



Errata to the Final EIR

WHOLE FOODS AND THE PARK PROJECT

STATE CLEARINGHOUSE NO. 2012041087

NOTE TO REVIEWER:

This ERRATA includes minor edits provided for clarification purposes to the Final EIR for the proposed Whole Foods and the Park Project. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis.

This ERRATA has been prepared in response to updated project information submitted as part of the Final EIR. Additional editorial changes that have been initiated by City staff are hereby incorporated. These clarifications and modifications are not considered to result in any new or greater impacts than identified and addressed in the Final EIR. Revisions to the Final EIR are shown below as excerpts from the Final EIR text. Added or modified text is underlined (example), while deleted text will have a strike out (~~example~~) through the text, and is included in a box, as the example below shows.

~~Text from EIR~~ Text from EIR

Changes are listed by page and, where appropriate, by paragraph.

In conformance with Section 15121 of the State CEQA Guidelines, the Final EIR, technical appendices and reports thereof, together with the ERRATA, are intended to serve as documents that will generally inform the decision-makers and the public of environmental effects of the project. This ERRATA, combined with the Final EIR released on May 14, 2015, Mitigation Monitoring and Reporting Program and Response to Comments comprise the Final EIR.

CHANGES INCORPORATED INTO THE FINAL EIR TEXT**1.0 Introduction**

No changes or revisions to the Final EIR are necessary.

2.0 Responses to Comments

Response B-1d-4 on page 2.0-52 was revised as follows:

As described in Section 3.14.3, Water Supply, the applicant has agreed to contribute its pro-rata share of \$342,812 towards the design and construction of 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 infrastructure improvements would be dedicated to County of Los Angeles Water Works District 29 (WWD 29) after construction is complete. These improvements are necessary in order for WWD 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.

3.0 Corrections and Additions

No changes or revisions to the Final EIR are necessary.

4.0 Mitigation Monitoring and Reporting Program

No changes or revisions to the Final EIR are necessary.

CHANGES INCORPORATED INTO THE DRAFT EIR TEXT

2.0 Project Description

Table 2.0-2 on page 2.0-28 is revised as follows:

**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 Specific Plan includes landscaping development standards reflecting the above proposed functional landscape elements.

The third paragraph on page 2.0-31 is revised as follows:

Specific Plan No. 15-001: 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. The Specific Plan is limited to the boundaries of the project site itself, and does not authorize any changes to, nor will it have any significant effect on, the environment beyond those that are contemplated by the project. Therefore, this EIR analyzes the environmental impacts of site development contemplated by both the project and the Specific Plan. The City of Malibu Local Coastal Plan (LCP) requires that 40 percent of the gross lot area constitutes Landscaped Area, or, in this case, 102,467 square feet. The Specific Plan prepared for the proposed project establishes site-specific landscaping standards, including a list of functional landscaping elements that can be counted toward the percentage of on-site landscaping. The ground based planter area included in the Landscaped Area calculations totals 32,849 square feet. In addition, with the inclusion of additional functional landscaped areas (planter 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.

Beginning at the seventh paragraph on page 2.0-31, the following revisions are made:

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). However, the Specific Plan eliminates the need for the CUP. The exception is that a CUP application would still need to be submitted for certain uses in the future when specific tenants are known, such as restaurants proposing onsite sales of liquor.

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. However, the Specific Plan prepared for the proposed project eliminates the need for the Site Plan Review request.

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. However, the Specific Plan prepared for the proposed project eliminates the need for the Site Plan Review request.

Minor Modification (MM): As shown in the table below, the minor modification request addresses reduced side yard setbacks. However, the Specific Plan prepared for the proposed project eliminates the need for the minor modification request.

The text on page 2.0-32 has been revised as follows:

Variance (VAR) No. 10-028. The Specific Plan prepared for the proposed project establishes landscaping standards that would allow for the establishment of 103,341 square feet of landscaping and therefore eliminates the need for the variance request.

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:	<u>22,000-sf</u>
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. The Specific Plan establishes development standards that would permit the construction of a 12-foot sound wall and therefore eliminates the need for the variance request.

3.0 Environmental Impact Analysis Introduction

No changes or revisions to this section of the Draft EIR are necessary.

3.1 Aesthetics

No changes or revisions to this section of the Draft EIR are necessary.

3.2 Air Quality

No changes or revisions to this section of the Draft EIR are necessary.

3.3 Biological Resources

No changes or revisions to this section of the Draft EIR are necessary.

3.4 Cultural Resources

No changes or revisions to this section of the Draft EIR are necessary.

3.5 Geology and Soils

No changes or revisions to this section of the Draft EIR are necessary.

3.6 Hazards and Hazardous Materials

No changes or revisions to this section of the Draft EIR are necessary.

3.7 Hazards and Hazardous Materials

No changes or revisions to this section of the Draft EIR are necessary.

3.8 Hydrology and Water Quality

No changes or revisions to this section of the Draft EIR are necessary.

3.9 Land Use and Planning

The third paragraph under the heading 'Height Limitations' on page 3.9-16 is revised as follows:

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~~ Specific Plan development standards are proposed to allow heights in excess of the maximum allowed height in the zone. With the site plan review process (SPR No. 10-043), Upon adoption of the Specific Plan, height limitations would be brought into conformance. Refer to Section 3.1, Aesthetics, for more information.

The first paragraph under the heading 'Setback Requirements' on page 3.9-17 is revised as follows:

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 rear 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~~ Specific Plan development standards are proposed to permit the reduced front, side (east) and rear setbacks.

The first paragraph on page 3.9-18 is revised as follows:

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, Pursuant to the Specific Plan development standards,~~ 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.~~

The first paragraph on page 3.9-31 is revised as follows:

As the Specific Plan prepared for the proposed project demonstrates, following the granting of the requested discretionary approvals (Coastal Development Permit No. 10-022, General Plan Amendment No. 11-001, Zoning Map Amendment No. 11-001, and 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.

3.10 Noise

No changes or revisions to this section of the Draft EIR are necessary.

3.11 Public Services

No changes or revisions to this section of the Draft EIR are necessary.

3.12 Recreation

No changes or revisions to this section of the Draft EIR are necessary.

3.13 Transportation and Traffic

No changes or revisions to this section of the Draft EIR are necessary.

3.14 Utilities and Service Systems

3.14.1 Electricity

No changes or revisions to this section of the Draft EIR are necessary.

3.14.2 Natural Gas

No changes or revisions to this section of the Draft EIR are necessary.

3.14.3 Water Supply

The last paragraph on page 3.14.3-5 is revised as follows:

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 also entered into an Agreement with WWD No. 29 by which is has agreed to contribute its pro-rata share of \$342,812 towards the design and construction of 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. Pursuant to the Agreement, the applicant paid \$342,812 to WWD No. 29, and on February 26, 2012, WWD No. 29 issued a Conditional Will-Serve Letter to provide water to the proposed project.

3.14.4 Wastewater

No changes or revisions to this section of the Draft EIR are necessary.

3.14.5 Solid Waste

No changes or revisions to this section of the Draft EIR are necessary.

4.0 Alternatives

The first two paragraphs on page 4.0-31 are revised as follows:

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 traditional on the ground 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.

5.0 Other CEQA Considerations

No changes or revisions to this section of the Draft EIR are necessary.

6.0 Effects Found not to Be Significant

No changes or revisions to this section of the Draft EIR are necessary.

7.0 References

No changes or revisions to this section of the Draft EIR are necessary.

8.0 List of Preparers

No changes or revisions to this section of the Draft EIR are necessary.

Appendices

No changes or revisions to this section of the Draft EIR are necessary.