Figure 3.13-17, Traffic Mitigation Plan, Cross Creek Road & Pacific Coast Highway,** illustrates the design of the Cross Creek Road/Pacific Coast Highway intersection improvement. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection.

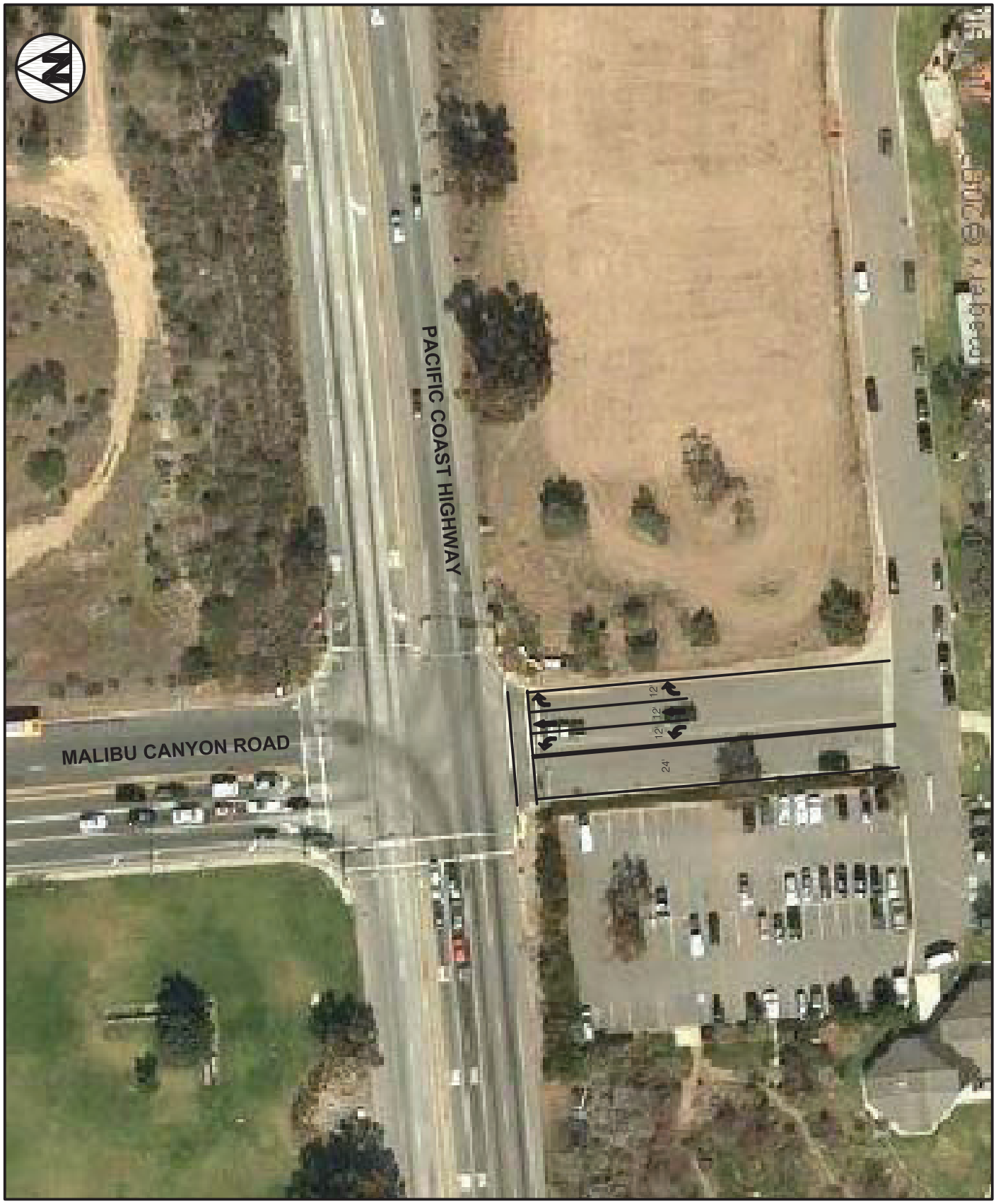
Future (2017) Plus Project

3.13-2: The project applicant shall contribute its pro-rata share of the costs associated with roadway improvements at the intersection of Malibu Canyon Road and Pacific Coast Highway. The improvements shall consist of restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane. In addition, the project applicant shall fund traffic signal improvements for the intersection consisting of installing a northbound right turn overlap phase to run concurrently with the westbound left turn phase. **Figure 3.13-18, Traffic Mitigation Plan, Malibu Canyon Road & Pacific Coast Highway**, illustrates the design of the Malibu Canyon Road and Pacific Coast Highway intersection improvements. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection.

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-17**

Conceptual Traffic Mitigation, Cross Creek Road & Pacific Coast Highway



SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-18**

Conceptual Traffic Mitigation, Malibu Canyon Road & Pacific Coast Highway

3.13-3: The project applicant shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of Pacific Coast Highway and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans. **Figure 3.13-19, Traffic Mitigation Plan, Webb Way & Pacific Coast Highway**, illustrates the design of the Pacific Coast Highway intersection improvements. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection.

Residual Impacts

As shown in **Table 3.13-7, Existing (2012) Traffic Conditions with Project + Mitigation** below, the impact at Cross Creek Road and Pacific Coast Highway would be mitigated with the implementation of **Mitigation Measure 3.13-1**

Table 3.13-7
Existing (2012) Traffic Conditions with Project + Mitigation

			Existing		With Project + Mitigation		
No.	**Intersection**	**Peak Hour**	**V/C (Delay)**	**LOS**	**V/C (Delay)**	**LOS**	**Impact**
7.	Cross Creek Rd. &	Weekday AM	0.594	A	0.601	B	+ 0.007
	Pacific Coast Hwy.	Weekday PM	0.781	C	0.736	C	-0.045
		Saturday Mid-day	0.800	C	0.751	C	-0.046

*Note: All-Way Stop Control Delay in Seconds Per Vehicle; * Denotes significant traffic impact.*
Source: Overland Traffic Consultants, January 2015

As shown in **Table 3.13-8, Future (2017) Traffic Conditions With Project + Mitigation,** below, the impact at the intersections of Malibu Canyon Road and Pacific Coast Highway and the intersection of Webb Way and Pacific Coast Highway would be mitigated with the implementation of **Mitigation Measure 3.13-2** and **Mitigation Measure 3.13-3**. Implementation of **Mitigation Measure 3.13-1** would mitigate impacts at the intersection of Cross Creek Road and Pacific Coast Highway.

Table 3.13-8
Future (2017) Traffic Conditions With Project + Mitigation

			Without Project		With Project + Mitigation		
No.	**Intersection**	**Peak Hour**	**V/C (Delay)**	**LOS**	**V/C (Delay)**	**LOS**	**Impact**
2.	Malibu Canyon Rd	Weekday AM	0.773	C	0.776	C	+ 0.003
	Pacific Coast Hwy.	Weekday PM	0.810	D	0.814	D	+0.004
		Saturday Mid-day	0.937	E	0.931	E	-0.005
6	Webb Way &	Weekday AM	0.589	A	0.590	A	+0.001
	Pacific Coast Hwy	Weekday PM	0.843	D	0.802	D	-0.041
		Saturday Mid-day	0.891	D	0.830	D	+0.061
7	Cross Creek Road &	Weekday AM	0.675	B	0.682	B	+0.007
	Pacific Coast Hwy	Weekday PM	0.976	E	0.887	D	-0.089
		Saturday Mid-day	1.011	F	0.911	E	-0.100

*Note: All-Way Stop Control Delay in Seconds Per Vehicle; * Denotes significant traffic impact.*
Source: Overland Traffic Consultants, January 2015

Threshold 3.13-2 **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways.**

The Congestion Management Program (CMP) was adopted to regulate and monitor regional traffic growth and transportation improvement programs. The CMP designates a transportation network which includes all state highways and some arterials within the County of Los Angeles. If the level of service standard deteriorates on the CMP network, then the local jurisdiction must prepare a deficiency plan to be in conformance with the LA County CMP. The intent of the CMP is to provide information to decision makers to assist in the allocation of transportation funds through the State Transportation Improvement Program (STIP) process.

A CMP traffic impact analysis is required if a project will add 150 or more trips to a freeway, in either direction during either the AM or PM weekday peak hour. An analysis is also required at all CMP monitoring intersections where a project would add 50 or more peak hour trips. All of the CMP intersections listed below are analyzed in this study.

- Las Flores Canyon Road and Pacific Coast Highway
- Malibu Canyon Road and Pacific Coast Highway
- Kanan Dume Road and Pacific Coast Highway

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-19**

Conceptual Traffic Mitigation, Webb Way & Pacific Coast Highway

For the purposes of the CMP, a significant traffic impact occurs when the proposed project increases the V/C ratio by 2 percent or more at LOS F or causes LOS F. The City of Malibu's traffic impact criteria are more stringent and were therefore applied to the CMP Intersections. As shown in **Tables 3.13-5** and **3.13-6** the only CMP intersection that would exceed the City's traffic impact criteria is Malibu Canyon Road and Pacific Coast Highway in 2017. As shown in **Table 3.13-8**, application of **Mitigation Measure 3.13.2** would reduce this impact to less than significant.

The adopted Los Angeles Congestion Management Program (CMP) traffic growth forecasts for 2030 have been applied to develop the future traffic volumes for 2030. In addition to the CMP growth, the same current cumulative projects list has been included. Therefore, the total growth for the 2030 project impact analysis consists of the CMP growth rate (9 percent) plus the current related projects per the City of Malibu's cumulative projects list. The future traffic conditions with and without the project are shown in **Table 3.13-9, Future (2030) + Project Traffic Conditions**. Future year (2030) traffic volumes without the project are shown in **Figure 3.13-20, Future (2030) Traffic Volume Without Project – Weekday AM Peak Hour, Figure 3.13-21, Future (2030) Traffic Volume Without Project – Weekday PM Peak Hour,** and **Figure 3.13-22, Future (2030) Traffic Volume Without Project – Saturday Mid-Day Peak Hour.** Future (2030) Conditions with the proposed project are shown in **Figure 3.13-23, Future (2030) Traffic Volume + Project – Weekday AM Peak Hour, Figure 3.13-24, Future (2030) Traffic Volume + Project – Weekday PM Peak Hour,** and **Figure 3.13-25, Future (2030) Traffic Volume + Project – Saturday Mid-Day Peak Hour.**

This study also analyzed the potential impacts of project traffic on the arterial streets serving the project site. The three street segments analyzed include:

1. Pacific Coast Highway east of Cross Creek Road,
2. Pacific Coast Highway west of Malibu Canyon Road and
3. Malibu Canyon Road north of Civic Center Way.

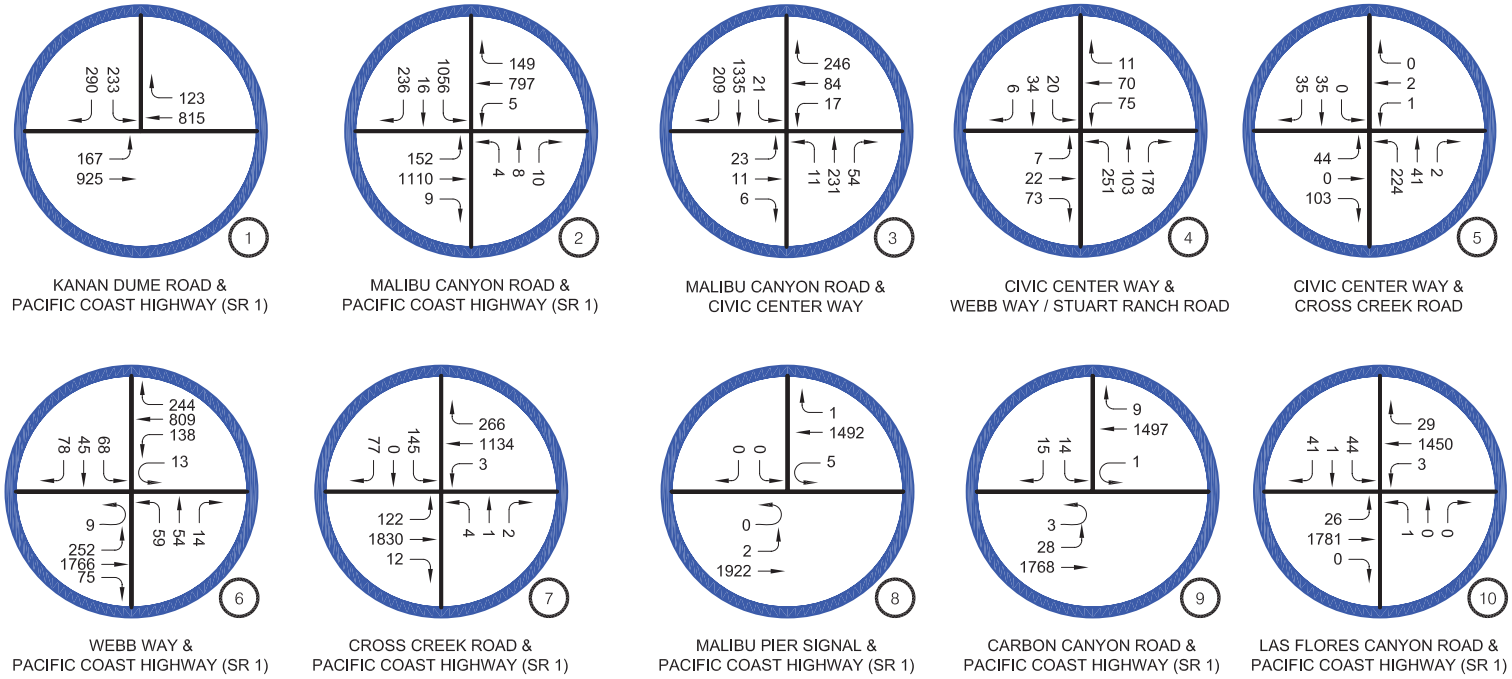
The methodology for determining arterial street impacts is based on a comparison of the future without and future with project conditions. The percentage increase in peak hour traffic is used as the measurement for the impact evaluation. Pursuant to the City TIA Guidelines, a significant traffic impact for an arterial street occurs if the volume-to-capacity (V/C) ratio on a roadway segment operating at an unacceptable level of Service (LOS D, E, or F) increases by 0.05 or more.

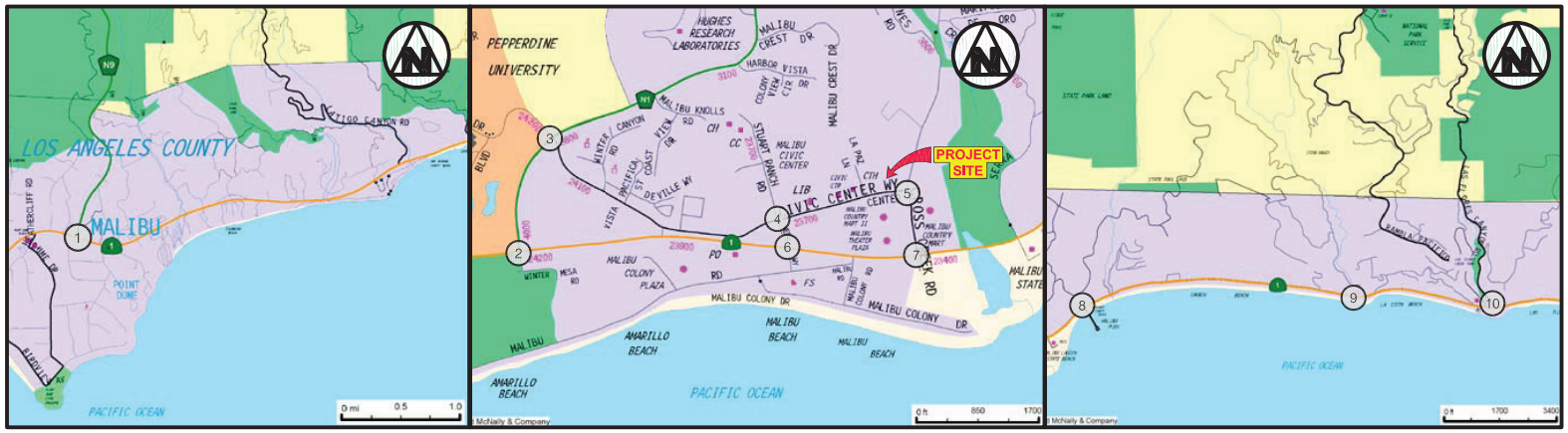
Table 3.13-9
Future (2030) + Project Traffic Conditions

			Without Project		With Project		
No.	**Intersection**	**Peak Hour**	**V/C (Delay)**	**LOS**	**V/C (Delay)**	**LOS**	**Impact**
1.	Kanan Dume Rd. &	Weekday AM	0.490	A	0.493	A	+ 0.003
	Pacific Coast Hwy.	Weekday PM	0.787	C	0.793	C	+ 0.006
		Saturday Mid-day	0.881	D	0.887	D	+ 0.006
2.	Malibu Canyon Rd. &	Weekday AM	0.781	C	0.791	C	+ 0.010
	Pacific Coast Hwy.	Weekday PM	0.822	D	0.830	D	+ 0.008
		Saturday Mid-day	0.946	E	0.957	E	+ 0.011 *
3.	Malibu Canyon Rd. &	Weekday AM	0.539	A	0.542	A	+ 0.003
	Civic Center Way	Weekday PM	0.372	A	0.372	A	+ 0.000
		Saturday Mid-day	0.376	A	0.376	A	+ 0.000
4.	Webb Way/Stuart Ranch	Weekday AM	11.80 sec.	B	11.98	B	+0.18 sec.
	Road & Civic Center Way	Weekday PM	55.58 sec.	F	57.26 sec.	F	+1.68 sec.
		Saturday Mid-day	13.40 sec.	B	14.60 sec.	B	+1.20 sec.
5.	Cross Creek Rd. &	Weekday AM	9.00 sec.	A	9.36 sec.	A	+ 0.36 sec.
	Civic Center Way	Weekday PM	13.16 sec.	B	14.89 sec.	B	+ 1.73 sec.
		Saturday Mid-day	14.51 sec	B	18.13 sec.	C	+ 3.62 sec.
6.	Webb Way &	Weekday AM	0.594	A	0.595	A	+ 0.001
	Pacific Coast Hwy.	Weekday PM	0.821	D	0.839	D	+ 0.018
		Saturday Mid-day	0.899	D	0.924	E	+ 0.025 *
7.	Cross Creek Rd. &	Weekday AM	0.681	B	0.688	B	+ 0.007
	Pacific Coast Hwy.	Weekday PM	0.985	E	1.010	F	+ 0.025 *
		Saturday Mid-day	1.021	F	1.058	F	+ 0.037 *
8.	Malibu Pier Signal &	Weekday AM	0.653	B	0.660	B	+ 0.007
	Pacific Coast Hwy.	Weekday PM	0.781	C	0.793	C	+ 0.012
		Saturday Mid-day	0.781	C	0.799	C	+ 0.018
9.	Carbon Canyon Rd. &	Weekday AM	0.620	B	0.625	B	+ 0.005
	Pacific Coast Hwy.	Weekday PM	0.775	C	0.784	C	+ 0.009
		Saturday Mid-day	0.799	C	0.813	D	+ 0.014*
10	Las Flores Canyon Rd. &	Weekday AM	0.664	B	0.667	B	+ 0.003
	Pacific Coast Hwy.	Weekday PM	0.824	D	0.832	D	+ 0.008
		Saturday Mid-day	0.824	D	0.835	D	+ 0.011

*Note: All-Way Stop Control Delay in Seconds Per Vehicle; * Denotes significant traffic impact.*
Source: Overland Traffic Consultants, January 2015

Recent 24-hour traffic counts on the study street segments were conducted (Thursday, July 12, 2012 and on Saturday July 14, 2012) to determine the amount of existing traffic currently utilizing the roadways. The traffic volume growth on the street segments was calculated using the same procedures as the study intersections, i.e., ambient growth and related project traffic volume.



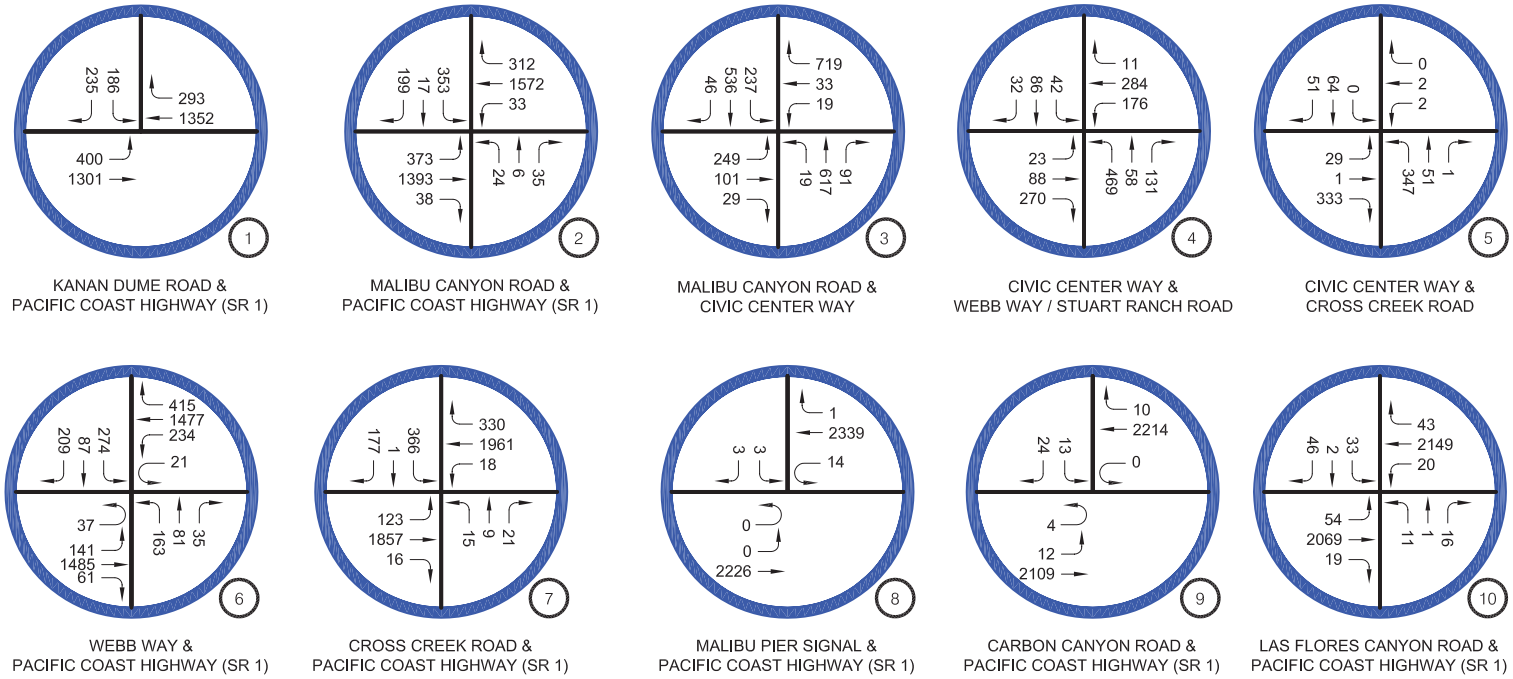


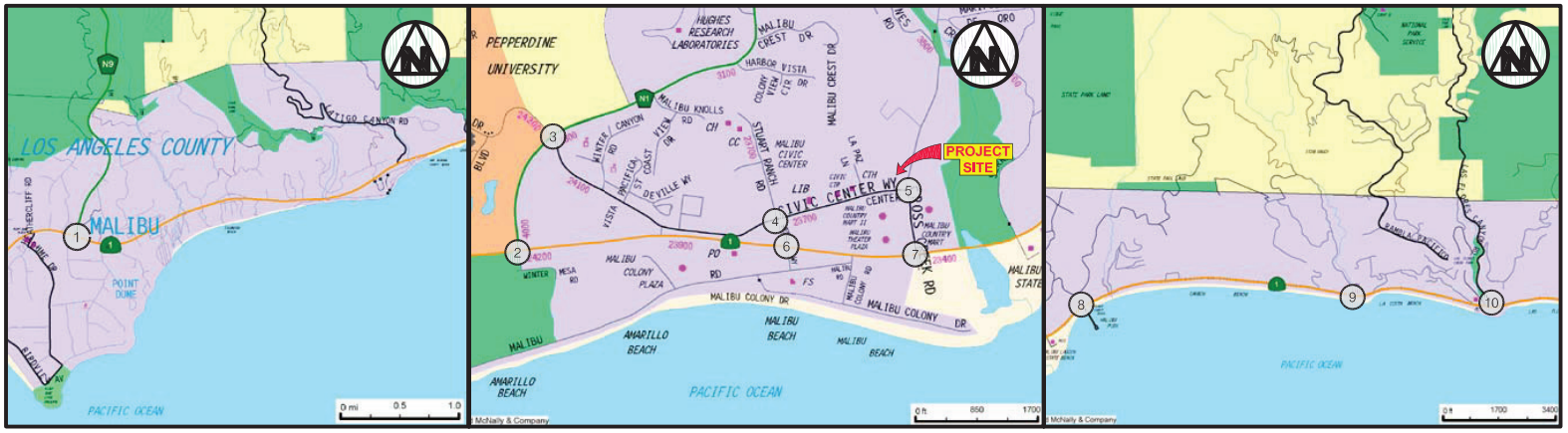
WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-20**

Future (2030) Traffic Volume Without Project – Weekday AM Peak Hour

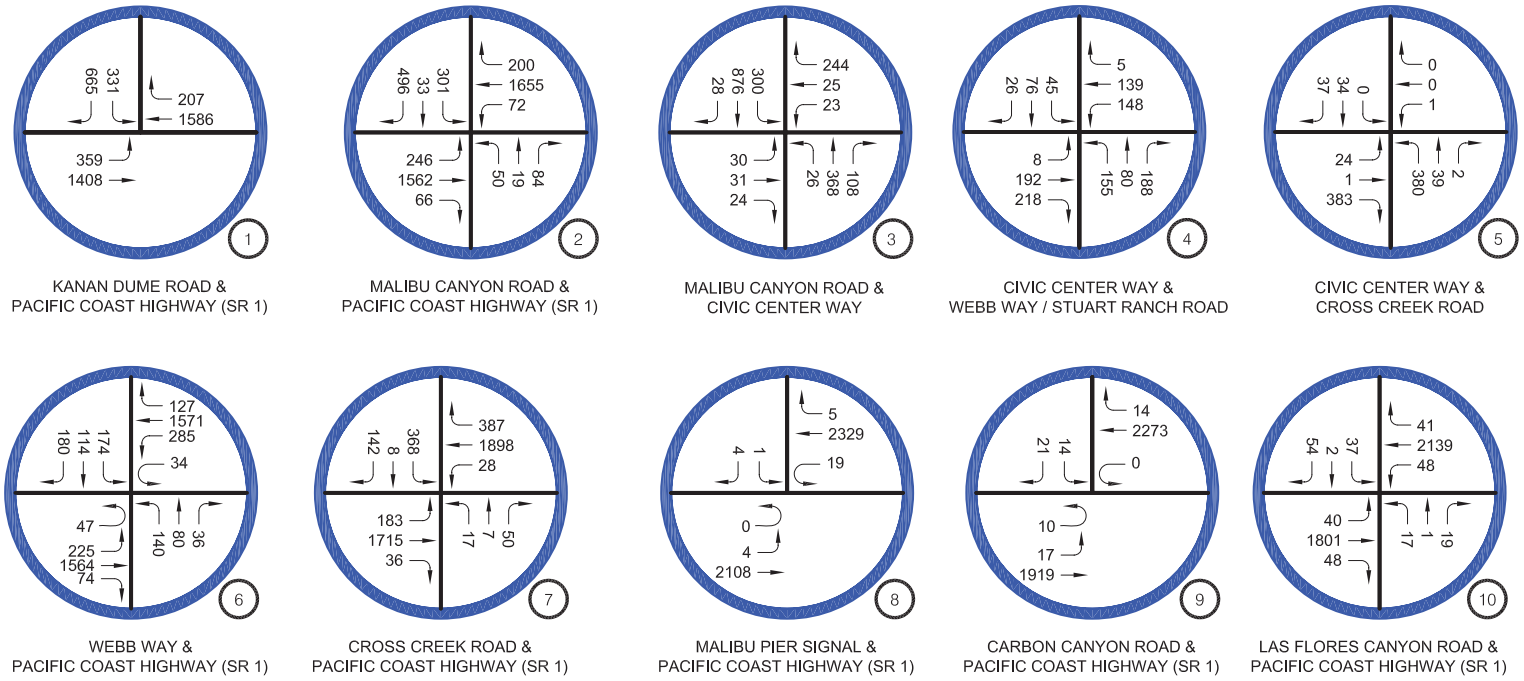


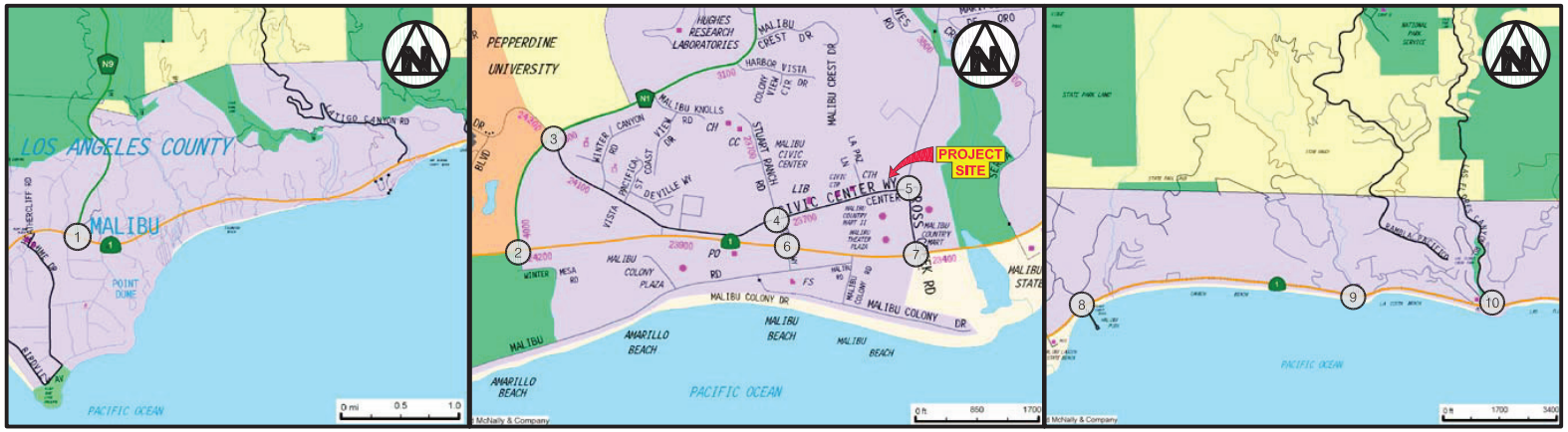


SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-21**

Future (2030) Traffic Volume Without Project – Weekday PM Peak Hour

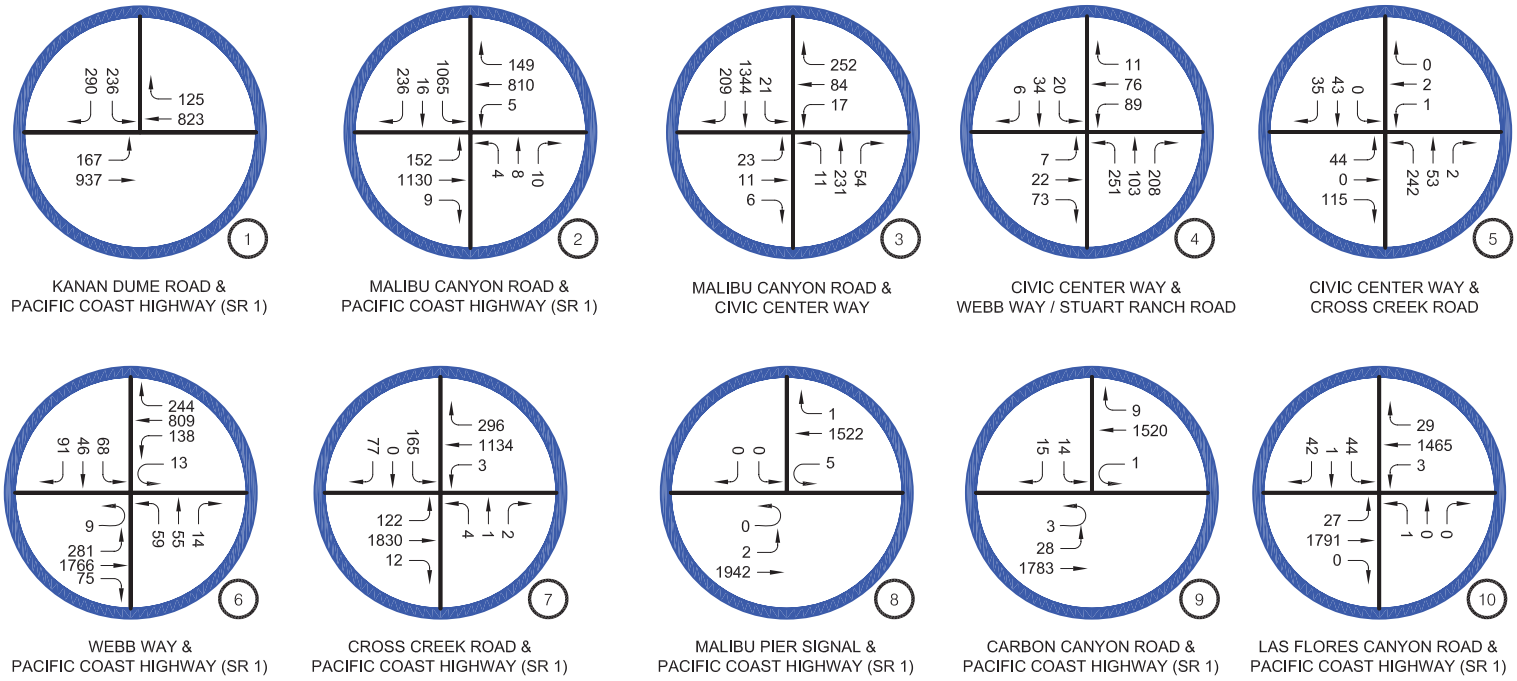




SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-22**

Future (2030) Traffic Volume Without Project – Saturday Mid-Day Peak Hour



KANAN DUME ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU CANYON ROAD & CIVIC CENTER WAY

CIVIC CENTER WAY & WEBB WAY / STUART RANCH ROAD

CIVIC CENTER WAY & CROSS CREEK ROAD

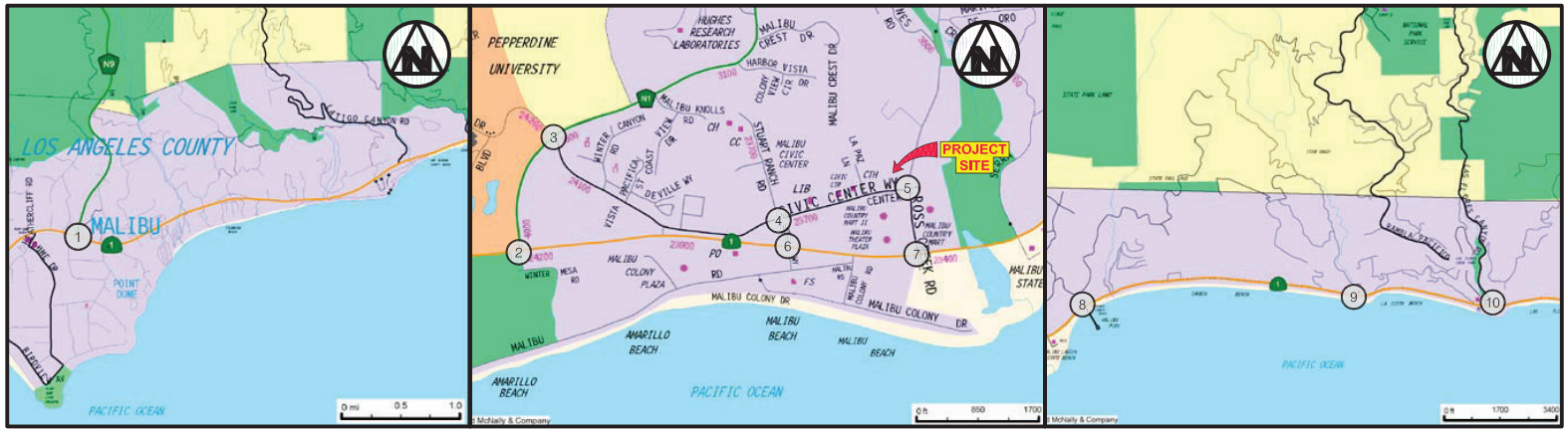
WEBB WAY & PACIFIC COAST HIGHWAY (SR 1)

CROSS CREEK ROAD & PACIFIC COAST HIGHWAY (SR 1)

MALIBU PIER SIGNAL & PACIFIC COAST HIGHWAY (SR 1)

CARBON CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

LAS FLORES CANYON ROAD & PACIFIC COAST HIGHWAY (SR 1)

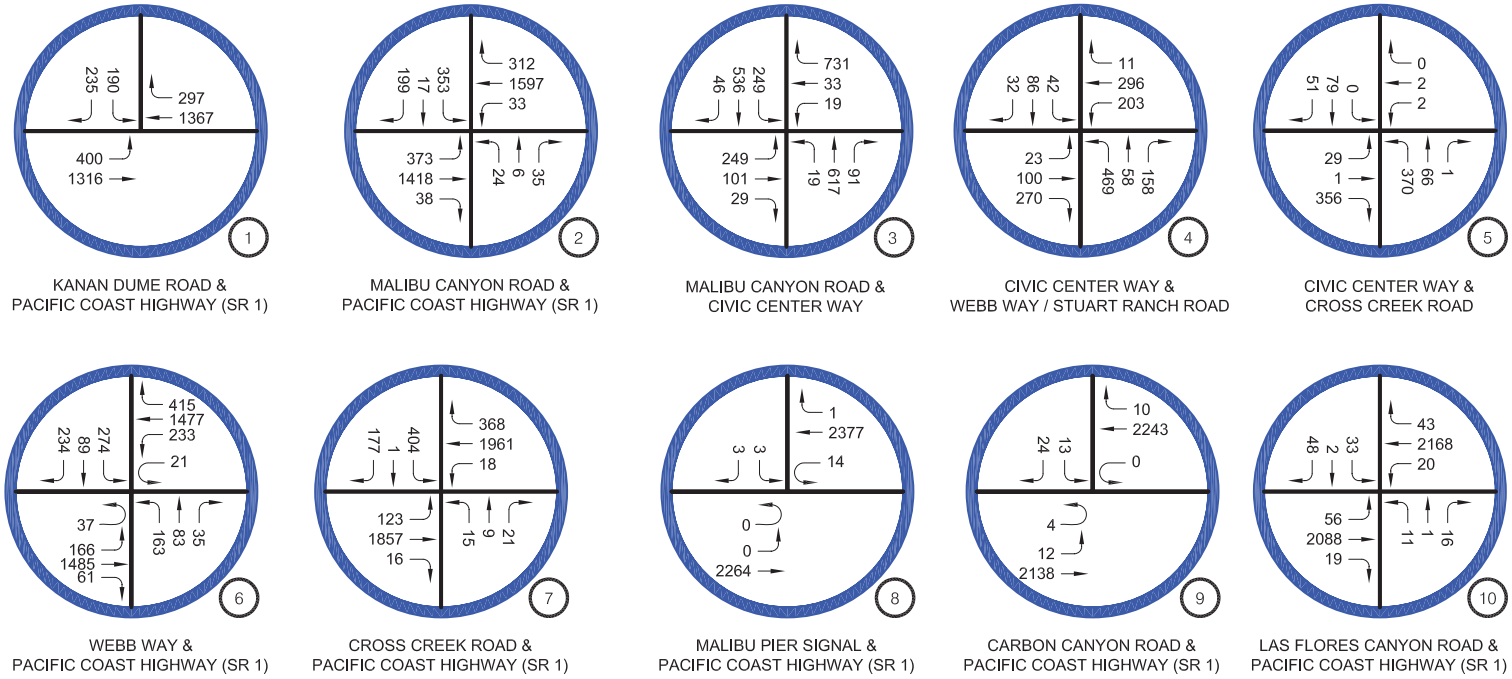


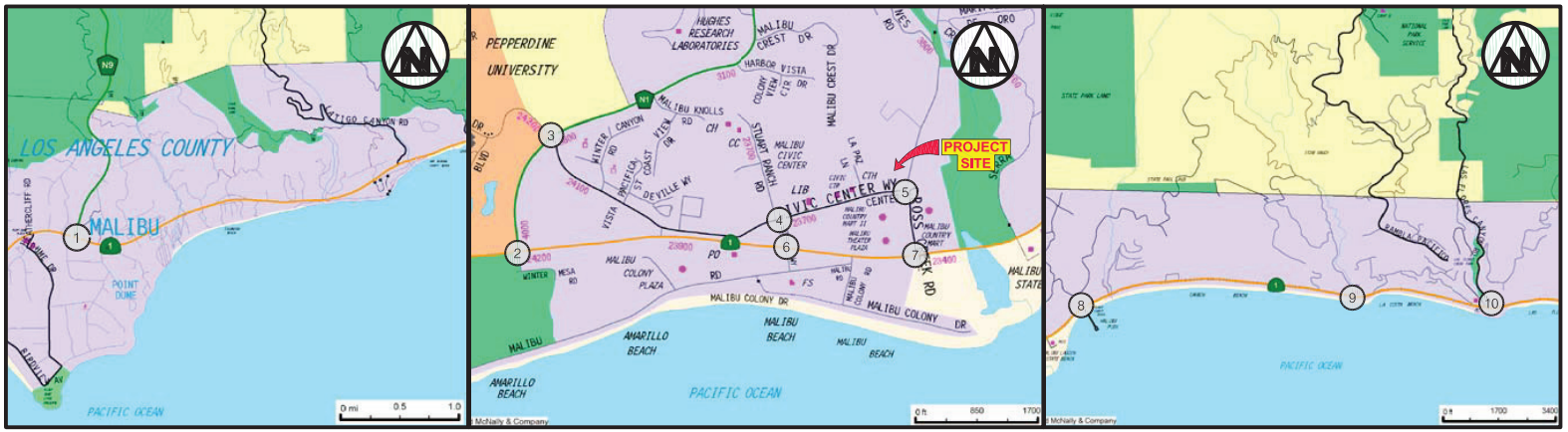
WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-23**

Future (2030) Traffic Volume + Project – Weekday AM Peak Hour



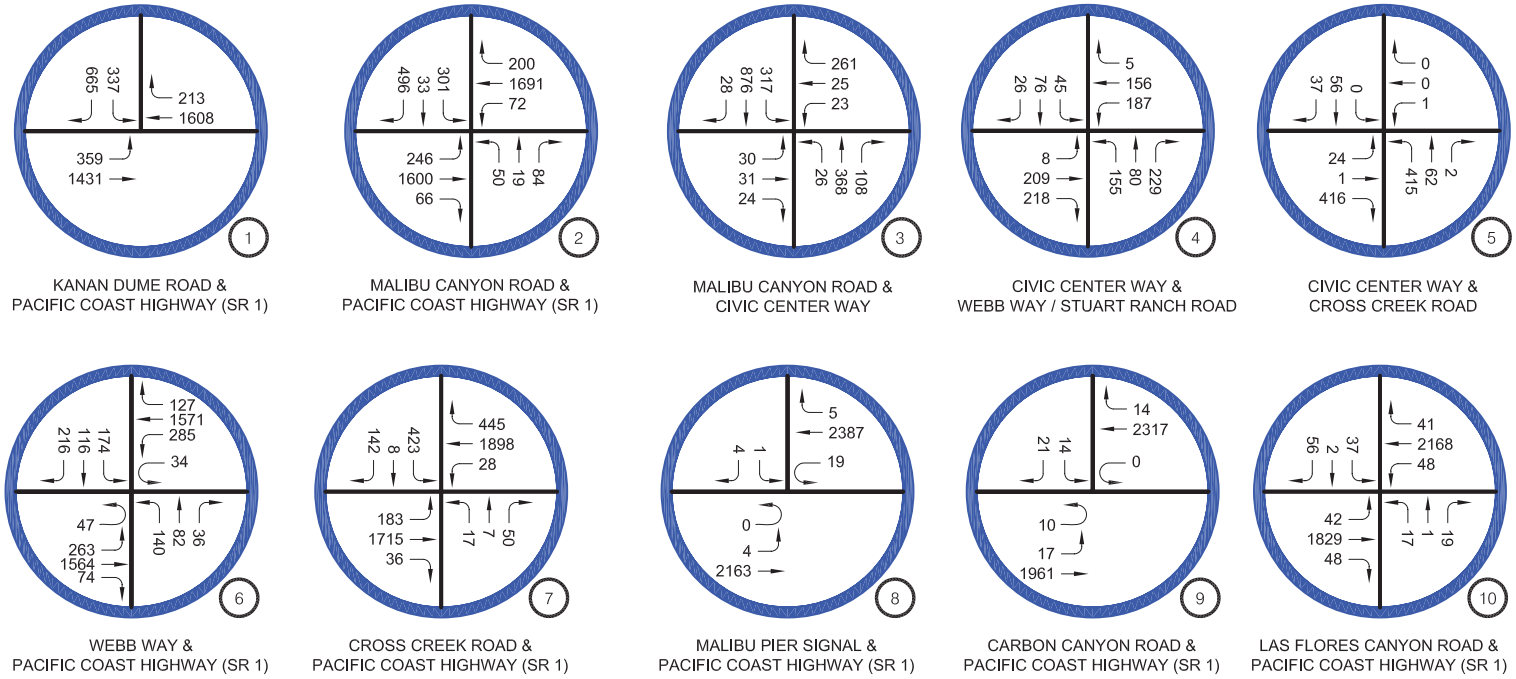


WEST STUDY AREA **CIVIC CENTER STUDY AREA** **EAST STUDY AREA**

SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-24**

Future (2030) Traffic Volume + Project – Weekday PM Peak Hour



SOURCE: Overland Traffic Consultants, Inc., July 2013

FIGURE **3.13-25**

Future (2030) Traffic Volume + Project – Saturday Mid-Day Peak Hour

As shown in **Table 3.13-9**, the project added traffic generated by the proposed project would not exceed the arterial traffic impact significance thresholds of 0.05 at any study area street segments.

The project's transit trip generation has also been calculated pursuant to the CMP. As set forth in the CMP, the estimated transit trips generated by the project during the peak hours can be calculated by multiplying the total peak hour vehicle trips by 1.4 to convert vehicle trips to person trips. A second calculation converts the person trips to transit trips by multiplying the person trips by 3.5 percent. The transit trip calculations are as follows:

Weekday AM Peak Hour Transit Trips = 5 transit trips (101 * 1.4 * 0.035);

Weekday PM Peak Hour Transit Trips = 8 transit trips (154 * 1.4 * 0.035); and

Saturday Mid-day Peak Hour Transit Trips = 11 transit trips (226 * 1.4 * 0.035)

Metro transit service is provided by three eastbound and seven westbound buses during the morning peak hours, five eastbound and three westbound buses during the afternoon peak hours, with three buses in each direction during the mid-day peak hours on Saturdays. Thus given the low number of project-generated transit trips per bus, no impacts on the existing or future transit services are expected to occur as a result of the proposed project.

Analysis of Future Driveway Capacity

An additional capacity analysis has been conducted at the two proposed shopping center driveways. The same HCM procedures for calculating intersection vehicle delays have been used to calculate the expected vehicle delays at the project serving driveways. Using the estimated driveway volumes and the future traffic volume forecasts for the adjacent streets, an analysis of the operating conditions at the project driveways has been conducted.

The driveway capacity analysis indicates that the project's main driveway on Civic Center Way will operate at LOS B for all study periods, as shown in **Table 3.13-10**. Furthermore, the project's secondary driveway located on Cross Creek Road will operate at LOS A for all study periods.

The driveway capacity analysis indicates that vehicle queuing for left-turns entering or exiting the site will not create any traffic impacts on-site or any significant on-street conflicts with non-project traffic volume (such as the neighboring Country Mart driveway opposite the project's Civic Center Way driveway).

Table 3.13-10
Future Driveway Traffic Conditions With Project

			2012		2017		2030	
No.	**Driveway Location**	**Peak Hour**	**Delay**	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**
1.	Plaza Driveway &	Weekday AM	9.4	B	10.2	B	10.3	B
	Civic Center Way	Weekday PM	10.5	B	12.0	B	11.7	B
		Saturday Mid-day	11.0	B	12.7	B	12.9	B
2.	Plaza Driveway &	Weekday AM	8.6	A	8.7	A	8.7	A
	Cross Creek Road	Weekday PM	8.9	A	8.9	A	8.9	A
		Saturday Mid-day	8.7	A	8.7	A	8.7	A

Source: Overland Traffic Consultants, January 2015

Mitigation Measure

Mitigation Measure 3.13.2 would reduce impacts at the intersection of Malibu Canyon Road and Pacific Coast Highway.

Residual Impact

Impacts would be less than significant.

Threshold 3.13-3 **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.**

The proposed project is not located within an airport land use zone and there are no airports located within the City of Malibu. Therefore, impacts would be less than significant.

Mitigation Measures

Impacts would be less than significant. No mitigation measures are necessary.

Residual Impacts

Less than significant.

Threshold 3.13-4 **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

Threshold 3.13-5 **Result in inadequate emergency access.**

The proposed project does not include any sharp curves or dangerous intersections. Uses on the site would generally consist of commercial/retail uses, including the Whole Foods market and similar restaurant uses. These uses would be compatible with other uses on the site and in the surrounding area. Emergency access would be provided in accordance with County requirements. A fire lane would be provided along the perimeter of the site, including behind the Whole Foods market. A secondary access would be provided on Cross Creek Road to facilitate emergency/fire service access if needed. Therefore, impacts related to inadequate emergency access and hazardous design features would be less than significant.

Mitigation Measures

Impacts would be less than significant. No mitigation measures are necessary.

Residual Impacts

Less than significant.

Table 3.13-11
Arterial Street Segment Traffic Impact Analysis

				Existing Condition					Future 2017 Condition				Future 2030 Condition			
No.	Street Segment	Capacity	Peak Hour	Volume	V/C	LOS	Project Volume	Percent Increase	Volume	V/C	LOS	Percent Increase	Volume	V/C	LOS	Percent Increase
1	Pacific Coast Highway	3,100	AM (7-9)	2,840	0.92	E	50	1.8%	3,344	1.08	F	1.5%	3,381	1.09	F	1.5%
	East of Cross Creek Road		PM (4-6)	3,721	1.20	F	76	2.0%	4,506	1.45	F	1.7%	4,553	1.47	F	1.7%
	Four Lane Divided		Sat. (11-1)	3,552	1.15	F	113	3.2%	4,401	1.42	F	2.6%	4,446	1.43	F	2.5%
2	Pacific Coast Highway	3,100	AM (7-9)	1,897	0.61	B	33	1.7%	2,284	0.74	C	1.4%	2,308	0.74	C	1.4%
	West of Malibu Canyon Road		PM (4-6)	2,888	0.93	E	50	1.7%	3,561	1.15	F	1.4%	3,598	1.16	F	1.4%
	Four Lane Divided		Sat. (11-1)	3,274	1.06	F	74	2.3%	4,034	1.30	F	1.8%	4,076	1.31	F	1.8%
3	Malibu Canyon Road	2,800	AM (7-9)	1,820	0.65	B	15	0.8%	2,042	0.73	C	0.7%	2,065	0.74	C	0.7%
	North of Civic Center Way	2,500	PM (4-6)	2,071	0.83	D	24	1.2%	2,377	0.95	E	1.0%	2,403	0.96	E	1.0%
	Two Lane Undivided (1,400 vpvpl)	2,650	Sat. (11-1)	1,529	0.58	A	34	2.2%	1,825	0.69	B	1.9%	1,845	0.70	C	1.8%

Source: Overland Traffic Consultants, January 2015

Threshold 3.13-6 **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.**

Metro route 534 operates along Civic Center Way adjacent to the project site. Metro weekday service on this route is provided by three eastbound and seven westbound buses during the morning peak hours, five eastbound and three westbound buses during the afternoon peak hours, with three buses in each direction during the Saturday mid-day peak hours. As discussed above, given the low number of project-generated transit trips per bus, no impacts on the existing or future transit services are expected to occur as a result of the proposed project.

The proposed project would facilitate alternative transportation by providing 16 bike racks, four golf carts, and two electric vehicle charging stations. Pedestrian movement on the site would be facilitated by interior walkways as well as a pedestrian connection to the adjacent La Paz project. Therefore, impacts related to bicycle and pedestrian facilities would be less than significant.

Mitigation Measures

Impacts would be less than significant. No mitigation measures are necessary.

Residual Impacts

Less than significant.

Cumulative Impacts

The analysis of traffic impacts considers the effects of both background growth in the region as well as the project growth with respect to related projects in the area. Consequently, impacts of cumulative growth are already incorporated into the traffic model. Using criteria adopted by the City of Malibu, it the change in traffic flow generated by the proposed project would exceed the significant traffic impact criteria in the two future cumulative condition at three intersections. The significant traffic impacts occur as follows:

1. The intersection of Pacific Coast Highway and Malibu Canyon Road (study intersection #2) is significantly impacted during the Saturday mid-day peak hour;

2. The intersection of Pacific Coast Highway and Webb Way (study intersection # 6) is significantly impacted during the Saturday mid-day peak hour; and

3. The intersection of Pacific Coast Highway and Cross Creek Road (study intersection #7) is significantly impacted during the weekday afternoon peak hour and during the Saturday mid-day peak hour.

Cumulative impacts to traffic around the project area, including both the proposed project and related projects, are expected to be significant at three of the 10 intersections analyzed prior to mitigation measure implementation. Mitigation measures for future projects which contribute to cumulative traffic growth at the study intersections shall be implemented by all related projects in coordination with the appropriate agency.

Mitigation Measures

Mitigation Measures 3.13-1 and **3.13-2** would reduce the project's contribution to this cumulative impact.

Residual Impacts

With mitigation the project's contribution would not be cumulatively considerable.

3.14 UTILITIES AND SERVICE SYSTEMS

INTRODUCTION

This section describes the utilities and service systems that would serve the proposed project. Specifically, this section includes an examination of water supply, wastewater service, solid waste, electrical, and natural gas services. Each subsection includes a description of existing facilities, service standards, and potential environmental impacts resulting from construction and operation of the proposed project. The following analysis is based on information provided by the Los Angeles County Sanitation Department, the Los Angeles County Department of Public Works (LACDPW), the City of Malibu General Plan, the Southern California Gas Company (SoCalGas), the Southern California Edison Company (SCE), Los Angeles County Waterworks District Number 29 (WWD), the La Paz EIR, the Regional Water Quality Control Board, and RMC Water and Environmental.

3.14.1 Electricity

ENVIRONMENTAL SETTING

Existing Conditions

The Southern California Edison Company (SCE) provides electrical service to the City. The Malibu area is served by a system of SCE distribution substations and circuits. In 2013 SCE delivered more than 87 billion kilowatt hours (kWh) of electricity.[1]

Service to the Project site and the surrounding Civic Center area is available through adjacent or nearby electricity lines in the Nicholas Distribution Circuit, with a 16 kilovolt (kV) circuit voltage from the Tapia 66/16 kV Distribution Substation. Facilities within the immediate vicinity of the project site include two transformers located along Pacific Coast Highway (PCH) and Civic Center Way, as well as overhead power lines, which traverse the project site between Malibu Canyon Road and PCH.

The applicant is working with SCE to place the overhead lines currently crossing the project site underground and to relocate two transformers in addition to adding transformers to the project site for additional power. All plans will be submitted to and approved by the SCE before the approval of grading permits.

Deregulation

In 1996, the California Assembly voted unanimously to deregulate the state's electric industry. Under deregulation, the state's investor-owned utilities, Southern California Edison (SCE) and Pacific Gas & Electric (PG&E), were required to sell most of their power generating plants to unregulated private companies. They were required to transfer operational control of transmission lines and power grids to a private nonprofit organization – the Independent System Operator (ISO). The companies retained control and ownership of the distribution system. The California Public Utilities Commission (PUC) transferred pricing to the California Power Exchange (PX), overseen by the Federal Energy Regulatory Commission (FERC). The PX is a private, nonprofit organization that in concert with the ISO buys electricity according to need by auction from in- state power plants and elsewhere on the open market.

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1 Southern California Edison Website, https://www.sce.com/wps/portal/home/about-us/who-we-are/!ut/p/b1/hc_RCoIwFAbgZ-kFPKemZpeTZM6gMgXnbkJjLUFdmeTrp-Btdu5--H74D0gQINviU-mir0xb1FOW7nXtMRryBDlLbQe5v9kS5nOSBs4I8hHgj6P4r5-BXCJ7257BjmEQRqcJxAQ5ifGYUEoQ3RksbIhA6tqU4z9ZAJIdXkrQaTltS-JpkJ26q0511sO8exDDMFjaGF0r62YaeDYCq3Nzyelq9QULrQiH/dl4/d5/L2dBISEvZ0FBIS9nQSEh/, June 5, 2014

Deregulation has led to a certain amount of instability in the available supply of electricity in California. Energy shortages led to rolling blackouts throughout the summer of 2000 in Southern California. New energy efficiency measures were developed in 2001 in response to the energy crisis of 2000.

Energy Conservation

Energy consumption from new buildings in California is regulated by the state Building Energy Efficiency Standards, embodied in Title 24 of the California Code of Regulations. The efficiency standards apply to new construction of both residential and non-residential buildings and regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. The building efficiency standards are enforced through the local building permit process. Local government agencies may adopt and enforce energy standards for new buildings, provided that these standards meet or exceed those provided in Title 24 guidelines. Examples of these guidelines are listed below:

- Roofing products installed in construction to take compliance credit for reflectance and emittance shall have a clear packaging label that lists the reflectance and emittance tested in accordance with ASTM Standards.
- Service water-heating systems of equipment must be equipped with automatic temperature controls capable of adjusting for the intended use.
- All exterior lighting of over 100 watts attached to buildings with air conditioning systems shall have source efficacy of at least 60 lumens per watt or be controlled by a motion sensor.

REGULATORY FRAMEWORK

Federal

Federal Energy Regulatory Commission

On October 1, 1977, the Federal Energy Regulatory Commission (FERC) was created through the Department of Energy Organization Act, and FERC assumed the responsibilities of its predecessor, the Federal Power Commission. FERC's legal authority comes from the Federal Power Act of 1935, the Natural Gas Act (NGA) of 1938, and the Natural Gas Policy Act of 1992. It is an independent regulatory agency within the Department of Energy that:

- regulates the transmission and sale of natural gas for resale in interstate commerce;
- regulates the transmission of oil by pipeline in interstate commerce;
- regulates the transmission and wholesale of electricity in interstate commerce;
- licenses and inspects private, municipal, and state hydroelectric projects;

- oversees environmental matters related to natural gas, oil, electricity, and hydroelectric projects;
- administers accounting and financial reporting regulations and conduct of jurisdictional companies; and
- approves site choices as well as abandonment of interstate pipeline facilities.

State

California Building Energy Efficiency Standards

Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards, was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. After adoption of the California Energy Security and Reliability Act of 2000 (AB 970), the California Energy Commission produced changes to the Building Energy Efficiency Standards. In November 2003, the California Energy Commission adopted these updated standards. The California Building Standards Commission adopted the 2005 changes in July 2003, and the updated standards took effect on October 1, 2005. Included in this update were requirements identified under senate Bill 5X of 2001, part of which required the California Energy Commission to adopted energy efficiency standards for outdoor lighting. The 2013 Building Energy Efficiency Standards took effect on July 1, 2014 mandatory measures include:

- Duct sealing in all climate zones
- Residential Heating, ventilation, and air conditioning (HVAC) system improvements including fan power and airflow testing or return air to increase heating or cool air output by improving the return of flow air to the air handler.
- Require insulation on pipes 0.75 inch and larger
- Require 250 square feet of a solar ready zone on single-family roofs

Prescriptive measures include:

- Reducing the U-factor[2] on high performance windows, to decrease the rate of heat loss

[2] The rate of heat loss is indicated in terms of the U-factor (U-value) of a window assembly. The lower the U-factor, the greater a window's resistance to heat flow and the better its insulating properties.

- Increase the minimum standard for duct insulation for climate zones 6,[3] 7, and 8, to reduce air leaking from ducts
- Adding Radiant Barrier[4] requirements to Climate Zones 3, and 5 through 7[5]
- Requiring the installation of night ventilation[6] systems
- Increasing wall insulation to R15/4 in all climate zones

California Independent System Operator

The California Independent System Operator (CALISO) is a not-for-profit public-benefit corporation charged with operating the majority of California's high-voltage wholesale power grid. Balancing the demand for electricity with an equal supply of megawatts, the independent system operator (ISO) is the impartial link between power plants and the utilities that serve more than 30 million consumers. The ISO provides equal access to the grid for all qualified users and strategically plans for the transmission needs. CALISO was established in 1998 and operates the region's power grid and wholesale electric markets so as to:

- maintain reliable electric services;
- improve the efficiency of electric system operations, including the provision of open and non-discriminatory access to the transmission facilities under its control; and,
- identify and promote new investments in transmission infrastructure in a coordinated, open, transparent, and participatory manner.

CALISO covers most of California and northern Baja California (Mexico). CALISO uses natural gas sources to supplement its marginal supply. Generating capacity in the summer of 2006 was 56,347 megawatts (MW) with a reserve capacity of 6,077 MW. CALISO's reserve margin in 2006 was 12 percent. CALISO's peak summer demand in 2006, 2007, 2008, and 2009 was 50,085 MW, 48,490 MW, 46,814, and 45,809, respectively.

In late July 2006, load records were set in regions covered by CALISO, Los Angeles Department of Water and Power, and Sacramento Municipal Utility District. A severe heat wave resulted in 100+ degree

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3 A small portion located in the central eastern area of California is located within Climate Zone 6. No portions of California are located in Climate Zones 7 or 8.

4 Radiant barriers are installed in homes, usually in attics to primarily to reduce summer heat gain and reduce cooling costs. The barriers consist of a highly reflective material that reflects radiant heat rather than absorbing it.

5 California is comprised of the following Climate Zones: 2, 3, 4, (marine and non-marine), 5 and 6.

6 Night ventilation systems keep windows and other passive ventilation openings closed during the day, but open at night to flush warm air out of the building and cool thermal mass for the next day.

temperatures over most of the state, with some areas topping 110 degrees. California's utilities, CALISO, and state officials urged consumers to conserve. CALISO declared a Stage 2 Emergency (calling for conservation) on July 24th when operating reserves dropped below 5 percent, which allowed CALISO to direct participating utilities to curtail non-firm load and customers on interruptible programs. Conservation efforts, curtailed load, and distribution system outages kept peak load under the 52,000 MW that CALISO anticipated that day, with the peak reaching 50,270 MW on July 24th. No curtailment of non-firm load was needed. The proposed project is located in CALISO zone SP-15.

California Public Utilities Commission

The California Public Utilities Commission (PUC) regulates privately owned telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation companies, in addition to authorizing video franchises. Among the PUC's goals for energy regulation are: to establish service standards and safety rules, authorize utility rate changes, oversee markets to inhibit anti-competitive activity, prosecute unlawful utility marketing and billing activities, govern business relationships between utilities and their affiliates, resolve complaints by customers against utilities, implement energy efficiency and conservation programs and programs for the low-income and disabled, oversee the merger and restructure of utility corporations, and enforce The California Environmental Quality Act (CEQA) for utility construction.

Local

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The Plan's Conservation Element serves as a guide for the conservation, protection, restoration, management, development, and appropriate and responsible utilization of the City's utilities. The Conservation Element includes goals and policies pertaining to electricity service including educating the community on the importance of energy conservation, encouraging state of the art energy efficiency standards for all new construction, protecting solar access and encouraging the use of solar and other non-polluting renewable energy sources. The Conservation Element includes the following goals and policies pertaining to the proposed project and energy resources:

CON Goal 3: Energy conserved.

CON Policy 3.1.1: The City shall educate the community regarding the importance of and techniques for energy conservation.

CON Policy 3.1.2 The City shall encourage state-of-the-art energy efficiency standards for all new construction design.

CON Policy 3.1.3 The City shall protect solar access.

CON Policy 3.1.4 The City shall encourage the use of solar and other non-polluting, renewable energy sources.

PROJECT DESIGN FEATURES

Several sustainable design features are included in the proposed project's design to decrease the project's electricity consumption. Landscape features include green walls and mature trees to provide shade and reduce the heat island effect and the need for air conditioning. Bicycle parking, electrical vehicle charging stations, and walkways will reduce energy usage and air pollution from vehicle trips. High efficiency systems including filtration, air conditioning would be installed, and ENERGY STAR windows and appliances. Lighting features would include LED lighting where applicable, daylight sensor controls, lighting occupancy sensors, and bi-level[7] lighting controls in parking areas.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to electricity were taken from the City of Malibu General Plan EIR. Impacts to electricity are considered significant if the proposed project would:

- result in activities which use large amounts of electricity or which use electricity in a wasteful manner, or
- result in an increased demand for electricity which exceeds either the existing supply or capacity of the infrastructure (or financially feasible infrastructure that could be developed) required to service additional demand and/or equipment (electric lines and substations, etc.), or
- alter the nature of demand for electricity services causing increased costs or service delivery limitations.

7 Bi-level controls switch lighting between a high and low setting rather than on or off.

Impact Analysis

Threshold 3.14.1-1 **Result in activities which use large amounts of electricity or which use electricity in a wasteful manner**

Threshold 3.14.1-2 **Result in an increased demand for electricity which exceeds either the existing supply or capacity of the infrastructure (or financially feasible infrastructure that could be developed) required to service additional demand and/or equipment (electric lines and substations, etc.)**

Threshold 3.14.1-3 **Alter the nature of demand for electricity services causing increased costs or service delivery limitations**

During construction of the proposed project energy would be required to serve construction trailers, power tools, tool sheds, work and storage areas, and other facilities associated with development activities. This energy would be expected to be supplied by gasoline, propane, or diesel-powered generators provided by construction crews, rather than drawing power from the local electrical grid. The amount of energy that would be necessary for construction would be minimal (i.e., power tools). Temporary service outages may result in the surrounding area as construction workers upgrade and extend the necessary infrastructure to service the project site. Such temporary disruptions in service are generally planned in advance to avoid peak demand times, however, inadvertent or unexpected periodic electricity outages may occur. As such, construction impacts would be less than significant.

The project site is currently vacant and does not support any uses that consume electricity resources. The proposed project would require the use of electricity for lighting, power, and other uses such as refrigeration for the Whole Foods as well as for potential restaurant uses. As such, implementation of the proposed project would result in an increase in the amount of electricity consumed on the project site. Electricity consumption associated with the proposed project was calculated using generation factors based on land use classifications in accordance with the 1993 South Coast Air Quality Management District (SCAQMD) *CEQA Air Quality Handbook*. The commercial/retail nature of the proposed project would not demand excessive amounts of energy which would exceed the capacity of the existing infrastructure. As shown in **Table 3.14.1-1, Proposed Project Electricity Consumption**, the proposed project, as a whole, is anticipated to consume approximately 1,214.36 kWh of electricity per year (approximately 3.3 kWh per day).

Table 3.14.1-1
Proposed Project Electricity Consumption

Building	Building Size	Consumption Rate (kWh/1,000 sf)	Yearly Consumption (kWh)
Whole Foods	24,549 sf	40.69	998.89
Commercial/Retail [1]	13,876 sf	12.8	177.61
Parking Lot	43,225 sf	0.876	37.86
		Total Electricity Consumption	1,214.36

Source: SCAQMD, California Emissions Estimator Model Guide (CalEEMod), Appendix D, Table 8.1, non-historical values
Notes: The City of Malibu is located in climate zone 8
It should be noted that the Title 24 standards were updated in 2013. The 2013 standards will take effect July 1, 2014. The consumption values taken from CalEEMod do not reflect the 2013 standards.
[1] *Includes Building 1, 2, and 3*
Strip Mall electricity consumption was used as a proxy for Commercial/Retail
kWh = kilowatt-hour; sf = square feet.

Based on the estimates provided in **Table 3.14.1-1,** the proposed project would comprise approximately 0.0000001 percent of all electricity delivered by SCE in 2013; however, the electricity estimates provided in **Table 3.14.1-1** are considered to be conservative as they do not factor in the energy efficiency features of the proposed project. These include:

- High efficiency AC equipment
- High efficiency HVAC systems such as variable refrigerant flow
- CFC and HCFC free AC equipment
- Economizer on AC equipment
- Energy recovery/enthalpy wheel
- High efficiency electric motor
- Effective ventilation system and proper air circulation
- Hot water solar heating, where possible
- Use exposed concrete as finished floor where possible
- Cool roof
- Install demonstrated long-term durability
- ENERGY STAR appliances

- ENERGY STAR windows
- Efficient insulation for envelope, ducts, and piping
- High efficiency filtration
- Provide for future installation of renewable energy systems
- Passive solar design
- Use building materials with recycled content to extent possible
- Use rapidly renewable materials
- Provide narrow floor plates to enable natural ventilation
- Introduce daylight to indoor spaces and reduce artificial lighting
- Provide shading on south and west facing windows
- Provide ceiling fans

Thus, the proposed project would not result in the consumption of significant amounts of electricity, use electricity in a wasteful manner, increase demand for electricity which exceeds either the existing supply or capacity of the infrastructure, or alter the nature of demand for electricity services causing increased costs or service delivery limitations. Impacts would be 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 conjunction with the related projects would further increase the demand for electricity service. As shown in **Table 3.14.1-2, Proposed Project and Related Projects Electricity Consumption**, the total electricity consumed by the related projects and the proposed project would be approximately 2,235,211.8 kWh per year (approximately 6,123.86 kWh per day).

Table 3.14.1-2
Proposed Project and Related Projects Electricity Consumption

Land Use	Building Size (Units/sf)	Consumption Rate (kWh/1,000 sf or kWh/du)	Yearly Consumption (kWh)
Residential			
Single-Family	57 units	7,089.66	404,110.62
Condominium/Townhome	40 units	4,324.63	172,985.2
Restaurant	13,004 sf	39.33	511.44
Hotel	274,936 sf	10.09	2,774.10
Commercial/Office[1]	68,639 sf	15.62	1,072.14
Commercial/Retail[2]	81,627 sf	12.8	1,044.82
Regional Shopping Center	129,423	12.8	1,643,814.4
Educational Facilities			
High School	35,315 sf	6.91	244.02
Satellite Junior College Campus	25,000 sf	14.05	351.25
Public Facilities			
Fire Station[3]	1 unit (6,033 sf)	7,089.66	7,089.66
		Subtotal	**2,233,997.5**
		Proposed Project	**1,214.36**
		Total	**2,235,211.8**

Source: SCAQMD, California Emissions Estimator Model Guide (CalEEMod), Appendix D, Table 8.1
Notes: The City of Malibu is located in climate zone 8
It should be noted that the Title 24 standards were updated in 2013. The 2013 standards will take effect July 1, 2014. The consumption values taken from CalEEMod do not reflect the 2013 standards.
kWh = Kilowatt Hour, sf = square feet, du = dwelling unit.
[1] *General Office building consumption was used as a proxy for Commercial/Office*
[2] *Strip Mall electricity consumption was used as a proxy for Commercial/Retail*
[3] *Single-Family electricity consumption was used as a proxy for the Fire Station*

This increase in demand could require the installation of additional service equipment including lines and substations. The construction of any power distribution facilities required in association with any related project may cause limited local short-term impacts in the forms of unavoidable noise, air pollution, and traffic congestion during construction. All new development served by SCE would be required to pay applicable fees assessed by the utility company to provide service to the specific project. Further, SCE would not provide service to new developments if there were not adequate supplies and infrastructure to maintain existing service levels and meet the anticipated demands of the specific development requesting service. In addition, SCE maintains projection demands to ensure minimal disruption (if any) for existing customers and to be able to meet future electricity demands for proposed projects. As all proposed projects which could result in potential electricity impacts would be required to undergo an environmental review process, cumulative impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Less than significant

3.14.2 Natural Gas

ENVIRONMENTAL SETTING

The Southern California Gas Company (SoCalGas) provides natural gas to the City of Malibu. The City lies within the boundaries of the South Coastal distribution division. SoCalGas serves domestic and commercial uses in Malibu. Industrial and commercial loads vary depending on the type of equipment used. The maintenance and operation of gas distribution facilities are regulated by the California Public Utilities Commission (PUC).

Natural gas is provided through underground gas mains. There are two mains that currently serve the project area: a 2-inch main located under Cross Creek Road, and a 3-inch main located under Civic Center Way.[1]

Natural gas service for new development projects must be provided in accordance with SoCalGas's policies and extension rules on file with the PUC at the time contractual agreements are made. The availability of natural gas is based upon present conditions of gas supply and regulatory policies. As a public utility, SoCalGas is under the jurisdiction of the PUC, but can also be affected by actions of federal regulatory agencies. Should these agencies take any action which affects gas supply or the conditions under which service is available, gas service would be provided in accordance with those revised conditions.

In 2012 the commercial sector natural gas demand was 201 billion cubic feet (bcf) or 2.01e + 23 thousand British thermal units (kBtu).[2]

REGULATORY FRAMEWORK

Federal

Please see the discussion of the Federal Energy Regulatory Commission in **Section 3.14-1, Electricity**.

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1 Southern California Gas Company, Environmental Specialist/Land Planner, James Chuang, written communication March 17, 2014

2 The California Energy Commission, Energy Almanac, Overview of Natural Gas Supply in California, Table 1, http://www.energyalmanac.ca.gov/naturalgas/overview.html, June 9, 2014

State

California Building Energy Efficiency Standards

Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards, was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. After adoption of the California Energy Security and Reliability Act of 2000 (AB 970), the California Energy Commission produced changes to the Building Energy Efficiency Standards. In November 2003, the California Energy Commission adopted these updated standards. The California Building Standards Commission adopted the 2005 changes in July 2003, and the updated standards took effect on October 1, 2005. Included in this update were requirements identified under senate Bill 5X of 2001, part of which required the California Energy Commission to adopted energy efficiency standards for outdoor lighting. The 2013 Building Energy Efficiency Standards took effect on July 1, 2014.

Mandatory measures include:

- duct sealing in all climate zones
- residential heating, ventilation, and air conditioning (HVAC) system improvements including fan power and airflow testing or return air to increase heating or cool air output by improving the return of flow air to the air handler
- require insulation on pipes 0.75 inch and larger
- require 250 square feet of a solar ready zone on single-family roofs

Prescriptive measures include:

- reducing the U-factor[3] on high performance windows, to decrease the rate of heat loss
- increase the minimum standard for duct insulation for climate zones 6,[4] 7, and 8, to reduce air leaking from ducts

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3 The rate of heat loss is indicated in terms of the U-factor (U-value) of a window assembly. The lower the U-factor, the greater a window's resistance to heat flow and the better its insulating properties.

4 A small portion located in the central eastern area of California is located within Climate Zone 6. No portions of California are located in Climate Zones 7 or 8

- adding radiant barrier[5] requirements to Climate Zones 3, and 5 through 7[6]
- requiring the installation of night ventilation[7] systems
- increasing wall insulation to R15/4 in all climate zones

California Public Utilities Commission

The California PUC regulates privately owned telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation companies, in addition to authorizing video franchises. Among the PUC's goals for energy regulation are: to establish service standards and safety rules, authorize utility rate changes, oversee markets to inhibit anti-competitive activity, prosecute unlawful utility marketing and billing activities, govern business relationships between utilities and their affiliates, resolve complaints by customers against utilities, implement energy efficiency and conservation programs and programs for the low-income and disabled, oversee the merger and restructure of utility corporations, and enforce the California Environmental Quality Act (CEQA) for utility construction.

Local

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The Plan's Conservation Element serves as a guide for the conservation, protection, restoration, management, development, and appropriate and responsible utilization of the City's existing natural resources. The Conservation Element includes goals and policies pertaining to natural gas service such as the City shall educate the community regarding the importance of and techniques for energy conservation and encourage state-of-the art energy efficiency standards for all new construction design. The goals and objectives relevant to natural gas and the proposed project are discussed above under **Section 3.14.1, Electricity.**

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5 Radiant barriers are installed in homes, usually in attics to primarily to reduce summer heat gain and reduce cooling costs. The barriers consist of a highly reflective material that reflects radiant heat rather than absorbing it.

6 California is comprised of the following Climate Zones: 2, 3, 4, (marine and non-marine), 5 and 6.

7 Night ventilation systems keep windows and other passive ventilation openings closed during the day, but open at night to flush warm air out of the building and cool thermal mass for the next day.

City of Malibu Municipal Code

Section 15.24.010 – "Adoption of Green Building Standards Code" is the City's formal adoption of CALGreen. In the event of any conflict between provisions of the California Green Building Standards Code, 2013 Edition, Title 31 of the Los Angeles County Code, or any amendment to the Green Building Standards Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

PROJECT DESIGN FEATURES

Several sustainable design features are included in the proposed project's design to decrease the project's natural gas consumption. High efficiency systems including heating equipment would be installed, as well as tankless water heaters, pre-plumbing for solar water heating, and ENERGY STAR windows and appliances.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to natural gas are based on the guidance provided in Appendix F of the most recent update of the *CEQA Statutes and Guidelines*. Impacts related to natural gas are considered significant if the proposed project would:

- result in activities which use large amounts of natural gas or which use natural gas in a wasteful manner
- result in an increased demand for natural gas which exceeds either the existing supply or capacity of the existing infrastructure (or financially feasible infrastructure that could be developed) required to service additional demand and/or equipment (natural gas lines, etc.)

Impact Analysis

Threshold 3.14.2-1 Result in activities which use large amounts of natural gas or which use natural gas in a wasteful manner

As the project site is vacant, no uses currently exist that consume natural gas. Natural gas consumption associated with the proposed project was calculated using generation factors based on the proposed land use. As shown in **Table 3.14.2-1**, **Natural Gas Consumption by the Proposed Project**, the proposed project is anticipated to consume approximately 545.68 (kBtu) per year (approximately 1.49 kBtu per day)

of natural gas. As discussed above underground gas mains exist near the project site along Civic Center Way and Cross Creek Road and would service the project site.

Table 3.14.2-1
Natural Gas Consumption by the Proposed Project

Building	Building Size	Consumption Rate (kBtu/1,000 sf)	Yearly Consumption (kBtu)
Whole Foods	24,549 sf	21.07	517.24
Commercial/Retail [1]	13,876 sf	2.05	28.44
Parking Lot	43,225 sf	0	0
		Total Natural Gas Consumption	545.68

Source: SCAQMD, California Emissions Estimator Model Guide (CalEEMod), Appendix D, Table 8.1
Notes: The City of Malibu is located in climate zone 8
It should be noted that the Title 24 standards were updated in 2013. The 2013 standards will take effect July 1, 2014. The consumption values taken from CalEEMod do not reflect the 2013 standards.
[1] Includes Building 1, 2, and 3
Strip Mall natural gas consumption was used as a proxy for Commercial/Retail
sf = square feet, kBtu= Kilo British Thermal Unit.

The uses associated with the proposed project would increase natural gas consumption on the project site, as the site is currently vacant. However, with incorporation of project design features, the proposed project would not result in the consumption of large amounts of natural gas or the use of natural gas in a wasteful manner. According to the California Energy Commission Energy Almanac, the commercial sector natural gas demand in 2012 for the State was 2.01e + 23 kBtu. Thus, the 545.68 kBtu consumed by the proposed project would be nominal when compared to the State consumption. Further, as discussed above, the proposed project includes sustainability features which would reduce the proposed project's natural gas consumption level, including high efficiency heating systems and pre-plumbing for solar heating. Therefore, impacts on natural gas would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.14.2-2 **Result in an increased demand for natural gas which exceeds either the existing supply or capacity of the existing infrastructure (or financially feasible infrastructure that could be developed) required to service additional demand and/or equipment (natural gas lines, etc.)**

Construction activities associated with the proposed project would not require the use of natural gas as construction tools are generally powered by gasoline or electricity. However, during the construction phase, it is anticipated that the installation of gas lines would be necessary as the project site is currently vacant and no natural gas lines currently exist to serve the project site. Additionally, upgrades to existing natural gas lines located along Civic Center Way and Cross Creek Road could be necessary. Therefore, minimal amounts of natural gas could be released during upgrades of existing infrastructure and/or the installation of new lines. SoCalGas currently does not track the amount of natural gas released during the installation of new lines and/or upgrades to existing lines.[8] As the amount would be minimal, impacts from construction activities would be less than significant.

The proposed project's land uses would require the extension of the existing underground natural gas line(s) as no natural gas lines exist on the project site which would result in an increase demand for natural gas [9] As discussed above, construction of necessary natural gas lines or expansion of existing lines (if necessary) would be minimal and the amount of natural gas released during construction of the new lines would not be substantial. Design and sizing of all natural gas infrastructure would meet all applicable engineering requirements to the satisfaction of the SoCalGas and the City of Malibu. Serving new areas and upgrading the size of existing gas mains is routine for the SoCalGas and existing facilities would be able to provide natural gas for proposed project.[10] The applicant would be responsible for all costs associated with the upgrade of existing infrastructure or installation of new infrastructure.

SoCalGas's long-term infrastructure planning takes local and regional general plans into account so that new developments are planned for. Therefore serving new areas and upgrading the size of existing gas mains is routine for the SoCalGas. Extending the natural gas infrastructure to the project site would not result in system capacity problems, or require the construction of new natural gas facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Impacts would be less than significant.

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8 Southern California Gas Company, Environmental Specialists/Land Planner, James Chuang, written communication March 17, 2014

9 Southern California Gas Company, Environmental Specialist/Land Planner, James Chuang, written communication March 17, 2014

10 Proposed Project Utility Service Summary

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

Implementation of the proposed project in conjunction with the related projects would further increase the demand for natural gas. As shown in **Table 3.14.2-2, Natural Gas Consumption by Proposed Project and Related Projects**, implementation of the related projects plus the proposed project would result in the consumption of approximately 17,136,902 kBtu of natural gas per year (approximately 46,951.9 kBtu per day). Cumulative impacts from the related projects could result in the installation of additional natural gas distribution facilities and underground lines, and affect service availability. The proposed project's contribution to the cumulative demand would be 1.49 kBtu per day which would amount to approximately 0.00003 percent of the daily cumulative demand. Therefore, the proposed project's contribution to this potential cumulative effect would not be considerable.

In addition, all new development occurring as a result of related projects would be subject to the City's Municipal Code, Title 15, Chapter 15.24.010, the adoption of the Green Building Standards Code. Further, all proposed projects which could have potential impacts on natural gas services would be required to undergo an environmental review process. Therefore, cumulative impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Table 3.14.2-2
Natural Gas Consumption by Proposed Project and Related Projects

Land Use	Building Size (Units/ Sf)	Consumption Rate (kBtu/1,000 sf or kBtu/du)	Yearly Consumption (kBtu/year)
Residential			
Single-Family	57 units	28,883.50	1,646,359.5
Condominium/Townhome	40 units	15,825.17	633,006.8
Restaurant	13,004 sf	263.41	3,425,383.6
Hotel	274,936 sf	35.77	9,834,460.7
Commercial/Office	68,639 sf	9.59	658,248.01
Commercial/Retail[1]	81,627 sf	2.05	167,335.35
Regional Shopping Center	129,423	2.05	265,317.15
Educational Facilities			
High School	35,315 sf	12.41	438,259.15
Satellite Junior College Campus	25,000 sf	15.86	39,650
Public Facilities			
Fire Station[2]	1 unit (6,033 sf)	28,883.50	28,883.50
		Subtotal	**17,136,902**
		Proposed Project	**545.68**
		Total	**17,137,447**

Source: SCAQMD, California Emissions Estimator Model Guide (CalEEMod), Appendix D, Table 8.1
Notes:
The City of Malibu is located in climate zone 8
It should be noted that the Title 24 standards were updated in 2013. The 2013 standards will take effect July 1, 2014. The consumption values taken from CalEEMod do not reflect the 2013 standards.
sf = square feet.
[1] *Strip Mall electricity consumption was used as a proxy for Commercial/Retail*
[2] *Single-Family electricity consumption was used as a proxy for the Fire Station*

3.14.3 Water Supply

ENVIRONMENTAL SETTING

Los Angeles County Water Works District 29, Malibu

Malibu is supplied water from Water Works District (WWD) No. 29, which is a purveyor for the Metropolitan Water District (MWD) of Southern California. WWD No. 29 is responsible for providing water to its customers while meeting all applicable federal and state water quality standards. WWD No. 29's major system facilities include approximately 200 miles of water main (approximately 5 percent or 53,600 linear feet are above ground), 32 pump stations, and 52 tanks with a storage capacity of approximately 20 million gallons. Currently, WWD No. 29 has storage capacity for approximately three days; however, several projects have been constructed to improve water service reliability.[1] The service area of WWD No. 29 includes Marina del Rey, the City of Malibu, and unincorporated territory within Topanga Canyon.

In accordance with the California Urban Water Management Act, as amended, WWD No. 29 prepared an Urban Water Management Plan. Malibu and the Marina del Rey Water System Urban Water Management Plan (UWMP) was approved in June 2011. The purpose of the UWMP is to assist water agencies to plan for future water supply and demand within their service areas. The UWMP notes that the commercial sector of the service area, which includes the project site, is expected to have minimal growth over the next 20 years due to the built-out nature of the area.[2]

Metropolitan Water District of Southern California

WWD No. 29 purchases water from the West Basin Municipal Water District, which purchases water from the MWD. MWD serves 26 member agencies and imports water from the Colorado River Aqueduct (CRA) and the State Water Project (SWP) in the Sacramento–San Joaquin Delta and distributes this water to its member agencies.

Based on projected growth, MWD expects that water demand in its service area will rise from a current demand of 3.6 million acre-feet per year (afy) to 4.8 million afy by 2020. To accommodate this projected growth, MWD developed an integrated resources program (IRP) in 1996. The IRP is a 25-year comprehensive water resources plan for Southern California and was last updated in 2003. The plan is a multifaceted approach towards the development and maintenance of reliable water supplies that are

1 Waterworks District No. 29 , Malibu and the Marina del Rey Water System, *2010 Urban Water Management Plan*

2 Waterworks District No. 29 , Malibu and the Marina del Rey Water System, *2010 Urban Water Management Plan*

necessary to meet an increasing demand. The IRP proposes to combine water conservation, surface and groundwater storage, water transfers and exchanges, water recycling and water imports as a managed and integrated strategy to provide a stable and reliable source of water to its customers. The MWD's objective is to ensure reliability, affordability, quality, diversity, and adaptability of the regional water supply. Implementation of plans and programs identified in the IRP will allow MWD to provide water to all the firm's wholesale water demands of its member agencies through 2025.

Water Infrastructure

The City of Malibu receives water through a 30-inch water main running along Pacific Coast Highway, with several distribution pipelines running north towards the canyons.[3] Water is pumped at several locations from the main transmission pipeline into canyons and other parts of the City. The Malibu Beach Pump Station, an in-line pump station, maintains pressure in the western half of the transmission main line.[4]

The project site fronts a 12-inch water main along Civic Center Way and a 10-inch water main along Cross Creek Road.[5] While the project site is located within the vicinity of an existing water main owned and operated by WWD No. 29, the site is located in an area which lacks sufficient infrastructure and necessary facilities including, water storage tanks, pumps and pipes.[6]

REGULATORY FRAMEWORK

Federal

Safe Water Drinking Act

The federal Clean Water Act (CWA) Section 401[7] regulates the discharges of pollutants into "waters of the US" from any point or non-point source.

In 1972, the CWA was amended to prohibit the discharge of pollutants to waters of the United States unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The CWA focused on tracking point sources, primarily from wastewater treatment facilities and industrial waste dischargers, and required implementation of control measures to minimize pollutant

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

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

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

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

7 US Code of Federal Regulations, Title 33, Section 404, Clean Water Act.

discharges. The CWA was amended again in 1987, to provide a framework for regulating municipal and industrial storm water discharges.[8] In November 1990, the US Environmental Protection Agency (US EPA) published final regulations that establish application requirements for specific categories of industries, including construction projects that encompass greater than or equal to 5 acres of land. The Phase II Rule became final in December 1999, thus expanding regulated construction sites to those greater than or equal to 1 acre. The regulations require that storm water and non-storm water runoff associated with construction activity, which discharges either directly to surface waters or indirectly through municipal separate storm sewer systems (MS4s), must be regulated by an NPDES permit.

In the State of California, the program is administered by the local Regional Water Quality Control Board (RWQCB).

State

Urban Water Management Planning Act

The Urban Water Management Planning Act[9] (UWMPA) requires urban water suppliers that provide water for municipal purposes to more than 3,000 customers, or more than 3,000 afy of water, to prepare an urban water management plan (UWMP). The intent of the UWMP is to assist water supply agencies in water resource planning given their existing and anticipated future demands. The UWMP must include a water supply and demand assessment comparing total water supply available to the water supplier with the total projected water use over a 20-year period. It is also mandatory that the management plans be updated every five years.

In recognition of the state requirements, the Los Angeles County Department of Public Works has prepared the 2010 UWMP for the District. The purpose of the plan is to document the District's projected water demands and its plans for delivering water supplies to the District's water service area. This plan includes all information necessary to meet the requirements of California Water Code.

Local Regulations

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The Plan's Conservation Element serves as a guide

8 US Code of Federal Regulations, Title 33, Section 402, Clean Water Act.

9 US Code of Federal Regulations Sections 10610–10657, Urban Water Management Planning Act.

for the conservation, protection, restoration, management, development, and appropriate and responsible utilization of the City's existing natural resources. The Conservation Element includes goals and policies pertaining to water supply such as coordinating with development to ensure adequate water supplies and encourage the use of drought resistant landscaping. The Conservation Element includes the following goals and policies pertaining to the proposed project and water supply:

CON-Goal-4: Water conserved

CON-Policy 4.1.1: The City shall provide water for residents' needs in the most cost effective manner.

CON-Policy 4.1.2: The City shall coordinate development to ensure adequate water supplies.

CON-Policy 4.1.3: The City shall encourage water conservation design measures in residential, commercial, and industrial development.

CON-Policy 4.1.4: The City shall promote the use of water efficient low flow fixtures.

CON-Policy 4.1.5: The City shall encourage the use of drought resistant landscaping.

CON-Policy 4.1.6: The City shall promote the use of reclaimed water that has had pathogens removed for appropriate uses such as landscape irrigation systems.

City of Malibu Local Costal Plan

The California Coastal Act requires that its goals and policies be implemented by local government through the Local Costal Plan (LCP) process. Because the City of Malibu lies entirely within the state designated Coastal Zone, the City of Malibu's LCP is the primary document that guides future development within the City and makes recommendations for the preservation of resources. The City of Malibu's LCP consists of two sections: the Land Use Plan (LUP) and the Local Implementation Plan (LIP). Both were certified by the California Coastal Commission on September 13, 2002.

PROJECT DESIGN FEATURES

The proposed project includes several sustainable design features in an effort to decrease the amount of water supply necessary during operational activities. Landscape features include the use of drought-tolerant and Santa Monica Mountains-native plants and a weather-sensitive and water-efficient irrigation system. High efficiency systems including ultra-low flow dual flush water closets, waterless or low flow urinals, sinks with metering faucets, and tankless water heaters will be installed. In addition, as stated in

the Civic Center Wastewater Treatment Facility Project Draft EIR, operation of the wastewater treatment facility would result in the production of recycled water which can be used for landscaping irrigation. Environmental review of the wastewater treatment facility is still being completed, if recycled water can be provided to the project site for landscaping purposes, this opportunity will be reviewed at a later date to determine the level of feasibility.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

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

- require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed

Impact Analysis

Threshold 3.14.3-1 **Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.**

Water would be used during construction primarily as a dust palliative and to moisten the fill dirt to achieve the required compaction during all grading and excavation activities. During construction, no commercial water use would occur on the project site and it is expected that low volumes of water would be consumed for construction uses. The amount of water required for construction uses is anticipated to be minimal making construction impacts less than significant.

As mentioned above, the water supply and infrastructure system serving the project site includes a 12-inch water main along Civic Center Way and a 10-inch water main along Cross Creek Road The applicant has agreed to design and construct all water related property specific improvements including a 12-inch water main approximately 5,000 feet long, pump station upgrades, a regulating station, and an approximately 800,000 gallon water tank. These improvements are necessary in order for

WWD No. 29 to provide the customary level of water service required by the Los Angeles County Fire Department and the commercial uses associated with the proposed project.[10]

Upon completion of construction of these improvements, the applicant would dedicate the water infrastructure upgrades to WWD No. 29.[11] Impacts from the construction of new water treatment facilities and the expansion of existing facilities would be less than significant. No mitigation is required.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Less than significant.

Threshold 3.14.3-2 Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

Development of the project site as a neighborhood shopping center would increase water demand, as operation of the site would require potable water for restrooms (i.e., sinks, toilets), washing of dishes, and food service. Further, the proposed project would also include drought tolerant landscaping which would require additional water for plant maintenance.

Projected water consumption rates associated with the proposed project is assumed to be 120 percent of the wastewater generated of a given land use. **Table 3.14.3-1, Whole Foods Shopping Center Approximate Water Consumption,** includes the projected wastewater generation for the proposed project, as well as the projected potable water. The proposed project is expected to require approximately 11,208 gallons of water per day (gpd).

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

11 Los Angeles County WWD No. 29, Conditional Will Serve Letter

Table 3.14.3-1
Whole Foods Shopping Center Approximate Water Consumption

Use[1]	Wastewater Flow (gpd)	Generation Rate	Potable Water Consumption (gpd)
Whole Foods Market	4,910	1.20	5,892
Building 1	1,979		2,374.8
Building 2	1,829		2,194.8
Building 3	287		344.4
Building 4	335		402
Total			**11,208**

[1] *For a detailed description of uses within in each building please see* ***Section 3.14.4, Table 3.14.4-1***

It should be noted that water duty factors based on land use for the City of Malibu were provided by WWD 29. The two vacant parcels which comprise the project site are both are designated CV-1 (Commercial Visitor Serving 1) according to the Local Coastal Plan (LCP) land use and zoning maps. WWD No. 29 has determined that parcels zoned CV-1 require 900 gallons of water per day per acre.[12] With a generation rate of 900 gpd/acre the proposed project would require approximately 5,292 gpd of water (5.88 [acres] * 900 gpd). This Draft EIR relies on the more conservative estimate of 11,208 gpd of water when determining the water supply needed for the proposed project.

These water estimates are considered extremely conservative and do not reflect the energy saving features, discussed above, of the proposed project such as low flow fixtures, the use of drought tolerant landscaping, and the requirement to achieve energy consumption rates 15 percent greater than what is required by Title 22. With incorporation of these water saving features, it is expected the proposed project would use less than the projected 11,208 gpd.

Water supply entitlements have been secured through WWD No. 29 and are adequate to serve the projected growth in Malibu, including the proposed project. WWD No. 29 purchases water from the West Basin Municipal Water District, which purchases water from the MWD. MWD includes adequate water resources in its Integrated Resources Plan. Therefore, WWD No. 29 would be able to adequately supply the proposed project.

In addition to the required daily water supply, the proposed project would be required to install one public fire hydrant and three private on-site fire hydrants. The water pressure needed to supply the required fire flow of 2,000 gallons per minute (gpm) at 20 psi residual pressure for two consecutive hours

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

for public fire hydrants and 1250 gpm at 20 psi for private fire hydrants would be provided by connecting the proposed on-site water infrastructure to the existing mainline in Civic Center Way. According to Los Angeles County Department of Public Works, Waterworks District 29, adequate water flow exists to serve the project site. The project site is located near an existing water main currently owned and operated by WWD No. 29 which under normal conditions would have adequate pressure to accommodate the necessary fire flow.[13]

The proposed project is required to meet the Los Angeles County Green Building Ordinance (as adopted by the City of Malibu Municipal Code, Section 15.24.010), which includes the County's Drought-Tolerant Landscaping Ordinance. In addition, as part of the project, the following features would be incorporated to reduce overall water demand:

> *The proposed project shall incorporate into the building plans water conservation measures as outlined in the following items:*
>
> - *Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;*
> - *Title 24, California Administrative Code, which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation, which can reduce water used before hot water reaches equipment or fixtures; and*
> - *Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.*

With the above "low-impact" design measures, overall water usage would be reduced. Guidelines concerning drought-tolerant and native landscaping included in the County's Green Building Ordinance and the Drought-Tolerant Landscaping Ordinance would also reduce the proposed project's water demands. Regulations such as, at least 75 percent of the project's total landscaped area must be comprised of specified drought tolerant plants, would reduce the site's water usage and runoff. A supplementary measure to the ordinances referenced above, Government Code Section 7800, would further ensure limited personal excess use of water by installing self-regulated public faucets. In addition, the applicant is required to provide the City of Malibu with a letter from WWD No. 29 confirming their ability to serve the project. Further, compliance with Malibu Municipal Code, Section 15.24.010 will ensure impacts would remain less than significant.

Mitigation Measures:

No mitigation measures are required.

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13 WWD No. 29 Developer Participation Agreement Letter

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

Entitlements for water have been secured and are adequate to serve existing uses and projected growth in Malibu. **Table 3.14.3-2, Water Consumption by Proposed Project and Related Projects**, provides estimates of the water demand that would be created by related projects using the generation factors discussed above.

Table 3.14.3-2
Water Consumption by Proposed Project and Related Projects

Land Use	Size/Units	Consumption Rate[1]	Daily Consumption (gpd)	Yearly Consumption (gpy)
Single-Family	57 units	312 gpd/unit	17,784	6,491,160
Condominium/Townhome[2]	40 units	187.2 gpd/unit	7,488	2,733,120
Restaurant	13,004 sf	1,200 gpd/1,000 sf	15,604.8	5,695,752
Hotel	146 rooms	150 gpd/rooms	21,900	7,993,500
Spa	20,298 sf	360 gpd/1,000 sf	7,307.28	2,667,157.2
Commercial/Office	68,639 sf	390 gpd/1,000 sf	26,769.21	9,770,761.6
Commercial/Retail	101,476 sf	390 gpd/1,000 sf	39,575.64	14,445,108
Regional Shopping Center[3]	129,423 sf	360 gpd/1,000 sf	46,592.28	17,006,182
High School[4]	35,315 sf	-	-	-
Satellite Junior College Campus	200 students	24 gpd/student	4,800	1,752,000
Fire Station[5]	1 unit	312 gpd/unit	312	113,880
		Subtotal	**188,133.21**	**37,248,782.09**
		Proposed Project	**11,208**	**4,090,920**
		Total	**199,341.21**	**41,339,702.09**

Source: Water consumption rates were taken from the La Paz Development EIR

[1] *Water consumption rates assumed to be 120 percent of wastewater generation rates*

[2] *Multi-family was used as a proxy for condominium/townhome*

[3] *Community Center was used as a proxy for Regional Shopping Center*

[4] *The high school improvement project (35,315 sf) refers to the Malibu Middle and High School (MMHS) Campus Improvement Project. According to the MMHS EIR the project would neither expand the existing boundaries of MMHS, nor increase enrollment capacity.*

[5] *Single-family was used as a proxy for the Fire Station*

gpd = gallons per day, gpy = gallons per year, sf = square feet.

As shown in **Table 3.14.3-2**, related projects would create demand for an estimated 188,133.21 gpd, and 3.7 million gallons of water per year. Combined with project demand, this would create a total water demand of 199,341.21 gpd of water and 41 million gallons of water per year. Increased use of recycled water, particularly through implementation of the proposed Civic Center Wastewater Treatment Facility (CCWTF), could reduce the demand for water required by individual developments. Nonetheless, this new demand created by the proposed project and related projects would constitute a substantial increase in water demand in the project area. However, coordination and compliance with all measures recommended by the City regarding individual projects water requirements and verification that appropriate funds have been received for the development of water supply and distribution facilities would reduce potential impacts.

As discussed above, MWD's IRP provides a long-range plan for addressing increased water demand in its service area and the growth described in **Table 3.14.3-2** is consistent with the Malibu land use plan. In addition, grading permits shall not be issued until such time that WWD No. 29 indicates that the distribution system and water supply are adequate to serve the project. Therefore, impacts would not be cumulatively considerable and the proposed project would not contribute to a cumulative impact.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.14.4 WASTEWATER

INTRODUCTION

This section of the Draft EIR describes the wastewater disposal conditions in the area surrounding the project site. The analysis focuses on potential impacts to wastewater disposal service. Potentially significant impacts are quantified and mitigation measures are identified to address these impacts, as necessary. All technical studies related to the discussion and analysis in this section are incorporated herein by this reference, and included in **Appendix 3.14.4.**

ENVIRONMENTAL SETTING

The City of Malibu (City) currently does not maintain a publicly owned and operated sewer system. As a result, residents, businesses and public facilities in the City are required to provide their own on-site wastewater treatment systems (OWTS), commonly known as septic systems, to dispose of wastewater (i.e., percolation through leach lines or dry wells). The project site is currently undeveloped, does not generate any wastewater, and is not served by an OWTS.

The water quality of watersheds and their receiving water bodies can be affected by the discharge of wastewater. The Malibu Creek Watershed has been the subject of numerous recent analyses pertaining to water quality. In particular, permitting decisions and water quality studies have focused on bacterial contamination and nutrient loading to the watershed and, more specifically, to Malibu Creek and Malibu Lagoon, which is situated near Surfrider Beach at the southeastern corner of Malibu Valley. The US Environmental Protection Agency (US EPA) and the Los Angeles Regional Water Quality Control Board (RWQCB) have taken significant strides to ensure the protection of the watershed from non-point source pollution. Previous studies conducted in the Civic Center area have indicated that pathogens and nitrogen in wastewater released from OWTS, which represent a category of potential non-point source pollution, may have impaired underlying groundwater within the Malibu Creek Watershed and the Malibu Valley Groundwater Basin.[1]

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1 California Regional Water Quality Control Board, Los Angeles Region, **Final Technical Staff Report**, Evidence in support of an Amendment to the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* to Prohibit On-site Wastewater Disposal Systems in the Malibu Civic Center Area, Technical Memorandum #3: Pathogens in Wastewaters that are in Hydraulic Connection with Beaches Represent a Source of Impairment for Water Contact Recreation, November 5, 2009, website: http://www.waterboards.ca.gov/rwqcb4/press_room/announcements/Public-Hearing-Malibu/Malibu_Final_Resolution_Docs/9.%20TM3.pdf, accessed July 2014.

In response to the findings of these studies, an amendment to the RWQCB's "Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties," also known as the Basin Plan,[2] went into effect on December 23, 2010, for the Malibu Civic Center Area. The amendment (Resolution No. R4-2009-007) was adopted by the RWQCB and ratified by the State Water Resources Control Board (SWRCB) (Resolution No. 2010-0045) to institute a prohibition on new and existing discharges from OWTS in the Malibu Civic Center Area (Prohibition). The Prohibition applies to the "Malibu Civic Center Area," defined as portions of the lower Winter Canyon watershed, Malibu Valley watershed and adjacent coastal strips between and including Amarillo Beach and Surfrider Beach, and also known as the Prohibition Zone (**refer to Figure 3.14.4-1, Prohibition Zone**). The Prohibition calls for discharges from OWTS in the commercial core of the Civic Center area (Area) to cease by November 2015, and for residential properties in the Area to cease discharge by November 2019.

To address the Prohibition, the City entered into a memorandum of understanding (MOU) with the RWQCB and SWRCB to develop a wastewater treatment plant to handle existing and potential future wastewater treatment needs in the Prohibition Zone. The MOU directs the City to design and construct a centralized wastewater treatment facility and to fund it by way of an assessment district. The MOU states that the facility may utilize deep well injection without the use of reverse osmosis, and sets forth a specific schedule and phasing map for properties to cease discharge (i.e., stop the use of OWTSs) and to connect to the new Civic Center Water Treatment Facility (CCWTF) as follows: Phase 1, for the Civic Center Area commercial-core, by November 2015; and Phase 2, the remaining commercial, institutional, residential and multi-family properties in the Area, by November 2019.[3] A third phase of properties may have to cease discharge at a later date, depending on the water quality monitoring results from instituting the first two phases as prescribed in the MOU.

The CCWTF central plant would be located at 24000 Civic Center Way, on a 4.8-acre site bounded by Civic Center Way to the north and the Pacific Coast Highway (PCH) to the south, across the street from Vista Pacifica Drive. At full buildout (i.e., all phases of the Prohibition), the CCWTF would include construction of the centralized wastewater treatment plant, six pump stations, approximately 13.3 miles of pipeline for collection of wastewater and distribution of treated effluent (recycled water) for reuse and/or disposal, disposal facilities such as injection wells and percolation ponds, and associated ancillary facilities. The completed CCWTF is projected to have a treatment capacity of 507,000 gallons per day and the service area would match the boundaries of the Prohibition Zone.

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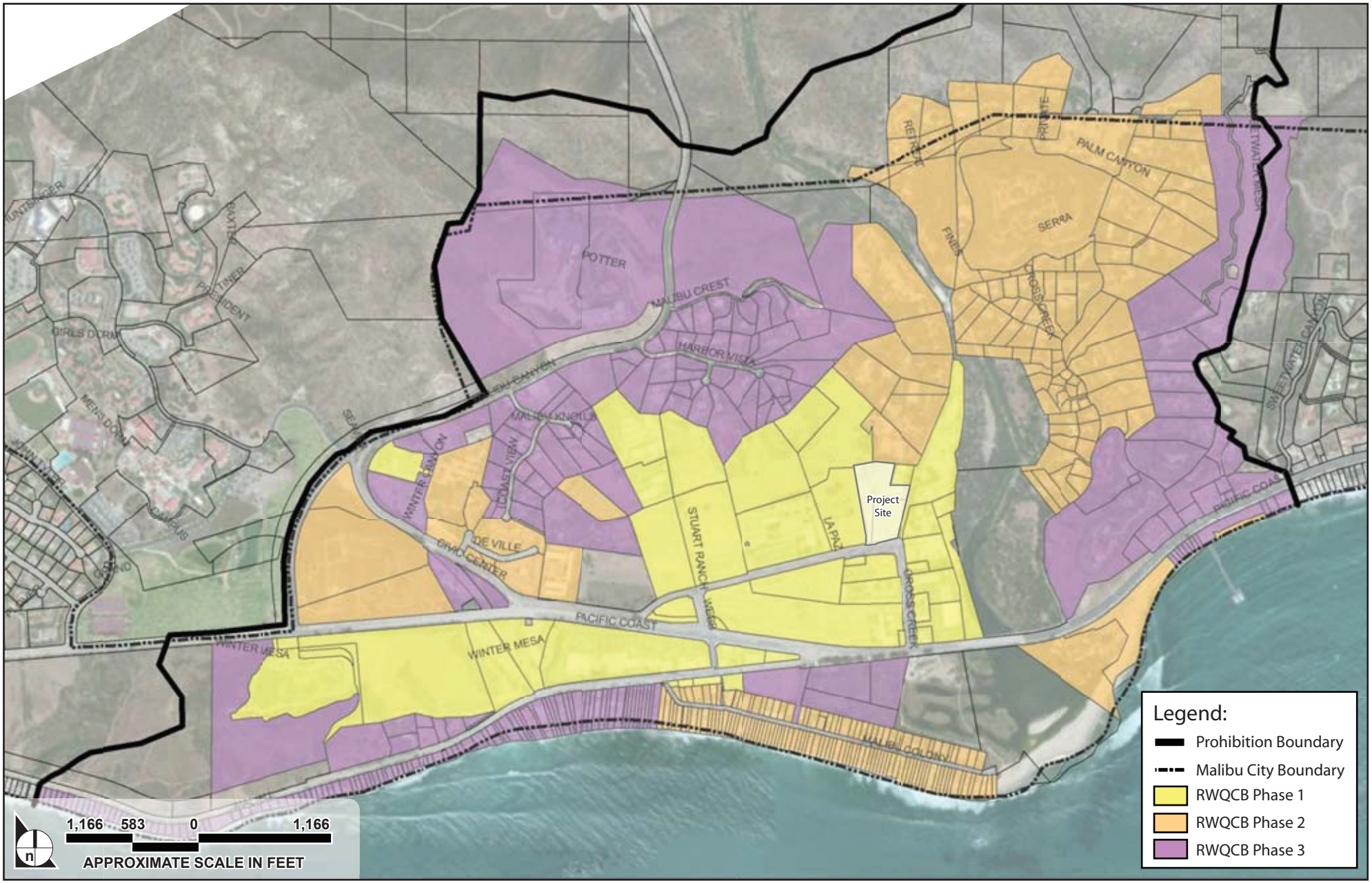
2 Los Angeles Regional Water Quality Control Board, *Water Quality Control Plan*, 1994.

3 Phase 1 of the wastewater treatment facility infrastructure associated with raw wastewater collection and recycled water distribution would be constructed beginning around October 2015 with completion anticipated in April 2017. The MOU was amended in December 2014 to allow properties in Phase 1 of the Prohibition Area (primarily the commercial core of the Civic Center) to connect by June 2017 and Phase 2 (primarily residential properties) to connect by November 2022.



SOURCE: City of Malibu, 2013

FIGURE **3.14.4-1**

Prohibition Zone

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Wastewater flow generation estimates were developed for each type of land use and were applied, by parcel, to develop the flow rates used in CCWTF project design and phasing. These flow rates were applied to each parcel in the Prohibition Zone to arrive at the estimated buildout average dry weather flow (ADWF) for the entire Prohibition Zone. Based on existing wastewater flow rates, winter water use records, and projections of infill development, CCWTF buildout flows for each phase would be subdivided as follows:[4]

- **Phase 1 (2017), Civic Center Area:** 191,000 gallons per day (gpd)
- **Phase 2 (2022):** 17,000 gpd
- **Potential Phase 3 (to be determined):** 146,000 gpd

The pipeline system would include both a *collection* system to convey wastewater flows from within the Prohibition Zone to the CCWTF, and a *distribution* system to distribute the treated effluent (recycled water) from the CCWTF to various land uses for reuse purposes, such as landscape irrigation, as well as to groundwater injection wells or other disposal sites, such as percolation ponds. The pipelines would be installed underground and would generally run beneath public rights-of-way or within easements. Easements would need to be acquired where facilities would occur on private lands. For Phase 1, both the collection and distribution systems would follow along existing street alignments, including Civic Center Way, Stuart Ranch Road, Cross Creek Road, Webb Way, Malibu Road, and a small portion of PCH, refer to **Figure 3.14.4-2, Civic Center Water Treatment Facility Phasing and Pipeline Map**. The collection and distribution pipeline systems are expected to be placed in the same trench along the same pipeline alignment, except where a distribution line may have to run independently in order to reach a potential recycled water use site. Pump stations would be located along the pipelines, mostly below ground. For Phase 1, the pump stations would be located at Legacy Park and Bluffs Park, and for future phases, they would be located in public rights-of-way and/or easements. The aboveground portions for each of the Phase 1 pump stations at Legacy Park and Bluffs Park would include equipment such as a generator, transformer, electrical panel, and switchboard meter. None of the equipment is expected to exceed 8.5 feet in height. The only above-ground features of the collection and distribution infrastructure would be air release valves along pipelines at high or low elevation points (+/- 3 feet tall and 18 inches in diameter), vent pipes at the pump stations, and backup generators, transformers, switchboards/meters and electrical panels, which would be fenced and screened for security and aesthetic reasons.

Pursuant to the California Environmental Quality Act (CEQA), the City has prepared an Environmental Impact Report (EIR) for all phases of implementation of the CCWTF, which was certified by the City on

4 RMC Water and Environment: *Preliminary Design Concept Report for Malibu Wastewater System*, February 10, 2014.

January 12, 2015. Further information regarding the MOU, construction phasing of the CCWTF Project and CEQA review can be found on the City's website page for the Civic Center Wastewater Treatment Facility Project at: http://www.malibucity.org/index.aspx?NID=602.

REGULATORY FRAMEWORK

State Regulations

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) established the principal state program for water quality control.[5] The Porter-Cologne Act also authorized the State Water Resources Control Board (SWRCB) to implement the provisions of the federal Clean Water Act (CWA). The Porter-Cologne Act divided the state into nine RWQCB areas. Each RWQCB implements and enforces provisions of the Porter-Cologne Act and the CWA subject to policy guidance and review by the SWRCB. The Porter-Cologne Act requires each RWQCB to develop a Basin Plan for all areas within its region. The Basin Plan is the basis for each RWQCB's regulatory programs.

Regional and Local Regulations

Water Quality Control Plan, Los Angeles Region

As previously discussed, the project site is located within the Los Angeles Region, which is governed by the Los Angeles RWQCB, also known as Region 4. The Los Angeles RWQCB has jurisdiction over the majority of the Ventura and Los Angeles Counties. The Los Angeles RWQCB has adopted a Basin Plan in accordance with criteria contained in the CWA, the Porter-Cologne Act, and other pertinent state and federal rules and regulations. The intent of the Basin Plan is to provide definitive guidelines and give direction to the scope of RWQCB activities that will optimize the beneficial uses of the state waters within the Los Angeles Basin by preserving and protecting the quality of these waters. The intended beneficial use of water determines the water quality objectives. For example, drinking water must be of higher quality than the water used to irrigate pastures. Both of these are beneficial water uses, but the quality requirements for irrigation water are different from those for drinking water.

5 California Water Code, Sections 13000 et seq., Porter-Cologne Act.

SOURCE: City of Malibu, 2013

FIGURE **3.14.4-2**

Civic Center Water Treatment Facility Phasing and Pipeline Map

The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements for appropriate persons and groups; these can include individuals, communities, or businesses whose waste discharges may affect water quality. These requirements can be either State Waste Discharge Requirements for discharge to land, or federally delegated permits for discharges to surface water. Dischargers are required to meet water quality objectives and thus protect beneficial uses. For further discussion regarding stormwater discharge and water quality, refer to **Section 3.8, Hydrology and Water Quality**.

City of Malibu Local Coastal Program

The City lies entirely within with the California Coastal Zone, as defined by the California Coastal Act. The California Coastal Act requires that its goals and policies be implemented by local governments through the Local Coastal Program (LCP). The Malibu LCP consists of two subparts, the Land Use Plan (LUP) and the Local Implementation Plan (LIP).

LCP Land Use Plan (LUP)

The LUP has specific wastewater services policies. These are listed below.

LUP Policy 3.78 New development shall prevent or reduce nonpoint-source pollution in the near-shore environment through implementation of the nonpoint-source pollution and private sewage disposal system policies.

LUP 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.

LUP Policy 5.48 A water conservation and wastewater recycling program should be developed in coordination with Los Angeles County and the applicable water purveyors for respective water service areas.

LUP Policy 5.49 All new development shall comply with the City's water conservation and wastewater regulation.

LCP Local Implementation Plan (LIP)

LIP Section 18.10, Water Systems/Wastewater Management, contains guidelines about expansion of water and wastewater systems of the City. The section emphasizes that the expansion of existing community sewer facilities (package wastewater treatment plants, dedicated sewer service systems, existing trunk

lines, etc.) in existing developed areas shall be limited in capacity to the maximum level of development allowed by the LCP. According to the section, a public sewer system may be designed and proposed where it is found to be the least environmentally damaging wastewater treatment alternative, where it is designed to serve a capacity of development that does not exceed the amount allowed by the LCP, and where it is found to be consistent with all other policies of the LCP.

City of Malibu Ordinance 377 – Uniform Plumbing Code

The City of Malibu has adopted the California Plumbing Code, 2013 Edition (Part 5 of Title 24 of the California Code of Regulations), which constitutes the City of Malibu Uniform Plumbing Code (UPC). UPC Appendix H (Private Sewage Disposal Systems), Subsection H 1.11 states, "Commercial building and multiple family dwellings to be constructed, or remodeled, after the effective date of this section shall have an on-site wastewater treatment system which provides tertiary sewage effluent treatment as defined by the Building Official, prior to final sewage effluent disposal, unless otherwise approved by the Building Official. However, as the proposed project would be connecting to the new Civic Center Wastewater Treatment Facility, no OWTS is included as part of the proposed project, as such, it will not be subject to this Ordinance.

PROPOSED PROJECT IMPROVEMENTS

The Whole Foods and the Park Shopping Center project (proposed project) consisting of a new 38,425 square foot (sf) neighborhood shopping center in the Civic Center Area designed to be anchored by a Whole Foods Market (24,549 sf) and four smaller commercial buildings (3,015 sf, 3,086 sf, 3,592 sf, and 4,183 sf, respectively). 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 restaurant uses and additional space designed for outdoor dining. Primary vehicle access would be provided from a driveway on Civic Center Way that would be designed to 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.

Outdoor areas would incorporate storm water management features such as biofiltration. For further discussion regarding stormwater discharge and water quality, refer to **Section 3.8, Hydrology and Water Quality**.

For wastewater disposal, the project proposes to connect to the future CCWTF system via points of connection to the projected Phase 1 pipelines in either Civic Center Way or Cross Creek Road. No OWTS is included as part of the proposed project design.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The *State CEQA Guidelines* (Appendix G) identifies applicable criteria for determining whether a project's impacts are considered to have a significant effect on the environment. A project is considered to create a significant impact if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Impact Analysis

Threshold 3.14.4.1 Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

As discussed above, the proposed project would connect to the new CCWTF, which under the conditions of the MOU will be designed to meet the requirements of the RWQCB and the SWRCB. The proposed project has been included in the capacity calculations for the CCWTF and therefore would not exceed any necessary treatment requirements. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.14.4.2 Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Based on the Water Reuse Analysis Report produced by EPD Consultants, Inc., dated September 2, 2011, prepared for the proposed project, wastewater discharge from the proposed project would be approximately 9,340 gallons per day, as shown in **Table 3.14.4-1**:

Table 3.14.4-1
Whole Foods in the Park Shopping Center Project – Projected Wastewater Generation

Land Use	Size	Generation Rate (gallons per day)	Wastewater Generation (Gallons per day)
Whole Foods Market	24,549 sf	0.20 gpd/sf	4,910 gpd
Building 1			
Fine-Dining Restaurant 1	54 seats	30 gpd/seat	1,620 gpd
Carry-out Restaurant 1	515 sf	40 gpd/sf	206 gpd
	5 employees	10 gpd/employee	50 gpd
	Grease Flow	(flat rate[a])	103 gpd
Subtotal Building 1			**1,979 gpd**
Building 2			
Retail 1	1,100 sf	0.08 gpd/sf	88 gpd
Fine Dining Restaurant 2	35 seats	30 gpd/seat	1,050 gpd
Carry Out Restaurant 2	500 sf	40 gpd/sf	200 gpd
	5 employees	10 gpd/employee	50 gpd
	Grease Flow	(flat rate[a])	100 gpd
Carry Out Restaurant 3	485 sf	40 gpd/sf	194 gpd
	5 employees	10 gpd/employee	50 gpd
	Grease Flow	(flat rate[a])	97 gpd
Subtotal Building 2			**1,829 gpd**
Building 3			
Retail 2	3,592 sf	0.08 gpd/sf	287 gpd
Building 4			
Retail 3	4,183 sf	0.08 gpd/sf	335 gpd
TOTAL PROJECT WASTE GENERATION			**9,340 gpd**

gpd = gallons per day; sf = square feet
[a] – engineers estimate
Source: EPD Consultants, Inc. Wastewater Average Flow Estimate, September 2, 2011

These projected wastewater flows have all been factored into the design capacity of Phase 1 of the new CCWTF. As described above, wastewater flow generation estimates for the CCWTF were developed for each type of land use within the Prohibition Area including the Civic Center Area and specifically the proposed project. These generation estimates were applied, by parcel, to develop the flow rates used in CCWTF project design and phasing. These flow rates were applied to each parcel in the Prohibition Zone to arrive at the estimated buildout average dry weather flow for the entire Prohibition Zone. Thus the proposed project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Threshold 3.14.4.3 **Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

As discussed in **Threshold 3.14.4.**2, above, wastewater flows from the proposed project have all been factored into the design capacity of Phase 1 of the new CCWTF; thus the proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand. Impacts will be less than significant.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

Cumulative Impacts

The completed CCWTF is expected to have a treatment capacity of 507,000 gpd and the service area would match the boundaries of the Prohibition Zone. The currently projected wastewater flow generation estimates aggregated from each parcel in the Prohibition Zone following Phase 3 build out would be approximately 354,000 gpd.[6] Therefore excess capacity, beyond Phase 3 buildout in the Prohibition Zone, would exist in the CCWTF, thus the sewer system could accommodate all projected wastewater flow from the Area's proposed projects.

6 RMC Water and Environment: *Preliminary Design Concept Report for Malibu Wastewater System*, February 10, 2014.

Furthermore, each future project would be required to provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects. Therefore, cumulative impacts would be less than significant and the proposed project's contribution would not be cumulatively considerable.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Impacts would be less than significant.

3.14.5 Solid Waste

ENVIRONMENTAL SETTING

Solid waste disposal and recycling services within the City are provided by City approved permitted solid waste haulers and the County of Los Angeles. The County of Los Angeles provides solid waste disposal services for residents and businesses located in the Malibu Garbage Disposal District (MGDD), which includes all of Malibu Road and areas east of John Tyler Drive to the City limit.[1] The project site is not located within the MGDD and thus would be required to contract with a City-permitted hauler. For 2012-2013, the City approved 19 haulers to provide trash, recycling, and green waste removal services.[2]

Solid Waste Disposal

Public agencies and private companies within the County of Los Angeles administer solid waste management, including collection and disposal services and landfill operation which service the City of Malibu. Los Angeles County Sanitation Districts, the City of Los Angeles, and private companies operate waste disposal sites. Transfer stations are used to temporarily store debris until larger hauling trucks are available to transport the materials directly to the landfills. Landfill availability is limited by several factors, some of which include the following: (1) restrictions to accepting waste generated only within a landfill's particular jurisdiction and or watershed boundary; (2) tonnage permit limitations; (3) operational constraints; (4) corporate objectives of landfill owners and operators.

The County of Los Angeles maintains four types of solid waste facilities: (1) Class III landfills; (2) Unclassified landfills; (3) transformation facilities; and (4) materials recovery facilities (MRF). Class III landfill facilities accepts household waste, unclassified landfills are facilities that accept materials such as soil, concrete, asphalt and other construction and demolition debris, and transformation facilities involve the incineration of municipal solid waste in order to generate energy. MRFs recover recyclable materials from other waste to provide for the efficient transfer of the residual waste to permitted landfills for proper disposal.

Solid waste in Los Angeles County is disposed of at a variety of landfills. **Table 3.14.5-1, 2013 Primary Disposal Facilities Used by City of Malibu,** includes the disposal facilities where non-recyclable solid waste generated within the City was disposed of in 2013. The Calabasas Sanitary Landfill and Simi Valley Landfill and Recycling Center were the primary disposal facilities for the City in 2013, accepting

1 City of Malibu, Malibu Garbage Disposal District, http://www.malibucity.org/index.aspx?NID=305, accessed July 9, 2014

2 Rancho Malibu Draft EIR, 2013

17,140 and 9,755 tons of solid waste, respectively. The Calabasas Sanitary Landfill is projected to reach its capacity in 2025,[3] while the Simi Valley Landfill is expected to close by 2052.[4, 5]

Table 3.14.5-1
2013 Primary Disposal Facilities Used by the City of Malibu

Destination Facility	Instate Ton[1]	Transform Ton[2]	Total ADC[3]
Antelope Valley Public Landfill	302	0	0
Azusa Land Reclamation Co. Landfill	15	0	0
Calabasas Sanitary Landfill	17,140	0	10,878
Chiquita Canyon Sanitary Landfill	1,671	0	0
Commerce Refuse-To-Energy Facility	0	1	0
El Sobrante Landfill	20	0	0
Frank R. Bowerman Sanitary LF	1	0	0
Lancaster Landfill and Recycling Center	5	0	39
Olinda Alpha Sanitary Landfill	7	0	0
Puente Hills Landfill	4,070	0	0
Simi Valley Landfill & Recycling Center	9,755	0	2,229
Southeast Resource Recovery Facility	0	2	0
Sunshine Canyon City/County Landfill	189	0	0
Yearly Totals:	**33,173.35**	**3.17**	**13,146.43**

Source: Cal Recycle, Jurisdiction Disposal by Facility, Disposal during 2013 for the City of Malibu, http://www.calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=OriginJurisdictionIDs%3d282%26ReportYear%3d2013%26ReportName%3dReportEDRSJurisDisposalByFacility, accessed July 9, 2014

Notes:

[1] *Instate Ton: Total instate is the total amount of waste generated from within California and includes transformation waste.*

[2] *Transform Ton: The term transformation refers to the use of incineration, pyrolysis, distillation, or biological conversion (other than composting) to combust unprocessed or minimally processed solid waste to produce electricity.*

[3] *ADC=Alternative Daily Cover. ADC is cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.*

3 CalRecycle, Facility/Site Summary Details: Calabasas Sanitary Landfill, http://www.calrecycle.ca.gov/SWFacilities/Directory/19-AA-0056/Detail/, accessed July 10, 2014

4 CalRecycle, Facility/Site Summary Details: Simi Valley Landfill and Recycling Center, http://www.calrecycle.ca.gov/SWFacilities/Directory/56-AA-0007/Detail/, accessed July 10, 2014

5 Closure dates are based on facilities receiving the maximum daily permitted capacity and could be extended if the maximum daily capacity is not being reached.

Hazardous Materials Collection and Disposal

Certain uses and activities generate hazardous waste that cannot be disposed of at Class III or unclassified landfills. The California Hazardous Waste Control Law (Health and Safety Code Section 25100 through Section 25249) requires that these hazardous materials be transported and disposed of or treated at a licensed facility. The disposal and transport of hazardous materials is complicated by the fact that there are many forms of hazardous materials. Operations that use hazardous materials and/or generate hazardous waste are responsible for the disposal of the waste.

The Los Angeles County Department of Public Works (LACDPW) has indicated that existing hazardous waste management facilities within the County are inadequate to meet the waste currently generated within Los Angeles County. However, there are several Class I and II landfills that exist in Southern and Central California that can accept hazardous waste generated within the City. Each is identified briefly below.

- **Laidlaw Landfill, Buttonwillow, Kern County, California:** This facility accepts hazardous and non-hazardous waste and is permitted as a Class I landfill. The facility has no restrictions for the amount of waste that can be accepted on a daily basis.
- **Kettleman Hills Landfill, Kettleman City, Kings County, California:** This is a Class I permitted landfill that accepts hazardous and non-hazardous waste with no capacity restrictions.
- **McKittrick Waste Treatment Site, McKittrick, Kern County, California:** This facility is a Class II permitted landfill that accepts hazardous and non-hazardous waste. The facility has a capacity restriction of 412 cubic meters daily.

In addition, Los Angeles County has prepared a Household Hazardous Waste Element (HHWE) to provide for management of household hazardous waste generated by the residents within its jurisdiction, which would include the residents living in the City of Malibu.

Future Solid Waste Management Conditions

Currently, solid waste generated in the City is disposed of in local landfills. In the future, the amount of waste diverted from landfills is expected to increase as a result of AB 939 (discussed below). However, as growth occurs throughout Southern California, new landfill capacity will be required and/or other waste disposal alternatives will require implementation.

Options that have been discussed include expanding existing landfills, developing new landfills locally, transferring solid waste out of the County or state by truck or rail, or the incineration of solid waste in co-generation plants that generate electricity. New and expanded landfills are expected to be approved as part of a comprehensive solid waste program.

The transfer of solid waste either out of the County, or state, is also an option. One landfill, the Mesquite Regional Landfill, which receives Los Angeles area waste by rail car, provides some long-term solid waste disposal for Los Angeles County. The landfill is located in southern Imperial County and is owned by the Sanitation Districts of Los Angeles County (Sanitation Districts). The operation of the site provides 100 years of disposal capacity for Los Angeles County. The Mesquite Regional Landfill is permitted to accept up to 20,000 tons of waste each day.[6]

Though some landfills are currently restricted to accept solid waste from a limited geographical area, the US Supreme Court has held that any restriction limiting inter-jurisdictional transfers to landfills willing to accept solid waste is unconstitutional because such restrictions infringe on the landfill operator's ability to actively participate in interstate commerce.[7] It is therefore likely that inter-jurisdictional transfers will increase as a method of managing solid waste.

REGULATORY FRAMEWORK

Federal

There are no federal statutes related to solid waste services that would apply to the proposed project.

State

California Integrated Waste Management Act

In response to reduced landfill capacity, the State of California passed in 1989 the California Integrated Waste Management Act (CIWMA). This legislation (generally known by the name of the enacting bill AB 939) requires cities and counties to reduce the amount of solid wastes entering existing landfills, through recycling, reuse and waste prevention efforts.

AB 939 requires every city and county in the state to prepare a Source Reduction and Recycling Element to its Solid Waste Management Plan that identifies how each jurisdiction planned to meet mandatory state waste diversion goals of 25 percent by the year 1995, 50 percent by the year 2000, and 75 percent by the year 2020. The purpose of AB 939 is to "reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible." Noncompliance with the goals and timelines set forth within the act can be severe, as the bill imposes fines up to $10,000 per day on jurisdictions not meeting these recycling and planning goals. AB 341 went into effect July 2012 and establishes a 75 percent diversion rate for the year

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6 Sanitation Districts of Los Angeles County, Mesquite Regional Landfill, http://www.mrlf.org/index.php?pid=5 , accessed July 9, 2014

7 *Philadelphia v. New Jersey*, 437 US 617 (1978).

2020 as a statewide goal. AB 341 also requires mandatory commercial recycling for businesses that generate four cubic yards or more of solid waste per week.

AB 939 requires jurisdictions to utilize "integrated waste management"—a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment. The act establishes the following waste management hierarchy:

- *Source Reduction: "Source reduction" means any action that causes a net reduction in the generation of solid waste. "Source reduction" includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard waste generated, establishing garbage rate structures with incentives to reduce the amount of waste that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. "Source reduction" does not include steps taken after the material becomes solid waste.*[8]

- *Recycling: "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation.*[9]

- *Composting: "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or that are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes that are not hazardous waste.*[10]

- *Transformation: "Transformation" means incineration, pyrolysis, distillation, or biological conversion other than composting. "Transformation" does not include composting, gasification, or biomass conversion.*[11]

- *Disposal: "Solid waste disposal" or "disposal" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.*[12]

8 California Public Resources Code, Sec. 40196

9 California Public Resources Code, Sec. 40180

10 California Public Resources Code, Sec. 40116

11 California Public Resources Code, Sec. 40201

12 California Public Resources Code, Sec. 40192

The target disposal rate for the City of Malibu is 18.4 pounds per resident per day and 52.2 pounds per employee per day. In 2011, the City of Malibu's disposal rate per resident was 11.8 pounds per person per day and 29.4 pounds per employee per day, well below the target disposal rate.[13, 14]

AB 341

On July 1, 2012 AB 341 was adopted. This legislation is designed to help the State meet its recycling goal of 75 percent by the year 2020. The law requires California commercial enterprises and public entities that generate 4 or more cubic yards per week of waste, and multi-family housing complexes with five or more units, to adopt recycling practices. Businesses can take one or any combination of the following in order to reuse, recycle, compost or otherwise divert solid waste from disposal:

- self-haul
- subscribe to a hauler(s)
- arrange for the pickup of recyclable materials
- subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation

A property owner of a commercial business or multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

California Integrated Waste Management Board Model Ordinance

Subsequent to the passage of CIWMA, additional legislation was passed to assist local jurisdictions in accomplishing the goals of AB 939. The California Solid Waste Reuse and Recycling Access Act of 1991 (Section 42900–42911 of the Public Resources Code) directs the California Integrated Waste Management Board (now the Department of Resources Recycling and Recovery, or CalRecycle) to draft a "model ordinance" for the provision of adequate areas for collecting and loading recyclable materials in development projects. If, by September 1, 1994, a local agency did not adopt its own ordinance based on the CalRecycle model, the CalRecycle model ordinance took effect for that local agency. The County of Los Angeles chose to use the CalRecycle model ordinance.

13 CalRecycle, Jurisdiction Diversion/Disposal Rate Summary (2007–Current).

14 2011 reflects the most current information published by CalRecycle.

Local

County of Los Angeles Solid Waste Management Action Plan

In 1988, the County of Los Angeles Board of Supervisors approved the Los Angeles County Solid Waste Management Action Plan to provide long-range management of the solid waste generated within the County. This plan includes such approaches as source reduction, recycling and composting programs, household hazardous waste management programs and public education awareness programs. The plan concludes that land filling will remain an integral part of the waste management system and calls for the establishment of 50 years of in-County permitted landfill capacity, as well as the County's support for the development of disposal facilities out of the County.

County of Los Angeles Source Reduction and Recycling Element

The Source Reduction and Recycling Element (SRRE) was prepared as required by AB 939. It describes policies and programs implemented by the County for the County's unincorporated areas to achieve the state mandates of 25, 50, 60, and 75 percent waste disposal reductions for the years 1995, 2000, 2015, and 2020, respectively. Per the Integrated Waste Management Act of 1989, the SRRE projects disposal capacity needs for a 15-year period. The current SRRE 15-year period commenced in 2006.

County of Los Angeles Non-Disposal Facility Element

AB 939 requires every city and county within the state to prepare and adopt a Non-Disposal Facility Element (NDFE) to identify all existing, proposed expansions of, and proposed new non-disposal facilities. These include source reduction and recycling facilities that are needed to implement the local jurisdiction's SRRE. Los Angeles County's NDFE identifies 20 existing materials recovery facilities/transfer stations, and nine proposed material recovery facilities as non-disposal facilities. In addition, the County's NDFE also identifies the utilization of four landfill facilities, operated by the County Sanitation Districts of Los Angeles County, for diversion of yard/green waste which is intended to be used as alternative daily cover at the landfills.

City of Malibu General Plan

The City's General Plan is primarily a policy document that sets goals concerning the community and gives direction to growth and development. In addition, it outlines the programs that were developed to accomplish the goals and policies of the General Plan. The Plan's Conservation Element serves as a guide for the conservation, protection, restoration, management, development, and appropriate and responsible utilization of the City's existing natural resources. The Conservation Element includes goals and policies

pertaining to solid waste disposal such as the City shall reduce solid waste and encourage recycling, and co-composting. The Plan also includes an objective to reduce the amount of solid waste generated by the community and disposed of in landfills by 50 percent by the year 2000. As discussed above the City has surpassed this objective. The Conservation Element includes the following objectives and policies pertaining to the proposed project and solid waste:

CON Objective 5.1: 50% reduction in the amount of solid waste generated by the community and disposed of in landfills by the year 2000.

CON Policy 5.1.1: The City shall reduce solid waste

CON Policy 5.1.2: The City shall encourage recycling

City of Malibu Municipal Code

Title 17 of the City's Municipal Code includes development standards and regulations to assure adequate utilities and improvements for the development of the City. Section 8.32 provides guidelines and regulations for the collection of solid waste from commercial, industrial, and residential premises. Additional guidelines encourage recycling solid waste materials to meet the requirements of the California Integrated Waste Management Act of 1989 by source reduction of the solid waste stream, diversion of solid waste from landfills, and conservation of natural resources.

PROJECT DESIGN FEATURES

Sustainable design features are included in the proposed project's design to decrease the amount of solid waste disposed of in landfill facilities from operation of the proposed project. Areas for the depositing, storage, and collection of materials for recycling purposes would be included as a project component. In addition, building materials with recycled content would be used to the full extent possible.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The following thresholds for determining the significance of impacts related to fire and medical services are contained in the environmental checklist form contained in Appendix G of the most recent update of the *California Environmental Quality Act (CEQA) Statutes and Guidelines*. Impacts related to fire and medical services are considered significant if the proposed project would:

- be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or

- comply with federal, state, and local statues and regulations related to solid waste

Impact Analysis

Threshold 3.14.5-1 Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs

No structures currently exist on the project site; therefore the project site does not generate solid waste. A small portion of the site has been paved. Demolition of the paved area and removal of soil on the project site would generate inert waste. Waste generated during demolition and construction would result in an incremental and intermittent increase in solid waste disposal at landfills and other waste disposal facilities generally within Los Angeles County. Trash and wood would be delivered to the Downtown Diversion facility located in Los Angeles and asphalt would be delivered to the Lovco crushing facility in Wilmington. Hazardous materials for construction activities would be disposed of at the Kettleman facility in Kings County. Given the sufficiency of available capacity, the disposal of demolition and construction debris would not result in impacts that are considered significant. No mitigation is proposed or is required.

Hazardous waste generation and disposal during project operation would be handled and disposed of in accordance with all appropriate state and federal laws. Because of the many laws and regulations associated with the disposal of hazardous waste, it would have to be determined at the time of disposal where any certain hazardous waste would be taken. At this time, hazardous wastes cannot be disposed of within Los Angeles County. However, hazardous debris generated during construction and operation can be accommodated by the permitted Class I and II landfills currently in operation within southern and central California, and no significant impact to hazardous waste disposal facilities are expected as a result of the proposed project.

As shown in **Tables 3.14.5-2, Proposed Project Solid Waste Generation (No Recycling)** the proposed project would generate a net increase in solid waste generation over existing uses of approximately 145.97 pounds per day, or about 26.63 tons per year ((145.97 * 0.005) * 365) These quantities represent no recycling activities in place. The proposed project would, as applicable for project operations incorporate storage and collection of recycling items into the project design, including applicable provisions of ordinances related to hours of collection and operation of on-site equipment. Should recycling occur in accordance with current state law, the project would generate a total of approximately 13.32 tons per year of solid waste (a 50 percent reduction). With a solid waste diversion program (e.g., adequate areas for collecting and loading recyclables) in place, the project would meet at least the minimum recycling level established by Los Angeles County (currently 50 percent, with an increase by 25 percent in 2020).

Thus the proposed project would incrementally increase the amount of solid waste that would be disposed of in area landfills. In accordance with AB 341, the proposed project would be required to provide recycling services to help offset this impact. Additionally, the City may require additional fees that could be used towards development of new facilities or expansion of existing facilities.

Table 3.14.5-2
Proposed Project Solid Waste Generation (No Recycling)

Building	Building Size (square feet)	Generation Factor[1]	Daily Generation (lbs/day)	Annual Generation (tons/year)
Whole Foods	24,549	3.12 lbs/1000 sf/day	76.59	13.97
Commercial/Retail [1]	13,876	5 lbs/1000 sf/day	69.38	12.66
		Total	145.97	26.63

Source: Impact Sciences, Inc. 2014.
[1] *Solid waste daily generation rates provide by CalRecycle.ca.gov.*
lbs = pounds, sf = square feet.

As discussed above, the Simi Valley Landfill and Recycling Center and the Calabasas Landfill are the primary disposal facilities of non-recyclable solid waste for the City. The Simi Valley landfill has an estimated remaining capacity of 119 million cubic yards (mcy) and is projected to reach its capacity around 2052. The Calabasas landfill has an estimated remaining capacity of 18 mcy and is projected to reach its capacity around 2025. Further, as shown above in **Table 3.14.5-1,** several other landfill facilities in the County would accept solid waste generated by the proposed project.

The estimated remaining capacity of permitted Class III landfills at the end of 2012 in Los Angeles County was approximately 129 million tons.[15] Further, the Mesquite Regional Landfill, located outside the County has 100 years of capacity available to Southern California counties. Based on existing agreements, facilities in and outside Los Angeles County maintain sufficient capacity to serve the proposed project. As the proposed project's contribution would be minimal on a regional scale and would not exceed the capacity of existing Los Angeles County landfills or require provision of new or physically altered facilities to maintain service; impacts would be less than significant.

Although impacts were determined to be less than significant, and no mitigation measures are necessary, project impacts could be further reduced with the implementation of recommended mitigation measures below.

15 County of Los Angeles Department of Public Works, *Los Angeles County Integrated Waste Management Plan 2012 Annual Report*

Mitigation Measures

The proposed project shall implement the following mitigation measures for project related solid waste service impacts.

3.14.5-1: Pursuant to the City's Construction and Demolition Debris Recycling Program, an affidavit and certification to implement a Waste Reduction and Recycling Plan for the proposed project shall be completed and submitted to the City Environmental Sustainability Department prior to building permit issuance. The Plan shall include plans to recycle at a minimum 50 percent of discarded materials, such as concrete, sheetrock, wood, and metals, from proposed construction. Upon completion of the project, a Summary Report must be submitted to the Environmental Sustainability Director for approval.

3.14.5-2: Pursuant to the City's Integrated Waste Management Program, the project applicant shall provide a plan for the disposal, storage, and collection of solid waste material for the project. The development of the plan shall be coordinated with City-permitted solid waste collection and disposal firms.

Residual Impacts

Impacts would be less than significant.

Threshold 3.14.5-2 Comply with federal, state, and local statues and regulations related to solid waste

During construction and operation of the proposed project, the applicant would comply with all applicable City, County, and State solid waste diversion, reduction, and recycling mandates, including compliance with the City's Source Reduction and Recycling Element (SRRE), and the City of Malibu's Municipal Code. Compliance with these regulations and mandates would assist in reducing the amount of waste deposited in local landfills. Therefore, impacts related to regulatory compliance would be less than significant. No mitigation is required.

Mitigation Measures

No mitigation measures are required.

Residual Impacts

Less than significant.

Cumulative Impacts

Implementation of the proposed project in conjunction with related projects would further increase the amount of solid waste generated in the area and demand for solid waste services. The County of Los Angeles anticipates sufficient solid waste capacity through the year 2026.[16] As discussed above, several landfills within the County have sufficient capacity to serve the County's anticipated waste disposal needs; in addition, the County has an agreement with the Kettleman Landfill, which has identified 100 years of capacity available to Los Angeles County. **Table 3.14.5-3, Cumulative Development Solid Waste Generation Estimate**, shows the projected daily and annual solid waste disposal for related projects. The waste disposal amounts for the proposed project and related projects do not reflect any diversion of solid waste by recycling programs. However, each project would be required to provide adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance to reduce the volume of solid waste entering landfills.

As shown in **Table 3.14.5-3**, **Cumulative Development Solid Waste Generation Estimate,** related projects would generate up to 987 tons of solid waste per year. Combined with solid waste generated from the proposed project, 1,013.6 tons of solid waste would be generated per year, assuming no recycling. The proposed project's contribution would constitute an approximately 2.6 percent increase in solid waste generation, and would therefore not be cumulatively considerable.

The proposed project would contribute to an incremental cumulative impact on landfill capacity; however, with incorporation of mitigation requiring the recycling diversion of waste from landfills, the proposed project's contribution would not be cumulatively considerable.

Mitigation Measures

Mitigation Measures 3.14.5-1 and **3.14.5-2,** above.

Residual Impacts

With implementation of **Mitigation Measures 3.14.5-1** and **3.14.5-2,** impacts would be less than significant.

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16 Los Angeles County Department of Public Works, *Los Angeles County Integrated Waste Management Plan, 2012 Annual Report*

Table 3.14.5-3
Cumulative Development Solid Waste Generation Estimate

Land Use	Size/Units	Generation Rate	Daily Generation (lbs/day)	Annual Generation (tons/year)
Residential				
Single-Family	57 units	9.8 lbs/du/day	558.6	101.9
Condominium/Townhome[1]	40 units	5.3 lbs/du/day	212.4	38.7
Commercial				
Restaurant	13,004 sf	0.005 lbs/sf/day	65.02	11.8
Hotel	146 rooms	2 lbs/room/day	292	53.2
Commercial/Office	68,639 sf	0.006 lbs/sf/day	411.8	75.1
Commercial/Retail	81,627 sf	2.5 lbs/1,000 sf/day	204	37.2
Regional Shopping Center	129,423 sf	2.5 lbs/100 sf/day	3,235.5	590.4
Educational Facilities[4]				
High School	35,315 sf	0.007 lbs/sf/day	247.2	45.1
Satellite Junior College Campus	25,000 sf	0.007 lbs/sf/day	175	31.9
Public Facilities				
Fire Station[2]	I unit/6,033 sf	9.8 lbs/du/day	9.8	1.7
Subtotal			**5,411.32**	**987**
Proposed Project			**145.97**	**26.63**
Total			**5,557.29**	**1,013.6**

Source: Source: Impact Sciences, Inc. 2014.
Solid waste daily generation rates provide by CalRecycle.ca.gov.
[1] *Multifamily waste generation was used as a proxy for proposed condominiums/townhomes*
[2] *Single family waste generation was used as a proxy for the proposed fire station*

4.0 ALTERNATIVES

INTRODUCTION

This section of the Environmental Impact Report (EIR) provides a comparative analysis of the merits of alternatives to the proposed project pursuant to Section 15126.6 of the *California Environmental Quality Act (CEQA) Guidelines*, as amended. The purpose of the alternatives analysis is to explain potentially feasible ways to avoid or minimize significant effects of the project. According to the *State CEQA Guidelines*, the EIR need only examine in detail those alternatives that could feasibly meet most of the basic objectives of the project. When addressing feasibility, the *State CEQA Guidelines* Section 15126.6 states that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the applicant can reasonably acquire, control or otherwise have access to alternative sites." The *State CEQA Guidelines* also specify that the alternatives discussion should not be remote or speculative, and need not be presented in the same level of detail as the assessment of the project.

Therefore, based on the *State CEQA Guidelines*, several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of analytical detail that should be provided for each alternative. These factors include (1) the nature of the significant impacts of the project, (2) the ability of alternatives to avoid or lessen the significant impacts associated with the project, (3) the ability of the alternatives to meet the objectives of the project, and (4) the feasibility of the alternatives. These factors would be unique for each project.

Project Objectives

As set forth in **Section 2.0**, **Project Description**, the applicant proposes to redevelop uses on the project site in order to meet the following objectives:

- Fulfill the City's General Plan and Local Coastal Program objectives for commercial development in the Civic Center area.
- Provide several compatible uses, meeting both local and visitor-serving needs, within one shopping center in a convenient location with shared parking.
- Afford a wider range of organic grocery and produce options to support the Malibu community and reduce reliance on out-of-town markets and vehicle trips.
- Extend the shopping experience that exists on Cross Creek Road into a park-like atmosphere, which will provide a physical and visual link to Legacy Park.

- Situate the project in an area where it is clustered with other similar uses along the eastern portion of Civic Center Way.
- Increase pedestrian interaction among the business and public spaces along Civic Center Way and Cross Creek Road.
- Create a visually appealing and inviting project to add to the Civic Center of Malibu.
- Revegetate the site with plantings that incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant community.
- Provide an aesthetic relationship with the Santa Monica Mountains and Malibu Creek.
- Minimize and eliminate negative impacts to the neighborhood.
- Deliver project features that contribute significant benefits to the community.
- Comply with Measure R.

SELECTION OF ALTERNATIVES FOR ANALYSIS

According to the *State CEQA Guidelines*, the discussion of alternatives should focus on alternatives to a project or its location that can feasibly avoid or substantially lessen the significant effects of the project. The *State CEQA Guidelines* indicate that the range of alternatives included in this discussion should be sufficient to allow decision makers a reasoned choice. The alternative discussion should also provide decision makers with an understanding of the merits and disadvantages of these alternatives.

Section 3.0, Environmental Impact Analysis, of this EIR concludes that proposed project implementation would result in significant and unavoidable environmental impacts. These impacts include short-term noise impacts during construction.

In response to these impacts, the City of Malibu, as Lead Agency, identified and considered several alternatives to the proposed project to determine if these alternatives could avoid or substantially lessen these significant impacts. These alternatives included a no-project alternative, a reduced ancillary retail square footage alternative, a two-story building alternative, a reduced supermarket square footage alternative, an alternate site in the Civic Center area alternative, an alternative uses alternative, and a subterranean parking lot alternative. However, as described below, the reduced supermarket square footage alternative, the alternative site alternative, the alternative use alternative, and the subterranean parking alternative were all found to be infeasible and therefore were eliminated from detailed consideration. The remaining three alternatives are evaluated in detail below.

The *State CEQA Guidelines* state that an "EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."[1]

The *State CEQA Guidelines* also state that "[t]he range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project."[2]

In defining the feasibility of alternatives, the *State CEQA Guidelines* state that "[a]mong the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site."[3]

The limitations of the Malibu General Plan and the Local Coastal Program (LCP) are constraints which could make an alternative infeasible and which the Lead Agency can consider in limiting its range of alternatives.[4] A narrow range of alternatives is permitted where, due to legal, planning and other constraints, the agency does not have a broader range of potentially feasible alternatives to choose from.[5]

Taking into account the requirements of the Malibu General Plan, Zoning Code, and LCP that strictly limit the uses and floor to area ratio (FAR) of any development proposed for the site, the EIR's alternatives analysis considers a "reasonable range" of alternatives. The applicable constraints and project location dictate that any alternative will have substantially the same impacts as the project.

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1 *State CEQA Guidelines* Section 8 15126.6(a)

2 *State CEQA Guidelines* Section 15126.6(f)

3 *State CEQA Guidelines* Section 15126.6(f)(1)

4 See Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 569-573; Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1141-1142 Save Our Residential Environment v. City of West Hollywood (1992) 9 Cal.App.4th 1745, 1751-1754.

5 See Marin Mun. Water Dist. v. KG Land California Corp. (1991) 235 Cal.App.3d 1652, 1664-1666; Remy & Thomas (11th Ed. 2007), § p. 567, citing Mountains Lion Foundation v. Fish and Game Commission (1997) 16 Cal.4th 105, 135-136.

The LCP specifies that the maximum FAR in the Civic Center is 0.15, except that the project FAR may be increased to 0.20 if public benefits and amenities are provided pursuant to a development agreement or planned development.[6]

The LCP requires that all commercial projects in the Civic Center provide at least 25 percent open space and at least 40 percent landscaping.[7] Furthermore, the LCP includes broad front, rear, and side yard requirements.[8]

The General Plan and LCP require that the project incorporate recreational opportunities and allow for pedestrian and bicycle circulation.[9]

The Malibu General Plan Land Use Policies 4.1, 4.3.2, and Implementation Measure 36 require commercial buildings to be equivalent in height and bulk with adjacent residences. The LCP also requires that the project be designed to "minimize conflicts with adjacent residential uses."[10]

There are additional site constraints. The Fire Department requires 26-foot access roads with appropriate turn-arounds and requires that any structures be reached within a 150-foot fire access radius.[11]

Alternatives considered but not evaluated in detail

Section 15126.6(c) of the *State CEQA Guidelines* states that an EIR should briefly describe the rationale for selecting the alternatives to be discussed and the reasons for eliminating alternatives from detailed consideration in an EIR. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is failure to meet most of the basic project objectives, infeasibility, or inability to avoid or substantially reduce significant environmental impacts. Provided below are the reasons for not providing detailed evaluation of some of the alternatives initially developed by the Lead Agency.

Alternative Site

The proposed project consists of the development of the two contiguous parcels at the corner of Civic Center Way and Cross Creek Road in the Civic Center area of the City of Malibu. Specifically, the objectives of the project focus on the development of the site with a commercial shopping center which

6 LCP, Land Use Policy 5.18; LIP, §3.8(A)(5)(e)(4).

7 LIP, § 3.8(A)(5)(b).

8 LIP, § 3.8 (A)(2).

9 See General Plan Land Use Goal 3 and Land Use Policies 2.1.6, 4.3.5, and 4.36; LCP Land Use Policies 5.8 and 5.14.

10 LCP, Land Use Policy 5.9.

11 Uniform Fire Code, § 902.2.1.

provides several compatible uses, meeting both local and visitor-serving needs, within one convenient location with shared parking. While other vacant, unentitled, parcels are left in the Civic Center area they are located west of the County Library/Courthouse complex, bordering on Stuart Ranch Road. These parcels are separated from the cluster of retail/restaurant development along Cross Creek Road, and by the approved, but as yet unbuilt, La Paz office-retail development and the County parcel. This alternative is inconsistent with project objectives, since clustering of retail development is a goal not only of the proposed project, but of the City's LCP, and General Plan. It would not fulfill the project objective of clustering commercial development with other similar uses to increase pedestrian interaction along Civic Center Way and Cross Creek Road. Lastly, the development of the same uses at a different location would likely result in similar construction related noise impacts. Thus, the selection of an alternative site may not avoid significant impacts.

As indicated in *State CEQA Guidelines* Section 15126.6(c) "among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (1) failure to meet most of the project objectives, (2) infeasibility, or (3) inability to avoid significant environmental impacts." As discussed above, the relocation of the project to an alternative site would not be feasible because developing an alternative site would not meet the project, LCP, and the City's General Plan objectives, and because development on an alternative site would not necessarily avoid or substantially lessen any of the significant effects of the project. Therefore, this alternative has been eliminated from detailed consideration.

Reduced Supermarket Square Footage Alternative

The reduction of the supermarket square footage would allow for the provision of more open space on the project site, in accordance with the requirements of the LCP that all commercial projects in the Civic Center provide at least 25 percent open space and at least 40 percent landscaping. However, reduction of the market square footage would not be feasible as the size of the market currently described under the proposed project is the minimum square footage required for a Whole Foods market, the proposed anchor tenant. The market is the "anchor use" whose prestige and name recognition would attract other well-regarded tenants to the center. Whole Foods would serve as the primary draw to bring shoppers to the site, while the inclusion of smaller retailers and restaurants would enable multiple tasks to be accomplished in the same location, using the same parking lot. Independent retail market analysis has shown that numerous Malibu residents shop at other Whole Foods markets in West Los Angeles, Santa Monica, and the West San Fernando Valley. The loss of Whole Foods as the anchor tenant would significantly reduce the economic viability of the project. Therefore, this alternative has been eliminated from detailed consideration.

Subterranean Parking Lot Alternative

A project utilizing subterranean parking would potentially allow for the provision of more open space on the project site, in accordance with the requirements of the LCP that all commercial projects in the Civic Center provide at least 25 percent open space and at least 40 percent landscaping. However, subterranean parking is considered inappropriate for the supermarket use proposed as the anchor on the site. Subterranean parking combined with supermarket uses in low-density suburban areas is generally found to be problematic, as it diminishes convenient access to and from the market for shoppers. Many shoppers, rather than maneuvering shopping carts in and out of an elevator, will simply park on the street nearby, or utilize other nearby surface lots allocated for other businesses.

In addition, there are special circumstances due to the property elevation in relation to the water table in the area that make it potentially damaging to the aquifer to use underground parking which would allow for more landscaped space at ground level. On this site, historic high groundwater is reported to be 5 feet below grade.[12] According to the project geologist, underground parking in an area of high ground water requires constant pumping of the underground parking area and causes disposal issues. Also, because of the narrow distance between grade and the high water table, the use of subterranean parking to achieve more landscaped space at ground level would displace a corresponding amount of water, elevating the water table on adjacent properties, which may be exacerbated when coupled with the subterranean parking garage approved on the adjoining La Paz site. In addition, protection of the water table from potential pollution, especially important for properties closer to Malibu Creek, may not be controllable on a fail-safe basis from an underground garage.

Protection of the water table from pollution in such an instance would be extremely wasteful of energy, since pumps would have to run 24-hours per day to clear water from the garage and that water, once removed, would be considered potentially toxic, and could not be discharged directly into the storm drain system. The high water table also makes irrigation of large areas a concern due to potential ground water mounding, which could affect both the subject property and other properties in the area.

Further, given the additional amount of excavation, soil export and the added duration of construction time, this alternative would not necessarily avoid or substantially lessen any of the significant effects of the project and could potentially result in new air quality or geotechnical impacts. Therefore, this alternative has been eliminated from detailed consideration.

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12 Van Beveren and Butelo, Inc. 2007. *Report of Geologic and Geotechnical Investigation Proposed Rancho Malibu Resort*.

Alternative Uses

Alternatives involving agricultural, residential, and/or industrial land uses were dismissed as being infeasible because the project site is not zoned for such uses, such uses would not meet any of the project objectives and they would not be compatible with existing commercial and Civic Center land uses in the surrounding area. In addition, the physical characteristics of such uses would be purely conjectural; CEQA does not require speculative analysis.[13] Therefore, this alternative has been eliminated from detailed consideration.

PROJECT ALTERNATIVES

Section 3.0, Environmental Impact Analysis, determined that implementation of the proposed project would result in the following significant and unavoidable impact:

- Short-term project-level construction impacts related to noise

Please refer to **Section ES, Executive Summary,** for a complete list of all project impacts, cumulative impacts, and mitigation measures related to the proposed project.

Based on considerations of avoiding or substantially reducing significant impacts associated with the proposed project, as well as consideration of the basic objectives of the project, public comments received in response to the Notice of Preparation (NOP), discussions with City staff, the public, and other public agencies, the following three alternatives to the proposed project were selected for analysis:

- Alternative 1: No Project/No Development Alternative
- Alternative 2: Code Complying Alternative
- Alternative 3: Two-story Building Alternative

Alternative 1 – No Project/No Development

Under *State CEQA Guidelines* Section 15126.6(e)(3)(B), the No Project Alternative analysis may involve two separate evaluations. The first involves analysis of a No Project Alternative that compares the proposed project's significant impacts to the existing development on the project site (No Project/No Development Alternative). The second No Project Alternative analysis evaluates the consequences of foreseeable development if the proposed project is not approved. Under this analysis, if disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "No Project" (i.e., No Project/Foreseeable Development) consequence should be

13 *State CEQA Guidelines* Section 15145

discussed. Although it is foreseeable that another proposal for development of the site would occur in the future if the proposed project were not approved, given the broad array of permitted uses at the project site, the physical characteristics of such a future development cannot be known at this time. Consequently, any discussion of a No Project/Foreseeable Development alternative would be purely conjectural; as previously stated, CEQA does not require speculative analysis. Thus, this section only analyzes the No Project/No Development Alternative. Under the No Project/No Development Alternative, the project site would remain in its current state, with no new construction or development occurring within the foreseeable future.

Aesthetics

The No Project/No Development Alternative would not alter the physical appearance of the project site as no new construction would occur. The existing topographic and vegetative characteristics of the site would remain unchanged. The views of the northern hillside from vantage points to the south looking in a northerly direction and views from the south would continue to be unobstructed as they overlook the project site. The project site would, however, remain somewhat incompatible with the existing and planned environment within the Civic Center area, as the project site would neither be developed for local and visitor-serving serving uses or be in a state of natural open space. The project site is routinely disked for fire prevention measures, which detracts from its natural landform. Aesthetic and view impacts would be considered less than significant.

The No Project Alternative would not require the need for additional lighting or introduce new sources of daytime glare, as no new development would occur. Therefore, no impacts associated with light and glare would be created. Although the proposed project would also result in less than significant impacts related to aesthetics, the No Project/No Development Alternative would not introduce any new structures into the project site. As such, impacts would be reduced as compared to the proposed project.

Air Quality

The No Project Alternative would not result in any grading or construction activities. It would also not involve the construction of any new uses that would have the potential to generate air emissions. Therefore, no air pollution would be generated by this alternative. The proposed project would generate air emissions that would not exceed South Coast Air Quality Management District (SCAQMD) thresholds and as a result would be less than significant. However, as no impact would occur under the No Project Alternative, impacts would be reduced as compared to the proposed project.

Biological Resources

The No Project Alternative would not involve any additional development on the project site. The site is currently devoid of any natural vegetation except for three small groups of western sycamore trees (containing a total of eight trees) in the northwest portion of the site. The portions of the project site with exposed soil are routinely disked for fire prevention measures, which is a practice that will continue in the future under this alternative. The existing native trees referenced above would remain intact. Impacts upon biological resources would therefore be less than significant. The proposed project would require mitigation for the removal of the eight sycamore trees. With mitigation, impacts would be less than significant. As no changes would occur on the site under this alternative, impacts would be reduced as compared to the proposed project.

Cultural Resources

As discussed in the environmental analysis in **Section 3.4, Cultural Resources**, the project site does not contain any known significant historic, archaeological, or paleontological resources, and there are no known cemeteries or burial grounds on the project site. The No Project Alternative would include no new activities or development which could have the potential, albeit unlikely, to unearth any unknown significant cultural resources, or disturb any previously unknown human remains. The proposed project would also result in less than significant impacts with regard to cultural resources. However, as no impact would occur under this alternative, impacts would be reduced as compared to the proposed project.

Geology and Soils

Under the No Project Alternative, existing conditions on the project site would not be altered. As the No Project Alternative would not develop any new habitable structure, no impacts associated with geology, and soils, including risk of loss, injury, or death involving seismic ground shaking, would occur to on the project site. While the proposed project would result in less than significant geologic impacts, no impact would occur under the No Project alternative; impacts would be reduced as compared to the proposed project.

Greenhouse Gas Emissions

The No Project Alternative would not result in any grading or construction activities. It would also not involve the construction of any new uses that would have the potential to generate greenhouse gas emissions through stationary or mobile sources. Therefore, while the proposed project would result in

less than significant impacts related to greenhouse gas emissions, no impact would occur under the No Project alternative; impacts would be reduced as compared to the proposed project.

Hazards and Hazardous Materials

The No Project Alternative would not result in any grading or construction activities. It would also not involve the construction of any new uses that would have the potential to transport, use, or dispose of hazardous materials to, from, or at the project site. Although the proposed project would result in less than significant impacts related to hazards and hazardous materials, under this alternative no impact would occur; impacts would be reduced compared to the proposed project.

The project site, and all of Malibu, is considered a Very High Fire Hazard Severity Zone and has been impacted by wildfires in the past. This alternative would not introduce new buildings to contribute to wildfire evacuation risks associated with employees and patrons fleeing the site and adding incrementally to evacuation congestion and hazards. While the proposed project would result in less than significant impacts related to fire hazards, no new uses would occur on the project site and no impact would occur; impacts would be reduced as compared to the proposed project.

Hydrology and Water Quality

The No Project Alternative would not involve any changes to the existing topographic or hydrologic characteristics of the site. No new sources of surface water contamination would be introduced to the environment and no impacts to hydrology, drainage or water quality would occur. While the proposed project would result in less than significant impacts related to hydrology and water quality, no impact would occur under the No Project Alternative; impacts would be reduced as compared to the proposed project.

Land Use and Planning

There would be no impacts to land use and planning under this alternative. The project site would remain vacant and no new uses or development would be planned. The proposed project would result in less than significant land use impacts. Therefore, as no impacts would occur under the No Project Alternative, impacts would be reduced compared to the proposed project.

Noise

Under the No Project Alternative, no new activities or development would occur. As such the existing noise environment would remain unchanged. The significant and unavoidable construction noise impact

associated with the proposed project would not occur under this alternative. As such, noise impacts would be reduced as compared to the proposed project.

Public Services (Fire Protection and Police Protection)

The No Project Alternative would not create any new uses or increase human activity on the project site. As such, demands for fire and police services would not increase above existing minimal demands. The project site would continue to be disked for fire prevention measures in accordance with the local fire hazard reduction regulations. Such practices would ensure the site is maintained in a manner that minimizes the fire hazard to the maximum extent practical. The proposed project would result in less than significant public services impacts. Therefore, as no impacts would occur under the No Project Alternative, impacts would be reduced compared to the proposed project.

Recreation

Under the proposed project impacts on recreation would be less than significant. Under the No Project Alternative, no new construction would occur on the project site, and therefore; the construction of "Shane's Park," as well as other open space public seating areas, pathways, and the provision of bicycle racks and hitching posts would not occur. Therefore, while the No Project Alternative would have a less than significant impact on recreation, it would not provide the beneficial uses provided under the proposed project. Impacts would be reduced under the proposed project compared to the No Project Alternative.

Transportation and Traffic

The No Project Alternative would not generate any new vehicle trips. No construction would take place and no new uses would be introduced to the project site. Traffic conditions would remain essentially unchanged, with the exception of the anticipated ambient growth in the City of Malibu. These conditions are reflected in the Cumulative Base (i.e., Future Without Project scenario), presented in the traffic impact analysis in **Section 3.13, Transportation and Traffic**. The current and projected level of service under this scenario for each of the study intersections is also presented in **Table 4.0-1**.

As shown in **Table 4.0-1**, future traffic conditions in the City of Malibu would continue to worsen, even without construction of the proposed project. Further, under the No Project Alternative, **Mitigation Measures 3.13-1** through **3.13-3**, set forth in **Section 3.13, Transportation and Traffic,** would not be implemented. Although impacts would be reduced to less than significant under the proposed project, no new trips would be added to the project site under the No Project Alternative. Therefore, traffic impacts would be reduced with the No Project Alternative.

Table 4.0-1
Future (2017) + Without Project Traffic Conditions

No.	Intersection	Peak Hour	Existing LOS	V/C (Delay)	Future LOS
1.	Kanan Dume Rd. &	Weekday AM	A	0.485	A
	Pacific Coast Hwy.	Weekday PM	B	0.778	C
		Saturday Mid-day	C	0.778	C
2.	Malibu Canyon Rd. &	Weekday AM	B	0.773	C
	Pacific Coast Hwy.	Weekday PM	B	0.810	D
		Saturday Mid-day	C	0.937	E
3.	Malibu Canyon Rd. &	Weekday AM	A	0.532	A
	Civic Center Way	Weekday PM	A	0.528	A
		Saturday Mid-day	A	0.372	A
4.	Webb Way/Stuart Ranch	Weekday AM	B	11.68 sec.	B
	Road & Civic Center Way	Weekday PM	C	53.17 sec.	F
		Saturday Mid-day	A	13.27 sec.	B
5.	Cross Creek Rd. &	Weekday AM	A	8.98 sec.	A
	Civic Center Way	Weekday PM	A	13.04 sec.	B
		Saturday Mid-day	A	14.34 sec.	B
6.	Webb Way &	Weekday AM	A	0.589	A
	Pacific Coast Hwy.	Weekday PM	B	0.843	D
		Saturday Mid-day	C	0.891	D
7.	Cross Creek Rd. &	Weekday AM	A	0.675	B
	Pacific Coast Hwy.	Weekday PM	C	0.976	E
		Saturday Mid-day	C	1.011	F
8.	Malibu Pier Signal &	Weekday AM	A	0.647	B
	Pacific Coast Hwy.	Weekday PM	B	0.773	C
		Saturday Mid-day	B	0.774	C
9.	Carbon Canyon Rd. &	Weekday AM	A	0.616	A
	Pacific Coast Hwy.	Weekday PM	B	0.768	C
		Saturday Mid-day	B	0.790	C
10	Las Flores Canyon Rd.	Weekday AM	A	0.656	B
	Pacific Coast Hwy.	Weekday PM	B	0.815	D
		Saturday Mid-day	B	0.815	D

Note: All-Way Stop Control Delay shown in Seconds Per Vehicle
Source: Overland Traffic Consultants, 2015

Utilities (Water Service, Wastewater, Solid Waste, Electricity and Natural Gas)

The No Project Alternative would not include any new uses. As such, the No Project Alternative would not result in any activities that would affect local utility service providers. No natural gas or electricity would be consumed. The absence of new development the project site would not necessitate any

infrastructure improvements or generate the need for solid waste disposal services. The proposed project would result in less than significant utilities impacts. Therefore, as no impacts would occur under the No Project Alternative, impacts would be reduced compared to the proposed project.

Relationship of Alternative 1 to Project Objectives

The No Project Alternative would completely avoid the anticipated construction impacts that would occur with implementation of the proposed project. However, this alternative would fail to meet any of the Project Applicant's stated objectives. **Table 4.0-2** provides a summary of the project objectives and a discussion of the No Project Alternative's ability to meet the project objectives.

While the No Project Alternative would be environmentally superior to the proposed project, it is not a preferred alternative.

Table 4.0-2
Proposed Project vs. No Project Alternative Comparison

Objective	Consistency
Fulfill the City's General Plan and Local Coastal Program objectives for commercial development in the Civic Center area.	**The No Project Alternative would not meet this objective.** Under this alternative, no commercial development would take place on the project site; it would remain an unattractive vacant lot.
Provide several compatible uses, meeting both local and visitor-serving needs, within one shopping center in a convenient location with shared parking.	**The No Project Alternative would not meet this objective.** This alternative would not provide a 24,549 sf Whole Foods market, 13,876 sf of retail/restaurant space or 4,800 sf of outdoor dining area. This alternative would not provide any shopping and dining opportunities, limiting the shopping experience in the area. Under this alternative the children's parks, community gardens, ancillary retail, and restaurant facilities with outdoor dining would not be constructed. The project objective of serving as a center for multiple activities, and thus minimizing vehicle trips and air quality impacts, would not be met.
Afford a wider range of organic grocery and produce options to support the Malibu community and reduce reliance on out-of-town markets and vehicle trips.	**The No Project Alternative would not meet this objective.** Under this alternative, no grocery store would be built; no new local source for the purchase of organic grocery and produce items would be provided. The project objective of helping to minimize vehicle trips and air quality impacts would not be met.
Extend the shopping experience that exists on Cross Creek Road into a park-like atmosphere, which will provide a physical and visual link to Legacy Park.	**The No Project Alternative would not meet this objective.** This alternative would not provide a 24,549 sf Whole Foods market, 13,876 square feet of retail/restaurant space or 4,800 sf of outdoor dining area. As a result, this alternative would not provide any shopping and dining opportunities, limiting the shopping experience in the area. Under this alternative, landscaping and open space would not be provided, thus this alternative would not provide a park-like atmosphere with a physical and visual link to Legacy Park.

Objective	Consistency
Situate the project in an area where it is clustered with other similar uses along the eastern portion of Civic Center Way.	**The No Project Alternative would not meet this objective.** This alternative would not provide a 24,549 sf Whole Foods market, 13,876 square feet of retail/restaurant space or 4,800 sf of outdoor dining area. As a result, the site would not provide a cluster of similar uses, as it would provide no opportunities for grocery or retail shopping and dining.
Increase pedestrian interaction among the business and public spaces along Civic Center Way and Cross Creek Road.	**The No Project Alternative would not meet this objective.** Under this alternative, no commercial development would take place on the project site; it would remain an unattractive vacant lot. There would be no opportunities for interaction with other businesses and public spaces along Civic Center Way and Cross Creek Road.
Create a visually appealing and inviting project to add to the Civic Center of Malibu.	**The No Project Alternative would not meet this objective.** Under this alternative, unlike with the proposed project, no landscaping, children's parks, community garden, or public open space would be provided; the project site would remain an unattractive vacant lot.
Revegetate the site with plantings that incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant community.	**The No Project Alternative would not meet this objective.** Unlike with the proposed project, no landscaping or gardens would be provided; the project site would remain an unattractive vacant lot.
Provide an aesthetic relationship with the Santa Monica Mountains and Malibu Creek.	**The No Project Alternative would partially meet this objective.** Under this alternative the children's parks, and community garden would not be constructed. Further, this alternative would not provide a park-like atmosphere with a physical and visual link to Legacy Park. However, as no building would be built, there would be no blocking of views through the project site.
Minimize and eliminate negative impacts to the neighborhood.	**The No Project Alternative would partially meet this objective.** Under this alternative, no construction would take place, and there would be no construction noise impacts and traffic in the area would be reduced as compared to the "Future with Project" condition. However, the project site would remain an unattractive vacant lot.
Deliver project features that contribute significant benefits to the community.	**The No Project Alternative would not meet this objective.** This alternative would not provide a 24,549 sf Whole Foods market, 13,876 sf of retail/restaurant space or 4,800 sf of outdoor dining area. As a result, this alternative would provide fewer shopping and dining opportunities, limiting the shopping experience in the area. Under this alternative the children's parks, community gardens, ancillary retail, and restaurant facilities with outdoor dining would not be constructed. Further, this alternative would not provide a park-like atmosphere with a physical and visual link to Legacy Park.

Alternative 2: Code Complying Alternative

As previously discussed, the proposed Whole Foods and the Park Shopping Center Project requires a number of discretionary approvals to comply with the City of Malibu's General Plan, the Malibu Municipal Code (MMC) and the Local Coastal Plan (LCP), therefore another alternative is to look at proposed "Code Complying Alternative" which would not require any minor modifications or variances

as this alternative would provide the code specified Yard Setbacks, Open Space and Landscaped Area (65 percent). Further, because the building is set more than 250 feet from the adjoining horse training facility the Code Complying Alternative would not require the construction of a 12-foot sound wall to reduce potential sudden noise impacts. Development under this alternative would provide parking per the MMC for a supermarket, and the circulation required by the Los Angeles County Fire Department (LACFD).Further, this alternative could avoid or reduce the severity of project-related significant impacts resulting from construction by reducing the amount of development on the project site.

The proposed project site totals approximately 256,168 square feet (sf). Development under the Code Complying Alternative would consist of a supermarket (28,879 sf) and 129 parking spaces. Pursuant to the MMC and the LCP, a total of 166,509 sf of landscape area and open space are required to be provided.[14] The total landscape area and open space provided under the Code Complying Alternative would be 166,719 sf. Therefore, the Code Complying Alternative would meet the requirement.

Under this alternative the 28,879 sf supermarket building would be set as close as possible the south end of the project site, while remaining in compliance with the required 143.4-foot front yard setback. The building height would range from 24 feet from existing grade at the flat roof portion and 28 feet at the sloped roof portion. As with the proposed project this height increase above the 18-foot allowable height is due in part to the fact that building finished floors must be raised by a minimum of 3 feet above the existing grade to meet Federal Emergency Management Agency (FEMA) requirements, and is also necessary to provide a screen for the rooftop mechanical equipment required for commercial use.

Due to the reconfiguration of the site under this alternative, it cannot be assumed that Whole Foods would be the tenant. Therefore, it is assumed that the architecture of the proposed grocery store building would be a generic "box" without any stylistic "branding," in order to appeal to the greatest number of potential tenants. Public entrances to the building would be provided on the north side of the building. The trash enclosure and loading dock would also be located on the north side of the building. The site plan and elevations for the building are shown in **Figure 4.0-1, Code Complying Alternative Site Plan** and **4.0-2, Code Complying Alternative Building Elevations.**

The FAR under this alternative would be 0.113, and therefore in compliance with the MMC and LCP.

The Code Complying Alternative would not provide the following project features: outdoor seating and dining areas, the "horse parking" area, Shane's Inspiration Playground, the Sensory Garden, and the Kitchen Community Learning Garden.

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14 Local Implementation Plan Section 3.8(A)(5)(b)

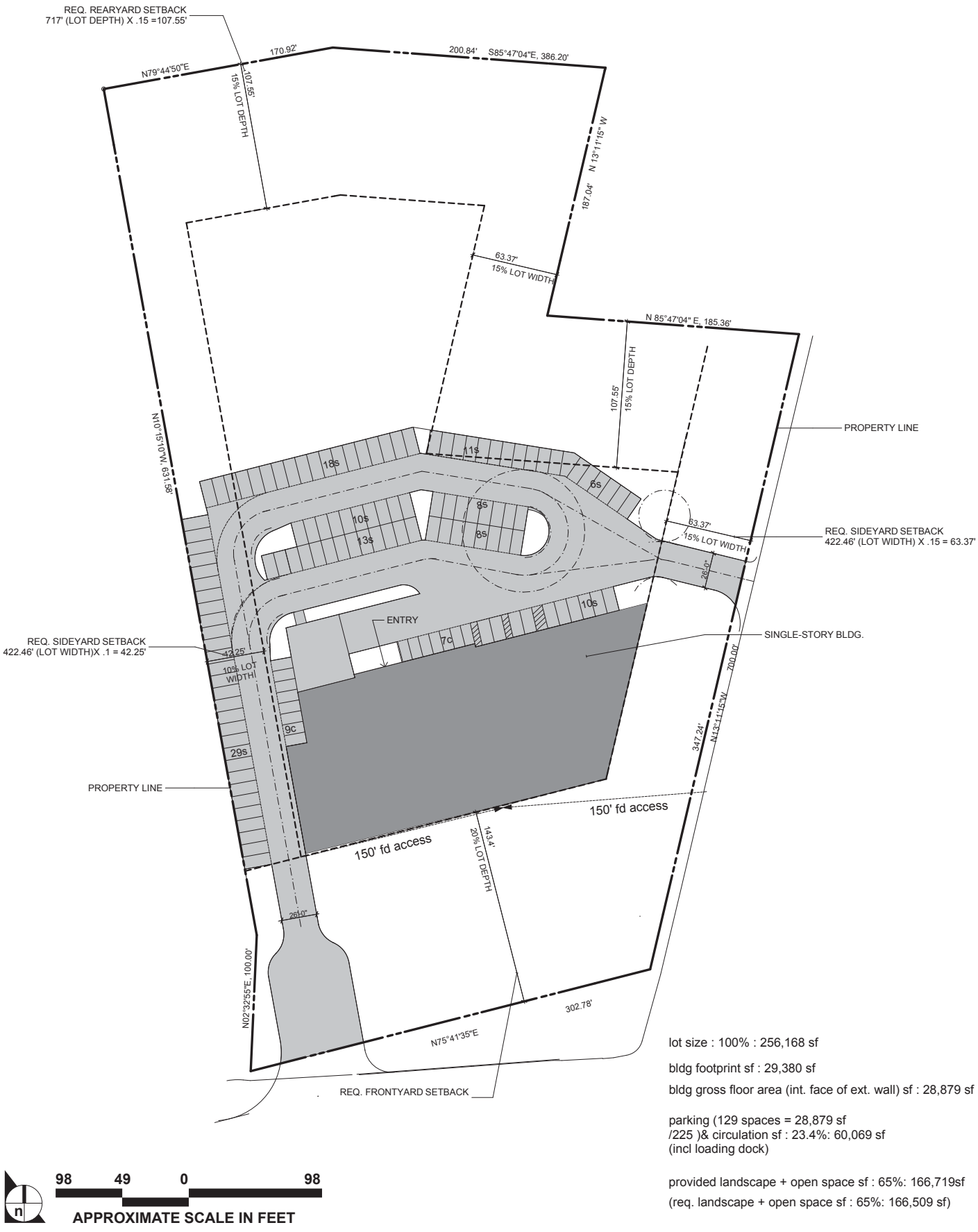
Aesthetics

Under this alternative, the project site would be developed with one new building, surface parking, and landscaping/open space improvements. As the number of buildings proposed would be reduced, this reduction in development intensity would and minimize the scale of the project. Further, as this alternative would reduce the number of buildings and automobiles on-site, as well as the need for nighttime lighting, impacts to light and glare would be lessened. However, visual access to the Santa Monica Mountains from Civic Center Way would be impacted due to the location of the supermarket. By nature of its use, the market would have to be at least 24 feet tall, therefore blocking views of the rear of the project site, thus reducing the visual value of the landscaping in the rear of the site. Impacts under this alternative would be less than significant. The proposed project does not result in significant aesthetic impacts, and due to the increased blockage of views toward project site open space and the Santa Monica Mountains this alternative would be similar to the project's less than significant impacts to visual resources.

Air Quality

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open space improvements. No significant impacts during construction were identified related to air quality for the proposed project. As fewer buildings would be constructed overall, construction duration would be reduced thereby reducing the overall air quality emissions compared to the proposed project. Parking areas would also be reduced, as parking would only be provided in accordance with code and less parking would be required compared to the proposed project. As a result, air pollutant emissions during construction would be reduced due to the reduction in building construction and architectural coatings, etc. Air quality emissions would be incrementally reduced compared to the proposed project**,** and would not exceed significance thresholds.

No significant and unavoidable operational air quality impacts were identified as part of the proposed project. As fewer uses would be constructed on the site for this alternative, overall operational emissions would be reduced compared to the proposed project. Therefore, the Code Complying Alternative would have a reduced impact compared to the Proposed Project, and would not have any significant air quality impacts.



lot size : 100% : 256,168 sf

bldg footprint sf : 29,380 sf

bldg gross floor area (int. face of ext. wall) sf : 28,879 sf

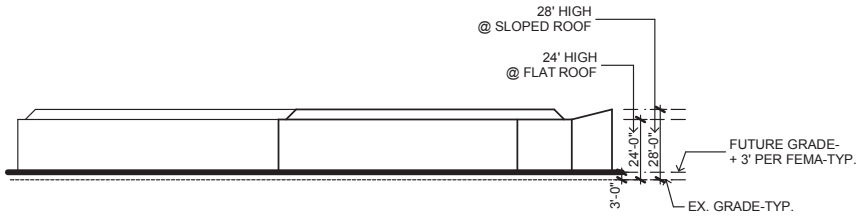
parking (129 spaces = 28,879 sf
/225)& circulation sf : 23.4%: 60,069 sf
(incl loading dock)

provided landscape + open space sf : 65%: 166,719sf
(req. landscape + open space sf : 65%: 166,509 sf)

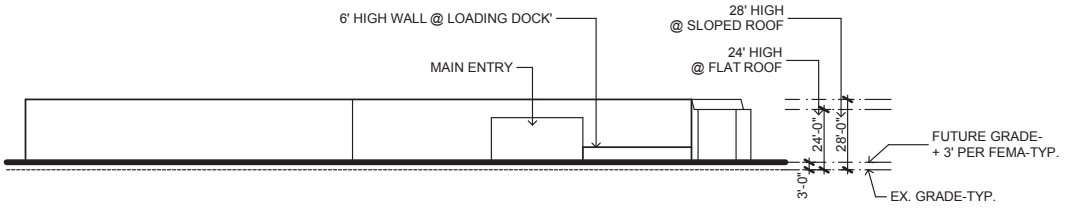
SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **4.0-1**

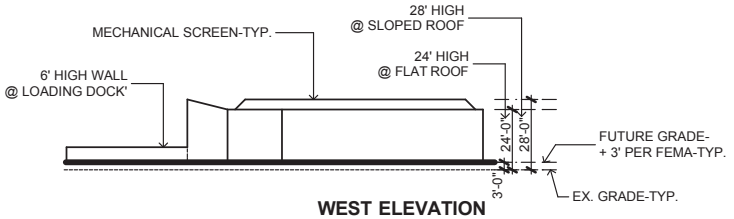
Code Complying Alternative Site Plan



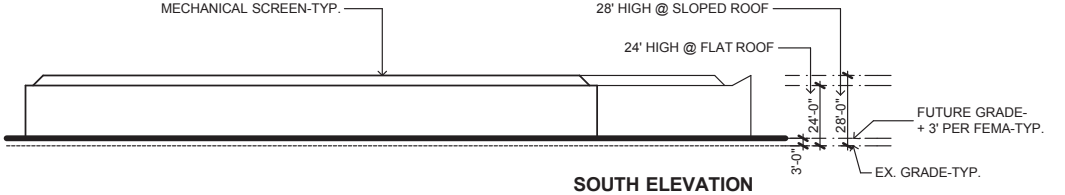
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

SOURCE: Goldman Firth Rossi Architects, December 2014

FIGURE **4.0-2**

Code Complying Alternative Building Elevations

Biological Resources

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. As under this alternative the location of the building has shifted to the south, the eight native sycamore trees located on the northern portion of the project site could remain. Similar to the proposed project and as required under the MMC and LCP, all new landscaping would be drought tolerant and would incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant communities to the extent feasible.

No significant and unavoidable project or cumulative impacts to biological resources were identified with implementation of the proposed project. Similarly, the Code Complying Alternative would not significantly impact biological resources present on the project site. Therefore, impacts would be similar under both the proposed project and the Code Complying alternative.

Cultural Resources

As discussed in the environmental analysis in **Section 3.4, Cultural Resources**, the project site does not contain any known significant historic, archaeological, or paleontological resources, and there are no known cemeteries or burial grounds on the project site. The Code Complying Alternative would include the development of one new building, surface parking, and landscaping/open scape improvements, which could have the potential, albeit unlikely, to unearth previously unknown significant cultural resources, or disturb previously unknown human remains. However, implementation of **Mitigation Measures 3.4.1** through **3.4.3**, forth in **Section 3.4, Cultural Resources,** would ensure that impacts to cultural resources would be less than significant, and impacts would be similar as compared to the proposed project.

Geology and Soils

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. However, this alternative reduces development intensity by eliminating four buildings compared to the proposed project. Demolition, excavation, grading, and structure development parameters associated with this alternative would be less than the proposed project.

No significant and unavoidable project or cumulative impacts to geology and soils, including risk of loss, injury, or death involving seismic groundshaking, were identified with implementation of the proposed project. Given the reduced development intensity associated with this alternative, no significant impacts

with regard to geology and soils can be reasonably anticipated and impacts would be similar as compared to the proposed project.

Greenhouse Gas Emissions

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. Demolition, excavation, and grading, associated with this alternative would be similar to the proposed project. However, this alternative reduces development intensity by eliminating four buildings compared to the proposed project. Consequently, construction emissions of greenhouse gases (GHGs), primarily as a result of a reduction in construction vehicle trips, would be reduced as well.

The reduction in development intensity would also reduce overall operational emissions. GHG emissions would therefore be reduced as compared to the proposed project**,** and also would not exceed significance thresholds**.**

No significant and unavoidable project or cumulative impacts to GHG emissions were identified with implementation of the proposed project. Given the reduced development intensity associated with the Code Complying Alternative, no significant impact related to GHG emissions can be reasonably anticipated.

Hazards and Hazardous Materials

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. Similar to the construction of the proposed project, development under this alternative would involve the use of those hazardous materials that are typically necessary for construction of commercial development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). However, similar to the proposed project the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, state, and federal regulations governing such activities. Therefore, development under this alternative would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction. As the amount of construction taking place would be decreased under this alternative, impacts would be reduced as compared to the proposed project.

The Code Complying Alternative consists of the development of commercial retail uses (a grocery store) and a related surface parking lot with landscaping. Due to the retail nature of the alternative, a variety of products would be transported to and exist on-site to be used and offered for sale and used for ongoing cleaning and landscaping maintenance. Such products would only be considered hazardous if used

inappropriately or if exposed to unfavorable conditions. Similar to the proposed project, all potentially hazardous materials transported, stored, offered for sale, or used on-site for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. With compliance with existing local, state, and federal regulations, the transport, storage, and sale of these materials would not pose a significant hazard to the public or the environment. Therefore, impacts related to this issue would be less than significant, and similar to the proposed project.

The project site, and all of Malibu, is considered a Very High Fire Hazard Severity Zone and has been impacted by wildfires in the past. This alternative would introduce a new building to the project site which could contribute to wildfire evacuation risks associated with employees and patrons fleeing the site and incrementally add to evacuation congestion and hazards. While implementation of this alternative could affect vehicle/capacity ratios and the level of service of roadways in the site vicinity, with implementation **Mitigation Measures 3.13-1** through **3.13-3**, set forth in **Section 3.13, Transportation and Traffic** similar to the proposed project, this alternative would have less than significant impacts to area traffic on both on a project and cumulative level. Further, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Similar to the proposed project, this impact is not considered significant since emergency response times would not be substantially affected. In addition, similar to the proposed project, this alternative would comply with all applicable code and regulatory measures regarding fire safety and fuel modification, as well as implement **Mitigation Measures 3.11-1-1** through **3.11-1-7** set forth in **Section 3.11.1, Public Services – Fire Protection**. Therefore, similar to the proposed project, impacts would be less than significant.

Hydrology and Water Quality

Under the Code Complying Alternative the development intensity on the site would be reduced. Demolition, excavation, grading, and structure development parameters associated with this alternative would be similar to the proposed project. Further, as required by the MMC, LCP and the City's MS4 permit, development under this alternative would be required to provide a Water Quality Mitigation Plan, as well as implement **Mitigation Measures 3.8-1** and **3.8-2,** set forth in **Section 3.8, Hydrology and Water Quality.**

No significant and unavoidable project or cumulative impacts to hydrology, drainage, or water quality were identified with implementation of the proposed project. Given the reduced development intensity

associated with the Code Complying Alternative, no significant impacts to hydrology and water quality can be reasonably anticipated and impacts would be similar to the proposed project.

Land Use and Planning

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. Following the granting of the requested discretionary approvals as listed in **Section 2.0 Project Description**, there would be no impacts to land use and planning under the proposed project or this alternative. As the Code Complying Alternative would not require the discretionary approvals needed by the proposed project, impacts would be less as compared to the proposed project.

Noise

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. Demolition, excavation and grading and grading requirements associated with this alternative would be similar to what would be required for the proposed project although the duration of construction may be reduced.

Despite the inclusion of **Mitigation Measures 3.10-1** through **3.10-7**, as set forth in **Section 3.10, Noise**, significant and unavoidable construction noise could occur as a result of both the Code Complying Alternative and proposed project although the duration of construction would be incrementally reduced as a result of fewer buildings being constructed on the site. Nonetheless, significant impacts would still be expected under the Code Complying Alternative as temporary construction noise could exceed thresholds.

With the implementation of **Mitigation Measures 3.10-8** through **3.10-10**, as set forth in **Section 3.10, Noise**, no significant and unavoidable project or cumulative impacts to noise environment would result with operation of the proposed project. The Code Complying Alternative would be required to implement the same Mitigation Measures. Therefore, operational impacts associated with noise would be similar to the proposed project under the Code Complying Alternative.

Public Services (Fire Protection and Police Protection)

Police Protection

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements.

As the Code Complying Alternative would result in fewer buildings constructed on the site and an associated reduction in the number of employees and visitors, an incremental reduction in the number of police calls compared to the proposed project could occur. No significant and unavoidable project or cumulative impacts to police protection were identified with implementation of the proposed project. Similarly, the Code Complying Alternative would not significantly impact police protection service to the project site. Therefore, impacts would be similar under this alternative to the proposed project.

Fire Protection

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements.

As the Code Complying Alternative would result in fewer buildings constructed on the site, an incremental reduction in the number of fire calls compared to the proposed project could occur. Further, with the implementation of **Mitigation Measures 3.11-1-1** through **3.11-1-7** set forth in **Section 3.11.1, Public Services – Fire Protection,** no significant and unavoidable project or cumulative impacts to fire protection would occur with operation of the proposed project. Similarly, the Code Complying Alternative would not significantly impact fire protection service to the project site. Therefore, impacts would be similar under this alternative to the proposed project.

Recreation

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. However, this alternative would not include the construction of "Shane's Park," as well as other open space public seating areas, pathways, and the provision of hitching posts. Therefore, this alternative would not provide the same beneficial public uses as provided under the prosed project. No new housing is proposed under this alternative which could bring additional users into the vicinity. Therefore, similar to the proposed project, this alternative would not result in the increased use or substantial physical deterioration of existing neighborhood and regional parks or recreational facilities and impacts would be less than significant.

Transportation and Traffic

As discussed in **Section 3.13, Transportation and Traffic**, once completed and fully occupied (anticipated by the end of 2017), the proposed project would result in approximately 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimated 2,528 weekend trips with 226 weekend peak hour trips.

Under the Code Complying Alternative, the project site would be developed with a 28,879 sf grocery store use, surface parking, and landscaping/open scape improvements. The Code Complying Alternative

would potentially result in 2,364 weekday trips,[15] with approximately 83 AM peak trips and 242 PM peak hour trips.[16] This increase in trips (72 trips, 3.1 percent) would incrementally increase impacts under this alternative, and similar to the proposed project impacts would be significant without mitigation. However, similar to the proposed project, the Code Complying Alternative would implement **Mitigation Measures 3.13-1** through **3.13-3**, set forth in **Section 3.13, Transportation and Traffic,** and project and cumulative impacts with mitigation would be less than significant.

Utilities (Water Service, Wastewater, Solid Waste, Electricity and Natural Gas)

Water

Development of the project site as a neighborhood shopping center would increase water demand, as operation of the site would require potable water for restrooms (i.e., sinks, toilets), washing of dishes, and food service. Further, the proposed project would also include drought tolerant landscaping which would require additional water for plant maintenance.

As discussed in section **3.14.3, Water Supply**, the proposed project is expected to require approximately 11,208 gallons of water per day (gpd), see **Table 4.0-3**. No significant and unavoidable project or cumulative impacts to water service were identified with operation of the proposed project.

Table 4.0-3
Code Complying Alternative Approximate Water Consumption

Use[1]	Wastewater Flow (gpd)	Generation Rate	Potable Water Consumption (gpd)
Grocery Store	5,776	1.20	6,931
	Total Alternative Water Consumption		**5,892**

[1] *Refer to Section 3.14.3 Water Supply, projected water consumption rates associated with the proposed project are assumed to be 120 percent of the wastewater generated for a given land use.*

15 As with the proposed project, due to the nature of the land use proposed, some people traveling on Civic Center Way may stop at the project to or from another destination (pass-by trips). These vehicles normally passing the site are not new vehicle trips added to the street by the project and therefore are not considered in the project traffic impact analysis. A pass-by trip credit of 20 percent has been applied to the trip generation average rates, per data contained in the ITE Trip Generation Manual to account for the pass-by trips.

16 ITE Land Use Code 850 (Supermarket) trip generation average rates:
- Daily Trip Rate: 102.24 trips/1,000 sf of floor area; 50% inbound/50% outbound
- AM Peak Hour Trip Rate: 3.59 trips/1,000 sf of floor area; 61% inbound/39% outbound
- PM Peak Hour Trip Rate: 10.5 trips/1,000 sf of floor area; 51% inbound/49% outbound

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements, and water consumption would be reduced by approximately 4,277 gpd. Similarly, the Code Complying Alternative would not significantly impact water supply environment.

Wastewater

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. Similar to the proposed project, development under the Code Complying Alternative would connect to the new Civic Center Water Treatment Facility (CCWTF). As described in **Section 3.14.4, Wastewater**, wastewater flow generation estimates for the CCWTF were developed for each type of land use within the Civic Center Area and specifically the proposed project site. These generation estimates were applied, by parcel, to develop the flow rates used in CCWTF project design and phasing. As the CCWTF design takes into account future wastewater flows of approximately 9,340 gpd from the project site; no significant and unavoidable project or cumulative impacts regarding wastewater were identified with operation of the proposed project.

As shown in **Table 4.0-4**, development under the Code Complying Alternative would be reduced to approximately 5,776 gpd, and similar to the proposed project, it would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities and impacts would be less than significant.

Table 4.0-4
Code Complying Alternative – Projected Wastewater Generation

Land Use	Size	Generation Rate (gallons per day)	Wastewater Generation (Gallons per day)
Grocery Store	28,879 sf	0.20 gpd/sf	5,776 gpd
	Total Alternative Wastewater Generation		**5,776 gpd**

gpd = gallons per day; sf = square feet
Source: EPD Consultants, Inc. Wastewater Average Flow Estimate, September 2, 2011

Solid Waste

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. As shown in **Table 4.0-5**, the quantity of solid waste generated under this alternative would be reduced by approximately 47.5 percent or 12.66 tons per year. Similar to the proposed project, no project level solid waste impacts would occur for

either construction or operation. Therefore, project level impacts associated with the Code Complying Alternative would be similar to the proposed project.

Table 4.0-5
Solid Waste Generation Proposed Project vs. Code Complying Alternative

Land Use	Units	Quantity	Generation Factor[1]	Daily Generation (lbs/day)	Annual Generation (tons/year)
Proposed Project					
Whole Foods	sf	24,549	3.12 lbs/1,000 sf/day	76.59	13.97
Commercial	sf	13,876	5 lbs/1,000 sf/day	69.38	12.66
Total:				**145.97**	**26.63**
Code Complying Alternative					
Grocery Store	sf	28,879	3.12 lbs/1,000 sf/day	90.17	16.46
Commercial	sf	0	5 lbs/1000/sf/day	0	0
Total:				**90.17**	**16.46**

Source: Impact Sciences, Inc., 2015.
sf = square feet.
[1] *Generation factor provided by the solid waste daily generation rates in tons per year are derived from CalRecycle.ca.gov. Commercial Sector: Estimated Solid Waste Generation and Disposal Rates*

As shown in **Table 3.14.5-3**, **Cumulative Development Solid Waste Generation Estimate,** related projects would generate up to 987 tons of solid waste per year. Combined with solid waste generated from this alternative, 1,003.46 tons of solid waste would be generated per year, assuming no recycling. This alternative's contribution would constitute an approximately 1.7 percent increase in solid waste generation, and would therefore not be cumulatively considerable.

Thus this alternative would contribute to an incremental cumulative impact on landfill capacity; however, with incorporation of mitigation requiring the recycling diversion of waste from landfills, similar to the proposed project, this alternative's contribution would not be cumulatively considerable.

Electricity

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. As shown in **Table 4.0-6**, the proposed project would consume approximately 1,225.85 kilowatt-hours of electricity per day. Compared to the proposed project, the Code Complying Alternative would increase electricity consumption by approximately 7.46 kilowatt-hours per day, or approximately 0.6 percent. No significant and unavoidable project or cumulative impacts regarding electricity were identified with operation of the proposed project. Electricity impacts would be very slightly increased under the Code Complying Alternative.

Therefore, although electricity use under this alternative would be more than the proposed project, the impact as a result of this very slight increase would remain less than significant.

Table 4.0-6
Electricity Consumption by Proposed Project and the Code Complying Alternative

Building	Building Size (in square feet)	Consumption Rate (kilowatt hours per 1,000 sf)	Total Consumption (kilowatt hours/year)
Whole Foods	24,549	42.7	1,048.24
Commercial/Retail [1]	13,876	12.8	177.61
Total Project Electricity Consumption			**1,225.85**
Grocery Store	28,879	42.7	1,233.13
Commercial/Retail [1]	0	0	0
Total Alternative Electricity Consumption			**1,233.13**

Source: SCAQMD, California Emissions Estimator Model Guide, Appendix D, Table 8.1
Notes: The City of Malibu is located in climate zone 8
[1] *Strip Mall electricity consumption was used as a proxy for Commercial/Retail*

Natural Gas

Under the Code Complying Alternative, the project site would be developed with one new building, surface parking, and landscaping/open scape improvements. As shown in **Table 4.0-7**, below, the proposed project would consume approximately 545.68 kilo British thermal unit (kBtu) of natural gas per year. Compared to the proposed project, the Code Complying Alternative would increase natural gas consumption by approximately 62.73 kBtu per year, or approximately 11.5 percent. No significant and unavoidable project or cumulative impacts regarding natural gas were identified with operation of the proposed project. However, natural gas impacts would be incrementally increased under the Code Complying Alternative. Although natural gas use under this alternative would be more than the proposed project, the impact as a result of this very slight increase would remain less than significant.

Relationship of the Code Complying Alternative to Project Objectives

This Alternative would meet some of the project objectives; however it would be to a lesser extent than the proposed project. **Table 4.0-8** provides a summary of the project objectives and a discussion of the Code Complying Alternative's ability to meet the project objectives.

Table 4.0-7
Natural Gas Consumption by the Proposed Project

Building	Building Size (in square feet)	Consumption Rate (kBtu/1,000 sf/year	Yearly Consumption (kBtu)
Whole Foods	24,549	21.07	517.24
Commercial/Retail [1]	13,876	2.05	28.44
	Total Project Natural Gas Consumption		**545.68**
Grocery Store	28,879	21.07	608.48
Commercial/Retail [1]	0	0	0
	Total Alternative Natural Gas Consumption		**608.48**

Source: SCAQMD, California Emissions Estimator Model Guide, Appendix D, Table 8.1
Notes: The City of Malibu is located in climate zone 8
[1] Strip Mall natural gas consumption was used as a proxy for Commercial/Retail
sf = square feet; kBtu= Thousand British Thermal Unit

Table 4.0-8
Proposed Project vs. Code Complying Alternative Comparison

Objective	Consistency
Fulfill the City's General Plan and Local Coastal Program objectives for commercial development in the Civic Center area.	**The Code Complying Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided; however, this alternative would not provide 13,876 sf of retail/restaurant space. As a result, this alternative would provide fewer shopping and dining opportunities, limiting the shopping experience in the area. Under this alternative, landscaping and open space would be provided. However, the children's parks, community garden, and public open space would not be constructed on the project site. Thus this alternative would not provide a park-like atmosphere with a physical and visual link to Legacy Park.
Provide several compatible uses, meeting both local and visitor-serving needs, within one shopping center in a convenient location with shared parking.	**The Code Complying Alternative would not meet this objective.** Under this alternative, 13,876 sf of local and visitor serving ancillary retail/restaurant structures and 4,800 sf of outdoor dining area would not be constructed. As a result, the project would be less desirable from a convenience point of view in that fewer activities or tasks can be combined with food shopping. The project objective of serving as a center for multiple activities, and thus allowing for shared parking, as well as minimizing vehicle trips and air quality impacts, could not be met.
Afford a wider range of organic grocery and produce options to support the Malibu community and reduce reliance on out-of-town markets and vehicle trips.	**The Code Complying Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided. However, because of the site layout it cannot be assumed that Whole Foods would occupy the space; the unknown tenant may or may not have a commitment to providing a wide range of organic grocery and produce options. Patrons wishing to purchase these items may still need to travel to the San Fernando Valley Santa Monica or West Los Angeles to shop at Whole Foods.

Objective	Consistency
Extend the shopping experience that exists on Cross Creek Road into a park-like atmosphere, which will provide a physical and visual link to Legacy Park.	**The Code Complying Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided; however, this alternative would not provide 13,876 sf of retail/restaurant space. As a result, this alternative would provide fewer shopping and dining opportunities, limiting the shopping experience in the area. Under this alternative, the children's parks, community garden, and public open space would not be constructed on the project site. Thus this alternative would not provide a park-like atmosphere with a physical and visual link to Legacy Park.
Situate the project in an area where it is clustered with other similar uses along the eastern portion of Civic Center Way.	**The Code Complying Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided; however, alternative would not provide 13,876 sf of retail/restaurant space or 4,800 sf of outdoor dining area. As a result, the site would not be as effective as the proposed project in providing a cluster of similar uses, as it would provide no opportunities for retail shopping and dining.
Increase pedestrian interaction among the business and public spaces along Civic Center Way and Cross Creek Road.	**The Code Complying Alternative would partially meet this objective.** This alternative would provide a generic grocery store building along with landscaping and public open space. However, since the children's parks, community garden, ancillary retail, and restaurant facilities with outdoor dining would not be constructed, it is likely that foot traffic to the site would be greatly reduced.
Create a visually appealing and inviting project to add to the Civic Center of Malibu.	**The Code Complying Alternative would not meet this objective.** Due to the required site layout under this alternative, as it cannot be assumed that Whole Foods would be the tenant. The architecture of the proposed grocery store building would be a generic "box" in order to appeal to the greatest number of potential tenants and-the children's parks, community garden and public open space would not be constructed on the project site.
Revegetate the site with plantings that incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant community.	**The Code Complying Alternative would meet this objective.** As with the proposed project, all plantings would be drought tolerant and would include species of both Malibu's and the Santa Monica Mountain's native coastal plant community to the extent feasible.
Provide an aesthetic relationship with the Santa Monica Mountains and Malibu Creek.	**The Code Complying Alternative would not meet this objective.** Due to the placement of the generic grocery store building on the southerly portion of the site under this alternative, views of the Santa Monica Mountains would be limited from Civic Center Way.
Minimize and eliminate negative impacts to the neighborhood.	**The Code Complying Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided; however, this alternative would not provide 13,876 sf of retail/restaurant space. As a result, this alternative would provide fewer shopping and dining opportunities, limiting the shopping experience in the area. Under this alternative, landscaping and open space would be provided. However, the children's parks, community gardens, ancillary retail, and restaurant facilities with outdoor dining would not be constructed.

Objective	Consistency
Deliver project features that contribute significant benefits to the community.	**The Code Complying Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided; however, this alternative would not provide 13,876 sf of retail/restaurant space or 4,800 sf of outdoor dining area. As a result, this alternative would provide fewer shopping and dining opportunities, limiting the shopping experience in the area. Under this alternative, landscaping and open space would be provided. However, since the children's parks, community garden, ancillary retail, and restaurant facilities with outdoor dining would not be constructed, it is likely that foot traffic to the site would be greatly reduced. Further, this alternative would not provide a park-like atmosphere with a physical and visual link to Legacy Park.

Alternative 3: Two-Story Building Alternative

As previously discussed, the proposed Whole Foods supermarket is of a size that is a minimum for a viable market of this type, therefore another alternative is to look at reducing the surface footprint of the ancillary retail/restaurant structures proposed. The intent of this alternative is to increase the amount of the project site available for landscaping/open space.

The proposed project site totals approximately 256,168 square feet (sf). Development under the proposed project would consist of a new 38,425 sf neighborhood shopping center designed to be anchored by a Whole Foods Market (24,549 sf) and four smaller outbuildings (3,015 sf, 3,086 sf, 3,592 sf, and 4,183 sf, respectively) and 220 parking spaces. Pursuant to the MMC and the LCP, which require that 40 percent of the gross lot area constitute landscaped area, a total of 102,467 sf of landscaping and open space are required to be provided.

Green walls are proposed on designated walls of the market and the four smaller buildings. The green walls add an additional 22,000 square feet of vertical landscape area. These green walls will add another green visual element to the project, and will add energy saving benefits due to the insulation benefits.

The project also proposes two play areas for children (Shane's Inspiration Park and a Sensory Garden), a gathering area for users, including a Kitchen Community Learning Center, and several outdoor seating areas scattered throughout the project. The overall feel of the project, given the extensive tree canopy provided by large-scale Sycamore trees, the green walls, and the on-grade planting, is designed to be that of a park like setting.

The total landscaping and open space provided under the proposed project is 52,115 sf of which 32,849 sf is provided in on grade planter areas and 19,266 sf is allocated to open space. Note that while the proposed project would provide 22,000 square feet of green wall and approximately 48,492 square feet of

new tree canopy, the City has historically interpreted "on-grade" landscaping towards a project's total landscaped area. However, because the MMC does not define "Landscaped Area," the Specific Plan prepared for the proposed project proposes that functional landscape elements, such as tree canopies and green walls, be included in the landscaping calculations. Under these circumstances, the project would provide greater Landscaped Area than required. However, should the decision makers determine that a more traditional interpretation of the landscape requirement is more appropriate for the site, the proposed project would be deficient by 50,352 sf (Local Implementation Plan Section 3.8(A)(5)(b)), and a variance would be required.

Under this alternative, the 13,876 sf of ancillary retail/restaurant structures, would be constructed as two, two-story buildings. The parking required under this alternative would be 220 spaces (five spaces for every 1,000 sf of retail space), as with the proposed project, since there would be no reduction in grocery store, or retail/restaurant square footage. The additional space for landscaping/open space provided under this alternative would be approximately 9,335 sf. Therefore, this alternative would provide 61,450 sf of landscaping/open space (including the children's parks, community garden, and public seating areas as proposed under the project), an increase over the proposed project, but still deficient by approximately 41,017 sf.

Under the Two-Story Building Alternative the grocery store building remains as a single story structure at the rear of the site. The four smaller retail buildings have been "stacked" one upon the other with a maximum height of 24 feet, in compliance with the MMC and Land Use Plan (LUP). As shown in **Figure 4.0-3, Two-Story Building Alternative Site Plan** this layout would not fulfill the intent of the proposed project design, which is that of a low-rise retail village, with a series of small, intimate courtyards, anchored by the supermarket at the rear.

It should be noted that a two-story structure would be programmatically limited in that only the ground floor is appropriate for retail and useable/leasable floor area would likely be reduced due to the Americans with Disabilities Act (ADA) requirement for an elevator. Useable floor area would likely be further reduced by required stairs and second story restrooms. FEMA requires that the first floor finish floor elevation be elevated a minimum of 3 feet above grade due to flood plain restrictions on this property. The City requires that the maximum building height be taken from existing or future grade, whichever is lower. This severely limits the ceiling heights of the first and second story; where a typical retail space would have a ceiling height of 15 to 18 feet (allowing dimension for ducts and utilities), the two retail buildings under the Two-Story Building Alternative would have a maximum interior ceiling height of 11 feet.

As with the Code Complying Alternative, due to the reconfiguration of the site under this alternative, it cannot be assumed that Whole Foods would be the tenant. Therefore it is assumed that the architecture of the proposed grocery store building would be a generic "box" without any stylistic "branding," in order to appeal to the greatest number of potential tenants.

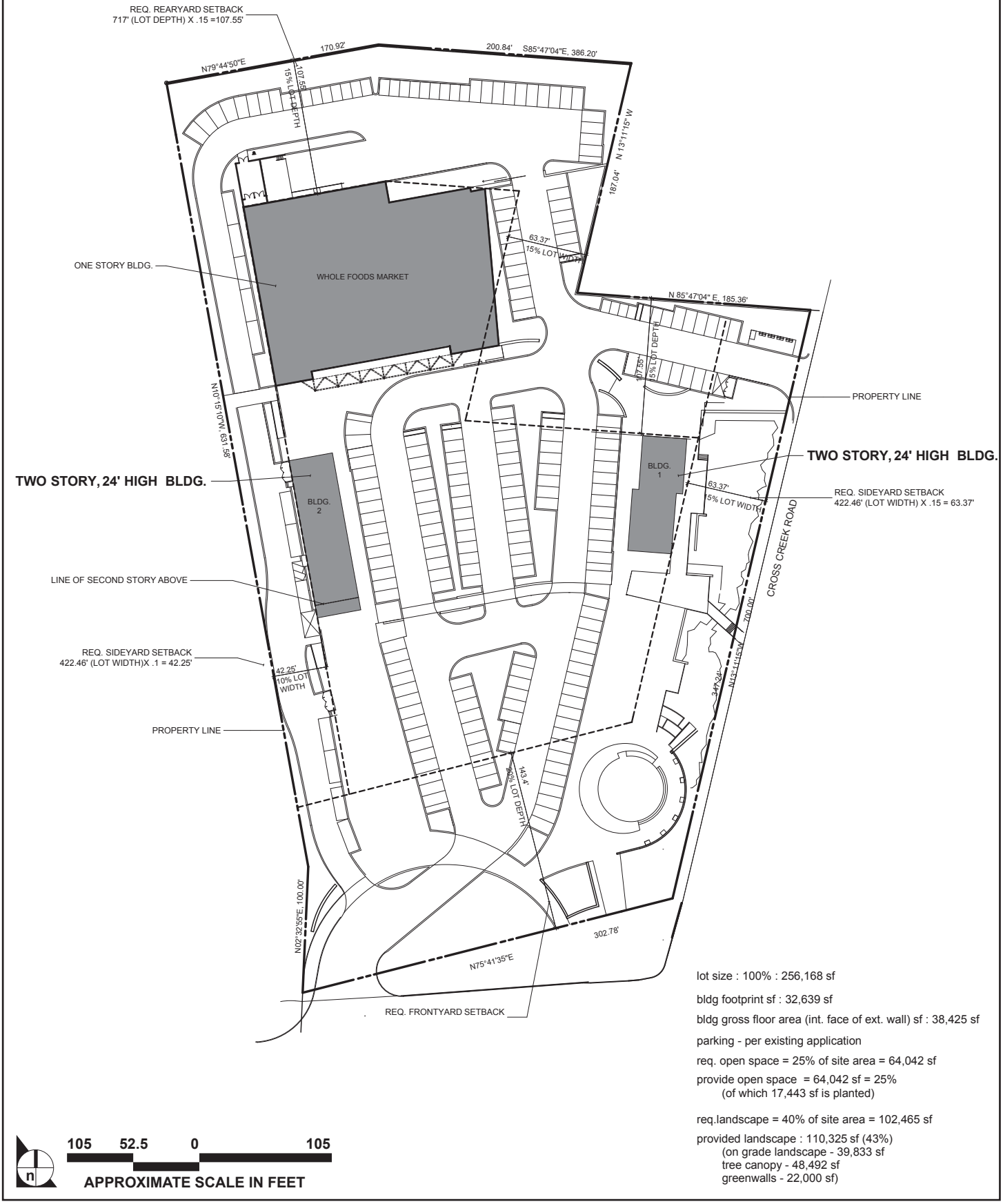
The FAR under this alternative would be 0.15, the same as for the proposed project, and therefore in compliance with the MMC and LCP.

Aesthetics

As discussed in **Section 3.1, Aesthetics**, 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. 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 and residential buildings further north and south on Cross Creek Road and to the west along Civic Center Way.

Per **LUP Policy 6.7**, the height of structures is to be limited to minimize impacts on visual resources. The maximum allowable height is 18 feet above existing or finished grade, whichever is lower, 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. As previously discussed, due to FEMA flood protection requirement that building finished floors must be raised by a minimum of three feet above the existing grade, the proposed project buildings would extend to a maximum height of 28 feet in height. This height is also necessary to provide a screen for the rooftop mechanical equipment required for commercial use. No significant and unavoidable project or cumulative impacts to the visual resources environment were identified with construction and operation of the proposed project.

Under this alternative, the 13,876 sf of ancillary retail/restaurant structures would be constructed as two, two-story buildings of 24 feet in height, in compliance with the MMC and LUP. The parking required under this alternative would be 220 spaces, the same as for the proposed project.



lot size : 100% : 256,168 sf

bldg footprint sf : 32,639 sf

bldg gross floor area (int. face of ext. wall) sf : 38,425 sf

parking - per existing application

req. open space = 25% of site area = 64,042 sf

provide open space = 64,042 sf = 25%
(of which 17,443 sf is planted)

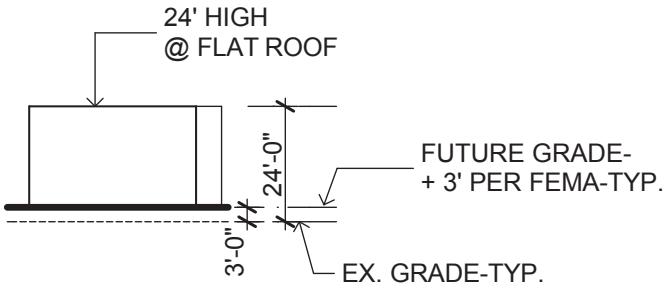
req.landscape = 40% of site area = 102,465 sf

provided landscape : 110,325 sf (43%)
(on grade landscape - 39,833 sf
tree canopy - 48,492 sf
greenwalls - 22,000 sf)

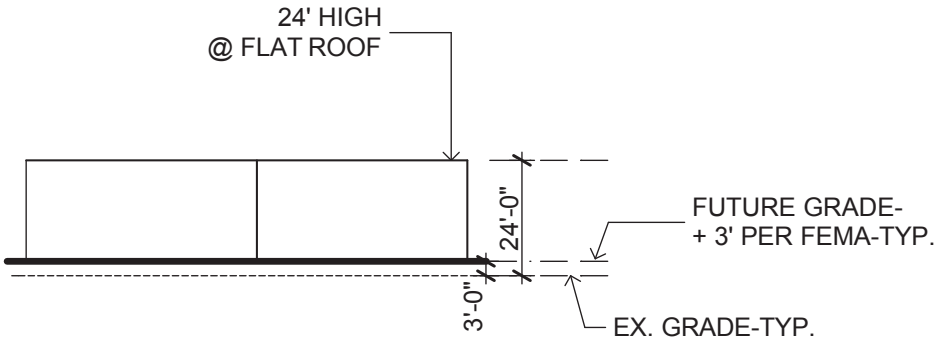
SOURCE: Goldman Firth Rossi Architects, January 2015

FIGURE **4.0–3**

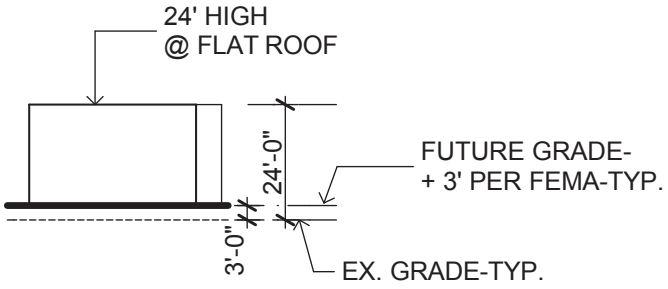
Two-Story Building Alternative Site Plan



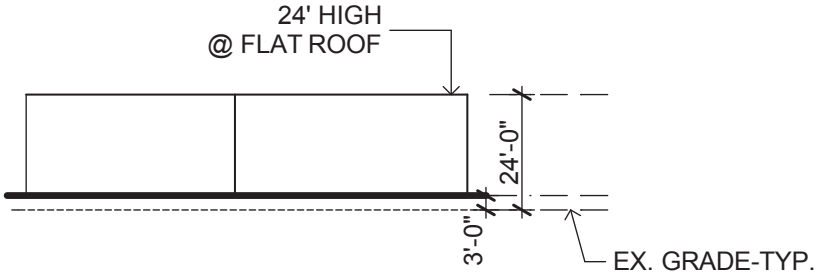
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

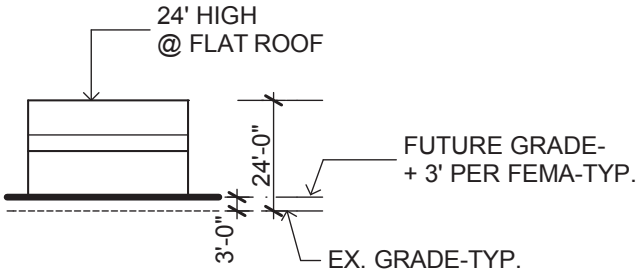


WEST ELEVATION

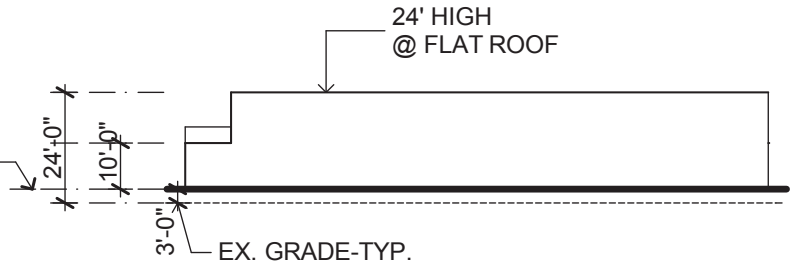
SOURCE: Goldman Firth Rossi Architects, January 2015

FIGURE **4.0-4**

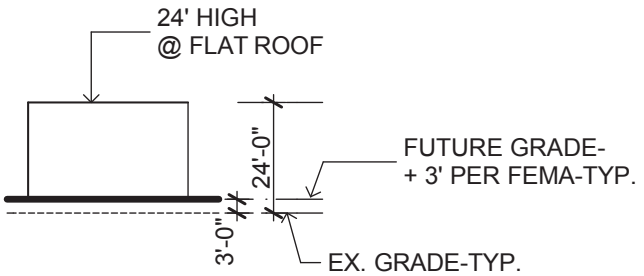
Two-Story Building Alternative Building and Elevations, Alternative 1



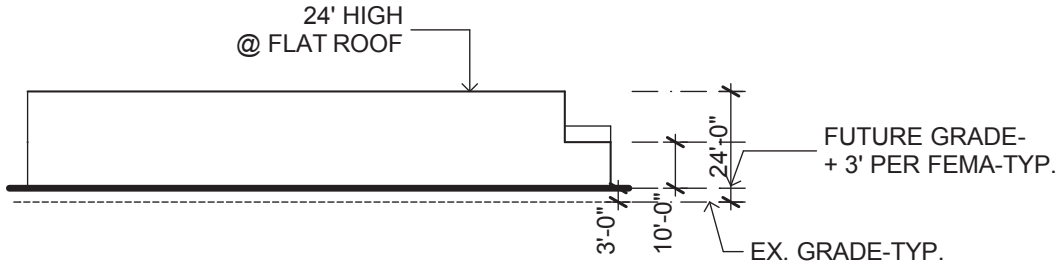
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

SOURCE: Goldman Firth Rossi Architects, January 2015

FIGURE **4.0-5**

Two-Story Building Alternative Building and Elevations, Alternative 2

The Two-Story Building Alternative would increase the general structure height in this portion of the Civic Center area. However, because existing buildings in the immediate vicinity of the project site include two-story homes that are approximately 28 feet in height, and two-story commercial buildings that are approximately 35 feet in height, changes to the aesthetic character in the vicinity would not be considered substantial.

As 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 taller buildings and trees. As shown in **Figures 3.1-12** through **3.1-15**, the Santa Monica Mountains are visible across the project site from several locations. Due to distance, as with the proposed project, background views of the mountains and hillsides would remain the dominant landscape feature under this alterative. Therefore, impacts relative to public scenic views would be less than significant.

Therefore, while impacts would be slightly greater due to taller structures than under the proposed project, impacts would still be less than significant.

Air Quality

The Two-Story Building Alternative would result in one one-story and two two-story buildings on the project site. Also included in this alternative would be additional open space compared to the proposed project.

Since construction emissions for projects of this type are directly proportional to the space being constructed, building construction emissions would be similar. There is no additional earthmoving or grading associated with this alternative, so there would be no change in emissions during those phases of construction. Consequently, construction emissions would be similar to the Proposed Project. No significant impacts during construction would occur. Similarly, there would be no change in operational emissions as there would be no change in traffic or building space. Operational emissions would be the same as for the Proposed Project. As such, impacts under this alternative would be the same as the proposed project.

Biological Resources

Under the Two-Story Building Alternative, the project site would be developed with one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements. However, this alternative does not change the nature or pattern of development. Eight native sycamore trees would be removed and be replaced with 80 new western sycamores as mitigation required under the MMC and

LCP. All new landscaping would be drought tolerant and would incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant communities to the extent feasible.

No significant and unavoidable project or cumulative impacts to biological resources were identified with implementation of the proposed project. Similarly, the Two-Story Building Alternative would not significantly impact biological resources present on the project site. As such, impacts under this alternative would be the same as the proposed project.

Cultural Resources

As discussed in the environmental analysis in **Section 3.4, Cultural Resources**, the project site does not contain any known significant historic, archaeological, or paleontological resources, and there are no known cemeteries or burial grounds on the project site. The Two-Story Building Alternative would include the development of one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements, which could have the potential, albeit unlikely, to unearth previously unknown significant cultural resources, or disturb previously unknown human remains. However, implementation of **Mitigation Measures 3.4.1** through **3.4.3**, forth in **Section 3.4, Cultural Resources,** would ensure that impacts to cultural resources would be less than significant, and impacts would be similar as compared to the proposed project.

Geotechnical and Soil Resources

The Two-Story Building Alternative would consist of the development of one one-story and two two-story buildings on the project site. These building would include the same amount of grocery store, restaurant, and retail uses. Demolition, excavation, grading, and structure development parameters associated with this alternative would be similar to the proposed project.

No significant and unavoidable project or cumulative impacts to geotechnical and soil resources were identified with implementation of the proposed project. Given the similar development intensity associated with the Two-Story Building Alternative, no significantly impact geotechnical and soil resources environments can be reasonably anticipated. As such, impacts under this alternative would be the same as the proposed project.

Greenhouse Gas Emissions

The Two-Story Building Alternative would consist of the development of one one-story and two two-story buildings on the project site. These building would include the same amount of grocery store, restaurant, and retail uses. Demolition, excavation, grading, and structure development parameters

associated with this alternative would be similar to the proposed project. Therefore construction and operational emissions are assumed to be similar as well. No significant and unavoidable project or cumulative impacts to greenhouse gas emissions were identified with implementation of the proposed project. Therefore, similar to the proposed project, impacts with the Two-Story Building Alternative would be less than significant.

Hazards and Hazardous Materials

Under the Two-Story Building Alternative, the project site would be developed with one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements. Similar to the construction of the proposed project, development under this alternative would involve the use of those hazardous materials that are typically necessary for construction of commercial development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). However, similar to the proposed project the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, state, and federal regulations governing such activities. Therefore, development under this alternative would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction. As the amount of construction taking place would be similar to the proposed project under this alternative, impacts would be comparable to the proposed project.

The Two-Story Building Alternative consists of the development of commercial retail and restaurant uses and a related surface parking lot with landscaping. Due to the commercial nature of the alternative, a variety of products would be transported to and exist on-site to be used and offered for sale and used for ongoing cleaning and landscaping maintenance. Such products would only be considered hazardous if used inappropriately or if exposed to unfavorable conditions. Similar to the proposed project, all potentially hazardous materials transported, stored, offered for sale, or used on-site for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. With compliance with existing local, state, and federal regulations, the transport, storage, and sale of these materials would not pose a significant hazard to the public or the environment. Therefore, impacts related to this issue would be less than significant, and similar to the proposed project.

The project site, and all of Malibu, is considered a Very High Fire Hazard Severity Zone and has been impacted by wildfires in the past. This Alternative would introduce new buildings to the project site which could contribute to wildfire evacuation risks associated with employees and patrons fleeing the site and incrementally add to evacuation congestion and hazards. While implementation of this alternative could affect vehicle/capacity ratios and the level of service of roadways in the site vicinity,

with implementation **Mitigation Measures 3.13-1** through **3.13-3**, set forth in **Section 3.13, Transportation and Traffic,** similar to the proposed project, this alternative would have less than significant impacts to area traffic on both on a project and cumulative level. Further, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Similar to the proposed project, this impact is not considered significant since emergency response times would not be substantially affected. In addition, similar to the proposed project, this alternative would comply with all applicable code and regulatory measures regarding fire safety and fuel modification, as well as implement **Mitigation Measures 3.11-1-1** through **3.11-1-7** set forth in **Section 3.11.1, Public Services – Fire Protection**. Therefore, similar to the proposed project, impacts would be less than significant.

Hydrology and Water Quality

The Two-Story Building Alternative would consist of the development of one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements on the project site. Demolition, excavation, grading, and structure development parameters associated with this alternative would be similar to the proposed project. Further, as required by the MMC, the City's MS4 permit and the LCP, development under this alternative would be required to provide a Water Quality Mitigation Plan, as well as implement **Mitigation Measures 3.8-1** and **3.8-2** set forth in **Section 3.8, Hydrology and Water Quality.**

No significant and unavoidable project or cumulative impacts to hydrology, drainage, or water quality were identified with implementation of the proposed project. Given the similar development intensity associated with the Two-Story Building Alternative, no significant impacts to hydrology and water quality can be reasonably anticipated.

Land Use and Planning

Under the Two-Story Building Alternative, the project site would be developed with one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements. Following the granting of the requested discretionary approvals as listed in **Section 2.0, Project Description**, including a Variance to provide less than the 40 percent on-site (and on-grade) landscaping requirement, there would be no impacts to land use and planning under the proposed project or this alternative. Impacts would be similar as compared to the proposed project.

Noise

The Two-Story Building Alternative would consist of one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements on the project site. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project. Demolition, excavation, grading, and structure development parameters associated with this alternative would be similar to the proposed project. However, given the increased complexity of constructing two two-story buildings as opposed to four one-story buildings (i.e., deeper, more complex building foundations, additional structural framing required for the first floor to support the second story, installation of elevators to meet ADA requirements, etc.), construction duration would increase.

Despite the inclusion of **Mitigation Measures 3.10-1** through **3.10-7**, as set forth in **Section 3.10, Noise**, significant and unavoidable construction noise would occur as a result of the proposed project. Similarly, the Two-Story Building Alternative would have significant and unavoidable construction noise impacts, which would occur over a longer period of time as compared to the proposed project.

With the implementation of **Mitigation Measures 3.10-8** through **3.10-10**, as set forth in **Section 3.10, Noise**, no significant and unavoidable project or cumulative impacts to noise environment would result with operation of the proposed project. The Two-Story Building Alternative would be required to implement the same Mitigation Measures. Therefore, operational impacts associated with noise would be similar to the proposed project under the Two-Story Building Alternative.

Public Services (Fire Protection and Police Protection)

Police Protection

The Two-Story Building Alternative would consist of one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements on the project site. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project. Demolition, excavation, grading, and structure development parameters associated with this for this alternative would be similar to the proposed project.

No significant and unavoidable project or cumulative impacts to police protection were identified with implementation of the proposed project. Similarly, the Two-Story Building Alternative would not significantly impact police protection service to the project site.

Fire Protection

The Two-Story Building Alternative would consist of one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements on the project site. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project. Demolition, excavation, grading, and structure development parameters associated with this for this alternative would be similar to the proposed project.

No significant and unavoidable project or cumulative impacts to police protection were identified with implementation of the proposed project. Similarly, the Two-Story Building Alternative would not significantly impact fire protection service to the project site.

Transportation and Traffic

The Two-Story Building Alternative would consist of one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements on the project site. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project. Demolition, excavation, grading, and structure development parameters associated with this for this alternative would be similar to the proposed project.

As the mix of uses on the site would remain the same as under the proposed project, this alternative would result in the same trip generation compared to the proposed project. However, similar to the proposed project, the Two-Story Building Alternative would implement **Mitigation Measures 3.13-1** through **3.13-3**, set forth in **Section 3.13, Transportation and Traffic,** and as with the proposed project impacts would be less than significant.

Utilities (Water Service, Wastewater, Solid Waste, Electricity and Natural Gas)

Water

The Two-Story Building Alternative would consist of one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements on the project site. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project and as such water consumption would be the same. No significant and unavoidable project or cumulative impacts to water service and supply were identified with operation of the proposed project. Similarly, the Two-Story Building Alternative would not significantly impact water service and supply.

Wastewater

Under the Two-Story Building Alternative, the project site would be developed with one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project and as such wastewater generation would be the same. Similar to the proposed project, development under the Two-Story Building Alternative would connect to the new Civic Center Water Treatment Facility (CCWTF). As described in **Section 3.14.4, Wastewater**, wastewater flow generation estimates for the CCWTF were developed for each type of land use within the Civic Center Area and specifically the proposed project site. These generation estimates were applied, by parcel, to develop the flow rates used in CCWTF project design and phasing. As the CCWTF design takes into account future wastewater flows from the project site, no significant and unavoidable project or cumulative impacts regarding wastewater were identified with operation of the proposed project. Similarly, development under the Two-Story Building Alternative would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities and as with the proposed project, impacts would be less than significant.

Solid Waste

Under the Two-Story Building Alternative, the project site would be developed with one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements. These building would include the same amount of commercial grocery store, general retail and restaurant uses as under the proposed project and as such solid waste generation would be the same. Similar to the proposed project, no solid waste impacts would occur for either construction or operation.

As discussed in **Section 3.14.5, Solid Waste**, while the proposed project would contribute to an incremental cumulative impact on landfill capacity, incorporation of mitigation requiring the recycling diversion of waste from landfills, the proposed project's contribution would not be cumulatively considerable. As development under this alternative would match that of the proposed project, impacts would be the same and less than significant.

Electricity

Under the Two-Story Building Alternative, the project site would be developed with one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project.

As shown in **Table 4.0-5**, the proposed project would consume approximately 1,225.85 kilowatt-hours of electricity per day. Compared to the proposed project, the Two-Story Building Alternative would have the same level of electricity consumption. No significant and unavoidable project or cumulative impacts regarding electricity were identified with operation of the proposed project. Electricity impacts would be the same under the Two-Story Building Alternative.

Natural Gas

Under the Two-Story Building Alternative, the project site would be developed with one one-story and two two-story buildings, surface parking, and landscaping/open scape improvements. These building would include the same amount of commercial grocery store, general retail, and restaurant uses as under the proposed project.

As shown in **Table 4.0-7** the proposed project would consume approximately 545.68 kBtu of natural gas per day. Compared to the proposed project, the Two-Story Building Alternative would have the same natural gas consumption. No significant and unavoidable project or cumulative impacts regarding natural gas were identified with operation of the proposed project. Natural gas impacts would be the same under the Two-Story Building Alternative.

Relationship of Alternative 3 to Project Objectives

This Alternative would meet the project objectives; with the exception of impacting the area viewshed. **Table 4.0-9** provides a summary of the project objectives and a discussion of the Two-Story Building Alternative's ability to meet the project objectives.

Table 4.0-9
Proposed Project vs. Two-Story Building Alternative Comparison

Objective	Consistency
Fulfill the City's General Plan and Local Coastal Program objectives for commercial development in the Civic Center area.	**The Two-Story Alternative would meet this objective.** Under this alternative, a generic grocery store building would be provided, along with 13,876 sf of retail/restaurant space. As a result, the project would remain desirable from a convenience point of view in that more activities or tasks could be combined with food shopping. Under this alternative, landscaping and open space would be provided, and the children's parks, community garden, and public open space would be constructed on the project site. Thus this alternative would provide a park-like atmosphere with a physical and visual link to Legacy Park.
Provide several compatible uses, meeting both local and visitor-serving needs, within one shopping center in a convenient location with shared parking.	**The Two-Story Building Alternative would meet this objective.** Under this alternative, 13,876 sf of local and visitor serving ancillary retail/restaurant structures would be consolidated into two two-story buildings rather than four single-story structures. As a result, the project would remain desirable from a convenience point of view in that more activities or tasks could be combined with food shopping. The project objective of serving as a center for multiple activities, and thus minimizing vehicle trips and air quality impacts, would be met.
Afford a wider range of organic grocery and produce options to support the Malibu community and reduce reliance on out-of-town markets and vehicle trips.	**The Two-Story Building Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided. However, because of the site layout it cannot be assumed that Whole Foods would occupy the space; the unknown tenant may or may not have a commitment to providing a wide range of organic grocery and produce options. Patrons wishing to purchase these items may still need to travel to the San Fernando Valley Santa Monica or West Los Angeles to shop at Whole Foods.
Extend the shopping experience that exists on Cross Creek Road into a park-like atmosphere, which will provide a physical and visual link to Legacy Park.	**The Two-Story Building Alternative would meet this objective.** Under this alternative, a grocery store would be provided; along with 13,876 sf of retail/restaurant space and 4,800 sf of outdoor dining space. As a result, this alternative would provide shopping and dining opportunities similar to the proposed project. Under this alternative, slightly more landscaping and open space would be provided compared to the proposed project, thus this alternative would provide a park-like atmosphere with a physical and visual link to Legacy Park.
Situate the project in an area where it is clustered with other similar uses along the eastern portion of Civic Center Way.	**The Two-Story Building Alternative would meet this objective.** This Alternative would provide the 13,876 square feet of retail/restaurant space and 4,800 sf of outdoor dining areas in two, two-story buildings. As a result, the site would provide a cluster of similar uses, and as with the proposed project, offer with greater opportunities for shopping and dining.
Increase pedestrian interaction among the business and public spaces along Civic Center Way and Cross Creek Road.	**The Two-Story Building Alternative would meet this objective.** This alternative would provide three attractive buildings along with landscaping, a children's park and public open space, intended to encourage pedestrian traffic in the Civic Center area.

Objective	Consistency
Create a visually appealing and inviting project to add to the Civic Center of Malibu.	**The Two-Story Building Alternative would partially meet this objective**. Under this alternative, three attractive buildings along with landscaping, two children's parks, a community garden, and public open space would be constructed on the project site. However, this layout would not fulfill the intent of the proposed project design, which is that of a low-rise retail village, with a series of small, intimate courtyards.
Revegetate the site with plantings that incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant community.	**The Two-Story Building Alternative would meet this objective.** As with the proposed project, all plantings would be drought tolerant and would include species of both Malibu's and the Santa Monica Mountain's native coastal plant community to the extent feasible.
Provide and aesthetic relationship to the Santa Monica Mountains and Malibu Creek.	**The Two-Story Building Alternative would meet this objective.** Under this alternative, two, two story buildings would be constructed on the project site. Due to their distance, background views of the Santa Monica Mountains and Malibu Creek would be maintained from and through the site.
Minimize and eliminate negative impacts to the neighborhood.	**The Two-Story Building Alternative would partially meet this objective.** Under this alternative, a generic grocery store building along with 13,876 sf of retail/restaurant space would be provided. As a result, this alternative would provide similar shopping and dining opportunities, expanding the shopping experience in the area. Under this alternative, landscaping and open space would be provided along with two children's parks, community gardens, ancillary retail, and restaurant facilities with outdoor dining. However, construction noise impacts under this alternative would be greater.
Deliver project features that contribute significant benefits to the community.	**The Two-Story Building Alternative would partially meet this objective.** Under this alternative, a generic grocery store building would be provided along with 13,876 sf of retail/restaurant space and 4,800 sf of outdoor dining area. However, because of the site layout it cannot be assumed that Whole Foods would occupy the space; the unknown tenant may or may not have a commitment to providing a wide range of organic grocery and produce options. Patrons wishing to purchase these items may still need to travel to the San Fernando Valley Santa Monica or West Los Angeles to shop at Whole Foods, increasing vehicle trips. Under this alternative, landscaping and open space would be provided, along with two children's parks, and a community garden; foot traffic to the site would be increased. Further, this alternative would provide a park-like atmosphere with a physical and visual link to Legacy Park.

Alternatives Summary and Comparison

Table 4.0-10, Environmental Impact Comparison to the Proposed Project, compares the severity of each alternative's impact to impacts associated with implementing the proposed project. Alternatives either result in fewer, comparable or more impacts than the proposed project.

Table 4.0-10
Environmental Impact Comparison to the Proposed Project

Resource Topic	Proposed Project	Alternative 1 No Project	Alternative 2 Code Complying	Alternative 3 Two-story Buildings
Aesthetics	Less Than Significant	No Impact	Comparable	**Slightly Worse**
Air Quality – Construction	Less than Significant	No Impact	Reduced	Comparable
Air Quality – Operations	Less than Significant	No Impact	Reduced	Comparable
Biological Resources	Less Than Significant	No Impact	Comparable	Comparable
Cultural Resources	Less Than Significant	No Impact	Comparable	Comparable
Geology & Soils	Less Than Significant	No Impact	Comparable	Comparable
Greenhouse Gas Emissions	Less Than Significant	No Impact	Reduced	Comparable
Hazards & Hazardous Materials	Less Than Significant	No Impact	Comparable	Comparable
Hydrology & Water Quality	Less Than Significant	No Impact	Comparable	Comparable
Land Use	Less Than Significant	No Impact	Superior	Slightly Superior
Noise – Construction	**Significant & Unavoidable**	No Impact	Reduced	**Worse**
Noise – Operations	Less Than Significant	No Impact	Comparable	Comparable
Public Services - Police	Less Than Significant	No Impact	Comparable	Comparable
Public Services - Fire	Less Than Significant	No Impact	Comparable	Comparable
Recreation	Less Than Significant (Beneficial)	No Impact	Comparable	Comparable
Traffic	Less Than Significant	No Impact	Increased	Comparable
Utilities - Water	Less Than Significant	No Impact	Reduced	Comparable
Utilities - Wastewater	Less Than Significant	No Impact	Reduced	Comparable
Utilities – Solid Waste	Less than Significant	No Impact	Reduced	Comparable
Utilities - Electricity	Less Than Significant	No Impact	Increased	Comparable
Utilities – Natural Gas	Less Than Significant	No Impact	Increased	Comparable

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the *State CEQA Guidelines* indicates that an analysis of alternatives to the proposed project shall identify one alternative as the environmentally superior alternative. Furthermore, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. Based on the analysis included herein, Alternative 1: No Project/No Development would be considered environmentally superior to the proposed project because it would avoid and/or substantially reduce the severity of significant impacts associated with implementing the proposed project. Alternative 1, however, would not meet any of the project objectives.

A secondary environmentally superior alternative would be Alternative 2, the Code Complying Alternative. As discussed above, the Code Complying Alternative would incrementally lessen significant

noise impacts associated with the proposed project, although these impacts would not be substantially lessened to the point where it is considered to be below a level of significance, and as discussed above, this alternative would incrementally worsen impacts to traffic, electricity and natural gas. Further, as shown in **Table 4.0-8**, the Code Complying Alternative would not attain the most of project objectives, including providing several compatible uses, meeting both local and visitor-serving needs, within one shopping center in a convenient location with shared parking and extending the shopping experience across Cross Creek Road. This alternative would attain other project objectives, but it would be to a lesser extent than the proposed project.

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 Garden[2] providing learning opportunities for children and adults interested in growing sustainable organic food, including school classes.

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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.

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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 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**.

6.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

INTRODUCTION

In accordance with Section 15128 of the *California Environmental Quality Act (CEQA) Guidelines*, an Environmental Impact Report (EIR) must contain a statement briefly indicating the reasons that various potential significant effects of a project were determined not to be significant. The City of Malibu has determined that the proposed project would not have the potential to cause significant adverse effects associated with the issues identified below. These topics have not, therefore, been addressed in detail in this EIR.

AGRICULTURAL RESOURCES

The City of Malibu is a developed suburban area surrounded by hillsides to the west, northeast and northwest and the Pacific Ocean to the south. Commercial uses are focused in the southern portion of the City along Pacific Coast Highway, while agricultural lands, including vineyards are located in the northern portion of the City. Under the Farmland Mapping and Monitoring Program (FMMP) the project site is zoned Urban and Built-Up Land.[1] The site is located less than 0.5 mile from Pacific Coast Highway (PCH) and is not located near any agricultural resources. Therefore, no impact is identified for this issue.

MINERAL RESOURCES

Neither the project site nor surrounding areas are utilized for mineral production. Implementation of the proposed project would not result in the loss of an available known mineral resource with value to the region. Therefore, no impact is identified for this issue.

POPULATION AND HOUSING

The proposed project is consistent with the uses allowed and anticipated under the Local Coastal Plan (LCP) land use and zoning maps and also consistent with the growth anticipated and accommodated in the City's General Plan. The proposed project does not include housing which could induce population. In addition, no housing is being removed to accommodate the proposed project. Furthermore, the proposed project is located in a commercial area with an established roadway network and in-place infrastructure. Therefore, no impact is identified for this issue.

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1 California Department of Conservation, Farmland Mapping and Monitoring Program, California Important Farmland Finder, http://maps.conservation.ca.gov/ciff/ciff.html, accessed June 24, 2014.

SCHOOLS

The proposed project consists of a new 38,425-square-foot neighborhood shopping center in the Civic Center area of the City of Malibu. Although the proposed project would increase the intensity of uses on the site compared to the existing condition, the proposed project would not substantially induce population which could result in an increase in school population. Therefore, no impact is identified for this issue.

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